FINAL DRAFT PORT MASTER PLAN UPDATE

FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT

(VERSION PUBLISHED DECEMBER 6, 2023)

ERRATA

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

This errata sheet presents the specific text changes made to the Final Program Environmental Impact Report (Final PEIR) for the Final Draft Port Master Plan Update (PMPU) since its publication on December 6, 2023. The changes are presented in the order in which they appear in the original documents and are identified by the Final PEIR page and section numbers. Text deletions are shown in double strikethrough (~~strikethrough~~), and text additions are shown in double underline (underline). The following clarifications do not change the conclusions or significance of the information presented in the Final PEIR. This Final PEIR errata is to be read in conjunction with the *Final Draft PMPU (version published December 6, 2023) Errata*, as certified by the Board of Port Commissioners (Board).

Revisions to Volume 1 of the Final PEIR

Chapter 2, Comments Received and District Responses

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2.4.3 Comment Letter A3: California Department of Justice

Response to Comment A3-1

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

A summary of the specific recommendations include:

a. Conducting additional analyses to evaluate the PMPU and Draft PEIR's consistency or inconsistency with the local community emissions reductions plan (CERP) and the District's MCAS. (See responses to Comments A3-8 through A3-10)

b. Clarify how the PMPU and Draft PEIR interact with regional planning documents for the National City and Chula Vista bayfronts. (See Comment A3-11)

c. Adopt additional mitigation measures and project features to more fully protect Portside Communities. (See Comment A3-12 through A3-15)

The comment was submitted on June 3, 2022, however, the Draft PEIR comment period ended on January 10, 2022, approximately six months prior to these comments being received. The District did not grant an extension of time to the AGO to submit comments beyond the review period, between November 8, 2021 and January 10, 2022. The District provided just over 60 days for State

agencies and members of the public to review the Draft PEIR and provide comments. That comment period was approximately 15 days more than the required 45 days required by CEQA. Further, based on the CEQA Guidelines, the District was not required to extend the comment period beyond those 60 days (CEQA Guidelines, Section 15105(a)). Consequently, responses to comments are not required by CEQA. (CEQA Guidelines § 15088(a)). Nevertheless, the District has prepared responses to these comments.

The AGO also commends the District for its "significant efforts it has already undertaken to develop more sustainable operations." The AGO "acknowledges the Port's contributions to the [CERP]" and "adoption of the visionary [MCAS]" as well as the "Port's commitments to phase-in to zero-emission fleets, infrastructure, and watercraft; install shore power at marine terminals; and enhance open space in the Portside Communities, such as Pepper Park in National City." The District appreciates the AGO's interest in the PMPU and its associated PEIR. This is a multi-part introductory comment that provides an overview of the AGO's more detailed comments that follow. Specific responses to the more detailed comments are provided below, which include responses to Comments A3-8 through A3-15.

As outlined in greater detail below, many of the comments incorrectly assume that the PMPU would affect cargo operations, and therefore, propose a number of measures related thereto. However, cargo throughput is not affected by the PMPU, and instead is controlled by previous approvals, including the 2016 Tenth Avenue Marine Terminal (TAMT) Redevelopment Plan, the plan's certified Final Program EIR, and mitigation monitoring and reporting program. The PMPU is not changing land uses or cargo operations for TAMT. It is not the purpose of this PEIR to reanalyze the impacts of the unamended portions of the Master Plan.

Additionally, the TAMT plan already includes MM-AQ-6 Electric Cargo Handling Equipment Upgrades, TAMT MM-AQ-7, Annual Inventory Submittal and Periodic Technology Review. Similarly, all new PMPU development is required to obtain 100% renewable electricity by 2030, and recent 2022 amendments to the California Energy Code require on-site renewable energy and energy storage for many different types of commercial, retail, offices, warehouses, convention centers, hotels and similar uses. Cargo transported by rail would also be subject to newly adopted rules from the California Air Resources Board (CARB) in Resolution 23-12, including the In-Use Locomotive Regulation (13 Cal. Code Regs. §§ 2478 et seq.) (https://ww2.arb.ca.gov/sites/default/files/barcu/regact/2022/locomotive22/fro2.pdf). Under this new regulation, starting in 2030, (1) only locomotives less than 23 years old would be able to be used in California, (2) Switchers operated by Class I, Class III, industrial and passenger locomotive operators with an original engine build date of 2030 and beyond would be required to operate in a Zero Emission (ZE) configuration to operate in California, (3) Passenger locomotives with an original engine build date of 2030 and beyond would be required to operate in a ZE configuration to operate in California, (4) Class I line haul locomotives with an original engine build date of 2035 and beyond would be required to operate in a ZE configuration to operate in California. For information describing the feasibility of transitioning to ZE locomotives by 2030, please see ~~Initial~~ Final Statement of Reasons (~~I~~FSOR), Appendix F (CARB, ~~September 20, 2022~~October 27, 2023): https://ww2.arb.ca.gov/sites/default/files/barcu/regact/2022/locomotive22/fsor2.pdf~~https://ww2.arb.ca.gov/sites/default/files/barcu/regact/2022/locomotive22/appf.pdf. While CARB recently pulled submittal of the regulations to the Office of Administrative Law on July 21, 2023, CARB has indicated that it will be resubmitting the regulations at a subsequent date (CARB 2023).~~

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

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Response to Comment A3-12

Comment A3-12 indicates, in part, that the PEIR does not address how the standards for each previously adopted project apply to each plan and how they interact with each other. Please see the response to Comment A3-11 for a discussion of the Chula Vista Bayfront Master Plan and National City Balanced Plan, and their respective planning districts. Because these plans included site-specific development projects and were analyzed in their respective EIRs, these two planning districts contain specific development policies and standards in the Port Master Plan that are directly relevant to the plans and geographic areas, address community concerns, unique environmental conditions and environmental justice issues. These two planning districts stand alone and consequently those plans' development policies and standards are separate from the PMPU and are specifically applicable to those areas. It should be noted that that the plans took decades to establish from broad-based community support (i.e., input from hundreds of stakeholders).

This comment indicates further that the "Final EIR must analyze and adopt all feasible mitigation measures." The comment indicates that the "CERP and the MCAS contain measures that could address [cumulative air emissions and GHG emissions inconsistent with statewide reduction targets] impacts and be incorporated into the PMPU." But states that "some of the CERP and MCAS strategies are excluded" including "ZEV [zero emission vehicles] trucks," "Commercial Harbor Craft and Equipment", "Cargo Handling Equipment" and "Parks and Open Space."

Please see response to Comment A3-8, A3-9, and A3-10. This comment is also similar to Comment O15-30. As indicated in response to Comment A3-9 and summarized below, the commenter ignores the facts provided in the PEIR as to why air quality impacts (i.e., Impact-AQ-3/Impact-C-AQ-3 and Impact-AQ-5/Impact-C-AQ-5) were determined to be significant and unavoidable after mitigation. The comment also incorrectly identifies PM10, PM2.5, and NOx emissions as significant and unavoidable. (See Table 4.2-23 and 4.2-24, which show emissions from PM10, PM2.5, and NOx would be less than significant after mitigation.)

As discussed in the PEIR, impacts identified under Impact-AQ-3 and Impact-C-AQ-3 would be caused by daily exceedances of reactive organic gases in 2030 driven primarily by off-gassing associated with the use of paints and solvents in PD2 (Harbor Island) and to a lesser extent in PD3 (Embarcadero), both of which have greater anticipated development than the other planning districts. Moreover, in 2050, Impact-AQ-3 and Impact-C-AQ-3 identify a daily exceedance of ROG and CO, again, driven by off-gassing from paints and solvents as well as the anticipated increase in recreational boating emissions that could result from additional vessel slips identified in the PMPU. Impact-AQ-5 and Impact-C-AQ-5 are connected with Impact-AQ-3 and Impact-C-AQ-3, as they each identified the adverse health effects from exceeding SDAPCD's daily thresholds for ROG and CO. Importantly, no ROG or CO emissions are anticipated in PD4, as a result of implementing the PMPU. PD4 (Working Waterfront), which is where the marine cargo terminals and shipyards are located, is the planning district adjacent to the Portside community of Barrio Logan, an SB 535 disadvantaged community. PD2 and PD3 are not adjacent to disadvantaged communities.

The PMPU does not propose any changes to the cargo throughput (i.e., freight) or improvements for TAMT in comparison to what was previously approved as part of the Tenth Avenue Marine Terminal

Redevelopment Plan and analyzed in the TAMT Redevelopment Plan PEIR (SCH# 2015-031046). (Draft PEIR page 3-77; see also Draft PEIR Section 1.4.1.). In addition, the NCMT is not located within the boundaries of the PMPU planning area. Nevertheless, the District already has a number of existing policies and programs which provide for emerging fuel technologies related to freight. Please also see the response to Comment A3-9.

Further, the Final PEIR includes Appendix J, the CERP and MCAS inconsistency analyses. In those analyses, it is shown that the PMPU already includes many policies and development standards that support implementation of those two plans and that the PMPU would not obstruct or impede implementation of the CERP and MCAS. Within these Appendices, the PMPUs policies support and align with both the CERP and MCAS strategies relating to "ZEV [zero emission vehicles] trucks," "Commercial Harbor Craft and Equipment," "Cargo Handling Equipment" and "Parks and Open Space." The PMPU has always contained policies and standards that complement and support the goals and strategies in ~~the~~ both the MCAS and CERP.

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2.4.7 Comment Letter A7: City of San Diego

(Editor's note: The responses to Comments A7-14 and A7-15 were inadvertently reversed in the Final PEIR published on December 6, 2023. The correct response order is provided below.)

Response to Comment A7-14

This comment does not raise an environmental issue or the adequacy of the PEIR and focuses on the PMPU. Due to constrained Right-of-Way (ROW) width, a Multi-Use Pathway will be developed on the south side of Harbor Drive. PD2.4.c was clarified in the PMPU to the new language cited below.

"Due to constrained roadway widths, ~~D~~developing a multi-use path along the south side of North Harbor Drive, as generally depicted in *Figure PD2.4*, adjacent to the potential dedicated transit lane(s), to ultimately connect to the Shelter Island and Embarcadero Planning Districts."

~~The transit only right-of-way along North Harbor Drive is conceptually planned to be located along the south/west side of the roadway. However, additional project level engineering and design will be required before a final alignment can be determined. The graphic in Appendix D of the PEIR has been updated with a graphic that displays a revised location of the transit only right-of-way along Harbor Drive.~~

~~As displayed in Figures PD1.4, PD2.4, and PD3.4 of the PMPU, a contiguous Class I Multi-Use Pathway along the south/west side of North Harbor Drive between Scott Street to the North (PD1) and Pacific Highway to the south (PD3) is proposed. As such, a Class I Multi-Use path is proposed at any location along North Harbor Drive, in which the proposed transit only right-of-way would preclude on-street bicycle facilities.~~

Response to Comment A7-15

The transit only right-of-way along North Harbor Drive is conceptually planned to be located along the south/west side of the roadway. However, additional project level engineering and design will be required before a final alignment can be determined. The graphic in Appendix D of the PEIR has been updated with a graphic that displays a revised location of the transit only right-of-way along Harbor Drive.

As displayed in Figures PD1.4, PD2.4, and PD3.4 of the PMPU, a contiguous Class I Multi-Use Pathway along the south/west side of North Harbor Drive between Scott Street to the North (PD1) and Pacific Highway to the south (PD3) is proposed. As such, a Class I Multi-Use path is proposed at any location along North Harbor Drive, in which the proposed transit only right-of-way would preclude on-street bicycle facilities.

~~This comment does not raise an environmental issue or the adequacy of the PEIR and focuses on the PMPU. Due to constrained Right-of-Way (ROW) width, a Multi-Use Pathway will be developed on the south side of Harbor Drive. PD2.4.c was clarified in the PMPU to the new language cited below.~~

~~"Due to constrained roadway widths, D~~d~~eveloping a multi-use path along the south side of North Harbor Drive, as generally depicted in *Figure PD2.4*, adjacent to the potential dedicated transit lane~~(s)~~, to ultimately connect to the Shelter Island and Embarcadero Planning Districts."~~

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Raymond Richardson, Public Review Comment I97

Response to New Comment I97-5

(Added Response to the Comment Letter's Attached City of Coronado Letter, dated November 19, 2020)

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 comments related to mobility hubs, water-based transfer points, micromobility, and parking rates, none of the comments from this City comment letter are repeated in the City of Coronado public review comment letter dated January 6, 2022. 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 to Comments A6-2, A6-3, and A6-9 (mobility hubs), A6-4 (water-based transfer points), A6-5 (micromobility), and A6-8 (parking rates). The comments remaining do not change the analysis or conclusions of the Final PEIR and, therefore, do not need responses.

Attachments to Chapter 2*, Comments Received and District Responses*, Pertaining to District Responses

The Final PEIR published on December 6, 2023, inadvertently left out attachments to Volume 1, Chapter 2 of the Final PEIR, as shown in the Table of Contents and described in Table 1-1, *Document Organization and CEQA Requirements*. These attachments are now included at the end of this Final PEIR Errata, preceding the "Attachments Provided with Comment Letters Contained within Chapter 2, *Comments Received and District Responses*" to rectify this unintentional omission.

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

The Final PEIR published on December 6, 2023, inadvertently did not include attachments that were provided with public review comment letters, within Volume 1, Chapter 2 of the Final PEIR, as shown in the Table of Contents and described in Table 1-1. These attachments are now included at the end of this Final PEIR Errata, following the "Attachments to Chapter 2, Comments Received and District Responses, Pertaining to District Responses" to rectify this unintentional omission.

Revisions to Volume 2 of the Final PEIR

Port Master Plan Glossary

Pages G-15, G-16, G-20, G-23, and G-24

The definitions of certain terms in the PMPU Glossary have been modified since the December 6, 2023 publication of the PMPU. The modified definitions are provided below.

Term	Definition
….	
Nature Trail	An unpaved recreational pathway (could be waterside or non-waterside) that provides a dedicated area for pedestrians~~walkway~~.
….	
Pathway	A ~~type of~~ recreational accessway (paved or unpaved) intended or suitable for more than one mode (e.g., pedestrians and non-motorized bicycles), such as walking, jogging, cycling, and wheelchair use. ~~solely dedicated for the use of pedestrians. Examples of pathways include, but are not limited to, sidewalks, walkways, and nature trails.~~
….	
Sidewalk	A ~~dedicated~~ non-waterside pathway~~, providing~~ that provides a dedicated recreational area for pedestrians ~~connectivity~~ adjacent and parallel to a roadway.
….	
Walkways	A non-waterside recreational pathway~~, not parallel to a roadway,~~ that provides access from the nearest public road 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 and may include a view corridor extension.
….	
Waterside Promenade or Promenade	A recreational 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.
….	

Executive Summary

Table ES-1, Page ES-78

Table ES-1. Project Impacts and Mitigation Measures

Impact	Significance Before Mitigation	Mitigation Measure(s)	Significance After Mitigation
4.2 Air Quality			
Project Impacts			
Impact-AQ-5: Health Effects During PMPU Buildout Operations from ROG~~, NO_x,~~ and CO. Project-related emissions during operations could contribute a significant level of air pollution from ROG~~, NO_x,~~ and CO within the SDAB. Implementation of the proposed PMPU could exceed relevant thresholds that that have been set by SDAPCD to attain the NAAQS and CAAQS, the purpose of which is to provide for the protection of public health.	PS	Implement **MM-AQ-9** through **MM-AQ-12**, as described above.	SU
4.3 Biological Resources			
Project Impacts			
Impact-BIO-1: In-Water Construction-Induced Noise Impacts Disrupting Foraging Behavior of Sensitive Avian Species Such as California Least Tern and California Brown Pelican. In-water construction-induced noise impacts from ~~overwater~~ construction activities such as pile driving could disrupt the foraging behavior of the California least tern if construction occurs during the California least tern nesting season, as well as other sensitive fish-foraging avian species such as California brown pelican. This impact would be significant.	PS	**MM-BIO-1: Implement Construction Measures to Avoid or Reduce Noise Impacts ~~on~~ that May Affect Foraging Behavior of California Least Tern and Other Sensitive Fish Foraging Avian Species.** For future development projects that the District determines have the potential to disturb foraging behavior of California least tern and other sensitive fish foraging avian species due to in-water construction activities (e.g., pile driving), the project proponent shall retain a qualified biologist, approved by the District, to monitor onsite construction activities. The qualified biologist must have at least four years of university training in marine biology or a related science and/or have at least three years of demonstrated field experience monitoring sensitive species in the Southern California marine environment. A qualified biologist with more than 10 years of experience monitoring for sensitive marine species in Southern California shall oversee the monitoring work. The project proponent	LTS

Impact	Significance Before Mitigation	Mitigation Measure(s)	Significance After Mitigation
		shall take specific actions, as approved by the District, to reduce or temporarily stop noise-producing activities if the qualified biologist identifies that the activities are impacting the foraging behavior of sensitive avian species ~~from April 1., or when the California least terns first appear in the Bay, until the California least terns have left the bay or September 15th.~~ These actions shall include, but not be limited to, the following: • For all pile driving activities performed during the ~~California least tern~~ nesting season of sensitive fish foraging avian species, a qualified biologist shall be on site observing for foraging ~~California least terns~~ sensitive avian species. • If any sensitive avian species ~~California least terns~~ are observed, the qualified biologist shall have the authority to halt or modify pile driving activity to ensure foraging behavior is not altered by construction. Work modifications that may limit pile driving noise impacts may include: ○ Reducing the intensity of pile driving. ○ Placing sound dampening panels on pile driving equipment. ○ Restricting pile driving to periods when sensitive avian species are not present. ○ A project that is within 500 feet of a California least tern nesting colony shall be required to conduct preconstruction nest surveys, nest monitoring, and implement sound and visual barriers (See **MM-BIO-2**). • A biological monitor shall be on-site during any construction activities that would occur within foraging habitat to ensure no sensitive species are agitated, killed, or injured.	

Impact	Significance Before Mitigation	Mitigation Measure(s)	Significance After Mitigation
		• For all pile driving projects that may impact ~~any other~~ sensitive nesting avian species (including California least terns), refer to **MM-BIO-2**. • For in-water activities that may result in increased turbidity that would potentially temporarily obscure foraging habitat, refer to **MM-BIO-4.** For proposed activities and development features that may result in increased shading of foraging habitat, refer to **MM-BIO-7.**	
Impact-BIO-3: In-Water Pile Driving Activity Could Generate Noise Levels that Could Injure (Level A Harassment) or Alter the Behavior of (Level B Harassment) Marine Mammals, Green Sea Turtles, and Fishes. In-water pile driving activities could generate enough underwater noise to physically injure marine mammals, green sea turtles, and fishes should impact hammer or vibratory pile driving occur during construction. Any noise-related impacts would be dependent on the type of activity being performed, the proximity of the activity to marine waters, and the biology of the considered species. In-water impact hammer or vibratory pile driving activity by comparison could potentially generate enough underwater noise to injure (Level A Harassment) or alter behavior (Level B Harassment) for marine mammals, green sea turtles, and fishes. This impact would be significant.	PS	**MM-BIO-3: Implement ~~a~~ Marine Mammal, Green Sea Turtle, and Fish~~es~~ Monitoring ~~Program~~ During Pile Installation Activities.** Prior to commencement of construction activities involving in-water impact ~~hamper~~ hammer pile installation or vibratory pile installation or removal, the project proponent shall retain a qualified biologist as defined in MM-BIO-1, who shall conduct preconstruction surveys to identify the presence of sensitive marine species (i.e., marine mammals, green sea turtles, and fishes), and during construction monitoring the qualified biologist will have the ability to stop work.~~prepare a marine mammal, green sea turtle, and fishes monitoring program for implementation. Additionally, the project proponent shall submit the monitoring program to the District for approval 60 days prior to commencing construction involving in-water pile activities and shall~~ This measure includes the following requirements ~~within the monitoring program~~: • For a period of 15 minutes prior to the start of in-water pile-driving construction, a qualified biologist, retained by the project proponent and approved by the District, shall monitor an impact radius around the active pile installation areas to ensure that ~~special-status~~ sensitive marine species (i.e., marine	LTS

Impact	Significance Before Mitigation	Mitigation Measure(s)	Significance After Mitigation
		mammals, green sea turtles, fish, special-status aquatic birds) are not present. ~~The qualified biologist must meet the minimum requirements as defined by the NOAA's *Guidance for Developing a Marine Mammal Monitoring Plan* (2017).~~ The impact radius shall be established by determining the largest zone of influence associated with in-water construction activities occurring that workday. • The project proponent shall not start work if the qualified biologist observes any sensitive marine ~~special-status~~ species prior to starting pile installation. • In-water pile driving shall begin with soft starts in accordance with Section 4.5 of the District's Best Management Practices and Environmental Standards for Overwater Structural Repair and Maintenance Activities for Existing Port Facilities Conducted by the San Diego Unified Port District (District 2019), gradually increasing the force of the pile driving. • The qualified biologist shall monitor for special-status aquatic avian species (e.g., California least tern, California Brown Pelican), marine mammals, and green sea turtles~~, and fishes~~ within appropriate zones of influence during all pile installation activities in order to identify when any ~~special-status~~ of these wildlife species are approaching or within the appropriate zone of influence, and by coordinating with construction crews to halt pile driving until the species have left this area. • In-water sound level monitoring for fishes shall be conducted if the project-specific in-water noise analysis determines that anticipated Sound Exposure Levels (SELs) exceed acceptable levels described in the Interim Criteria for Injury to Fish (see Table 4.3-6 of the PEIR). If SELs would be exceeded, then a	

Impact	Significance Before Mitigation	Mitigation Measure(s)	Significance After Mitigation
		qualified marine biologist shall monitor pile driving activities and shall have the authority to stop in-water pile installation if harm to fish is observed. • To reduce in-water sound levels during pile driving, all piles shall be driven with a vibratory hammer or other less impactful forms of pile driving where feasible (feasibility shall include not conflicting with **MM-WQ-1, MM-WQ-2**, and **MM-WQ-3**). If an impact hammer is required, additional sound attenuation, such as wood cushion block, isolation casing, and/or an air bubble curtain shall be required if determined necessary by the monitoring biologist.	
4.6 Greenhouse Gas Emissions			
Project Impacts			
Impact-C-GHG-1: Inconsistency with the Statewide Reduction Targets for 2030 and 2050. Proposed PMPU buildout emissions would be inconsistent with the statewide reduction 2030 target and 2050 goal. Therefore, the contribution of PMPU-related GHG emissions is considered significant.	PS	Implement **MM-AQ-2** and **MM-AQ-3**, and **MM-AQ-6** through **MM-AQ-12**, as described above. Implement **MM-GHG-1** and **MM-GHG-2,** as described above.	~~LTS~~ SU
Impact-C-GHG-2: Conflict with Plans, Policies, and Regulations. Project emissions, before mitigation, would be inconsistent with plans, policies, and regulations adopted to reduce GHG emissions.	PS	Implement **MM-AQ-2, MM-AQ-3**, and **MM-AQ-6** through **MM-AQ-12**, as described above. Implement **MM-GHG-1** and **MM-GHG-2,** as described above.	~~SU~~ LTS
4.10 Noise and Vibration			
Project Impacts			
Impact-NOI-4: Excessive Traffic Noise Increases on Existing Roadways Above Local Standards. Traffic on some roadways may increase noise levels at existing noise-sensitive receptors by 3 dB CNEL or more to a level that is above the local standards or guidelines of the applicable	PS	**MM-NOI-6: Conduct Project-Specific Traffic Noise Analyses for Projects that Would Double the Traffic Volume on One or More Affected Streets.** ~~As part of a development application, the project proponent~~ Prior to the approval of a future project, the District shall	SU

Impact	Significance Before Mitigation	Mitigation Measure(s)	Significance After Mitigation
member city. This impact may occur at hotels/motels, parks, and homes adjacent to segments of Harbor Island Drive, Pacific Highway, and West Ash Street.		ascertain whether project implementation would double the vehicular traffic volume on any affected street(s) based on evidence provided by the project proponent as part of the project review process. If no such increase is predicted, then no further traffic noise analysis is required. However, if such an increase ~~is anticipated~~has potential to occur, the project proponent shall retain a qualified ~~traffic~~ transportation consultant and a qualified acoustical consultant, each approved by the District. The consultants shall identify the roadways that would be affected by the project, quantify daily traffic volumes with and without the project, and determine what, if any, additional analysis is required to quantify traffic noise levels and identify potential noise control measures. If significant impacts are predicted, the assessment shall identify traffic noise abatement or reduction measures to be implemented by the project proponent as necessary to ensure project traffic does not cause: (1) an increase of 3 dB CNEL or more to a level that is above the local standards or guidelines of the applicable member city, or (2) any traffic noise increase of 5 dB CNEL or more, at a noise-sensitive receptor. Such measures may include, but would not be limited to: • Noise barriers. • Quiet pavement. • Increased separation between roadways and sensitive land uses. • Upgrades, such as retrofitted sound-rated windows and doors for impacted sensitive buildings. • Traffic calming or other measures to reduce traffic speeds.	
Impact-NOI-8: Exceed Local Noise Limits for Outdoor Use Areas and Outdoor Special Events. If new	PS	**MM-NOI-10: Design and Operate Outdoor Activity Areas to Control Operational Noise.** The project	SU

Impact	Significance Before Mitigation	Mitigation Measure(s)	Significance After Mitigation
developments include outdoor use areas (e.g., parks, outdoor dining, patios, roof decks, pool decks) with amplified music, or host large outdoor special events such as weddings, exhibits, social gatherings, fundraisers, concerts, music festivals, and art exhibits, such activities may exceed applicable local noise limits at existing noise-sensitive receptors, especially if events are attended by large numbers of people or would include live or recorded music.		proponent and any future owner/operator of proposed developments shall design, construct, and operate outdoor activity areas (e.g., outdoor dining areas, patios, roof decks, pool decks), to ensure their compliance with the applicable municipal code noise limits (refer to Tables 4.10-8, 4.10-10, and 4.10-13) at noise-sensitive receptors. To achieve this performance standard, as part of the site-specific environmental review of a proposed project, the project proponent shall retain an acoustical consultant approved by the District to evaluate the proposed design and provide written recommendations to the District, as necessary, to abate or reduce noise from all outdoor activity areas. Such recommendations may include, but are not limited to, changes in location and layout, sound power limits or specifications for audio systems, loudspeaker placement and direction, acoustical shielding (barriers, walls, or roofs), or acoustical absorption. The District shall identify the noise abatement or reduction measures to be implemented by the project proponent that are necessary to ensure compliance with the ~~applicable~~ relevant municipal code noise limits. ~~If such compliance is infeasible, a project-level environmental review shall be required.~~ Any recommendations will be subject to the District's review and approval, and no future ~~development~~ project shall proceed until the District deems the recommended noise abatement measures acceptable.	
4.12 Public Services			
Project Impacts			
Impact-PS-2: Potential to Result in Substantial Adverse Physical Impacts from the Construction of New or Physically Altered Parks Implemented Under the Proposed PMPU. Implementation of the proposed PMPU	PS	Implement **MM-AQ-2** through **MM-AQ-8**, as described in Section 4.2, *Air Quality and Health Risk.* Implement **MM-BIO-2** and **MM-BIO-5**, as described in Section 4.3, *Biological Resources.*	SU

Impact	Significance Before Mitigation	Mitigation Measure(s)	Significance After Mitigation
would include construction of new or expanded parks. Potential impacts from the construction of new or expanded parks include construction-related air emissions (**Impact-AQ-2**), biological resources (**Impact-BIO-2** and **Impact-BIO-5**), cultural resources (**Impact-CUL-1** and **Impact-CUL-2**), tribal cultural resources (**Impact-CUL-3**), paleontological resources (**Impact-GEO-1**), noise and vibration (**Impact-NOI-1** through **Impact-NOI-5**), and/or contaminated soils (**Impact-HAZ-1** and **Impact-HAZ-2**).		Implement **MM-CUL-1** through **MM-CUL-3**, as described in Section 4.4, *Cultural Resources and Tribal Cultural Resources.* Implement **MM-GEO-1**, as described in Section 4.5, *Geology and Soils*. Implement **MM-GHG-2**, as described in Section 4.6, *Greenhouse Gas Emissions and Energy*. Implement **MM-NOI-1** through **MM-NOI-5**, as described in Section 4.10, *Noise and Vibration.* Implement **MM-HAZ-1** and **MM-HAZ-2,** as described in Section 4.7, *Hazards and Hazardous Materials*.	

Chapter 3, Project Description

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3.4 Project Benefits

The proposed PMPU will provide substantial benefits to the District and the region. The benefits comprise enhancing environmental protection of San Diego Bay and the Tidelands, creating opportunities for more public access to San Diego Bay, and increasing the District's economic contribution to the San Diego region. Some examples of the PMPU's benefits are listed below (note that these do not represent an all-encompassing list).

1. **Honoring the Water:** The proposed PMPU provides for the continued use of the Bay in step with the requirements of the CCA and the Port Act. It also furthers the goals of preserving and protecting the Bay and its shoreline, while promoting the water as a focal point to the mission and purpose of the District. To illustrate these points, the PMPU's Water Use Designations Table identifies water-dependent uses and lists a myriad of water-dependent Allowable Use Types permissible within these water use designations. Examples of water use designations include Anchorages, Commercial Fishing Berthing, Industrial Deep-Water Berthing, and Recreational Berthing. The proposed PMPU contains numerous goals, and associated objectives and policies, in both the Mobility and Ecology Elements that provide for both: (1) maintaining and improving access to the Bay, for use by the public; and (2) protecting the Bay and the Pacific Ocean (PD8). Examples of these goals include the following:

    a. Water and Land Use Element Goal 1 - ~~Balance~~ Implement the District's responsibilities under the Port Act with Coastal Act responsibilities and priorities.

    b. Mobility Element Goal 1 – An integrated and diverse network that facilitates the movement of people and goods.

    c. Ecology Element Goal 1 – Tidelands that support vibrant and healthy ecosystems.

    d. Ecology Element Goal 2 – Clean, healthy waters and landside areas.

    e. Ecology Element Goal 4 – Collaborative stewardship for the ecological health of San Diego Bay.

Pages 3-7 and 3-8

3.5.1.1 Water and Land Use Element

The purpose of the Water and Land Use Element is to identify future water and land use designations and guide development on Tidelands. ~~Specifically~~ In addition to the goals, objectives, and policies proposed in this element, it establishes a balanced range of allowable uses in each designation that are intended to support the District's role as a steward of Tidelands. The proposed Water and Land Use Element has been developed in conformance with the Coastal Act, the Public Trust Doctrine, and the Port Act and was created to meet the District's goal of protecting priority uses, which have been established in part based on their functional dependency to the water.[1] The proposed Element's goals, objectives, and policies support:

- Honoring the unique relationship between the diverse character of Tidelands and the water.
- ~~Balancing~~ Implementing the requirements of the Port Act and Coastal Act.
- Improving the public's access to, and experience on, Tidelands.

Pages 3-15 through 3-17

Table 3-3. Baywide Water and Land Use Designations

Certified PMP Designations (Existing)	Existing Acres (GIS Conversion)	Proposed PMPU Designations	Acres	Net Change (acres)
Water Use				
Commercial Fishing Berthing	25.38	Commercial Fishing Berthing	29.79	+4.41
Marine Services Berthing	16.69	Marine Services Berthing	15.46	-1.23
Sportfishing Berthing	10.67	Sportfishing Berthing	11.11	+0.44
Recreational Boat Berthing	282.18	Recreational Berthing	332.17	+49.99
Specialized Berthing	153.52	*(Consolidated to Industrial and Deep-Water Berthing)*	--	--
Terminal Berthing	28.85	*(Consolidated to Industrial and Deep-Water Berthing)*	--	--
Total Consolidated Industrial and Deep-Water Berthing	182.37	Industrial and Deep-Water Berthing	150.54	-31.83
Open Bay/Water	665.39	Open Bay/Water	748.65 ~~749.12~~[2]	+83.26~~73~~
Estuary	116.41	*(Consolidated to Conservation/ Intertidal)*	--	--
Wetlands[1]	101.33	*(Consolidated to Conservation/ Intertidal)*	--	--
Total Consolidated Conservation/ Intertidal	217.74	Conservation/Intertidal	268.70	+50.96
Harbor Services Water	10.20	*(Designation removed from the PMPU)*	--	-10.20
Boat Navigation Corridor	105.63	*(Consolidated to Navigation Corridor)*	--	--
Ship Navigation Corridor	13.38	*(Consolidated to Navigation Corridor)*	--	--
Total Consolidated Navigation Corridor	119.01	Navigation Corridor	223.47[2]	+104.46
Boat Anchorage	30.87	*(Consolidated to Anchorage)*	--	--
Ship Anchorage	27.62	*(Consolidated to Anchorage)*	--	--

Certified PMP Designations (Existing)	Existing Acres (GIS Conversion)	Proposed PMPU Designations	Acres	Net Change (acres)
Total Consolidated Anchorage	58.49	Anchorage	150.56[2]	+92.07
Navy Ship Berthing	2.40	*(Designation and area removed from the PMPU)*	--	-2.40
Navy Small Craft Berthing	7.16	*(Designation removed from the PMPU*)	--	-7.16
Total Water Use	**1,496.35**	**Total Water Use**	**1,930.43 ~~90~~**	**+434.08 ~~55~~**
Land Use				
Commercial Fishing	6.46	Commercial Fishing	7.24	+0.78
Marine Sales and Services	10.45	Marine Sales and Services	8.67	-1.78
Sportfishing	4.11	Sportfishing	4.57	+0.46
Commercial Recreation	283.61	Commercial Recreation	311.87 ~~312.88~~	+28.26 ~~29.27~~
Airport Related Commercial	5.37	*(Designation removed from the PMPU and area was redesignated)*	--	-5.37
Aviation Related Industrial	11.47	*(Designation removed from the PMPU and area was redesignated)*	--	-11.47
Industrial Business Park	32.34	*(Consolidated to Maritime Services and Industrial)*	--	--
Marine Related Industrial	172.88	*(Consolidated to Maritime Services and Industrial)*	--	--
Total Consolidated Maritime Services and Industrial	205.22	Maritime Services and Industrial	155.89	-49.33
Marine Terminal	64.35	Marine Terminal	105.62	+41.27
(Marine Terminal divided into Marine Terminal and Visitor-Serving Marine Terminal)	--	Visitor-Serving Marine Terminal	12.11	+12.11
Open Space	30.64	*(Consolidated to Recreation Open Space)*	--	--
Park/Plaza	128.09	*(Consolidated to Recreation Open Space)*	--	--
Golf Course	100.14	*(Consolidated to Recreation Open Space)*	--	--
City Pump Station	0.75	*(Consolidated to Recreation Open Space)*	--	--
Total Recreation Open Space	259.62	Recreation Open Space	280.23[3] ~~280.42[3]~~ ~~273.65~~	+20.61 ~~20.8~~ ~~14.03~~

Certified PMP Designations (Existing)	Existing Acres (GIS Conversion)	Proposed PMPU Designations	Acres	Net Change (acres)
Wetlands	101.33	*(Consolidated to Conservation/Intertidal as a water use)*	--	--
Harbor Services Land	4.85	*(Consolidated to Institutional/Roadway)*	--	--
Streets	144.07	*(Consolidated to Institutional/Roadway)*	--	--
Total Consolidated Institutional/Roadway	148.92	Institutional/Roadway	134.67 ~~133.46~~	-14.25 ~~15.46~~
Navy Fleet School	27.28	*(Designation and area removed from the PMPU)*	--	-27.28
Total Land Use	**1,128.19**	**Total Land Use**	**1020.84** **~~1014. 07~~**	**-107.35** **~~114.12~~**
Total Water and Land Use Designations[2]	**2,624.54**		**2951.27** **~~2944.97~~**	**+326.73[4]** **~~320.43[3]~~**

1 Wetlands counted in "Total Land Use" for Existing Acres in certified PMP.

2 Certain water parcels had previously been assigned designations in the Certified PMP for informational purposes but were not a part of the District's coastal permitting authority. Pursuant to SB 507, those parcels have since been granted to the District from the California State Lands Commission. Thus, for consistency, parcels that had previously been assigned designations in the Certified PMP and have been granted to the District pursuant to SB 507 are proposed to be incorporated into the proposed PMPU area and within the District's coastal permitting authority.

3 Includes 6.3 acres of above-grade Recreation Open Space. ~~The change in total acreage within the proposed PMPU area is due to mapping corrections related to land transactions, within the District's jurisdictions, and several parcels added into the proposed PMPU that were recently granted to the District pursuant to SB507. See planning district discussions in Sections 3.5.3.1 through 3.5.3.10, below.~~

4 The change in total acreage within the proposed PMPU area is due to mapping corrections related to land transactions, within the District's jurisdictions, and several parcels added into the proposed PMPU that were recently granted to the District pursuant to SB507. See planning district discussions in Sections 3.5.3.1 through 3.5.3.10, below.

Pages 3-51 and 3-52

Proposed Water and Land Use Designations

Proposed water and land use designations for PD3, as well as the proposed acreages of each, are provided in Table 3-7. As shown, proposed water use designations would include Anchorage, Commercial Fishing Berthing, Industrial and Deep-Water Berthing, Navigation Corridor, Open Bay/Water, Recreational Berthing, and Sportfishing Berthing. Land use designations would include Commercial Fishing, Commercial Recreation, Institutional/Roadway, Maritime Services and Industrial, Recreation Open Space, and Visitor-Serving Marine Terminal. The proposed water and land use map for PD3 is provided on Figure 3-4.

Table 3-7. Embarcadero Planning District Water and Land Use Designations

Certified PMP Designations (Existing)	Acres (GIS Conversion)	Proposed PMPU Designations	Acres	Net Change (acres)
Water Use				
Commercial Fishing Berthing	18.77	Commercial Fishing Berthing	18.71	-0.06
Recreational Boat Berthing	28.88	Recreational Berthing	76.52	+47.64[1]
Specialized Berthing	37.54	*(Designation removed in the PMPU and acreage redistributed to other designations)*	--	--
Terminal Berthing	18.05	Industrial and Deep-Water Berthing	36.04	+17.99[2]
Open Bay/Water	1.53	Open Bay/Water	3.06~~27~~	+1.53~~74~~[3]
Boat Navigation Corridor	31.82	*(Consolidated to Navigation Corridor)*	--	--
Ship Navigation Corridor	13.38	*(Consolidated to Navigation Corridor)*	--	--
Total Consolidated Navigation Corridor	45.20	Navigation Corridor	44.30	-0.90
Boat Anchorage	24.46	*(Consolidated to Anchorage)*	--	--
Ship Anchorage	27.62	*(Consolidated to Anchorage)*	--	--
Total Consolidated Anchorage	52.08	Anchorage	47.73	-4.35[4,5]
	--	Conservation/Intertidal	2.51	+2.51[3]
Total Water Use	202.05	**Total Water Use**	**228.86~~9.07~~**	**+26.81~~7.02~~**
Land Use				
Commercial Fishing	3.99	Commercial Fishing	4.76	+0.77
Commercial Recreation	116.76	Commercial Recreation	101.66 ~~102.67~~	-15.10[6] ~~14.09~~
Aviation Related Industrial	22.44	Maritime Services and Industrial	24.43	+1.99
Marine Terminal	6.28	Visitor-Serving Marine Terminal	12.11	+5.83[7]
Open Space	1.10	*(Consolidated to Recreation Open Space)*	--	--
Park/Plaza	50.97	*(Consolidated to Recreation Open Space)*	--	--
Total Consolidated Recreation Open Space	52.07	Recreation Open Space	63.14[8] ~~63.33~~ ~~56.82~~	+11.07 ~~4.96~~~~75~~[9]
Streets	50.54	Institutional/Roadway	49.38~~48.17~~	-1.16~~2.37~~[10]
Total Land Use	**252.08**	**Total Land Use**	**255.4~~8.97~~**	**+3.40~~3.11~~**

[1] Additional acreage from redistribution of Ship Navigation Corridor, Specialized Berthing, and Ship Anchorage.

[2] Additional acreage from redistribution of Terminal Berthing and Specialized Berthing.

[3] Additional acreage from redistribution of Specialized Berthing.

[4] Reduced acreage from redistribution to Recreational Berthing.

[5] Certain water parcels had previously been assigned designations in the Certified PMP for informational purposes but were not a part of the District's coastal permitting authority. Pursuant to SB 507, those parcels have since been granted to the District from the California State Lands Commission. Thus, for consistency, parcels that had previously been assigned designations in the Certified PMP and have been granted to the District pursuant to SB 507 are proposed to be incorporated into the proposed PMPU area and within the District's coastal permitting authority. In PD3, this includes an additional Anchorage parcel in North Embarcadero.

[6] Reduced acreage from redistribution to Recreation Open Space and Visitor-Serving Marine Terminal

[7] Additional acreage from redistribution of Commercial Recreation, Park/Plaza, and Marine Terminal

[8] Includes ~~Does not include~~ 6.3 acres of above-grade Recreation Open Space

[9] Additional acreage from redistribution of Commercial Recreation and addition of Navy Pier

[10] Reduced acreage from removal of areas designated as Streets that are not within PMPU area

Page 3-59

Table 3-8. Subdistrict Land Use Options

Option	Land Uses (acres)		
	Commercial Recreation	Institutional/ Roadway	Recreation Open Space
Proposed PMPU PD3 (see Table 3-7, above)	~~93.60~~~~102.67~~101.66	~~46.39~~48.17	63.33~~52.84~~
Option 1: Waterfront Destination Park at Foot of Navy Pier	~~102.43~~102.49 (~~+1.49~~ ~~0.24~~+0.83)	~~46.19~~47.39 (-~~6.71~~~~1.98~~0.78)	64. 34~~53~~~~74~~ (+~~3.98~~1.41)
Option 2: 205-Foot Setback East of North Harbor Drive	~~98.32~~97.90 (-~~3.34~~~~4.35~~3.76)	~~47.72~~48.92 (-~~5.24~~0.45)	~~67.83~~~~68.04~~67.41 (+4.08~~50~~~~7.35~~)
Option 3: 205-Foot Setback West of North Harbor Drive	~~100.09~~99.56 (-~~0.84~~~~2.58~~2.1)	~~44.93~~45.99[1] (-~~8.03~~3.24)	68. 38~~57~~~~78~~[2] (+5.05~~24~~~~8.08~~)

[1] Total does not include 2.01 acres of Institutional/Roadway outside of the District's jurisdiction.

[2] Total does not include 1.92 acres of Recreation Open Space outside of the District's jurisdiction.

Note: Numbers in parentheses represent delta between the Options and the proposed PMPU ~~and the options~~.

Page 3-63

Figure 3-5, North Embarcadero Subdistrict Option 1: Waterfront Destination Park at Foot of Navy Pier (11x17)

Please see the changes to Figure 3-5 at the end of this section (i.e., Changes made to Volume 2 of the Final PEIR).

Page 3-65

Figure 3-6, North Embarcadero Subdistrict Option 2: 205-Foot Setback East of North Harbor Drive (11x17)

Please see the changes to Figure 3-6 at the end of this section (i.e., Changes made to Volume 2 of the Final PEIR).

Page 3-67

Figure 3-7, North Embarcadero Subdistrict Option 2: 205-Foot Setback West of North Harbor Drive (11x17)

Please see the changes to Figure 3-7 at the end of this section (i.e., Changes made to Volume 2 of the Final PEIR).

Pages 3-74 and 3-75

Development Standards

Proposed public realm standards include the provision of a continuous waterside promenade with stipulations for minimum widths and amenities. Specifically, the PMPU proposes that the waterside promenades would have a minimum width of 30 feet. If minimum width is not physically possible because of existing features, such as roadways, the promenade would be not less than 24 feet wide in such areas. Moreover, the proposed waterside promenade would incorporate a multi-use path, which should be located on the landside side of the promenade. Where provided, amenity zones would be located on the waterside of the waterside promenade.

Eight scenic vista areas are proposed in the South Embarcadero Subdistrict at the following locations:

- Preserved scenic vista areas consistent with existing:
- Along the bayfront adjacent to the SDCC, providing a view of the marina to the southwest.
- At the South Embarcadero Public Access Mole Pier, providing a view to the northwest that would include Embarcadero Marina Park South and the open Bay.
- Five scenic vistas areas are identified within a 5-acre rooftop park for the expanded SDCC. These five scenic vista areas would provide largely uninterrupted panoramic views of the Bay from Point Loma down to the SR-75/San Diego-Coronado Bay Bridge.

Proposed new scenic vista areas:

- At Embarcadero Marina Park South, facing west, providing a view that would include the open Bay and the Coronado Bayfront.

One view corridor extension would be located at the intersection of East Harbor Drive and Park Boulevard, facing southwest to capture the South Embarcadero Public Access Mole Pier, the Bay, and the Coronado Bayfront.

~~The PMPU proposes scenic vistas at the following locations:~~

- ~~View of the 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.~~

~~In addition, the PMPU proposes preservation of the Park Boulevard View Corridor Extension.~~ The PMPU does not propose any building standards for the South Embarcadero Subdistrict.

Section 4.6, Greenhouse Gas Emissions and Energy

Pages 4.6-19 and 4.6-20

Rail/Locomotive Regulations

~~On April 27, 2023, the California Air Resources Board (CARB) approved Resolution 23-12, which includes t~~The In-Use Locomotive Regulation (13 Cal. Code Regs. §§ 2478 et seq.) was adopted on October 27, 2023, and went into effect January 1, 2024. Under this new regulation, ~~starting in 2024,~~ locomotive operators ~~would~~ are required to fund their own trust account based on the emissions created by their locomotive operations in California. The dirtier the locomotive, the more funds must be set aside. Spending Account funds ~~would~~ are to be used in the following manner: (A) Until 2030, to purchase, lease, or rent Tier 4 or cleaner locomotives, or for the remanufacture or repower to Tier 4 or cleaner locomotive(s). (B) At any time, to purchase, lease, or rent ZE locomotive(s), Zero Emission (ZE) capable locomotive(s), ZE rail equipment, or to repower to ZE locomotive(s) or ZE capable locomotive(s). (C) At any time, for ZE infrastructure associated with ZE locomotive(s), ZE capable locomotive(s), ZE rail equipment. (D) At any time, to pilot or demonstrate ZE locomotives or ZE rail equipment technologies.

Starting in 2030 the regulation's operational requirements allow: (1) only locomotives less than 23 years would be able to be used in California, (2) Switchers operated by Class I, Class III, industrial and passenger locomotive operators with an original engine build date of 2030 and beyond would be required to operate in a Zero Emission (ZE) configuration to operate in California, (3) Passenger locomotives with an original engine build date of 2030 and beyond would be required to operate in a ZE configuration to operate in California, (4) Class I line haul locomotives with an original engine build date of 2035 and beyond would be required to operate in a ZE configuration to operate in California (CARB 2024). ~~While CARB recently pulled submittal of the regulations to the Office of Administrative Law on July 21, 2023, CARB has indicated that it will be resubmitting the regulations at a subsequent date. (CARB 2023).~~

Section 4.9, Land Use and Planning

Pages 4.9-21 and 4.9-22

WLU Policy 7.3.1 The District shall consider the establishment of a program for the implementation of planned improvements, including how contributions may be made by development. In this program, the District may establish a financing mechanism as an alternative measure to satisfy the planned improvement requirements.

WLU Policy 7.3.2 Two or more new permittees of development may partner to contribute to the implementation and funding of one or more planned improvements.

WLU Policy 7.3.3 All major developments shall provide or contribute to planned improvements in a planning district or subdistrict. However, certain types of developments are excluded from this requirement. The following developments are excluded from providing or contributing to planned improvements:

a. District-administered projects;

b. Government agency facilities responsible for safety, security, and customs;

c. Commercial fishing facilities;

d. Lower cost visitor-serving overnight accommodations; and

e. Any planned improvement (as listed in the subdistrict) developed independently or as part of a ~~major~~ development.

Page 4.9-62

Table 4.9-1. Project Consistency with Relevant Goals, Objectives, and Policies

Goal, Policy, Objective	PMPU Consistency
California Coastal Act, Chapter 3, Coastal Resources Planning and Management Policies	
…	**…**
Section 30711. (a) A port master plan that carries out the provisions of this chapter shall be prepared and adopted by each port governing body, and for informational purposes, each city, county, or city and county which has a port within its jurisdiction shall incorporate the certified port master plan in its local coastal program. A port master plan shall include all of the following: (1) The proposed uses of land and water areas, where known. (2) The projected design and location of port land areas, water areas, berthing, and navigation ways and systems intended to serve commercial traffic within the area of jurisdiction of the port governing body. (3) An estimate of the effect of development on habitat areas and the marine environment, a review of existing water quality, habitat areas, and quantitative and qualitative biological inventories, and proposals to minimize and mitigate any substantial adverse impact. (4) Proposed projects listed as appealable in Section 30715 in sufficient detail to be able to determine their consistency with the policies of Chapter 3 (commencing with Section 30200) of this division. (5) Provisions for adequate public hearings and public participation in port planning and development decisions. (b) A port master plan shall contain information in sufficient detail to allow the commission to determine its adequacy and conformity with the applicable policies of this division.	**Consistent.** The District currently has a certified PMP, which would be amended with adoption of the proposed PMPU. As proposed, the PMPU includes sections required by this section of the CCA, including an identification of water and land uses and a list planned improvements that qualify as "appealable" per Section 30715 of the CCA. This ~~Draft~~ Final PEIR provides an estimate of the effects of future development on habitat areas, the marine environment, and water quality. The proposed PMPU identifies appealable projects with sufficient detail to allow the CCC to determine their adequacy and conformity with the applicable policies of Chapter 3 of the CCA. Further, the PMPU is consistent with Number (3) in Section 30711, and this consistency is summarized in the PMPU by the inclusion of a new Chapter 7 *Summary of the Program Environmental Impact Report*. This Chapter adds a summary of the Biological Resources and Hydrology and Water Quality Sections of the Final PEIR, in accordance with Section 30711.
…	**…**

Section 4.10, Noise and Vibration

Page 4.10-73

For **Impact-NOI-8**:

MM-NOI-10: Design and Operate Outdoor Activity Areas to Control Operational Noise. The project proponent and any future owner/operator of proposed developments shall design, construct, and operate outdoor activity areas (e.g., outdoor dining areas, patios, roof decks, pool decks), to ensure their compliance with the applicable municipal code noise limits (refer to Tables 4.10-8, 4.10-10, and 4.10-13) at noise-sensitive receptors. To achieve this performance standard, as part of the site-specific environmental review of a proposed project, the project proponent shall retain an acoustical consultant approved by the District to evaluate the proposed design and provide written recommendations to the District, as necessary, to abate or reduce noise from all outdoor activity areas. Such recommendations may include, but are not limited to, changes in location and layout, sound power limits or specifications for audio systems, loudspeaker placement and direction, acoustical shielding (barriers, walls, or roofs), or acoustical absorption. The District shall identify the noise abatement or reduction measures to be implemented by the project proponent that are necessary to ensure compliance with the ~~applicable~~relevant municipal code noise limits. ~~If such compliance is infeasible, a project-level environmental review shall be required.~~ Any recommendations will be subject to the District's review and approval, and no future project shall proceed until the District deems the recommended noise abatement measures acceptable. ~~sufficient to reduce noise levels to below the established thresholds to the extent feasible, as defined in CEQA Guidelines 15364.~~

Section 4.14, Transportation, Circulation, and Mobility

Page 4.14-25

Figure 4.14-3, Proposed Transportation Facilities in Planning District 3 Embarcadero

Please see the changes to Figure 4.14-3 at the end of this section (i.e., Changes made to Volume 2 of the Final PEIR).

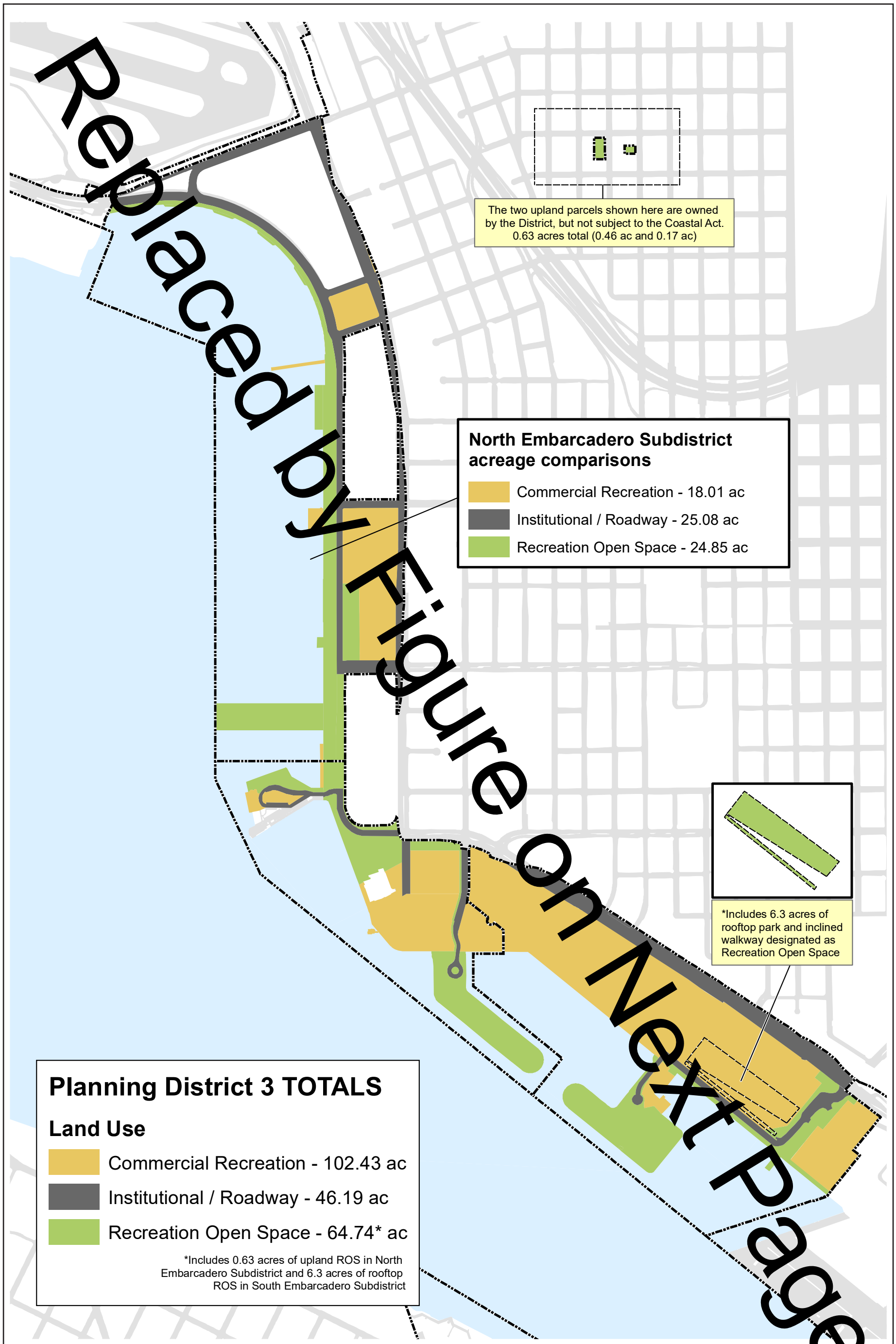
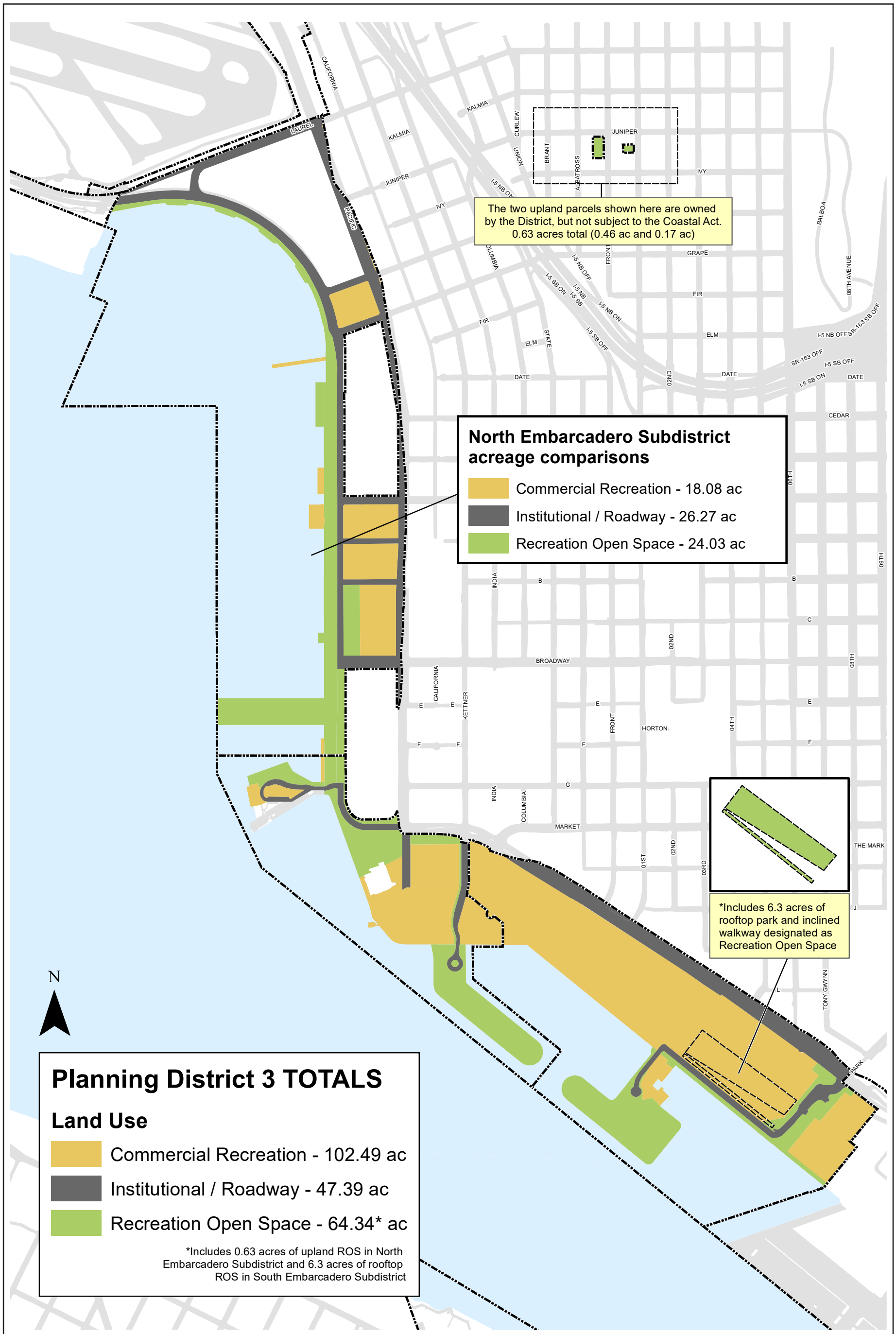


Figure 3-5
North Embarcadero Subdistrict Option 1: Waterfront Destination Park at Foot of Navy Pier
Port Master Plan Update



ICF

Figure 3-5
North Embarcadero Subdistrict Option 1: Waterfront Destination Park at Foot of Navy Pier
Port Master Plan Update

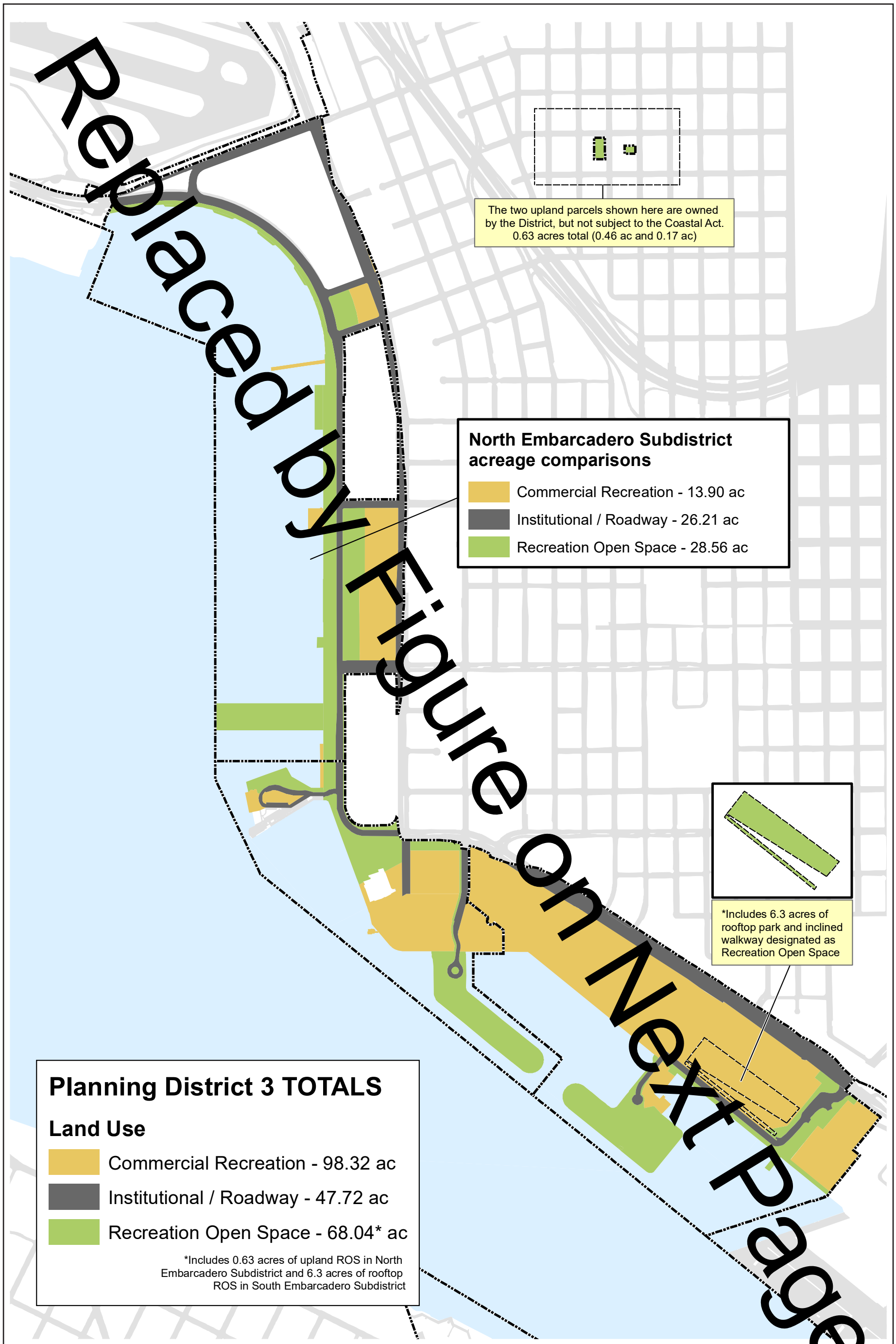


Figure 3-6
North Embarcadero Subdistrict Option 2: 205-Foot Setback East of North Harbor Drive
Port Master Plan Update

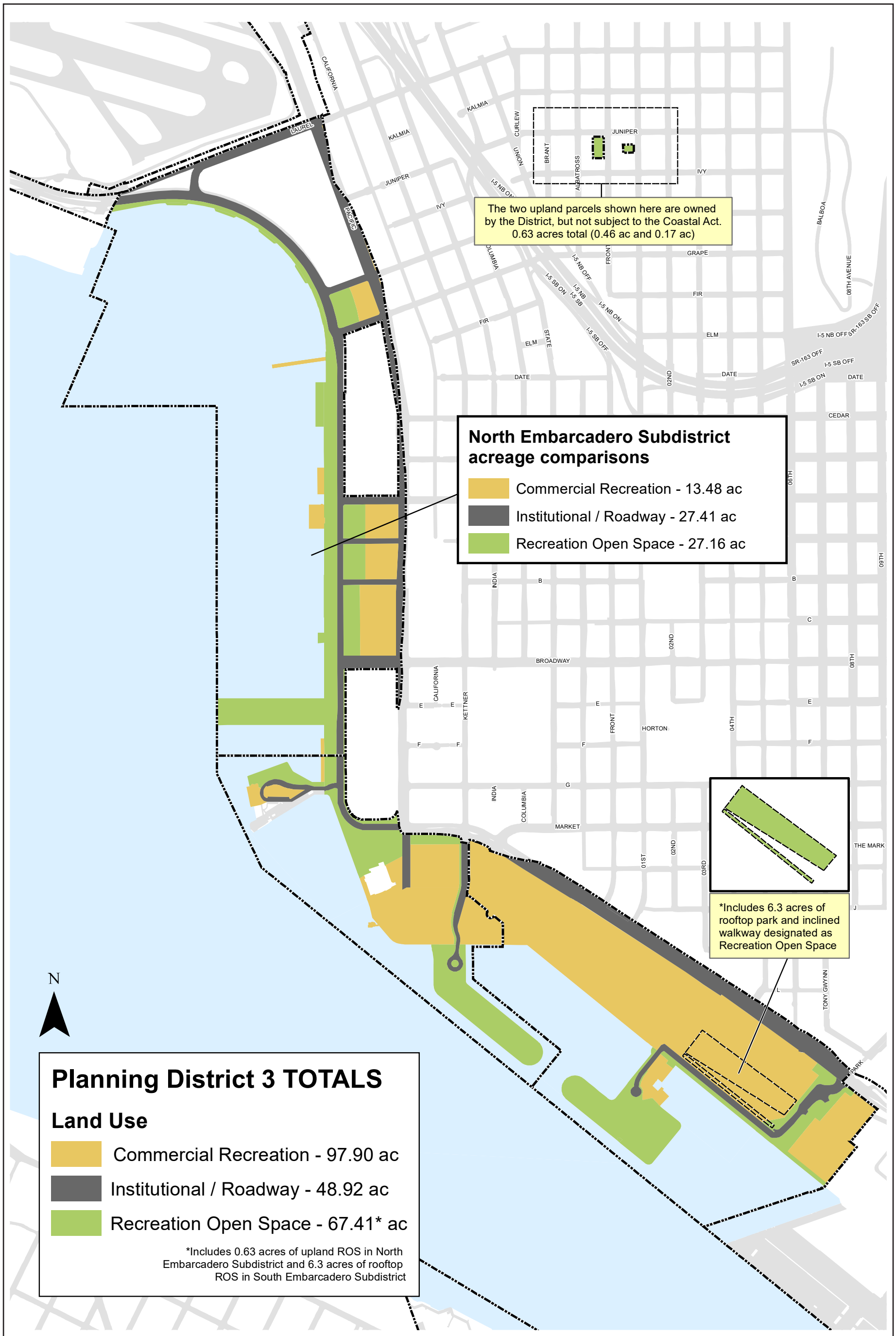


Figure 3-6
North Embarcadero Subdistrict Option 2: 205-Foot Setback East of North Harbor Drive
Port Master Plan Update

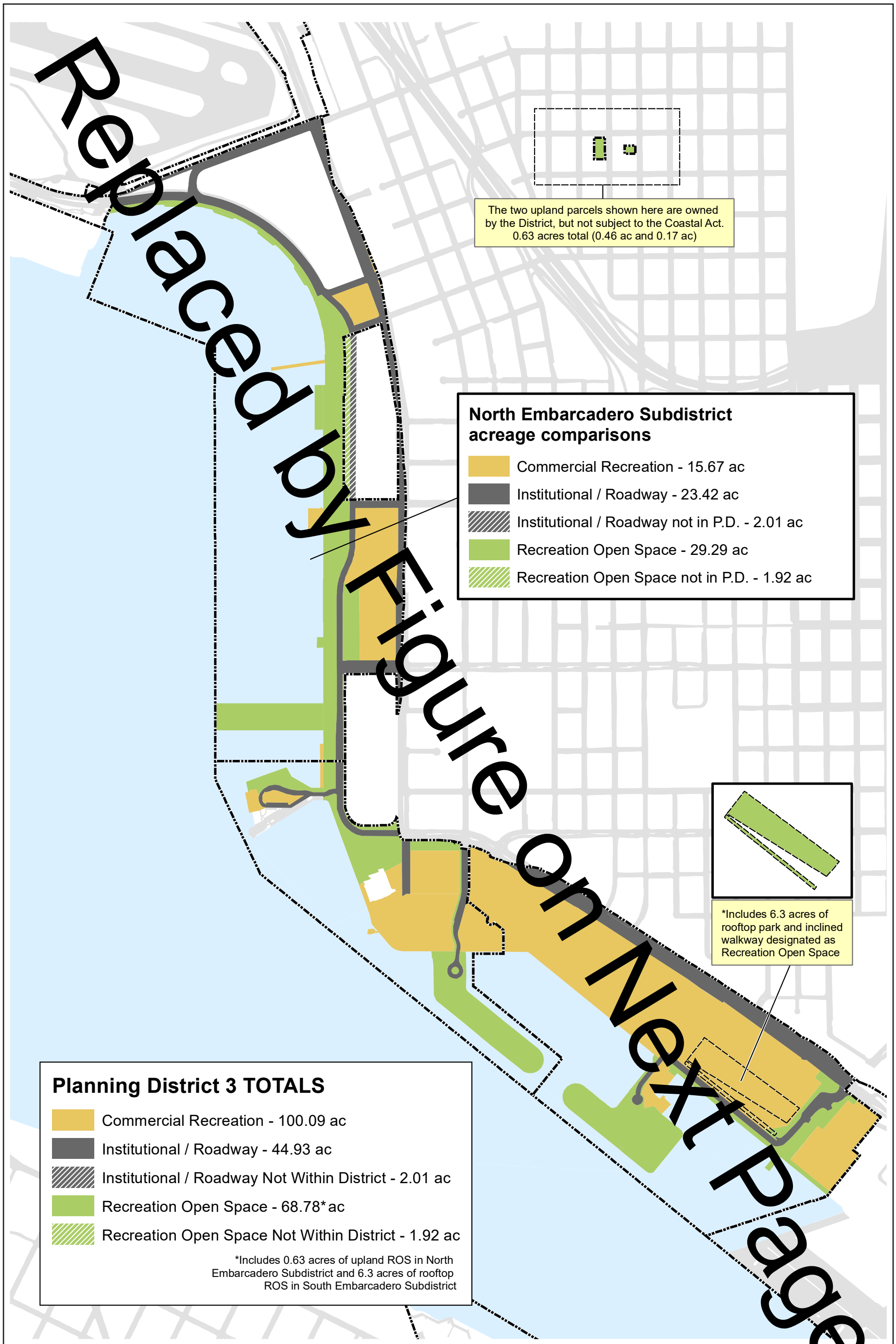
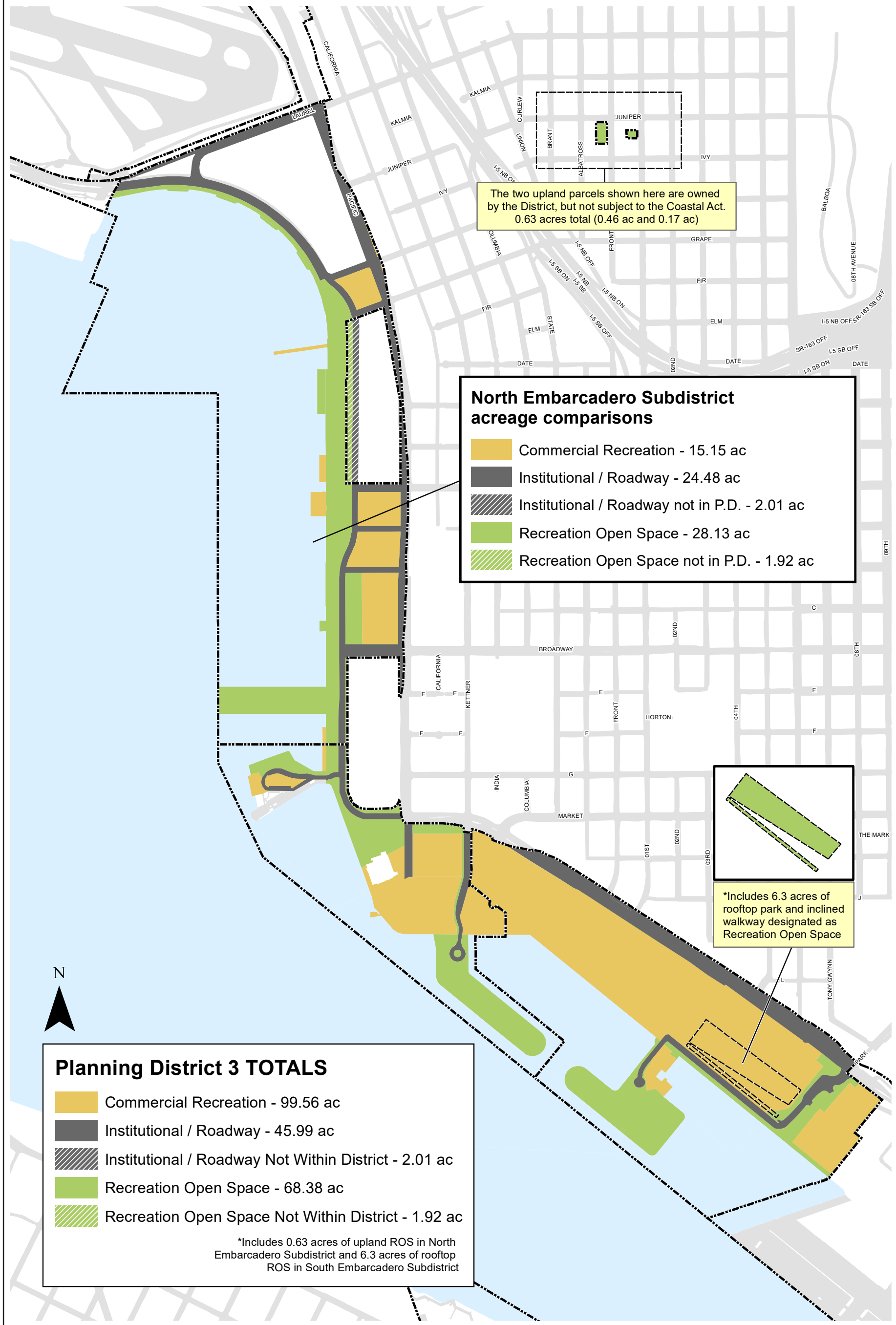
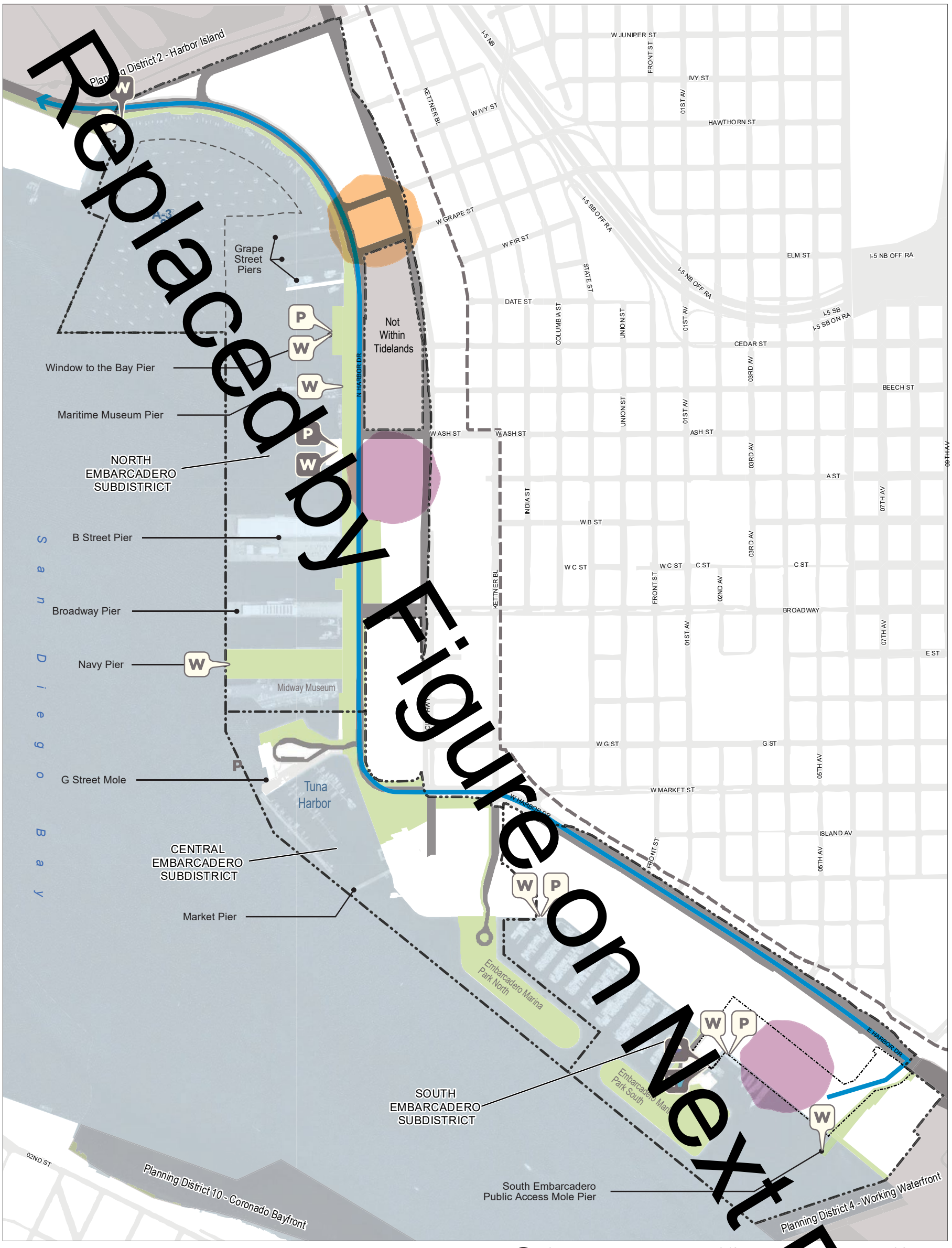


Figure 3-7
North Embarcadero Subdistrict Option 3: 205-Foot Setback West of North Harbor Drive
Port Master Plan Update



ICF

Figure 3-7
North Embarcadero Subdistrict Option 3: 205-Foot Setback West of North Harbor Drive
Port Master Plan Update



Jurisdictional Boundaries

- Planning Subdistricts
- Coastal Zone

Other

- Recreation Open Space
- Anchorage
- Institutional/Roadway

Landside Access

- Regional Mobility Hub
- Local Gateway Mobility Hub
- Potential Bayfront Circulator Route

Water Access

Water-Based Transfer Point

- W Existing
- W Potential

Short-Term Public Docking

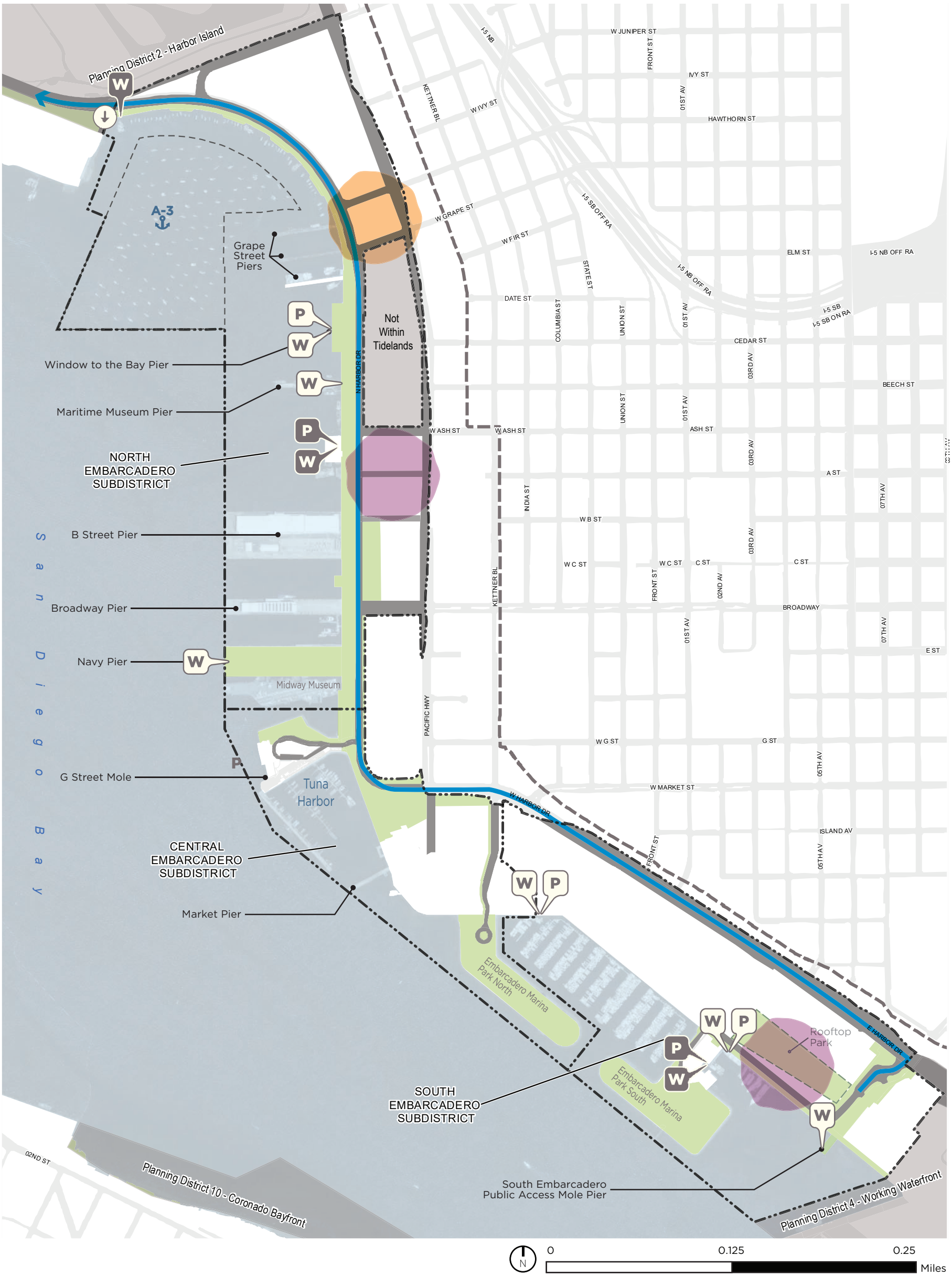
- P Existing
- P Potential

Hand-Launched Non-Motorized Watercraft Launch Area

- Potential

ICF

Figure 4.14-3
Proposed Transportation Facilities In Planning District 3: Embarcadero
Port Master Plan Update



Jurisdictional Boundaries

- Planning Subdistricts
- Coastal Zone

Other

- Recreation Open Space
- Anchorage
- Institutional/Roadway

Landside Access

- Regional Mobility Hub
- Local Gateway Mobility Hub
- Potential Bayfront Circulator Route

Water Access

Water-Based Transfer Point

- W Existing
- W Potential

Short-Term Public Docking

- P Existing
- P Potential

Hand-Launched Non-Motorized Watercraft Launch Area

- Potential

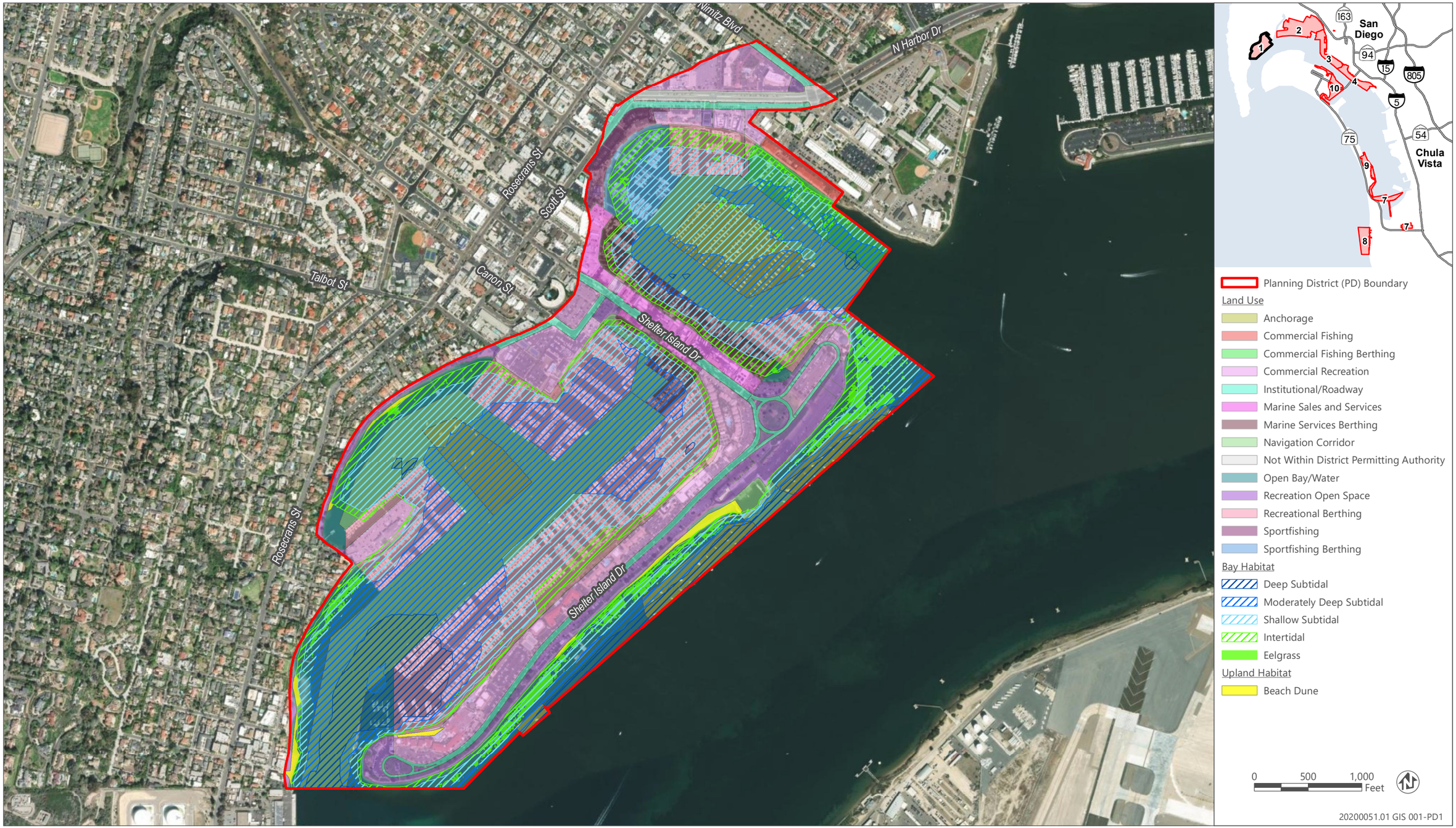
February 12, 2024

ICF

Figure 4.14-3
Proposed Transportation Facilities in Planning District 3: Embarcadero
Port Master Plan Update

Attachments to Chapter 2, *Comments Received and District Responses*, Pertaining to District Responses

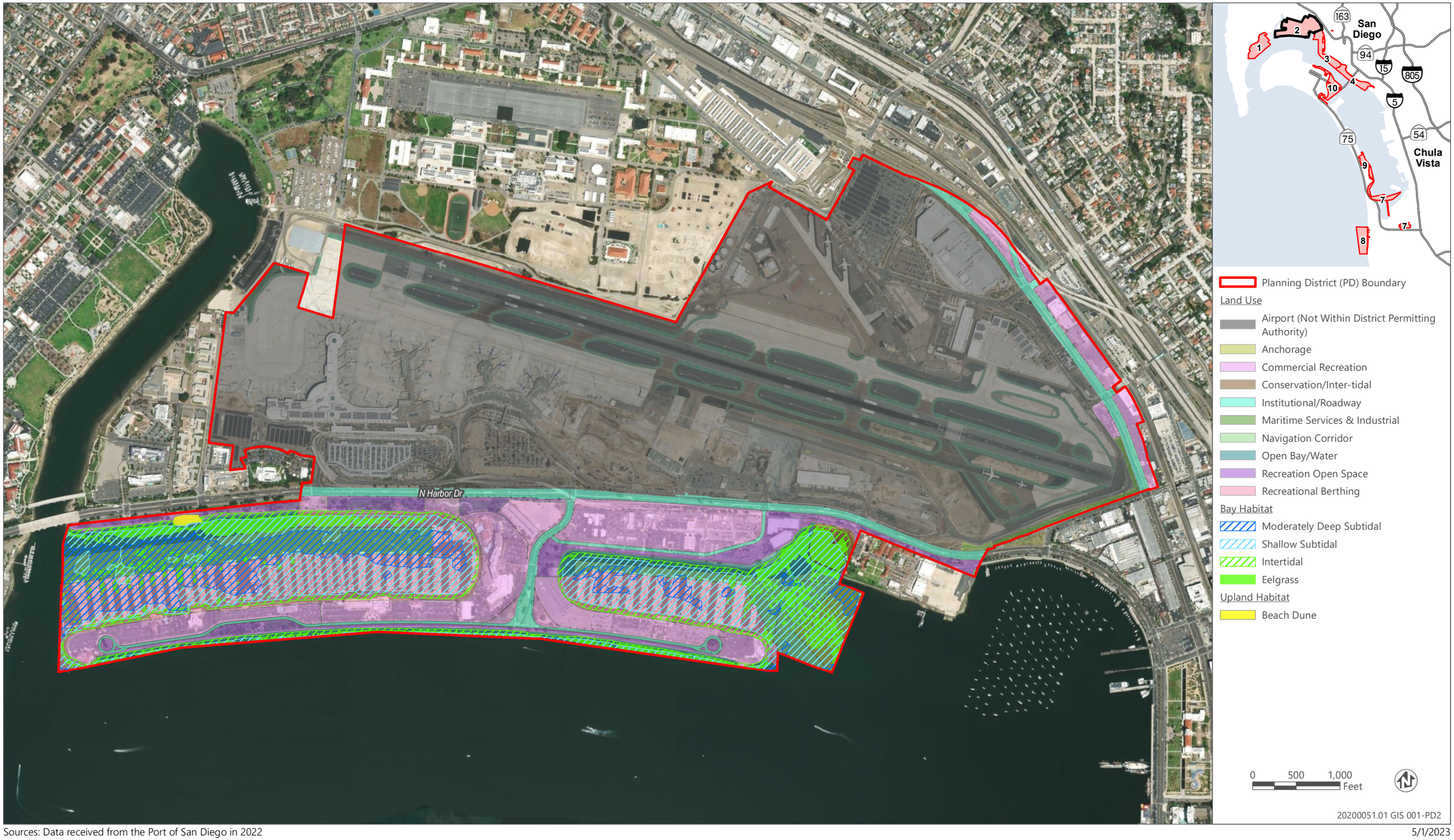
Comment Letter O2 – San Diego Audubon Society, Southwest Wetlands Interpretation Association, and Endangered Habitats League



Sources: Data received from the Port of San Diego in 2022

5/1/2023

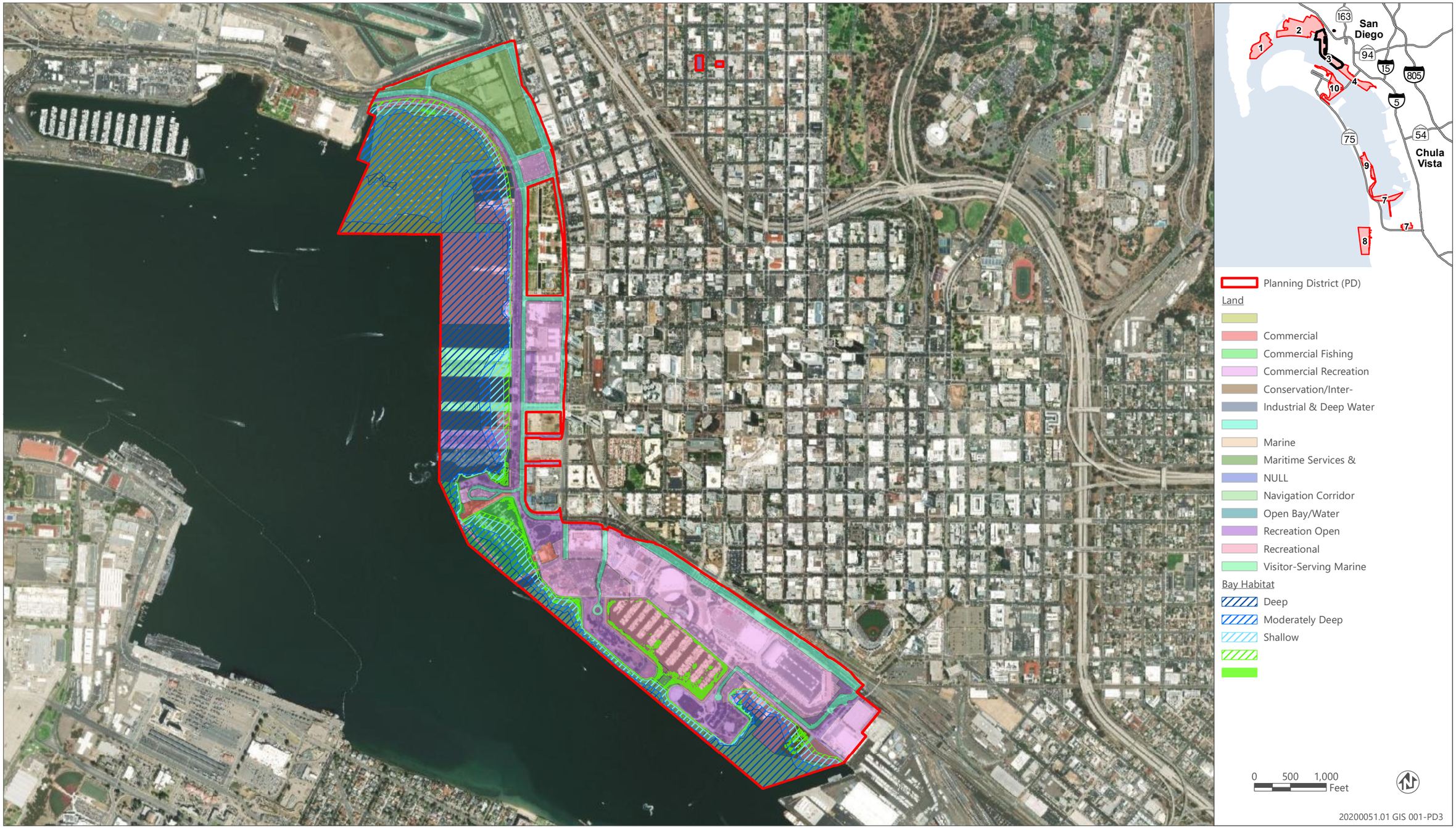
PD1: Shelter Island Habitat and Land Cover



Sources: Data received from the Port of San Diego in 2022

5/1/2023

PD2: Harbor Island Habitat and Land Cover



Sources: Data received from the Port of San Diego in 2022

5/1/2023

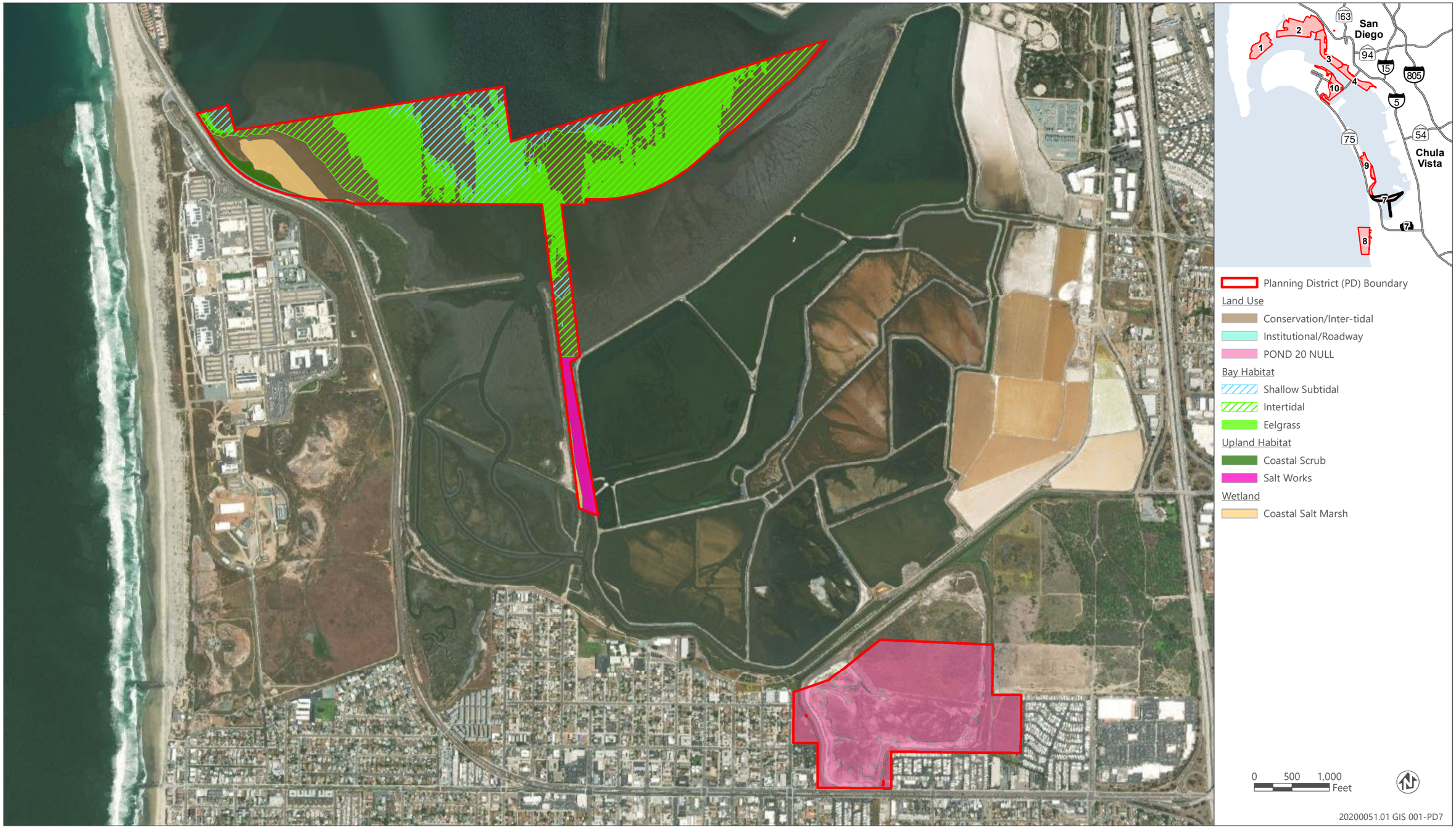
PD3: Embarcadero Habitat and Land Cover



Sources: Data received from the Port of San Diego in 2022

5/1/2023

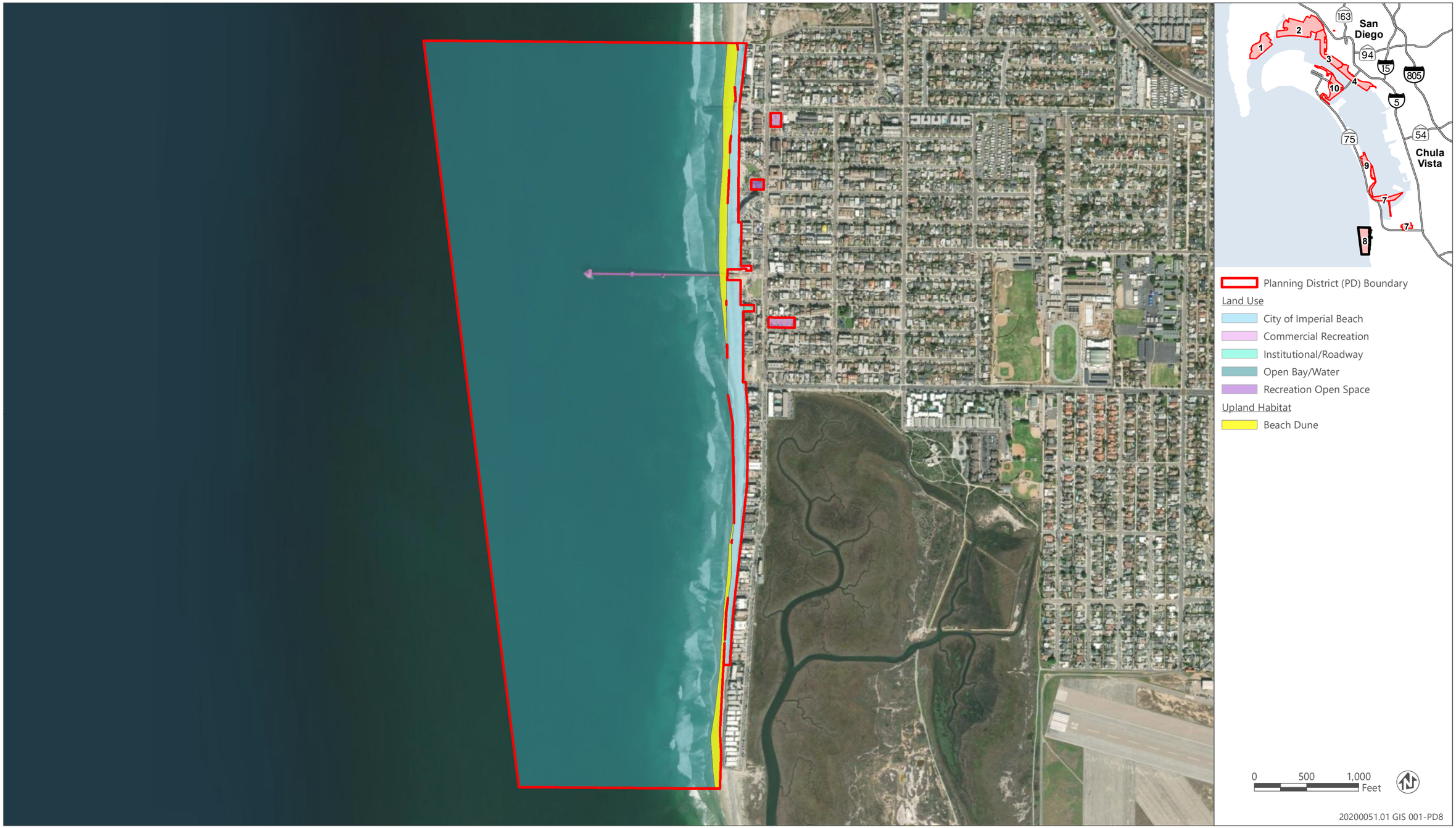
PD4: Working Waterfront Habitat and Land Cover



Sources: Data received from the Port of San Diego in 2022

5/1/2023

PD7: South Bay Habitat and Land Cover



Sources: Data received from the Port of San Diego in 2022

5/1/2023

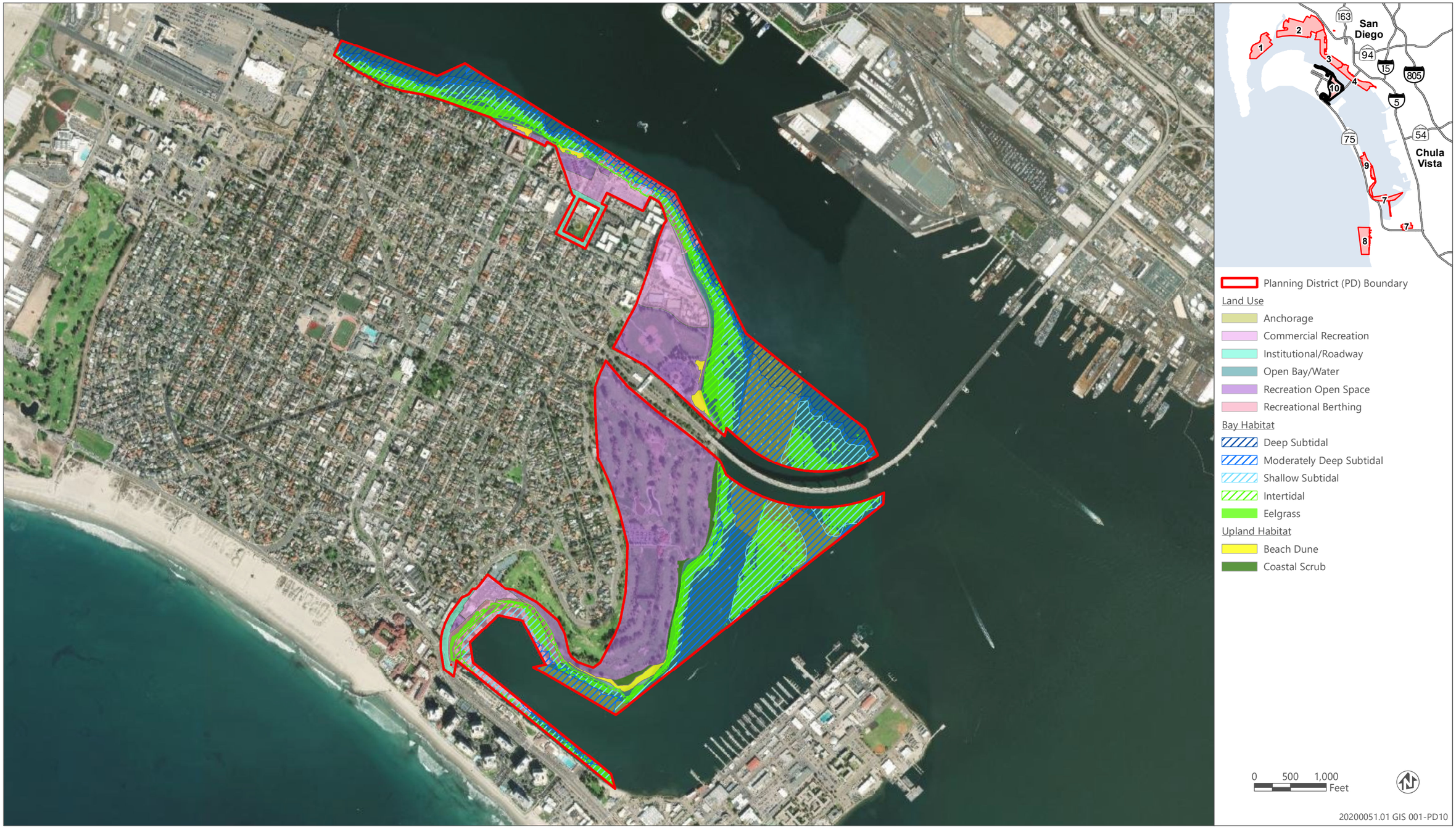
PD8: Imperial Beach Oceanfront Habitat and Land Cover



Sources: Data received from the Port of San Diego in 2022

5/1/2023

PD9: Silver Strand Habitat and Land Cover



Sources: Data received from the Port of San Diego in 2022

5/1/2023

PD10: Coronado Bayfront Habitat and Land Cover

Row Labels	Sum of GIS_Acres
Planning District 1	**342.9421049**
East Shelter Island	**88.83323321**
Land	0.043311173
Commercial Fishing	**6.17847E-07**
intertidal	6.17847E-07
Commercial Recreation	**0.042379425**
intertidal	0.041809435
shallow	0.00056999
Marine Sales and Services	**0.00093113**
intertidal	0.00093113
Water	88.78992204
Anchorage	**15.12628575**
Eelgrass	0.099494531
mod deep	6.380778308
shallow	8.646012909
Commercial Fishing Berthing	**10.88110685**
deep	0.148500379
Eelgrass	0.337193681
intertidal	1.016931724
mod deep	4.405267905
shallow	4.973213162
Marine Services Berthing	**9.621222117**
intertidal	3.503783824
mod deep	0.63877271
shallow	5.478665584
Navigation Corridor	**29.46214983**
deep	0.310356158
Eelgrass	0.105975101
mod deep	22.50047784
shallow	6.545340738
Open Bay / Water	**0.21757848**
Eelgrass	0.03380551
intertidal	0.18377297
Recreational Berthing	**14.16389871**
Eelgrass	0.123506141
intertidal	4.187472239
mod deep	1.092336118
shallow	8.760584215
Sportfishing Berthing	**9.317680296**
Eelgrass	0.103006125
intertidal	4.217333638
mod deep	0.003487803
shallow	4.99385273
West Shelter Island	**254.1088717**

Land	1.71519306
Commercial Recreation	**1.266024239**
BeachDune	0.339588269
intertidal	0.700162964
shallow	0.226273006
Recreation Open Space	**0.449168821**
BeachDune	0.272662525
intertidal	0.176506295
Water	252.3936786
Anchorage	**21.46666606**
deep	7.061097003
Eelgrass	0.056362791
mod deep	12.18856999
shallow	2.160636277
Marine Services Berthing	**3.894281905**
intertidal	0.759451346
mod deep	1.8204746
shallow	1.314355959
Navigation Corridor	**77.39196688**
BeachDune	0.127760527
deep	14.45309985
Eelgrass	0.000242525
intertidal	0.574569447
mod deep	49.1198762
shallow	13.11641833
Open Bay / Water	**65.73398918**
BeachDune	2.772426735
deep	5.347269405
Eelgrass	9.464849329
intertidal	12.81996021
mod deep	8.53251987
shallow	26.79696363
Recreational Berthing	**83.4346433**
BeachDune	2.5197E-05
deep	7.224827719
Eelgrass	0.066943376
intertidal	9.392955973
mod deep	31.76312189
shallow	34.98676914
Sportfishing Berthing	**0.472131329**
intertidal	0.206275007
shallow	0.265856323
Planning District 10	**277.2229483**
North Coronado	**141.93736**
Land	3.639423852
Commercial Recreation	**0.6039661**
intertidal	0.180202291

shallow	0.423763809
Recreation Open Space	**3.035457752**
BeachDune	2.101012819
Eelgrass	0.001123151
intertidal	0.763877457
shallow	0.169444326
Water	138.2979361
Anchorage	**23.42423476**
deep	5.20006388
Eelgrass	0.098442655
mod deep	17.29679712
shallow	0.828931101
Open Bay / Water	**103.5067168**
BeachDune	0.170518098
deep	14.17240443
Eelgrass	25.53836275
intertidal	11.00155528
mod deep	13.0398219
shallow	39.58405429
Recreational Berthing	**11.36698461**
deep	2.561943125
Eelgrass	2.385592056
intertidal	0.641166215
mod deep	2.934361134
shallow	2.843922078
South Coronado	**135.2855884**
Land	3.604774053
Recreation Open Space	**3.604774053**
BeachDune	0.512723783
Coastal Scrub	2.991401947
intertidal	0.100648323
Water	131.6808143
Anchorage	**31.00513871**
Eelgrass	4.734344549
mod deep	15.09290534
shallow	11.17788882
Open Bay / Water	**83.86166787**
BeachDune	1.546286477
Coastal Scrub	1.21378608
Eelgrass	23.65606432
intertidal	4.381399665
mod deep	23.26376351
shallow	29.80036781
Recreational Berthing	**16.81400773**
Eelgrass	2.748971795
intertidal	3.813712207
mod deep	1.005104397

shallow	9.246219326
Planning District 2	**222.9792510**
East Harbor Island	**85.96984573**
Land	0.434996247
Commercial Recreation	**0.288864604**
Eelgrass	0.03466247
intertidal	0.233266586
shallow	0.020935547
Recreation Open Space	**0.146131644**
intertidal	0.083384806
mod deep	9.23611E-05
shallow	0.062654477
Water	85.53484948
Anchorage	**11.13792985**
Eelgrass	2.059509241
mod deep	1.664179649
shallow	7.414240962
Conservation/Inter-tidal	**7.386412977**
Eelgrass	3.071729309
intertidal	1.162459085
shallow	3.152224584
Navigation Corridor	**21.51070101**
Eelgrass	2.866999843
intertidal	0.00554312
mod deep	1.794215117
shallow	16.84394293
Open Bay / Water	**19.42534778**
Eelgrass	4.975246572
intertidal	5.384049246
mod deep	0.188227146
shallow	8.877824816
Recreational Berthing	**26.07445786**
Eelgrass	0.451600427
intertidal	3.460814018
mod deep	3.793301909
shallow	18.3687415
Spanish Landing	**32.03452901**
Land	1.017767481
Commercial Recreation	**0.014222869**
intertidal	0.014222869
Recreation Open Space	**1.003544612**
BeachDune	0.327402802
intertidal	0.67614181
Water	31.01676152
Open Bay / Water	**21.30036005**
BeachDune	0.439819064
Eelgrass	6.18671373

intertidal	2.687818797
mod deep	2.473520131
shallow	9.512488331
Recreational Berthing	**9.71640147**
Eelgrass	2.530364747
intertidal	2.054325191
shallow	5.131711532
West Harbor Island	**104.9748763**
Land	0.581879065
Commercial Recreation	**0.581879065**
Eelgrass	0.098702932
intertidal	0.262419504
shallow	0.22075663
Water	104.3929972
Navigation Corridor	**31.01037592**
Eelgrass	1.113631495
mod deep	23.59853738
shallow	6.298207041
Open Bay / Water	**10.10951551**
Eelgrass	2.758648375
intertidal	4.739759429
shallow	2.611107708
Recreational Berthing	**63.27310575**
Eelgrass	2.016926187
intertidal	5.487364633
mod deep	25.25075813
shallow	30.5180568
Planning District 3	**217.9399386**
Central Embarcadero	**31.12525397**
Land	1.031751301
Commercial Fishing	**0.945513581**
deep	0.61409528
Eelgrass	0.000115079
intertidal	0.067962995
mod deep	0.111182061
shallow	0.152158166
Commercial Recreation	**0.078689952**
intertidal	0.035658428
shallow	0.043031524
Recreation Open Space	**0.007547768**
intertidal	0.007547768
Water	30.09350267
Commercial Fishing Berthing	**15.18741106**
deep	4.419896738
Eelgrass	0.754568457
intertidal	1.943513194
mod deep	3.508819295

shallow	4.560613377
Industrial & Deep Water Berthing	**4.25440572**
deep	1.675899292
Eelgrass	0.604677903
intertidal	0.411634264
mod deep	0.64517532
shallow	0.917018941
Navigation Corridor	**9.905033838**
deep	2.313804977
Eelgrass	0.796709473
intertidal	1.218714234
mod deep	2.481626544
shallow	3.09417861
Recreational Berthing	**0.746652048**
Eelgrass	0.746652048
North Embarcadero	**152.7948782**
Land	19.32552444
Commercial Fishing	**0.34902708**
deep	0.049462822
intertidal	0.032697375
mod deep	0.183711017
shallow	0.083155866
Commercial Recreation	**1.091023541**
deep	0.184100028
intertidal	0.172611603
mod deep	0.286582291
shallow	0.44772962
Recreation Open Space	**6.164857753**
deep	3.684998571
intertidal	0.49031914
mod deep	0.870512467
shallow	1.119027575
Visitor-Serving Marine Terminal	**11.72061607**
deep	7.67779055
intertidal	0.581479331
mod deep	1.711535536
shallow	1.749810651
Water	133.4693537
Anchorage	**47.73604771**
deep	6.878783897
Eelgrass	0.006804762
mod deep	40.52601849
shallow	0.324440562
Commercial Fishing	**0.349657969**
intertidal	0.02683443
mod deep	0.255612446
shallow	0.067211093

Industrial & Deep Water Berthing	**30.02939648**
deep	20.05154899
Eelgrass	0.066434995
intertidal	1.107754288
mod deep	5.392619807
shallow	3.411038399
Navigation Corridor	**16.82775976**
deep	6.755417625
Eelgrass	0.085732736
mod deep	7.294297604
shallow	2.692311799
Open Bay / Water	**1.779379566**
Eelgrass	0.000795335
intertidal	0.157075515
mod deep	1.01339362
shallow	0.608115096
Recreational Berthing	**36.74711223**
deep	28.26154447
Eelgrass	0.004479436
intertidal	2.810717096
mod deep	1.850886841
shallow	3.819484388
South Embarcadero	**34.01980651**
Land	0.741449251
Commercial Recreation	**0.360676829**
Eelgrass	0.009083732
intertidal	0.073221767
mod deep	0.156417426
shallow	0.121953904
Recreation Open Space	**0.380772422**
deep	0.010279172
intertidal	0.24112721
mod deep	0.032080559
shallow	0.097285481
Water	33.27835726
Conservation/Inter-tidal	**2.849270037**
deep	0.314012511
Eelgrass	0.607714952
intertidal	0.340578062
mod deep	0.640259705
shallow	0.946704808
Navigation Corridor	**16.57485622**
deep	11.09381589
Eelgrass	0.234270318
intertidal	0.591838967
mod deep	2.248649454
shallow	2.406281594

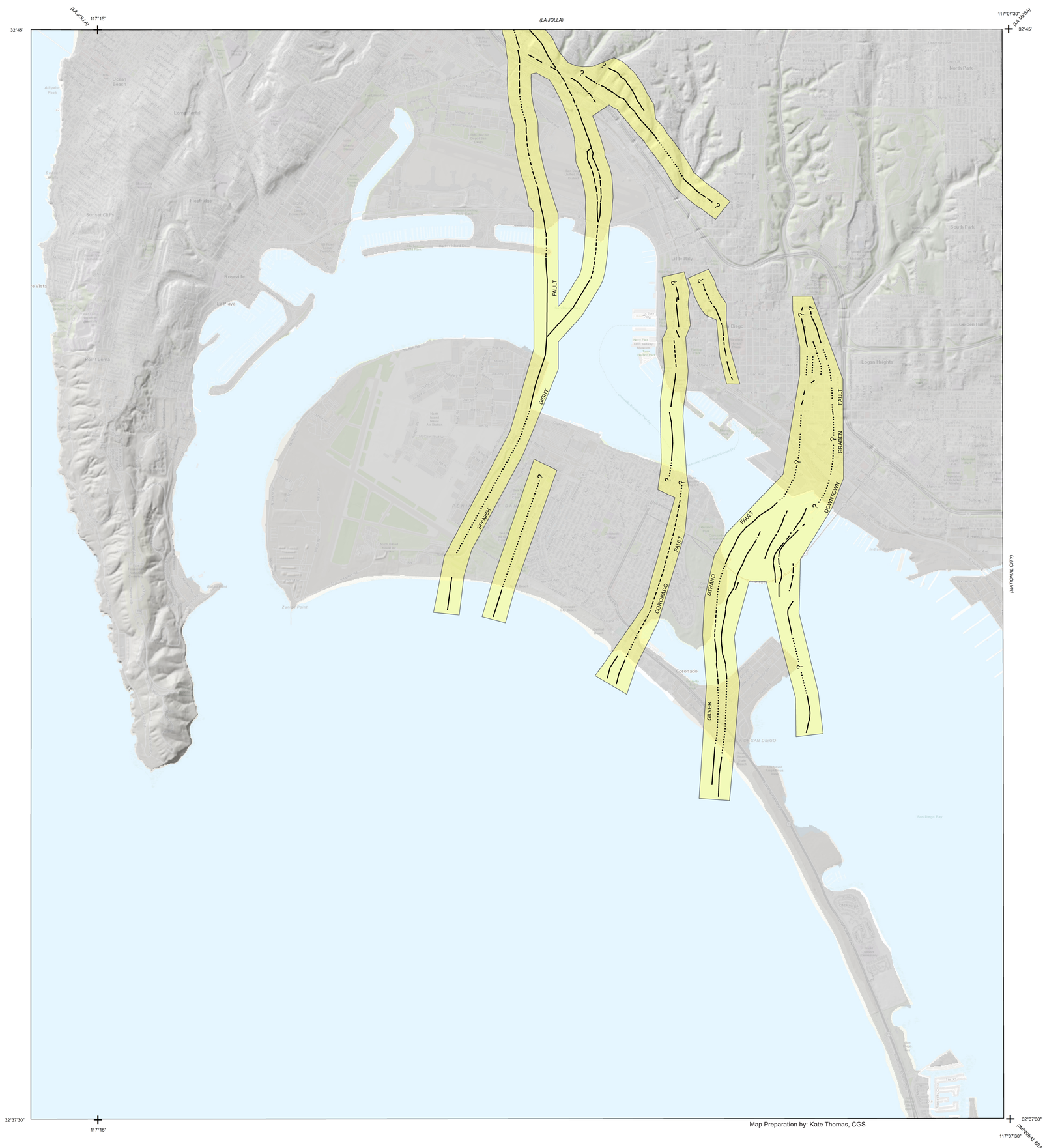
Open Bay / Water	**1.31772706**
deep	0.513985067
Eelgrass	0.145767303
intertidal	0.17499209
mod deep	0.18311361
shallow	0.299868989
Recreational Berthing	**12.53650394**
deep	3.625541693
Eelgrass	3.014792444
intertidal	1.221808093
mod deep	1.753737084
shallow	2.920624626
Planning District 4	**104.5316993**
Cesar Chavez Park	**0.353596013**
Land	0.353596013
Recreation Open Space	**0.353596013**
deep	0.185503224
intertidal	0.030654874
mod deep	0.060669594
shallow	0.076768321
Harbor Drive Industrial	**86.44482829**
Land	0.247279013
Maritime Services & Industrial	**0.247279013**
deep	0.045382247
intertidal	0.107336963
mod deep	0.034140752
shallow	0.060419051
Water	86.19754928
Industrial & Deep Water Berthing	**86.1966032**
deep	40.11663821
Eelgrass	0.373765394
intertidal	8.263064152
mod deep	16.88413791
shallow	20.55899753
Maritime Services & Industrial	**0.000946083**
intertidal	0.000946083
Tenth Avenue Marine Terminal	**17.73327501**
Land	0.786883172
Marine Terminal	**0.786883172**
deep	0.28759388
intertidal	0.269741764
mod deep	0.086113567
shallow	0.143433961
Water	16.94639183
Industrial & Deep Water Berthing	**16.94639183**
deep	8.325698712
Eelgrass	0.776942393

intertidal	1.19525486
mod deep	3.176943144
shallow	3.471552725
Planning District 7	**297.3862139**
Habitat Conservation	**297.3862139**
Water	297.3862139
Conservation/Inter-tidal	**296.4215086**
Coastal Scrub	2.377822309
Eelgrass	95.99857407
intertidal	132.7549155
SaltMarsh	10.37128251
SaltWorks	7.293850733
shallow	47.62506344
Institutional / Roadway	**0.964705294**
Coastal Scrub	0.952567068
SaltMarsh	0.012138225
Planning District 8	**7.6988031**
Imperial Beach Oceanfront	**7.693878544**
Land	0.03146726
Recreation Open Space	**0.03146726**
BeachDune	0.03146726
Water	7.662411284
Open Bay / Water	**7.662411284**
BeachDune	7.662411284
(blank)	**0.004924562**
Land	0.004924562
City of Imperial Beach	**0.004924562**
BeachDune	0.004924562
Planning District 9	**279.1522762**
Crowne Isle	**15.65499832**
Land	2.281658161
Commercial Recreation	**2.281658161**
Eelgrass	0.380577669
intertidal	1.828171483
shallow	0.07290901
Water	13.37334016
Navigation Corridor	**7.40475647**
intertidal	0.240592991
mod deep	0.033824564
shallow	7.130338915
Recreational Berthing	**5.968583691**
Eelgrass	1.129305428
intertidal	1.111170066
shallow	3.728108197
Grand Caribe Isle and South Cays	**114.664177**
Land	17.23771789
Commercial Recreation	**5.12177445**

BeachDune	0.950496853
Eelgrass	0.015626509
intertidal	1.041936658
shallow	3.113714431
Conservation/Inter-tidal	**6.914643924**
BeachDune	6.617566801
Eelgrass	0.001534047
intertidal	0.291666336
shallow	0.00387674
Recreation Open Space	**5.201299516**
BeachDune	4.81384537
Eelgrass	0.289933301
intertidal	0.097520844
Streets	0.968226185
Institutional / Roadway	**0.968226185**
BeachDune	0.458474524
Eelgrass	0.00037496
intertidal	0.184692023
shallow	0.324684677
Water	96.4582329
Conservation/Inter-tidal	**57.6712613**
BeachDune	0.691085835
Eelgrass	20.71770966
intertidal	28.28351789
shallow	7.978947923
Navigation Corridor	**13.83606754**
Eelgrass	0.042964259
intertidal	1.025998316
mod deep	0.013290789
shallow	12.75381418
Open Bay / Water	**12.48112997**
Coastal Scrub	0.007064996
Eelgrass	1.649618316
intertidal	2.662755282
shallow	8.161691381
Recreational Berthing	**12.46977408**
BeachDune	0.02556476
Eelgrass	0.988323581
intertidal	2.841952117
shallow	8.613933624
State Park Basin	**148.8331009**
Land	1.84759681
Recreation Open Space	**1.84759681**
BeachDune	1.84759681
Water	146.9855041
Anchorage	**7.548413351**
Eelgrass	0.004925137

mod deep	2.329446858
shallow	5.214041356
Open Bay / Water	**139.4370908**
BeachDune	1.349896999
Eelgrass	58.68372914
intertidal	20.77605863
mod deep	0.383120392
shallow	58.24428562
Grand Total	**1749.853235**

Comment Letter O7 – Coronado Village Homeowners Association #1



Map Preparation by: Kate Thomas, CGS

Study area defined by USGS quadrangle boundaries using NAD 27, represented by the visible map extent. Data are maintained and distributed in California Albers (meters), NAD 83, [EPSG:3310] as shown by tics and coordinates.Shaded topographic relief derived from USGS 10 meter NED, 2013. Topographic base map from ESRI, 2021.

Scale 1:24,000

1 0.5 0 1 2 Miles

1,000 500 0 1,000 2,000 3,000 4,000 5,000 6,000 7,000 8,000 9,000 10,000 Feet

1 0.5 0 1 2 Kilometers

1,000 500 0 1,000 2 Meters

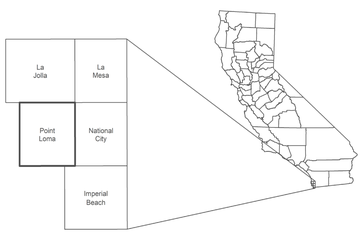
11 ½°

TRUE NORTH

MAGNETIC NORTH

Approximate Declination, 2021

N



California Department of Conservation

California Geological Survey
Geologic Information and Publications
715 P Street
Sacramento, CA 95814-3532
www.conservation.ca.gov/cgs

Citation for this Map: California Geological Survey, Earthquake Fault Zones (2021), Point Loma 7.5-minute Quadrangle: PDF map of Earthquake Zones of Required Investigation, scale 1:24,000; https://maps.conservation.ca.gov/cgs/informationwarehouse/. Accessed [day] [month] [year]

California Geological Survey

Earthquake Zones of Required Investigation Point Loma Quadrangle

This Map Shows Alquist-Priolo Earthquake Fault Zones
Seismic Hazard Zones Have Not Been Prepared For The Point Loma Quadrangle

This map shows the location of Alquist-Priolo (AP) Earthquake Fault Zones, referred to here as Earthquake Zones of Required Investigation. The Geographic Information System (GIS) digital files of these regulatory zones released by the California Geological Survey (CGS) are the Official Maps. GIS files are available at the GGS website http://maps.conservation.ca.gov/cgs/informationwarehouse/. These zones will assist cities and counties in fulfilling their responsibilities for protecting the public from the effects of surface fault rupture and earthquake-triggered ground failure as required by the AP Earthquake Fault Zoning Act (Public Resources Code Sections 2621-2630) and the Seismic Hazards Mapping Act (Public Resources Code Sections 2690-2699.6). For information regarding the general approach and recommended methods for preparing these zones, see California Geological Survey (CGS) Special Publication 42, *Earthquake Fault Zones, a Guide for Government Agencies, Property Owners/ Developers, and Geoscience Practitioners for Assessing Fault Rupture Hazards in California, Appendix C*, and Special Publication 118, *Recommended Criteria for Delineating Seismic Hazard Zones in California*.

For information regarding the scope and recommended methods to be used in conducting required site investigations refer to CGS Special Publication 42, and CGS Special Publication 117A, Guidelines for Evaluating and Mitigating Seismic Hazards in California. For a general description of the AP and Seismic Hazards Mapping acts, the zonation programs, and related information, please refer to the website at http://www.conservation.ca.gov/cgs.

MAP EXPLANATION

Earthquake Fault Zones

Zone boundaries are delineated by straight-line segments; the boundaries define the zone encompassing active faults that constitute a potential hazard to structures from surface faulting or fault creep such that avoidance as described in Public Resources Code Section 2621.5(a) would be required.

Active Fault Traces

1906

Faults considered to have been active during Holocene time and to have potential for surface rupture: Solid Line where Accurately Located; Long Dash where Approximately Located; Short Dash where Inferred; Dotted Line where Concealed; Query (?) indicates additional uncertainty. Evidence of historic offset indicated by year of earthquake-associated event or C for displacement caused by fault creep.

ADDITIONAL INFORMATION

For additional information on the zones of required investigation presented on this map, the data and methodology used to prepare them, and additional references consulted, please refer to the following:

The Rose Canyon Fault Zone in the La Jolla and Point Loma 7.5-Minute Quadrangles, San Diego County, California. California Geological Survey, Fault Evaluation Report FER-265.
https://www.conservation.ca.gov/cgs/Documents/Publications/FER/FER_265_Point_Loma_La_Jolla_a11y.pdf

The Silver Strand, Coronado, Spanish Bight, San Diego, and Downtown Graben Faults in the Point Loma 7.5-Minute Quadrangle, San Diego County, California.California Geological Survey, Fault Evaluation Report FER-245.
http://gmw.conservation.ca.gov/SHP/EZRIM/Reports/FER/245/

The Rose Canyon Fault Zone in the Point Loma and La Jolla 7.5-Minute Quadrangles, San Diego County, California. California Geological Survey, Fault Evaluation Report FER-216.
http://gmw.conservation.ca.gov/SHP/EZRIM/Reports/FER/216/

For more information on the Alquist-Priolo Earthquake Fault Zoning Act please refer to:
https://www.conservation.ca.gov/cgs/alquist-priolo/

POINT LOMA QUADRANGLE

EARTHQUAKE FAULT ZONES

Delineated in compliance with Chapter 7.5,
Division 2 of the California Public Resources Code
(Alquist-Priolo Earthquake Fault Zoning Act)

OFFICIAL MAP

Released: September 23, 2021

ACTING STATE GEOLOGIST

IMPORTANT

PLEASE NOTE THE FOLLOWING FOR ZONES SHOWN ON THIS MAP

1) This map may not show all faults that have the potential for surface fault rupture, either within the Earthquake Fault Zones or outside their boundaries. Additionally, this map may not show all areas that have the potential for liquefaction, landsliding, strong earthquake ground shaking or other earthquake and geologic hazards. Also, a single earthquake capable of causing liquefaction or triggering landside failure will not uniformly affect the entire area zoned.

2) Boundaries of Earthquake Fault Zones, if included on this map, are based on interpreted Holocene-active fault traces.

3) The identification and location of these faults are based on the best available data. However, the quality of data used is varied. Traces have been depicted as accurately as possible at a map scale of 1:24,000.

4) Liquefaction zones may also contain areas susceptible to the effects of earthquake-induced landslides. This situation typically exists at or near the toes of existing landslides, downslope from rockfall or debris flow source areas, or adjacent to steep stream banks.

5) Landslide zones on this map were determined, in part, by adapting methods first developed by the U.S. Geological Survey (USGS). Landslide hazard maps prepared by the USGS typically use experimental approaches to assess earthquake-induced and other types of landslide hazards. Although aspects of these new methodologies may be incorporated in future CGS seismic hazard zone maps, USGS maps should not be used as substitutes for these Official Seismic Hazard Zones maps.

6) CGS base map standards provide that 90 percent of cultural features be located within 40 feet (horizontal accuracy) at the scale of this map. The identification and location of liquefaction and earthquake-induced landslide zones are based on available data. However, the quality of data used is varied. The zone boundaries depicted have been drawn as accurately as possible at this scale.

7) Information on this map is not sufficient to serve as a substitute for the geologic and geotechnical site investigations required under Chapters 7.5 and 7.8 of Division 2 of the California Public Resources Code.

8) Seismic Hazard Zones identified on this map may include developed land where delineated hazards have already been mitigated to city or county standards. Check with your local building/planning department for information regarding the location of such mitigated areas.

9) DISCLAIMER: The State of California and the Department of Conservation make no representations or warranties regarding the accuracy of the data from which these maps were derived. Neither the State nor the Department shall be liable under any circumstances for any direct, indirect, special, incidental or consequential damages with respect to any claim by any user or any third party on account of or arising from the use of this map.

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Comment Letter BT19 – Inn at the Cays Resort #2

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PORT of SAN DIEGO

Office of the General Counsel

October 28, 2021

Rebecca L. Reed, Esq.
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VIA U.S. Mail and Email

Re: Comments to Revised PMPU (Planning District 9) from Cays Resort, LLC

Dear Ms. Reed and Mr. Stoke:

Thank you for your letters related to the Inn at the Cays proposed Port Master Plan Update (PMPU) on behalf of your client, Cays Resort, LLC (Cays) (collectively, letter). I am writing to respond to the concerns you expressed and to encourage your client to continue its discussions with the San Diego Unified Port District (District). Although the District disagrees with your assertions, we believe that continued dialogue between Cays and the District will provide the most productive path forward.

The District granted a lease to Coronado Landmark, Inc. for a term of sixty-six (66) years, commencing on May 20, 1968 and ending on May 19, 2034, and was restated December 18, 1984 (Lease) in the Coronado Cays. The leasehold has changed ownership several times since its commencement. Cays Resort, LLC (Lessee) bought the property out of bankruptcy court and executed an Assignment and Assumption of Ground Lease on November 21, 2013.

As you know, the District is engaged in preparation of a comprehensive update of the Port Master Plan (PMP). The PMPU is intended to guide future development of the lands and waters within the District's jurisdiction. Among other things, the PMPU proposes changes in the allowable land and water uses that are necessary to achieve the District's vision for future development in the planning area. One of these proposed changes would change the land use designation of the Cays' leasehold in Planning District 9 from Commercial Recreation ("CR") to Recreation Open Space ("ROS").

Your letter expresses your client's opposition to changing the land use designation from CR to ROS, and its support for leaving the land use designation as CR, because Cays wishes to develop its leasehold for hotel, restaurant, marina and ancillary uses that it believes would be allowed under the CR designation in the existing PMP, but would not be consistent with the ROS designation proposed in the PMPU. While the District will

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take your client's concerns into consideration as the PMPU moves forward, the District rejects your assertions that the proposed change from CR to ROS would kill Cays' development project, thwart Cays' investment-backed expectations and breach Cays' lease rights. These assertions are incorrect for several reasons.

First, the change from CR to ROS would not thwart Cays' reasonable investment-backed expectations. Paragraph 7(a)(ii) of the lease between Cays and the District, which was requires any proposed development to be consistent with the Port Master Plan "*as the same may be amended from time to time*" (emphasis added). Rather than precluding the District from amending the PMP in a manner which might affect the type of development allowed on the Cays' leasehold, the lease clearly acknowledges the District's right to do so, and the parties' understanding that this may occur in the future. Cays' assumption that the land use designation of its leasehold would not change was not a reasonable investment-backed expectation. (*Bottini v. City of San Diego* (2018) 27 Cal.App.5th 281, 314.) It is also important to note, Paragraph 7(a) of lease provided that the premises may be used for play areas, playgrounds, recreational facilities and group actives – all uses consistent with the ROS designation.

Second, the change from CR to ROS would not violate Cays' contractual rights under its lease with the District. A public agency like the District cannot agree by contract to surrender its right to exercise its police powers in the future. (*Morrison Homes Corp. v. City of Pleasanton* (1976) 58 Cal.App.3d 724, 734.) Pursuant to the San Diego Unified Port District Act (Port Act), the District has the right and duty to exercise police powers with respect to the lands and waters within its jurisdiction. (Harbors & Nav. Code, Appendix 1, §§ 4, 5, 87.) The District is required by the Port Act and the California Coastal Act to adopt a PMP which, among other things, identifies allowable land and water uses. (Harbors & Nav. Code, Appendix 1, § 19; Pub. Res. Code § 30714.) The case cited in your letter, *Mammoth Lakes Land Acquisition, LLC v. Town of Mammoth Lakes* (2010) 191 Cal.App.4th 435, does not apply because it involved a statutory development agreement, which specifically froze all applicable ordinances and regulations as of the date the agreement was entered into. Nothing in the lease limits or precludes the District from exercising its authority to change the uses allowed under the PMP – as explained above this was contemplated by the parties – and any provision which purported to do so would be void.

Third, the change from CR to ROS would not kill the Cays' development project. In the revised PMPU, the District added a notation on Figure PD9.3 in light of Cays' concerns about its development rights under the existing lease. The notation acknowledges Cays' lease and states that, notwithstanding the proposed change to ROS, "nothing in the PMPU shall impair or infringe upon any rights and obligations existing under the lease." Cays now objects that the change from CR to ROS will prevent it from

processing a PMP amendment under Board of Port Commissioners ("BPC") Policy No. 752 and a lease extension under BPC Policy No. 355.

BPC Policy No. 752 provides "Guidelines for Conducting Project Consistency Review Related to the Integrated Port Master Plan Update." The guidelines allow for processing current and future development proposals while an update of the PMP is in progress, evaluating proposed projects against the guiding principles and guidelines resulting from the initial phases of the Integrated PMPU process. BPC Policy No. 752 does not prevent Cays from processing a PMP amendment, which would be required regardless whether the PMPU changed the land use designation from CR to ROS. (Cal. Pub. Resource Code §§ 30711, 30715.)

BPC Policy No. 355 is intended to establish general leasing policies for District assets, including the practices and procedures for managing, among other things, requests for extension of lease terms. Section 6 of BPC Policy No. 355 provides that all requests to increase a lease term must be presented to the Board of Port Commissioners for approval. BPC Policy No. 355 also includes "Administrative Practices, which are intended to provide guidelines and procedures for the implementation of BPC Policy No. 355. Section II(B)(1) of the Administrative Practices identifies the information to be included with a request for an extension of a lease term. Section II(B)(2) requires the District to determine if the proposal is consistent with PMP and provides the District may exercise its discretion to reject a proposal that is inconsistent with the PMP. Section II(B)(3) provides that the District should not negotiate a lease extension if the proposal is inconsistent with the District's vision for the future use of the property. Contrary to your assertion, BPC Policy No. 355 does not prevent Cays from processing a proposal for a lease extension. Instead, BPC Policy No. 355 requires the District to determine whether a proposal is consistent with the PMP and reserves the District's discretion to consider the proposal's consistency with the PMP and the District's vision for future use of the property in determining whether to approve or to reject a proposal. Moreover, in prior correspondence to the District, Cays' attorney rejected the District's inquiry about the economic viability of the Cays' proposal without a lease extension and asserted that it was entirely up to Cays to determine whether its development proposal was economically viable during the remaining term of its lease and whether or not it would seek a lease extension in the future. (See correspondence from Rebecca L. Reed, Procopio, to Wileen Manaois of the District, dated July 22, 2020.)

Fourth, your assertions fail to distinguish between the District's rights and duties as lessor under the lease and its rights and duties as the land use regulatory agency responsible for ensuring that development proposals comply with the California Environmental Quality Act (CEQA), the California Coastal Act, the Port Act and other applicable laws and regulations. Paragraph 7 of the lease provides a procedure for Cays to submit a development plan to the District and for the District to state objections to the

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plan submitted. Cays submitted a development proposal to the District on March 20, 2020. By letter dated June 5, 2020, from Ms. Wileen Manaois, Director, Development Services, to Mr. Keith Mishkin, the District notified Cays of the District's objections to the development proposal, in the manner and within the time provided in the lease. The District fully performed its obligations as lessor with respect to Cays' development proposal.

Your letter also acknowledges that Cays may independently apply for a PMPA to add its proposed hotel/marina project to the appealable project list in the PMP, provided that District staff will process such an application under BPC Policy No. 752. In the event Cays makes such an application, the District retains its full discretion as a regulatory agency under CEQA, the Port Act, the California Coastal Act and other applicable laws and regulations to approve, disapprove or condition any development proposal submitted by the Cays.

Your letter requests that the District postpone any decision regarding the PMPU's proposed change in the land use designation of the Cays' leasehold in order to obtain additional, current public input regarding the proposed change and the Cays' development proposal. The administrative proceedings currently underway for the PMPU will provide a variety of opportunities for additional public input, including but not limited to public review and comment on the draft EIR, District outreach to stakeholders and other interested persons, and public meetings before the Board of Port Commissioners. The District welcomes additional public input on all aspects of the PMPU and encourages Cays and other interested agencies, organizations and individuals to participate fully in this continuing process.

The District appreciates Cays' concerns regarding future development on its leasehold and will take its comments into consideration in further proceedings concerning the PMPU.

Sincerely,

Rebecca S. Harrington

Rebecca S. Harrington
Senior Deputy General Counsel

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Rebecca L. Reed, Esq.
Jeffrey R. Stoke, Esq.
Re: Comments to Revised PMPU (Planning District 9) from Cays Resort, LLC
October 28, 2021

cc (via email):

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Christian Anderson, SDUPD
Thomas Russell, Esq., SDUPD
Lesley Nishihira, SDPUD
Juliette Orozco, SDPUD
Chris Hargett, SDPUD
Melody Lasiter, CCC - SD
Keith Mishkin, Cays Resort, LLC
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DEL MAR HEIGHTS
LAS VEGAS
PHOENIX
SAN DIEGO
SILICON VALLEY

November 17, 2020

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

Re: Comments to Revised PMPU (Planning District 9) from Cays Resort, LLC

Dear Planning Department:

This law firm represents Cays Resort, LLC ("Cays Resort") with respect to its land-based leasehold interest (the "Cays Leasehold") of approximately five (5) acres located on Grand Caribe Isle – North ("GCIN") in the City of Coronado. The Cays Leasehold is located in Planning District 9 of the revised Port Master Plan Update ("Revised PMPU").

Cays Resort previously provided to the Port District a comment letter dated July 31, 2019 ("Cays Resort Comment Letter #1") setting forth comments to the Planning District 9 portion of the initial Port Master Plan Update ("PMPU"). The content of the Cays Resort Comment Letter #1 is incorporated herein by this reference. This letter further sets forth Cays Resort's comments to Chapter 5.9 (Planning District 9) of the Revised PMPU.

As discussed in more detail below, Cays Resort opposes the proposed change of land use designation on the prime Cays Leasehold from *Commercial Recreation* to *Recreation Open Space*, and supports leaving the land use designation on the prime Cays Leasehold as *Commercial Recreation*. Central to Cays Resort's comments to the Revised PMPU is that Cays Resorts has proposed a development plan which was the product of an exacting effort to provide the Port with an intimate, high quality hotel on GCIN, designed with extensive features to maximize public access to and enjoyment of the Bay while providing an unparalleled 35% low-cost overnight component. We are very proud of this development plan, and believe that it serves the best interests of the Port. It is not only consistent with the Port Act, Coastal Act and Public Trust, it implements the Ground Lease (defined below) originally by and between Coronado Landmark, Inc., and the Port District, which specifically allowed hotel, marina and restaurant development, and the existing Port Master Plan which, consistent with the Ground Lease, designates this leasehold use as *Commercial Recreation.*

Cays Resort Leasehold and Permitted Uses

Cays Resort acquired the Cays Leasehold in 2013. The Cays Leasehold is a portion of the land governed by the Restatement of Lease dated December 18, 1984 ("Ground Lease") between the San Diego Unified Port District ("Port District") and Coronado Landmark, Inc. Section 7(a) of the Ground Lease provides for permitted uses on the Cays Leasehold, including development of a hotel, restaurant, marina and related facilities. At the time Cays Resort acquired the Cays Leasehold, the Port Master Plan designated *Commercial Recreation* land uses on the Cays Leasehold which allowed for development of a hotel/marina project consistent with the Ground Lease.

Cays Resort acquired the Cays Leasehold for purposes of developing a hotel/marina project on the Cays Leasehold when the Port Master Plan and Ground Lease were in alignment to allow for development of a hotel/marina project on the Cays Leasehold. The issue at hand is whether the Port District can now change the land use designation in the Port Master Plan to *Recreation Open Space* which will thwart Cays Resort's reasonable investment-backed expectation to develop a hotel/marina project on the Cays Leasehold.

Cays Resort Project Submittal

On March 20, 2020, Cays Resort submitted an application to the Port District for a development permit for a hotel/marina project in accordance with the Ground Lease, and consistent with the *Commercial Recreation* land use designation in the current Port Master Plan. Cays Resort's proposed project is known as "The Inn at the Cays." The Inn at the Cays project is intended to provide the Port District with an intimate, high quality hotel (including certain low-cost overnight accommodations) with extensive features to maximize public access to and enjoyment of the San Diego Bay. The Inn at the Cays project is intended to exceed expectations with respect to maximizing public interests embodied in the Public Trust, Coastal Act, Port Act and Port Master Plan.

Specifically, The Inn at the Cays resort has been designed with a low profile architectural style, consistent with existing development in Coronado Cays, with massing broken up into three buildings that are well-articulated and consistent with the project's setting. While the Coastal Commission has previously argued to the Port that the Port must provide some significant component of low-cost overnight accommodations, this project accomplishes just that, and it does so within the Bay and at the water's edge. While past approved hotel projects in the Port may have been subject to an in-lieu fee calculated based on 25% of the total rooms proposed, this project proposes on-site, actual lower cost rooms for 35% of the total rooms proposed. Further to the unprecedented low-cost component of this project, the marketing plan for The Inn at the Cays will be broad-based, but also will focus on our "heroes" – military personnel (active and retired), first responders (police, fire and paramedics), school teachers, and government employees.

The Inn at the Cays project also maximizes public access and recreation. It proposes:

- Continuous public access around GCIN: Continuation of the path around Grand Caribe Shoreline Park by providing a continuous Bayfront waterfront promenade activated with pedestrian scale lighting and furnishings (e.g., benches), which loops around the Bay, past the Coronado Cays Yacht Club and the marina back to Grand Caribe Causeway.

- A bathroom at the end of Grand Caribe Causeway at the edge of Grand Caribe Shoreline Park to serve park and beach users.

- Improved stepped-down access to the beach at the end of Grand Caribe Causeway, bike racks, beach foot showers and a palapa for water sports equipment rental (e.g., paddleboards, kayaks.

- Designated coastal access parking around the cul-de-sac, in addition to other street parking already available on Grand Caribe Causeway.

- A view corridor at the east end of Grand Caribe Causeway through use of low-lying native plants and drought-tolerant non-native plants, sited and designed to minimize view blockage of the Bay.

- Coastal access and wayfinding signage to identify Grand Caribe Shoreline Park, beach access and public restroom facilities, the public pathway (Grand Caribe Isle-South) and a generous promenade (Grand Caribe Isle-North) and Scenic Vista areas.

- A designated Bay Scenic Vista Area at the northeast corner of Grand Caribe Isle-North and a Bay seating area alongside the Promenade.

- Expanded water-based mobility for up to four boat slips at the north basin side for dock and dine and passenger pick-up and loading.

- Bay shuttle service to and from San Diego International Airport, Coronado, and visitor-serving destination point around the Bay.

Cays Resort's permit application includes several project renderings which illustrate planned public benefits, unique features and overall charm of The Inn at the Cays resort project. A limited number of project renderings are included with this letter.

The Inn at the Cays project will yield lease revenue to the Port District under typical circumstances of $800,000 per year and $73 million over a hypothetical 66-year lease term, projected sales taxes and hotel tax paid to the City of Coronado under typical circumstances of $995,000 per year and $114 million over a hypothetical 66-year lease term, and property taxes paid to the County of San Diego of $23 million over a hypothetical 66-year lease term. These revenue projections are more fully set forth in Cays Resort's project pro forma included with its permit application. By way of contrast, there is no independent analysis showing that Shoreline Park is inadequate in size, and that the expansion of Shoreline Park onto the prime Cays Leasehold is a preferred use of tideland property over The Inn at the Cays project which creates additional open space, delivers abundant public amenities AND generates substantial revenue to support the Port's public trust purposes. Nevertheless, for various reasons, Port staff (to date) has elected not to process Cays Resort's permit application.

In the meantime, the proposed change in land use designation from *Commercial Recreation* to *Recreation Open Space* with respect to the prime Cays Leasehold (approximately 3 acres south of Coronado Cays Yacht Club and north of Shoreline Park) is, in effect, a likely project-killing determination. If approved, the change in land use designation would amount to a repudiation of Cays Resort's reasonable investment-backed expectation in acquiring the Cays Leasehold, and an anticipatory breach of Cays Resort's contract rights under the Ground Lease.

Notation in Figure PD9.3 of Revised PMPU

A material change between the PMPU and Revised PMPU is Port staff's addition of a notation in Figure PD9.3 with respect to the area of the Cays Leasehold which is subject to the proposed change in land use designation from *Commercial Recreation* to *Recreation Open Space*. The notation added by Port staff provides as follows:

> "A parcel consisting of approximately 2.83 acres on the northern portion of Grand Caribe Isle in the Grand Caribe Isle and South Cays Subdistrict of Planning District 9 is subject to an existing lease which expires in 2034 (District Document No. 17678). Under the Port Master Plan Update, the Commercial Recreation land use designation has been changed to Recreational Open Space (ROS). Notwithstanding the ROS designation, nothing in the Port Master Plan Update shall impair or infringe upon any rights or obligations existing under the lease."

The foregoing notation is simply wrong. The change in land use designation on the prime Cays Leasehold from *Commercial Recreation* to *Recreation Open Space* will torpedo The Inn at the Cays project, breach Cays Resort's contractual rights under the Ground Lease, and deprive the public of the myriad of public benefits inherent in The Inn at the Cays project. Furthermore, any change in land use designation will advance the interests of a vocal minority (primarily, the Coronado Cays Homeowners Association Board of Directors) over the general public's access to the Bay (to be protected by the Coastal Act and Port Act) and the interests of local organized labor which supports The Inn at the Cays project.

The notation in Figure PD9.3 fails to take into consideration that the proposed change in land use designation in the Port Master Plan will likely prevent Cays Resort from processing a Port Master Plan Amendment under BPC Policy No. 752. Additionally, the notation in Figure PD9.3 fails to take into consideration that the proposed change in land use designation in the Port Master Plan will likely prevent Cays Resort from processing a lease extension under BPC Policy No. 355. Accordingly, in contradiction to the last sentence of the notation in Figure PD9.3, the proposed change in land use designation in the Port Master Plan will have cause an immediate, permanent, devastating impairment of Cays Resort's rights under the Ground Lease.[1]

Add The Inn at the Cays to the Appealable Project List in the PMP

Cays Resort previously advocated to Port staff that since The Inn at the Cays consists of a hotel (including restaurant), recreational small craft marina and related amenities, then The Inn at the Cays is a project appealable to the Coastal Commission (California Public Resources Code Section 30715). Cays Resort also previously proposed to Port staff and hereby affirms that the Revised PMPU should add The Inn at the Cays project to the appealable project list in the Port

[1] Cays Resort's predecessor in interest expended substantial time, effort and private capital to develop, among other things, Grand Caribe Isle in exchange for the vested contractual right to develop allowable uses under the Ground Lease on the prime Cays Leasehold. In the event the Port District approves a change to the land use designation on the prime Cays Leasehold resulting in an anticipatory breach of vested rights under the Ground Lease, then such approval could result in an action against the Port District for substantial economic damages. Mammoth Lakes Land Acquisition, LLC v. Town of Mammoth Lakes, 191 Cal. App. 4th 435 (2010).

Master Plan applicable to the Grand Caribe Isle and South Cays subdistrict.[2] In adding The Inn at the Cays to the appealable project list, all interested parties (Cays Resort, opposition groups and the City of Coronado[3]) will be adequately protected. Additionally, all project appeal rights will be preserved for the benefit of any project opponents.

Alternatively, Cays Resort also previously advocated to Port staff that any proposed new land use designations on Grand Caribe Isle should receive "grey hole" treatment in the Revised PMPU, in order to allow Port staff to hold a public workshop specific to the Grand Caribe Isle and South Cays subdistrict, as has been repeatedly requested by Cays Resort over the entire PMPU comment period.

Comments to Section 5.9.4(A)-(D) of the Revised PMPU

Section 5.9.4(A), Vision – Cays Resort objects to the text of Section 5.9.4(A) to the extent it does not allow for development of a hotel/marina project as permitted under the Ground Lease. On the other hand, Cays Resort is supportive of public pathways, recreational areas, view points and connection to the Bayshore Bikeway – all of which are contemplated by The Inn at the Cays project. Furthermore, Cays Resort is supportive of a publicly-funded water-based transfer point near the Coronado Cays Yacht Club and The Inn at the Cays boat docks.

Section 5.9.4(B), Special Allowances – Cays Resort is supportive of repair/replacement of residential piers and docks adjacent to residences in the Coronado Cays.

Section 5.9.4(C), Special Allowances – Cays Resort objects to the *Recreation Open Space* land use designation, and the requirement that future development in Commercial Recreation areas include amenities (restrooms) for visitors to Shoreline Park. Cays Resort supports retaining the current *Commercial Recreation* land use designation on the prime Cays Leasehold, and connections between the Bayshore Bikeway and Tidelands. The Inn at the Cays project will provide private funding to construct amenities (restrooms and recreational facilities) for visitors to Shoreline Park.

Section 5.9.4(C), Coastal Access – Cays Resort is supportive of coastal access facilities described in PD9.18 through PD9.21. In fact, The Inn at the Cays project already contemplates many of these coastal access facilities.

Section 5.9.4(D), Development Standards – Cays Resort is supportive of the public realm standards described in PD9.22 through PD9.24. In fact, The Inn at the Cays project already contemplates watershed promenades, nature trails, scenic vistas and view corridors. Cays Resort objects to the proposed 35 foot height limit for new structures on Grand Caribe Isle. The Ground Lease provides for structures not more than 45 feet in height, and Cays Resort has designed The Inn at the Cays to have multiple buildings with variable roof heights (with the tallest building having a main roofline at a height of 39.5 feet). By way of comparison, the Waterfront Villa zone of the Coronado Cays Specific Plan (adjacent to GCIN) allows for buildings with a height of 40 feet.

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[2] Cays Resort *may* independently apply for a Port Master Plan Amendment (PMPA) to add The Inn at the Cays project to the appealable project list in the Port Master Plan, provided that Port staff will process such an application under BPC Policy No. 752 in light of the proposed change in the land use designation applicable to the prime Cays Leasehold.

[3] Resolution No. 8863 of the City Council of the City of Coronado passed May 16, 2017 precedes The Inn at the Cays project submittal. Cays Resort believes that Resolution No. 8863 is outdated (3+ years old), is not project specific, and no longer has broad-based support by the City Council of the City of Coronado.

Conclusion

Cays Resort opposes the proposed change of land use designation on the prime Cays Leasehold from *Commercial Recreation* to *Recreation Open Space.* Cays Resorts supports leaving the land use designation on the prime Cays Leasehold as *Commercial Recreation*.

Alternatively, Cays Resort requests that the Port District process a PMP amendment for the Cays project and additionally amend the Revised PMPU to add The Inn at the Cays project and/or project elements to the appealable project list applicable to the Grand Caribe Isle and South Cays subdistrict of the Port Master Plan.

Finally, if neither of the foregoing alternatives is acceptable, Cays Resort requests the Port District to postpone any decision to change the land use designation on the prime Cays Leasehold in order to obtain current, broadly collected public input (including from the City Council of the City of Coronado) regarding any such change in land use designation in light of The Inn at the Cays previously submitted permit application.

Cays Resorts appreciates this opportunity to submit these comments to the Revised PMPU.

Very truly yours,



Jeffrey R. Stoke

Enclosures (project renderings)



Attachment to File No. 2020-0404

OCTOBER 2020

INN AT THE CAYS

CORONADO, CALIFORNIA



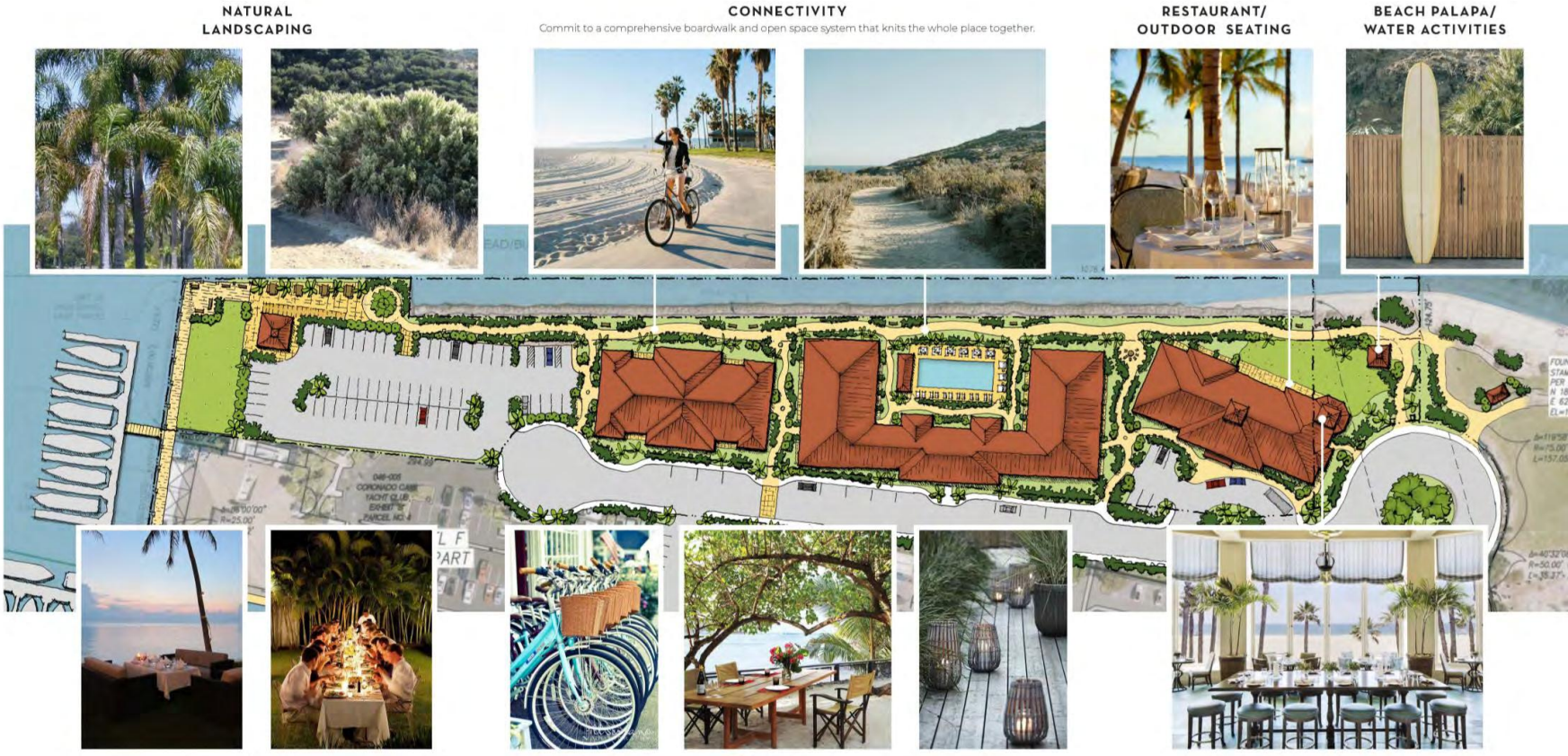
SITE PLAN

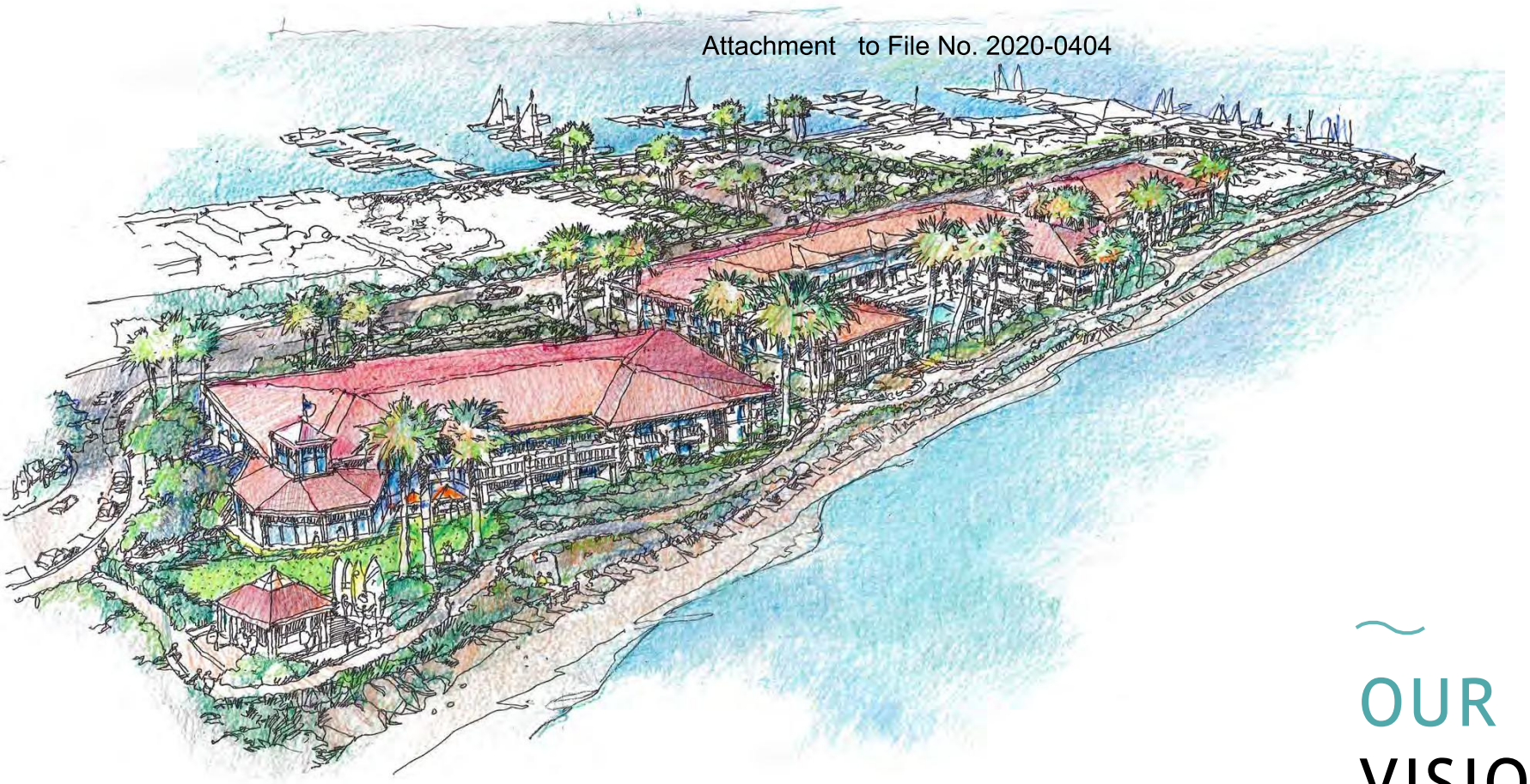


INN AT THE CAYS
CORONADO, CALIFORNIA

MC

OUR VISION


NATURAL LANDSCAPING
CONNECTIVITY
Commit to a comprehensive boardwalk and open space system that knits the whole place together.
RESTAURANT/ OUTDOOR SEATING
BEACH PALAPA/ WATER ACTIVITIES
EVENTS
We saved the more public and activated places for the ends of the site, where everyone can enjoy the best features and connection to the surroundings.
HOTEL FEEL
Simplicity is a luxury. How it affects design is creating "pockets," places of surprise, outdoor living prevailing over indoors.
GATHERING PLACES
Lodge and Restaurant fill the unmet needs of the community and explore multi-functional, overlapping uses.



OUR VISION

INN AT THE CAYS
CORONADO, CALIFORNIA

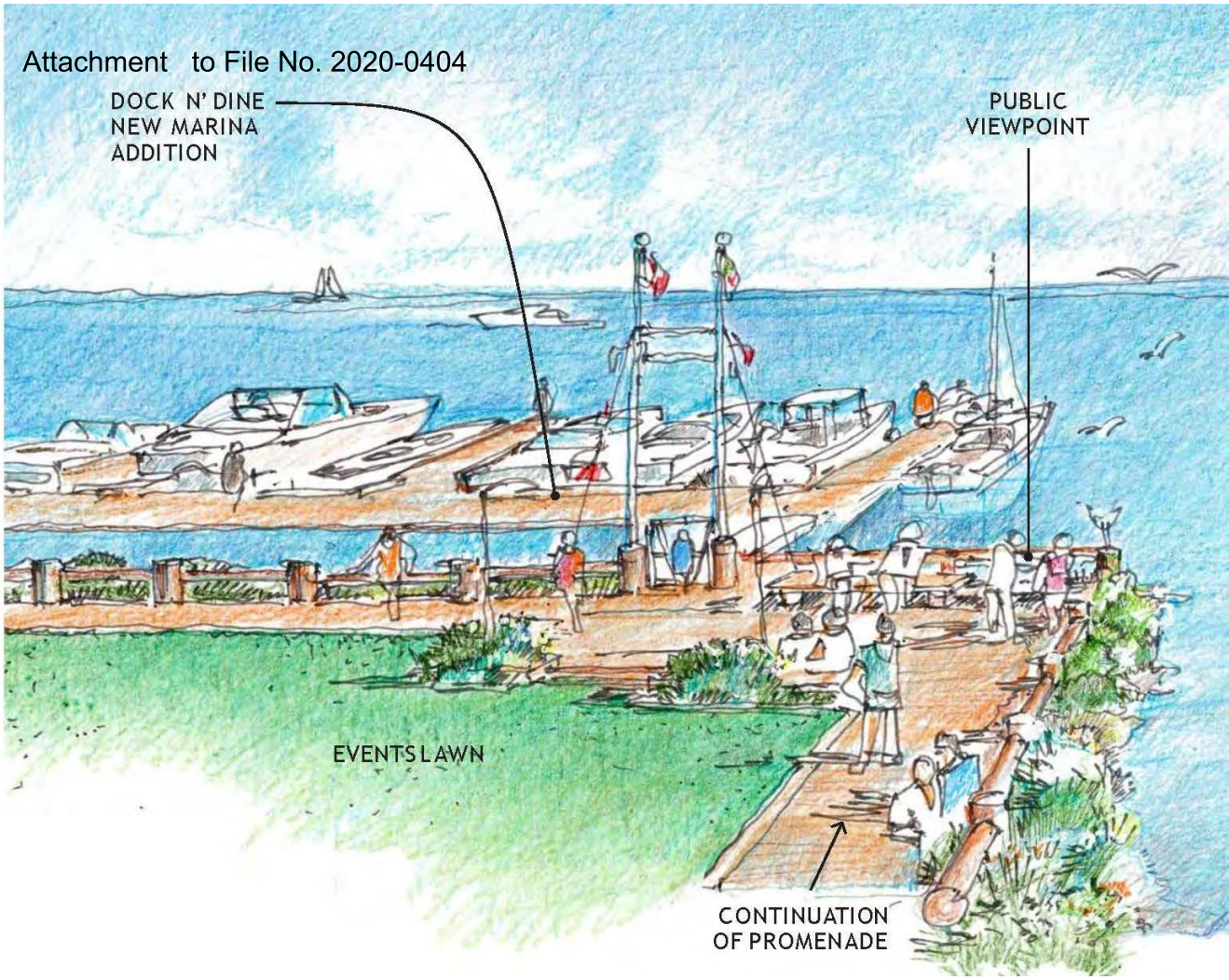
VIEW OF SOUTH END & PARK





VIEW OF MAIN LODGE

JOINT USE WITH CORONADO CAYS YACHT CLUB



INN AT THE CAYS
CORONADO, CALIFORNIA

JOINT USE WITH CORONADO CAYS YACHT CLUB

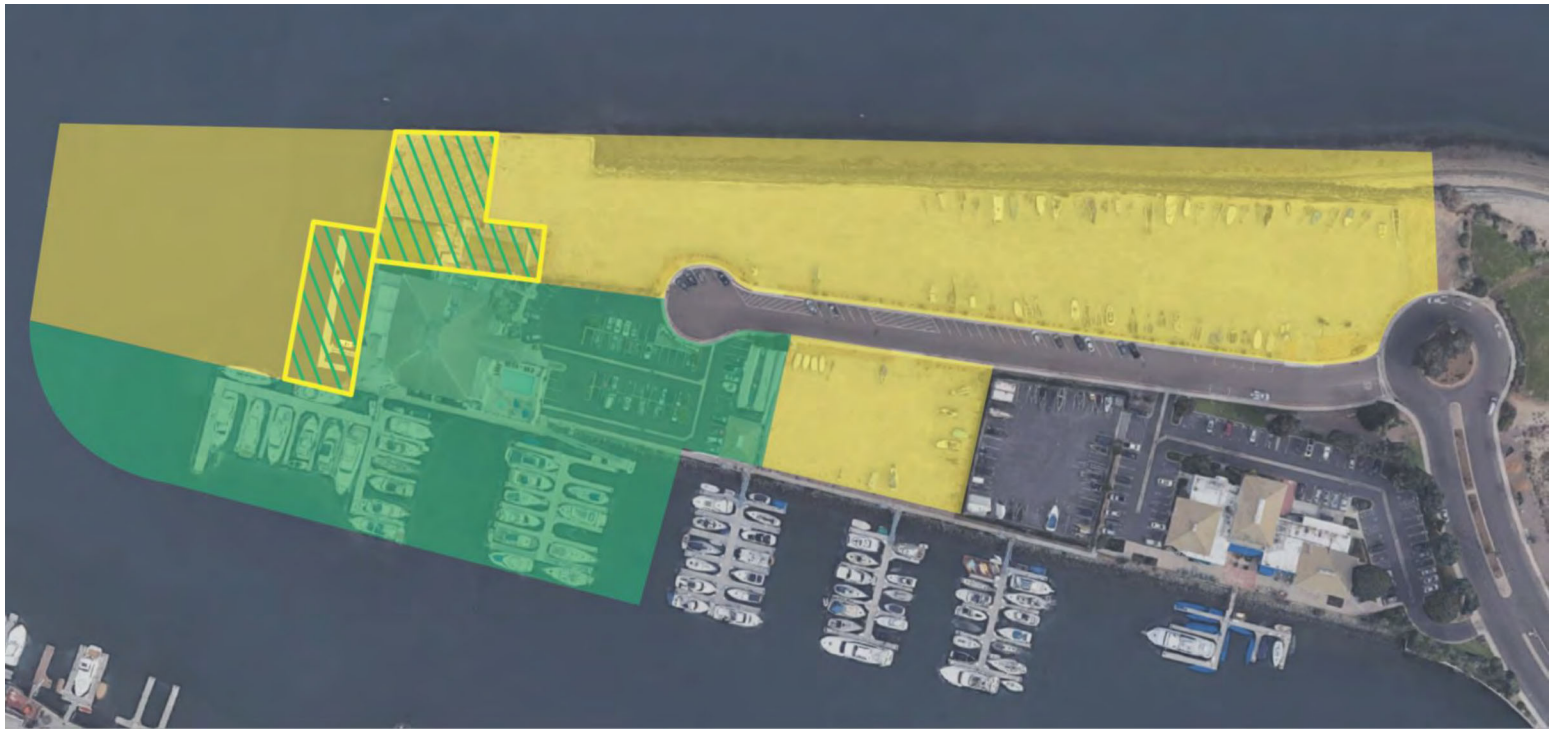


INN AT THE CAYS
CORONADO, CALIFORNIA



ACTIVATING THE PROMENADE

CURRENT LEASEHOLDS



Attachment to File No. 2020-0404

CORONADO CAYS
YACHT CLUB BENEFITS



COMPATIBLE USES

Club members can take advantage of new amenities planned for the Inn at the Cays, including overnight lodging for visitors and event attendees.



DOCK N' DINE

The Inn at the Cays will add a new Dock n' Dine concept, a joint venture between the hotel and the Coronado Cays Yacht Club comprised of two-to-four slips where boaters can enjoy a unique on-boat dining experience.



EVENTS LAWN

A new joint events lawn and a public refreshment area will allow hotel guests and Coronado Cays Yacht Club members to host private events in a quintessentially Coronado setting.



NORTH END VIEWPOINT

The naturally landscaped paths across the site will be activated with benches, lounge seating and bay viewing areas.



LONGEVITY

Maintaining the The Inn at the Cays property's visitor-serving recreation commercial use zoning designation helps protect the Yacht Club's long-term viability.



SENSITIVE DESIGN

The Inn will be broken into three buildings to maintain a healthy wind flow for sailors and designed with lower profile architecture for consistency with the surrounding community.



MORE PARKING

The project will provide the Yacht Club with additional parking spaces to accommodate members and guests, especially for events and celebrations, and add more public coastal access parking along the street.

Attachment to File No. 2020-0404

CORONADO CAYS COMMUNITY BENEFITS



PUBLIC PROMENADE

The development will create a new continuous waterfront promenade, new walking and biking path connections, outdoor seating and ample public beach access for guests and members of the public to enjoy.



COMMUNITY DISCOUNT

All residents of the Coronado Cays community and members of the Coronado Cays Yacht Club will receive discounted rates on lodging and dining at the Inn at the Cays, because we want this to be a natural extension of the community.



COMMUNITY BEAUTIFICATION

The Inn at the Cays is designed with a lower profile architectural style with minimal barriers to the outside, so you feel connected to your natural surroundings, consistent with the Coronado Cays community.



MEETING & DINING OPTIONS

Companies and organizations will be able to reserve meeting rooms and enjoy expanded dining options with a restaurant and bar open to the waterfront with picturesque bay views.



IMPROVED BEACH ACCESS

The development will include improved beach access at each end of Grand Caribe Causeway, plus the creation of a public restroom and beach foot shower structure on the Shoreline Park property.



EXPANDED PARKING AREAS

The property will create 141 off-street parking spaces to keep guests, employees and visitors from affecting nearby residential streets and add additional coastal access parking along the cul-de-sac.

ECONOMIC BENEFITS FORECAST

	Real and Personal Property Taxes	Sales and Use Taxes	Hotel & 1% Sales Taxes to City of Coronado	Hotel Taxes to County and State
Annually, typical year 2028	$281,000	$128,000	$995,000	$195,000
Over 66-Year Life Expectancy	$34.75 Million	$15 Million	$114 Million	$19.5 Million

Low cost hotel room rates for heroes

- **$309.01** Coronado average in 2019
- **$119.80** Inn at the Cays Hero Rate

Port of San Diego Land Rent*

- Thru 5/20/2034 = $0
- In 2035 = $800,000
- Over 57 years = $73 Million
- Net Present Value = $17 Million

**Assumes Revenue x 8% for Rooms, 6% for Food/Bev, 5% for Other, beginning 5/21/2034*

Public Access Elements

- $1,700,000
- 48% of Site Cost
- 34% of Area

INN AT THE CAYS
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DEL MAR HEIGHTS
LAS VEGAS
ORANGE COUNTY
PHOENIX
SAN DIEGO
SILICON VALLEY

July 22, 2020

Wileen C. Manaois
Director, Development Services
Port of San Diego
3165 Pacific Highway
San Diego CA 92101

Re: Inn at the Cays - Development Plan ("Plan") for Grand Caribe Isle - North

Dear Ms. Manaois:

This firm, along with Nossaman, LP, represents Cays Resort, LLC ("Cays Resort"), with respect to its land-based leasehold interest on Grand Caribe Isle – North, in the City of Coronado (the "Cays Resort Leasehold").

We are in receipt of District Staff's June 5, 2020 objections to the Plan submitted by Cays Resort to develop on the Cays Resort Leasehold a *neighborhood-compatible*, *low-cost*, *visitor-serving* independent hotel, brimming with *public access* features and an abundance of *public amenities*. This letter is in response to District Staff's objections to the Plan. As should be evident from the thoughtfulness of the Plan, thoroughness of the Cays Resort submittal and repeated requests for District Staff to host a Coronado Cays community workshop regarding the draft PMPU and Plan, Cays Resort would much prefer to be working collaboratively with District Staff and all Grand Caribe stakeholders towards a project which is truly in the best interests of the public and San Diego Bay. However, rejection of the Plan for the reasons set forth in your letter leaves Cays Resorts with little alternative but to explore litigation to vindictive its development rights. Nevertheless, Cays Resort remains motivated to seek a resolution with District Staff as to its objections to the Plan, and Cays Resort's responses as set forth in this letter and in the Nossaman LLP letter dated July 17, 2020.

Plan Consistency with Land Use Designation in PMP

District Staff and Cays Resort agree that the current Port Master Plan certified in 1981 (PMP) allows for *Commercial Recreation* uses on Grand Caribe – North, and *Recreational Boat Berthing* in the waters immediately adjacent to Grand Caribe - North. District Staff and Cays Resort further agree that permitted uses within the *Commercial Recreation* land use designation include hotels,

restaurants, pleasure craft marinas, and water-side docking for recreational marine craft. As set forth in the PMP, designated uses on Grand Caribe – North are fully compatible with the Plan:

> "Activities associated with ***commercial recreation*** contribute to the economic base of the region with full-time jobs, secondary employment for part-time help, and spin-off employment opportunities in construction, warehousing, trucking, custodial and personal services. It is the intent of this Master Plan to create ***attractive destinations*** in carefully ***selected locations*** around the bay to serve the needs of ***recreationalists*** for ***lodging***, ***food***, ***transportation services***, and ***entertainment***. Site amenities are to be enhanced and over-commercialization is to be avoided by the ***balanced development*** of ***commercial*** and ***public recreational*** facilities." [Emphasis added]

> "The Commercial Recreation category includes ***hotels***, ***restaurants***, ***convention center***, recreational vehicle parks, specialty shopping, ***pleasure craft marinas***, water dependent educational and recreational program facilities and activities, ***dock and dine facilities*** (public boat docks located in proximity to a restaurant or other retail use where boaters may tie up and disembark for a short period of time to dine, shop, or enjoy other recreational activities), and sportfishing, which are discussed or illustrated in the various District Plans." [Emphasis added]

It is intentional that Grand Caribe Isle – North and Grand Caribe – South have distinct land use designations, thereby creating a balance between commercial development on the north of Grand Caribe Isle and open space on the south of the Grand Caribe Isle. In other words, for the last 40 years, the north end of Grand Caribe Isle has been specifically intended for development of *Commercial Recreation* facilities of the exact kind and nature offered by the Plan (i.e., hotel, restaurant, meeting space, boat slips, dock and dine, and an array of public recreational amenities). Without question, the Plan is consistent with the existing land designation in the PMP.

Plan Consistency with Permitted Uses in Port Lease

In addition to the Plan's consistency with the existing land designation in the PMP, the Plan is also consistent with land use rights in the Restatement of Lease dated December 18, 1984 between the Port District and Cays Resort's predecessor-in-interest (the "Port Lease"). Section 7(a) of the Port Lease identifies the following permitted uses:

> "During the term of this lease neither Lessor nor Lessee shall use or allow the use of any portion of East Island or Dock Area for any use or purpose except the following: docks and wharfage facilities, small craft harbor, marina with a marina administration building and recreational area, **docks and wharfage facilities**, refueling docks, supply and ships' stores, group activities, swimming pools, tennis courts, **community and recreational centers and areas**, play areas and playgrounds, **restaurants**, **bars** and dancing facilities, and other **recreational facilities**, **hotels**, motels and cabanas, stores, shops, theatres, and offices...provided, however, with respect to each such use and specific use in connection therewith, that it is:
>
> (i) permitted or authorized by the terms of Chapter 1744, California Statutes of 1965; and

(ii) approved by Lessor as provided in subparagraphs 7(c) or 7(d) as **consistent with the master plan of Lessor**, as hereinafter may be amended from time to time, the provisions of said statues and in the **best interests of the overall development of San Diego Bay, taking into consideration all statewide interests**, which approval shall not be **unreasonably withheld**." [Emphasis added]

District Staff does not object to Cays Resort's assertion that the Plan is consistent with permitted uses under the Port Lease.

Hotels as Appealable Projects; Best Interests of the Bay

Despite consistency of the Plan with the *Commercial Recreation* land use designation in the PMP, and despite consistency of the Plan with permitted uses under the Port Lease; District Staff objected to the Plan on the basis of "process barrier" rather than its merits.

A. Hotels as Appealable Projects. Section 30715 of the Coastal Act identifies hotels as a category of project pursuant to which approval by the Port District will be appealable to the Coastal Commission. Section 30711 of the Coastal Act provides that appealable projects (such as a hotel) must be described in sufficient detail in an applicable master plan in order to determine whether the project is consistent with the policies of Chapter 3 of the Coastal Act. District Staff cites Sections 30715 and 30711 of the Coastal Act for the proposition that the Plan is not consistent with the PMP because the Plan is not identified as an appealable project on Table 21 of the PMP. However, District Staff fails to consider that the Port Lease (with hotels as a permitted use) was originally executed in 1968 (prior to the PMP), then restated in 1984 (3 years after certification of the PMP). In other words, the Port District approved of hotel development on Grand Caribe Isle – North in the original Port Lease before the PMP was certified, during certification of the PMP in 1981 with adoption of the *Commercial Recreation* land use designation, and after the PMP was certified in the 1986 amendment of the Port Lease. It is abundantly clear to Cays Resort that by setting aside Grand Caribe Isle – South as open space, by designating Grand Caribe Isle – North for future *Commercial Recreation* development (including hotels), and by twice expressly permitting hotel development on Grand Caribe Isle – North in the original Port Lease and amended Port Lease, the Port District has already acted multiple occasions to create a 50+ year precedent of promoting hotel development on Grand Caribe Isle – North. There is no justification for District Staff to create an artificial "process barrier" (i.e., a PMP amendment) to avoid addressing the merits of the Plan when the Port Lease, the *Commercial Recreation* land use designation, and 50+ years of legal precedent all support hotel development on Grand Caribe Isle – North; with the Board of Port Commissioners and Coastal Commission still maintaining full authority for project review and approval. The Port District has spoken. Yet, District Staff has been influenced by a minority of NIMBY voices, primarily the Grande Caribe Task Force which is comprised of only a handful of Coronado Cays residents.

B. Best Interests of the Bay. A tremendous amount of effort has been expended by the Port District to create a vision for future Bay-wide goals and policies, in other words, to define what is in "the best interests of the overall development of San Diego Bay, taking into consideration all statewide interests." These Bay-wide goals are set forth in the Port Master Plan Update (PMPU),

specifically pages 42-119, and summarized by 6 elements.[1] District Staff had the perfect opportunity to evaluate the Plan according to its own 6 elements identified in the PMPU. However, District Staff failed to do so. Instead, in its objection letter, District Staff devoted two sentences to whether the Plan is in the best interests of the overall development of San Diego Bay. Both sentences are in error, and completely devoid of any analysis:

> Economic Viability of Project. On page 1, paragraph 1 of its objection letter, District Staff states: "…without a lease term extension, the proposed development plan would not be economically viable, which is not in the best interests of the overall development of San Diego Bay."
>
> Scale and Character of Project. On page 5, paragraph 2 of its objection letter, District Staff states: "…[the Plan] is inconsistent with the PMP Precise Plan concept of complementing the scale and character of development adjacent to the area including the Coronado Cays residential community."

As to District Staff's first comment, it is entirely up to Cays Resort to determine whether or not its *Inn at the Cays* project is economically viable during the remaining term of the Port Lease, and whether or not it wishes to seek a lease term extension in the future. As to District Staff's second comment, District Staff failed to acknowledge that the *Inn at the Cays* project was specifically designed to be complimentary to the size, height and architectural elements of other commercial structures on Grand Caribe Isle – North, or that the *Inn at the Cays* project is uniquely laid out to provide maximum view protection, or that the *Inn at the Cays* project is fully-integrated with and complimentary to Shoreline Park to the south, the Coronado Cays Yacht Club (CCYC) to the north, other commercial uses to the west, and San Diego Bay to the east. Nossaman's letter to District Staff dated July 17, 2020 addresses the benefits of the Plan in greater detail.

Furthermore, if District Staff applied its own "best interests" test identified in the 6 elements of the PMPU to the east side of Grand Caribe Isle - North, District Staff would find that the *Inn at the Cays* project provides *substantial* enhancement to all 6 elements of the "best interests" test. By way of contrast, District Staff's recommendation to expand Shoreline Park on this site provides only *minimal* enhancement to 3 elements of the best interests test (see PD9.12(a) and PD9.13 of the PMPU). Applying the Port's own test of the "best interests" of San Diego Bay, the *Inn at the Cays* project is a far superior alternative to expanding Shoreline Park.

District Staff has given short shrift to its fundamental task to fairly and objectively evaluate the *Inn at the Cays* submittal in light of existing contracts (Port Lease), existing land use designations (Commercial Recreation), and tideland trust responsibilities (best interests of San Diego Bay).

District Staff's Letter has Paved the Way for a Lawsuit Against the Port District

Prior to acquiring an interest the Cays Leasehold in 2013, Keith Mishkin met with District Staff to inquire as to the viability of developing a hotel on the site. Mr. Mishkin will testify as to the time frame and participants involved in 2013 meetings, and the favorable guidance given by District

[1] The 6 elements summarizing the Port Districts bay-wide goals are: ecology, economics, environmental justice, safety + resiliency, mobility, and water + land use.

Staff regarding hotel development on Grand Caribe Isle - North which convinced him to acquire the Cays Leasehold. For District Staff to suggest, in effect, that Mr. Mishkin is not telling the truth is inappropriate, and misguided (see District Staff's objection letter, page 3, paragraph 1).

The record will show that District Staff has known since 2013 that Cays Resort has intended to avail itself of its rights under the Port Lease and the long-standing *Commercial Recreation* land designation to build a hotel on the Cays Leasehold. Furthermore, the record will show that District Staff more recently encouraged Cays Resort to submit a development plan for the *Inn at the Cays* project. In reliance on all of these factors, Cays Resort expended substantial monies to develop its Plan for thoughtful project taking into careful consideration the Coronado Cays community, the CCYC, Port District goals, Coastal Commission goals, City of Coronado goals, public interests, public access and project amenities that will appeal to a broad range of constituencies.

A. Inverse Condemnation. The current draft of the PMPU proposes to re-designate the east side of the Cays Leasehold (the "Primary Cays Leasehold") from *Commercial Recreation* to *Recreation Open Space*, thereby eradicating substantially all economically viable use of the Primary Cays Leasehold. Making matters worse, the PMPU appears to single out the Primary Cays Leasehold as the only property affected by the change in land use designation. As a consequence, the PMPU thwarts Cays Resort's reasonable investment-backed expectations for not only the Primary Cays Leasehold, but the entire Cays Leasehold because the west side of the Cays Leasehold is so small that no viable development opportunity exists on the west side of the Cays Leasehold separate and apart from the Primary Cays Leasehold. Given the foregoing facts, the effect of the current PMPU (if approved) is a classic act of inverse condemnation in violation of Article I, Sections 7 and 19 of the California Constitution, and the Fifth and Fourteenth Amendments of the United States Constitution. See *Agins v. City of Tiburon*, 447 U.S. 255, 260 (1980). As the court in *Agins* held: "The application of a general zoning law to particular property effects a taking if the ordinance does not substantially advance legitimate state interests, or denies an owner economically viable use of his land."

This is not a situation where the effect of the PMPU would apply to only a portion of the Prime Cays Leasehold, or eliminate only some commercial uses on the Prime Cays Leasehold such that the remainder of the Prime Cays Leasehold could be utilized to seek a profit (albeit, much less profit than anticipated vis-à-vis with a hotel use). To the contrary, the effect of the PMPU would eliminate all commercial uses on the entirety of the Prime Cays Leasehold, thereby squarely constituting a compensatory taking under the *Agins* test.

B. Actual Breach of Lease; Failure to Apply Correct Standards and Act Reasonably. In reviewing the Plan under the terms of the Port Lease, District Staff's limited scope of review (see Section 7(a) of the Port Lease) was to determine 3 factors: (i) whether the Plan constitutes a permitted use under the Port Lease, (ii) whether the Plan is consistent with the *Commercial Recreation* land use designation under the current PMP, and (iii) whether the Plan is in the best interests of San Diego Bay. A fair and impartial evaluation of the Plan by District Staff against these 3 factors should have resulted in an affirmative finding of all factors. Instead, District Staff intentionally side-stepped express standards in the Port Lease to make the following unrelated and irrelevant findings: (a) the Plan is not on the appealable projects list on Table 21 of the PMP (objection letter, top of page 4), and (b) the Plan is not in the best interests of San Diego Bay because it does not conform to the PMPU (objection letter, page 5, paragraph 2, and PMPU page 224, PD9.17). Finally, Section 7(a)(ii) of the Port Lease requires the Port District not to unreasonably

withhold approval of a development plan. By applying incorrect Port Lease review factors to the Plan, by reviewing the Plan against the PMPU rather than the current PMP, and by failing to assess the Plan against the District Staff's own "best interests" standards (6 elements), District Staff has failed to act reasonably. By rejecting the Plan in the manner set forth in its June 5 letter, District Staff committed an actual breach of the Port Lease.

C. Anticipatory Breach of Lease. Anticipatory repudiation of a contract, also known as "anticipatory breach," occurs when a party announces an intention not to perform prior to the time due for performance." *Stephens & Stephens XII, LLC v. Fireman's Fund Ins. Co.* (2014) 231 Cal.App.4th 1131, 1150. In the event a party (here, the Port District) repudiates a contract (here, the Port Lease) before the time for performance has arrived (here, development of the Cays Leasehold), the plaintiff (here, Cays Resort) has an election of remedies—he or she may 'treat the repudiation as an anticipatory breach and immediately seek damages for breach of contract, thereby terminating the contractual relation between the parties, or he [or she] can treat the repudiation as an empty threat, wait until the time for performance arrives and exercise his [or her] remedies for actual breach if a breach does in fact occur at such time.' "*Romano v.Rockwell Internat., Inc.* (1996) 14 Cal.4th 479, 489. As applied to the present circumstances, the Port Lease expressly provides for hotel development as a permitted use on the Cays Leasehold. Absent such a permitted use, Cays Resort would not have acquired the Cays Leasehold. However, the proposed PMPU (which changes the land designation on the Prime Cays Leasehold to eliminate hotels and other commercial uses), in addition to constituting a takings in violation of the Cal. Constitution, amounts to an express repudiation (anticipatory breach) of the Port Lease. As a consequence, Cays Resort reserves its right to immediately file a claim against the Port District for money damages (including consequential and incidental damages), or to "wait and see" if District Staff corrects its error and acknowledges hotel development on the Prime Cays Leasehold is permitted under the Port Lease, and will be treated as a superseding right under the proposed PMPU.

D. Failure to Follow Notice Procedures. Cays Resort has reason to believe that District Staff has met with representatives of the Coronado Cays Homeowners Association (HOA), Grand Caribe Task Force (GCTF), the City of Coronado and other Grand Caribe Isle *open space* advocates countless times over the past months/years with the singular objective to "down-zone" Cays Resort's permitted uses on the Prime Cays Leasehold, without once sending a written notice to Cays Resort informing Cays Resort of a proposed stakeholder meeting, proposed action, or PMPU (District 9) working draft. As a matter of policy, District Staff should not operate in "stealth mode" to take away existing rights and known future development plans of a Port District tenant, without notice and due process. Port Staff has suggested to Cays Resort that general San Diego-based publications regarding updates to the PMP were sufficient to provide notice to Cays Resort of PMPU activities. To the contrary, when District Staff is uniquely aware that Cays Resort is based in Phoenix, Arizona and unlikely to receive local notices, District Staff has an obligation to provide written notice to Cays Resort to inform Cays Resort of meetings and activities specifically affecting its leasehold estate. Subject to proof, Cays Resort intends to show that District Staff failed to follow Port District notice procedures with respect to changing the designated land use on the Prime Cays Leasehold prior to

issuance of the draft PMPU.[2] Cays Resort has asked District Staff for copies of any such notices, but none have been provided suggesting that no written notices were ever given to Cays Resort.

We sincerely hope District Staff will reconsider its objections to the Plan submitted by Cays Resort under the Port Lease which resulted in both an actual breach and anticipatory breach of the Port Lease, as well as reconsidering the effect of the PMPU (if approved) on the Prime Cays Leasehold which will likely result in an inverse condemnation claim against the Port District. We remain available and motivated to sit down and discuss these issues with District Staff.

Very truly yours,



Rebecca L. Reed

CCs:
Randa Coniglio, President, SDUPD
Ann Moore, Chair, SDUPD
Michael Zucchet, Vice-Chair, SDUPD
Dan Malcolm, Commissioner, SDUPD
Garry Bonelli, Commissioner, SDUPD
Rafael Castellanos, Commissioner, SDUPD
Marshall Merrifield, Commissioner, SDUPD
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Thomas Russell, Esq., SDUPD
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Juliette Orozco, SDPUD
Chris Hargett, SDPUD
Melody Lasiter, CCC - SD
Keith Mishkin, Cays Resort, LLC
Bill Rowland, Inn at Cays Development Mgr.
Steven H. Kaufmann, Nossaman LLP
Allison Rolfe, Collaborative Land Use Solutions

[2] The draft PMPU changes the land use designation on the Prime Cays Leasehold to *Recreation Open Space,* and fails to provide for additional overnight accommodations in the Grand Caribe Isle and South Cays area; both despite District Staff being aware of the intent of Cays Resort to develop a hotel on the Prime Cays Leasehold. In releasing the PMPU, District Staff took specific action against Cays Resort without due process.

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Refer To File # - 503712-0001

July 17, 2020

Wileen C. Manaois
Director, Development Services
Port of San Diego
3165 Pacific Highway
San Diego CA 92101

Re: Cays Resort, LLC's March 20, 2020 *Inn at the Cays* Proposed Development Plan Submittal

Dear Ms. Manaois:

This law firm, along with Procopio, represents Cays Resort, LLC, with respect to its land-based leasehold interest on Grand Caribe Isle – North, in the City of Coronado.

Thank you for your June 5, 2020 letter to Keith Mishkin, which provided District Staff's objection to the above proposed development plan submittal. The development plan submittal was the product of an exacting effort to provide the Port with a low scale, high quality hotel on Grand Caribe Isle – North, designed with extensive features to maximize public access to and enjoyment of the Bay while providing an unparalleled low-cost overnight component. The proposed development plan implements that certain Restatement of Lease (Lease) originally by and between Coronado Landmark, Inc., and the Port District, which specifically allowed hotel, marina and restaurant development, and the existing Port Master Plan (PMP), which, consistent with the Lease, designates this leasehold as *Commercial Recreation.*

District Staff's letter addressed both permit and planning issues and Lease issues, and this letter addresses the former. A separate letter will follow regarding the Lease issues. A couple of brief observations, however, need to be stated regarding Staff's position with respect to the Lease.

First, we hope you will agree that a Port tenant needs assurance when it leases from the Port that it is not just signing a worthless piece of paper. This Lease was created in 1968 and restated in December 1984 between Coronado Landmark, Inc., and the Port District. Cays Resort acquired its leasehold in 2013. Before doing so, Mr. Mishkin met with District Staff, which represented a very different position from that expressed in your June 5, 2020 letter. Specifically, Staff represented to Mr. Mishkin that a hotel, marina and restaurant on the leasehold was consistent with the Lease and the PMP, and that a project submittal for a hotel, marina and restaurant would be viewed favorably as a permitted use and as a benefit to the Bay and

surrounding neighborhoods. Mr. Mishkin would not have acquired the Cays Resort leasehold without Staff's initial project support.

It bears reminding Staff that in today's terms, millions of dollars were paid to the Port, and in reliance on the Lease, Grand Caribe Isle was created with the firm expectation that the Port would live up to its obligations, reflected in its 2013 discussion with Mr. Mishkin, and that the land could be developed pursuant to the Lease terms. The development plan submittal is the final piece of the obligations between the parties in that Lease agreement. Cays Resort has a vested and contractual right to pursue this Project, and it is somewhat remarkable that Staff now would simply dismiss the Lease and PMP, and the current draft Port Master Plan Update (PMPU) would, instead, propose to redesignate the leasehold from *Commercial Recreation* to *Open Space Recreation.* This is all the more disappointing because the draft redesignation resulted from a process where meetings were conducted and decisions were made without any invitation or notice to the Cays Resort leaseholder, Mr. Mishkin, who was, at least up to this point, wholly excluded from the process. That, frankly, is just not right.

That said, the purpose of this letter is to address the development plan's consistency with the current PMP, the Port Act, the Public Trust, and the Coastal Act. It also addresses, constructively, Staff's position with respect to a PMP amendment, as well as the current PMP update process. To further the discussion, we have attached a redline of the current draft PMPU for the Silver Strand Planning District as it relates to the Grand Caribe Isle and South Cays Subdistrict and the proposed development plan. This redline fleshes out the project, in contrast to the rather general nature of the standards and policies reflected in the current draft PMPU.

The Project is Consistent with the PMP

District Staff correctly states that in Paragraphs 7(a)(ii) and 7(c), the District may object to a Plan of Development that is inconsistent with the PMP. The PMP specifically provides the following permitted uses as to Grand Caribe Isle – North:

> "All of this subarea is also *under a long-term lease* and is *proposed for development for commercial recreation, boat docks and navigational corridors.*"[1] (Italics added.)

Your letter also correctly states that "the designated uses for the Plan site are Commercial Recreation and Recreational Boat Berthing in the certified PMP, which allow for hotel, restaurants, specialty shopping, pleasure craft marinas, and water-side docking for recreational

[1] Your letter also states that the reference to land use plans in the PMP description of Grand Caribe – North addressed "construction" of Grand Caribe Isle. (6/5/20 Letter, p. 4.) However, it obviously addressed far more than just "construction." It specifically addressed the long-term lease and the fact that this subarea was "proposed for development for commercial recreation, boat docks and navigational corridors." (PMP, p. 113.)

marine craft and commercial passenger vessels." (6/5/20 Letter, p. 3.) Consistent with Staff's discussion with Mr. Mishkin in 2013, the proposed development plan squarely conforms with the designated permitted uses set forth in the certified PMP. That is the end of the inquiry.

You go on to import into the Lease an argument regarding Coastal Act sections 30711 and 30715 which posits that to be consistent with the PMP, the project itself must be on the appealable projects list. That, however, is not what the Lease says. It states in Section 7(a)(ii) that the project must be consistent with "the master plan of Lessor," and it plainly is. If the Port had intended some additional step, such as adding a specific project to an appealable projects list, it could certainly have stated so in the lease. But it did not. So that basis for objecting to the proposed development plan has no merit.

Further, it is questionable whether Coastal Act section 30711 and 30715 actually require that a PMP amendment is required every time a project is proposed. We understand and appreciate that this is an issue that comes up from time to time as between the Port and the Coastal Commission. Section 30715 sets forth the categories of developments that may be appealed to the Coastal Commission. Nothing in Section 30715 requires that an appealable project which is otherwise consistent with the PMP ***from the start*** be first required to undergo a PMP amendment before processing a Coastal Development Permit. Section 30711 does require that a PMP include: "Proposed projects listed as appealable in Section 30715 in sufficient detail to be able to determine their consistency with the policies of Chapter 3 (commencing with Section 30200) of [the Coastal Act]." This PMP obviously did so because it was certified by the Commission. The designated uses above – hotel, visitor-serving, and marina related uses – are all consistent with the Chapter 3 policies of the Coastal Act. (E.g., Pub. Resources Code, §§ 30210-30214, 30220-30221, 30224, 30234, 30255.)

There is also a certain logic missing from the argument that every project requires a PMP amendment. The Port has a fully certified PMP. An application for a Coastal Development Permit, like the application here, will be reviewed under Chapters 3 and 8 of the Coastal Act. Because this project proposes a hotel and associated restaurant and recreational small craft marina related facilities, it is appealable to the Coastal Commission.[2] (Pub. Resources Code, § 30715.) A PMP amendment also would be reviewed under Chapters 3 and 8 of the Coastal Act, and it would be submitted to the Coastal Commission for review and certification. Either way, the review is identical; nothing escapes review by the Port or the Commission. The argument that a PMP amendment is first required to add a project to an appealable projects list would be simply a duplicative, time-consuming and costly exercise. Moreover, the appealable project list is unrevealing. (For this Planning District, e.g., "MARINA: Install buildings, slips.")

[2] We understand that the Port and Commission disagree as to whether a restaurant constitutes an appealable project. In this instance, the restaurant is a part of the hotel, which itself is an appealable project.

In short, the proposed development plan is consistent with the PMP. If accepted and processed as proposed, the proposed development plan would receive the exact type of review accorded a PMP amendment, and it would be appealable to the Commission.

The Development Plan is in the Best Interests of the Overall Development of the Bay, Considering Statewide Interests

While we agree the District has the authority and a duty to balance Public Trust uses, the balance struck by the comments in Staff's letter is decidedly parochial, and it omits the critical factors we respectfully submit demonstrate that this development plan is very clearly in the best interests of the overall development of the Bay, including the statewide interests.

The discussion must begin with the Lease and the certified PMP. Certainly, the Port District had both in mind in determining that the Lease and PMP are consistent with the Public Trust. The Lease expressly allows for hotels, restaurants, and boating facilities. The PMP allows for "commercial recreation, boat docks and navigational corridors" and, as your letter notes, "hotels, restaurants, specialty shopping, pleasure craft marinas, and water-side docking for recreational marine craft and commercial passenger vessels."

The PMP separates Grand Caribe Isle into two areas. Grand Caribe Isle – South already provides, as the PMP states, "for a public shoreline park and the remainder for commercial recreation." Thus, the balance already has been struck. The southern half accounts for the well-established Grand Caribe Shoreline Park. The northern half includes this site which the PMP designates for commercial recreation and boat docks. Today, however, the Cays Resort leasehold includes a fenced-off, dilapidated, unsightly paved area adjacent to the Bay on which a handful of small old boats are parked. It provides no public benefits, and, unless developed, it would likely remain in that state for at least the next 14 years until 2034 and likely beyond that.

This particular development plan is also both sensitive and beneficial to the Cays residents. But, the test for the consistency with the Public Trust is not what some members of the local community might prefer, but rather the broader, statewide view as to what promotes the Public Trust. As you know, given its location in Coronado Cays, Grand Caribe Isle is not currently well used by the public. Thus, while we appreciate and take to heart Staff's comments regarding local support, there are overriding policy considerations here which this development plan satisfies from the outset. The plan has been conceived and proposed fully with the Public Trust and Coastal Act in mind, and is consistent with the Lease, the PMP, and Port Act.

Staff's letter does not discuss the Project, but, as set forth below, that is clearly critical to any assessment of whether it is in the best interests of the Port.

a. Nature of the Hotel Development and its Affordable Overnight Component. The Cays Resort hotel has been designed with a lower profile architectural style, consistent with existing development in Coronado Cays, with massing broken up into three buildings that are well articulated and consistent with the setting. While the Coastal Commission has argued to the Port that it must provide some significant component of low-cost overnight accommodations, this one accomplishes that, and it does so within the Bay and at the water's edge. While past approved hotel projects in the Port may have been subject to an in-lieu fee calculated based on 25% of the total rooms proposed, this project proposes on-site, actual lower cost rooms for 33 1/3% of the total rooms proposed. And, given the unprecedented low-cost component, the marketing plan for the hotel will be broad-based, but also will focus on our "heroes" – military personnel (active and retired), first responders (police, fire and paramedics), school teachers, and government employees. As conceived and proposed, the hotel development unquestionably furthers the Public Trust and is more than compliant with Coastal Act Section 30213.

b. Provision of Public Access and Recreation. From the outset, Mr. Mishkin directed that the project be compliant with public access and recreation (and related) policies of Chapter 3 of the Coastal Act in every respect. Thus, this project proposes all of the following which are not reflected in Staff's letter:

- Continuous public access around Grand Caribe Isle – North: Continuation of the path around Grand Caribe Shoreline Park by providing a continuous Bayfront waterfront promenade activated with pedestrian scale lighting and furnishings (e.g., benches), which loops around the Bay, past the Coronado Cays Yacht Club and the marina back to Grand Caribe Causeway.
- A bathroom at the end of Grand Caribe Causeway at the edge of Grand Caribe Shoreline Park to serve park and beach users.
- Improved stepped-down access to the beach at the end of Grand Caribe Causeway, bike racks, beach foot showers and a palapa for water sports equipment rental (e.g., paddleboards, kayaks).
- Designated coastal access parking around the cul-de-sac, in addition to other street parking already available on Grand Caribe Causeway.
- A view corridor at the east end of Grand Caribe Causeway through use of low-lying native plants and drought-tolerant non-native plants, sited and designed to minimize view blockage of the Bay.
- Coastal access and wayfinding signage to identify Grand Caribe Shoreline Park, beach access and public restroom facilities, the public pathway (Grand Caribe Isle – South) and promenade (Grand Caribe Isle – North) and Scenic Vista areas.
- A designated Bay Scenic Vista Area at the northeast corner of Grand Caribe Isle – North and a Bay seating area alongside the Promenade.
- Expanded water-based mobility for up to four boat slips at the north basin side for dock and dine and passenger pick-up and loading.

- Bay shuttle service to and from San Diego International Airport, Coronado, visitor-destination points around the Bay.

c. <u>Substantial Economic Benefits to the Port and City of Coronado</u>. Lastly, in addition to exceptional public access, improved recreational activities, and the Project's significant contribution to low cost overnight accommodations within the Port District's jurisdiction, the Project proforma that accompanied the development plan application projects that the Cays Resort project will generate substantial revenues for both the Port District and the City of Coronado. District Staff's letter omits any discussion of the economics of the Project. If the Cays leasehold is extended in the future, projected lease revenue received by the Port District in a typical year will be $800,000 and $73 million over the course of a hypothetical 66-year lease term. The projected sales taxes and hotel taxes paid to the City of Coronado in a typical year will amount to $995,000 per year and $114 million over a hypothetical 66-year lease term.

In contrast to the many substantial foregoing benefits, the future vision for the Cays Resort leasehold set forth in your letter would essentially reduce this leasehold area to an unsightly, fenced-off parking area for storage of a handful of small, old boats, and the current draft PMP Update would ensure that it remains that way until 2034. This truly benefits no one, and it does not live up to the promise of the Lease or the current PMP. When all the relevant factors are well considered, the Project, as proposed, is very clearly in the best interests of the overall development of the Bay, including, most importantly, the statewide interests and the Public Trust.

<u>PMP Amendment or PMP Update</u>

There are two factors which distinguish this development plan from others which may be contemplated in the Port. First, it has a long-term lease for which, again in today's terms, millions of dollars were paid to the Port District, and it was the developer that then created Grand Caribe Isle with the promise that it could be developed for commercial recreation and recreational boating. The second factor is that the actual lessee has been excluded from the process that resulted in a draft redesignation of the leasehold to open space.

As discussed above, this development plan is consistent with the PMP. The application for the development plan submitted should be accepted and processed as a permit. If, however, a PMP amendment were required to add this Project to the appealable projects list, we would certainly cooperate in that process. We respectfully submit that the circumstances surrounding this leasehold enable a site-specific PMP amendment reflecting the Project to proceed at this time.

We also appreciate that the Port is in the process of trying formulate a PMP Update and that the Port Commissioners will hold a further hearing in the near future to firm up what the Port Board ultimately proposes to submit to the Coastal Commission. While we do not believe that this Project needs to be a part of the Update and that PMP amendment would be the appropriate

course instead, we also would cooperate in that process. Unfortunately, the scale of the Port's effort is grand and, consequently, in our view the draft document is lacking in detail. References in the Update, for example, to "X new hotel rooms" or "hotel development" are unrevealing. Nonetheless, we have reviewed the current draft update for Planning District 9 and have prepared the attached redlined of the draft standards for the Grand Caribe Isle and South Cays Subdistrict to incorporate all of the elements of the proposed Development Plan.

At this point, we are prepared to resubmit the same application for permit in hopes that this letter will better inform as to the issues discussed in the District's objection. We also would respectfully request a meeting with Port Staff as soon as possible to discuss the appropriate path to advance this project.

As always, we appreciate your efforts.

Very truly yours,

Steven H. Kaufmann
Nossaman LLP

SHK:jpr
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Ann Moore, Chair, SDUPD
Michael Zucchet, Vice-Chair, SDUPD
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SAN DIEGO
SILICON VALLEY

July 31, 2019

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

Re: Comments to PMPU (Planning District 9) from Cays Resort, LLC

Dear Planning Department:

This law firm represents Cays Resort, LLC, a Delaware limited liability company ("Cays Resort") with respect to its land-based leasehold interest (the "Cays Leasehold") of approximately five (5) acres located on Grand Caribe Isle – North ("GCIN") in the City of Coronado. The Cays Leasehold is located in Planning District 8 of the current Port Master Plan ("PMP") and in Planning District 9 of the proposed Port Master Plan Update ("PMPU"). This letter sets forth Cays Resort's comments to the Planning District 9 portion of the PMPU.

Background of Cays Resort Leasehold

Cays Resort acquired the Cays Leasehold on or about November 21, 2013 from GC Coronado Owner, LLC. The Cays Leasehold represents a portion of the land covered by that certain Restatement of Lease dated December 18, 1984 ("Ground Lease") between the San Diego Unified Port District ("Port District") and Coronado Landmark, Inc.

Section 7(a) of the Ground Lease provides for a variety of acceptable uses on the Cays Leasehold, including a hotel and restaurant. The applicable portion of Section 7(a) of the Ground Lease which permits the development of a hotel and restaurant is attached as Exhibit A.

Prior to acquiring its interest in in the Cays Leasehold and as a matter of due diligence, representatives of Cays Resort met with Port District staff several times during 2013 to express Cays Resort's desire to acquire the Cays Leasehold for purposes of developing a hotel, marina and restaurant on the Cays Leasehold.

At the time Cays Resort representatives met with Port staff in 2013, Port staff indicated that a hotel, marina and restaurant on the Cays Leasehold was consistent with the Ground Lease and the then-existing Port District master plan, and that a project submittal for a hotel, marina and restaurant would be viewed favorably as a permitted use, and as a benefit to the San Diego Bay and surrounding neighborhoods. Based upon the foregoing input from Port staff, Cays Resort acquired the Cays Leasehold approximately six years ago intending to develop a hotel, marina and restaurant.

PMP – Support of Current *Commercial Recreation* Land Use Designation

Following a restructuring of Cays Resort ownership and improved market conditions, Cays Resort now desires to proceed with development of a hotel and restaurant on the Cays Leasehold. The current PMP (Page 111, Figure 21) identifies the Cays Leasehold as being in the same *Commercial Recreation* land designation as the remainder of GCIN, which is also consistent with Cays Resort's understanding that Grand Caribe Isle was created in 1986 specifically for commercial uses. As set forth on Page 19 of the PMP, all *Commercial Recreation* areas, including GCIN and the Cays Leasehold, is designed to accommodate hotel, marina and restaurant development:

> "The Commercial Recreation category includes **hotels**, **restaurants**, convention center, recreational vehicle parks, specialty shopping, **pleasure craft marinas**, water dependent educational and recreational program facilities and activities, dock and dine facilities (public boat docks located in proximity to a restaurant or other retail use where boaters may tie up and disembark for a short period of time to dine, shop, or enjoy other recreational activities), and sportfishing, which are discussed or illustrated in the various District Plans." [Emphasis added]

Cays Resort acknowledges that the current PMP (Page 113, Table 21) does not provide for future development of a hotel, marina and restaurant on GCIN, and that Cays Resort would have to process an amendment to the PMP. However, with hotel, marina and restaurant development allowed by the Ground Lease, allowed by the current PMP *Commercial Recreation* land use designation and encouraged by Port District staff in 2013, Cays Resort is prepared to move forward with its hotel, marina and restaurant plans for the Cays Leasehold, subject to a Ground Lease extension, PMP amendment and other necessary approvals.

Cays Resort is opposed to the PMPU, particularly the change in land use designation to Recreation Open Space on the east side of the Cays Leasehold. Cays Resort proposes a workshop with the Port District and other Grand Caribe Isle stakeholders to review the many benefits of preserving the *Commercial Recreation* land use designation on GCIN and a new hotel.

PMPU – Opposition to Proposed Change in Land Use Designation

Planning District 9 (Silver Strand) is comprised of three subdistricts: (i) State Park Basin, (ii) Crowne Isle, and (iii) Grand Caribe Isle and South Cays. The Cays Leasehold is located in the Grand Caribe Isle and South Cays subdistrict. With respect to the Cays Leasehold, the PMPU proposes a major change in the land use designation on the east side of the Cays Leasehold (PMPU, Page 227).

With respect to the Cays Leasehold, the PMPU also proposes new Standards PD9.1 through PD9.3, and PD9.11 through PD9.21. These matters are discussed below.

A. Recreation Open Space. The Port District proposes to change the land use designation on east side of the Cays Leasehold between Grand Caribe Causeway on the south to the terminus of North Caribe Cay Boulevard on the north (the "Prime Cays Leasehold"). The proposed change in land use designation is from *Commercial Recreation* to *Recreation Open Space*. Cays Resort strenuously opposes this change in land use designation. Cays Resort asserts that the proposed change in land use designation by the Port District solely on the Prime Cays Leasehold is in response to a vocal minority of the Coronado Cays Homeowners Association (HOA) including its Grande Caribe Task Force, at the expense of any viable use of the entire Cays Leasehold by the Cays Resort. The Port District must exercise its land use authority in a non-discriminatory manner. As the only proposed change in land use designation in Planning Area 9, Cays Resort believes the change to *Recreation Open Space* on the Prime Cays Leasehold alone (excluding HOA commercial buildings and Coronado Cays Yacht Club (CCYC) commercial buildings and outdoor recreation/event spaces) is a discriminatory action.

Additionally, the proposed designation of the Prime Cays Leasehold as *Recreation Open Space* effectively eliminates any viable use of the entire Cays Leasehold. The PMPU (Page 107) defines *Recreation Open Space* areas as being primarily for "public open spaces" complimentary to *Conservation/Intertidal* and *Open Bay/Water* land use designations. Table 3.6.3 of the PMPU (Pages 112-113) identifies only four (4) primary uses in *Recreation Open Space* areas:

Primary – aquatic center, ferry craft landing, pubic performance venue, or public beach

Secondary* – aquaculture, boat rental, marine education, storage or sailing school

*Primary uses are required; secondary uses must be complimentary (max 25% of site)

Due to the unique characteristics of GCIN, none of the primary uses listed above are suitable to the Prime Cays Leasehold. Due to land constraints, lack of parking, traffic concerns and other limitations, the proposed change in land use designation to *Recreation Open Space* will effectively eliminate all possible uses of the Prime Cays Leasehold except for land-banking of natural habitat. Cays Resort believes the proposed *Recreation Open Space* land use designation on the Cays Primary Leasehold constitutes a "taking" as more fully set forth below.

Cays Resort believes that proposed PMPU land planning which creates a mix of commercial uses on the west side of GCIN, open space on the east side of GCIN, and CCYC operations at the north end of GCIN, all punctuated by vast expanses of asphalt roads and parking lots, is lacking in long-range vision, balance, scale, sensibility and purpose.

For the many reasons set forth above, Cays Resort opposes the proposed change of land use designation on the Cays Prime Leasehold to *Recreation Open Space.* Instead, Cays Resorts supports leaving the land use designation on the Cays Prime Leasehold as *Commercial Recreation* thereby allowing for a greater variety of harmonious and beneficial uses on GCIN in the future.

B. Standards PD9.1 - PD9.3 and PD9.11 - PD9.21. The following are Cays Resort's comments with respect to new Standards applicable to the Cays Leasehold:

PD9.1 – No comment.

PD9.2 – Cays Resort objects to the phrase "limited small-scale" development as vague, subjective and open to conflicting interpretations. In regard to subsection (a), Cays Resort supports adopting the 40-foot height limit in Title 86, Chapter 86.28 of the City of Coronado Municipal Code, across all *Commercial Recreation* areas on GCIN. In regard to subsection (b), Cays Resort objects to the phrase "with the Coronado Cays community" because it could create perceived veto power in the HOA over future developpment in *Commercial Recreation* areas. Instead, Cays Resort supports the following modification of subsection (b): "Designing developments and improvements to be context-sensitive, including awareness of views to the Bay."

PD9.3 – Cays Resort supports the PMPU requirement that the HOA pay for all (or fair share) of the cost of improvements in Planning District 9 that solely benefit (or partially benefit) the HOA.

PD9.11 – No comment, since it affects only Grand Caribe Isle – South ("GCIS").

PD9.12(b) – Cays Resort objects to the Port District's requirement to install a 12-foot wide promenade (paved or unpaved) along the eastern and northern boundaries of the Cays Leasehold. The size of the proposed promenade appears to be arbitrary, not narrowly tailored to foot traffic, and inconsistent with the 6-foot wide walking path on GCIS. Additionally, the requirement of a 12-foot wide promenade appears to overlook the extra width of North Caribe Cay Boulevard to accommodate bicycles, and existing sidewalks on North Caribe Cay Boulevard to accommodate pedestrians. The PMPU does not designate who will pay for the cost of installing a promenade on GCIN. Cays Resort supports modifying the PMPU to provide that the Port District and HOA will pay for the promenade; provided that the cost of a promenade could be paid for by a hotel project on the Cays Leasehold.

PD9.13 – Cays Resort objects to expanding Grand Caribe Shoreline Park ("Shoreline Park") onto the Cays Prime Leasehold. There is no showing by the Port District that Shoreline Park in its current size and configuration is inadequate in any way, or that a 3+ acre expansion of Shoreline Park is needed to satisfy Port District goals. Additionally, it is not clear what is meant in the PMPU with respect to expanding Shoreline Park on GCIN "in a manner complimentary to adjacent natural open space and sensitive coastal resource areas." Standard PD9.13 is inconsistent with land uses available in *Recreation Open Space* areas (i.e., Table 3.6.3 does not include public park use). Cays Resorts supports modifying Standard PD9.13 to provide for parking, landscape, maintenance, refuse removal, and management of substantial volumes of traffic entering Grande Caribe Isle as the result of an expanded Shoreline Park. Furthermore, the PMPU does not designate who will pay for the expansion of Shoreline Park onto GCIN, and recurring expenses. Cays Resort supports modifying the PMPU to provide that the Port District and HOA pay for such improvements, and the City of Coronado pay for recurring expenses. In regard to the Cays Prime Leasehold, the overlay of proposed PD9.13 onto *Recreation Open Space* uses further results in no viable use of the Cays Prime Leasehold. Please see the "takings" analysis below. Finally, it is not apparent how expanding Shoreline Park will serve the safety and resiliency element of the PMPU. Cays Resort believes the safety and resiliency icon should be removed from PD9.13.

PD9.14 – Cays Resort does not object to programmed uses or special events at Shoreline Park in its current configuration on GCIS, provided that such programmed uses or special events are regulated in order to reasonably limit their frequency, maximum attendance and hours of operation. On the other hand, Cays Resort objects to programmed and non-programmed uses and special events at Shoreline Park to the extent it is expanded onto GCIN for the reasons stated in PD9.13.

PD9.15 – Cays Resort does not object to non-programmed recreational activities along the GCIN shoreline; provided Cays Resort believes that non-programmed recreational activities along the GCIN shoreline are best integrated into a hotel project on the Cays Leasehold. The PMPU should designate what types of recreational amenities are contemplated for the GCIN shoreline. Cays Resort may, or may not, object to such amenities depending upon their nature and impact upon the Cays Leasehold. Finally, it is not apparent how non-programmed recreational activities and amenities will serve the economics element of the PMPU. Cays Resort believes the economics icon should be removed from PD9.15.

PD9.16 – It is not clear what is meant in the PMPU with respect to the Port's vision to "establish and preserve" the Scenic View Area within Shoreline Park near the terminus of Grand Caribe Causeway. Are new view-related improvements contemplated? Cays Resort may, or may not, object to new scenic view improvements depending upon their location, nature and impact upon the Cays Leasehold. The PMPU does not designate who will pay for any improvements to the Scenic View Area. Cays Resort supports modifying the PMPU to provide that the Port District and HOA pay for any such improvements; provided that the cost of scenic view improvements could be paid for by a hotel project on the Cays Leasehold.

PD9.17 – Approximately 0.86 acres of the Cays Leasehold is located west of North Caribe Cay Boulevard (the "Cays West Leasehold Area"). The Cays West Leasehold Area remains in a *Commercial Recreation* land use designation area. Table 3.6.3 of the PMPU (Pages 112-113) identifies a variety of uses in *Commercial Recreation* land use designated areas. However, these uses appear to be inconsistent with "limited small-scale water-oriented development that is in character with the scale and size of the surrounding development in the Commercial Recreation land use designation" on the west side of North Caribe Cay Boulevard. The surrounding development on the west side of North Caribe Cay Boulevard includes the CCYC building and the Coronado Cays building. If parking to support development on the Cays West Leasehold Area is located on-site, then it is not possible for Cays Resort to develop any project which is similar in scale and size to the CYCC and Coronado Cays buildings. Additionally, the primary uses in a *Commercial Recreation* designated area are limited, and not consistent with existing CCYC and Coronado Cays uses. Alternatively, a new *Marine Services & Industrial* land use designation for the Cays West Leasehold Area would allow for marine-related professional services, marine-related offices or water-oriented retail consistent with the remainder of the west side of North Caribe Cay Boulevard. Cays Resort believes the use of the Cays West Leasehold Area is best integrated into a hotel project on the Cays Leasehold in order to create synergies between the two leasehold parcels. Finally, it is not apparent that any "small-scale" development on the Cays West Leasehold Area will have any material affect upon the economics element of the PMPU. Cays Resort believes the economics icon should be removed from PD9.17.

PD9.19 – Cays Resort objects to construction of public restroom facilities in the expanded portion of Shoreline Park on the Cays Prime Leasehold for the reasons stated in PD9.13. The PMPU

does not designate who will pay for public restroom facilities in the expanded portion of Shoreline Park. Cays Resort supports modifying the PMPU to provide that the Port District and HOA pay for any new public restrooms serving Shoreline Park.

PD9.20 – No comment, since it does not affect Grand Caribe Isle.

PD9.21 – Cays Resort does not object to the PMPU's allowance for maintenance and slip modifications of existing marinas. However, the PMPU is silent regarding construction of new docks and slips on GCIN. Cays Resort and/or CCYC desire to construct a new dock and slips at the north end of GCIN. Cays Resort believes the PD9 Appealable Projects Table (Page 225) should be modified to allow for the development of a new dock and slips at the north end of GCIN.

Port Master Plan Elements

Cays Resort believes that none of the foregoing proposed standards in the PMPU affecting Grand Caribe Isle, except for PD9.3, will serve the economics element of the PMPU. On the other hand, Cays Resort believes that a properly designed hotel development on the Cays Leasehold including a restaurant, spa and new dock/slips will greatly enhance all elements of the PMPU (ecology, economics, environmental justice, safety and resiliency, mobility, and water and land use), and particularly the economics element.

Appealable Projects

In addition to maintaining the current Commercial Recreation land use designation on the Cays Leasehold, Cay Resort supports modifying Table PD9.1 (PD9 Appealable Projects Table) to include in Grande Caribe Isle and South Cays: (i) overnight accommodations (first table), (ii) up to 50 net new hotel rooms with associated restaurant and retail (spa) facilities, and a new dock/slips at the north end of GCIN (last table).

Takings Analysis

Cays Resort believes that Shoreline Park and adjacent open space on GCIS is more than adequate to serve the needs of the public. Cays Resort further believes that the contrived location to accommodate the expansion of Shoreline Park onto GCIN is intentional, irrational, discriminatory in nature (protecting the HOA and CCYC at the expense of Cays Resort), and amounts to spot zoning. Avenida San Juan Partnership v. City of San Clemente, 201 Cal. App. 4th 1256 (cert. denied, 2012). Additionally, Cays Resort believes the proposed change in land use designation to *Recreation Open Space* in combination with proposed Standards (including Standard PD9.13) deprives Cays Resort of all economically beneficial and productive use of the Cays Prime Leasehold, thereby resulting in a complete taking. Lucas v. South Carolina Coastal Council, 112 S. Ct. 2886 (1992). Alternatively, Cays Resort believes the proposed change in land use designation in combination with proposed Standards goes too far, thereby resulting in a taking which is less than a complete taking. Palazzolo v. Rhode Island, 121 S. Ct. 2448 (2001); and Kavanau v. Santa Monica Rent Control Board, 16 Cal. 4th 761 (1997). Either way, Cays Resort believes the PMPU in its current form, if adopted, would result in a compensable regulatory taking.

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Workshop for Coronado Island Issues

Cays Resort is aware of significant public input regarding Planning District 9 and 10 portions of the PMPU. Cays Resort recommends that the Port District host a public workshop specifically related to Planning District 9 and 10 areas of the City of Coronado prior to submitting the PMPU to the Board of Port Commissioners (BPC), or during the BPC review period.

Cays Resorts appreciates this opportunity to submit its comments to the PMPU.

Very truly yours,



Jeffrey R. Stoke

JRS

Exhibit A

Permitted Uses on GCIN under Ground Lease

"During the term of this lease neither Lessor nor Lessee shall use or allow the use of any portion of East Island or Dock Area for any use or purpose except the following: docks and wharfage facilities, small craft harbor, marina with a marina administration building and recreational area, docks and wharfage facilities, refueling docks, supply and ships' stores, group activities, swimming pools, tennis courts, community and recreational centers and areas, play areas and playgrounds, **restaurants**, bars and dancing facilities, and other recreational facilities, **hotels**, motels and cabanas, stores, shops, theatres, and offices (and with respect to Lessor, any purpose or use in connection with carrying out its administrative duties under Chapter 67 of the Statutes of 1962, as amended by Chapter 673 of the Statutes of 1963 or Chapter 1744 of the Statutes of 1965) provided, however, with respect to each such use and specific use in connection therewith, that it is:

(i) permitted or authorized by the terms of Chapter 1744, California Statutes of 1965; and

(ii) approved by Lessor as provided in subparagraphs 7(c) or 7(d) as **consistent with the master plan of Lessor**, as hereinafter may be amended from time to time, the provisions of said statues and in the best interests of the overall development of San Diego Bay, taking into consideration all statewide interests, which approval shall not be unreasonably withheld."

[Emphasis added]

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

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

Comment Letter O15 – Save Our Access

EXHIBIT A

ATTACHMENT B

(37)

San Diego Unified Port District
Document No. 67343
Filed OCT 02 2017
Office of the District Clerk

EXCLUSIVE NEGOTIATING AGREEMENT

THIS EXCLUSIVE NEGOTIATING AGREEMENT ("Agreement") is made and entered into as of this 2nd day of October, 2017 by and between the **SAN DIEGO UNIFIED PORT DISTRICT**, a public corporation, hereinafter called "District" and **PROTEA WATERFRONT DEVELOPMENT, LLC**, a California limited liability company, hereinafter called "Developer" or "PWD" in the capacity as managing member of 1HWY1; and the District and Developer are collectively referred to herein as the "Parties" or individually at times referred to as a "Party".

WITNESSETH:

WHEREAS, on February 22, 2016, staff issued a Request for Proposals 16-04ME ("RFP") for 70 acres of land and water located within the District's Central Embarcadero, in the City of San Diego, California, generally shown on Exhibit "A" attached hereto and incorporated herein by reference, as such boundaries may be modified by the District following completion of a survey or plat map ("Property"); and

WHEREAS, on May 2, 2016, the District received eleven proposals and six were deemed complete; and

WHEREAS, the proposals from Gafcon, Inc. (on behalf of a yet to be formed entity 1HWY1 (as defined below)), Great Western Pacific, HKS, McWhinney, OliverMcMillan, Inc., and Ripley Entertainment, Inc. were deemed complete; and

WHEREAS, on July 13, 2016, the Board of Port Commissioners ("Board") directed staff to enter into exclusive discussions with the 1HWY1 team to further evaluate the "Seaport San Diego World Class Waterfront Development" dated May 2, 2016 ("Seaport Proposal"), while not making a final selection or eliminating the other five proposals/proposers; and

WHEREAS, the 1HWY1 core team is comprised of Developer, ThrillCorp, RCI Group, and OdySea, all of which will be the members of 1HWY1, a California or Delaware limited liability company ("1HWY1") when it is formed; and

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WHEREAS, Developer will be the managing member of 1HWY1; and

WHEREAS, following the Board's direction staff conducted a preliminary due diligence phase and issued a supplemental information request to the 1HWY1 team and responses were provided between August 5 and September 19, 2016; and

WHEREAS, at its November 8, 2016 meeting, the Board selected 1HWY1 as the successful proposer, concluded the RFP process, eliminated the other five proposers, directed staff to continue due diligence excluding any hotel due diligence, and return to the Board at a future date to enter into a preliminary agreement with 1HWY1, and

WHEREAS, following the Board's direction, staff worked with the 1HWY1 team to prepare a due diligence schedule, which included the list of recommended due diligence items that were included in the draft resolution attached to the November 8, 2016 agenda sheet; and

WHEREAS, the due diligence schedule was sent to the 1HWY1 team on January 5, 2017 requiring an update on March 17, 2017; and

WHEREAS, the 1HWY1 team provided the update on March 16, 2017 and a supplemental update on April 6, 2017; and

WHEREAS, 1HWY1 is the proposed ground lessee and developer for the Property; and

WHEREAS, the 1HWY1 operating agreement and associated documents will identify the roles and level of financial commitment of each of Developer, ThrillCorp, RCI Group, and OdySea; and

WHEREAS, Developer will submit to the District a certified written statement describing the roles and level of financial commitment of all of the members of 1HWY1 as provided herein; and

WHEREAS, In the interim, as the proposed managing member of 1HWY1, Developer has been acting as the lead on the Seaport Proposal; and

WHEREAS, on May 16, 2017, pursuant to Resolution 2017-078, the Board directed staff to enter into a two-year Exclusive Negotiating Agreement ("ENA") with Developer that requires that (1) Developer form, or cause the formation of, 1HWY1 within ninety (90) days of entering into the ENA; (2) Developer assigns all of its rights and obligations under the ENA to 1HWY1 once the entity has been formed; (3) Developer, or 1HWY1

once it is formed and assumes the rights and obligations of Developer under the ENA, submits a project description within one year of Developer entering into the ENA; and (4) Developer, or 1HWY1 once it is formed and assumes the rights and obligations of Developer under the ENA, submits regular progress reports on the financial feasibility of the Proposed Development (as defined below) and access to equity and debt sources and if such progress reports are not submitted or acceptable to the District, the District would have the option to delay, pause or terminate the ENA; and

WHEREAS, under the ENA, staff will work with Developer, until 1HWY1 is formed and Developer assigns its rights and obligations under this Agreement to 1HWY1, to: (1) complete post-selection due diligence, (2) refine the Proposed Development (defined below) program; and (3) refine development cost estimates and pro forma financial analysis for the Proposed Development; and

WHEREAS, this Agreement is the ENA contemplated in Resolution 2017-078; and

WHEREAS, the District and Developer are willing to exclusively negotiate, for the period set forth herein, a disposition and development agreement or another form of binding agreement that will specify the rights and obligations of the Parties with respect to the lease, development and operation of the Proposed Development (as defined in Section 4 below) on the Property (referred to herein as the "Definitive Agreement"); and

WHEREAS, the Property is currently leased by the District to third parties, or operated by the District, and will be used during the term of this Agreement as a specialty retail center, parking and other current or future proposed uses as the District deems acceptable (collectively, the "Interim Uses"), and the District intends that such Interim Uses will continue until such time as execution by the Parties of a lease for the Property.

NOW, THEREFORE, for good and valuable consideration, the sufficiency of which is hereby acknowledged, the Parties hereto mutually agree as follows:

1. **INCORPORATION OF RECITALS.** The Recitals set forth above are hereby incorporated by reference and deemed a part of this Agreement.

2. **AGREEMENT TO NEGOTIATE.**

   a. **Period of Negotiations.** The negotiating period shall commence on October 2, 2017 ("Effective Date") and shall end on October 1, 2019 ("Negotiating Period").

b. **Extensions.** Notwithstanding the foregoing, the Executive Director of the District or his/her designee, in his/her sole and absolute discretion, may extend the Negotiating Period and/or the deadlines for the delivery of the submittals described in Section 6 in writing by ninety (90)-day increments for a total Negotiating Period not to exceed five (5) years by delivering to Developer written notice of its election to exercise an extension no later than the expiration of the then existing Negotiating Period or submittal deadline under Section 6, upon which the Negotiating Period and/or the submittal deadline(s) shall be automatically extended to include such extensions. The District undertakes no commitment or obligation to the Developer to grant any extensions and shall incur no liability to Developer resulting from its election not to extend the Negotiating Period or submittal deadlines.

c. **Agreement to Negotiate.** During the Negotiating Period, District and Developer agree to negotiate in good faith the terms of a Definitive Agreement to enable the leasing, development and operation of the Proposed Development on the Property. The Definitive Agreement may include, as exhibits, a lease or another form of binding agreement, design criteria and minimum construction requirements and such additional documents and/or security instruments as the District or Developer may reasonably require in connection with the lease, development, financing, and operation of the Property including, but not limited to those described in Section 6 herein. During the Negotiating Period, the District and Developer shall make qualified and authorized personnel available to actively participate in negotiations and each Party shall review and provide comments on materials provided by the other Party. Subject to the terms of Section 14, if the terms of a Definitive Agreement are agreed to by the District and Developer during the Negotiating Period, the Developer shall execute the Definitive Agreement and the Definitive Agreement shall be presented to the Board for approval prior to expiration of the Negotiating Period. The Parties understand and agree that the Board has, in its sole and absolute discretion, the right to approve, condition or not to approve the Definitive Agreement.

d. **Exclusivity.** Except as permitted under Section 22, the District agrees during the Negotiating Period, to negotiate exclusively with the Developer regarding the leasing and development of the Property for the Proposed

Development and to not actively solicit any interest in the leasing or development of the Property. Developer agrees that the District is not precluded from negotiating with other parties for other developments on other District properties, including, but not limited to, those properties directly adjacent to the Property; provided, however, that nothing herein shall prohibit the District from using the Property as set forth in Section 22, including without limitation, for Interim Uses, or from soliciting, negotiating and entering into negotiations, leases, permits, licenses, operating agreements, management agreements, easements, parking agreements or other agreements for any current or future Interim Uses.

e. **End of Negotiating Period.** If, at the end of the Negotiating Period (as may be extended by the District pursuant to Section 2.b. of this Agreement, if applicable), Developer and District have not entered into the Definitive Agreement, then this Agreement shall automatically and immediately terminate without further written notice. Upon such automatic termination and expiration of the Negotiating Period and this Agreement, except as set forth in Section 11(e), neither Party shall have any further rights, remedies or obligations to the other under this Agreement and the Parties shall each be relieved and discharged from all further responsibility or liability under this Agreement.

3. **RIGHTS TO TERMINATE.** Except as permitted under Section 13, if at any time a Party determines in its sole discretion that the Proposed Development is not feasible or financeable or that it does not otherwise desire to proceed with negotiations for any or no reason, such Party shall provide written notice to the other Party of such determination. Within ten (10) days of delivery of such notice, the Parties shall meet to discuss the termination, but without commitment to withhold, waive or reverse its termination request. On the date of the meeting, or within two (2) days following the meeting, the notifying Party shall confirm whether it still desires to terminate the Agreement and if the notifying party makes such an election, the Negotiating Period and this Agreement shall automatically terminate on the date of the meeting (if notice is delivered on such date) or by delivery of written notice to the other Party after the meeting and, except as set forth in Section 11(e), neither Party shall have any further rights, remedies or obligations to the other Party under the Agreement and the Parties shall each be relieved and discharged from all further responsibility or liability under this Agreement.

4. **PROPOSED DEVELOPMENT.** Except as permitted under Section 6.g., for the purposes of the Parties' negotiations, as set forth in the Agreement the proposed development shall be in substantial conformance with the development concept described in the Seaport Proposal for the development and construction of a mixed-use master development, which includes, without limitation, retail, restaurants, hotels, incidental offices to support water-dependent or water-related uses, attractions (i.e., an aquarium, and an observation tower), a Public Trust Doctrine compliant educational component, parking, water oriented facilities (recreational and commercial fishing), multi-purpose open space and public realm uses (each, a "Programmatic Component") on the Property, as modified by the supplemental information request dated April 6, 2017 to connect the subterranean parking structures to create a larger floor plate and remove the pedestrian bridge that connected North and South Embarcadero Marina Parks, a water cut at the foot of Kettner Boulevard and the Embarcadero Marina Park North, and the pedestrian bridge over the tide pools on the inboard side of the Embarcadero Marina Park North(collectively, the "Proposed Development").

5. **FORMATION OF 1HWY1.** Within ninety (90) days of the Effective Date of this Agreement ("Formation Deadline"), the Developer shall cause the formation of 1HWY1, which shall be a California or Delaware limited liability company and include (a) PWD, as managing member; and (b) ThrillCorp, Inc., a Delaware corporation ("ThrillCorp"), RCI SD, LLC, a Florida limited liability company ("RCI"), and OdySea, San Diego, LLC, an Arizona limited liability company ("OdySea") as the remaining members, each as individual members of 1HWY1. Upon Developer's formation of 1HWY1, but prior to the Formation Deadline, the Developer shall deliver written notice to the District of the formation of 1HWY1, which notice shall include for District's review and approval, in its sole and absolute discretion, the following items which shall form the "Formation Package": (i) a certified copy of the formation documents of 1HWY1 and each of its members, the operating agreement of 1HWY1, and a written statement certified by the Developer describing the roles and financial commitments of all of the members of 1HWY1; (ii) an organizational chart for 1HWY1 identifying all of the members; and (iii) a form of assignment and assumption of this Agreement between Developer and 1HWY1 ("Assignment & Assumption"), under which Developer shall assign to 1HWY1, and 1HWY1 shall assume, all of Developer's rights and obligations under this Agreement. Developer shall be in default under Section 12 of this Agreement if: (a) Developer fails to form 1HWY1 on or before the Formation Deadline; (b) Developer fails to deliver to the District the Formation Package, in a form satisfactory to the District, on or before the Formation

Deadline; (c) PWD is not the managing member of 1HWY1; (d) ThrillCorp, RCI, and OdySea are not each a member of 1HWY1, or (e) the form of Assignment & Assumption is not acceptable to the District. Provided this Agreement has not been terminated, Developer and 1HWY1 shall execute the Assignment & Assumption and deliver a fully executed Assignment & Assumption to the District within five (5) business days of receipt of District's approval of the Formation Package, upon which 1HWY1 shall replace PWD as the "Developer" under this Agreement as of the effective date of the Assignment & Assumption without the need for further amendment of this Agreement and PWD, acting as the Developer only under this Agreement prior to the effective date of the Assignment and Assumption, shall be released from liability under this Agreement as to all actions on and after the effective date of the Assignment & Assumption only in its capacity as the "Developer". In no event shall the effective date of the Assignment & Assumption be before the District's approval of the Formation Package.

6. **REQUIRED SUBMITTALS.** Submittal by Developer of the submittals listed below is necessary to further define the scope and evaluate the financial and market feasibility of the Proposed Development. Accordingly, Developer shall deliver the following submittals in accordance with the requirements and scheduled dates set forth below (as may be extended by the District pursuant to Section 2(b) of this Agreement). All submittals required by this Section 6 shall be complete and timely. Late or incomplete submittals shall result in a default under this Agreement.

a. **Market Demand and Feasibility Studies.** By no later than October 16, 2017, Developer shall submit to the District Market Demand and Feasibility Studies to:

i. Demonstrate support for each of the Programmatic Components listed below:

1. Restaurant and Retail
2. Office
3. Hotels
4. Attractions
   a. Aquarium (marine attractions)
   b. Observation Tower
5. Water Oriented Facilities
   a. Commercial Fishing
   b. Recreational Marina

ii. Validate the demand and revenue expense assumptions in the financial model.

b. Pre-Development and Feasibility Milestones. Within ten (10) business days after the dates listed in the Pre-Development and Feasibility Milestones Schedule outlined in Exhibit "B", attached hereto and incorporated herein by reference ("Schedule"), the Developer shall deliver a written report to the District detailing Developer's achievement of the respective milestone together with any supporting documentation described therein for the District's review and approval.

c. Project Description. By no later than the first anniversary of the Effective Date of this Agreement, Developer shall submit to the District a detailed project description for the Proposed Development. The project description shall be a concise written description of the Proposed Development with sufficient detail to understand the Proposed Development and related Programmatic Components and to commence environmental review in accordance with the California Environmental Quality Act (codified as California Public Resource Code §§ 21000 et seq.), the California Environmental Quality Act Guidelines (codified as 14 California Code of Regulations §§15000) and the District's California Environmental Quality Act Guidelines (collectively, "CEQA"); provided, however, additional information and data may be requested by the District, in the District's sole and absolute discretion, which shall be provided by Developer, to enable the District to conduct CEQA review. At a minimum, the project description shall include the following information for each of the Programmatic Components proposed to be developed on the Property: total site area, building(s) square footage, building heights, number of floors, areas devoted to specific uses, number of hotel rooms, materials to be used and type of construction. Additionally, the project description shall include: construction information, including without limitation the length and phasing of demolition, construction or development and anticipated import and export of dirt; number of parking spaces (above-grade and/or below-grade); and type and location of public amenities and any proposed infrastructure improvements (land and water). All proposed uses and improvements shall be in compliance with the Public Trust Doctrine and the California Coastal Act (codified as California Public Resource Code §§ 30000, et seq.) ("Coastal Act").

The project description shall be accompanied at a minimum by the conceptual drawings for the overall Proposed Development and shall also be accompanied by conceptual drawings for each Programmatic Component proposed. The Parties acknowledge that the preliminary design materials to be provided by Developer pursuant to this Section are conceptual in nature and may be subject to revision and refinement throughout the Negotiating Period in order to achieve a plan for the Proposed Development acceptable to each of the Parties, and through the environmental review pursuant to CEQA. The Parties recognize that changes may occur in Developer's Proposed Development as additional information is obtained during the Negotiating Period. Conceptual drawings shall be in sufficient detail to clearly illustrate the Proposed Development and at a minimum shall include the following:

i. **Site/Floor Plans**. The site plan shall illustrate a comprehensive overview with sufficient detail to understand the scope of the entire Proposed Development and shall at a minimum clearly identify locations and size of building footprints for each Programmatic Component, areas proposed for public space, parking area layouts with estimated parking space counts and vehicular and pedestrian access. The site plan should clearly distinguish area allocations among commercial uses, the Public Trust Doctrine compliant educational component, water side uses (recreational vs commercial fishing uses), service/parking, circulation, view corridors, and public areas. Site plan and floor plans for each Programmatic Component, as applicable, that includes all levels (do not duplicate identical floor plans), subterranean levels and roof plans. Detailed floor plans are not required; however, general outlines and perimeter information to collaborate illustrated elevations must be provided (locations of windows, doors, shear walls, etc.).

ii. **Elevations.** Colored architectural exterior elevations that provide a comprehensive view of the entire Proposed Development and illustrate proposed building massing, height, materials and colors, and related architectural elements. Elevations must match rendering on perspective drawings. Elevations for each building face and enlarged elevations for all building frontages shall be included. All elevations should identify base datum used in height

measurements, colors, and materials.

iii. **Context/Perspective Drawings.** Three to five colored renderings and drawings approximately thirty inches (30") by forty-two inches (42") and hard backed that provide a representative illustration of the Proposed Development, clearly showing massing and the relationship of the Proposed Development in context to its surrounding environment with the adjacent building masses roughed in. Context elements do not need to be photo realistic but must accurately convey the bulk, scale, and character of the surrounding area. The Developer shall provide a minimum of one nighttime rendering for the overall Proposed Development.

iv. **Digital Format.** All conceptual drawings described in this Section 6 shall also be submitted in high resolution digital format(s) in addition to or as an alternative to the format(s) described above.

v. **General Requirements.** All conceptual drawings, including site/floor plans, elevations, and sections must be legible, drawn to scale, and be fully labeled and dimensioned and shall include the date of plan preparation. Plans should typically orient north up, one plan, elevation or perspective per sheet (other than those floor plans noted as "typical").

vi. **Additional Drawings.** The District reserves the right to request additional and more detailed drawings as necessary to conduct CEQA and Coastal Act review for the Proposed Development, each Programmatic Component and to clearly identify any proposed changes to the Proposed Development during the term of this Agreement.

d. Pro Forma. By no later than the first anniversary of the Effective Date of this Agreement and concurrently with the submittal of the detailed project description mentioned above, the Developer shall submit to the District a cost estimate and pro forma financial analysis (collectively, "Project Pro Forma") for the Proposed Development, with the same level of detail that a developer of a similar project would use for a pro forma in this stage of development when seeking pre-development equity investors and without a public subsidy. The Project Pro Forma shall include, at a

minimum, the following components and clearly note and explain any updates to the pro forma delivered to the District dated September 2016:

i. Estimated financing plan for the Proposed Development including: total project financing structure, anticipated equity and debt requirements, financing approach for each Programmatic Component, including infrastructure, and any letters of interest from potential financing partners which support the financing plan.

ii. Sources and uses for each Programmatic Component and the total Proposed Development for pre-development, construction and stabilized periods.

iii. Each Programmatic Component including, without limitation, for the hotel, office, retail, amenities, attractions and educational uses at a minimum the then projected: room count; food and beverage outlets; meeting space; spa, retail, office, recreational and ancillary facilities; building footprint; approximate net and gross building square feet enclosed by component; approximate net and gross leasable square feet for office and retail components; square footages for open air components such as terraces, pool decks, and other amenity areas; and surface and structured garage parking spaces expressed in number of spaces and square footage, slip mix and rental rates for recreational marina and commercial fishing components.

iv. Cost estimate for all Programmatic Components of the Proposed Development (at a minimum, all items listed in Section 6.c above), including, without limitation, direct costs such as site improvements, site building costs for each distinct programmable space, tenant improvements, furniture/fixtures/equipment, amenities, and parking; indirect costs such as architecture/engineering, entitlement costs, public permits and fees, legal, accounting, taxes, insurance, marketing/lease-up, pre-opening budget of supplies and expense, and Developer overhead fee; and financing costs such as loan fees, interest during construction and lease-up, and operating reserve and any costs associated with equity financing. Site Improvements and infrastructure shall be allocated to each Programmatic Component. Development costs shall include an estimate of any temporary facilities or transition spaces proposed.

v. Assumed duration of pre-development and construction periods for each Programmatic Component. Assumptions and phasing plan for construction and associated assumptions for development and construction expenditures and matching funding sources and uses for such expenditures.

vi. A breakdown of the estimated rent to be paid to the District for each Programmatic Component, including basis, calculation and any assumed minimum rent for pre-development and construction periods and at a minimum the first 10-years of operations, which shall indicate the anticipated year of stabilization; provided, however, the District may request that that the Developer provide a long-term projection of rent (which could be up to 66-years) to be paid to the District for each Programmatic Component on an annual basis.

vii. Estimated gross revenues, operating expenses and net operating income ("NOI") (net of District rent) for each Programmatic Component and the total Proposed Development along with detailed revenue, expense, occupancy, lease-up, and inflation assumptions for each for at a minimum the first 10-years of operations, which shall indicate the anticipated year of stabilization. The Project Pro Forma should include all revenues anticipated for the Proposed Development. The estimate of NOI should be reasonably consistent with the Market Demand and Feasibility Studies referenced in Section 6(a) above.

viii. Projected capital reserve requirements and capital expenditures for each Programmatic Component and for the total Proposed Development.

ix. Assumptions concerning valuation/sale for each Programmatic Component and calculation of proceeds from disposition net of any associated expenses.

x. Estimated cash flow before debt service for each Programmatic Component and the total Proposed Development for the first 10-years of operations and calculation of unlevered Developer returns.

xi. Projected debt service requirements (construction and permanent financing) for each Programmatic Component (as applicable) and the total Proposed Development, including financing assumptions and calculations of debt service.

xii. Calculation of cash flows to equity for each Programmatic Component and the total Proposed Development and calculation of levered Developer returns.

xiii. All calculated levered and unlevered returns to Developer, which may include internal rates of return, cash multiples, and/or return on investment/cost shall be accompanied by a clear statement regarding the Developer's profit/return requirements.

xiv. Cost, market, and economic assumptions used by Developer to prepare such projections and the Project Pro Forma.

xv. Cash flow projection shall clearly indicate estimates of the required equity investment by Developer; all debt service obligations for construction, bridge, and/or permanent financing; and the economic return to Developer in terms of internal rate of return, cash multiple, and/or return on investment/cost requested by Developer.

xvi. Projection of the ground lease revenues payable to the District during construction and the initial ten (10)-year operating period.

xvii. Rental, monetary, financing and other concessions or incentives that are requested by Developer in order to achieve the projected investment and returns requested by Developer.

xviii. The Project Pro Forma shall be submitted in an editable Microsoft Excel format with all working formulas and assumptions. Cash flow projections shall be provided for pre-development and construction periods and the first ten (10)-years of operations. All cash flow values shall be based on Developer's assumptions provided in the Project Pro Forma and shall not make use of "hard-coded" values. The Project Pro Forma shall be presented and formatted in a manner that is reasonably acceptable to the District and readily enables the District to:

1. determine the feasibility of the Proposed Development;
2. verify the cost, market, and economic assumptions used by Developer; and
3. sensitivity test a range of alternative inputs.

The District reserves the right to request periodic updates to the Project Pro Forma after its submittal due to changes in the Proposed Development during the Negotiating Period. The District will provide reasonable time for Developer to obtain and submit to the District such updates.

e. **Additional Submittals.** In addition to the information described in Sections 6(a)-(d) above, Developer acknowledges and agrees that the District reserves the right at any time to reasonably request from Developer additional information, including data and financial documents to determine and/or confirm Developer's relevant experience with similar scale mixed use developments, its approach to financing and capability to construct, develop, and operate the Proposed Development. The District will provide reasonable time for Developer to obtain and submit to the District such additional information.

f. **Periodic Financial Feasibility Updates.** Every ninety (90) days during the Negotiating Period, without notice from the District, Developer shall deliver to the District a written progress report, in a form satisfactory to the District in its sole and absolute discretion, identifying the current status of the financing plan for the construction, development, financing and operation of the Proposed Development ("Financing Plan"). The written progress reports shall include without limitation, a description of the financing structure, funding responsibilities, and current equity and debt sources for the Proposed Development, updates to the last progress report, and copies of all valid letters of interest and/or financial commitment(s) related to funding for the Proposed Development. Prior to the District presenting the Board with the Definitive Agreement for their consideration, the Developer shall provide the District with a final progress report demonstrating that the Developer has an adequate Financing Plan to construct, develop, and operate the Proposed Development.

g. **Changes to Proposed Development.** The Parties acknowledge that the materials to be provided by the Developer pursuant to this Section 6 are conceptual in nature and the Parties recognize that changes may occur in Developer's Proposed Development as additional information is obtained by the Parties during the Negotiating Period and will be subject to revision, refinement throughout the Negotiating Period in order to achieve a plan for the Proposed Development acceptable to both of the Parties. As such, the Developer shall submit written documentation advising the District of any changes to the Proposed Development, including but not limited to, changes to Programmatic Components resulting from market demand and feasibility studies, development plan revisions, financial feasibility analyses, construction cost estimates, marketing studies, soils and hazardous materials investigations, test and reports, and other post-selection due diligence items and shall submit within a reasonable timeframe updates to the submittals previously delivered to the District under this Section 6 to clearly identify and reflect changes to the scope, scale or location of the Proposed Development for the District's consideration and approval.

h. **Due Diligence and Ground Work.** Upon written request from Developer, the District shall conduct environmental review pursuant to CEQA, and consider approval of necessary permits and entitlements, including without limitation Coastal Act permits or exclusions and one or more temporary District Right of Entry License Agreement ("ROE License") for those portions of the Property not subject to an agreement with a third party and under the immediate control of the District (collectively, "District Controlled Areas") permitting the Developer and its employees, contractors, subcontractors and agents to enter designated portions of the District Controlled Areas for the purposes of conducting soils tests and other due diligence tests, investigations and examinations in, on, under or about the District Controlled Areas (the "Work"), all at Developer's sole and absolute cost. In addition to other conditions that may be required through the CEQA, Coastal Act or other permitting processes, at a minimum, the following conditions shall apply to any ROE License authorizing Work requiring ground disturbance or consisting of any subsurface or invasive testing or investigations ("Ground Work")":

i. Developer shall submit a Work plan to the District for Ground Work and obtain District approval thereof, which shall be granted or withheld in the District's sole and absolute discretion; and

ii. A District appointed monitor with the experience in the type of Ground Work proposed to be conducted ("Monitor") shall be present to observe the Ground Work. Ground Work shall not proceed without the Monitor being present unless such requirement is waived by the Executive Director or her designee in writing. In the event of any exacerbation of a pre-existing hazardous materials condition, the Monitor shall determine whether the Ground Work was carried out in accordance with the Work plan, in a non-negligent manner and in accordance with commonly accepted industry standards.

a. Indemnity. Developer agrees, to the fullest extent provided by law, to defend, indemnify and hold the District, its agents, officers and employees, and the Property free from any and all liability as a result of the Work or the exercise of said ROE License, except to the extent arising out of:

i. Developer's discovery of any pre-existing condition unless Developer: (1) negligently exacerbates such condition; (2) performs the Work in a manner that is inconsistent with commonly accepted industry standards, or (3) performs the Ground Work in a manner inconsistent with the Work plan; or

ii. the District's sole negligence or willful misconduct.

b. CEQA Review of ROE License. Developer acknowledges and agrees that the ROE License may be subject to review under CEQA, the cost of which shall be borne by Developer. Prior to entering any portion of the District Controlled Areas, Developer agrees to obtain insurance as specified in the ROE License, which insurance shall, among other things, be endorsed to read that all policies are primary policies and to name the District as an additional insured.

c. Term of ROE License. The ROE License shall have a term reasonably necessary for Developer to conduct the Work, but in no event shall said term continue beyond the earlier of the termination of this Agreement or the expiration of the Negotiating Period.

7. DEVELOPER'S FINDINGS, STUDIES AND REPORTS.

a. Products. In connection with the Proposed Development, Developer shall be preparing or causing to be prepared design, architectural and engineering products, plans, reports, test, studies, cost estimates and investigations with respect to the Property and the Proposed Development, including, but not limited to, providing the District with development plan revisions, financial feasibility analyses, construction cost estimates, surveys, marketing studies, soils and hazardous materials investigations, tests and reports, engineering reports, geotechnical reports, plans and specifications, other due-diligence materials, material correspondence and work product documents (collectively, "Products"). Developer agrees to make written progress reports, in form satisfactory to the District, advising the District on all matters related to the Proposed Development and the Products. Developer shall provide the District copies of all final Products prepared or commissioned by Developer and/or obtained from third parties with respect to this Agreement and/or the Proposed Development. Developer further acknowledges that it may be necessary or desirable to share with the District drafts and progressions of the Products prepared or commissioned by Developer in order to meet the requirements of Sections 6 and 14, to permit the District to conduct is due diligence with respect to Developer and the Proposed Development and to carry out its planning and entitlement efforts with respect to the Proposed Development, and to otherwise further the purposes of this Agreement, and Developer agrees to cooperate with the District in making such drafts and document progressions available.

b. Transferable Products. "Transferable Products" shall mean all reports, plans, specifications, studies, estimates and other information or analysis generated by Developer and/or obtained by third parties pertaining to the physical condition of the Property, and shall include without limitation, the Products. Developer shall use commercially reasonable efforts to cause all contracts with its consultants and contractors for preparation of Transferable Products to require that such Transferable Products be prepared for the benefit of Developer and the District, and be transferable to and by the District in whole, and shall impose no restriction, cost or fee with respect to transfer of such Transferable Products to or by the District or use thereof by the District or

any person or entity to which the District transfers the Transferable Products. Upon termination of this Agreement without execution of a Definitive Agreement by the District and Developer, Developer shall be deemed to have transferred its interest in the Transferable Products to the District, without representation or warranty except as to the delivery of the most current form of the Transferable Product in whole to the District, such Transferable Products shall become the property of the District and shall be delivered to the District immediately if not delivered in whole previously, and the District shall have the right, in its sole discretion to use, grant, license or otherwise dispose of such Transferable Products to any person or entity for development of the Property or any other purpose at no cost or expense to the District provided that the Developer shall have no liability whatsoever to the District or any transferee of title to the Transferable Products regarding the accuracy or breadth of any information contained in the Transferable Products or the use of the Transferable Products (except as it relates to the transferability of the Transferable Products by the third party and the delivery of the Transferable Products to the District in whole). This Section 7 shall survive the expiration or earlier termination of this Agreement.

8. **AGREEMENT TRANSFER.** The expertise, experience and financial capability of (a) PWD as managing member of 1HWY1; and (b) ThrillCorp, RCI and OdySea as individual members of 1HWY1, to undertake development of the Property as contemplated by this Agreement are of significant importance to the selection by the District of 1HWY1 as the successful proposer pursuant to the RFP and the entry by the District into this Agreement. Any attempt to transfer or assign this Agreement or any rights or duties, or obligations hereunder (other than to 1HWY1 as expressly provided in this Agreement), whether by operation of law, through a pledge, hypothecation, or otherwise, shall be void and shall result in a default under this Agreement. In addition, during the Negotiating Period, if without the prior written consent of the District: (i) any assignment or transfer of any ownership interest in Developer prior to the date this Agreement is assigned to 1HWY1; (ii) PWD changes its form of entity from a California limited liability company; (iii) any assignment or transfer of any ownership interest in 1HWY1 after the Formation Package is delivered to the District; or (iv) if 1HWY1 changes its form of entity or place of incorporation, the transfer shall be void and Developer shall be in default under this Agreement. Notwithstanding the foregoing, after the effective date of the Assignment & Assumption approved by the District, but subject to the District's express right not to enter into a Definitive

Agreement with Developer, the District's consent for a direct or indirect transfer of membership interests in Developer or admission of new members into Developer shall not be required so long as after the transfer (i) PWD shall remain as the managing member of Developer with active and direct control and supervision of the operations of Developer, (ii) PWD, ThrillCorp, OdySea and RCI collectively hold at least 51% of the direct or indirect voting membership interests in Developer, (iii) the proposed transferee and its principals are reputable (meaning the absence of a reputation for dishonesty, criminal conduct, or association with criminal elements), provided that "reputable" does not mean "prestigious", nor does the determination of whether one is reputable involve consideration of personal taste or preference, (iv) if the proposed transferee or new member (or its principals) is a tenant of the District, such person or entity (or its principals) is then in good standing with the District under its agreements with the District, (v) there is no change in entity form of 1HWY1, (vi) Developer delivers to District prior written notice of such action listing the new member(s) and its principals, along with an updated organizational chart showing the new member(s), member (s) operating, partnership or other formation agreement and a certified copy of the formation documents for the new member(s), and (vii) any additional information on the new member(s) as is reasonably requested by District. In addition, at the request of the District from time to time, within thirty days (30) after a request from the District, the Developer shall provide to the District a detailed organizational chart and other information to determine the person(s) and entities holding a direct or indirect interest in Developer and who has control over Developer including information on beneficial ownership and voting rights to make such determination.

9. **COSTS AND EXPENSES.** Except as otherwise expressly set forth in this Agreement, each Party shall be responsible for its own costs and expenses in connection with any activities and negotiations undertaken in connection with the performance of its obligations under this Agreement; provided, however, Developer, and not the District, shall be responsible for all fees associated with review and approval of a Proposed Development project as outlined in Board Policy No. 106 for Cost Recovery User Fee and all processing fees and costs associated with application for, and processing of, the environmental review set forth in Section 14 below, including, but not limited to, all of the District's costs of preparing any environmental studies as may be determined to be required by the District, in its sole and absolute discretion. Prior to assessing any fees under Board Policy No. 106, the District shall provide Developer with an estimate of the fees.

10. **NOTICES.** Notices given or to be given by the District or Developer to the other may be personally served upon the District or Developer or any person hereafter authorized by either in writing to receive such notice on its behalf or may be served by certified letter (return receipt requested) addressed to the appropriate address hereinafter set forth or to such other address as the District and Developer may hereafter designate by written notice, and shall be deemed delivered on the date of personal delivery, or if delivered by certified mail, upon the date shown for delivery in the returned receipt or three days after the deposit of the certified letter in the United States mail, whichever is earlier. All notices shall be in writing and shall be made as follows:

a. All notices to Developer shall be given or sent by certified mail to:

Protea Waterfront Development, LLC
Attention: Yehudi Gaffen
5960 Cornerstone Court West, Suite 100
San Diego, CA 92121

b. All notices to the District shall be given or sent by certified mail to:

Director, Real Estate
San Diego Unified Port District
3165 Pacific Highway
Post Office Box 120488
San Diego, CA 92112-0488

Any Party may designate a different address by giving written notice as set forth in this Section.

11. **NEED FOR DEFINITIVE AGREEMENT.**

a. **Purpose of Agreement.** The Parties acknowledge and agree that this Agreement is for the sole purpose of stating the intention of the Parties to negotiate and potentially enter into the Definitive Agreement. The Parties acknowledge that this Agreement establishes a process for the Parties to negotiate, exchange information and for the Developer to establish a project description for the Proposed Development to initiate the CEQA process and the Parties do not intend to be bound to carrying out the Proposed Development or any Programmatic Components thereof until

the Definitive Agreement is executed by both Parties. District's execution of this Agreement is merely an agreement to enter into the Negotiating Period, according to the terms presented herein, reserving full and final discretion and approval by the Board as to actions required, if any. This Agreement is not, and the Parties do not intend that this Agreement to be the Definitive Agreement. Subject to the obligations and rights expressed in this Agreement, unless and until a Definitive Agreement is approved as set forth in Section 11(c) and executed by both Parties, the Parties do not intend to be bound in any way to any other agreement. Each Party's acknowledgement of this Agreement is merely an agreement to enter into the Negotiating Period according to the terms presented herein, reserving final discretion and approval of any Definitive Agreement by the Board (or in the case of Developer, its principals) as to actions required, if any.

b. **Framework of Negotiations.** The District and Developer acknowledge that this Agreement is a framework for negotiation of essential terms in a Definitive Agreement, but that they have not agreed upon the essential terms or the material elements of a transaction, including, without limitation, the rent, the final legal description of the Property subject to the Definitive Agreement, the time or manner of and significant terms related to the Definitive Agreement, the conditions precedent to lease, if any (including without limitation, related to the design and entitlement of the Proposed Development) and the requirements related to development of the Proposed Development, each of which are an essential component of the transaction which shall be the subject matter of their further negotiations and shall be set forth, if at all, in a Definitive Agreement approved by the Board (or in the case of Developer, its principal(s)), in its sole an absolute discretion, and executed by authorized representatives of each of the District and Developer subject to said approval. Further, Developer acknowledges that the design of the Proposed Development, the identity, stability and financial capacity of Developer, 1HWY1 team and 1HWY1, and the terms and conditions of the lease of the Proposed Development, if any, will be of material concern to the District and comprise part of the essential terms that are not yet agreed upon by the Parties.

c. **Not Binding Until Formally Approved.** The Definitive Agreement shall not be approved or binding upon the Parties unless and until it is fully executed by Developer and the District, approved by counsel of each

Party as to form and legality, and approved by the authorized representatives of Developer and by the Board and following compliance with all laws, including without limitation, CEQA. The concurrence of the Executive Director or her designee with the terms and provisions of the Definitive Agreement shall not be construed or interpreted as the District approving or accepting such terms and shall not be relied on by Developer. If the Board disapproves the CEQA analysis for the Definitive Agreement or Proposed Development, disapproves the Definitive Agreement or any other permit requiring Board approval during the Negotiating Period, this Agreement will automatically and immediately terminate; provided that if the Board requests modifications to any of the foregoing, the Parties may mutually agree to extend the Negotiating Period, if necessary, to address the Board requested modifications and to permit resubmittal of the CEQA analysis and/or a Definitive Agreement to the Board.

d. **Outreach.** During the Negotiating Period, Developer shall participate with the District in public outreach efforts including stakeholder outreach and Board meetings and other outreach as necessary to promote the Proposed Development.

e. **Termination and Survival Provisions.** Notwithstanding any other provision of this Agreement, this Agreement and its terms are binding on the Parties until this Agreement terminates and, further, the provisions of Section 7 (Developer's Findings, Studies and Reports), Section 9 (Costs and Expenses) (as it relates to the obligation of Developer to pay specified fees and costs incurred by the District), Section 13 (Remedies for Breach of Agreement), Section 15 (Attorneys' Fees), Section 30 (No Broker), Section 31 (No Agreements with Third Parties), and Section 33 (OFAC Compliance) shall survive the termination of this Agreement and the Parties shall each remain liable with respect to each of such surviving provisions, as set forth in this subsection 11(e) for all obligations, fees, costs and expenses thereunder incurred during or as a result of matters arising during the Negotiating Period.

This Section 11 shall survive the expiration or earlier termination of this Agreement.

12. **DEFAULT.** Failure by either Party (a) to negotiate in good faith, (b) to negotiate exclusively, as provided in Section 2(c), or (c) perform any other of its obligations as provided in this Agreement, including without limitation, the delivery of the submittals set forth in Section 6, shall constitute an event of default under this Agreement. The non-defaulting Party shall give written notice of a default to the defaulting Party, specifying the nature of the default and the action required to cure the default. If the default remains uncured for twenty (20) days after the date of such notice it shall be deemed an "Uncured Default", and the non-defaulting Party may terminate this Agreement as set forth in Section 13(a) of this Agreement.

13. **REMEDIES FOR BREACH OF AGREEMENT.**

a. **Termination.** In the event of an Uncured Default by the District, Developer's sole remedy shall be to terminate this Agreement. In the event of an Uncured Default by Developer, the District's sole remedy shall be to terminate this Agreement. Except as set forth in Section 11(e), after termination of this Agreement by either Party, neither Party shall have any further rights, remedies or obligations to the other Party under this Agreement and the Parties shall each be relieved and discharged from all further responsibility or liability under this Agreement.

b. **Limitations on Remedies.** Developer acknowledges that the District would not have entered into this Agreement if the District could become liable for damages or specific performance under or with respect to this Agreement, the Definitive Agreement or the Proposed Development. Consequently, without limiting any other terms of this Agreement and notwithstanding any actual or alleged default, including without limitation, any Uncured Default, by the District or Developer:

i. the District shall have no liability for monetary damages or specific performance for the breach of this Agreement to Developer (except with respect to attorneys' fees awarded by a court pursuant to Section 15 herein) or any third party; and

ii. except with respect to claims arising under the sections described in Section 11(e), including without limitation, those payable by Developer with respect to Section 9, Developer shall have no liability to the District for monetary damages or specific performance for the breach of this Agreement.

c. **Release.** Without limiting the generality of the foregoing, except as set forth in Section 13(b), each Party hereby expressly waives, releases and relinquishes the right to any and all damages and/or monetary relief (whether based in contract or in tort), including, without limitation, any right to claim direct, compensatory, reliance, special, indirect or consequential damages with respect to or arising out of this Agreement and any other rights or claims it may otherwise have at law or at equity. In addition, Developer further expressly waives and irrevocably releases the District with respect to:

i. any right to specific performance for conveyance of, or to claim any right of title or interest in the Property or any portion thereof,

ii. any right to record a lis pendens or to otherwise place a lien or restriction of any type upon or affecting the Property, and

iii. any and all claims, damages, liabilities, costs, expenses that Developer may now or hereafter have or incur relating to or arising from:

1. the terms of this Agreement including, without limitation, the information set forth herein or the termination hereof, and

2. any action or inaction of the District in connection with this Agreement, including without limitation, the exercise by the District of its discretion, decision, judgment with respect to the foregoing or the failure of the District to enter into the Definitive Agreement.

With respect to all releases and waivers made by the Developer under or pursuant to this Agreement, the Developer hereby waives the application and benefits of California Civil Code § 1542 and hereby verifies that it has read and understands the following provision of California Civil Code § 1542:

> **"A general release does not extend to claims which the creditor does not know or suspect to exist in his or her favor at the time of executing the release, which if known by him or her must have materially affected his or her settlement with the debtor."**

DEVELOPER: _____

14. **CEQA, ENTITLEMENTS AND RESERVATION OF DISCRETION.** This Section 14 shall apply notwithstanding any other provision of this Agreement. The Parties agree and acknowledge that compliance with CEQA is a legal precondition to the District's or Board's commitment or approval of any discretionary District action for a project that may result in a direct or indirect physical change to the environment, including, without limitation the Definitive Agreement, a Port Master Plan Amendment ("PMPA"), if required and a Coastal Development Permit ("CDP") for the Proposed Development ("Discretionary Actions"). No approval of the Discretionary Actions shall be approved or deemed to be approved by the District or the Board, until after the CEQA analysis for the same and the Proposed Development is considered and approved by the District or Board in accordance with the requirements of CEQA. The Parties also acknowledge and agree to the following terms and conditions:

a. Preparation of a PMPA, CDP and CEQA analysis by a Consultant (defined below). If deemed necessary by the District, in its sole and absolute discretion, a PMPA and CDP under the Coastal Act for the Proposed Development may be required. CEQA analysis shall also be required. The District, in its sole and absolute discretion, may have the CEQA analysis, PMPA or CDP prepared by one or more private firms (collectively, "Consultant") under a three-party agreement executed by the District, Developer and the Consultant. If the District decides that such a three-party agreement is required, Developer shall enter into said agreement. The Parties intend that the three-party agreement include, at a minimum, the following provisions:

    i. Developer agrees to pay for all of the District's Consultant cost, including, without limitation, the Consultant fees for preparing the CEQA analysis, PMPA, or a CDP and obtaining California Coastal Commission ("Coastal") approval of said entitlements, and any other required entitlements; and

    ii. Developer will directly pay such costs as they are incurred within 30-days after Developer receives written request for payment from either the District or the Consultant. Developer shall fully and timely cooperate with the District and, if applicable, the Consultant, in furnishing information required for the District's consideration of its approval of the CEQA analysis, PMPA or CDP and the District's efforts to obtain approvals from the Coastal. Said cooperation shall

include, without limitation, submitting necessary and useful information at the request of the District or the Consultant and attending and presenting at community workshops or other public forums where issues relating to the CEQA analysis, PMPA, CDP or other entitlements are discussed. Developer shall have the right to review all costs including third party studies and documents and protest any unreasonable fees. Notwithstanding the above, if this Agreement is terminated, Developer shall have no liability to pay any future costs or expenses incurred pursuant to this Section 14(a) after the date of termination of the Agreement, but shall pay all costs and expenses up to the date of termination. Prior to incurring any fees, the District shall provide Developer with an estimate of the fees.

b. Review and Approval of the CEQA Analysis, PMPA, CDP and Proposed Development. The Parties agree and acknowledge that an approval of a project under CEQA Guideline Sections 15352 and 15378 has not occurred by the District's approval of this Agreement. The CEQA analysis, Discretionary Actions and Proposed Development may be reviewed and considered by the Board, in its sole and absolute discretion and the Parties acknowledge and agree that this Agreement is not and does not guarantee approval of the CEQA analysis, required findings, including without limitation a Statement of Overriding Considerations, a Mitigation Monitoring Reporting Program ("MMRP") or any permits, entitlements (including, without limitation, the Discretionary Actions), improvements or other projects (collectively, "Required Approvals") for the Proposed Development or the Proposed Development itself as contemplated by this Agreement or otherwise. The Parties further agree and acknowledge that the Board and District retain sole and absolute discretion to, among other things:

   i. prepare, adopt, or disapprove an exemption, a Mitigated Negative Declaration ("MND") or an Environmental Impact Report ("EIR"), pursuant to CEQA for the Proposed Development, Discretionary Actions and other required permits and entitlements required to carry out the Proposed Development or any other project proposed by Developer on the Property;

ii. adopt, condition or disapprove any and all projects including, without limitation, any and all of the Required Approvals or the Proposed Development;

iii. adopt any and all feasible mitigation measures to lessen potentially significant environmental impacts from any project, including the Proposed Development;

iv. modify any project, including the Proposed Development, adopt any alternatives to the same, including the "no project" alternative, and adopt or refuse to adopt a Statement of Overriding Consideration, if applicable, in connection with the CEQA process.

Developer acknowledges that this Agreement shall not be construed as a direct or indirect commitment by the Board, the District or any other entity to take or to not take any action, whether under CEQA, the Coastal Act or otherwise, in connection with the Required Approvals or the Proposed Development or any other projects related to matters set forth in this Agreement or otherwise. Additionally, the Parties acknowledge and agree that the Discretionary Approvals and other permits, entitlements or project approvals shall not be presented to the District or Board for approval unless and until all environmental review under CEQA has been conducted and approved. Developer shall have no claim, cause of action, or right to compensation or reimbursement from District if the Proposed Development or Required Approvals are not adopted for any reason or an alternative, including the no project alternative is adopted, or if adopted, the item is subject to the performance of certain additional conditions or mitigation measures.

Developer fully assumes all the risk that the District, the Board or Coastal will not approve or adopt any or all of the Required Approvals or will impose conditions and mitigation measures to the Required Approvals or select an alternative, including the no project alternative. This Section 14 shall survive the expiration or earlier termination of this Agreement.

15. ATTORNEYS' FEES. In the event of any dispute between the Parties hereto involving the covenants or conditions contained in this Agreement or arising out of the subject matter of this Agreement, the prevailing Party shall be entitled to recover reasonable expenses, including attorneys' fees and costs.

16. ASSUMPTION OF RISK. The District and Developer each assume the risk that, notwithstanding this Agreement and good faith negotiations, the District and Developer may not enter into any Definitive Agreement due to their failure to

agree upon essential terms, the type of Definitive Agreement, the Definitive Agreement or any CEQA analysis required in connection with the foregoing and the Proposed Development. Accordingly, except as specifically set forth in this Agreement, neither Party will have any liability to the other in the event that the Parties are unable to agree upon the essential terms or to enter into any Definitive Agreement.

17. **ENTIRE AGREEMENT.** This Agreement constitutes the entire understanding and agreement of the Parties, integrates all of the terms and conditions mentioned herein or incidental hereto, and supersedes all negotiations or previous agreements between the Parties or their predecessors in interest with respect to all or any part of the subject matter hereof.

18. **TIME IS OF THE ESSENCE.** Time is of the essence with respect to all the express conditions contained herein.

19. **THIRD PARTIES.** Nothing in this Agreement, whether expressed or implied, is intended to confer any rights or remedies under or by reason of this Agreement on any persons other than Developer and the District and their respective permitted successors and assigns, nor is anything in this Agreement intended to relieve or discharge the obligation or liability of any third persons to any Party to this Agreement, nor shall any provisions give any third persons any right of subrogation or action over or against any Party to this Agreement.

20. **SECTION HEADINGS.** The section headings contained herein are for convenience in reference and are not intended to define or limit the scope of any provision thereof.

21. **GOVERNING LAW.** This Agreement and all of the rights and obligations of the Parties hereto and all of the terms and conditions hereof shall be construed, interpreted and applied in accordance with and governed by and enforced under the laws of the State of California.

22. **DISTRICT'S RIGHT TO USE PROPERTY.** Developer acknowledges that until such time as a lease is executed by the Parties, the District shall have the right, in its sole and absolute discretion and without consent of Developer, (a) to use, operate, manage or lease all or any portion of the Property itself or through a third party (which may include Developer, 1HWY1 or one of its affiliates) for any and all legal uses, including, without limitation, any Interim Uses, (b) to construct or to permit construction of infrastructure on the Property, including, without limitation, realignment of streets, and repaving and restriping of the parking, (c) to

demolish, or to permit demolition, of any improvements on the Property, (d) to construct, or to permit construction, on the Property, including, without limitation, tenant improvements, as may be needed, in the sole and absolute discretion of the District, to continue the operation of the Property after the expiration or earlier termination of any lease, permit, license, easement or other agreement with any third party or as required by any lease, permit, license, easement or other agreement with any third party, (e) to convey portions of the Property and/or grant easements in the Property to the City of San Diego or to any public or quasi-public entity or to any utility, as necessary or desirable for the development of the Property, (f) to issue temporary licenses or other grant of access rights to the Property to the City of San Diego and/or to any other third party, as necessary or desirable for the development of utilities and infrastructure on, above or under the Property; and/or (g) to amend, modify, or terminate any of the leases, permits, easements, licenses or other agreements related to the Property, and none of the foregoing shall be deemed a breach by the District of its obligations to negotiate set forth in Section 2. Notwithstanding the foregoing, the District shall, except with regard to any agreements related to or resulting from RFP 17-52ME (Waterfront Retail Opportunity):

i. provide Developer with written notice if the District enters into a lease, temporary use and occupancy permit, or easement following the Effective Date of this Agreement granting rights to use or occupy some or all of those portions of the Property excluding the Fish Market and the Headquarters leaseholds ("Notice Property") in excess of 1 year but less than 3 years; and

ii provide Developer with written notice ten (10) days' prior to entering into any lease, temporary use and occupancy permit, or easement granting rights to use or occupy some or all of the Notice Property in excess of three years to allow Developer to object to such lease, temporary use and occupancy permit, or easement within five (5) days of receiving District's notice and if Developer objects within the five (5) days, District shall reasonably consider Developer's objection prior to entering into such lease, temporary use and occupancy permit, or easement.

23. **CONSENT/APPROVAL.** Except as expressly provided elsewhere in this Agreement, wherever in this Agreement the consent or approval of the District, the Board, the Executive Director of the District, Developer or any of their designees is required, such consent or approval may be given or denied in the

sole and absolute discretion of the person or party to which such discretion is given.

24. **COMPUTATION OF TIME PERIODS.** If any date or time period specified in this Agreement is or ends on a Saturday, Sunday or federal, state or legal holiday, or on a day that the District is closed as part of an alternative work week, such date will automatically be extended until 5:00 p.m., Pacific Time, of the next District business day or of the next day which is not a Saturday, Sunday or federal, state or legal holiday.

25. **NO WAIVER.** The waiver or failure to enforce any provision of this Agreement by a Party will not operate as a waiver of such Party's right to enforce future defaults or breaches of any such provision or any other provision of this Agreement.

26. **PARTIAL INVALIDITY.** If any portion of this Agreement is declared by any court of competent jurisdiction to be invalid, illegal or unenforceable, that portion will be deemed severed from this Agreement and the remaining parts of this Agreement will remain in full force as fully as though the invalid, illegal, or unenforceable portion had never been part of this Agreement.

27. **AMBIGUITIES NOT HELD AGAINST THE DRAFTER.** This Agreement has been freely and voluntarily negotiated by all Parties and the Parties are aware that they have the right to be advised by counsel with respect to the negotiations, terms and conditions of this Agreement, and that the decision of whether or not to seek the advice of counsel with respect to this Agreement is a decision which is the sole responsibility of each of the Parties. This Agreement shall not be construed in favor of or against either Party by reason of the extent to which each Party participated in the drafting of the Agreement.

28. **CAPACITY OF PARTIES.** Each signatory and Party to this Agreement warrants and represents to the other Party that it has the legal authority, capacity and direction from its principal(s) to enter into this Agreement and that all necessary resolutions, ordinances or other actions have been taken so as to enter into this Agreement.

29. **AMENDMENT TO THIS AGREEMENT.** Except as set forth in Section 2(b), the terms of this Agreement may not be modified or amended except by an instrument in writing executed by each of the Parties and if applicable, approved by the District.

30. **NO BROKER.** Developer represents and warrants that it has not engaged any broker, agent, or finder in connection with this Agreement and Developer agrees to hold the District and its representatives harmless from any losses and liabilities arising from or in any way related to any claim by any broker, agent, or finder retained by Developer, regarding this Agreement, the Definitive Agreement or the lease or development of the Property.

31. **NO AGREEMENTS WITH THIRD PARTIES.** Developer acknowledges and agrees that this Agreement does not grant, convey, or provide Developer with any interest, including without limitation, a possessory interest, in any portion of the Property. Developer shall not enter into or cause or direct any person or entity to enter into, any agreement with any person or entity related to the Property or this Agreement that (i) binds, or has the effect of binding, the District or any portion of the Property; (ii) clouds, or has the effect of clouding, title to the Property, including without limitation, any encumbrances or liens; or (iii) continues beyond the expiration of the Negotiating Period or earlier termination of this Agreement. Developer agrees to provide District at its regular coordination meetings with District staff a list of the meetings Developer anticipates it or its representatives will have before the next scheduled coordination meeting with any government entity or agency (excluding the District), the San Diego Foundation and District tenant(s) regarding the Proposed Development; and District shall advise Developer or Developer's representative at such coordination meeting which meeting or meetings the District desires to attend in person or by phone at no cost to Developer; provided, however, the District shall have the right to recover costs permitted under Section 9 of this Agreement, Board of Port Commissioners Policy No. 106 and pursuant to any other fee agreement entered into with Developer . If District identifies any such meeting that it wishes to attend in person or by phone, then Developer and District shall reasonably coordinate schedules so that one or more District representatives may attend in person or by phone. For purposes of clarity, the Developer's requirement to provide advance notice to the District regarding meetings with governmental entities or agencies do not apply to (i) general information, record, data or file requests to governmental entities or agencies except for State Lands Commission, California Coastal Commission, and San Diego Regional Airport Authority, or (ii) general information, record, data, file reviews as part of the City of San Diego Development Review Process. Notwithstanding anything in Section 13 to the contrary, Developer shall indemnify the District for all costs and expenses, including without limitation, any and all damages and/or monetary relief (whether based in contract or in tort), including, without limitation, any right

to claim direct, compensatory, reliance, special, indirect or consequential damages with respect to or arising out of Developer's breach of this Section 31. This Section 31 shall survive the expiration or earlier termination of this Agreement.

32. **NO RELATIONSHIP.** Developer and any agent, employee, or contractor of Developer shall act in an independent capacity and not as agents, officers or employees of the District. The District assumes no liability for Developer's actions and performance, nor assumes responsibility for taxes, bonds, payments or other commitments, implied or explicit by Developer. Developer shall not have authority to act as an agent on behalf of the District unless specifically authorized to do so in writing. Developer shall make clear to third parties that Developer is not an agent, employee, or independent contractor of the District. Nothing in this Agreement shall be deemed to create any form of business organization between the parties, including, without limitation, a joint venture or partnership.

33. **OFAC COMPLIANCE.** Developer represents and warrants to the District that (i) Developer and each person or entity owning an interest in Developer is not now, and shall not during the Negotiating Period become, a person or entity with whom District or any citizen of the United States is restricted from doing business with under the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001, H.R. 3162, Public Law 107-56 (commonly known as the "USA Patriot Act") and regulations promulgated pursuant thereto, or under any successor statutes or regulations, including, without limitation, persons and entities ("Prohibited Persons") named on the Specially Designated Nationals and Blocked Persons List maintained by the Office of Foreign Assets Control, Department of the Treasury ("OFAC") and/or on any other similar list pursuant to any authorizing statute, executive order or regulation, nor a Person (also, a "Prohibited Person") with whom a citizen of the United States is prohibited to engage in transactions by any trade embargo, economic sanction, or other prohibition of United States law, regulation, or Executive Order of the President of the United States, (ii) none of the funds or other assets of Developer constitute property of, or are beneficially owned, directly or indirectly, by any Prohibited Person, (iii) no Prohibited Person has any interest of any nature whatsoever in Developer (whether directly or indirectly), (iv) none of the funds of Developer have been derived from any unlawful activity with the result that the investment in Developer is prohibited by law or that this Agreement is in violation of law, and (v) Developer has

implemented procedures, and will consistently apply those procedures, to ensure the foregoing representations and warranties remain true and correct at all times.

[Remainder of page intentionally left blank.]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date and the year written below.

APPROVED AS TO FORM AND LEGALITY:
GENERAL COUNSEL

By: _____
~~Assistant~~ Deputy

SAN DIEGO UNIFIED PORT DISTRICT,
a public corporation

By: _____
Tony Gordon,
Director,
Real Estate

Dated: 10/2/2017

PROTEA WATERFRONT DEVELOPMENT, LLC, a California limited liability company

By: _____
Signature

PRINT NAME: Yehudi Gaffen

PRINT TITLE: CEO

DATED: September 28, 2017

SDUPD Docs No. ~~1196134~~ 1198108

EXHIBIT A

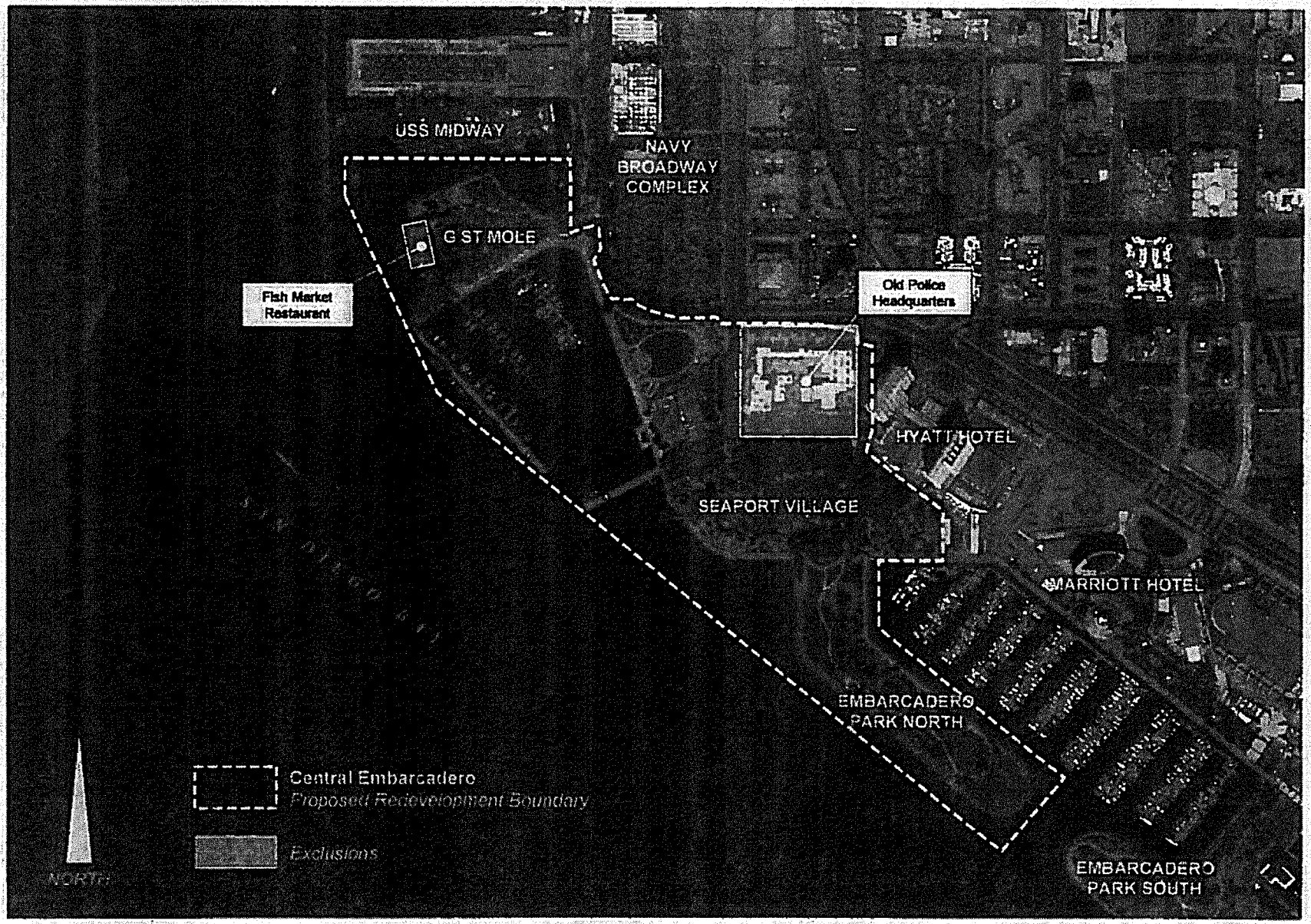
USS MIDWAY
NAVY BROADWAY COMPLEX
G ST MOLE
Fish Market Restaurant
Old Police Headquarters
HYATT HOTEL
SEAPORT VILLAGE
MARRIOTT HOTEL
EMBARCADERO PARK NORTH
EMBARCADERO PARK SOUTH
Central Embarcadero
Proposed Redevelopment Boundary
Exclusions
NORTH

Exhibit B

Central Embarcadero Pre-Development and Feasibility Milestones	
	Date
Market Demand and Feasibility Study (all programmatic components)	
Select Feasibility Consultant	07/14/17
Completion of Market Demand and Feasibility Study	10/16/17
Geotechnical Investigation	
Additional Testing for Final Report	10/25/17
Final Fault, Hazards Environmental and Soils Report	12/26/17
Final Structural Impact Analysis	02/20/18
Civil Investigation	
Base/Master Drawing of Existing Utilities	06/30/17
Additional Wet & Dry Utility Analysis	09/25/17
Document Review	10/13/17
General Contractor	
General Contractor Selection	
Workshops	06/30/17
GC selection	09/08/17
Selection of Master Architect	
Charrettes	07/31/17
Architect Selection	09/15/17
Master Architect Tasks - Start of DDP Phase 2	
Final Presentation w/ Project Description Detail	08/15/18
Final Project Cost Estimates	09/01/18
Final Project Financial Pro Forma	09/05/18
Final Project Description	09/11/18
[illegible]	
Commercial Fishing Basins	
Validation Report	
Agreement	06/30/17
Final Draft	11/17/17
Potential Final Design Modifications	02/16/18
Recreational Marina / Beaches	
Final Design	03/02/18
Final Presentation	03/09/18
Final Cost estimates	04/16/18
Final Financial Pro Forma	05/14/18
Vision Document	10/06/17
Program Document	12/26/17
Conceptual Design	01/12/18
Select Technical Team (Arch / Mech / Eng)	01/12/18
Final Presentation	04/06/18
Preliminary Pro Forma Development	05/28/18
[illegible]	
Vision Document	10/20/17
Program Document	12/15/17
Final Presentation	02/09/18
Submission to Port / State Lands Commission	03/09/18
Preliminary Pro Forma Development	04/13/18

Observation Tower	
Vision	11/20/17
Define Program	12/18/18
Conceptual Design	02/06/18
Final Cost Estimates	03/23/18
Final Financial Pro Forma	05/01/18
Vision	12/20/17
Operational Feasibility	03/12/18
Final Cost Estimates	04/30/18
Final Financial Pro Forma	05/21/18
Vision	12/18/17
Conceptual design	03/09/18
Final Cost Estimates	03/12/18
Final Financial Pro Forma	05/14/18
Parking and Mobility	
Vision	11/27/17
Conceptual design	01/15/18
Operational Feasibility	02/12/18
Final Cost Estimates	04/09/18
Final Financial Pro Forma	04/18/18
First Draft	08/15/18
Review	08/21/18
Final Draft	09/05/18
Review	09/12/18
Submit to Port	09/20/18

Reference Copy
67343

RESOLUTION 2016-177

RESOLUTION SELECTING A SUCCESSFUL PROPOSER AND CONCLUDING THE REQUEST FOR PROPOSALS SUBJECT TO THE DISTRICT'S RESERVATION OF CERTAIN RIGHTS THEREIN

WHEREAS, the San Diego Unified Port District (District) is a public corporation created by the legislature in 1962 pursuant to Harbors and Navigation Code Appendix 1 (Port Act); and

WHEREAS, on February 22, 2016, District staff issued a Request for Proposals 16-04ME (RFP) for the 70 acres of land and water located within the District's Central Embarcadero; and

WHEREAS, the RFP gives the District broad discretion in how a proposal/prosper is selected, as well as reserves certain District rights including, without limitation, the District's ability to reject or move forward any or all proposals or parts thereof, issue subsequent requests for proposals, postpone opening for its own convenience, remedy technical errors in the process, approve or disapprove the use of a particular proposer's sub-service providers, negotiate with any, all or none of the proposers, solicit best and final offers, award agreements to one or more proposers and waive informalities and irregularities in proposals (collectively, Reservation of Rights); and

WHEREAS, on May 2, 2016, the District received 11 proposals, of which, six were deemed complete and moved forward for consideration; and

WHEREAS, on June 13 and 14, 2016, the District hosted an open house, which over 1,200 members of the public attended to preview the six proposals, meet the development teams and provide comments; and

WHEREAS, on July 13, 2016, the Board of Port Commissioners (BPC) after thoroughly considering all the proposers/proposals, directed staff to enter into exclusive discussions with the 1HWY1 team and to further evaluate the Seaport San Diego (Seaport) proposal, while not making a final selection or eliminating the other five proposals/proposers; and

WHEREAS, the factors that the BPC expressed in directing staff to enter into the exclusive discussions included, but are not limited to, 1HWY1: provided the most comprehensive approach to the overall project; included a variety of exciting and innovative programmatic components (as identified in the RFP); comprised of a development team that is best in class and is well-qualified;

considered existing prioritized land uses on Tidelands; was heavily supported by stakeholders during public comment; and

WHEREAS, following the BPC's direction, staff immediately commenced a due diligence phase by forming a cross-functional team to develop questions regarding areas of the 1HWY1's proposal that staff believed needed clarification; and

WHEREAS, that supplemental information and analysis of the same has been presented to the BPC; and

WHEREAS, the BPC's action, including the selection of a successful proposer, does not bind the District to a definite course of action and the District retains the sole and absolute discretion to modify the proposal or any project arising therefrom, or to determine not to approve any project or entitlements for the same; and

WHEREAS, the BPC's action does not constitute an "approval" of a "project" under the California Environmental Quality Act and the BPC may, in its sole and absolute discretion, adopt (1) any and all feasible mitigation measures, (2) feasible alternatives to a project that may arise from the proposal, including a no project alternative, and/or (3) a statement of overriding consideration, if applicable; and

WHEREAS, the BPC has considered the entire record, including all proposals/proposers, the criteria in the RFP and how the proposals/proposers meet said criteria, and information provided to the BPC.

NOW, THEREFORE, BE IT RESOLVED by the Board of Port Commissioners of the San Diego Unified Port District as follows:

1HWY1 is the successful proposer of RFP 16-04ME, the RFP process is concluded, and the other five proposers are eliminate; provided, however, said selection is conditioned on the District's reservation of all its rights under the RFP 16-04ME and under applicable law, and 1HWY1 and the District shall not discuss, negotiate or enter into any agreements with 1HWY1 the logical consequence of which would provide for or facilitate a hotel development on the site until after the expiration date of a hotel restriction clause in that certain Exclusive Negotiating Agreement between the District and One Park Boulevard, LLC (District Document No. 58932).

BE IT FURTHER RESOLVED:

District staff continue the appropriate due diligence excluding any hotel due diligence and return to the Board at a future meeting to enter into a preliminary agreement with 1HWY1.

2016-177

APPROVED AS TO FORM AND LEGALITY:
GENERAL COUNSEL

By: Assistant/Deputy

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 8th day of November, 2016, by the following vote:

AYES: Bonelli, Castellanos, Malcolm, Merrifield, Nelson, and Valderrama.
NAYS: None.
EXCUSED: Moore.
ABSENT: None.
ABSTAIN: None.

Marshall Merrifield, Chairman
Board of Port Commissioners

ATTEST:

Timothy A. Deuel
District Clerk

(Seal)

EXHIBIT B

PORT of SAN DIEGO

August 21, 2020 **VIA EMAIL**

Jennifer Lucchesi, Executive Officer
California State Lands Commission
100 Howe Avenue, Suite 100- South
Sacramento, CA 95825

RE: Request for Preliminary Public Trust Doctrine (Trust) Consistency Review of the Seaport San Diego Project (Seaport Project) proposed on 70-Acres of land and water located within the Central Embarcadero District, City of San Diego, California

Dear Ms. Lucchesi,

I am submitting this request and the enclosed materials in connection with the proposed redevelopment of the Port of San Diego's (District) Central Embarcadero. The site to be redeveloped is arguably the most historically, culturally, and geographically significant site on tidelands under the District's jurisdiction. The site is currently developed with a popular tourist destination known as Seaport Village, a beautiful passive park area called Ruocco Park, a larger park known as Embarcadero Marina Park North, our commercial fishing piers at G Street Mole, a large parking area, and some memorial tourist attractions.

The redevelopment of this area has been a priority for the District for several years now. In 2016, the Port conducted a competitive solicitation process that included robust public and stakeholder input. 1HWY1, LLC (1HWY1) was selected by our Board of Port Commissioners (Board) to advance its proposal, the Seaport San Diego Project (Seaport Project), and the District entered into an Exclusive Negotiating Agreement (ENA) with 1HWY1 on October 2, 2017. 1HWY1 has been refining and evolving its proposed program since 2016 with a great deal of public and stakeholder input.

From District's staff's perspective, the Seaport Project provides all the components necessary to create a mixed-use development along the water's edge that will transform and revitalize the San Diego region into a world-class destination. A project of this magnitude takes a lot of effort and time as well as coordination amongst multiple agencies. The proposed Seaport Project has not been approved by the Board and there are many phases of review that must still be accomplished before the Board considers the proposed Seaport Project for approval.

However, individual Board members have expressed support for various elements of the programmatic components of the proposal and have continuously expressed interest in advancing "Blue Technologies", as well as a variety of educational programs related to the ocean and bay environment, and a wide range of uses, including one of a kind retail experiences and unique attractions that will draw visitors from all walks of life to the waterfront.

PORT of SAN DIEGO

Jennifer Lucchesi, State Lands
August 21, 2020

RE: Request for Preliminary Public Trust Doctrine (Trust) Consistency Review of the Seaport San Diego Project (Seaport Project) proposed on 70-Acres of land and water located within the Central Embarcadero District, City of San Diego, California

As you are aware, over the last couple of years, District staff has been collaborating with SLC staff to review the various programmatic components of the Seaport Project. The proposed Seaport Project includes various programmatic components, some of which include new and innovative approaches to development on tidelands and therefore require further evaluation to determine consistency with the Trust. As a continuation of this collaboration, I would now like to request that California State Lands Commission (SLC) staff conduct a preliminary review of the Seaport Project.

Enclosed are the following documents (collectively, the Public Trust Consistency Documents) submitted to the District by 1HWY1under ENA:

1. 1HWY1 Seaport San Diego State Lands Commission Project Description
2. State Lands Commission Consistency Determination Memorandum drafted by 1HWY1's legal counsel, DLA Piper

The District is not requesting a formal Trust consistency determination at this time but instead would like to continue the conversations and collaboration with SLC staff to receive preliminary feedback regarding the potential for the Seaport Project to achieve Trust consistency. This process will help the District in making its determination of Trust consistency prior to a formal request for a Trust determination from SLC. The District is aware that there may need to be modifications to the Seaport Project, whether through the imposition of conditions, modifications, or otherwise, before Trust consistency can be achieved. Negotiations with 1HWY1 regarding such changes have not commenced, but the District anticipates that would be a next step in the Trust consistency process after obtaining preliminary feedback from SLC staff.

I would like to thank you and your staff and look forward to our continued collaboration on this project.

Sincerely,

Randa J. Coniglio

Randa J. Coniglio
President/CEO
Port of San Diego

Attachments

cc: Seth Blackmon, Chief Counsel
Benjamin Johnson, Staff Attorney
Sheri Pemberton, Chief, External Affairs and Legislative Liaison
Reid Boggiano, Public Lands Management Specialist
Thomas A. Russell, General Counsel, Port of San Diego

Seaport San Diego
State Lands Commission Project Description



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Appendix F. Seaport Project Vision, Working Draft, Gensler, May 2017

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A. Introduction

1. Preface

The following Project Description for the Seaport San Diego Project ("Project") is provided by the 1HWY1 development team to the Port of San Diego ("Port") to assist the Port in its request to the State Lands Commission for its consideration of the consistency of the Project's program of proposed uses with the Public Trust Doctrine and the legislative grant of Public Trust lands to the Port. The Project has been designed and programmed to be consistent with the Public Trust Doctrine and the Port's legislative grant. The Project has evolved since 1HWY1 was selected as the chosen bidder for the Project by the Port in late-2016, and additional evolution will certainly occur in the future, particularly as the Project goes into the environmental review and public approval processes with the Port. However, the proposed uses set forth in this document reflect all the uses proposed for the Project; any future revisions and updates to the Project are not intended to introduce new uses not addressed here.

This Project Description focuses primarily on the proposed Project's general program and uses. For reference, we have included in an appendix of the current design state for the various elements. The ultimate Project design will be dependent on numerous factors, including the confirmation of the consistency of the proposed uses with the Public Trust Doctrine and the Port's legislative grant.

2. Background

The Seaport San Diego Project (the "Project") would bring a vibrant mix of uses including substantial recreational public open space and up to[1] 2,400,000 square feet of fish processing, hospitality, retail, restaurant, Health and Fitness, blue tech innovation space, educational, Aquarium, Event Center, and conference uses to the Project Site. The Project is designed around the unique opportunities of a very large, centrally located waterfront site in a major metropolitan area. It is a once-in-a-generation opportunity to enhance the public's access to and use and enjoyment of San Diego Bay. The underutilized site is located where the Pacific Coast Highway begins, with the iconic address of 1 Pacific Highway. It is made up of 70 acres[2] of land and water within the Port of San Diego, of which approximately 36 acres is land, which includes 15 acres of Recreational Open Space, and 34 acres of water area within San Diego Bay (the "Project Site" or "Site"). The Project Site is situated between Downtown San Diego and the waterfront within the Central Embarcadero – making it an ideal location to facilitate connections between Californians and the Bay.

[1] Where this document refers to a number that is "up-to" a certain amount, that reflects the maximum amount under consideration. Where the document refers to "approximately" a certain amount, that means the amount is plus or minus 15%, as currently proposed.

[2] For this Project Description, 1HWY1 used acreages for the Central Embarcadero consistent with the 1980 Port Master Plan and subsequent Port Master Plan Amendments. The Port Master Plan Update is currently translating acreages to GIS. Any reference to acreages in this Description is thus subject to refinement based on the Port's findings.

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Existing land uses within the Project Site include a variety of retail, restaurants, parks and surface parking lots associated with Seaport Village and the surrounding area, and in-water uses include breakwaters, piers, docks and associated marine-related facilities.

Recognizing the vast potential of the Project Site, the Port of San Diego utilized an open, public process for selecting a developer. On February 22, 2016, the Port of San Diego issued a Request for Proposals for a "World Class Waterfront Development Opportunity" for the Project Site with the following objectives:

- Create a mixed-use commercial development along the water's edge characterized by a variety of uses, public amenities, exceptional architecture, and the vibrancy of a mixed-commercial and recreational destination.
- Provide an innovative development concept which is integrated with its surroundings.
- Incorporate into its vision strong connections to the water's edge and public access and Recreational Open Space areas, excellence in design, high levels of sustainability and long-term financial viability.

Following a rigorous and competitive evaluation process, on November 8, 2016, 1HWY1 was selected as the developer and began due diligence and evolution of the Project's design.

The Project is a new type of on-the-water development that recognizes the extremely high potential of the Site to educate and benefit all Californians. It includes a strategic and cohesive mix of primary Public Trust and Ancillary uses to maximize public access and enjoyment of the waterfront for persons of all income levels while supporting overall Project viability. All Project elements work together to promote and are informed by a concept known as "Ocean Optimism." Through integrated design and uses, the Project would promote ocean literacy and a mindset of ocean conservation for millions of visitors each year through public showcases of marine sciences and sustainable ocean practices and technologies. The development mix of program elements has been purposefully and thoughtfully curated to support the Project's values and goals, discussed in greater detail below. Critically, the development mix creates a cohesive, synergistic and economically stable Project.

The wide array of uses proposed by the Project, particularly the hotels, Aquarium, and ancillary retail uses, would provide substantially increased revenues to the Port as compared to the current uses. The Project's overall mix of uses would also further diversify the current portfolio of uses at the Port, adding new economically beneficial commercial uses such as the proposed Aquarium, the Blue Tech Innovation Center, and Learning Center. The Project would thus improve economic stability and add substantial new sources of funding to the Port to help it continue to fulfill its mission while evolving to meet the needs of a fast-changing global economy.

The Project creates an exciting waterfront destination that will bring people from around the state and beyond to visit the San Diego waterfront. The Project would dramatically improve public access to the water, going beyond the existing uses to add more and improved opportunities for people to experience and interact with the water and enjoy the waterfront. Through careful urban planning and design, view corridors have been enhanced and protected. To add interest and excitement, the Project adds a new water cut that increases the porosity of the Project Site, physically extending a small portion of the Bay into the Site as a notable part of a Project-wide theme of the celebration of the ocean and its critical role in the lives of all Californians.

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3. Values and Goals

The Project addresses the following core values which correspond with and are responsive to the vision, goals and objectives of the Port of San Diego for the Central Embarcadero area of the San Diego Bay:

- Honor the water.
- Create a world class destination.
- Celebrate nature and ecology.
- Provide land and water mobility and access.
- Create plazas, parks and an urban beach.
- Inclusivity and access for all.

These core values are informed by the Public Trust Doctrine. In particular, "Honor the Water" is a concept that permeates the Project Site. Water-dependent uses, including commercial fishing, make up a major portion of the development mix, along with public access to the water for recreation. The Project would improve and add connections to the public promenade that stretches along the entire north-south length of the Project Site, which would better integrate the Project with the broader existing bayfront promenade and the variety of waterfront uses and attractions along the Embarcadero and more broadly within San Diego Bay.

The Project would have public benefits extending far beyond the immediate Project Site. It supports San Diego as a competitive waterfront city with public benefits on, around and beyond the Project Site for all Californians. It strengthens and enhances the Port of San Diego's ability to provide Bay access to all California residents. It invests in facilities for the region's commercial fishing fleets at the Port's main commercial fishing harbor, Tuna Harbor. Further, through proposed educational and research partnerships with the University of California San Diego, Scripps Institution of Oceanography, and the Birch Aquarium at Scripps, the Project includes commercial uses that would promote Public Trust-consistent ocean and marine-based State educational and scientific goals reflected by, among other things, SB 720 and the California Education and the Environment Initiative, which promote education and research regarding environmental literacy among California's students and citizens .

4. Thematic Connections: Our Ocean and Ocean Optimism

Beyond the physical connections, the Project provides thematic connections that permeate all aspects of its program. The Project is designed around the concept of "Ocean Optimism" – a unique, water-dependent vision in which the entire Project would facilitate awareness of the vital importance of ocean resources, education in sustainability and conservation and access to the coast. Each programmatic element provides a platform to educate visitors about the fragility of the ocean environment as well as sustainability and environmental protection. Millions of visitors per year would experience a public showcase of marine sciences and sustainable ocean technologies. Ocean Optimism would inspire understanding of the importance of our ocean to our survival as a species and hopefully, through that knowledge, lead to the protection and conservation of its precious resources.

The Ocean Optimism concept is embedded in all aspects of the Project and is particularly relevant to these Project components:

- Commercial Fishing

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- Blue Tech and Learning Center
- Aquarium
- Commercial retailers who will be selected based on a sustainability focus, especially as related to a focus on climate change, water and the ocean

The Project advances the emerging "Blue Economy," which is closely tied to the Project theme of Ocean Optimism, and refers to ocean- and water-related sustainable enterprises, research, development, industry, and governance, located within a campus environment creating synergy among educational, research, innovation and development, and public-facing Aquarium uses. The Project proposes a Blue Tech Innovation Center and a Learning Center contained in a synergistic Blue Campus in which blue economy uses would be partnered with educational activities and public attractions. A detailed discussion of land use and programming for the Blue Tech Innovation Center and the Learning Center is provided below.

5. Glossary

The following provides definitions of defined terms as used herein:

- **Signature Hotel**: Means the 386 room, approximately 236,000 square foot full-service hotel constructed within the Project's iconic tower located in Block A. The Signature Hotel is intended to offer higher-end rooms and suites at moderate-to-luxury scale rates. The Signature Hotel is intended to be operated by a high-end, signature brand operator. It would include various amenities including a pool, a spa, landscaped patios and open space, full-service restaurants, and kitchens. Health and Fitness uses for the Signature Hotel would be provided separately in close proximity on Block A (see separate definition of Health and Fitness) or within the same building as the hotel (though still available for non-hotel guests per the definition below). The Signature Hotel would also include up to 22,000 square feet of conference space uses for private and public events.
- **Extended Stay Hotel**: Means a hotel that primarily services guests needing accommodations for a period of five days or longer. Such accommodations would offer limited or no food or beverage facilities or meeting space within the hotel and could offer services and facilities designed to appeal to longer-term visitors, such as grocery delivery and laundry services. Guest rooms or suites would offer some type of kitchen facility/kitchenette (e.g., hotels operated as Residence Inns by Marriott, Hyatt House, Homewood Suites, Candlewood Suites, and Home 2).
- **Select and/or Limited Service Hotel**: Means a hotel that provides guestroom accommodations at a lower price-point than full-service hotels. It would offer limited facilities and amenities, typically without a full-service restaurant. These hotels are often in the Economy, Midscale or Upper Midscale class.
- **Recreational Open Space ("ROS")**: Means publicly accessible, land and water open areas that provide a wide array of active and passive recreational uses for Project visitors, access to which is provided free of charge to the public. On the land-side, this category includes the Project's proposed parks, plazas, gardens, promenades, pedestrian and bicycle paths, sport and exercise courts, walkways, public piers, pedestrian bridges, vista areas, and a portion of the Project's constructed urban beach, water cut, and canal. This category also includes ground level open space areas that can be used for installations and landscaping but are irregularly shaped, small, or otherwise unsuitable for other development. It also includes publicly accessible rooftop areas, amenity decks, and other in-building open spaces located above the ground level that are accessible and free of charge to the public, though, notably, certain specified areas within ROS

areas may from time to time also be used for one-off paid, ticketed events. On the waterside, ROS includes open water areas for swimming, kayaking and a kayak launching facility, paddle boarding, and other recreational activities, interpretative water gardens, Constructed Wetlands, and recreational and commercial boat berthing and water navigation areas.

- **Public Realm**: Means all publicly accessible areas that are accessible to the public. This category includes all ROS and Public Access areas, including areas that may require payment to enter. The definition includes space around, between and within buildings that are publicly accessible, including streets, squares, parks, and open spaces. These areas and settings support or facilitate public life and social interaction.
- **Public Access Areas**: Means all pedestrian, bicycle, and vehicle travel-ways providing circulation through the Project Site and to areas outside the Project Site, including promenades, pedestrian and bicycle paths, walkways, pedestrian bridges, passageways, sidewalks, and roads. All of which are free to the public at no charge.
- **Artificial Constructed Wetlands**: Means the constructed artificial wetland area located in Project Block F on the Kettner Mole, located on the northern side of the constructed urban beach and park. Artificial Constructed Wetlands would be able to be utilized for educational and research purposes, while providing ancillary environmental benefits through filtration for improved water quality.
- **Pop-Ups**: Means booths, kiosks, pavilions, and temporary use structures providing retail products and food and beverage services on a temporary, seasonal, or semi-permanent basis. Such uses are not intended to be permanent uses, would be movable, and could be located in a variety of spaces throughout the Project within the Public Realm.
- **Experiential Retail**: Means retail shops and other commercial retail uses that provide services and goods that are based on and provide direct customer experiences and/or participation. Examples include food service shops where customers assist in the preparation of food. It would also include a toy or craft store that puts on regular craft, movement or play activities for families. The category also includes retail commercial uses that provide direct customer experiences that include visitor-serving entertainment uses such as a movie theater or screening rooms, arcades, e-gaming, and bowling.
- **Health and Fitness**: Means branded Health and Fitness uses that would include cycling studios, yoga studios, swimming, athletic training, dance or ballet studios, gyms, and other spaces involving a variety of fitness classes and programs. The Project's Health and Fitness uses would be located in Blocks A, B, F, and E. The Health and Fitness uses would offer day and class passes to all members of the public visiting the Project as well as serve hospitality guests (replacing in-hotel guest only gyms) and monthly membership customers. These uses would support and further activate ROS areas including parks, plazas, and the public beach, among others, inviting guests and visitors to fully utilize the recreational opportunities presented by the project as part of personal health and fitness routines.
- **Specialty Shops**: Means any returning retail shop currently operating at Seaport Village, all of which have been offered the ability the re-locate within the Project. It also may include additional branded retail Specialty Shops offering a wide variety of consumer goods, including, apparel, footwear, camping, outdoor and fitness goods and other sporting goods, technology and electronics, home goods, hardware, toys and games, luxury goods, specialty and novelty items, and gift shops. The Project's Specialty Shops would consist of brand retailers that have demonstrated a commitment to sustainability in furtherance of the Project's central theme of Ocean Optimism, including in particular those that orient their brand strategy around the utilization of sustainable materials and practices and/or engage in or otherwise contribute to

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ocean and marine conservation efforts. The Specialty Shops are thus intended to align with the Project's mission of providing education and support for ocean conservation and restoration efforts and efforts to combat climate change.

- **Service-Oriented/Wellness Retail**: Means branded retail uses providing goods and services oriented around wellness. This category may include uses such as spas, massage parlors, beauty and nail shops, personal care, cosmetics, skincare, fragrance, beauty tools, haircare, dry bars, and similar wellness product and consumer service-oriented uses.
- **Experiential Restaurant:** Means restaurants where more than half of the square footage would be dedicated to providing food and beverage service, while less than half of the square footage would be dedicated to entertainment uses such as parlor games, carnival-type games, arcade or virtual reality games, bowling lanes, wave pools, and other potential interactive gaming activities.
- **Multi-Purpose Event Center ("Event Center")**: Means the Project's proposed 120,000 square foot indoor/outdoor event and concert center located in Block C of the Project Site. The Event Center would be comprised of a multi-purpose flat floor space that could accommodate between 1800 and 4000 persons depending on seating and stage layout, which would include flexible ground level space that could include seating or be provided for standing room events, and a seated mezzanine. It could also include a retractable roof and other elements, including an open-air roof deck, to maximize interactions with the Bay. The Event Center is intended to accommodate concerts, plays, shows, political events, symposia, lectures and other leased events. It is not intended to host sporting events. The Event Center design would be oriented to the water, providing glass facades facing San Diego Bay providing bay views from proposed first and second level lobbies and pavilion providing sweeping views of the Bay, the Pacific Ocean, and the surrounding waterfront environs.
- **Open Air Market**: Means the Project's proposed temporary and fixed open-air marketplaces. The Project's Open Air Markets would include a periodic temporary marketplace located either at the existing "Market Pier" or the new "California Pier" south of and adjacent to the Tuna Harbor for Tuna Harbor Dockside Market events that include open air fish markets that would provide fish and seafood harvested by the Project's commercial fishing operations directly to consumers, among other potential vendors. The Block A Open Air Market would include a permanent installation Open Air Market. The proposed Open Air Markets would be similar in design and layout to standard farmers markets, consisting of variety of small booths and dedicated spaces wherein a different retailers would offer food and beverage or other consumer goods, which may include branded goods aimed at out-of-area visitors in an open air environment that would include fixed and non-fixed tables, chairs, and picnic tables, and shaded awnings, umbrellas, canopies and other temporary, non-fixed coverings for shade.

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B. General Project Overview by Water Zones and Land Blocks

This section presents a general overview of the 70-acre Project Site, broken down by the five distinct water zones and seven land blocks that comprise the Site.

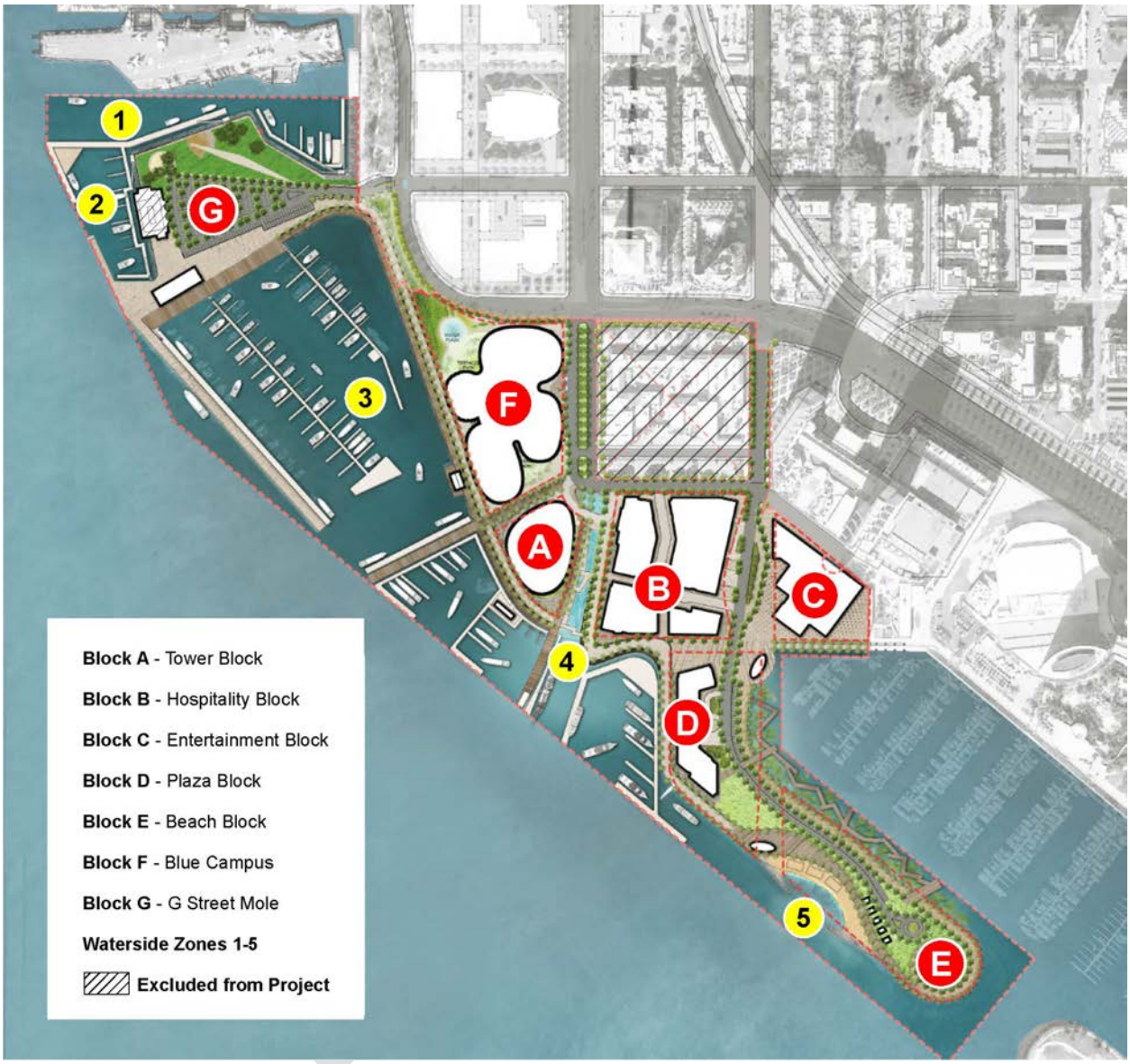

Figure 1 – General Overview of Project Water Zones and Land Blocks

The waterside uses are made up of five zones, as follows:

- **Zone 1**: Will contain recreational berthing uses, floating piers, and side tie for transient docking.
- **Zone 2**: Will contain slips for Scripps, blue technology, ecotourism, sport fishing, and potentially aquaculture. Transient docking and overflow commercial fishing vessels would also be accommodated.
- **Zone 3**: Will contain commercial fishing vessels.

- **Zone 4**: Will contain recreational berthing uses, a large public fixed pier, slips for long term docking, as well as a water cut to create enhanced access to the water.
- **Zone 5**: Will contain the beach and constructed educational tidepools and Artificial Constructed Wetlands.

The landside uses are broken down into seven blocks, as follows:

- **Block A**: Will contain the Observation Tower, which includes a mix of restaurant, retail, visitor attractions, and hotel with ancillary conference amenities.
- **Block B**: Will contain the majority of the hospitality elements, such as a hostel, varying price point hotels, entertainment, restaurant, and retail uses.
- **Block C**: Will contain the Multi-Purpose Event Center, as well as a mix of restaurant and commercial retail uses.
- **Block D**: Will contain a boutique hotel, as well as a mix of commercial retail uses.
- **Block E**: Will primarily contain a park, a new public beach, Artificial Constructed Wetlands, and a mix of Pop-Up and permanent activating commercial retail.
- **Block F**: Will contain the Blue Campus, consisting of the Blue Tech Innovation Center, the Learning Center, an Aquarium, a hospitality use, along with a mix of restaurants.
- **Block G**: Will contain a fish processing facility and restaurant uses.

1. Water Zones

a. Midway Marina

Zone 1 would consist of approximately 4.5 acres of water area, 1,140 linear feet of docks and 20 slips. Zone 1 would accommodate recreational boating, large vessel berthing, water taxis, and dock and dine facilities. Its slips and side ties are designed to accommodate large and small vessels. (See Appendix J.)



Figure 2 – Midway Marina Location, Slips and Planned Layout

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b. G-Street Mole Marina

Zone 2 would consist of approximately 2.1 acres of water area, 1,380 linear feet of docks and 22 slips. Zone 2 is envisioned to have flexible slips so it can be programmed for a variety of users. It would also include functional water research access and facilities for the proposed Blue Tech Innovation Center. Additionally, Zone 2 would accommodate Ecotourism vessels, sport fishing vessels, spaces for "dock and dine" transient vessels, and commercial fishing overflow spaces.



Figure 3 – G-Street Mole Marina Location, Slips and Planned Layout

c. Tuna Harbor

Zone 3 would consist of approximately 13.1 acres of water area, 7,920 linear feet of docks and 117 slips. In close collaboration with the San Diego Fishermen's Working Group (SDFWG), Zone 3 would primarily accommodate commercial fishing vessels access to the Project's commercial fishing facilities.

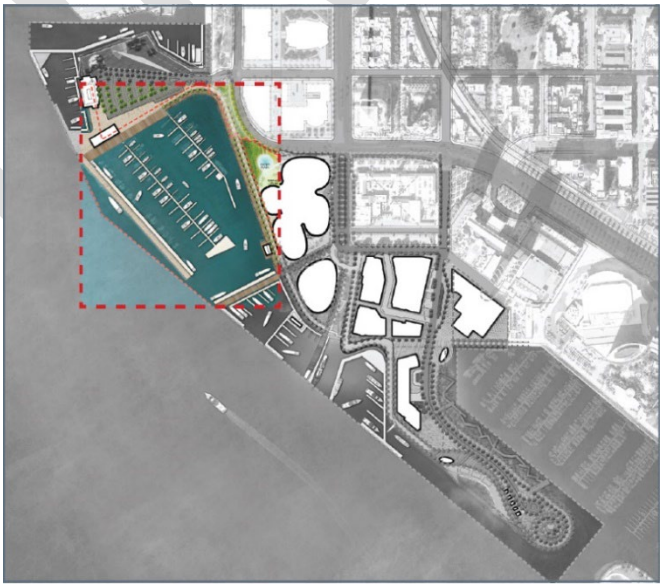

Figure 4 – Tuna Harbor Location, Slips and Planned Layout

d. 100% Corner Marina

Zone 4 would consist of approximately 7.9 acres of water area, 4,130 linear feet of recreational docks and fixed piers comprising 42 slips. Zone 4 would accommodate the proposed tidal water cut, historic visiting ships, excursion boats, dinner boats, recreational berthing, large vessel berthing, water taxis, and dock and dine facilities.

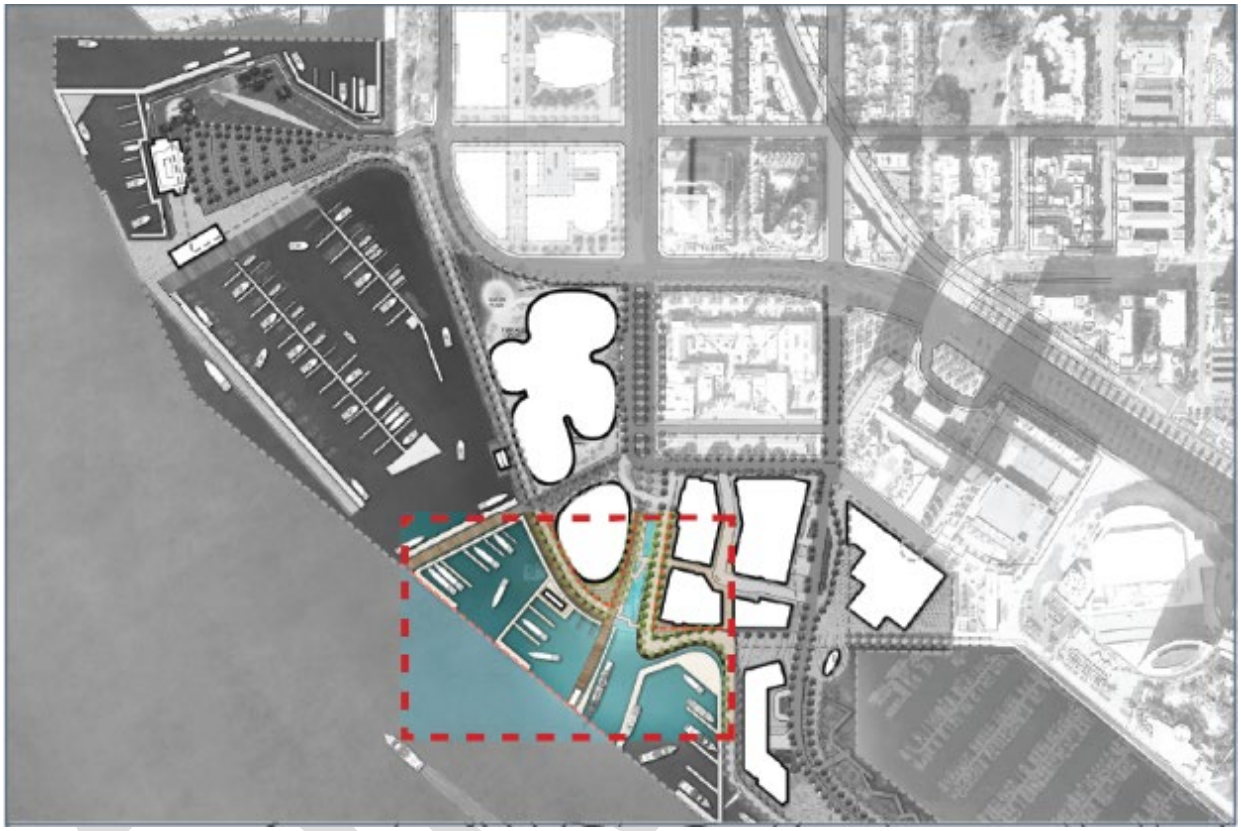

Figure 5 – 100% Corner Marina Location, Slips and Planned Layout

e. Beach Water Zone

Zone 5 would consist of approximately 6.4 acres of water area, and include a swim beach area, constructed tide pools, Artificial Constructed Wetlands, and a kayak launch facility. The public beach area and landscaped gardens in this Zone would be accessed by a continuous public promenade. An interpretive water garden, outlooks and vistas, as well as visitor-serving retail characterize this public open space area.

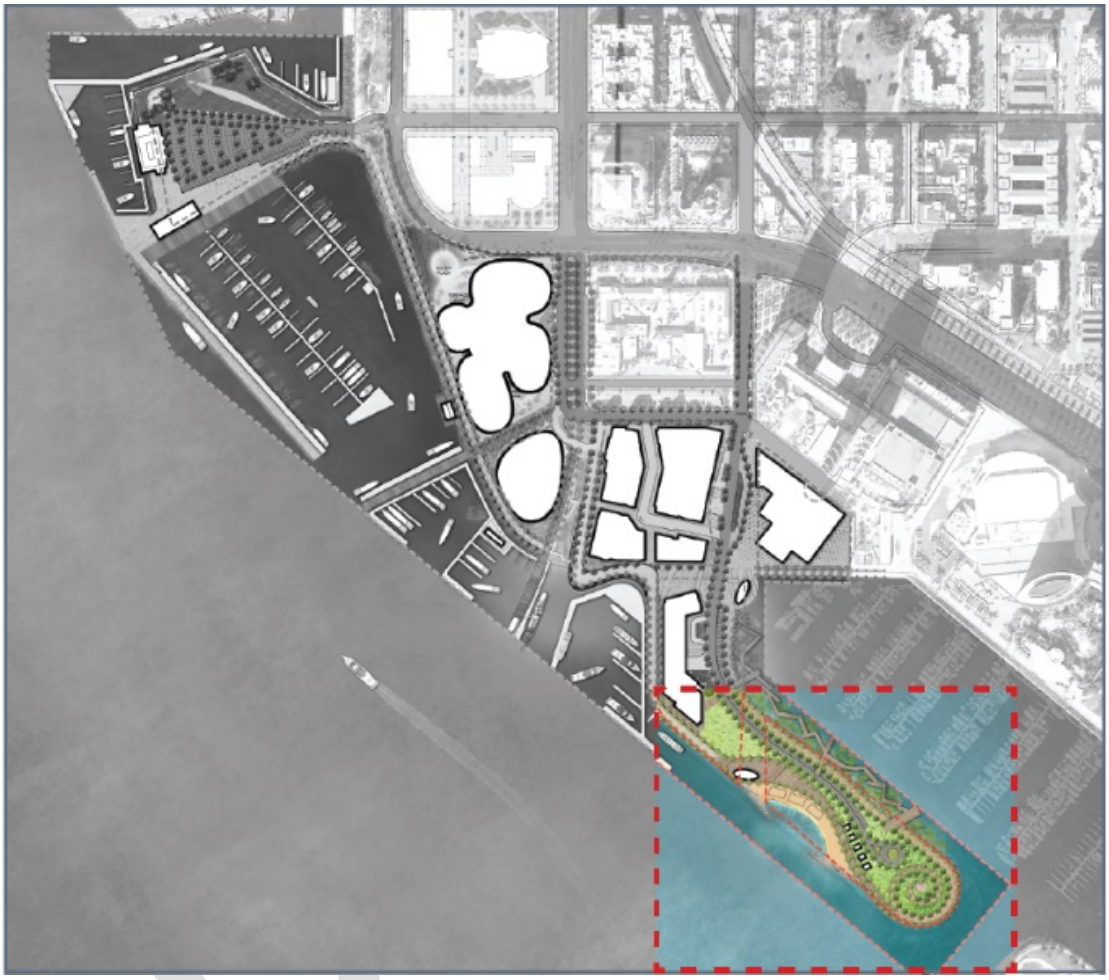

Figure 6 – Beach Block Location

2. Land Blocks

The Project includes seven land blocks covering approximately 36 acres of land area, which includes approximately 18 land acres of recreational public open space areas and up to 2,400,000 built square feet of fish processing, hospitality, retail, restaurant, health and fitness, Blue Tech innovation space, educational, Aquarium, Event Center, and conference uses.

a. Block A

Block A includes the Observation Tower, a proposed iconic 500-foot-high structure with a panoramic 360-degree view of the Bay and the City of San Diego. The bottom half of the Observation Tower would house the Signature Hotel with conference, restaurant, Health and Fitness, and commercial retail uses,

while the top half of the Tower would house an observation platform, attractions and other visitor serving facilities. The ground floor would be publicly accessible and include visitor-serving restaurant, retail uses and a lobby with seating areas.

The Tower, and in particular the observation platform and visitor serving amenities in the top half of the Tower, would be an iconic and recognizable feature for San Diego's skyline and the Project; a celebration of the start of Pacific Coast Highway, and would allow all members of the public to experience amazing, unique views of the water. The observation levels would be a ticketed experience; however, the Project would provide a percentage of free and subsidized tickets providing access to the observation platform and visitor serving amenities to underserved communities through partnerships with charitable and educational organizations. Such free and subsidized ticketing would provide full access to whatever particular experience is being provided, which experiences would be the same in every regard as a paying customer for the same experience.

The overarching goal of the Tower design is to create a "one of a kind" hybrid building that would not only house visitor serving uses but also stand as a recognizable symbol and celebration of the past, present and future of San Diego and its connection to the Bay.



Figure 7 – Detail of Water Cut Separating Blocks A and B

b. Block B

Block B would include up to approximately 905,000 square feet proposed to primarily consist of a diverse array of hospitality uses. These hospitality uses would be aimed at providing accommodations at a range of affordability levels, including low, moderate and luxury offerings. The ground plane and lower levels are designed to be pedestrian friendly with a multi-dimensional experience encompassing hospitality, entertainment uses, visitor services, recreation, restaurants, and shopping. The wide range

of hotel offerings, which are proposed to include hostels and micro-hotels, would help to attract and maintain a diverse sector of visitors statewide and beyond that would maintain the Public Trust's goals of public access, inclusivity and availability to all Californians.

The breakdown of proposed uses are as follows (all metrics are approximate):

Hotels: Approximately 1250 keys in the following types:

Hostel: 500 beds in approximately 150 rooms comprising a total of up to 90,000 square feet. Beds provided in shared rooms that are gender separated. Facility is stylish, social and safe with standard amenities. This use would be geared toward budget-minded travelers of all ages.

Full-Service Hotel: Approximately 500 rooms comprising up to 325,000 square feet designed to provide for the special needs of conventions and trade shows. This use would provide higher-end and luxury accommodations and amenities .

Select, Limited Service, and/or Extended-Stay Hotel: Approximately 600 rooms comprising a total of up to 282,000 square feet. The Select or Limited Service use offers rooms with limited amenities and appeal to budget or economy travelers. The Extended-Stay use would offer limited amenities rooms with some type of kitchen facility/kitchenette.

Conference Center: Block B would also have up to 100,000 square feet of meeting space operationally connected to the hotels. However, the conference center would be a standalone use within Block B's larger proposed structures, with its own separate access points not through individual hotels so that it can provide a use that can be shared by the hotels as well as other potential users. The goal is to enhance the visitor experience and promote unfettered public interaction with the waterfront.

Restaurants Up to 40,000 square feet of restaurants ranging from fast casual to fine dining.

Commercial Retail: Up to 50,000 square feet of Specialty Shops, Experiential Retail, Service-Oriented/Wellness Retail.

Health and Fitness: Up to 18,000 square feet of Health and Fitness uses.

Parking: Block B would contain the largest subterranean parking envelope. It would be able to accommodate 864 conventional stalls or 1,068 automated stalls.

c. Block C

Block C is the beginning of the Central Embarcadero on the South Eastern side of the Project Site. It is designed to be an attractive draw and destination for visitors approaching from the south, acting as the southern anchor of the Project. The block also acts as a counterbalance to the Aquarium and Tower toward the northern end of the Site and creates an activating node along the Site boundary and the border between the South and Central Embarcadero. The total building area would be approximately 180,000 square feet and accommodates a Multi-Purpose Event Center primarily serving exhibition and entertainment uses with ground floor restaurant and commercial retail uses.

Multi-Purpose Event Center. The use would consist of an up to 120,000 square foot Multi-Purpose Event Center with seating for approximately 4,000 people. This block would also contain approximately

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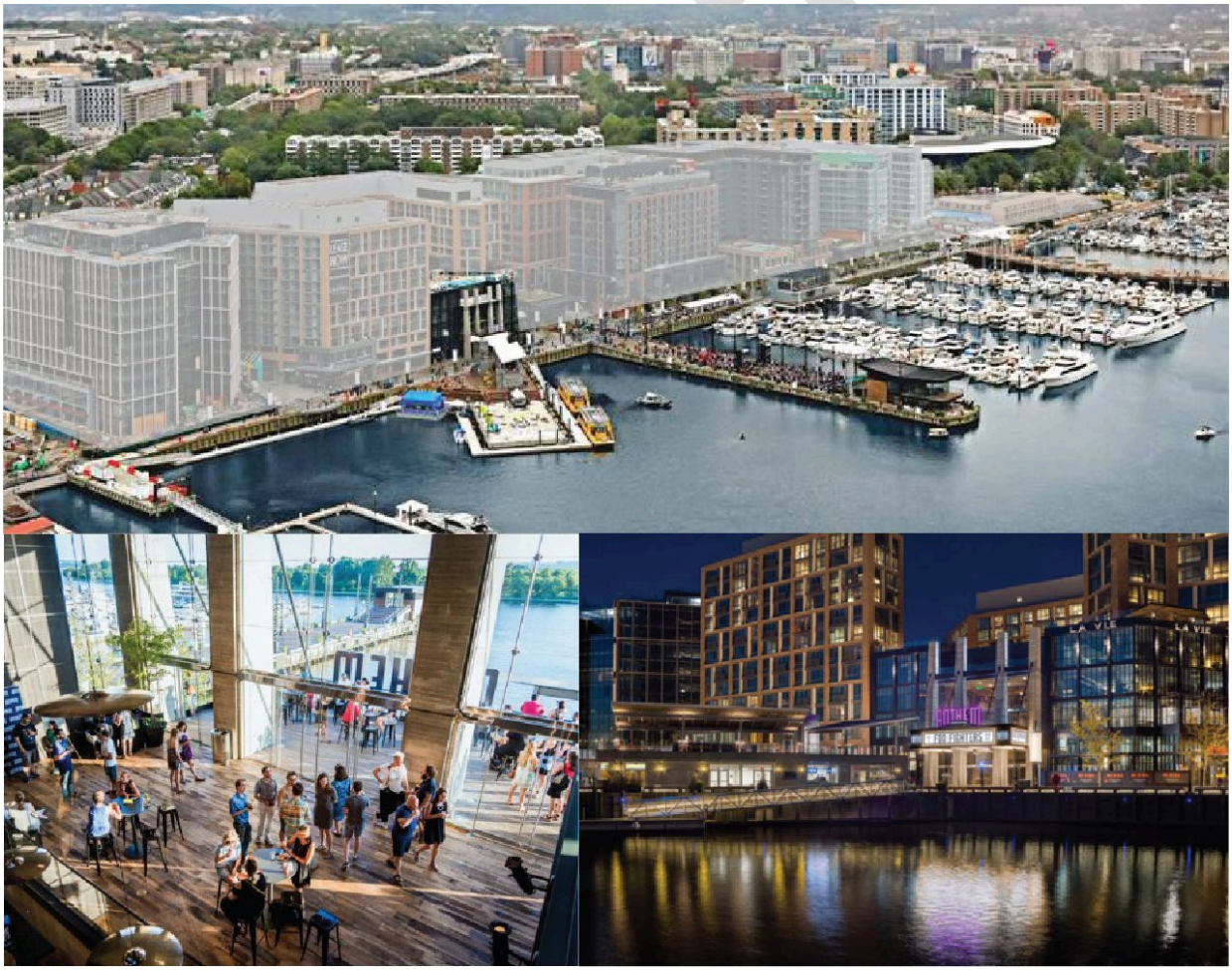
40,000 square feet of visitor-serving retail, in addition to 20,000 square feet of restaurant space. The Event Center would be a multi-purpose flexible indoor/outdoor entertainment and events center that would seamlessly connect the waterfront to the interior event space with a large transparent facade providing unobstructed views of the marina. Concerts, live entertainment, private leased events, speakers, symposia, political events, and potentially e-gaming are envisioned to be hosted in the flexible spaces that would be available, though other types of sporting events are not planned for the space. The Event Center would also include publicly accessible restaurants and visitor serving retail uses at the ground floor, in addition to concessions within the Event Center itself.

Parking: Block C contains 450 conventional stalls or 518 automated stalls.

The following images are the inspiration and precedent for the design of the Event Center and how it will be physically connected to the water through the use of glass facades and access features.



d. Block D

Block D would consist of a 103,000 square foot boutique hotel with up to 150 keys and 25,000 square feet of supporting commercial uses at the ground level, of which approximately 12,500 square feet would be restaurant uses and approximately 12,500 square feet would be retail uses. Block D would also serve as a dockside amenity creating a unique water's edge experience for guests and visitors, offering views of the California pier and its wide array of boats. The design fully utilizes and facilitates the public and guest enjoyment of this unique waterfront setting.



Figure 8 – NW facing view from Block D patio space (Observation Tower in background)

e. Block E

Block E reflects the Project's Core Values through the creation of an urban beach and constructed wetlands, with a variety of recreational opportunities and environmentally protective features within a park setting that is available at no cost to all Californians. Block E utilizes the existing Kettner Mole, which extends into the Bay, consisting of outdoor beach and waterfront areas that encourage outdoor waterfront activities, such as swimming, water sports, kayaking, volleyball, exercise, and bicycle riding. Proposed permanent and Pop-Up retail locations would support these activities and are proposed to include bike and equipment rental, water-recreation services, and visitor-serving food and beverage options. Activating commercial uses would consist of approximately 4,000 total square feet of building space spread across a series of smaller structures to activate the recreational open space with restaurant, water-oriented retail, and Health and Fitness uses connected to the beach.

Parking: Block E contains 107 surface parking stalls.





f. Block F

Block F, the "Blue Campus" would consist of multiple uses comprising up to 737,000 square feet of total building space. The block would also include landscaped public rooftop garden space, the Ruocco Gardens, which would be publicly accessible and provide striking views of the Bay, the City, and the remainder of the Project.

The Blue Campus would represent the Project's Core Values of honoring the water, creating an authentic world class destination, celebrating nature and ecology, and creating plazas and parks on the water. This Block also represents the Project's underlying thematic connections of "Ocean Optimism" by providing a "one of a kind" ocean-centric campus with life-long education, attractions, a facility to house ocean-and water-related enterprises, research and development facilities, and a hospitality component. Each of these programmatic elements are connected, synergistic and share common specialized infrastructure. Taken together as a cohesive campus, the mix of uses provide a place on the Bay to educate the public about the ocean, entertain visitors and promote ocean-centric commerce. These uses would both leverage the Project's critical proximity to the water and provide infrastructure for research and educational purposes, providing much needed facilities for entrepreneurial endeavors and researchers, and firsthand access to members of the public to better facilitate the goals of promoting knowledge and advances in our understanding and stewardship of ocean resources.

The summary breakdown of proposed Block F uses, which are described further below, are as follows:

Aquarium: The approximately 200,000 square foot Aquarium would be designed to create an entertaining and memorable journey through the depths of the world's oceans and freshwater habitats, while highlighting areas where science and discovery drives understanding, inspiration, and action toward a healthier planet. Each exhibit would incorporate three themes: *Inspiration*, *Science*, and *Hope*. Guests of all ages would be able to enjoy interactive exhibits and high-quality displays of a variety of marine animals and habitats, expanding their knowledge and appreciation for ocean and other marine environments and inspiring them to come away with a message of hope and a participatory call to action.

The Blue Tech Innovation Center ("BTIC"): The BTIC component of the Blue Campus would be up to 250,000 square feet in size and designed to house an ocean-focused innovation incubator space. The 250,000 SF does not include the approximately 50,000 SF of conference and meeting space that is also proposed in the BTIC. This space is also separate from the Aquarium and Learning Center spaces located on the same block. The mission and vision of this facility is to leverage regional resources to foster innovation and enhance business growth in ocean science and technology that supports human well-being. The BTIC would provide access to the water for

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research and technology development purposes, collaborative office and technical spaces, research facilities, and office, and presentation and meeting spaces. Programming would include resources for research collaboration, public programming including exhibits and showcases, and maritime career-focused education. The BTIC promotes the Project's Core Values through the facilitation of science and research-based entrepreneurial ventures geared toward addressing the challenges associated with environmental sustainability with a strong focus on ocean and marine issues.

The Learning Center: This approximately 80,000 square foot multi-story component of the Blue Campus would be a hub for ocean-focused, active learning with three primary program areas: School Programs, Career and College Prep with Blue Economy Innovation Spaces, and Public Engagement. A variety of indoor and outdoor spaces would provide venues for learning events, art and science installations, flexible workspaces, working kitchens, and laboratories for science and engineering with test tanks, live animals, digital media and more and will support learning for persons of all ages , while emphasizing opportunities for young people. Ocean sciences, "Blue Tech" engineering, data science, and ocean-focused history, policy, politics, economics, and ethics would be the primary focus of the educational programming. Additional programmatic information on the Learning Center is available in Section C, Subsection 11 (Project Program by Use), below, and Appendixes E and G.

Shared conference, auditorium and meeting space : The Blue Campus would include up to 50,000 square feet of flexible and subdivisible joint use facilities that will be shared between all uses on the Blue Campus for meetings, exhibitions, research projects, and educational uses.

Hospitality: The Blue Campus would include an up to 125,000 square foot, 350 key hotel that would be ocean themed and provide hotel rooms for visitors to the Blue Campus, students and visiting faculty, as well as other visitors to the Project.

Health and Fitness: The hotel would include approximately 5,000 square feet of joint use Health and Fitness facilities.

Commercial Retail: The Blue Campus would include approximately 10,000 square feet of commercial retail uses comprised of retail brands that exemplify sustainable practices and principles.

Restaurant: The Blue Campus would include approximately 10,000 square feet of visitor serving restaurant services.

Parking: Parking would be provided in the Blue Campus' proposed two-level subterranean parking structure, capable of providing 631 conventional parking spaces or 840 automated spaces.





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g. Block G

1HWY1 proposes to add an innovative new 27,000 square foot fish processing facility including 5,000 square feet of supporting restaurant uses on Block G (Exhibit B). Block G would contribute to the revitalization of the area's commercial fishing industry by providing new infrastructure, efficient offloading operations, space for a fishermen's market and a new fish processing facility. The additional commercial component would comprise 5,000 feet of new restaurant space and include a raised public walkway and viewing area, separated from the commercial areas by a grade separation that would allow Project visitors to view commercial fishing operations. A ramp would also be constructed to provide public access to a raised walkway. Block G also includes the existing Fish Market Restaurant, which is not part of the Project.

Parking: Block G contains at least 190 surface parking stalls.

C. Project by Program Uses

1. Introduction

This section provides a more detailed discussion of the Projects primary programmatic uses, which fall into the following ten categories:

1. Commercial and Recreational Fishing, Boating, Navigation and Water Use
2. Public Realm /Recreational Open Space
3. Hotels and Health and Fitness
4. Observation Tower
5. Aquarium
6. Commercial Retail
7. Restaurants
8. Multi-Purpose Event Center
9. Learning and Blue Tech Innovation Center
10. Parking and Accessibility

2. Commercial and Recreational Fishing, Boating, Navigation and Water Use

Seaport's water plan is at the heart of the proposed Project. Embracing a variety of opportunities for visitors to experience, interact with, and understand the San Diego Bay is part of the Project's Core Value of Honoring the Water. In service of this value, Seaport would enhance commercial fishing operations, promote recreational boating and transient docking, and build infrastructure for sportfishing, aquaculture, blue technology, and other commercial uses. This varied mix of programming would occur in Water Zones 1, 2, 3, and 4. Individual Recreational Water Uses such as swimming, paddle boarding, kayaking, and other water-based recreational activities would primarily occur in Zone 5, appropriately adjacent to Embarcadero Marina Park North. Public access would be maintained to the majority of these areas, with the only exception being where it would interfere with commercial fishing operations.

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The Project's water-side development area totals approximately 34 acres. 13.1 acres are devoted to commercial fishing. 11.4 acres are devoted to recreational berthing. 2.1 acres will be dedicated to blue technology, aquaculture, sportfishing, and eco-tourism. 1 acre is dedicated to preserve the existing industrial deep-water berthing. Approximately 6.4 acres would preserve a navigation corridor and allow for individual recreational uses.

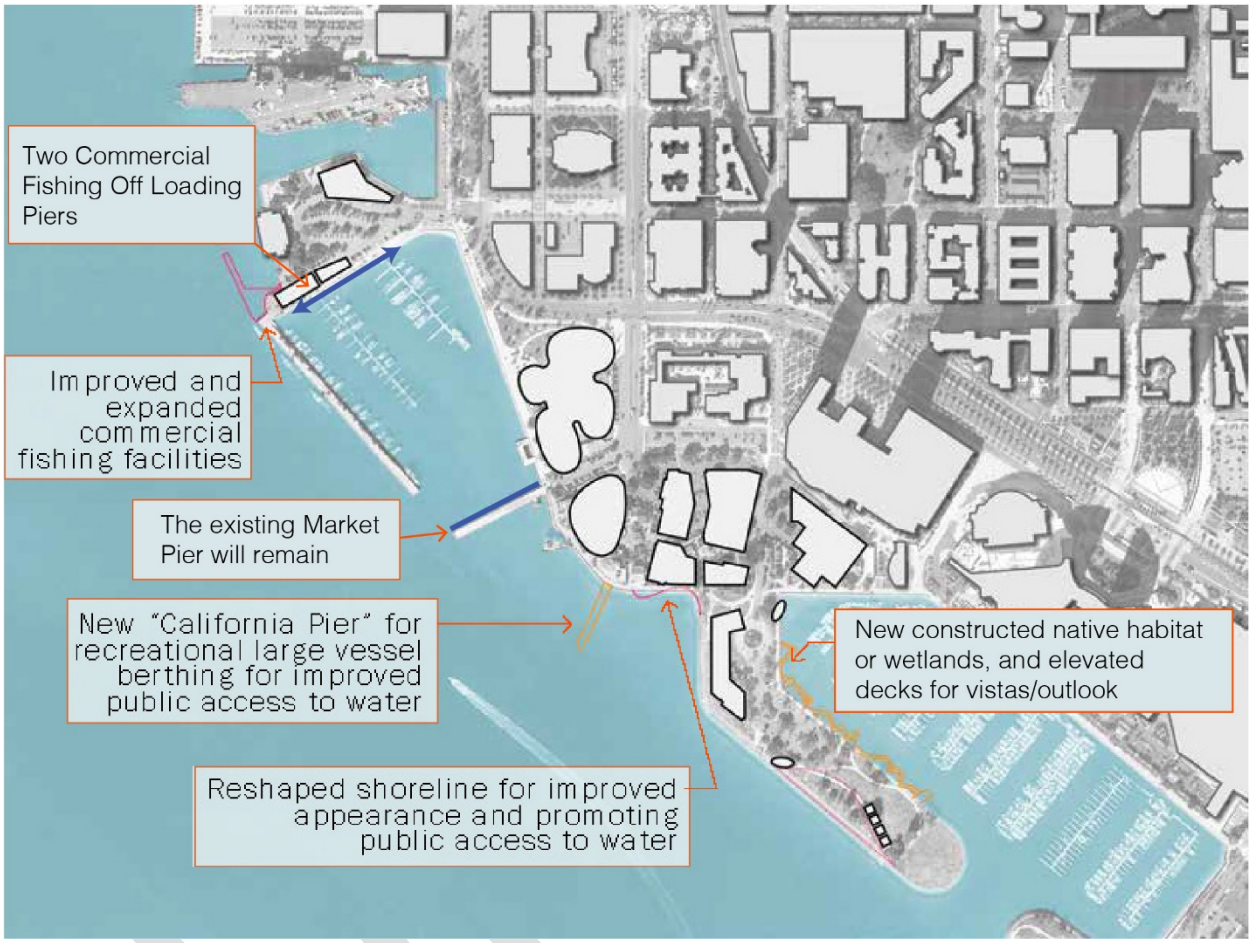

Figure 9 – Project Piers, Water-Side Fishing and Boating Facilities, and Artificial Constructed Wetlands

Fixed Piers

Within these waterside zones, the Project provides a total of five fixed piers and three that are publicly accessible. The "Market Pier" already exists and bifurcates Tuna Harbor and the 100% Corner Marina. Four of the piers are proposed new construction within the Project. Two of these piers are specifically for commercial fishing offloading operations, and therefore will only be publicly accessible during the open-air Tuna Harbor Dockside Market events and will otherwise only be available for commercial fishing operations. The other two new piers would maximize public views of the waterfront and the Bay. The newly constructed "California Pier" would be a large public pier that would have a water-based transfer point to support water taxis and other forms of water-based mobility. This pier would also improve public access to the water. Two small semi-permanent structures are proposed to be constructed on California Pier: a ticketing booth for the water-based transfer point and a small (less than 1,000 SF) food stand or snack shop. Such ticketing would be for various publicly available, visitor-serving

boating uses including water taxis, eco tours, and water shuttles for tours and travel around the Bay. Three new marinas are planned in Water Zones 1, 2, and 4. All three have the potential capability to support both day and overnight transient docks and slips. Zone 5 would support the aforementioned individual recreational uses and include new constructed wetland and tidepools, which would provide numerous environmental and educational benefits to the Project. Lastly, a water cut is planned in Zone 4 to highlight waterfront public access and enhance the view corridor.

Access to the Project's Water Zones is also provided via an extensive, interconnected network of public realm features including walkways, piers, plazas, beaches, as depicted in Figure 20 below.

The following image is inspiration and precedent for the design of the California Pier.



Commercial Fishing

Helping to revitalize the commercial fishing industry through improved infrastructure represents a unique opportunity seized by the Project to promote sustainable fisheries and fishermen. The only existing marina infrastructure on the Project Site is Tuna Harbor. This is one of three commercial fishing basins in San Diego and is likely the most critical. Tuna Harbor is also the best situated physically to provide the public an opportunity to observe commercial fishing operations, an opportunity that is significantly enhanced by the Project.

The Tuna Harbor totals 13.1 acres of water area and is located adjacent to and south of the G-Street Mole, west of the Blue Campus (Block F), and north of the 100% Corner Marina. See Figure 4, above.

San Diego was founded on the Commercial Fishing fleet and the associated cannery industry. For a variety of reasons over time, the canneries were relocated overseas. The local Commercial Fishermen have been able to adapt to the many challenges they have faced through innovation in fishing

techniques, increasingly sustainable fishing practices, and importantly continuing to educate the public through the Tuna Harbor Dockside Market. It is vital to the future of the industry in San Diego that they have a functional marina and fish processing facility that include modern technology and features. One of the principle focuses of the Project is to not only maintain that use, but to grow and facilitate San Diego as a center for commercial fishing operations. The Project will not result in any decrease in commercial fishing slips. To better understand the needs of San Diego's commercial fishing fleet, 1HWY1 commissioned an independent report, "An Analysis Of Commercial Fishing In The San Diego Area" *With A Primary Focus On Commercial Fishing Facilities And Infrastructure Within The Port Of San Diego At Tuna Harbor And Driscoll's Wharf.* The authors of the report were selected by the Commercial Fishermen. The report is available upon request.

To facilitate this revitalization effort, the Project development team encouraged the formation of the San Diego Fishermen's Working Group (SDFWG) to represent a diverse array of commercial fishing interests. After months of dialogue and consensus-building, the 1HWY1 team reached an unprecedented Memorandum of Understanding ("MOU") with the fishermen to provide long-desired amenities for commercial fishing at Seaport. This MOU was unanimously supported by the SDFWG. The MOU outlines the vision, specific slip and building configuration, and the continued collaborative spirit with which both parties agree to approach ongoing collaboration regarding the advanced design and operation of the commercial fishing harbor as the Project moves through the entitlement and design processes. The Port is not a party to this MOU.

Designed and programmed through a cooperative process over the course of two years, over 100 meetings, and with input from the men and women in the local fishing industry, the Project's commercial fishing facilities are customized for their needs and is designed to contribute to the revitalization of San Diego's commercial fishing industry. The Project would provide new infrastructure, efficient offloading operations, space for a fish market, and a new fish processing facility, among other commercial boat-serving features at the Tuna Harbor (Water Zone 3).

The existing Tuna Harbor facilities for commercial fishing operations would be substantially improved by the Project. This includes the redevelopment of facilities in a manner that would provide 7,920 linear feet of docks and 117 slips. This includes replacing docks, piers, and pilings that are deteriorating, providing improved wave attenuation, which will improve safety and the lifespan of the docks and piers, constructing large slips to accommodate both big and small vessels (resilient to the changing needs of the industry), redesigning Tuna Harbor for more efficient offloading operations, a new commercial fish processing facility, and a wetfish pump and truck access.

The Project proposes three new concrete fixed piers that are a vital land-side amenity for offloading operations. One of the fixed piers is necessary for larger vessels that draw more water and for offloading wet fish directly into trucks. Other fixed piers would be better for smaller vessels that need more wave attenuation to offload efficiently. See Figure 9, above. New cranes, hoists, and a wet fish pump would make San Diego an attractive offloading location.

A new 22,000 square foot fish processing facility would be located in the southwest corner of the G Street Mole. The ground floor would be dedicated to fish processing with 7,000 square feet being designed for a large industrial fish processor, and 3,000 square feet for a shared fishermen's space. This floor would contain both dry and cold storage, fish cleaning and cutting, and packaging. The second level would provide 12,000 square feet of offices for the processors, fishermen, the American Tuna Boat

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Association, the future restaurant tenant, and shared conference rooms. The Project also facilitates public access to view the commercial fishing activity. The second level of the facility features an exterior walkway providing public access and views of the fishing operations so as not to impede the industrial processing happening below. The third floor would house a restaurant overlooking the fishing fleet. (For additional information about these commercial fishing facilities, see Appendix B – Seaport San Diego, G Street Mole Report, Perkins Eastman, August 2019.)



Figure 10 – SE View of Project G Street Mole and Tuna Harbor

Recreational Boating

The docks slips and waterways within Water Zones 1 and 4 would facilitate a variety of recreational boating uses, and include slips of various sizes to accommodate sailing and other recreational boats, to larger private yachts and sailing ships. These uses would be provided with new and improved docks, mooring, navigation facilities, safety features, and facilities to increase the availability of slips and make a safer and more enjoyable boating experience for private recreational users. In so doing, the Project would expand the Site's recreational boat berthing capacity, increasing the amount of temporary berthing areas for boaters by providing 11.4 acres of recreational boat berthing areas.

The Project would include the provision of slips for "dock and dine" uses in Water Zones 1, 2 and 4, which would enable private recreational boat users to safely dock their vessels on a temporary basis to enter the Project to enjoy its various dining, commercial, and recreational experiences. The Project would provide for increased and improved access to these in-water facilities through the Project's extensive and interconnected network of public realm access features. These features, which include plazas, promenades, embarcadero walkways, and piers, would serve to beautify and increase the public's enjoyment of the Project Site while interconnecting the land-side of the Project with its water zones to maximize access and create a cohesive sense of place.

The 100% Corner Marina area would include a proposed tidal Water Cut between Tower Block A and Village Block B, extending the water and providing enhanced view corridors, and increased public access to the water and through the Project Site over pedestrian bridges and walkways. The 100% Corner Marina could accommodate historic visiting ships in addition to other types of recreational boating and large vessel berthing.



Figure 11 – NW View Of Promenade, Tuna Harbor, and G Street Mole (USS Midway in Background)

Public Recreational Water Uses At the Beach Water Zone (Water Zone 5)

The Beach Water Zone totals 6.4 acres of water area and is located adjacent to and around the Project's Beach Block (Block E), South of the Plaza Block (Block D), and south of the Embarcadero Marina (not part of the Project).

On the waterside, the Beach Water Zone includes a public swim beach area, a kayak launch facility, constructed tide pools, and an Artificial Constructed Wetlands restoration area. These uses would increase public access to the water and create new opportunities for public recreational water use and public enjoyment and education about the water. New and improved environmental and erosion control facilities would replace rip rap and other features that separate the public from the water, providing increased access and increased opportunities and facilities for water-based recreational activities for the public.

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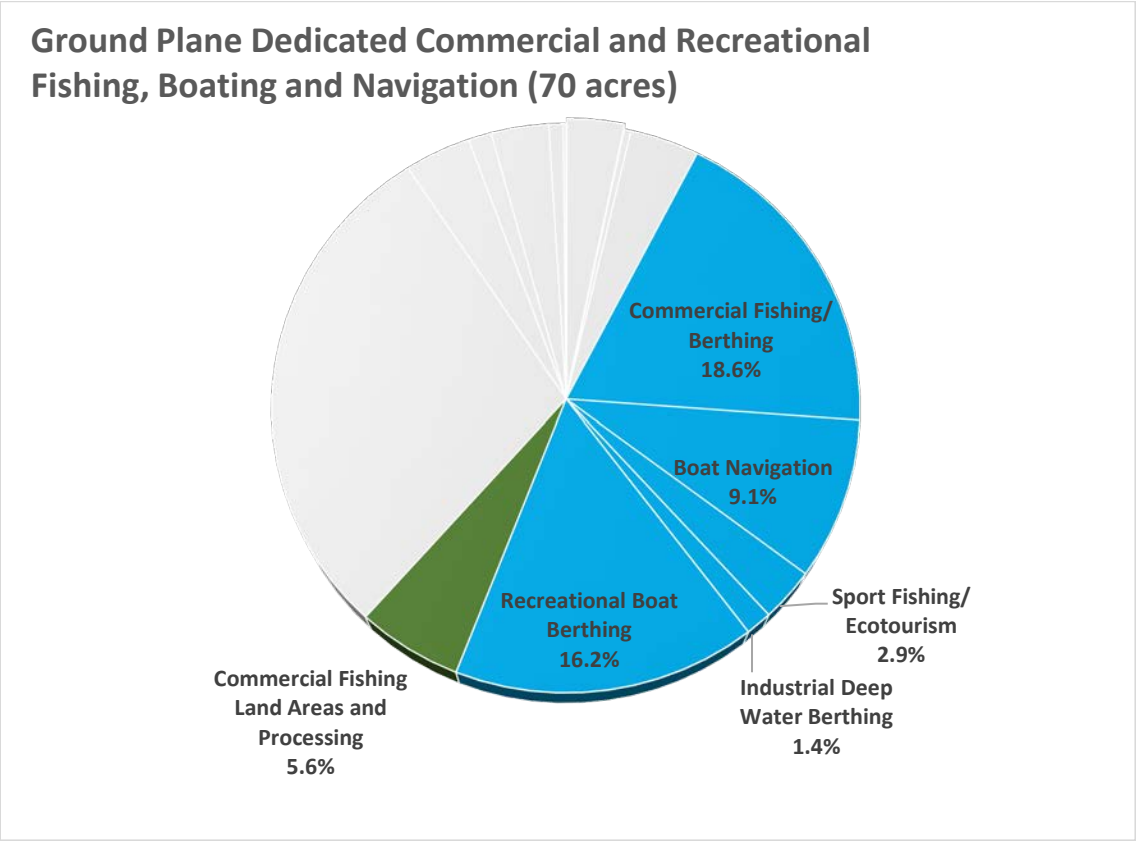
Figure 12 – Project Overview with View of Beach Block and Water Zone



Figure 13 – South Facing View of Beach Block and Water Zone

Chart

The following chart depicts the relative approximate proportion of ground plane uses of the entire 70 acre Project Site dedicated to commercial and recreational fishing, boating, navigation and water uses, which constitute approximately 53.6% of the total Project's combined land and water area:



3. Public Access Areas and Recreational Open Space (ROS)

The Project would provide an inclusive, active and well-managed public realm that would increase public access to the waterfront, public recreational activities, public safety, and the public's understanding of the Bay. Through thoughtful planning, all elements of the Project are oriented around public access to the water, including public parks and beaches, plazas, promenades, embarcadero walkways, and piers, all of which would allow all Californians to enjoy this coastal site and San Diego Bay at no cost.

Approximately 77% of the Project Site would be fully accessible to the public at no charge constituting the Project's Public Realm, and a significant portion of these areas would be designated for public recreational uses[3]. These Public Realm areas include new recreational elements, such as a public beach,[4] kayak and Stand Up Paddleboard (SUP) launches and piers that would provide people with opportunities to engage in water and coastal activities. The Project is designed to recognize, incorporate and encourage the public's right to swim, boat, and engage in other forms of water recreation while

[3] 77% is a reference to surface land acreage and includes on grade parking.
[4] A small portion of the public beach area on the Project's Beach Block may be utilized for the private use of one or more of the Project's hotel uses.

experiencing scenic and recreational land access to this unique site. Significantly, while the Project proposes to add over 2.4 million square feet of new buildings to the Site, it does not reduce the Site's current publicly accessible Recreational Open Space.



Figure 14 – Public Access Area and Recreational Open Space (lines on Block F demonstrate that only certain portions of the rooftop portions of Ruocco Gardens would be ROS).

One of the primary goals of the Project is to activate the waterfront and to provide publicly accessible indoor and outdoor spaces to encourage visitors to enjoy the Bay and the Project's water-oriented amenities and other features. The Public Access Area and Recreational Open Space (ROS) design prioritizes accessibility and inclusivity, connections to the coast, water-centric experiences, public programming, and a sustainable long-term management strategy. Project principles include:

Access for All

The Project's Public Access Areas and Recreational Open Space are designed to ensure that the Project Site and the waterfront it encompasses are accessible to as many visitors and demographics as possible. The Project includes a large public promenade that stretches along the entire length of the Project Site, which integrates the Project with the existing urban fabric and connects it to nearby neighborhoods and

attractions. Streets, pathways, promenades, and public spaces are all open to the public and invite visitors to explore, walk around, and spend time on the waterfront. Events and programming would be available for free and at low cost to the public and would energize open spaces with a diverse range of audiences. For such public events and programs within ROS and Public Realm areas, the Project proposes that at least 85% of calendar year would be free and open to the public at no charge. No more than 15% of calendar days would host paid, ticketed events.

Connections to California's Coast

With San Diego's urban identity closely tied to its coastal location, the Project's Public Access Areas and Recreational Open Space build on a more extensive network of existing coastal public trails and open spaces. A robust system of connected streets, promenades, boardwalks, parks, and pathways would link individual destinations within the Project Site and nearby attractions in Downtown San Diego. Beyond the Project, the Project's Public Access Areas and Recreational Open Space would reinforce San Diego's presence along a statewide network of public trails and pathways by directly linking to the California Coastal Trail and the California Pacific Bike Route. (See Appendix L, Project Accessibility and External Connections.)

Water-Centric Experiences

In addition to enhancing connections to the coast, the Project's Public Access Areas and Recreational Open Space would encourage visitors to experience the water, heightening the public's understanding of and relationship to water and marine environments. For just one example, Embarcadero Marina Park North includes an urban beach, water garden, cantilevered boardwalks, and a learning garden. Throughout the Project Site, opportunities abound for the public to experience and learn about the water. It is becoming increasingly clear that the visiting public favor spending their time in outdoor spaces with an abundance of fresh air connected to authentic, natural environments, which would be facilitated to a great degree by the Project.

Year-Round Programming

Crucial to the success of the Project's Public Access Areas and Recreational Open Space are a range of free or low-cost, high-quality, year-round public programming and activities. Programming would be planned to appeal to diverse audiences and would include free and open events to provide greater accessibility to a wider audience.

Sustainable Long-Term Management Strategy

Stewardship of the space, operations, maintenance, and support for free and low-cost access require establishing a committed management organization with continuous funding and revenue streams. These dedicated resources would allow the Project's Public Access Areas and Recreational Open Space to continue to serve its public mission in the long term.

Public Parks

The Project includes four separate and distinctive public parks that total approximately 13 acres (which are elements of the Recreational Open Space within the Project):

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- Veterans Community Park– a signature civic space honoring our military veterans and paying homage to San Diego's Military history, 1.97 acres;
- Ruocco Gardens Park – an elevated series of landscaped open space areas offering views of the city and the Bay in a celebration of local modernist architect Lloyd Ruocco, 3.9 acres total (approximately 1.53 acres are planned as rooftop garden areas);
- Embarcadero Marina Park North/Kettner Mole Park – an urban beach with a children's play area, walking paths and promenades, 5.91 acres;
- Interpretative Water Garden – a learning garden connecting the Blue Campus and Scripps with vista and promenades, 1.22 acres.

As an integral part of the Public Access Areas and Recreational Open Space areas, the Project also expands recreational and commercial boat berthing. San Diego Bay attracts boaters from all over the world. As referenced above, to make the Bay more accessible, the Project would increase the amount of temporary anchorage areas for boaters.

The Project has committed to provide at least 15 acres of Recreational Open Space areas to ensure no net loss of such areas, and as stated, as proposed currently exceeds that amount by providing 16.91 acres.

The re-envisioned public realm is the embodiment of a key principle established by the Port of San Diego's Vision Plan: "Honor the Water." This Project seeks to Honor the Water and improve public coastal access with new streets that would connect to the water, water-side programming that would create an active harbor, and vistas of the Bay that would enhance the visual connection to this Public Trust resource.

Beyond connections to the existing coastline, the Project would increase the total amount of coastline by creating a new water cut that threads through the Project Site and provides water access farther inland than currently exists. Of the prominent features proposed is a half-mile-long, 30-foot-wide, stepped boardwalk situated on the water's edge for both pedestrians and bicyclists, and a linear park along the water cut which would open up the Bay to the Project Site.

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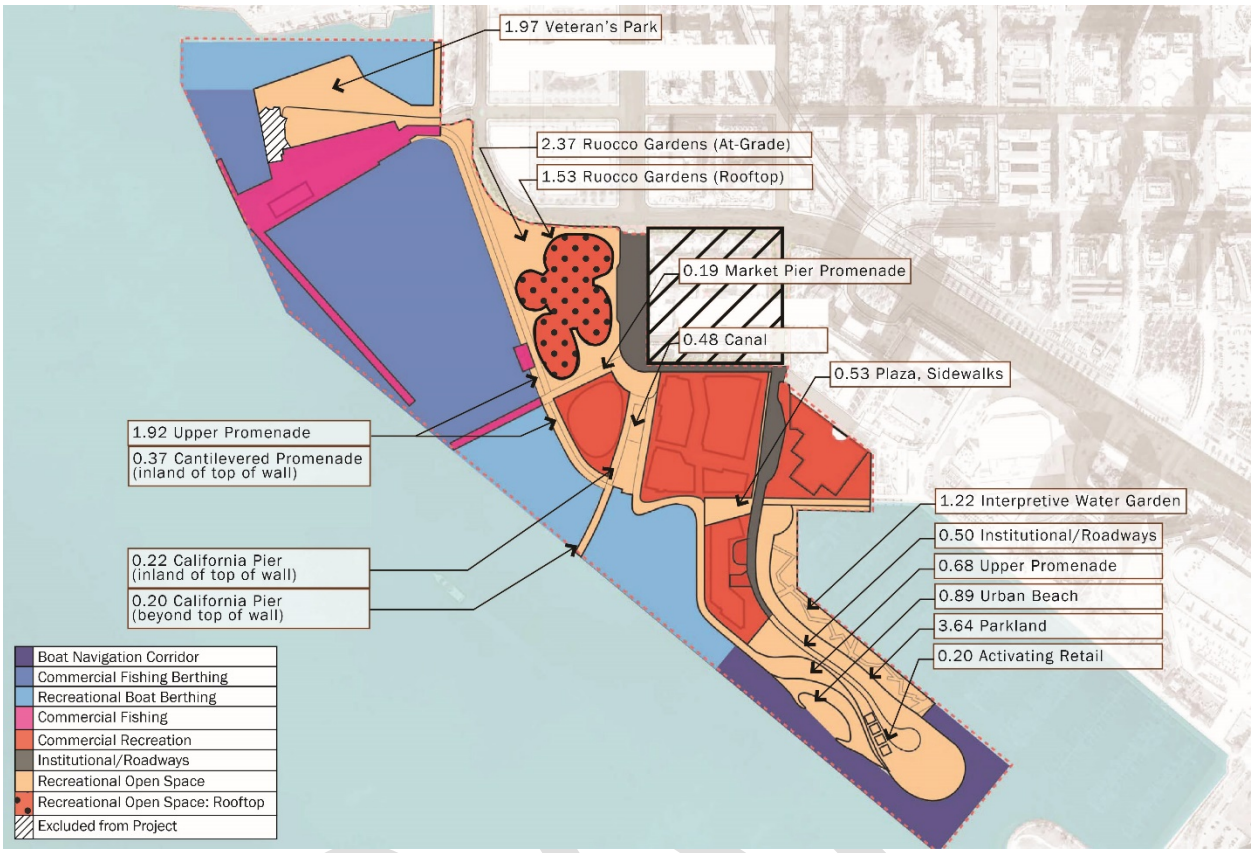

Recreational Open Space

The table below provides a detail of hat has been included in the Recreational Open Space land use designation.

	Veterans park	1.97
	Ruocco Gardens (at-grade)	2.37
	Ruocco Gardens (rooftop)	1.53*
	Market Pier Promenade	0.19
	Upper Promenade	1.92
	Cantilevered Promenade (inland of top of wall)	0.37**
	California Pier (inland of top of wall)	0.22
	California Pier (beyond top of wall)	0.20
	Canal	0.48
	Plaza, Sidewalks	0.53
	Interpretive Water Garden	1.22
	Thumb Park	
	Institutional/Roadways	0.50
	Upper Promenade	0.68
	Urban Beach	0.89
	Park Land	3.64
	Activating Retail	0.20
	Total Recreational Open Space	**16.91**

*Rooftop Recreational Open Space is included at a 2:1 ratio. Total rooftop space is 3.05 acres on the Aquarium Ruocco Gardens.

**Portions of cantilevered promenade extending beyond top of wall is included at a 2:1 ratio. Total portion of cantilevered promenade extending beyond top of wall is 0.46 acres.

Figure 15 – Project Parks and Open Space

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Figure 16 – Ruocco Gardens South Facing View

4. Hotels, Health and Fitness and Conference Uses

The Project would provide a variety of visitor-serving hospitality options with associated ancillary Health and Fitness and conference center uses to facilitate convenient access of the visiting public to the waterfront. These are established uses that are necessary to the public's enjoyment of the Project Site, particularly visitors who do not live in the local metropolitan area and require overnight accommodations, as well as day visitors who seek convenient options and activities during their visit to the waterfront. The proposed hospitality uses are spread across the Project Site in Blocks A, B, D, and F.

Hotels

The Project's hotels would provide various visitor-serving hospitality options, which is essential for out-of-area visitors from throughout California and beyond to access and enjoy the waterfront. The Project's hotels would be oriented to the water and would be planned with significant outdoor decks and ability to open up to ocean breezes and fresh air to maximize the benefits of their Bayfront location.

The Project would include approximately 2,000 keys hotels spread throughout Blocks A, B, and D. These hotels would serve visitors from around the state and country at the San Diego Bayfront.

The Project proposes a range of hotel options with price points that provide options for people of all income levels. It would include six levels of Average Daily Rate (ADR) in up to seven brands, representing approximately 2,000 keys. The approximately 1.28 million square feet of hotel uses, which include conference facilities, would be broken down as follows:

- Block A:
    - Signature Hotel, 386 rooms, approximately 236,000 square feet.
    - Hospitality-serving conference uses in Signature Hotel including up to 22,000 square feet.
- Block B:
    - Hostel, 500 beds in 150 keys, up to 90,000 square feet.
    - Select, Limited Service, and/or Extended-Stay Hotel, 600 keys, up to 282,000 square feet.
    - Full service, 500 keys, up to 325,000 square feet.
    - Hospitality-serving conference uses up to 100,000 square feet.
- Block D:

  Luxury Boutique, up to 150 rooms, approximately 103,000 square feet.
- Block F:
    - Micro-hotel, 350 keys, up to 125,000 square feet.

Health and Fitness

The Project reflects the visiting public's growing interest in national branded opportunities for Health and Fitness, and the conventional needs of hotels. Most hotel types offer Health and Fitness amenities, such as fitness centers, for their guests. The Project however proposes to reduce the total amount of built square footage for such amenities for some of the proposed Project hotels and create greater access to such amenities by relocating such Health and Fitness amenities from the hotels and instead locating them within accessible locations in Blocks B, F, and E. This provides multiple benefits by reducing the overall space dedicated to this ancillary use, and by creating new recreational amenities for all visitors and guests of hotels that would not usually have access to such amenities (i.e., hostel) – not just the guests of the higher-end hotels. However, notably, some hotels may still contain their own internal health, fitness, and gym spaces, though where any such spaces would exceed 10,000 square feet, such spaces would also be required to be on the ground or second floor with separate public access, and made available to the general public for monthly membership or day passes in the same manner as the Project's Health and Fitness uses. Apart from any in-hotel health, fitness and gym spaces, the Project proposes to provide approximately:

- 35,000 square feet of Health and Fitness uses.

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The Health and Fitness uses allow access to all visitors to the Project Site. Examples of Health and Fitness providers could include brands such as Equinox, SoulCycle, Hot 8 Yoga and others. For non-hotel guests, the facilities would provide options at a variety of price points in which visitors to the Project could attend a single class or use the amenities for a single day, rather than having to purchase an ongoing membership.

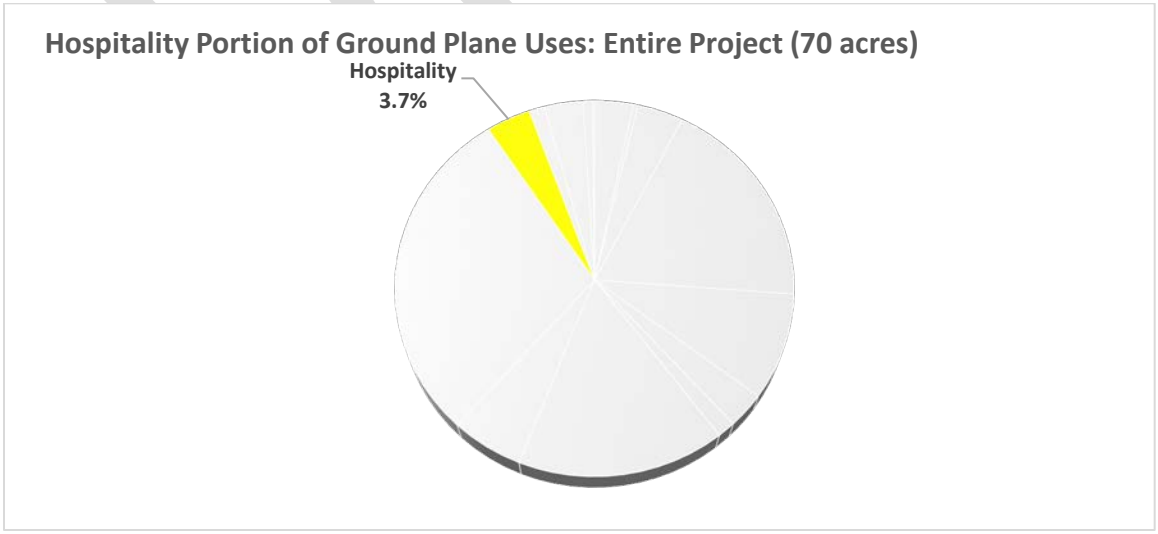
As part of the Project's proposed Health and Fitness programming, the Project would also provide a variety of free public fitness classes and events taught by professional fitness instructors, which are primarily planned to be located in Block E within the public open space at the Beach Block. Such programming is currently proposed on a regular basis, depending on future demand. Programs are proposed to include yoga, meditation, boot camp, Pilates, spinning, crossfit and tai chi.

Conference Spaces

The conference spaces located in Block A would be approximately 22,000 square feet and would serve the Signature Hotel use. Block B would include approximately 100,000 square feet of hospitality serving conference spaces The conference center space would be programmatically and operationally tied to hotel uses, but would be physically separated from the hotels and available for use by other operators at the Project, including, but not limited to, the University and maritime industries. The conference spaces would in turn bring in guests for events from around the state, nation and globe who would be able to utilize the Project's hotel and other commercial uses, supporting the Project's variety of commercial operations, ensuring the Project's long term financial viability, and bringing many thousands of new people to experience and enjoy San Diego and the Bay. The use would promote the Project Site as a hub of activity and provide a necessary complementary use for the Project. The conference spaces would be available to host conferences, symposia, trade shows, and all manner of public and private events. These uses would also be designed to maximize views and connections to the waterfront.

Charts

The following chart depicts the relative approximate proportion of ground plane uses of the entire 70-acre Project Site dedicated to hospitality uses, which constitute approximately 3.7% of the total Project's combined land and water ground floor area:



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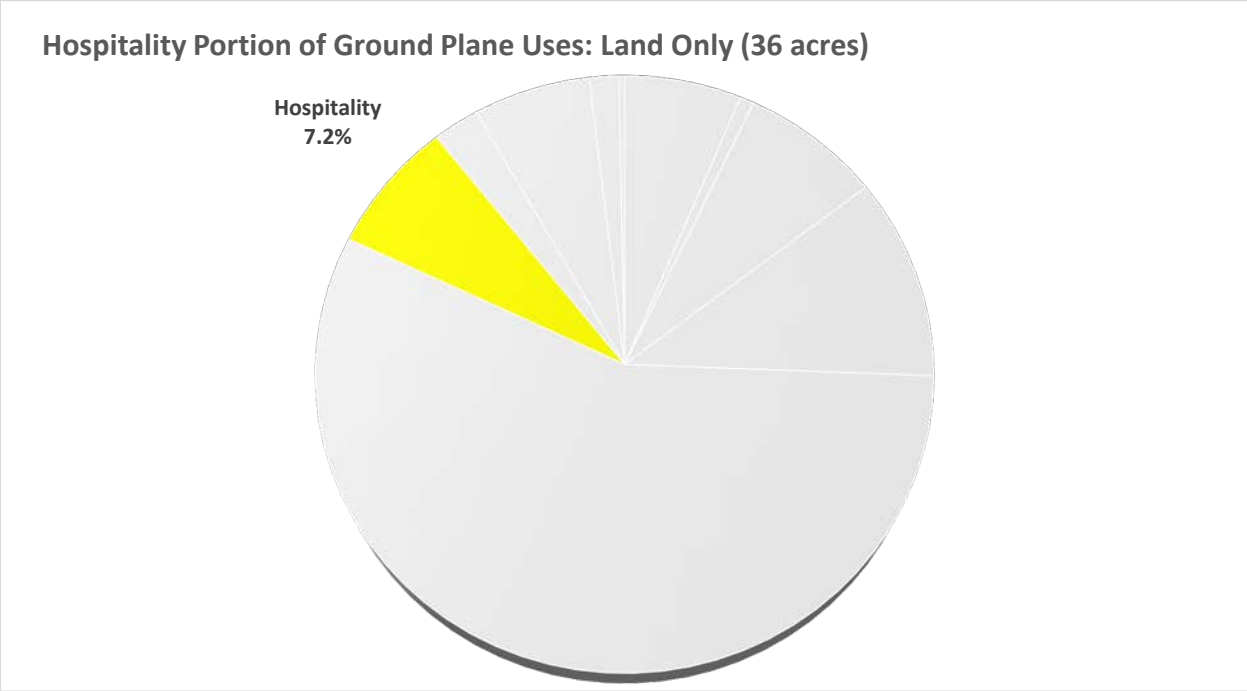
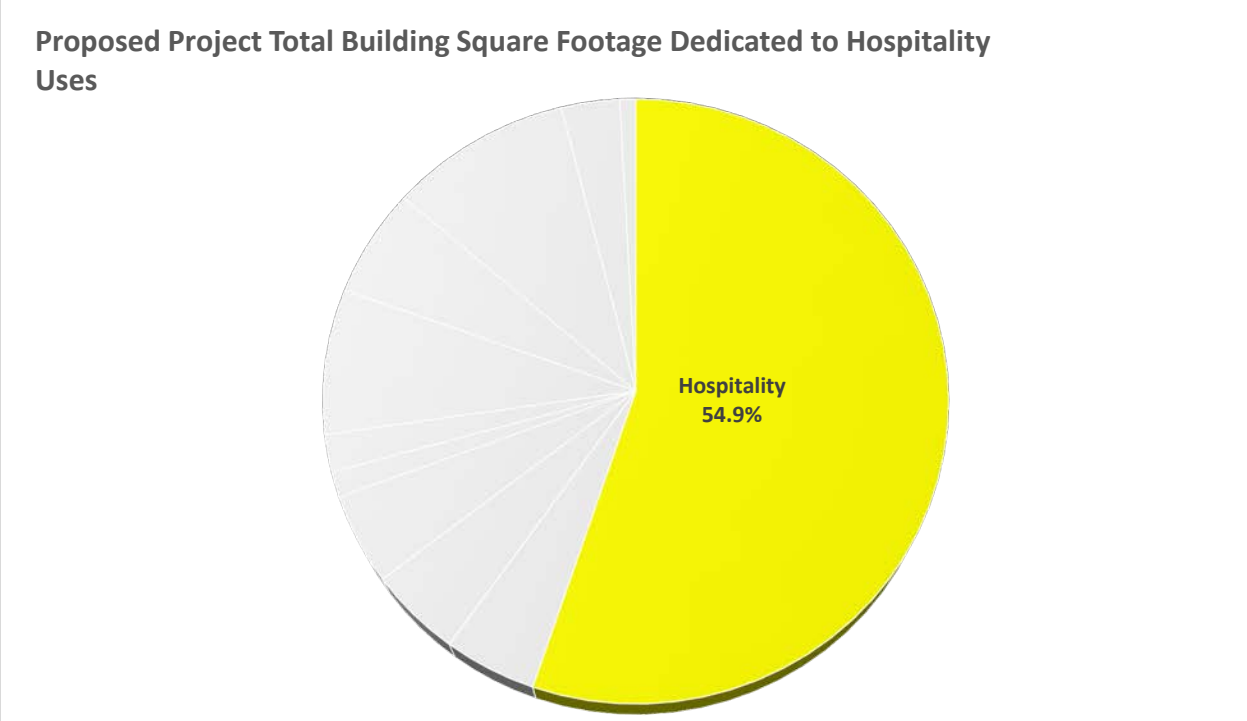
The following chart depicts the relative approximate proportion of ground plane uses of the 36 acres of Project Site dedicated to hospitality uses, which constitute approximately 7.2% of the total Project's combined ground floor land area:



The following chart depicts the relative approximate proportion of the up to 2.4 million built square feet of the Project dedicated to hospitality uses, which constitute approximately 54.9% of the Project's total built square footage:



5. Observation Tower

The Observation Tower is a proposed approximately 355,000 square foot structure that consists of an iconic 500-foot tower structure providing one-of-a-kind architecture and a panoramic, 360-degree view of the Bay, the ocean, the City of San Diego, and surrounding areas. The top half of the Tower would house an observation platform, guest attractions and other visitor serving facilities. The lower half of the Tower would consist of the aforementioned 385 key Signature Hotel that would include additional visitor and guest-serving retail and restaurant space, including a public open-air market that spills onto the waterfront promenade, which would create a natural and visually appealing flow from the building to the water.

The ground level of the Observation Tower would primarily consist of commercial uses, which would include approximately 21,000 square feet of restaurant and food hall uses and approximately 20,000 square feet of and outdoor open-air market use. The ground level would also include the lobbies and service entrances for the proposed 236,000 square foot, 386 key hotel, which would occupy the first 22 floors of the Tower up to a height of approximately 250 feet. This hotel is a uniquely designed as a tapering “circular pyramid” with an internal majestic indoor atrium. Each room would have an outdoor balcony that would provide impressive views of the water and the city.

Above the hotel would be twelve levels of visitor serving activations designed to provide memorable and authentic experiences for Project visitors. This would include a functional, uniquely located conference space, and restaurant and bars areas. It is also proposed to include unique experiential and educational opportunities, that could include walking on a highly-reflective surface to create the feeling of floating in space, a cloud/mist chamber that would educate the public about climate and weather cycles, and, for more adventurous guests, cargo nets formed into a large recreational hammock, located high above the Project Site and the Bay. Located at the topmost 36th level would be a proposed approximately 7,500 square foot observation deck that would provide stunning and unique view of the Bay, the City, and surrounding environs. The Observation Tower design currently proposed is provided in Appendix C, Design Concepts, at pp. 2- 8.



Figure 17 – View of Tower and Block B from Bay

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6. Aquarium

The Project would include an approximately 200,000 square foot world-class Aquarium with a focus on "Ocean Optimism" that will anchor the Project's core values of conservation and education. This would be a flagship recreational use for the Project that would thematically connect with the Project while providing synergy with other educational, commercial and industrial components. The education and conservation initiatives at the Aquarium would teach children and adults about the importance of oceans to the survival of the human species. This exciting and engaging public use would be subsidized financially by the more profitable components of the Project. Within the aquarium space, an 8,000 square foot gift shop and 10,000 square feet of restaurants would serve visitors and guests.

The Aquarium augments the waterfront access provided by the Project Site by showcasing species of marine life that otherwise are only visible from deep within the Bay or ocean. In addition, the Aquarium would integrate with other water-centric features such as an arrival plaza to welcome visitors and the Embarcadero Marina Park North to encourage experiences of water that do not currently exist in San Diego.

The Aquarium shares Block F with the Learning Center, which advances state educational goals including goals to promote environmental and ocean-related literacy and knowledge under SB 720 and the California Education and the Environment Initiative; and the Blue Tech Innovation Center, which includes relevant "Ocean Optimism" commercial and industrial uses, both of which are discussed further below. The inclusion of these educational, research, commercial and entertainment uses in one block creates cohesion and furthers the Ocean Optimism theme of the Project through an intense focus on the enjoyment of, education about, and development of new technologies regarding the water.

Design and Access: The design of the Blue Campus on Block F, which includes the Aquarium, the Blue Tech Innovation Center and Learning Center, is still in process and is presently being further refined. The design currently proposed is provided in Appendix C, Design Concepts, at pp. 33-39. It comprises an irregular, clover-shaped building that provides a curvilinear and porous building shape that softens lines at the edges, blending seamlessly with publicly accessible landscaped rooftop surfaces and facades that provide public access and recreation in a park-like setting within and on the buildings themselves. The roofs of the Aquarium and Learning Center in particular contain publicly accessible hillside gardens and pathways. This setting provides a panoramic landscape for elevated views of the Bay while further activating the building for public uses and access. Public access to the landscaped building roof and facades is accessible through four grand stairways and ADA ramps. The ground level is activated for public engagement and would house commercial retail, restaurant, BTIC and LC exhibits and events.

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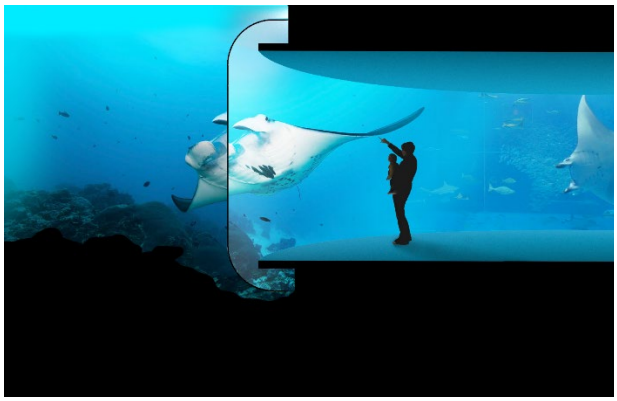

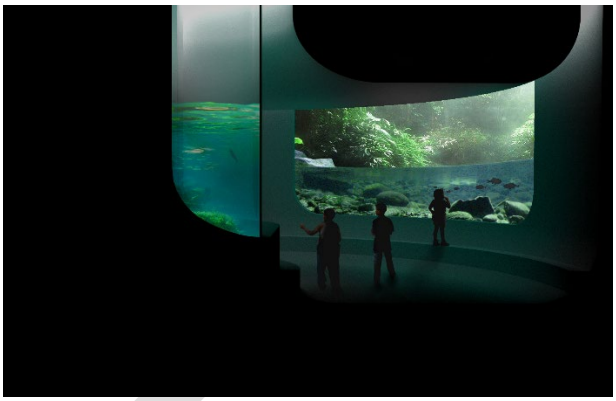

Aquarium Programming: The Aquarium would be focused around a series of interactive exhibits and displays that would be organized around the concept of a tour through the layers of ocean habitats, providing guests with a virtual tour of earth's marine ecosystems. Guests would start the journey at the shore, in shallow estuarine habitats and lagoons, exploring the terrain and wildlife at the shore. Exhibits at this stage would also focus on local commercial fishing industries, including at the Project's Tuna Harbor. The next series of exhibits and displays would tour the open ocean, with a focus on marine life and the importance of sustainable practices and the protection of species and biodiversity. Guests would also explore exhibits related to the damaging effects human activities have had on the open ocean, and teach guests about sustainable and environmentally friendly actions and habits they can incorporate into their own lives. Additional exhibits would then focus on deep sea habitats, and an overview of all of earth's oceans, teaching critical lessons on the interconnected and importance to life on earth of maintaining healthy and thriving marine environments. Throughout, the exhibits would focus on the importance of conservation and the maintenance of critical ocean ecology, and the effects of Global Warming. For more information. For more information on planned Aquarium programming, please see Appendix D, Seaport Aquarium, Preliminary Guest Experience Narrative.

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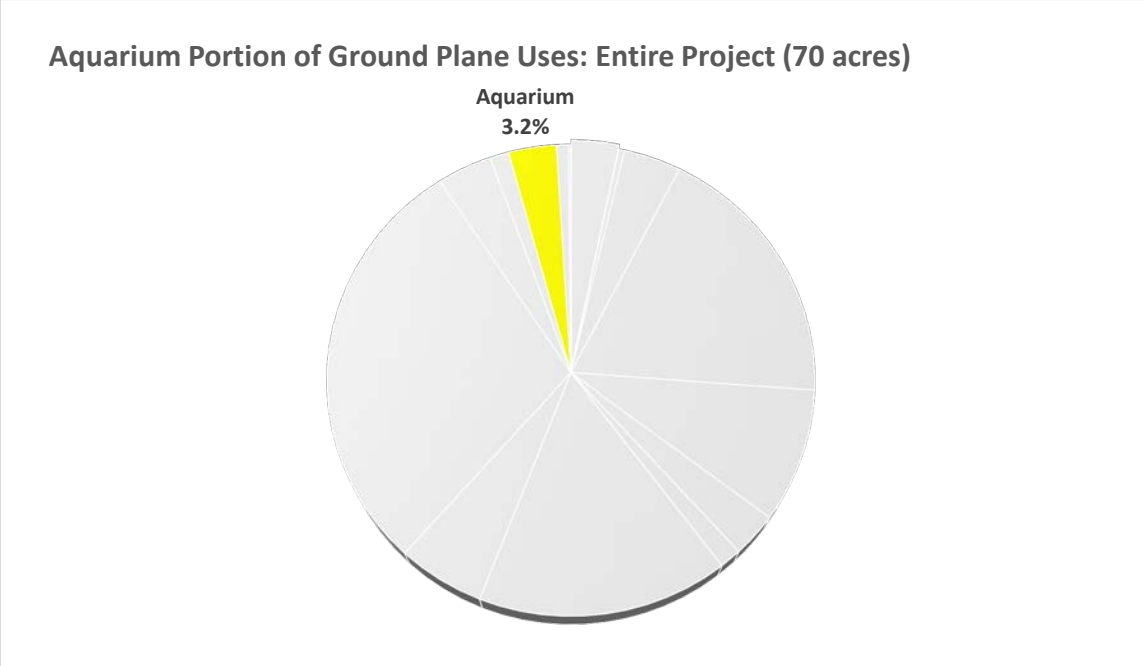
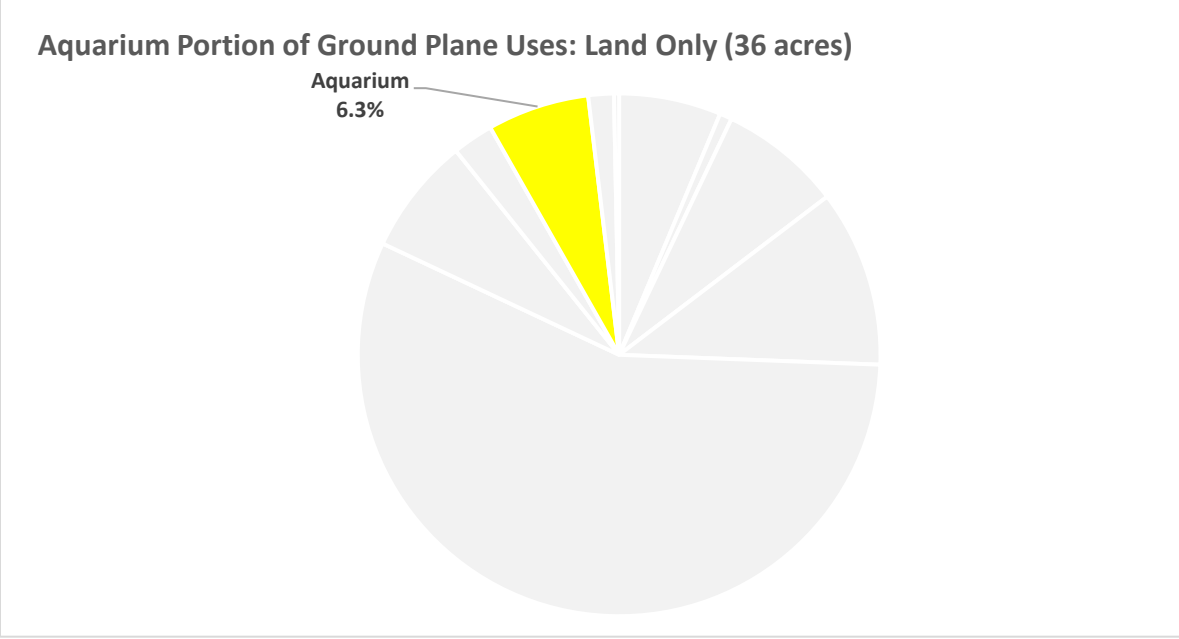
Charts

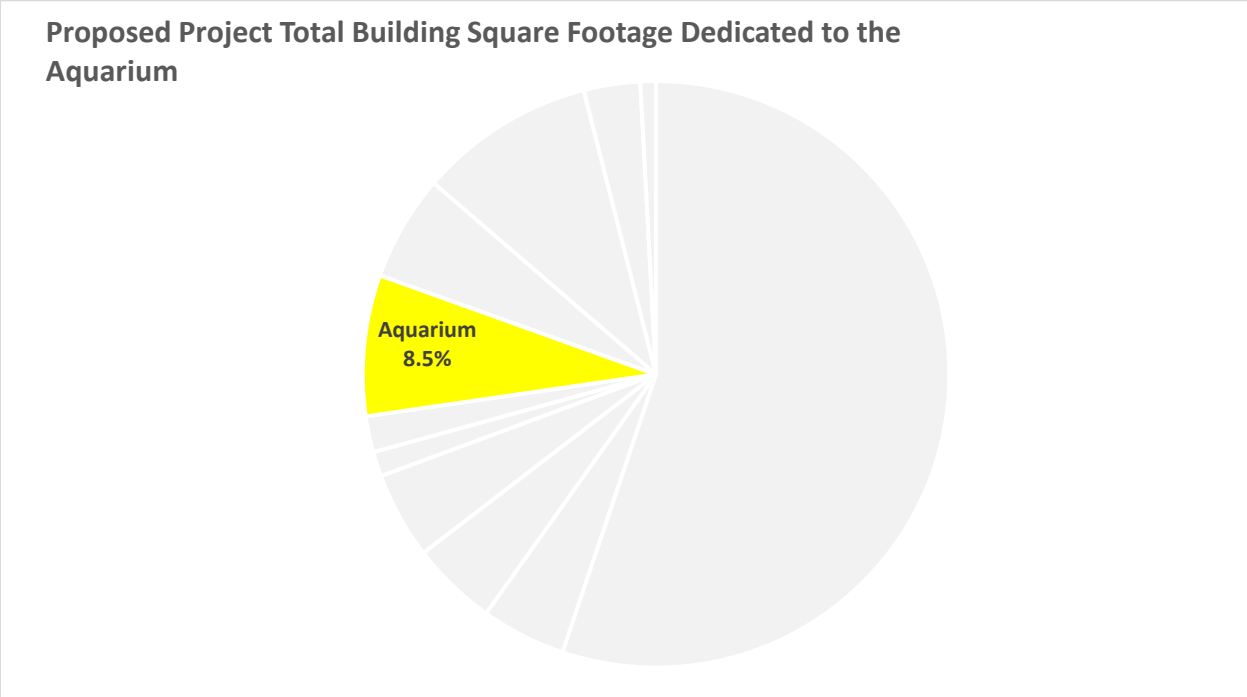
The following chart depicts the relative approximate proportion of ground plane uses of the entire 70-acre Project Site dedicated to the Aquarium, which constitutes approximately 3.2% of the total Project's combined land and water ground level area:



The following chart depicts the relative approximate proportion of land-side ground plane uses Project Site dedicated to the Aquarium, which constitute approximately 6.3% of the ground level of the Project's total combined 36 acres of land area:



The following chart depicts the relative approximate proportion of the up to 2.4 million square feet of new buildings of the Project dedicated to the Aquarium, which constitutes approximately 8.5% of the Project's total built square footage:



7. Commercial Retail

The Project would include retail uses that both promote Ocean Optimism and facilitate public access to the water and use and enjoyment of the entire Project Site. The Project would include retail uses totaling up to approximately 131,000 square feet, which includes approximately 8,000 square feet of gift shop space within the Aquarium, which is part of the Aquarium use. Other commercial uses discussed above including restaurants and health and fitness uses, totaling approximately 167,000 square feet for a total of approximately 298,000 square feet of commercial uses.

The existing Seaport Village has approximately 90 shops in approximately 90,000 square feet of space, galleries and restaurants, and has been experiencing declining visitor activity over recent years. The Project would reinvigorate the existing retail uses and encourage public trust activities through its mix of uses and multi-modal network and circulation that facilitates connections to the waterfront and promotes the Project's theme of Ocean Optimism.

Design and Location

The design and placement of the commercial retail is not in one central location but instead is integrated throughout the Project Site, which would encourage visitors to enjoy and experience Project amenities that are oriented around their location near and in the water, including but not limited to fishing, parks, entertainment, educational programs and other waterfront activities. As such, retail uses would be located in Blocks A, B, C, D, E, and F.

The Project includes a large public promenade that stretches along the entire length of the Project Site and prioritizes public access to the water and views of the ocean from multiple vantage points. The retail component is designed to create a multi-dimensional experience to stimulate public access, increased use, and enjoyment of the entire waterfront and Project Site. Place-making has become increasingly key in ensuring the success of brick and mortar retail, and leveraging the ultimate draw of the water in a well-designed, open and inviting Project with a variety of things for people to see and do will ensure a thriving marketplace for retail business that will in turn provide significant economic stability and benefits to the Port going forward.

Design features would promote public access to the waterfront and views of the ocean from various vantage points to encourage connectivity to the water, including large glass windows, an outdoor market, as well as outdoor plazas.

Types of Retail

The Project would seek to attract and cater to a regional, statewide, and global visitor market. The diverse range of retail would be curated to complement the primary Project uses for synergy with the theme and purpose of the Project, targeting water-related retail shops and brands that promote Ocean Optimism through a commitment to the use of sustainable materials and practices, education, and involvement with active contributions to conservation and sustainability efforts.

The retail uses would incorporate a diverse mix of retail components that would provide a variety of options so that the shopping experience would be accessible and inclusive to a broad range of visitors.

Retail uses would consist of Specialty Shops (approximately 86,000 square feet), Experiential Retail (approximately 30,000 square feet), and Service-Oriented/Wellness Retail(approximately 15,000 square) feet. As all existing retailers have been invited to return to the new Project, some of the approximately 86,000 square feet would be occupied by returning existing retailers. The remaining portion of Specialty Shops would be focused on offerings consistent with the theme of educating the public about sustainability and climate change.

i. Specialty Shops

The Project proposes to include a potential wide variety of visitor serving specialty retail shops. The approximately 86,000 square feet of Specialty Shops are approximately 29% of the Project's commercial uses and 3.6% of the total Project built square footage. (See Glossary, Section A.5, above.)

Examples of such targeted retailers include Patagonia, Eataly, Parley for the Ocean, and Ice Breaker.[5] Patagonia is a sports and outdoor apparel and gear company whose stated mission is "to limit ecological impacts with goods that last for generations or can be recycled so the materials in them remain in use." Patagonia is committed to issues related to social and environmental responsibility, including sustainable apparel, lower-impact energy and water sources, forced labor, child labor, and human trafficking. Patagonia also donates one percent of its sales to grassroots environmental organizations. Eataly is a large format/footprint Italian marketplace (food hall) comprising a variety of restaurants, food and beverage counters, bakery, retail items, and a cooking school. Parley for the Ocean manufactures

[5] Retailers listed in this section are just meant to provide illustrative examples. The Project is not yet under contract with any particular retailers as of the date of this submittal.

apparel and other products made from marine plastic waste and engages in a number of initiatives and programs to keep our oceans clean. Parley's primary mission is to save as many ocean animals as possible and organizes a global network of clean up organizations to remove plastic from shorelines and ghostnets. Ice Breaker is an apparel retail that focuses on natural and sustainable materials that have been shown to reduce the amount of micro plastic discharged into the Ocean. Icebreaker's business model is to manufacture ethical and sustainable materials while producing as little waste as possible. Responsible brands such as these would be targeted to support environmentally conscious companies and promote the Project's central theme of Ocean Optimism.

ii. Experiential Retail

The approximately 30,000 square feet of Experiential Retail is approximately 10% of the Project's commercial uses and 1.2% of the total Project built square footage. (See Glossary, Section A.5, above.) The Experiential Retail would be immersive and interactive to provide an in-store experience. Stores that focus on customer engagement would be targeted for the Project, such as Camp. Camp is a children's toy company whose retail locations also host craft, movement and play activities. This category could also include potential visitor-serving entertainment uses such as theaters or screening rooms, arcades, e-gaming, and bowling.

iii. Service-Oriented/Wellness Retail

The approximately 15,000 square feet of Service-Oriented/Wellness Retail is 5% of the Project's commercial uses and 0.6% of the total Project square footage. (See Glossary, Section A.5, above.) This retail use includes various commercial uses oriented around service and wellness, and may include spas, massage parlors, beauty and nail shops, personal care, cosmetics, skincare, fragrance, beauty tools, haircare, dry bars, and similar wellness product and service oriented uses.

Appropriate Retail Use is Necessary to be Economically Viable

Although retail uses only comprise approximately ten percent (10%) of the Project's built environment, it would support and subsidize the less profitable but important water-related project components, such as the Learning Center, fish processing facility, and education and conservation initiatives at the Aquarium teaching children and adults about the importance of our oceans. Thus, the retail use would assist to make the Project economically viable and self-supporting, which would be necessary for and critical to the Project's primary uses and the achievement of its mission. Additional information regarding retail uses can be found in Appendix H, The Future of Retail and its Implications for Waterfront Developments and the Public Trust Doctrine, Protea, February 2018.

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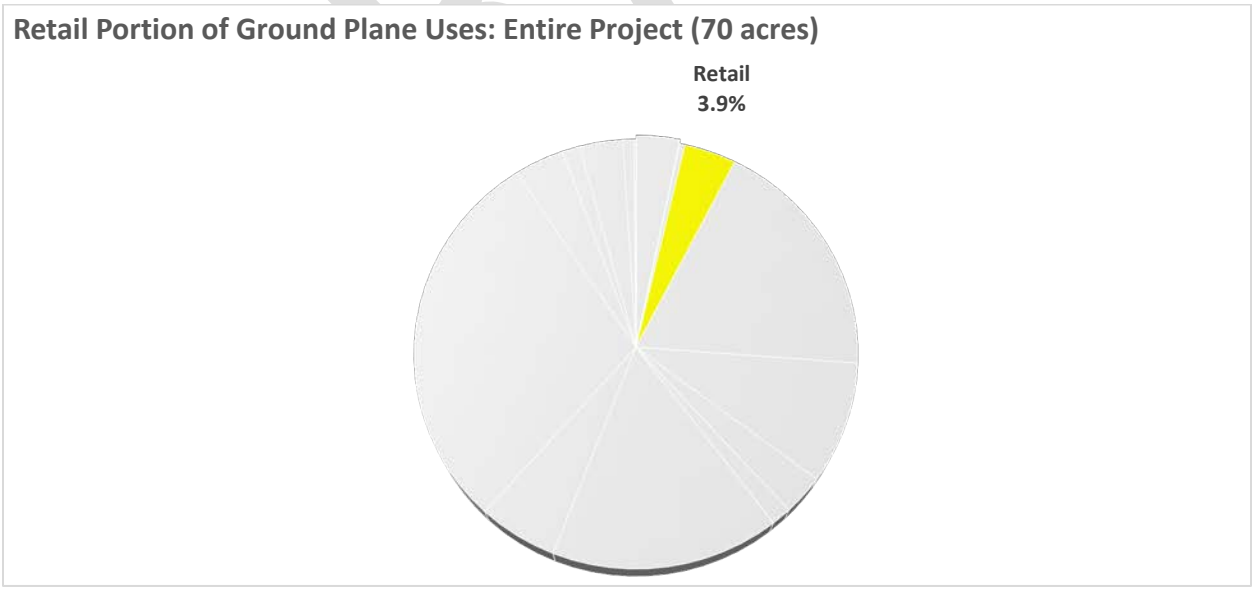
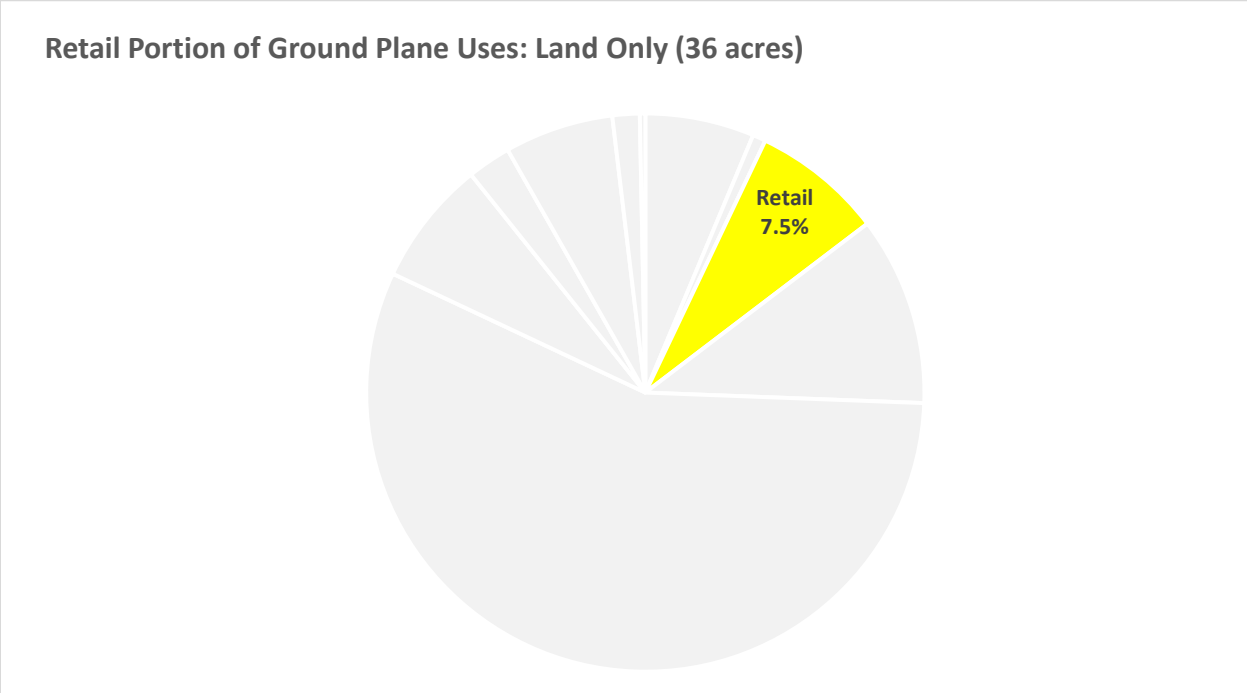
Figure 18 – West Facing View of Block B Retail Space

Charts

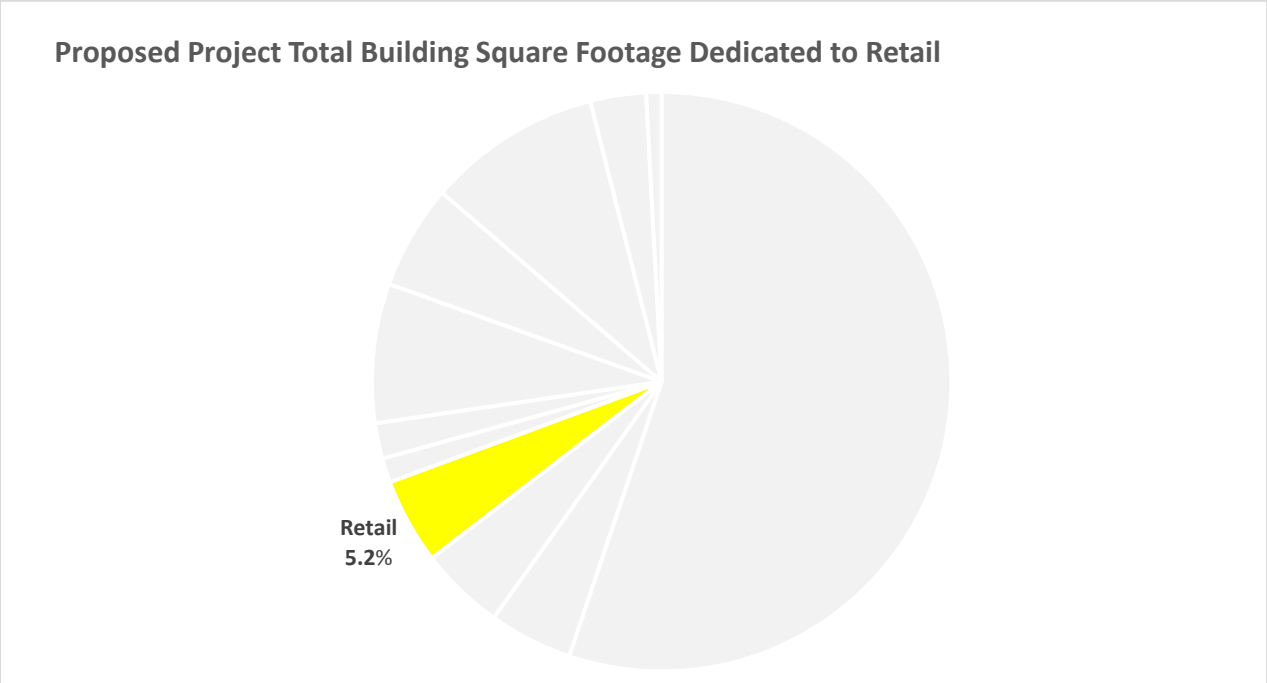
The following chart depicts the relative approximate proportion of ground plane uses of the entire 70-acre Project Site dedicated to commercial retail uses, which constitute approximately 3.9% of the total Project's combined ground level land and water area:



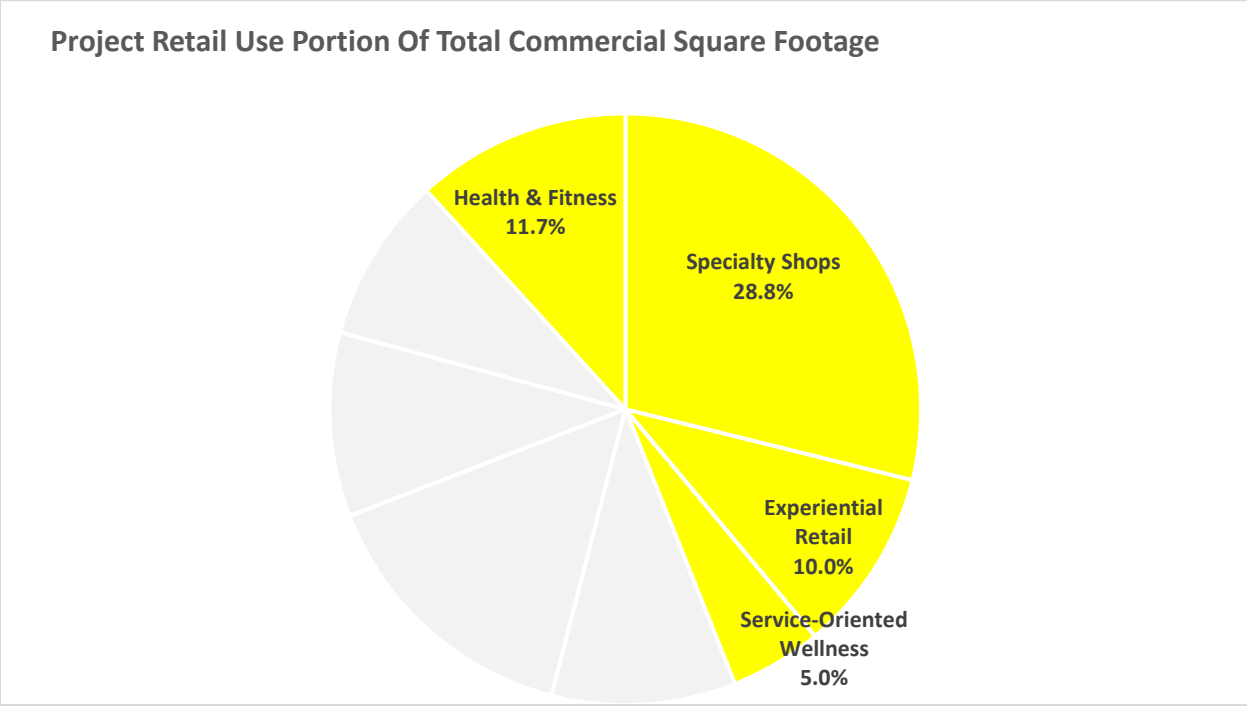
The following chart depicts the relative approximate proportion of ground plane uses of the 36 acres of Project Site land dedicated to the commercial retail uses, which constitute approximately 6.3% of the ground level of the Project's total combined ground floor land area:



The following chart depicts the relative approximate proportion of the up to 2.4 million built square feet of the Project dedicated to the commercial retail uses, which constitute approximately 5.2% of the Project's total square footage:



The following chart depicts the relative approximate proportion of the commercial retail uses out of the approximately 298,000 square feet of the Project dedicated to all commercial uses, of which commercial retail constitutes approximately 55.5% of the Project's total square footage of commercial uses:



8. Restaurants

Like hotels, restaurants are an expected visitor-serving amenity that would attract visitors to the Project, enhances their experience of the waterfront and entices them to stay longer. The Project proposes a diverse range of restaurant types that would provide options at every price point.

The approximately 132,000 square feet of restaurants are spread throughout the Project Site to connect the uses while also supporting and subsidizing the economic viability of other components of the Project. This includes the 10,000 square feet of proposed restaurant space within the Aquarium, which is part of the Aquarium use.

There are a number of different types of restaurants, as described below, with potential examples of each.

- 30,000 square feet of fast casual restaurants such as Sweetgreen or Shake Shack
- 27,000 square feet of specialty food restaurants such as Magnolia Bakery or Beaming
- 35,000 square feet of iconic restaurants such as Malibu Farm or Eataly
- 40,000 square feet of diverse experience restaurants such as Nobu or Stone Brewing
- Up to 40% of the restaurants could be Experiential Restaurant uses. The other restaurant types would be reduced accordingly so that the total restaurant square footage remains at 132,000.

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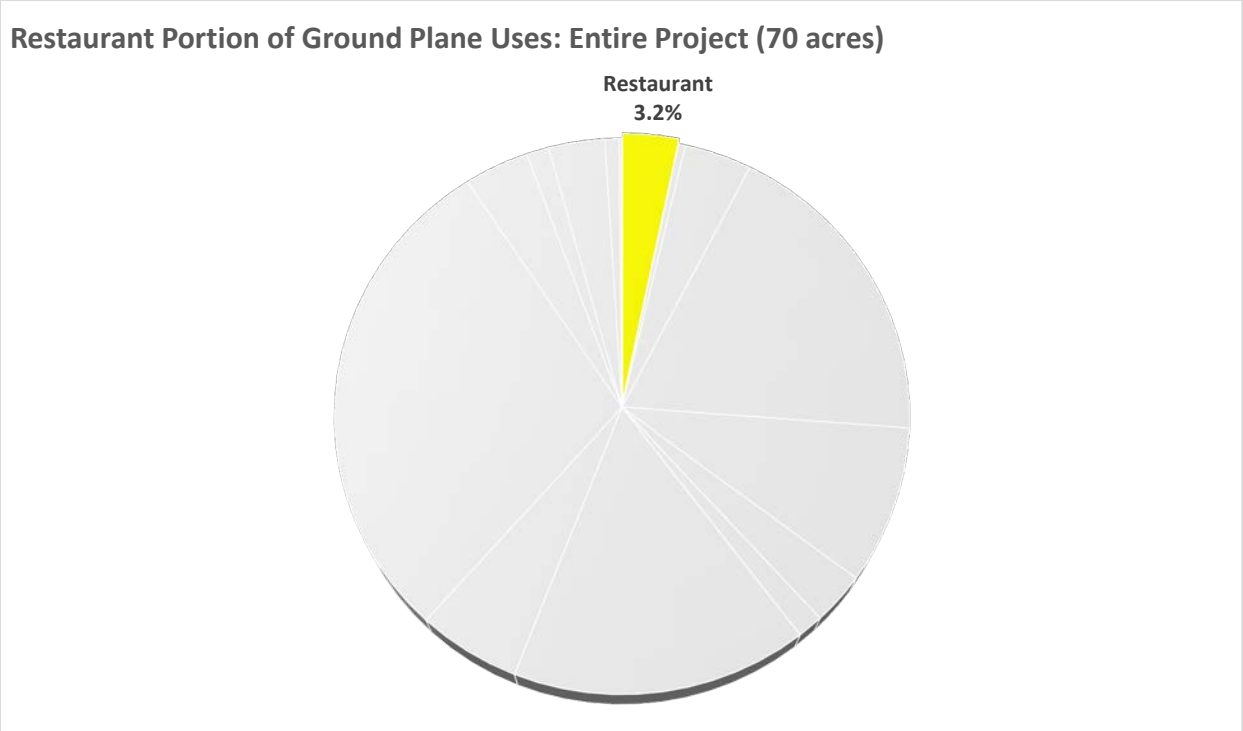
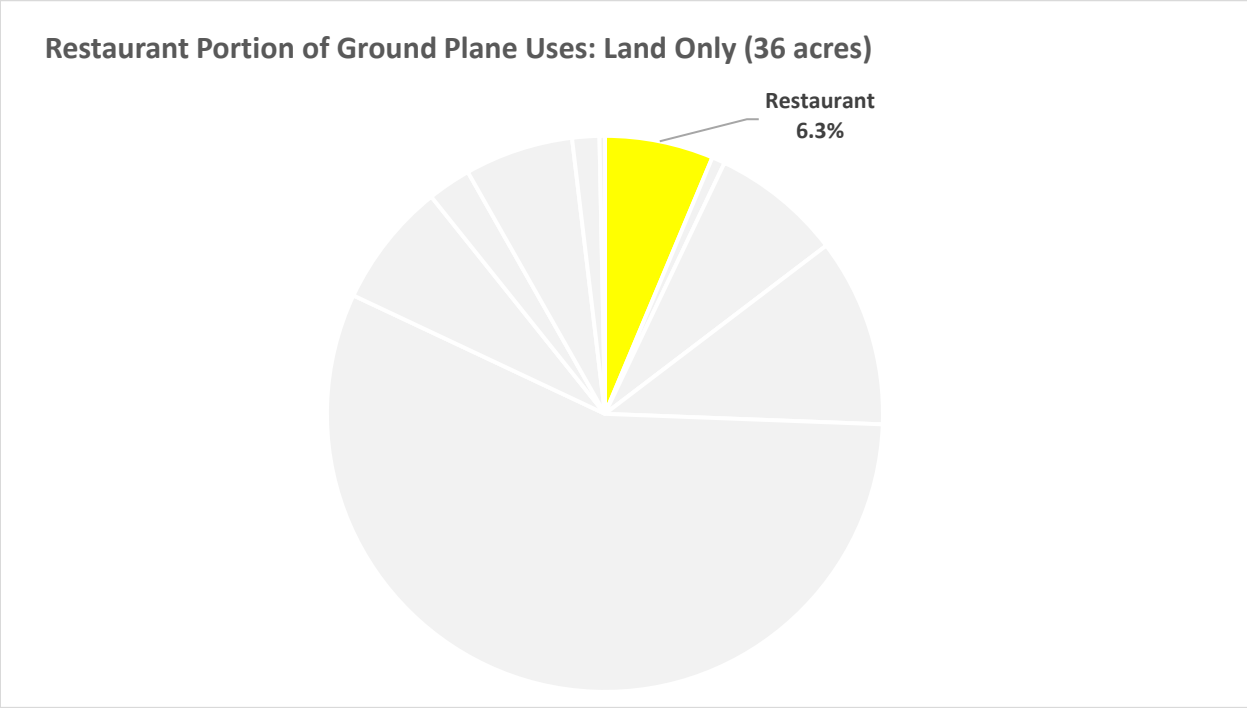
The Project would provide a broad variety of restaurant uses at a range of types of establishments, cuisines, and affordability levels across the Project Site. Restaurant uses would be located in all seven land blocks of the Project, and would include a full range of restaurant types as identified above at a wide variety of price points to serve the needs of the broad and diverse array of future guests of the Project Site. These would include chain restaurants, and standalone one-of-a-kind restaurants. As with the rest of the Project, the restaurants' proposed design would focus on leveraging outdoor and open spaces and San Diego's unparalleled climate, with designs that would favor and maximize the use of patios, terraces, and other outdoor dining opportunities. The broad assortment of food options would bring people to the Project and in turn the water, enable people to stay longer, and inspire visitors to explore and enjoy everything the Project and the surrounding waterfront environs have to offer.

Charts

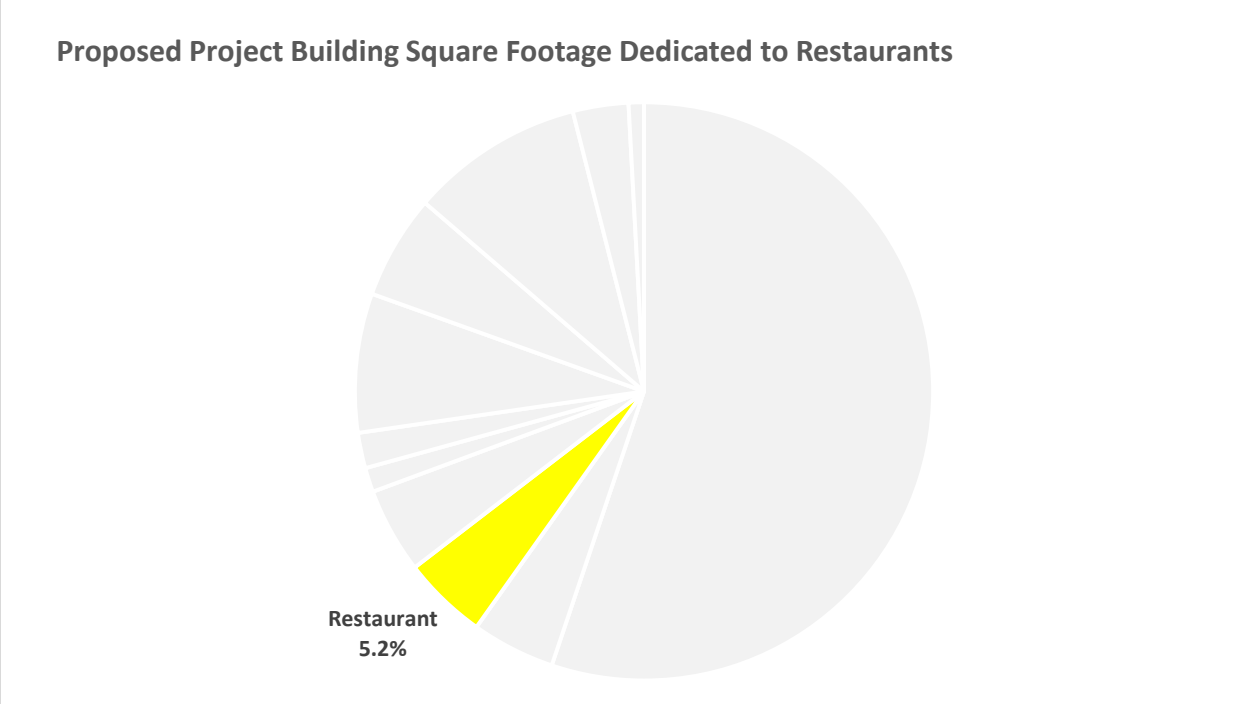
The following chart depicts the relative approximate proportion of ground plane uses of the entire 70-acre Project Site dedicated to restaurants, which constitute approximately 3.2% of the total Project's combined ground level land and water area:



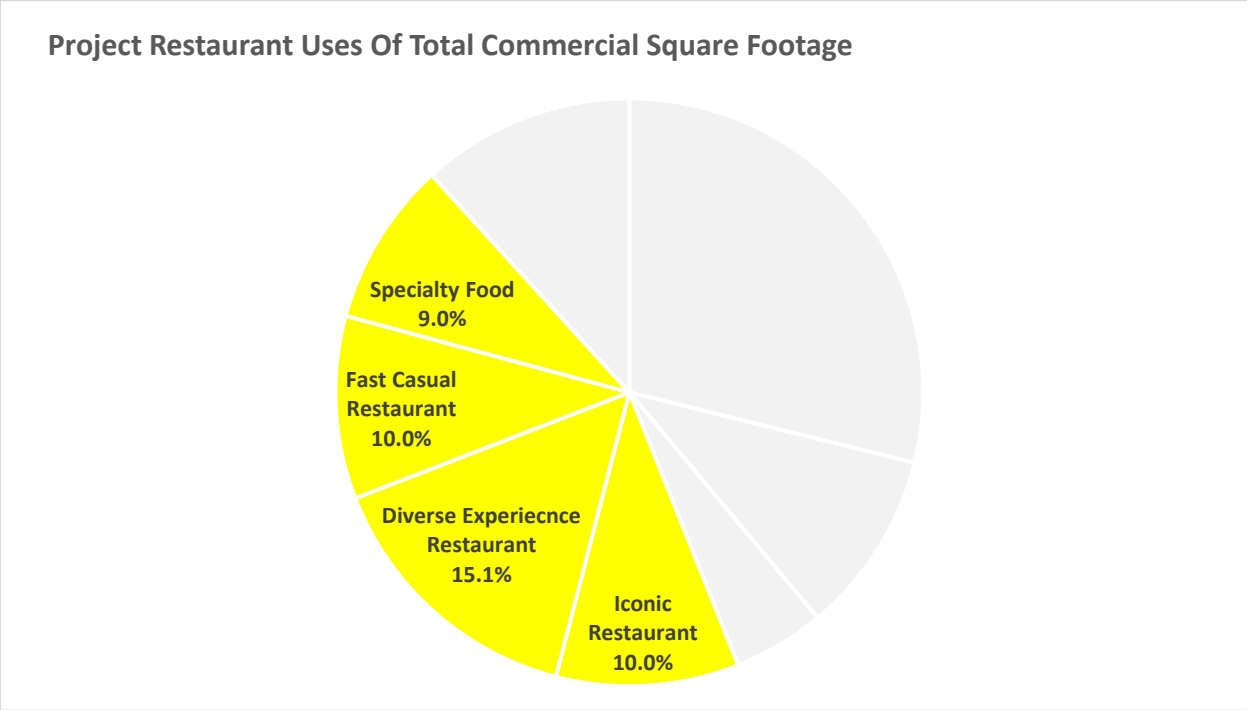
The following chart depicts the relative approximate proportion of ground plane uses of the 36 acres of Project Site dedicated to the restaurants, which constitute approximately 6.3% of the ground level of the Project's total combined ground floor land area:



The following chart depicts the relative approximate proportion of the up to 2.4 million square feet of the Project dedicated to restaurants, which constitutes approximately 5.2% of the Project's total square footage:



The following chart depicts the relative approximate proportion of the approximately 298,000 square feet of the Project dedicated to restaurant uses, which constitute approximately 44.1% of the Project's total square footage of commercial uses:



9. Multi-Purpose Event and Concert Center

The up to 120,000 square foot indoor Event and Concert Center is located in Block C of the Project Site, along with hospitality, retail, and restaurants uses. It would be a multi-purpose flexible indoor/outdoor entertainment and events center that would seamlessly connect the waterfront to the interior events with a large water frontage providing unobstructed views of the marina. Due to the connection to the waterfront, views of the marina, and access to the water, the Event Center would facilitate the public's enjoyment of and access to the waterfront.

The Event Center would be comprised of a multi-purpose flat floor space that could accommodate between 1800 and 4000 people depending on seating and stage layout. It would have an 18,000 square foot roof deck and pavilion accessible from the street-level plaza with sweeping views of the waterfront, and a below grade-parking structure. As described below, the Event Center is designed to increase and activate the public's connectivity to the water.

Design and Access

The proposed Event Center would consist of a stage, a flexible open area for standing or movable seating, a seated mezzanine, concession or bar stands and all ancillary spaces including dressing rooms, a crew kitchen, restrooms and chair storage. The theater would be accessed through the lobbies located on the first and second levels, which have a large water frontage and provide unobstructed marina views to visitors.

The proposed building footprint for the Event Center would cover approximately 64,000 square feet. The Southwest corner of the Event Center would have a plaza for vehicular drop-off and an area for public gathering before and after events. The ground level would include a mix of visitor-serving retail and restaurant uses to support full enjoyment of the Event Center.

The Event Center would provide a direct connection with the water via operable wall systems that would provide visual and physical access to the Embarcadero while allowing the free flow of visitors throughout the Event Center's lobby and main floor area of the performance space. Importantly, the design of the Event Center would maintain full public access to the waterfront.

A façade composed predominantly of glass is integrated into the bay-fronting first and second level lobby designs in order to maintain visual connection to the waterfront from the interior of the building. The south facing roof terrace would be accessible from the street level plaza and capitalize on the sweeping views from above the Embarcadero of San Diego Bay, Coronado, Point Loma and beyond. The elevator that provides direct access to the roof terrace would also be leveraged for wayfinding and visual display opportunities to facilitate the public's enjoyment of and connection to the water. Given its scope and scale, the Event Center would provide statewide benefits by drawing visitors from across the state and beyond. While the design of the Event Center is evolving, that design will maintain the key elements discussed herein, and examples of the current proposed design that reflect these principles are provided in Appendix C, Design Concepts, at pp. 24-25.

Programming

The Event Center would include year-round events that would include paid admission and rental events as well as free public events and rehearsals. Such events are anticipated to include concerts and other live-performance entertainment, private leased events, speakers, speeches, rallies, symposia, political events, and potentially e-gaming, though notably other types of sporting events are not planned for the Event Center. Performances could be held throughout the week and dates and times would vary depending on the performance. The Event Center would also be used for approximately 6 free, open to the public advertised events annually, which would include live music, DJs, street performers and dance groups, showcases, booths and presentation spaces for local artisans and vendors, public exhibitions, and Pop-Up food and beverage vendors.

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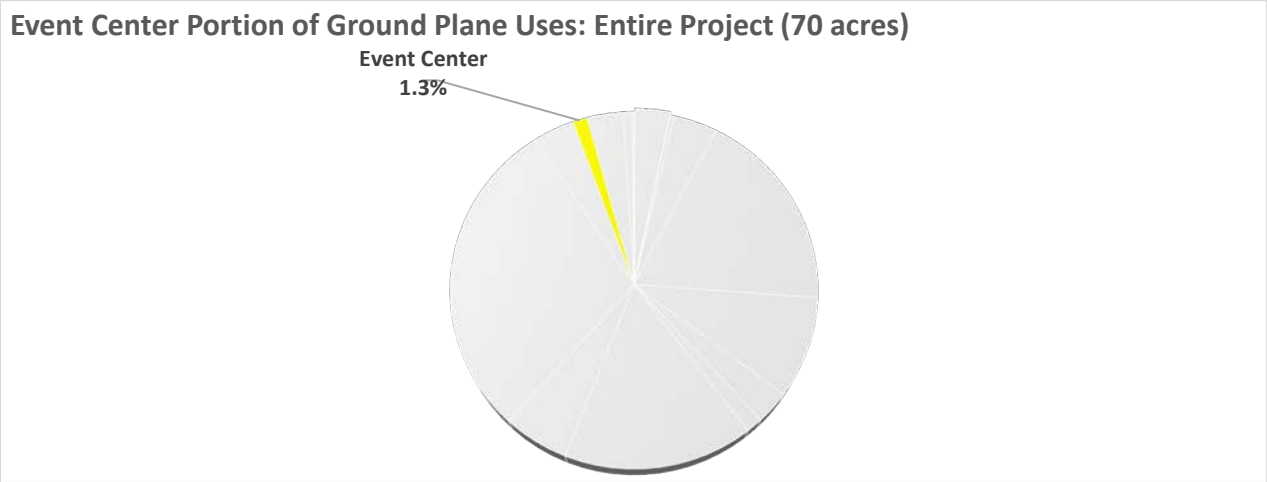
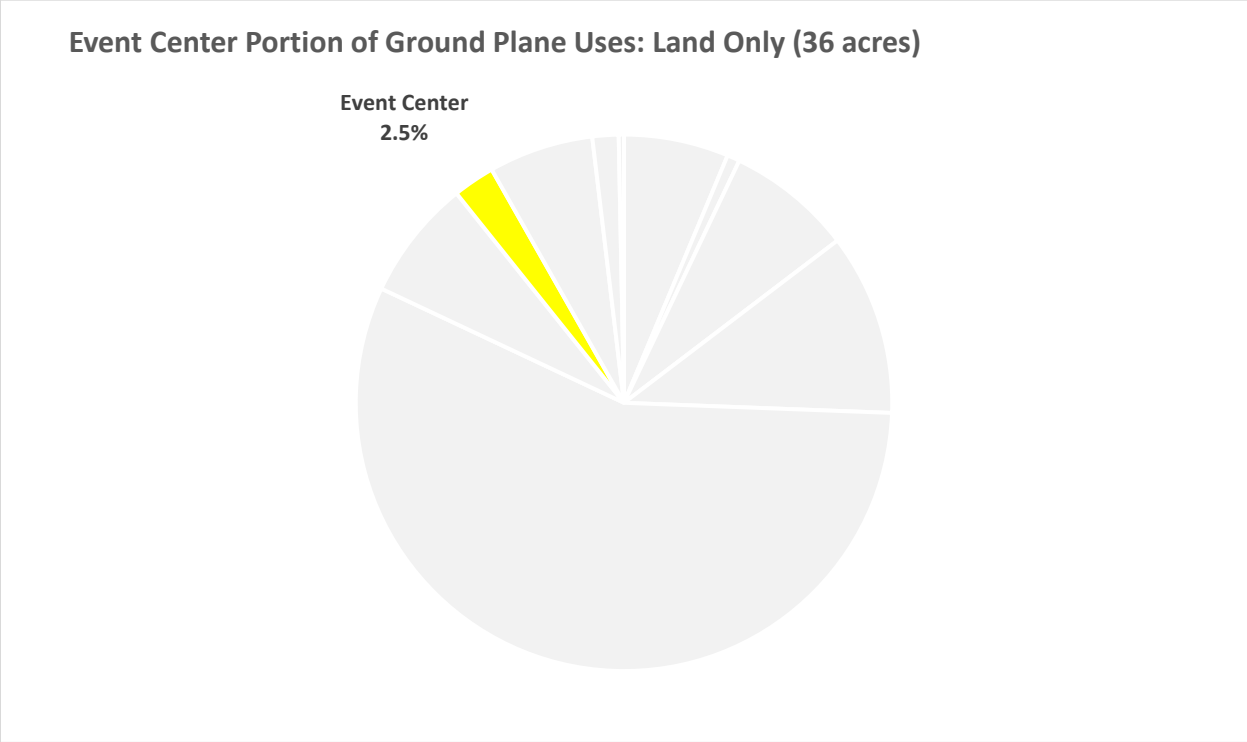
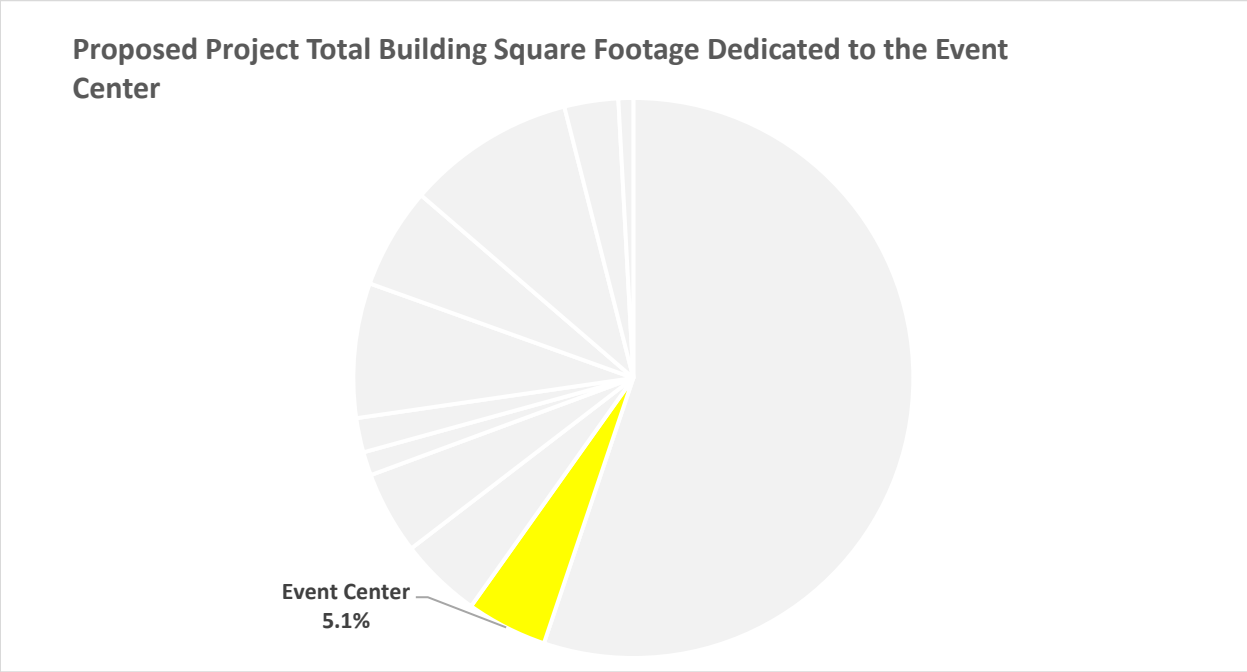
The following chart depicts the relative approximate proportion of ground plane uses of the entire 70-acre Project Site dedicated to the Event Center, which constitutes approximately 1.3% of the total Project's combined ground level land and water area:



The following chart depicts the relative approximate proportion of ground plane uses of the 36 acres of Project Site land dedicated to the Event Center, which constitutes approximately 2.5% of the ground level of the Project's total combined ground floor land area:



The following chart depicts the relative approximate proportion of the up to 2.4 million built square feet of the Project dedicated to the Event Center, which constitutes approximately 5.1% of the Project's total built square footage:



10. Blue Tech Innovation Center (BTIC)

The BTIC would occupy up to 250,000 square feet of building floor area within Block F. The ground floor would primarily consist of synergistic commercial retail and restaurant uses. Both the retail and the restaurant spaces are intended to be thematically connected to the work being conducted in the BTIC. The floors above would consist of an ocean-focused research and office facility operated in collaboration with the University of California San Diego (UCSD) and the Scripps Institution of Oceanography (SIO). It would include on-and-off water research facilities and laboratories, collaborative work areas, meeting areas, conference rooms, and offices. The BTIC would serve as a state-of-the-art research and innovation center leveraging university-based and private research capacities to catalyze innovation and promote Blue Economy growth initiatives throughout the state, nation, and globe. Its advanced testing facilities and collaborative workspaces would co-locate for collaborative purposes academic scientists, professional researchers, entrepreneurs and leaders of innovative startups and more established smaller companies including for-profit and non-profit enterprises with a specific focus on ocean and marine development, restoration, conservation, and sustainability efforts. The BTIC would thus focus on the development of new and improved technologies spearheaded by small and growing businesses seeking to provide solutions to environmental challenges facing California and other coastal areas around the world, addressing sustainable development and the critical interrelationship between human civilization and the earth's oceans and other marine environments.

A broad variety of industries and economic sectors contribute to the Blue Economy. The industries involved all benefit from proximity to the ocean and compete for this very limited available space. They include, but are not limited to, Aquaculture and Fishing, Biotech, Boats & Shipbuilding, underwater

Cables & Connectors, Desalination/Clean Water, Marine Recreation, Ocean Energy & Minerals, Ocean Instrumentation, Oceanography & Marine Science, Ports & Maritime Transportation, Professional Services, Robotics & Submarines, Telecommunications, Very Large Floating Platforms, and Weather & Climate Science.

A recent study undertaken by UCSD shows that overall there exists strong interest and demand for the space from internal and external stakeholders, and include collaborative office and technical spaces; programming for the public; a working waterfront for technology development, research, and demonstration; resources for research collaboration; and maritime career-focused education. Within UCSD, the study reached out to and obtained the results demonstrating significant demand for such facilities from: faculty, students, staff, and administrative leadership (i.e., Office of Research Affairs, Jacobs School of Engineering, Rady School of Management, Qualcomm Institute, Institute for the Global Entrepreneur, Altman Clinical & Translational Research Institute, and Skaggs School of Pharmacy & Pharmaceutical Sciences) to identify supporting and opposing forces for the facility and begin ideation on the vision and mission. Externally, a diverse community from industry, government, and non-profits (i.e., Navy and NAVWAR, City of San Diego, NOAA, Esri, Lockheed Martin, Teledyne Marine, Chicken of the Sea, BIOCOM, and TMA BlueTech. Cleantech San Diego, were similarly engaged for their feedback and to identify demand in potential facility offerings, and supported the conclusion that there is substantial demand for such uses in locations close to the water to leverage that proximity to further research and technological goals around ocean-related technological development, conservation, and sustainability.

San Diego is the beneficiary of a national profile in blue technology due to a strong, existing ecosystem in ocean science, technology, and innovation which includes UC San Diego, Scripps Institution of Oceanography, NOAA, SPAWARS, and the U.S. Navy. The Project also poses opportunities to engage the public and a high level of visibility downtown, which can offer the ability to connect to talent, attract investment, and engage end-users. The downtown location of the BTIC is unique as compared to other ocean innovation centers and university research parks. Further, co-location with a world-class Aquarium and the Learning Center offers the ability to engage research and commercial innovation to the public and school children. The design of the Blue Tech Innovation Center, like the other uses in Block F, are evolving, but examples of the current proposed design are provided in Appendix C, Design Concepts, at pp. 34-39.

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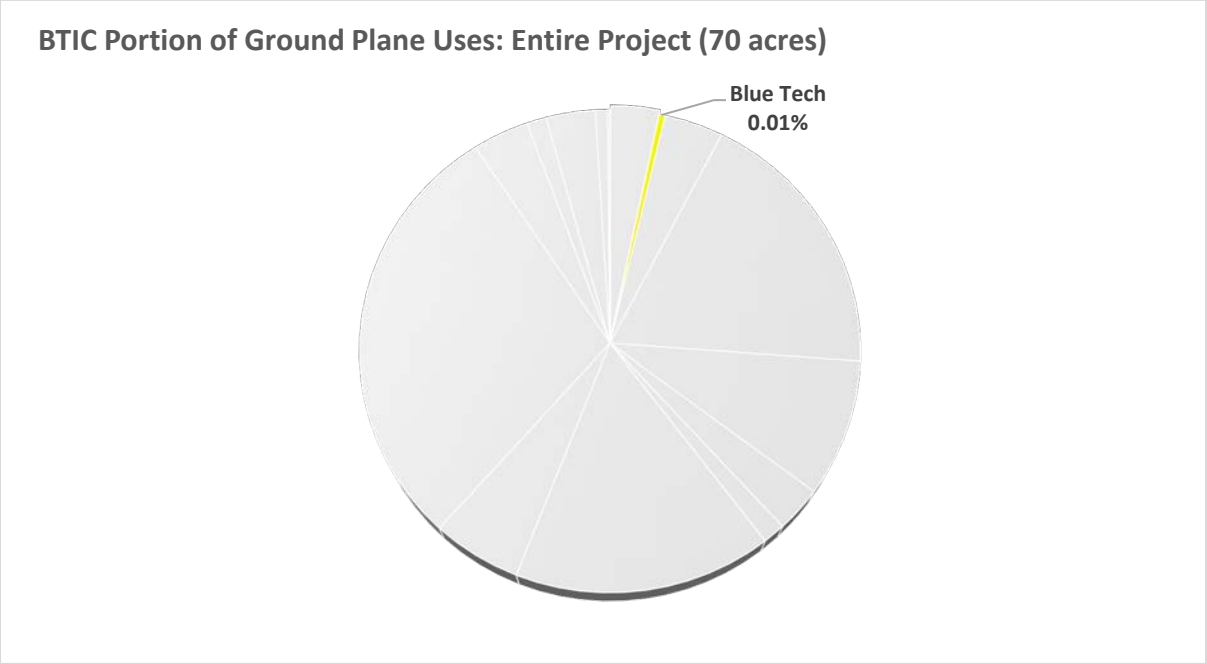
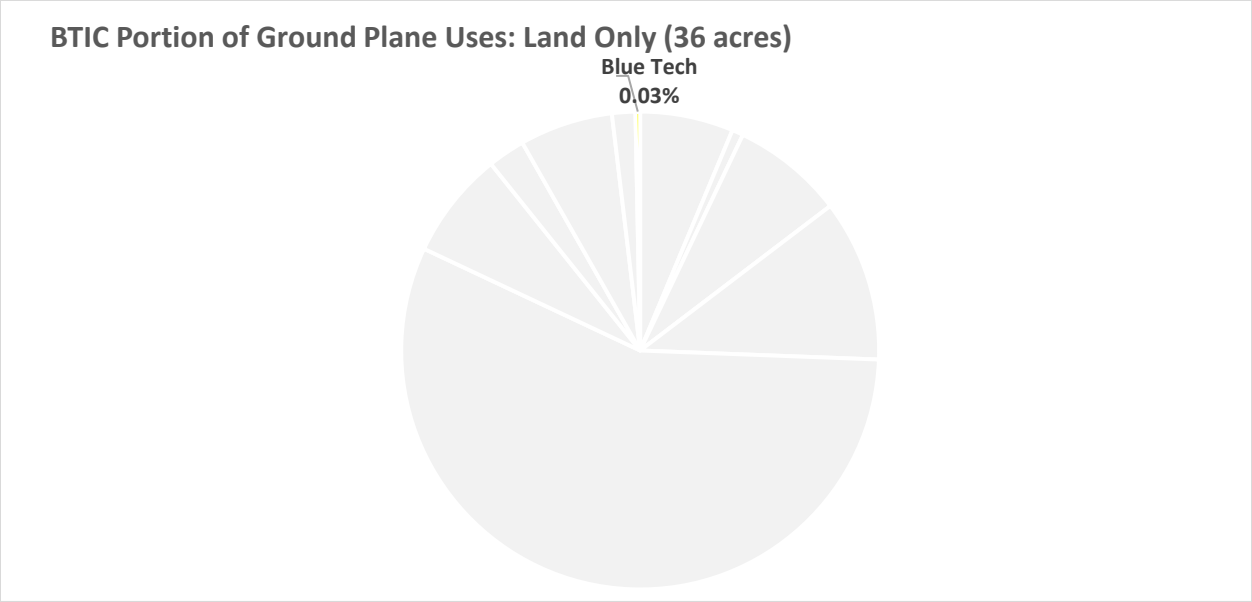
Charts

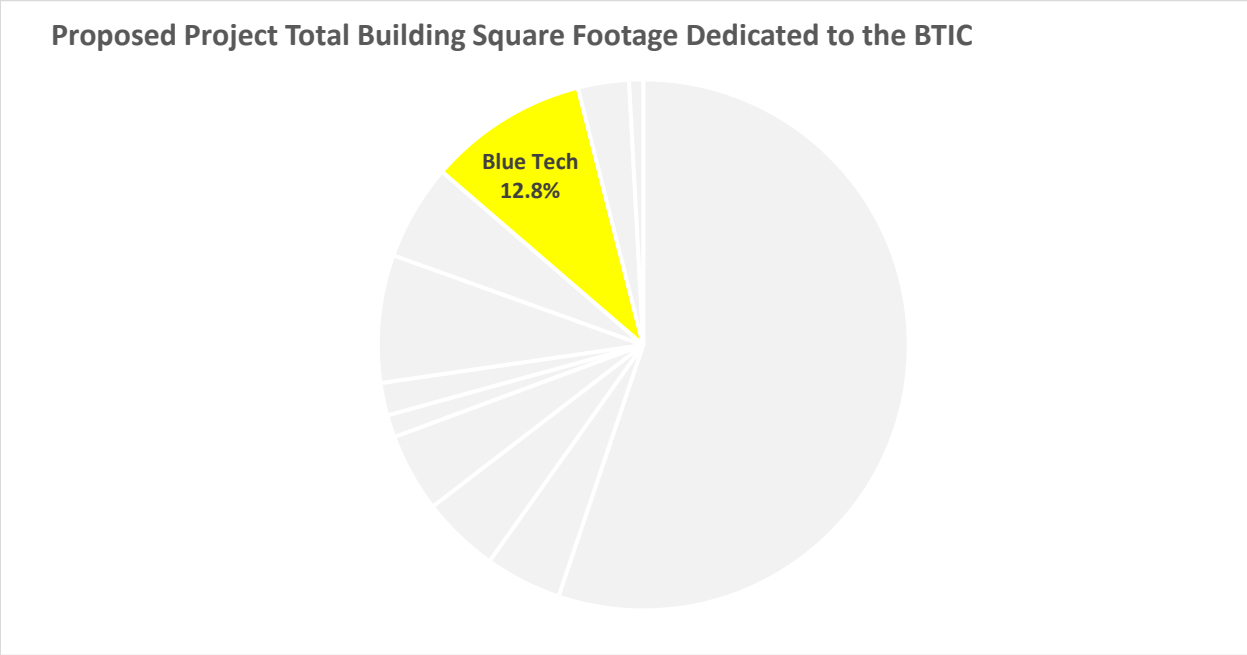
The following chart depicts the relative approximate proportion of ground plane uses of the entire 70 acre Project Site dedicated to the BTIC, which constitutes 0.01% of the total Project's combined ground level land and water area (noting the majority of the BTIC building space is located above the ground floor):



The following chart depicts the relative approximate proportion of ground plane uses of the 36 acres of Project Site land dedicated to the BTIC, which constitutes approximately 0.03% of the ground level of the Project's total combined ground floor land area (noting the majority of the BTIC building space is located above the ground floor):



The following chart depicts the relative approximate proportion of the up to 2.4 million built square feet of the Project dedicated to the BTIC, which constitutes approximately 12.8% of the Project's total built square footage:



11. Learning Center (LC)

The LC is proposed to occupy approximately 80,000 square feet of indoor building floor area. An in-depth summary of the vision, program and design is provided in Appendixes E and G. It is proposed to operate in partnership with UCSD's Scripps Institution of Oceanography and would be a hub for ocean-focused active learning for students of all ages from across the state, including School Programs, Career and College Prep with Blue Economy Innovation Spaces, and Public Engagement. The LC would offer a variety of learning programs. These include accelerated summer programs for high school-level students, providing accredited courses in ocean sciences, Blue Tech Engineering, data sciences, and introductory courses in water policy, politics, economics and ethics. Weekend workshops and shorter courses, in addition to internships and student employment opportunities related to the same topics and other ocean-based core competencies of the Center, would be available. Additional proposed available areas of study include sustainable aquaculture and fisheries, international cuisines and seafood culinary arts, indigenous practices of resource management, human health and the oceans, conservation and regeneration of ocean ecosystems, and bioinspiration, among others.

Though the connection with UCSD, undergraduate and graduate level students would also participate in university programs geared toward the development and implementation of learning programs within the Center.

The Learning Center would also host conferences and symposia, temporary exhibits and Pop-Up programming focused on ocean-based learning, including topics related to fishing and fisheries, boating and sailing, swimming and snorkeling, surfing, and bird and nature watching. The Learning Center would

also collaborate with the BTIC to provide opportunities for students to intern and interact with industry and businesses in the connected and adjacent BTIC building.

LC Programming

LC activities will vary in focus and duration and will create a rich variety of visitor-serving opportunities that link to San Diego fisheries, commerce, navigation, ocean science, recreation, NGOs, Navy, industry, coastal habitats and urban waterfront environments that make up the Central Embarcadero/Seaport Project. The LC will offer activities for locals and tourists designed to promote participants' connection to the ocean. The LC will host conferences and symposia for thought and industry leaders in Earth, ocean, and atmospheric sciences, blue and green/clean technologies, sustainable seafood and culinary traditions, the arts and STEM education.

Some examples of the rich variety of activities, programs, and services envisioned as part of the LC include: San Diego Bay citizen science activities, events and cruises; exhibits and installations on waterfront topics (fishing, naval history, bay and ocean natural history, marine science); kayaking, small boating, various on-the-water science and natural history learning experiences; nature watching and field explorations (birds, marine mammals, San Diego flora and fauna, etc.); ocean and coastal engineering workshops and conferences; equipment development and testing; blue tech and blue economy innovation; San Diego Bay and ocean field excursions for K-12; informal and after-school (science camps, Boys & Girls Clubs, scouts, etc.) groups, families, tourists, conference attendees, cruise line side trips; behind-the-Scenes tours of the Aquarium; portable labs, demonstrations and learning experiences throughout the Seaport development; parent/child weekend workshops; day-time and evening special events and festivals; ocean-themed lectures, presentations, and panel discussions; overnight programs for children, families and adults; and for-credit, marine-focused high school programs. Various spaces across the Site would also be dedicated to providing publicly accessible exhibits to showcase projects and other work by students. For additional information, see Appendix G, Project Description Summary: Seaport Learning Center; and Appendix E, Follow Up Submission Requested by the State Lands Commission Related to the Learning Center and Retail Uses At Seaport San Diego, Protea, February 2018.

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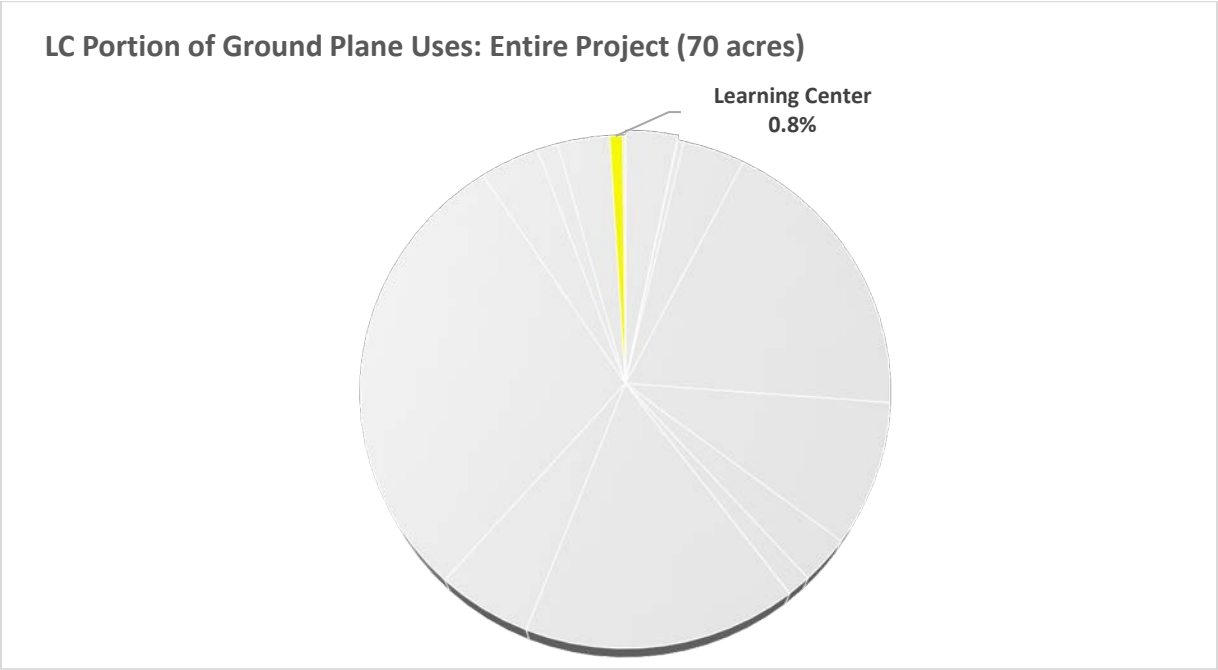
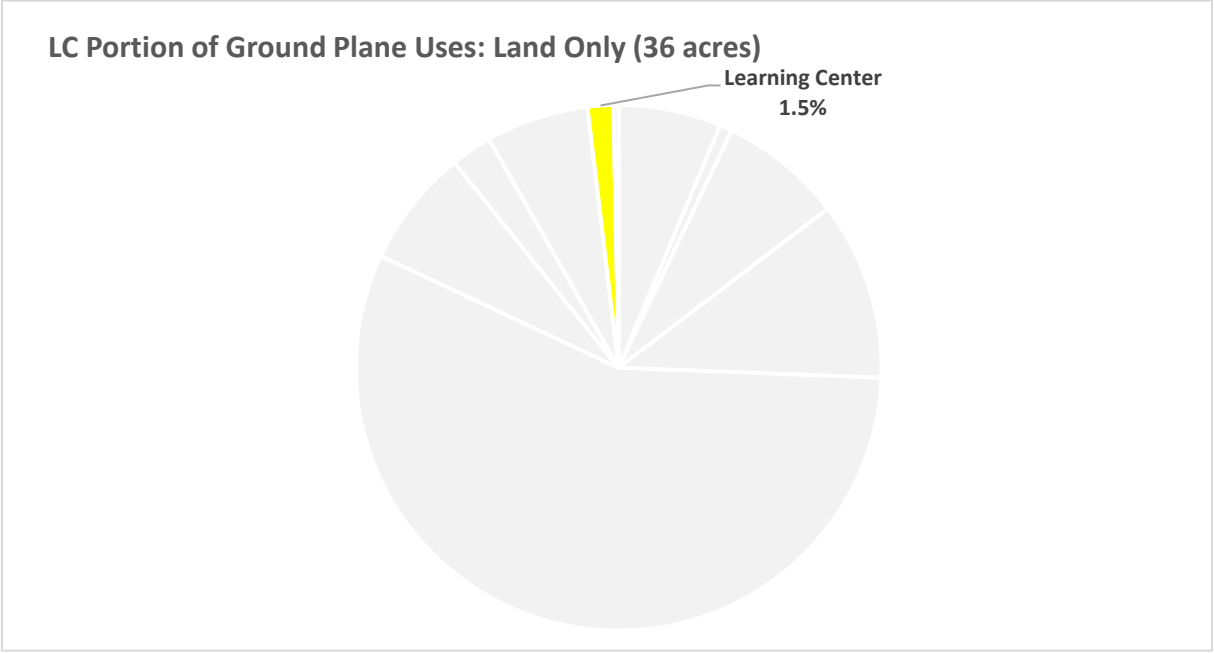
Charts

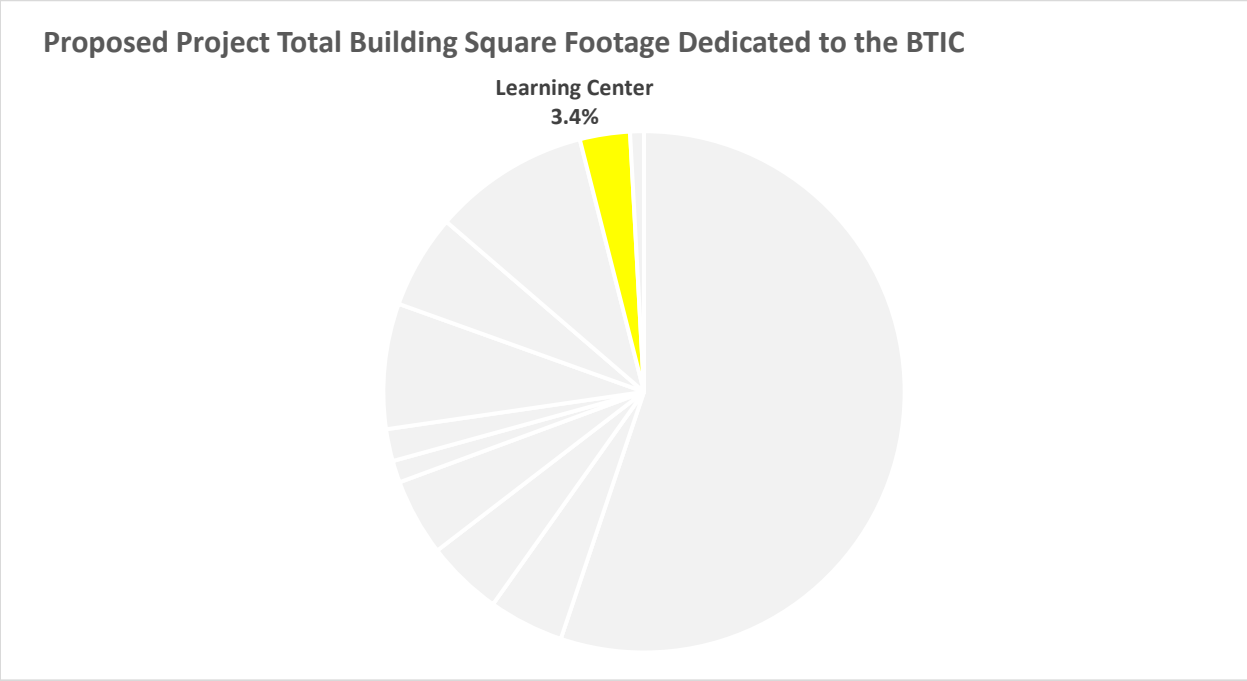
The following chart depicts the relative approximate proportion of ground plane uses of the entire 70-acre Project Site dedicated to the LC, which constitutes approximately 0.8% of the total Project's combined ground level land and water area:



The following chart depicts the relative approximate proportion of ground plane uses of the 36 acres of Project Site land dedicated to the LC, which constitutes approximately 1.5% of the ground level of the Project's total combined ground floor land area:



The following chart depicts the relative approximate proportion of the up to 2.4 million built square feet of the Project dedicated to the LC, which constitutes approximately 3.4% of the Project's total built square footage:



12. Parking and Circulation

Vehicular

Vehicular access would be provided via connections to the existing roadway circulation system, with primary access provided via North and West Harbor Drive, Pacific Highway, and Kettner Boulevard. (See Appendix I – Seaport TPG Demand Analysis.) Vehicles would be directed to the Project's proposed subterranean parking garages. Ride share drop off locations with direct connection to pedestrian access linkages and areas would be established throughout the Project. Vehicular Commuters desiring to access the Seaport San Diego project may also park offsite (at the Port's mobility hubs) and use a variety of other means of transportation to access the Project Site. Depending on whether conventional or automated parking is used, the proposed number of vehicle parking spaces for the Project would range between approximately 2242 and 2723 parking spaces. This parking would be provided in three large subterranean lots and two surface parking lots. Block B would contain the largest subterranean parking envelope. It would be able to accommodate 864 conventional stalls or 1,068 automated stalls. Block G would contain approximately 190 surface parking stalls. Parking for Block F would be provided in the building's proposed two-level subterranean parking structure, capable of providing 631 conventional parking spaces or 840 automated spaces. Block C would contain 450 conventional stalls or 518 automated stalls in a subterranean structure. Finally, Block E would contain 107 surface parking stalls. Valet parking options will also likely be available. Based on applicable standards under the Port's Tidelands Parking Guidelines and expected demand, the Project would need no less than an estimated 2,200 parking spaces, and thus the currently proposed parking figures are in excess of this amount to ensure sufficient supply. The parking design and the ultimate amount of parking is subject to future

refinement, particularly as the Project moves though the environmental review and public entitlement process with the Port.

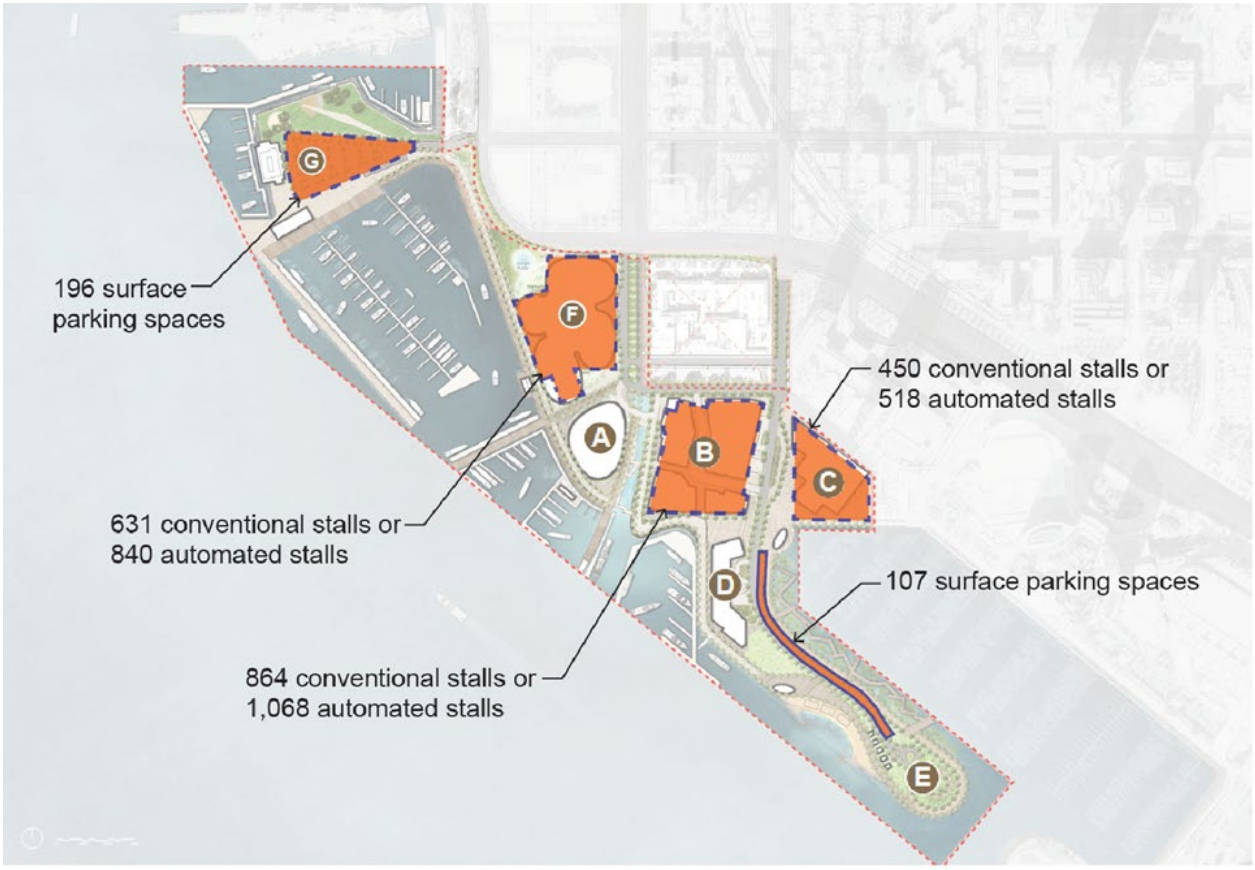


Figure 19 – Project Parking Structures and Lots

The primary vehicular access points to the Property are at Harbor Drive and G Street, where access to the G Street Mole (Block G) is available, at Harbor Drive and Pacific Coast Highway, and at Harbor Drive and Kettner Boulevard (see Figure 19.) These multiple access points provide easy access to the Project's various proposed parking structures.

Pedestrian

Pedestrian access and circulation are prioritized throughout the Project Site and into a variety of public realm areas. The promenade that connects North Embarcadero (USS Midway Museum, etc.), the Central Embarcadero (Seaport), and the South Embarcadero (Convention Center) is envisioned to be enhanced and widened to accommodate foot traffic, bicycles, scooters, and other single occupant mobility devices. Accessways through the site would connect the different blocks in a safe and pedestrian friendly circulation pattern. The broad means of public accessibility and mobility features permeate the Site, and include an interconnected network of promenades, sidewalks, plazas, parks and other accessible open space that make all points in the Project easily accessible to visitors and the general public.



Figure 20 – Project Vehicular and Pedestrian Access

Public Transit

Public transit currently serves the Project Site via San Diego MTS buses and the San Diego Trolley. Bus and trolley stops would be relocated as required to provide for efficient pedestrian access to the Project Site. Currently the Waterfront Summer Shuttle serves as public transportation for the Embarcadero district, however, the proposed Bayfront Circulator could replace that service. Enhanced pedestrian sidewalks and crossings at the intersection of Kettner and Harbor Drive would improve access to public transit.

Water-Based Mobility Systems

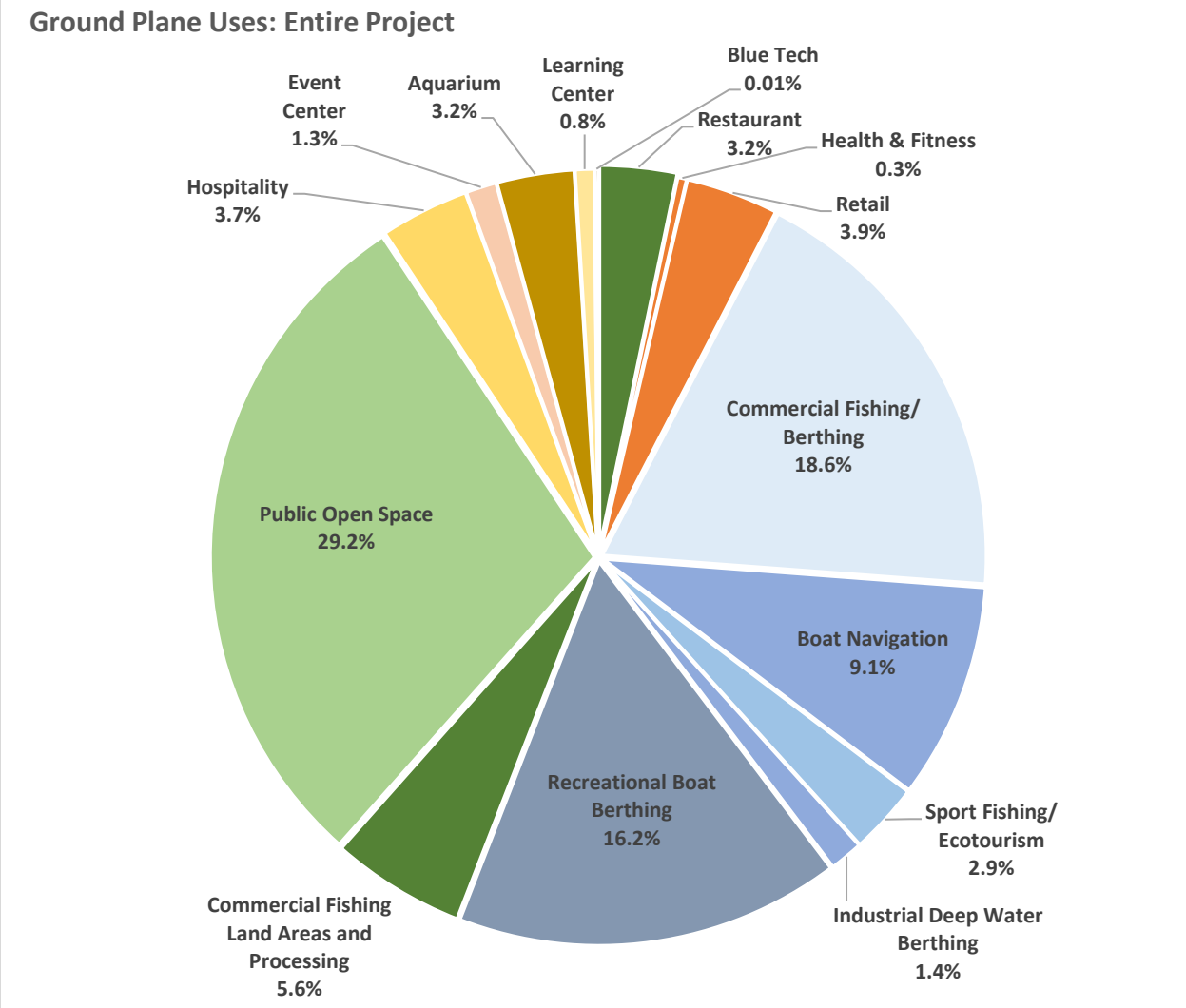
Promoting water-based mobility systems is a priority for the Project. Two transient docking locations are planned in Water Zone 1 and Water Zone 4. Vessel access and dockage would be accommodated throughout the water-side zones of the Project Site. Convenient water taxi service would be provided to and from other locations in the San Diego Bay, including San Diego International Airport. A public ferry stop is also being planned to provide an additional stop on the bay-wide ferry services that are planned

to be extended to the South Bay. A variety of pleasure craft docking and temporary loading and unloading of passengers would be located throughout the water-side planning areas.

D. Project Use Charts

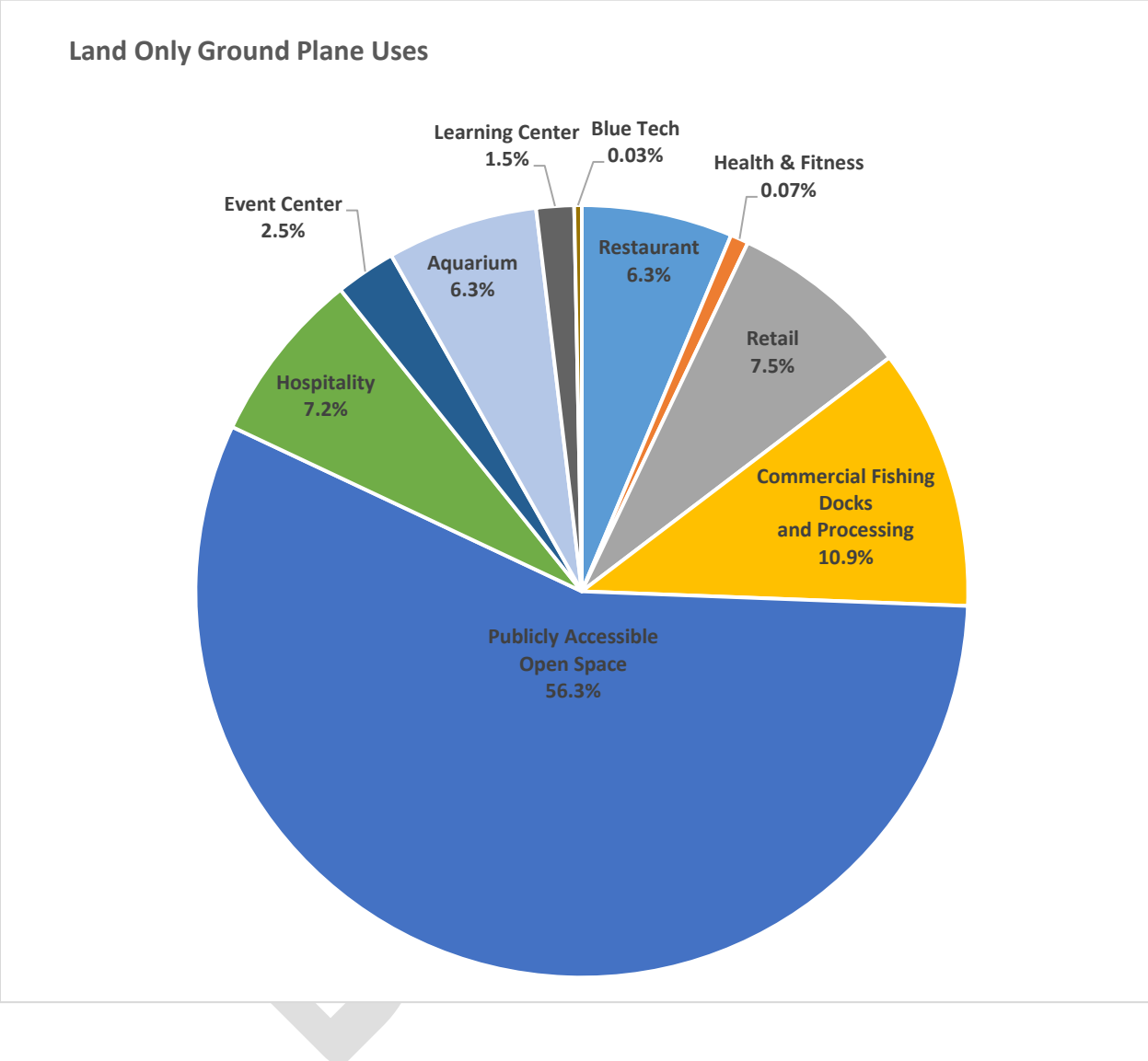
1. Ground Plane Uses: Entire Project

The following chart compares the relative primary Project uses at the ground level for the 70-acre site, including land blocks and water zones:



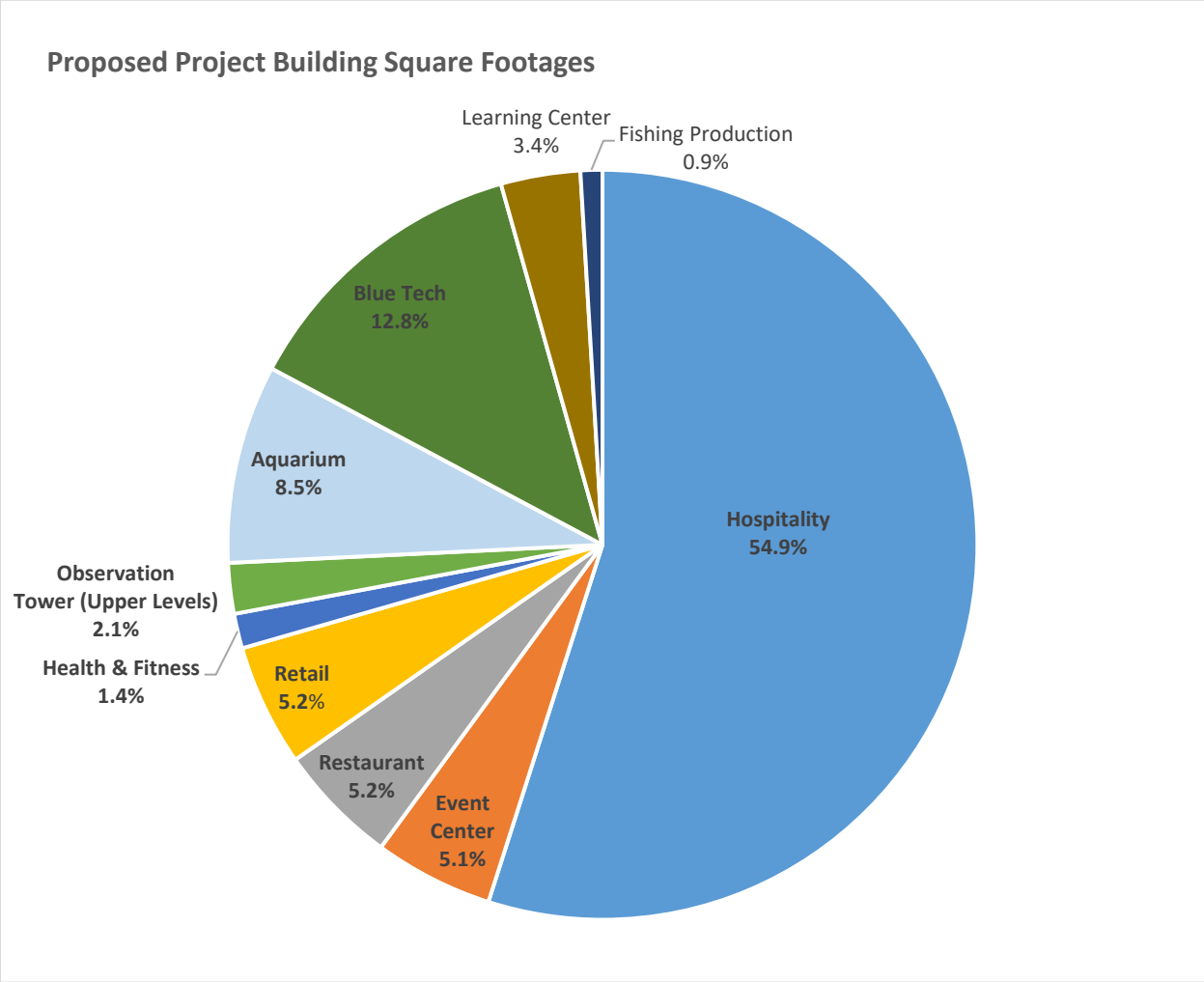
2. Land Only Ground Plane Uses

The following chart compares the relative primary Project uses at the ground level for the 36 acres of land area only:



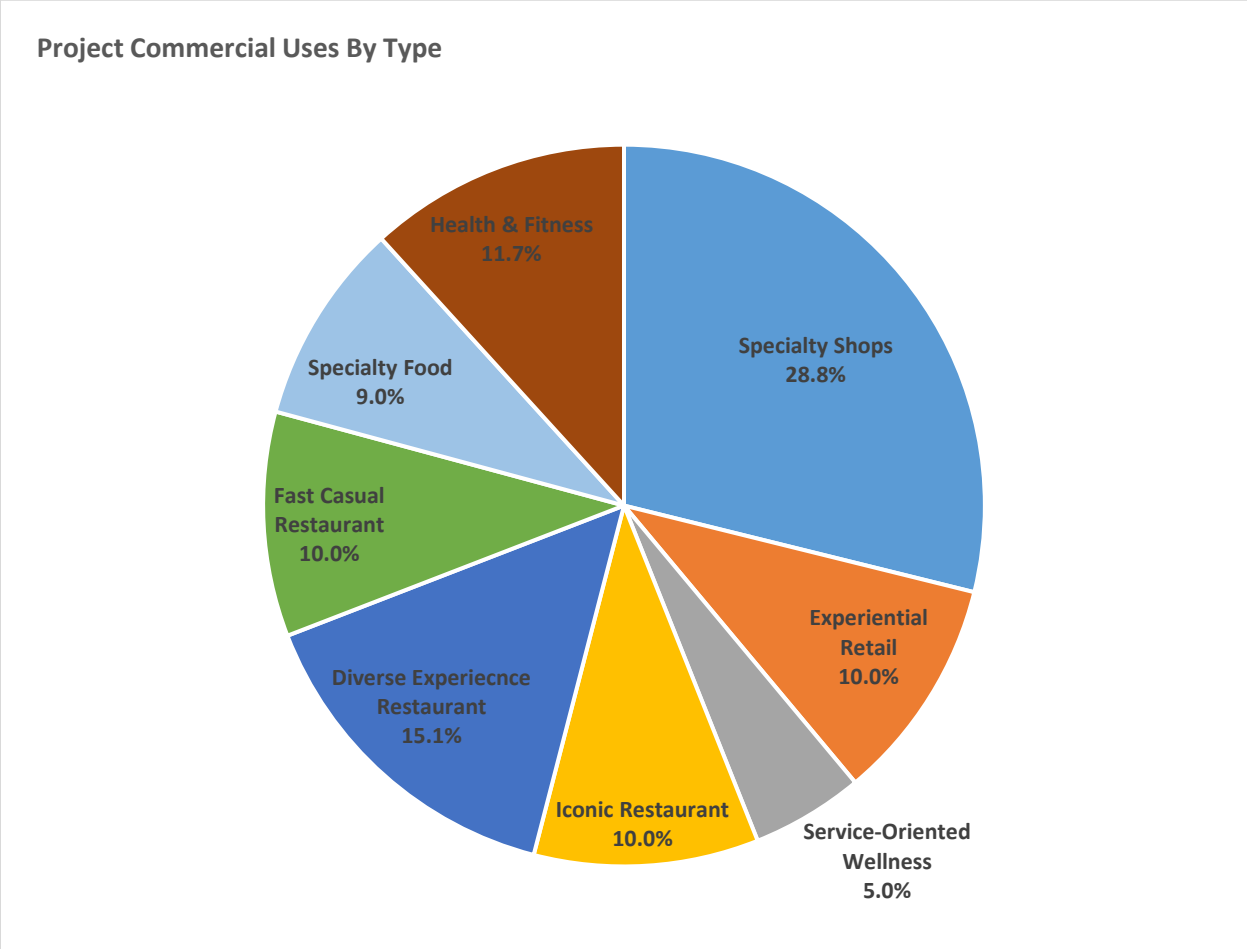
3. Total Project Building Square Footages

The following chart compares the square footages of different uses of the total of the up to 2.4 million square feet of new building area on the Project Site's land blocks:



4. Project Total Commercial Uses

The following chart compares the square footages of the Project's approximately 298,000 square feet of commercial retail uses, including all retail and restaurant uses:



E. Conclusion

The Seaport Project's central theme of "Ocean Optimism" promotes conservation and education regarding the earth's most important resource—the ocean. To fulfill this mission, the Project includes a broad variety of ocean-centric elements and uses. This includes various elements that promote ocean commerce and recreation by upgrading and modernizing commercial fishing and recreational water use facilities; and providing a new fish processing facilities, marinas, docks, slips and a variety of new recreational spaces and opportunities which, other than dedicated commercial fishing areas, are open to and fully accessible by the public.

The Project is designed to take full advantage of the waterfront and Bay views, maintaining the public's full access to the water based on its design, with all elements oriented around public access to the water, which include substantial space dedicated to public parks and beaches, plazas, promenades, embarcadero walkways, and piers. These amenities would allow visitors to enjoy the San Diego Bay at no cost. The Project would further facilitate the public's enjoyment of trust lands with visitor-serving

uses such as hotels, restaurants, shops, and entertainment. The Project also emphasizes ocean-oriented education and the development of technologies regarding environmental conservation and sustainability, exemplified by the Project's Blue Tech Campus.

The Project's mix of uses are economically viable, necessary, and desirable as the scale and scope of the Project would draw a wide range of visitors across the state and beyond. The Project incorporates a vibrant mix of public uses that would provide visitors with a variety of multi-dimensional opportunities and experiences—all of which would promote inclusivity and connectivity to the water. The Seaport Project is in the best interest of the State as it would provide public benefits extending far beyond the immediate Project Site.

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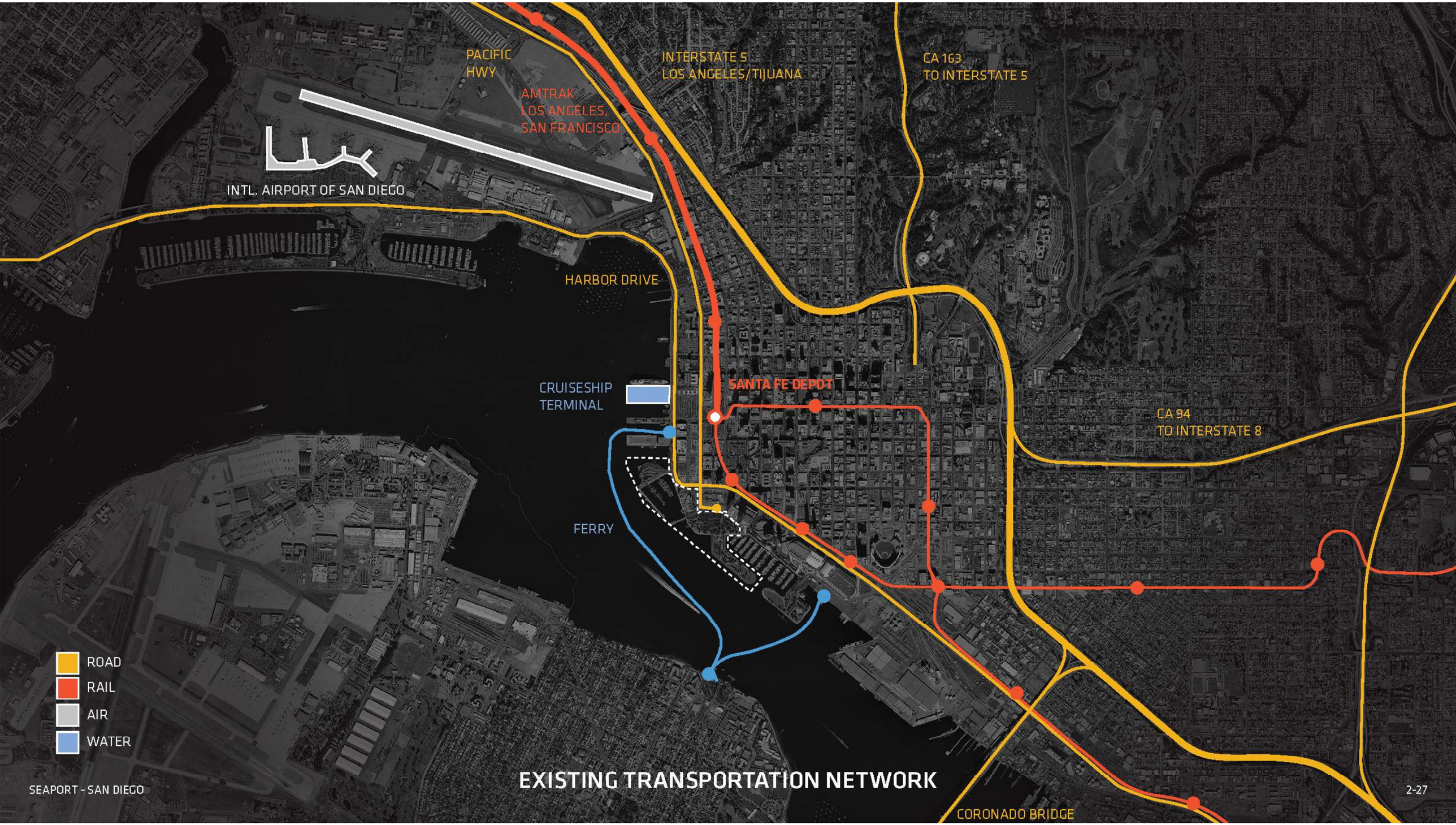
APPENDIX L



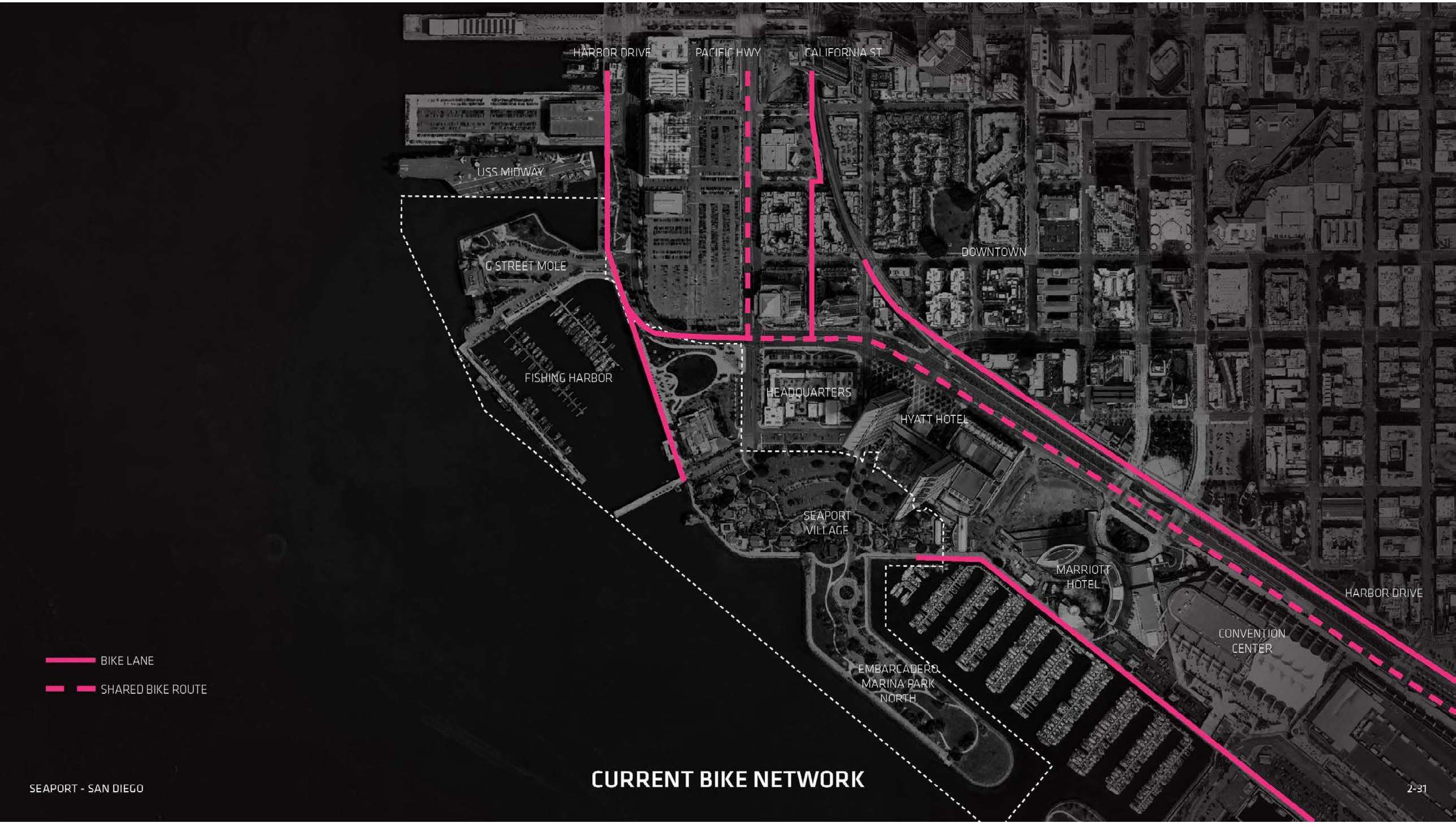
EXISTING PUBLIC ACCESSIBILITY



EXISTING TRANSPORTATION NETWORK



CURRENT MAIN VEHICULAR & TRANSIT ACCESS

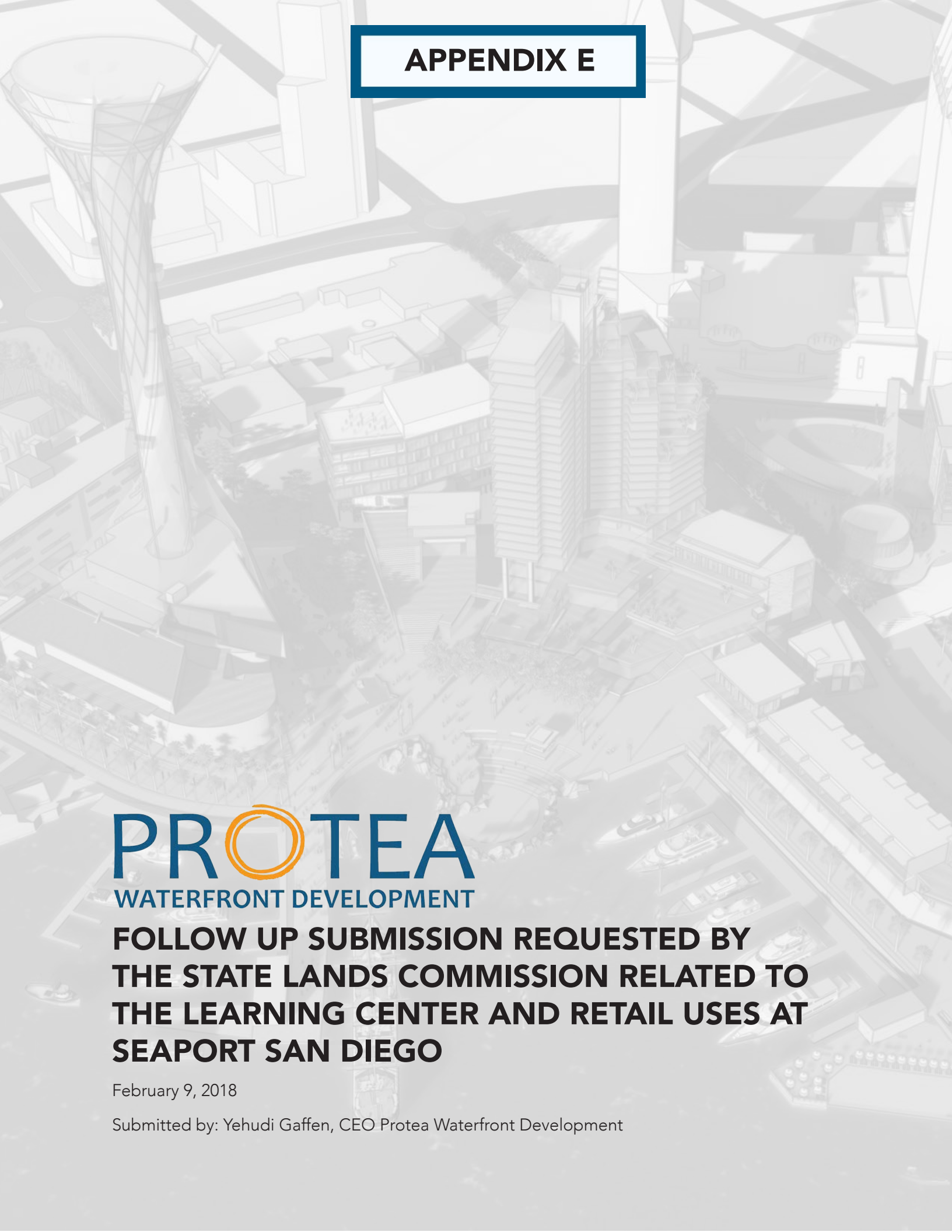


CURRENT BIKE NETWORK



CURRENT PEDESTRIAN ACCESS

APPENDIX E



PROTEA
WATERFRONT DEVELOPMENT

FOLLOW UP SUBMISSION REQUESTED BY THE STATE LANDS COMMISSION RELATED TO THE LEARNING CENTER AND RETAIL USES AT SEAPORT SAN DIEGO

February 9, 2018

Submitted by: Yehudi Gaffen, CEO Protea Waterfront Development

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PROTEA
WATERFRONT DEVELOPMENT



Birch Aquarium at Scripps

SEAPORT LEARNING CENTER

PROGRAM PROPOSAL

BIRCH AQUARIUM
at Scripps Institution of Oceanography
UC San Diego

Prepared with support from the Chancellor's Office of UC San Diego, 2017

Seaport Learning Center Program Proposal

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Infinity Cube, Birch Aquarium at Scripps

I. Overview

Summary

The future Seaport Learning Center (planned to open between 2022 and 2025) will be a hub for ocean-focused, active learning on the waterfront of San Diego Bay with three program areas: School Programs, Career and College Prep with Blue Economy Innovation Spaces, and Public Engagement.

A variety of indoor and outdoor spaces (~80,000 sq ft)—venues for learning events, art-science installations, flexible workspaces, working kitchens, and well-equipped laboratories for science and engineering with test tanks, live animals, digital media and more—will support learning across the lifespan, while emphasizing opportunities for young people. Ocean sciences, "blue tech" engineering, data science, and water history, policy, politics, economics, and ethics will focus the programs, from classes and workshops to long-term engagements (e.g. Semester at Seaport).

The Seaport Learning Center, immediately adjacent to San Diego Bay and the Seaport Aquarium, will act as home base and a launch pad for explorations throughout Seaport, nearby urban spaces, coastal habitats, and on docks and boats on the Bay and Pacific Ocean. Learners, young and old, as individuals and in social groups, will actively explore, investigate, create, and share their work throughout Seaport and with partners and collaborators around the world.

Our Vision

We envision the **Learning Center as the heart and soul of Seaport**—with physical spaces on the waterfront where people actively explore, learn, express ideas and create, involving science, art, nature, technology, and society. Learning opportunities serve diverse audiences in three categories: School Programs, Career and College Prep with Blue Economy Innovation Spaces, and Public Engagement for people of all ages.

The focus: **Our ocean planet**, regional ecosystems, and San Diego's Blue Economy.

The place: San Diego Bay's **working waterfront** with rich cultural stories of native people and people from around the world, and a complex natural history with a harbor formed through restless geology where life has changed over time and continues to change.

A future: where **Ocean Optimism** inspires understanding of our planet and people co-create bright futures, to sustain healthy lives, resilient ecosystems, and thriving, just economies.

> ***Ocean Optimism*** means we envision a hopeful, albeit unknown, future. With ocean optimism, hope inspires action; action inspires hope.
>
> ***Blue Economy*** refers to ocean and water related enterprises, research, development, industry, and governance.

Our Mission

The Seaport Learning Center will inspire deep learning about our ocean planet and catalyze action for people, economies, and ecosystems to thrive.

A Unique Place

With the **Learning Center as a hub**, learners of all ages will have a presence throughout Seaport, on land and at sea — doing research, designing projects, and sharing their work. Programs and activities at the Learning Center and throughout Seaport will emphasize active, experiential, inclusive, place-based learning, making the most of the extraordinary location.

Activities will extend to the Seaport Aquarium, the working waterfront, Tuna Harbor, blue tech industries, the Pueblo Watershed, urban spaces, restaurants, restored habitats, docks, boats, San Diego Bay, and the Pacific Ocean. Participants' creative and conspicuous presence will activate Seaport as an exemplar of ingenuity, innovation, transformative education, collaboration, entrepreneurship, environmental stewardship, regenerative potential and hope.

At the Seaport Learning Center, diverse people and groups will come together to feel amazed and inspired by our ocean planet, the Pacific Ocean, and San Diego as an extraordinary place with abundant life, multiple histories and diverse perspectives. People will work together to identify and address shared challenges, to advance learning to better understand how our world works and to co-create a world that works for everyone. We aim to bridge people, break down isolation, and build compassion and empathy to promote social, economic, educational, and ecological justice. Learners at Seaport will not just participate in a thriving and just Blue Economy, they will be leaders and visionaries who create healthy futures.

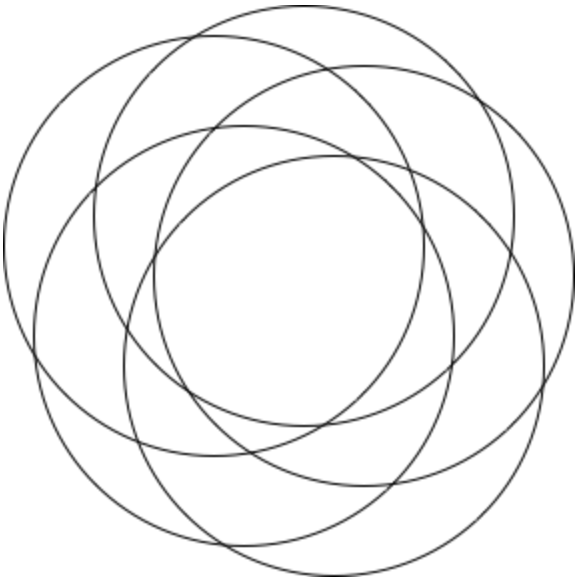
> ***Diversity*** at Seaport means we value people from all walks of life, diverse across multiple dimensions: age, gender, culture, race, ethnicity, religion, language, socioeconomics, place of origin, education, profession, abilities, needs, and aspirations. We value **inclusion** of diverse people and diverse perspectives, because all people deserve respect and diversity brings strength and resilience. We strive for **equity** of opportunity, because while all people have equal value, not all people have equal access to resources.

The Seaport Learning Center embraces a **triple bottom line: financial, social, ecological**. Financial strength (through revenue-generating programs, philanthropy, and grants) will ensure long-term sustainability to achieve our mission and purpose. Social benefits—to provide relevant, inspiring education and create opportunities in the Blue Economy—energize our driving purpose. Ecological wisdom provides a foundation for all our work, for ecosystem health supports thriving societies and economies. The Seaport Learning Center should serve as a model for sustainable design and architecture.

A triple bottom line has ethical dimensions and business logic. In our economy—with growing populations, income inequality, consequences of global climate change, and people investing in

information, knowledge, and experiences—consumers seek value that reinforces their values. The Seaport Learning Center aims to serve the greatest good and will attract the many people who share these values.

Goals and Program Criteria



Programs at the Seaport Learning Center will strive toward the intersection of these values-based goals:

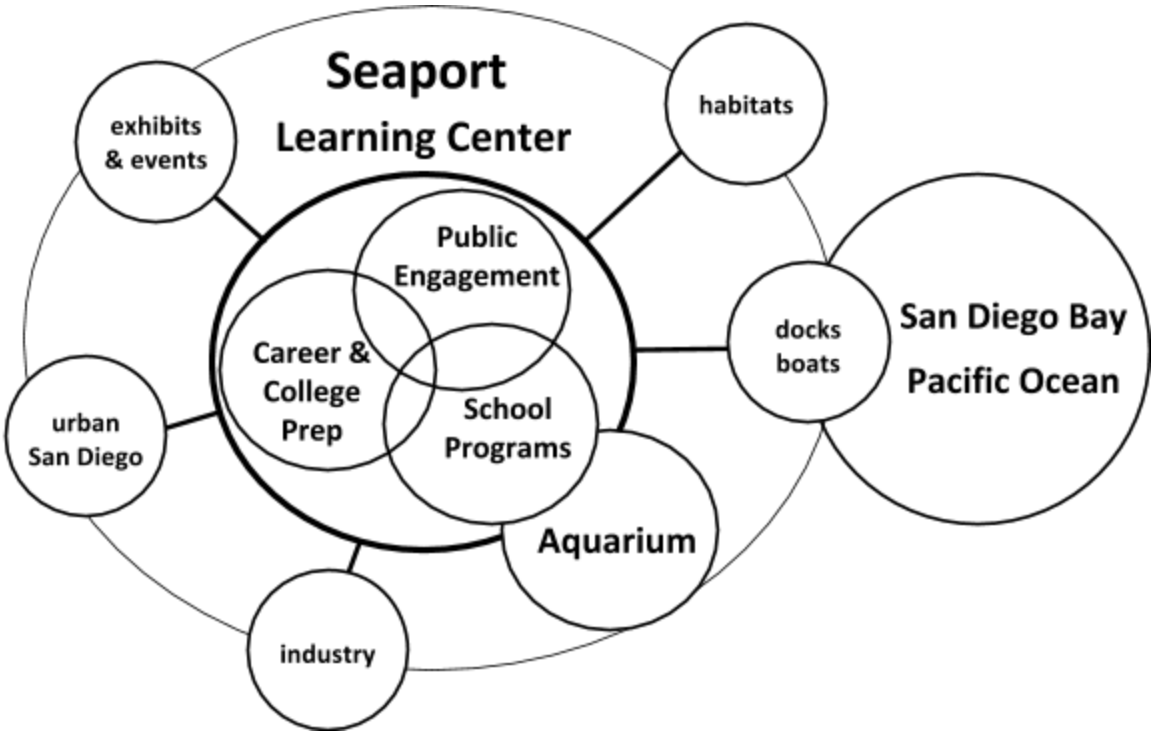
- Increase understanding of our ocean and Earth.
- Optimize public benefit of State Tidelands.
- Deepen connection with place and San Diego's extraordinary cultural and natural histories.
- Maximize access, and welcome all people.
- Promote equity, diversity and inclusion.
- Innovate in the field of education, to advance problem-based learning focused on our oceans.
- Inspire curiosity and sustained learning.
- Open pathways to college, careers in the Blue Economy, and civic engagement.
- Join with our global community, to connect understanding and protecting our planet, with optimism and compassion across current and future generations.

These goals and strategies will guide day-to-day work, long-range planning, partnerships and collaborations, to bring value and meaning to the people of the San Diego-Tijuana border region, the State of California, and our ocean planet.

Program plans and associated building recommendations for the Seaport Learning Center should address these goals, which serve as criteria for program selection and development. Each program area will also achieve goals for specific audiences (articulated in the following sections). All are based on stakeholder input and educational best practices.

Toward these goals, the Seaport Learning Center will make the most of its unique location right on the **working waterfront** of San Diego Bay, include multiple sectors (K-14 education, academia, research, government, industry), and offer a diverse array of relevant learning programs.

The Learning Center will serve different **audiences** (students, adults, families) with programs of different durations (from one hour to several months) that go beyond single episodes to long-term engagements. Programs will give access to people with different levels of knowledge and skill, to address various learning needs, interests, and aspirations. Programs will catalyze positive change, among individuals, organizations, and systems.



The **Seaport Learning Center** will house spaces for Public Engagement, Career and College Prep, and School Programs, at the heart of Seaport adjacent to the Seaport Aquarium. Programs will extend from the Learning Center into surrounding areas in the city and at sea, taking full advantage of this unique waterfront location to deepen understanding of our ocean planet and co-create a bright future with thriving people, economies, and ecosystems.

II. Summary of Process

Core Team

To research and conceptualize a new Learning Center at Seaport, we assembled a leadership team with experience and expertise in San Diego's education ecosystem, multidisciplinary education, STEM (science, technology, engineering, mathematics), scientific research, environmental conservation, learning theory and practice in schools (preK-16+) and out-of-school settings, and ocean and environmental education:

- Diane Forbes Berthoud, PhD, UC San Diego, Equity, Diversity, and Inclusion, Associate Vice Chancellor
- Julie Dubick, JD, Gafcon
- Harry Helling, MA, Birch Aquarium at Scripps (BAS), UC San Diego, Executive Director
- Jennifer Long, PhD, UC Irvine, Center for Environmental Biology, Education and Outreach Coordinator
- Cheryl Peach, PhD, BAS Senior Director of Science and Strategic Educational Alliances
- Nan Renner, PhD, BAS Senior Director of Learning Design and Innovation
- Susan Yonezawa, PhD, UC San Diego Center for Research on Educational Equity, Assessment, and Teaching Excellence (CREATE), Associate Director
- Ivy Young, MA, MBA, Learning consultant in collaborative and experiential learning

To focus program visioning and architectural planning, the team defined three primary program areas for the Seaport Learning Center:

1) **School Programs with an ocean focus**, for students and teachers, targeting grades 3–14;

2) **Career and College Prep Programs**, for youth as they prepare for college and careers in the Blue Economy / ocean-related fields, and **Blue Economy Innovation Spaces**, with opportunities for intentional interactions among students and researchers, innovators and entrepreneurs working in the Blue Economy with a commitment to financial, social, and environmental responsibility;

3) **Public Engagement**, for adults and multigenerational groups (families and more), in spaces inside and outside of the Seaport Learning Center and throughout the Seaport complex—on land and at sea—focused on understanding and protecting our planet, optimizing the unique location at Seaport.

Design Process

This report, with a program plan and conceptual design for the new Seaport Learning Center, should reflect to community stakeholders a vision they helped create. It should inform and inspire the developers and architectural team to advance the project in service of our shared ideals.

An inspiring and realistic program plan demands a deep understanding of opportunities and constraints inherent in the Seaport site, understanding of potential audiences' needs and aspirations, stakeholder goals, and community assets. Hence, our design process involved extensive community input through a series of meetings and group focus sessions, first to understand the challenges and problems to solve, then to generate ideas to address problems, set goals, and seize opportunities. The planning team designed the process, conducted research with community input, synthesized results, and shaped the final product inspired by a vision for the future and rooted in our knowledge of what works.



Our design process framework (outlined below) served as a guide, not a linear roadmap. Future design development will require time and effort for ongoing stakeholder input and critique. The best ideas will withstand challenges and will ultimately embody our essential goals.

The planning and design process proceeded rapidly, working within time and budgetary constraints. The work documented here reflects our efforts to understand and frame the opportunity, ideate solutions, filter, and iterate to improve those ideas. Future work will involve prototyping and testing to inform refinement of design solutions.

Design Phase I: **UNDERSTAND**	
Process Stage	**Activities**
IDENTIFY / FRAME	Draft **project framework** **WHAT:** Define goals, priorities, resources, constraints **WHO:** Identify team, collaborators, audiences, stakeholders **HOW**: Determine values, process, budget **WHY**: Articulate shared purpose and define success **WHEN:** Set timeline with key deliverables and approvals **Share** for review, input, and approval
IMMERSE / EMPATHIZE	Understand **audiences** and **stakeholders**, internal and external, current and desired **Ask**: What do we need to know? How will we use the information? Conduct **front-end** and **formative studies** Articulate **needs** and **benefits**
REFRAME	Define the **design problem/opportunity** Revise **project framework**
Design Phase II: CREATE	
IDEATE	**Brainstorm solutions** **Generate an abundance of ideas** to address the problem / opportunity Explore conceptual, social, emotional, perceptual, and physical aspects Capture ideas and make available for team reflection
BUILD	**Make mockups and prototypes** Experiment. Explore ideas in visual, spatial, physical, and digital forms **Continue development work** (by individuals and subgroups) **Document** for team review and input
TEST	**Test ideas** for functionality, usability, desirability **Ask**: What do we need to know? How will we use the information?
FILTER	Negotiate **criteria for selection** of ideas, guided by mission, goals, and values **Filter ideas**, based on criteria for selection Advance multiple ideas to explore through prototypes
ITERATE	**Refine ideas** through variation, elaboration, pruning
COMPLETE CONCEPTUAL DESIGN	**Update design documents** Define/redefine success **Begin implementation phase** Track progress

This design framework was collaboratively created by staff at Birch Aquarium at Scripps, UC San Diego, influenced by IDEO, Stanford DSchool, Design for America, British Design Council, and Art of Science Learning.

Stakeholder Meetings

Community stakeholder meetings were organized across three programming efforts: School Programs, Career and College Prep Programs, and Public Engagement. Several additional meetings involved stakeholders and community members in smaller groups.

"Understand"

These meetings focused on understanding needs and opportunities.

- UC San Diego leaders, vice chancellors and deans: 9 participants
- College Prep Programs (initially conceived as a Middle College): 19 participants
- School Programs (associated with Seaport Aquarium): 19 participants
- School Programs (Birch Aquarium at Scripps Education Department): 8 participants
- Public Spaces (general public): 18 participants
- Kumeyaay Leaders: 5 participants

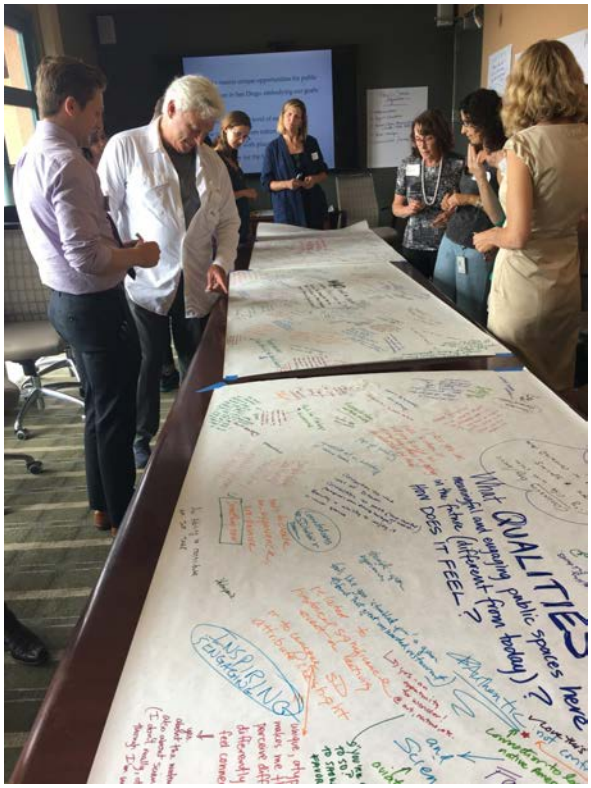
"Create/Ideate"

These meetings focused on generating ideas for programs and building requirements to support those programs.

- Career and College Prep Programs — Teacher advisors (two meetings): 12 participants
- Career and College Prep Programs — Partners and key advisors: 20 participants
- Career and College Prep Programs — Youth advisors: 10 participants
- School Programs (Seaport Aquarium): 20 participants
- Public Spaces (general public): 16 participants
- School Programs (Birch Aquarium at Scripps Education Department): 8 participants

Please refer to Appendix A for a complete list of all stakeholder meeting participants and planning process contributors.





Stakeholders and community advisors contributed ideas, reflected on the ideas of others, and engaged in conversation about Seaport Learning Center audiences, activities, and qualities.

III. The Seaport Learning Center

Seaport Learning Center programs and built spaces will optimize public benefit of State Tidelands property. The Seaport Learning Center will complement the Seaport Aquarium and function as the central hub for Seaport learning programs, serving diverse audiences including a wide range of domestic and international learners, young students, young adults with college and career aspirations, adults (novices and professionals), same-age and multigenerational social groups.

The Seaport Learning Center will offer programs within its physical building on the working waterfront of San Diego Bay, in the adjacent Seaport Aquarium, at partner organizations that serve as Seaport satellites, at field sites throughout Seaport (with industry partners, in restored wetland areas, on docks), and on research and educational vessels at sea.

Program recommendations target three categories:

- School Programs,
- Career and College Prep Programs (with Blue Economy Innovation Spaces), and
- Public Engagement.

The following sections address each program's specific goals (while supporting overarching goals of the Seaport Learning Center on page 4), audiences and audience needs and aspirations, potential learning activities, building requirements and recommendations, potential partners, important considerations, and outstanding questions.

Overarching questions of critical importance: Who will serve as lead organization to operate the Seaport Learning Center? What funding model will support transformative paradigm-shifting educational programs proposed in this report? What governance and oversight structures must be created to ensure programs of the highest quality?



School Programs

Students and teachers will visit the Learning Center and Aquarium at Seaport for experiences they cannot get anywhere else. Active, experiential, and problem-based describe the learning activities inside labs, around aquarium tanks, out in the field and on the water.

Unlike learning in many schools (which takes place separate from the world of work and adult communities), learning at Seaport will be embedded in the Blue Economy on a working waterfront, where scientists, engineers, technology developers, entrepreneurs, mechanics, fishers, chefs, sailors, business people, land managers, environmental monitors, and students cross paths. Activities will emphasize exploration, understanding and solving problems, while integrating multiple relevant disciplines and addressing the Next Generation Science Standards.

In addition to Seaport Learning Center overarching goals (page 4), Seaport School Programs will:

- Ignite student interest in a forward-looking Blue Economy and career pathways.
- Connect students with experts focused on understanding our ocean planet and creating solutions to important problems.
- Provide authentic science and engineering experiences that involve identifying, understanding, and solving problems in challenging, yet age-appropriate ways.
- Cultivate teacher leadership and expertise in place-based implementation of the Next Generation Science Standards.



Aqua Lab programming at RDM Rotterdam

Seaport Learning Center Program Proposal

Audiences

The breadth and depth of Seaport Learning Center school programs will meet the needs and interests of diverse students and teachers in grades 3–12 with fascinating content and engaging activities related to understanding and protecting our ocean planet. These programs will support pathways for older students to participate in the Learning Center's Career and College Prep Program, detailed in the following section.

School groups pre-K through 2nd grade will be served by the Birch Aquarium at Scripps in La Jolla and through creative programming in partnership with other local organizations. The Seaport Learning Center's Public Engagement Spaces (described below) will invite families with young children to explore the environment, play with phenomena, and see the world in new ways.

Student Activities

Students will engage in hands-on, problem-based learning activities that increase understanding of our ocean planet and promote action for thriving people, economies, and ecosystems.

Learning activities will have different durations: short, long, and extended over time with multiple touch points. Offerings will connect Seaport with in-school and community-based learning through half-day and whole-day field trips, weekend programs, learning overnights, week-long camps, and extended programs that can involve multiple Seaport visits and blended learning (using web-based digital resources). "Citizen science" projects, in some cases collaborating with researchers from Scripps Institution of Oceanography, will engage students and apply their work to authentic real-world questions of significance to local and global communities. Teacher professional development, classroom materials, and advanced preparation activities will accompany student programs.



Seaport Learning Center Program Proposal

To bridge experiences at Seaport with neighborhoods, Seaport Learning Center educators can work with after-school providers and neighborhood organizations. Programs might include citizen science (ongoing, multi-year projects with questions generated by community members and research experts), creative media production, and interactive videoconferencing with educators, researchers, business people, fishers, policy makers, and learners from other locations around the world.

Activities will take place in science and engineering laboratories at the Seaport Learning Center (wet labs with tanks for living organisms, chemistry equipment, and microscopes; dry labs for physics, electronics, and engineering; makerspaces for designing, building and testing; digital media labs for high bandwidth video conferencing). A large auditorium, black-box theater, and conference rooms offer multi-use flexible spaces for watching and listening to experts (e.g. in Western science and Indigenous science), and creating and exhibiting student work.

With the Seaport Learning Center as a learning hub, students can also visit the adjacent Seaport Aquarium and participate in “behind the scenes” programming. They can observe and collect data in multiple nearby locations: coastal habitats, our urban watershed, Seaport weather station, docks, piers, Tuna Harbor, fish markets, floating laboratories, and on boats at sea.

> Number of student participants: 300 students/day x 180 school days = 54,000
> (Students in public schools attend 180 days per year, some on traditional schedules, some on year round schedules.)



RDM Rotterdam: Engaging with objects on display

Teacher Professional Development

Programs will support preservice and in-service classroom teachers to better implement the Next Generation Science Standards. Teacher programs will enhance knowledge and skills for problem-based learning and inquiry, and provide training and support for projects, use of makerspaces, field research, and citizen science endeavors. Teacher professional development will happen at Seaport, through satellite sites throughout San Diego County, at schools and district offices. Pre-service teacher training can be provided in partnership with UC San Diego, San Diego State University, and others.



New England Aquarium: Teachers in professional development workshop

Families / Student Caregivers

Programs for students' families and caregivers will provide information and experiences for those who are not comfortable with their students participating in overnight school trips or Career and College Prep programs not on traditional school campuses. Parents and caregivers can learn alongside their children and gain strategies to support ongoing learning at home. Furthermore, student success increases with the inclusion of caregivers. With access to free resources, caregivers will understand how the Learning Center can help students navigate their academic goals, including access to STEM coursework and real pathways to STEM-related careers. Programs might include free nights at the Learning Center and Aquarium, with dinner and childcare provided. Multi-generational programs can also include overnights, special fairs, and weekend programming.



New York Hall of Science, parents' important role in STEM education

Building Requirements

- Bus depot offsite for unloading and loading groups of students (Five 60-person busses)
- Docks for ferries to and from Seaport Learning Center
- Staging areas for school groups, prioritizing safety and physical comfort (seating, shade, drinking water)
- Secure, private entrance
- Welcoming, functional lobby/foyer for school groups
- Storage for lunches, backpacks, coats, and other gear for 300 students at a time
- Student entrance to Seaport Aquarium and behind-the-scenes access
- Restrooms
- Storage and utilities

- Four Learning Labs (to accommodate up to 36 learners and 6 chaperones) including:
    - Two wet labs, each with 10' wet tables and multiple tanks of multiple sizes (touch tanks, display tanks, "mini-tank farm" for aquaculture, research tanks on racks), microscopes, floor drains
    - One dry lab for "clean" work with digital equipment, optical instruments, electronics, and other equipment
    - One makerspace (engineering lab) for building and testing, with low-tech and high-tech tools and materials, including robotics, sensors, etc.
    - All labs have natural light, sound control / noise reduction, moveable furniture for flexible configuration, writing surfaces, lockable storage, teacher workspace, ample overhead electricity, high bandwidth Wifi, state-of-the-art digital display options

- Mud room / cleaning and storage space for gear related to field work in wetlands, bay, ocean (e.g. boots, raingear, nets, measuring devices, drones with video cameras, etc.)
- Outdoor spaces with tanks for aquaculture (for fish and invertebrates) and equipment testing
- Overnight facilities with sleep space to separate genders, bathrooms with showers, chaperone and staff accommodations, nurse facility, catering facilities
- Teacher / professional training spaces (learning labs, outdoor spaces, and public engagement spaces)
- Resource lending library for educators
- Eating spaces for school groups (indoor and outdoor)
- Cafe/cafeteria for students and teachers
- Possible access to learning/demonstration kitchen
- Access to outdoor play spaces in nearby parklands



Potential Partners

Birch Aquarium at Scripps
Scripps Institution of Oceanography
UC San Diego
UC San Diego Extension
UC San Diego CREATE
San Diego Science Project
San Diego Unified School District
Other local school districts
San Diego Community College District
Kumeyaay Community College
San Diego State University
California Sea Grant
Environmental Health Coalition
NOAA (National Oceanic and Atmospheric Administration)
Southwest Fisheries Science Center
Port of San Diego
New Children's Museum
Fleet Science Center
Elementary Institute of Science
Living Coast Discovery Center

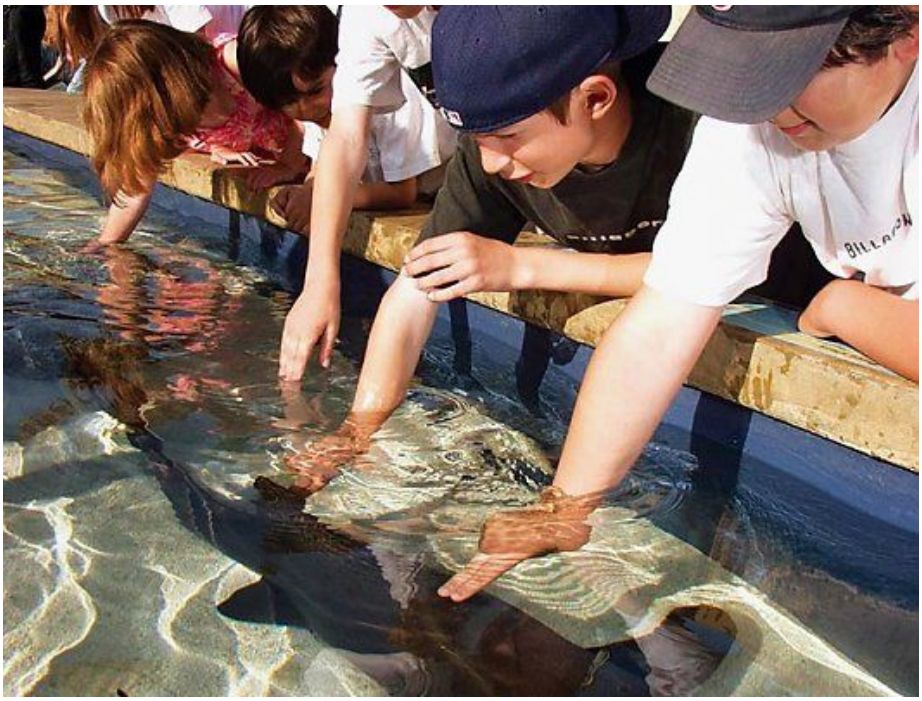
Important Considerations

- Design for multiple uses, flexibility, adaptability, reconfigurability
- Transportation to and from Seaport
- Safety and security in all areas of the Seaport Learning Center
- Physical and psychological comfort for students with varying abilities
- Visibility from the inside out, but not the outside in

- Control sound (noise) and light for variety of learning experiences
- Spaces and furniture that work for smaller bodies
- Active, sometimes messy, learning
- Sufficient funding and supports to ensure access and equity for all students, especially from low-income areas

Outstanding Questions

- How might we design optimal learning pathways at Seaport for students in grades 3 through 14? How might these pathways best connect with other opportunities in our regional educational ecosystem?
- In the future, should we specialize in specific grades / grade bands to better meet the needs of students and teachers?



Aquarium of the Pacific: Shark Lagoon

Career and College Prep
with Blue Economy Innovation Spaces

Young adults (grades 9–14) can discover subjects, careers, fields of inquiry and creative work that relate to the ocean and Blue Economy. While in-depth semester-long courses are central to this program area, shorter duration options give students opportunities to sample different subjects, continue their learning journey, and climb the "STEM Opportunity Ladder." Connections with experts, entrepreneurs, innovators, and industry professionals will be a hallmark of young adult learning at Seaport. Classes and internships pave the way toward career pathways.

Among the proposed programs, young adult students can spend a semester, a summer, or Saturdays at Seaport for high school and college course credits, through partnership with the San Diego Unified School District and San Diego Community College District. Students can participate in weekend workshops, hackathons, competitions, exhibitions, and internships (paid and unpaid) for certificates, digital badges and co-curricular transcripts for college applications. High school teachers and community college professors can join professional learning communities and develop creative ways to use Seaport's unique resources in their courses.



University of New England: Wet lab

In addition to Seaport Learning Center overarching goals (page 4), Career and College Prep Programs will:

- Support development of leadership skills, social-emotional intelligence, career and cultural competencies. (See Appendix C.)
- Create hands-on, problem-based, project-based, collaborative, and applied learning opportunities.
- Integrate critical and creative thinking—research, production, innovation, entrepreneurialism—into learning activities.

- Ensure that programs meet students' real needs (school credit, college and employment eligibility).
- Connect student learning with multiple sectors: government, academia, research, industry, military.
- Provide underrepresented students greater access to meaningful STEM learning opportunities.
- Align programs with Next Generation Science Standards (NGSS) and Common Core standards; use competency-based assessments.
- Provide complementary programming for families and caregivers.

Audiences

Students in grades 9–14 from urban San Diego, suburban and rural San Diego County can participate in an array of programs. For credit-bearing high school courses, students will enroll with San Diego Unified School District. Recruitment efforts will ensure that students represent the region's diverse demographics, including culture, language, socioeconomic status, and academic background. Some programs could be open to international students, favoring nearby Mexico and Pacific Rim countries.

Faculty and advisors will include K12 teachers, Community College professors, UC San Diego / Scripps Institution of Oceanography researchers and grad students, and industry professionals.

Career and College Prep programs will address students' needs and aspirations. All students will be treated with respect and consideration. High school coursework will satisfy graduation requirements; some courses will provide college credit. Extracurricular and co-curricular programs will invite exploration, and critical and creative thinking. Students will actively participate in rigorous and relevant education, with exposure to a variety of careers and pathways to gainful employment. They should receive counseling, academic support, and social services to enhance their current and future success (in college and careers). Students' work will be on display throughout Seaport, in the Learning Center and Aquarium, illustrating their creativity and ingenuity, bringing value to Seaport visitors with an optimistic vision for the future.



RDM Rotterdam: Coworking space

Activities / Program Scenarios

The following descriptions represent various program possibilities. The Seaport Learning Center operators will need to determine what programs should be implemented, based on community needs and goals, resources, and an intelligent balance of offerings.

Semester at Seaport

Students can participate in an intensive semester-long residency and take four accelerated classes, making use of the unique location on the working waterfront at Seaport. Each course would count for a full-year course, satisfy UC a-g high school graduation requirements, and provide dual credit for both high school and college whenever possible.

Seaport courses may include:

- Ocean Sciences,
- Blue Tech Engineering,
- Data Science (math and computing), and
- Introduction to Water Policy, Politics, Economics, and Ethics.

Courses could satisfy requirements in relevant CTE (Career Technical Education) pathways and address priority workforce sectors in San Diego County. Students from San Diego high schools with 4x4 schedules would be eligible to participate, with counseling services and academic support provided to ensure students stay on schedule for graduation and college applications. Courses will be taught by credentialed teachers and/or community college faculty members who meet CTE course instructor/college hiring guidelines.

Summer at Seaport

Summer at Seaport would include two accelerated courses (each worth one year of course credit) and be accessible to students at schools with traditional schedules. Students will have access to additional learning opportunities (of various durations) before, during, and after the residency period.



RDM Rotterdam

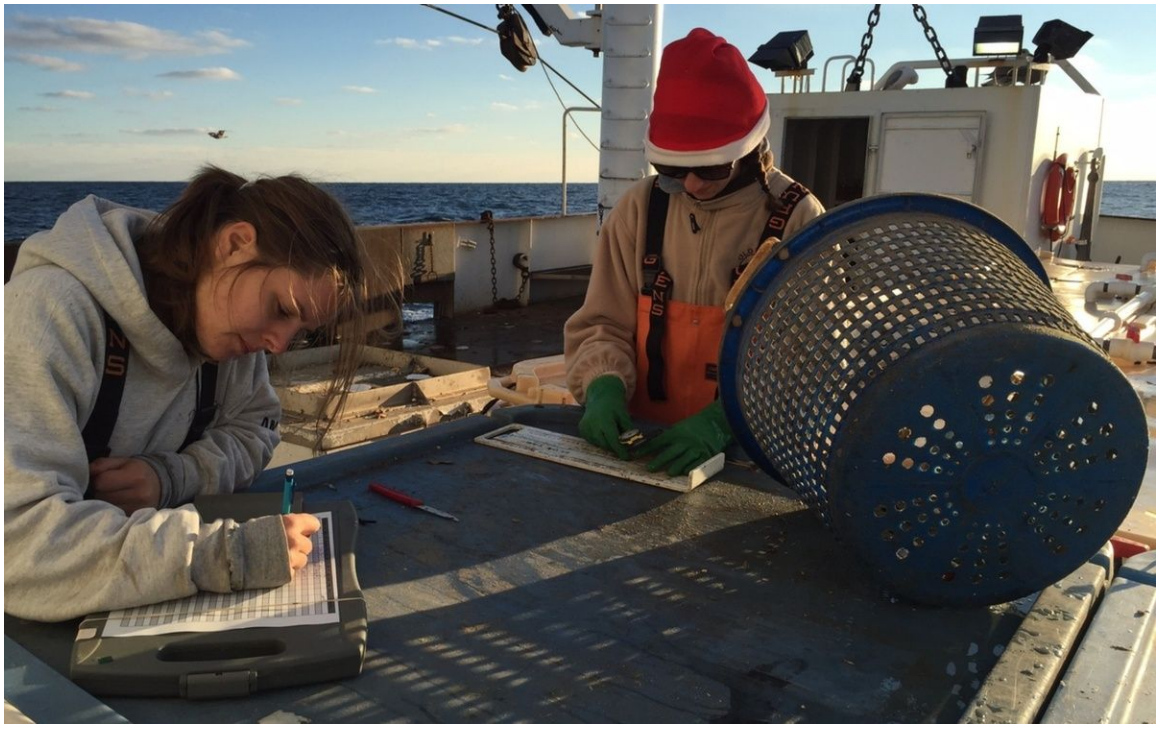
Saturdays at Seaport

Saturdays at Seaport would engage students in one class that meets every Saturday for one semester (worth one year of course credit) and be accessible to students at schools with traditional schedules. More courses could be offered, based on demand. Course offerings may include: Ocean Sciences, Blue Tech Engineering, Data Science (math and computing), and Introduction to Water Policy, Politics, Economics, and Ethics.

Number of student participants:
Semester at Seaport: 4x4 (30 students/class) x 2 semesters = 240 students/year
Summer at Seaport: 2 classes x 30 students/class = 60-120 students/year
Saturdays at Seaport: 1 class/sem x 30-60 students x 2 semesters = 60-120 students/year

Deep Learning: workshops, immersions, internships, leadership and employment opportunities

Workshops and mini-courses taught during evenings, overnights, weekends, and school breaks will enable students to sample subjects representing Seaport Learning Center's specialties (ocean/environmental science, blue/green/clean tech) and other unique offerings, including sustainable aquaculture and fisheries, international cuisines and seafood culinary arts, indigenous practices of resource management, human health and the oceans, conservation and regeneration of ocean ecosystems, bioinspiration, and more. Students will enrich their co-curricular transcripts and have the ability to earn digital badges.



University of New England, Center for Excellence in the Marine Sciences: Students participating in scallop dredge research

Teacher Leadership Development, high school and community college course connections with Seaport and surroundings

High school teachers and community college professors can work in shared-interest cohorts to research, develop, and test lessons for deployment at Seaport, with pre- and post-lessons in their home schools. Teacher professional learning communities may convene around the STEM classes (UC a-g approved) related to Earth, ocean, and atmospheric sciences (environmental science), design and engineering (blue technology, green/clean technology). They can create lessons for commonly taught courses and share those lessons broadly with the teaching community through video showcases, professional conferences, and online portals (e.g. San Diego County Office of Education's Project Phenomena).

Connections with University Students

Through partnership with UC San Diego, undergraduate students in practicum courses and graduate student researchers and practitioners will participate in the Seaport Learning Community. UC San Diego students, working with faculty and staff, will develop and implement programs and research outcomes for participants, driving innovations in learning while working toward our central goals to better understand and protect our planet and to support youth in pathways to college and careers in the Blue Economy.



RDM Rotterdam

Building Requirements

- Flexible spaces to study, congregate, and exhibit student work
- Four Learning Labs (to accommodate up to 30 learners and 3 instructors) including:
    - Two wet labs, each with 10’ wet tables and multiple tanks of multiple sizes (touch tanks, display tanks, “mini-tank farm” for aquaculture, research tanks on racks), microscopes, floor drains
    - One dry lab for “clean” work with digital equipment, optical instruments, electronics, and other equipment
    - One makerspace (engineering lab and machine shop) for building and testing, with low-tech and high-tech tools and materials, including robotics, sensors, etc.
    - All labs have natural light, sound control / noise reduction, moveable furniture for flexible configuration, writing surfaces, lockable storage, teacher workspace, ample overhead electricity, high bandwidth Wifi, state-of-the-art digital display options
- Staff offices (6) and workspace for visiting researchers / practitioners (4)
    - Staff: Director, Registrar, Counselor, Leadership and Academic Support, Facilities, Administrative Support
    - Researchers / practitioners may be faculty, postdocs, grad students, master teachers
- Access to public spaces: auditorium, conference rooms, small theater
- Loading dock (with garage door) and freight elevator for large equipment
- Rooftop deck, for observation, collaborative work, overnight urban camping
- Large teaching kitchens to prepare food and places to eat (indoors/outdoors)
- Storage and utilities support
- Restrooms: female, male, inclusive



University of New England, Aquaculture and Aquarium Science

Potential Partners

Birch Aquarium at Scripps
Scripps Institution of Oceanography
UC San Diego
UC San Diego Extension
UC San Diego CREATE
San Diego Unified School District
San Diego County Office of Education
San Diego Community College District
Kumeyaay Community College
San Diego State University
Industry partners
The Maritime Alliance
US Navy
San Diego Workforce Partnership
San DIego Economic Development Corporation
California Sea Grant
Environmental Health Coalition
NOAA (National Oceanic and Atmospheric Administration)
Southwest Fisheries Science Center
Port of San Diego

Important Considerations

- Transportation should be free and accessible to students
- All spaces should be safe and secure

- Food fosters community; spaces need to accommodate food preparation and sharing
- Students need academic and social-emotional supports
- Industry partnerships and internships (paid and unpaid) need to be managed carefully
- Give careful attention to liability issues and insurance
- Design and development of innovative programs and courses will require considerable time and effort
- Invest in creating a culture of learning and improvement
- Dedicate resources to evaluation and research
- Successful collaboration and partnerships take a lot of time, skill, and investment of resources
- Create infrastructure for student leadership, advisory group and governance, with continuity amid changing students

Outstanding Questions

Transformational education is expensive; some funding questions remain unresolved.
How will students be recruited and selected?
How many spots will be available to international students?
How will faculty be recruited and selected?
Does the current plan allow sufficient flexibility (e.g. if standards or graduation requirements change)?



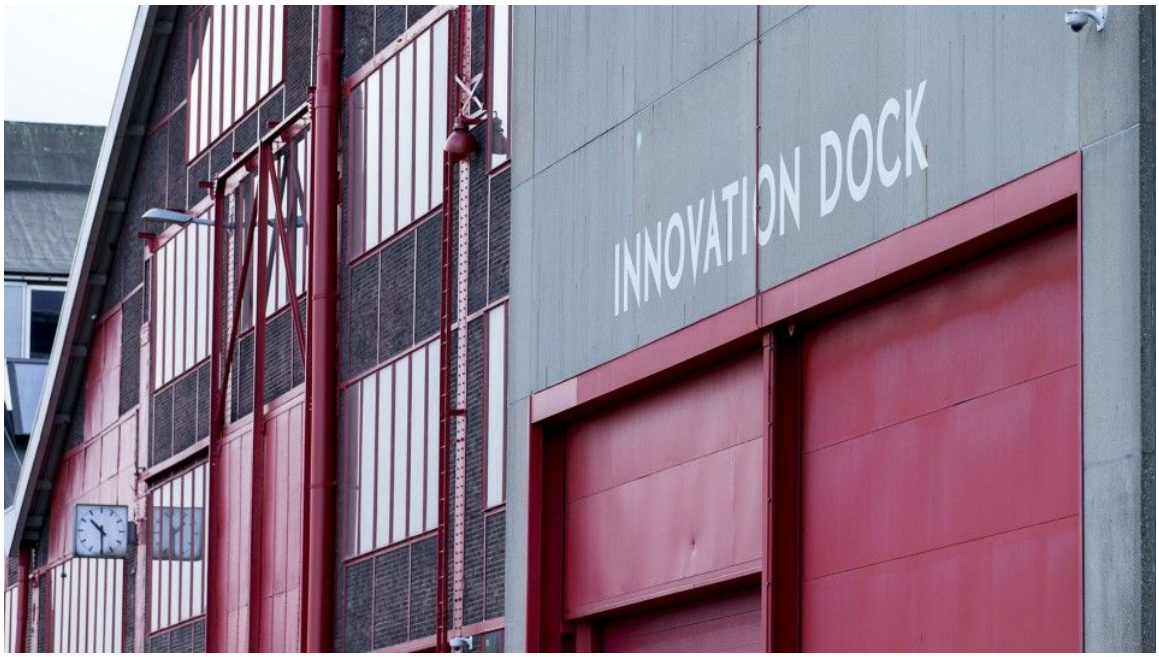
University of New England: Classroom and lab in Arthur P. Girard Marine Science Center

Blue Economy Innovation Spaces

The Seaport Learning Center will house Blue Economy Innovation Spaces to promote development of products and services with positive impact on ocean-related economies and ecosystems. By bringing together entrepreneurs with interns from Seaport's Career and College Prep Program, investors, Scripps Institute of Oceanography science and research affiliates, we aim to accelerate the commercialization of "blue" technology and support the region's ocean technology economy.

In addition to Seaport Learning Center overarching goals (page 4), the Blue Economy Innovation Spaces will:

- Generate revenue for the Seaport Learning Center from office rentals and "BlueTech Commercialization Bootcamp."
- Promote innovation, business development, and workforce development through interaction among industry professionals, researchers, students, investors, entrepreneurs, and the general public.



RDM Rotterdam: Innovation Dock

Audiences

The Blue Economy Innovation Spaces are designed for advanced startups. For-profit, non-profit, and social enterprise organizations will be considered for Seaport's Blue Economy Innovation Spaces. Requirements include an innovative vision and viable business plan with financial, social, and ecological responsibility, and a commitment to work with students in Seaport's Career and College Prep Program. These innovators and entrepreneurs will benefit through interaction with other professionals, experts, and thought leaders. They will have access to student interns, cutting-edge design and technical facilities, and San Diego Bay for research and development. These innovators and entrepreneurs will also gain prime public exposure at Seaport.

Activities / Amenities

For the selected startups involved, Blue Economy Innovation Spaces would offer:

- Participation in an extraordinary multi-generational learning community
- Innovation exhibitions, pitch events, entrepreneur-investor meetups
- Premium waterfront, downtown office location (small offices and/or desks)
- Address and mailroom at Seaport
- Access to conference rooms, meeting spaces, and event hosting with ocean views
- High bandwidth Internet
- Access to equipment for 2D and 3D printing
- Shared working lounge and office kitchen with other entrepreneurs, Learning Center faculty and staff
- Opportunities to work with student interns
- Access to learning labs for research, tanks for testing prototypes, and San Diego Bay

In addition to informal interactions made possible in shared working spaces, the Seaport Learning Center will provide a program coordinator to assist with professional development opportunities such as “BlueTech Commercialization Bootcamp,” meetups and mixers. Virtual and blended professional development will extend learning opportunities to entrepreneurs and potential collaborators around the world.



RDM Rotterdam: Mentoring

Building Requirements

In a shared space use model:

- 4 bayfront, downtown offices, altogether holding 20 desks (parking not provided)
- Conference rooms and meeting spaces with high-speed Internet
- Mailroom at Seaport
- Shared working lounge

- Shared office kitchen
- Labs for lease
- Testing tanks for prototypes

Potential Partners

- UC San Diego
- UC San Diego Extension
- Scripps Institution of Oceanography
- Port of San Diego Blue Economy Incubator
- The Maritime Alliance Incubator
- BlueTech Incubator
- CONNECT

Important Considerations & Outstanding Questions

How will startups be recruited and selected?
How will Innovation Space activities be compatible or incompatible with student learning programs?
How will startups' contributions to student learning be monitored and validated?
What are realistic expectations for interaction among industry professionals, students, and the general public?



RDM Rotterdam: Aquabots Challenge

Public Engagement

Seaport Learning Center's public engagement will take place inside and outside of the Learning Center's building and footprint. Beyond School Programs, Career and College Prep Programs, and Blue Economy Innovation Spaces, the Seaport Learning Center aims to engage residents and tourists from diverse walks of life, as individuals and social groups, to learn about our ocean planet and co-create healthy economies and ecosystems.

In addition to Seaport Learning Center overarching goals (page 4) Seaport's Public Spaces will:

- Engage a wide range of audiences and special interest groups in the mission and vision of the Seaport Learning Center.
- Inspire serendipitous audiences, people who may or may not have planned to visit the Seaport Learning Center.
- Create a space where diverse people and communities can come together around meaningful issues and important social and environmental challenges.

Audiences

Public engagements will be designed for a range of audiences, including adults (ocean experts, novices, and everyone in between) and multigenerational social groups (e.g. families with young children, parents, and grandparents). While the Seaport complex will attract many tourists, the content of Learning Center programming will be designed to promote authentic experiences to deepen all participants' connection to Seaport and San Diego, thereby addressing the needs and interests of local audiences and tourists at the same time.



Water Forest public sculpture by Howard Ben Tré's, Museum of Glass on the Thea Foss Waterfront

Activities

Public programs will be designed for spaces within and beyond the footprint of the Seaport Learning Center. Programming will encourage a sense of belonging and inclusion, inviting broad participation for audiences to engage in understanding and protecting our ocean planet. Seaport Learning Center operators will need to carefully select, curate, and implement programs to serve diverse audiences, address multiple goals, and strive for positive impact. Descriptions of program options follow.

Children, Family, and Adult Programs

Public events will engage children, family, and adults in learning that takes place in the context of meaningful activity and social interaction with a variety of programs. Possibilities include:

- Behind-the-Scenes Tours
- Pop-up Labs: observe, investigate, demonstrate
- Maker Spaces: design, build, test, improve
- Parent/Child Weekend Workshops designed around marine science/engineering
- Evening events (e.g. Adult Fridays): entertainment, fun activities, food, drink
- Day-time festivals
- Thematically-driven lectures, presentations, and panel discussions
- Overnight Programs, for families and adults-only
- Interactive exhibitions and installations

Expert Residencies

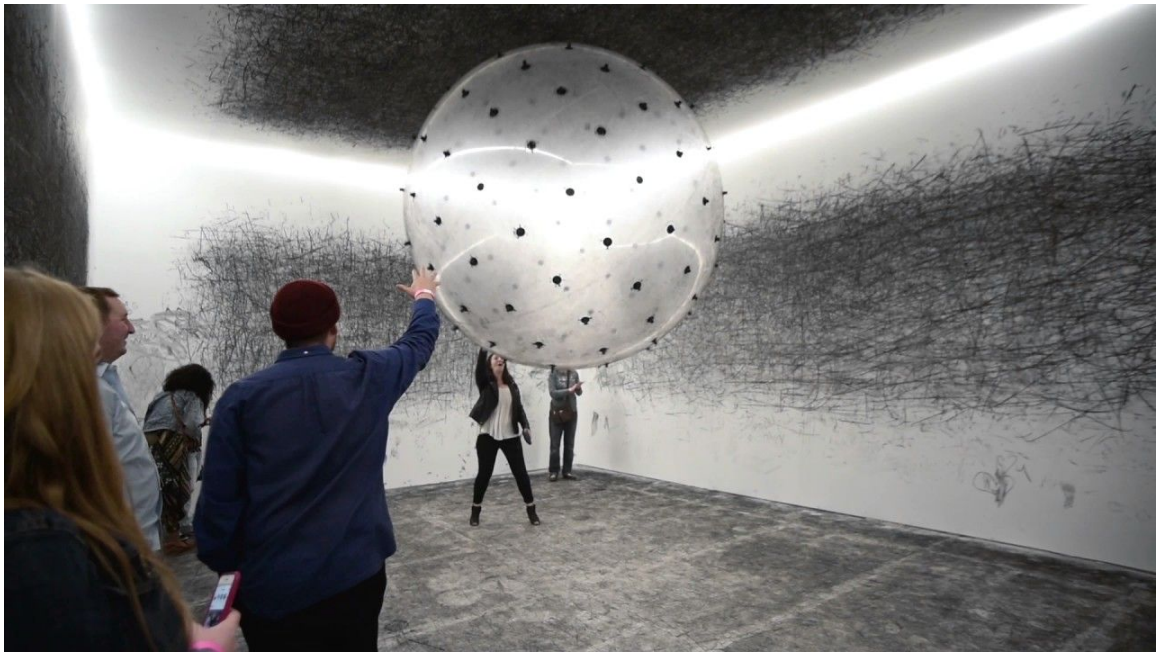
To make the Seaport Learning Center a destination for thought-leaders in the Blue Economy, ocean sciences, and interdisciplinary creative collaboration, the Learning Center will host select residencies for experts to create new work and share their processes. Carefully crafted programming will interpret and extend expert residents' contributions to Seaport Learning Center audiences, including students of all ages and general public visitors.



European Space Agency: Artist in Residence, Sarah Petkus with her quadrupedal robot, NoodleFeet

Art-Science Programming

- Ocean-related art, music, video, film, theater performances, spoken word
- Art that exposes/explores fascinating natural phenomena (like Exploratorium)
- Participatory and interactive installations (like Wonderspaces)
- Artist-led demonstrations and hands-on opportunities
- Facilitated dialogue with artists and scientists about social and environmental issues
- Sustainable seafood science and culinary arts
- Makerspace activities
- Citizen science opportunities
- Coastal wetland habitat restoration, monitoring, and interpretation
- Creating solutions for environmental and social issues
- Historical explorations and creative expressions of San Diego Bay (including Indigenous and non-native cultures)
- Programming that changes with the day, seasons, weather, other natural processes
- Multiple language options



Wonderspaces San Diego: Interactive installation

Conferences / Symposia

The Seaport Learning Center will host conferences and symposia for thought and industry leaders in Earth, ocean, and atmospheric sciences, blue and green/clean technologies, sustainable seafood and culinary traditions, the arts and STEM education. Conference offerings will align with the mission and vision of the Seaport Learning Center and complement the Center's programming calendar.

Complex-wide Interpretation, Exhibits and Pop-Up Programming

Learning Center interpretation and programs can be designed for the entire Seaport complex. This might take the form of bilingual place-based interpretative stations, interactive exhibitions, and pop-up events throughout Seaport, to deepen people's connection with history, place, nature and humanity. (Opportunities include interpretation of restored coastal wetlands, tidal flows and lunar cycles, portals to the past or future, people and food, interactive musical sculptures, physical challenges, video installations from sister cities, and more.)

Pop-up programming will take many forms throughout the Learning Center, Aquarium, and all around Seaport—interpretive push carts or mobile stations with educators, check-out backpacks with interpretative games for family learning, arts programming, local food and drink, connections with Seaport satellite sites throughout the County and possibly around the globe.

The Learning Center may consider programming water activity lessons or partner with local providers. Program fees could be paid on a sliding scale with free or very low cost for options for families with California's EBT card (the Golden State Advantage card). Programs could include:

- Fishing
- Boating
- Swimming, snorkeling, and water skills
- Surfing
- Birding and nature watching



Native Like Water: Pop up science programming



RDM Rotterdam: Public Space

Indoor Building Requirements

- Lobby should be beautiful and functional, separate from secure school group entrance
- Large, flexible, multi-use, indoor spaces
    - Large auditorium, opens to outdoors (like Scripps Seaside Forum)
    - Supports for large format, immersive visualization technologies (evolving tech)
    - Giant sliding doors
    - Encourage public interaction
    - Windows that open, fresh air and views of San Diego Bay
    - Embed design for discovery
- Spaces for installations and exhibitions for intentional visitors and passersby
    - Support a wide variety of engagements: perceptual, multisensory, quiet, reflective, active, interactive, participatory
    - Site-specific and interactive sculptures attune people to place, create opportunities for people to make sounds and music, add to soundscape
    - Design for photo opportunities and sharing via social media
    - Allow for full range of lighting: very dark to very bright, and changeable
    - Adequate electrical, seawater supply and drainage throughout (trench is best)
    - Floors graded to drains
    - Spaces for Seaport students to teach, share, and display their work
- Meeting spaces / conference rooms for programming, conferences, symposia, rentals
    - Small theatre for films, performances, town halls / civic dialogues, lectures
- Welcoming space for eating and sharing meals
    - Separate from spaces for School Programs, Career and College Prep
    - Connect to outdoor eating area
- Pop-up cafe that highlights San Diego's fisheries and diverse cultures
- Kitchen for cafe prep, catering, demos, classes, and public programs
- Public Makerspace

- Space for building onto collaborative exhibitions with public input and participation (temporary or long lasting)

• Space(s) for artist and scientist residencies, for research, work-in-progress, display, interaction with public
• Gift shop / retail space
• Exhibition fabrication studios, perhaps shared with the Seaport Aquarium
• Storage for pop-up carts, programming, and supplies
• Staff offices, meeting areas, and kitchen

Outdoor Building Requirements

• Docks for ferries to and from Learning Center
• Docks with shapes and levels that afford water sampling, launching watercraft and underwater robots
• Bicycle storage and parking (off site)
• Open and flexible spaces, adjacent to indoor public spaces (weather permitting)
  • Encourage social and physical activity, interaction, games, discovery and play
  • Movable planters and planter walls with native and drought-tolerant plants
• Art and design permeate outdoor space in creative ways: pavement, seating, landscaping, views to surroundings
• Include water features, for play, experimentation, discovery
  • Open area with permanent canopies to use for classes, events, fish market
  • Allow for shade and rain cover
• Welcoming space for eating & sharing meals
  • Separate from spaces for School Programs, Career and College Prep
  • Connect to indoor eating area
  • Able to accommodate food trucks, carts, or pop-up vendors
• Flexible, small outdoor amphitheatre space



San Diego Mesa College: School of Mathematics and Natural Sciences



Monterey Bay Aquarium: Waterfront location with outdoor spaces

Potential Partners

- Birch Aquarium at Scripps
- Scripps Institution of Oceanography
- UC San Diego
- UC San Diego Extension
- Kumeyaay community, elders and youth
- Seaport businesses and nonprofits
- Seaport Learning Center Career and College Prep graduates, serving as public educators
- California Sea Grant
- Environmental Health Coalition
- NOAA (National Oceanic and Atmospheric Administration)
- Southwest Fisheries Science Center
- Port of San Diego
- New Children's Museum
- Maritime Museum of San Diego
- USS Midway Museum
- Museum of Contemporary Art
- Global network of aquariums, researchers, and marine science educators



The California Academy of Sciences: After Dark programming

Important Considerations, Outstanding Questions

- Design to carefully create views of environment, people, and activities
- Employ sustainable architecture / green building strategies (e.g. choice of materials, shutters that adjust based on sunlight; position to take advantage of sea breezes)
- Need to manage sound (Seaport / San Diego Bay are very loud environments)
- Design for both sound amplification and dampening, so sound doesn't interfere with hearing and communication
- Celebrate and highlight San Diego's natural features, such as gorgeous sunlight, changing paths of sun and moon, solstices, equinoxes
- Create a central notice board with relevant news, social and natural events (consider partnership with Port of San Diego)
- Create space for functions related to maintaining tanks and caring for living collections:
    - Seawater access/waste, mixing, animal holding backstage, aquarist lab spaces (medical, food preparation and storage, refrigerators/freezers, animal lighting, life support systems, compressed air, for all tanks, experimental, non-living, etc.)
    - Generator backup power for all life support

Rentals Considerations

- Don't let need for event rentals overly constrain programs, interpretation, uses
- Create enough parking for rental needs
- Keep event spaces separate from learning spaces (noise, alcohol, etc.) and avoid the need to end learning programs early when there are events
- Be careful with potential renters; their missions should complement Seaport Learning Center's mission
- Rental fees: higher price points for corporations, lower for nonprofits, very low or free for community-based organizations
- Keep rental space open to many potential vendors (caterers, alcohol, etc.). Create

a preferred list of vendors who have been vetted using meaningful criteria. Don't lock in an exclusive contract with one or few vendors.



IV. Building Requirements and Recommendations

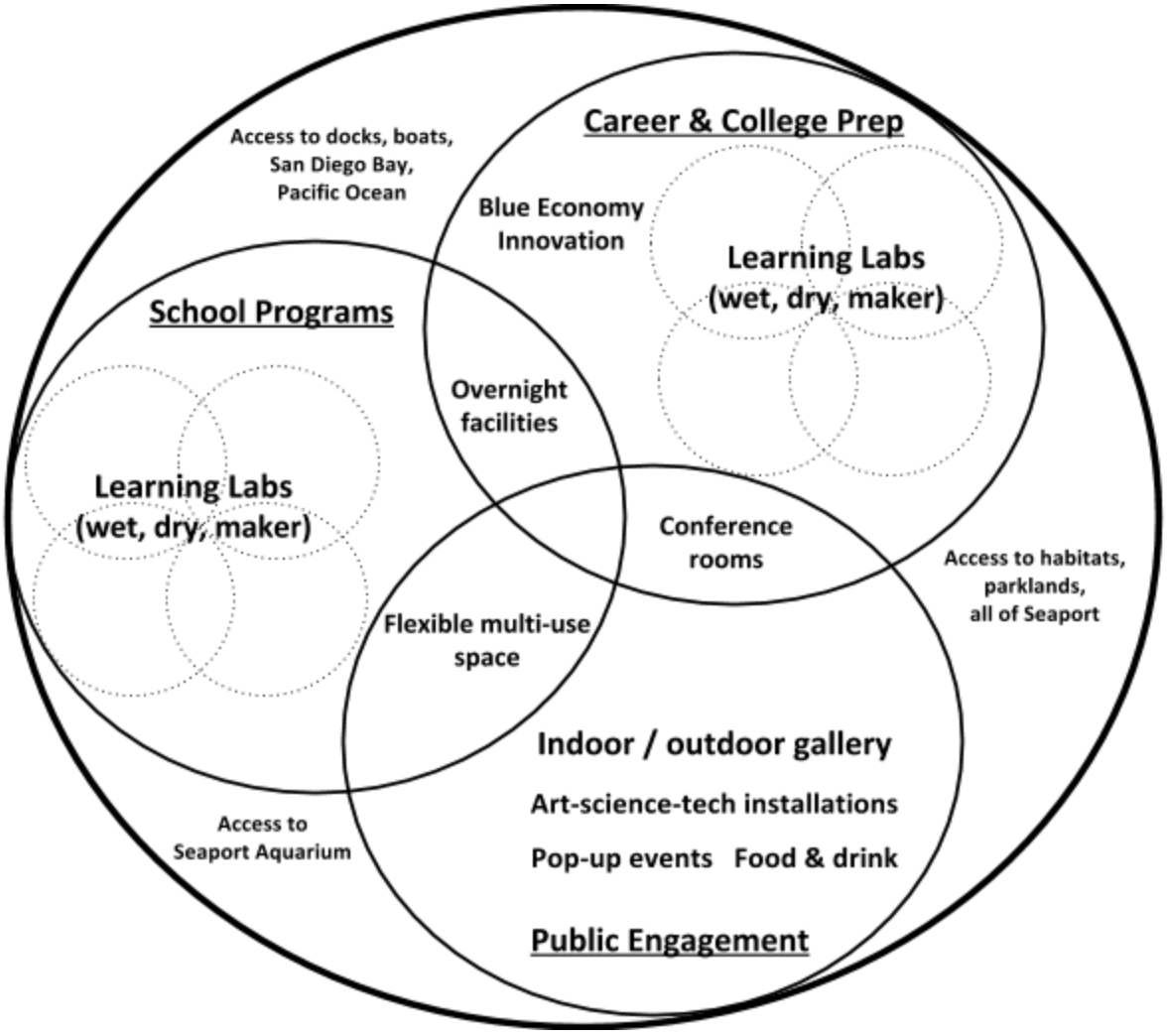
The Seaport Learning Center has three primary program areas:

1) **School Programs with an ocean focus**, for students and teachers, grades 3–14;

2) **Career and College Prep Programs**, for youth to explore the Blue Economy and ocean-related fields, and **Blue Economy Innovation Spaces**, designed to promote interaction among students and researchers, innovators and entrepreneurs;

3) **Public Engagement**, for adults and multigenerational groups, in spaces inside and outside, throughout Seaport, celebrating our ocean planet, inspiring optimism and action for healthy economies and thriving ecosystems.

Seaport Learning Center



Seaport Learning Center: Space Allocation Estimates

Spaces	Notes	# spaces	# people	area sq ft (+ 20%)
School Programs				
Learning Labs	2 sets of 2 separatable labs (sliding soundproof screen) that accommodate 35 people each; 2 wet labs, wet tables and tanks; 1 dry lab; 1 makerspace engineering lab; storage; AV support; soundproofing; movable solid tables; ceiling mounted electrical; view ports for researchers to observe learning (Ocean Institute & Monterey Bay Aquarium Ed Center)	4	140	6000
Aquariums, touch tanks, husbandry demos, aquaculture	2 large touch tanks, 2–10 ft wet tables, 4 tank racks, 4 test tanks (for fish, abalone, oysters), large display tanks; storage, back of house & reserve; prep area for feeding; refrigerator, deep sink; 5000 gallon closed system fed from Seaport Aquarium		NA	1500
Restrooms	Safe, student friendly, can handle arrival of 300 students; girls, boys, inclusive	4	60	2500
Overnight space	Simple rooftop deck with 'camping' like quality for up to 60 students plus 6 adult chaperones; simple heating and refrigeration for food prep; needs flexible shaded space for hosted group presentations (Ocean Institute Surfscience Sleep Deck); 2 dedicated restrooms w/ showers	1	70	4000
Admin support space	Includes 6 private offices; 16 workspaces; conference room; food prep; copy/tech room; storage; volunteer check-in; service space; staff bathrooms	1	25	4500
Storage & Utilities				1000
	TOTAL			**19,500**
Career and College Prep				
Learning Labs	Open, flexible learning & work spaces; configurable into wet labs, dry labs; 2 conference rooms; AV space; like science/tech incubator (Conn Marine Science Magnet High School)	1	100	8000
Maker Space / Engineering Lab	Maker space w/ engineering capacity; open space for building & testing; workbenches, machine shop tools, laser cutters, 3D printers; lockable storage; access to waterfront docks & vessels; shared use for students & startups; AUV/ROV test tank	1	50	5000
Blue Economy Innovation Spaces	Research & incubator support spaces; accommodates SIO/UCSD researchers, start-up & corporate partners; 20 desks in open configuration	5	30	4000
Restrooms	Serving max class size of 120 at one time; women, men, inclusive		16	500
Storage and Utilities support	Hallways, storage closets, utilities support			2300
	TOTAL			**19,800**

Public Engagement (Ground Floor)				
Lobby	Reception; lobby with exhibit and aquariums; ticket selling booth; donor recognition	1	50	2000
Open flexible group space	Forum space; no fixed seating; used for conferences, workshops, exhibits, special events; catering kitchen & support; AV space, storage for chairs/tables; sliding wall opens to adjacent covered outdoor space (Scripps Seaside Forum)	1	300	7500
Conference rooms	Hosted meetings, conferences; AV support; views; private entries (Scripps Seaside Forum)	3	1000	3000
Indoor/Outdoor Gallery	Exhibits & installations; fee-based experiences; innovations in art/science/technology (Wonderspaces); AV support, new media, light, sound, temporary wall system; event rental space or pop-up retail	1	300	14000
Flex form food stand & sustainable seafood education area	Small boutique 'pop-up' style food stand linked to gallery content (Gensler Activation Plan & Tactical Urbanism); sustainable seafood demonstrations, pop-up dinners, small group events	1	20	2500
Restrooms	Divide square footage among women, men, inclusive & family		20	1000
Storage				1000
	TOTAL			**31,000**
	TOTAL INDOOR SPACES			**70,300**
Outdoor Spaces				
Courtyard	Native plants; bio-inspired design for seating, shade structures, surface treatments; display of SIO research equipment as art	1	30	6000
Art-science installations	Immersive art-science installations; ocean content			
Light projection installations	Art makes night-time space & outer wall interactive with light & form; ocean content			
Student arrival & staging area	Students arrive by boat or 5 busses concurrently; 300 students; safe & secure offload; storage for lunches & gear; access to restrooms; staging area with shade; informal seating; water bottle refill; safe passage to aquarium, docks, boats; student area separate from deliveries			4000
Art-Science Pop-up Activities & Support	Demo space & cart parking for Seaport-wide (fee-based) programs (Gensler Activation Plan, Tactical Urbanism)			3000
Storage, Utilities, Staging area	Equipment storage; utilities; gear for explorations of SD Bay; parking & staging for caterers			2000
	TOTAL OUTDOOR SPACES			**15000**
	TOTAL INDOOR + OUTDOOR SPACES			**85,300**

Adjacencies and other special requirements

The Seaport Learning Center should be on the waterfront of San Diego Bay, since the primary purpose is to give students a rich, immersive working waterfront experience and to connect them to the environment and pathways into the Blue Economy.

Students could arrive by boat, ferry, or water taxi, with bus parking, loading and off-loading outside the Seaport area. We need a safe dock landing area and direct pathways to the Learning Center.

The building should be an exemplar, raising the bar for sustainable architecture and design, reinforcing our action-oriented optimism for a healthy planet.

We need direct and safe access to the Aquarium (perhaps a bridge or tunnel, away from traffic hazards, human threats, etc.) since students will be using the Aquarium during daytime field trips and at night during overnight programs.

We want to establish student learning areas throughout Seaport: on the working waterfront, at Tuna Harbor, fish market, in Blue Tech spaces, businesses linked to our program, with on-the-dock and on-the-pier sampling stations and AUV test area, accessible wetlands for student restoration projects, and a student research station in the park on San Diego Bay.

V. Important Considerations, Outstanding Questions

The Seaport Learning Center presents an extraordinary opportunity to engage local and global communities in new forms of collaborative learning and co-production. This program plan documents a broad shared vision to guide architectural concept development. Important governance and operational issues have yet to be resolved.

To move from conceptual design to design development and implementation, the following questions will require careful thought and intelligent action:

> What organizational structure will best support the overarching goals of community service and equity of opportunity, while engaging multiple partners and stakeholders?
>
> What funding models will sustain the Seaport Learning Center, with its commitment to innovative and transformational education?
>
> How will we solve transportation challenges to make the Seaport Learning Center truly accessible to all?
>
> What aspects of the program and architectural plans can be tested in prototype form, to avoid expensive mistakes and to improve our chances of success?

Appendix A: List of Participants and Contributors

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Danny Beckwith, Birch Aquarium at Scripps, Education Specialist
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Lisa Gilfillan, Birch Aquarium at Scripps, Education Specialist
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Danielle Griffith, Crawford High School, Biology, Chemistry, AVID Teacher
Conor Handley, Kumeyaay Community College
Harry Helling, Birch Aquarium at Scripps, Executive Director
Cheryl Hibbeln, San Diego Unified School District, Executive Director of Secondary Instruction
Jules Jaffe, Scripps Institution of Oceanography, Resident Oceanographer
Kathleen Johnson, University of California, San Diego, Interim Exec. Vice Chancellor, Academic Affairs
Michael Jones, The Maritime Alliance, Founder & President
Kristen Koch, National Oceanic And Atmospheric Administration, Southwest Fisheries Science Center, Science and Research Director
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Steve Walters, Mission Bay High School, Science Teacher
Susan Yonezawa, University of California, San Diego, CREATE Associate Director
Ivy Young, Birch Aquarium at Scripps, Learning Consultant

Appendix B: List of Relevant Resources, Projects, and Links

The following lists are organized according to the programmatic features of the Seaport Learning Center and then in order of geographical proximity to Seaport.

College and Career Prep Programs

EarthShare California: Urban Corps of San Diego | San Diego, California

Established in 1989 for young adults ages 18-26, "Urban Corps of San Diego County is a certified local conservation corps and charter school whose mission is to provide young adults with a high school education combined with job training and community service in the fields of conservation and recycling, which assist youth in becoming more employable while protecting San Diego's natural resources and instilling the importance of community service." While the program does not offer college credit for coursework, students earn their high school diplomas along with paid job training.

- School Wide Learner Outcomes, Standards for Career Ready Practice, and an overview of youth support services are available at www.urbancorpscharter.com.

Health Sciences High and Middle College (HSHMC) | San Diego, California

Serving grades 6–12 as a public charter open to all San Diego County residents, the Health Sciences High and Middle College offers college credit for advanced coursework. "HSHMC is a place where people want to learn about health and healthcare as part of a world-class education. HSHMC is a home away from home, an open door, a place of rigor and academia where students earn a diploma that matters. We do what it takes, we do no harm, we set no limits on our potential to learn and grow, we do it like a family, and we LOVE what we do!"

- HSHMC offers a number of different career pathways in Education, Patient Care, Mental and Behavioral Health, and Emergency Response. The HSHMC curriculum overview, coursework and details are available at www.hshmc.org.

Center for Advanced Research and Technology (CART) | Clovis, California

Eleventh and twelfth grade students from the Clovis and Fresno Unified School Districts are bused to CART where they attend half-day classes in one of the laboratories taught by teams of instructors from both education and business. "A major component of the CART vision is active partnerships with business and industry and higher education. Leaders from business and industry are involved with CART at all levels—providing leadership and fiscal support, consulting on instructional design, and collaborating as instructors and mentors. Through the laboratories and the Central Valley Business Incubator and the resources of the Entrepreneurial Training program (which are housed at CART) students and businesses realize mutual benefits by participating in research and development that enhances learning and directly contributes to community interests."

- The 75,000 square foot CART facility, designed as a high performance business atmosphere, is organized around four career clusters: Professional Sciences, Engineering, Advanced Communications, and Global Economics. Within each cluster are several career-specific laboratories in which students complete industry-based projects and receive academic credit for advanced English, science, math, and technology.

- Most of classes are approved by the UC system as college prep. CART also offers several labs where students can earn college credit through the CSU Unitrack program. www.cart.org

Marine Science Magnet High School (MSMHS) | Groton, Connecticut

Established in 2011, the Marine Science Magnet High School is a public school with the vision to create "a safe, respectful, and nurturing environment. ...MSMHS inspires students to develop the mindset and character needed to be active stewards of the ocean and contributing citizens in a global community."

- The 2016 MSMHS "Self-Study Report," an overview of MSMHS course descriptions and competencies are provided. www.msmhs.com

RDM Rotterdam | Rotterdam, Netherlands

As an innovatively repurposed shipyard, RDM Rotterdam is a multi-use location that, in addition to many professional features and spaces, also offers vocational and higher professional education programs at shared facilities with professionals. Degree programs are offered by a number of accredited institutions including Albeda College, Zadkine and Rotterdam University of Applied Sciences. Students can work with businesses, researchers and innovative technological players at RDM.

- The website includes a list of all 14 educational programs (with links to their websites) ranging from Architecture and Urban Design to Electro-Technical and Instrumentation Maintenance and Servicing, campus facilities and student testimonials. www.rdmrotterdam.nl

Aquarium & Conservation Learning

Native Like Water | Imperial Beach, California

Native Like Water prepares Indigenous youth and adult volunteers in science, outdoor education, conservation, wellness, and cultural self-exploration.

- www.nativelikewater.org

Living Coast Discovery Center | Chula Vista, California

The mission of the Living Coast Discovery Center is to:

- Partner in collaborative research and restoration of coastal wetlands and bays.
- Provide student-focused education through STEAM: Science, Technology, Engineering, Art, and Mathematics (STEAM).
- Increase knowledge of coastal environments, climate change
  - www.thelivingcoast.org

Ocean Institute | Dana Point, California

Using the ocean as our classroom, we inspire children to learn.

- www.ocean-institute.org

Monterey Bay Aquarium | Monterey, California

The mission of the nonprofit Monterey Bay Aquarium is to inspire conservation of the ocean.

- www.montereybayaquarium.org

Shedd Aquarium | Chicago, Illinois

Sparking compassion, curiosity and conservation for the aquatic animal world.

- www.sheddaquarium.org

National Aquarium | Baltimore, Maryland

National Aquarium is a nonprofit aquatic education and conservation organization whose mission is to inspire conservation of the world's aquatic treasures.

- www.aqua.org

Public Spaces

Project for Public Spaces (PPS)

Central resource hub of the global Placemaking movement, connecting people to ideas, expertise, and partners who share a passion for creating vital places.

- www.pps.org

PPS Recommended Resources:

What is Placemaking?
What Makes a Great Place (chart)
10 Qualities of a Great Waterfront Destination
9 Steps to Creating a Great Waterfront
Lessons from Waterfront Synopsis 2010: How Placemaking Can Build Sustainable Waterfronts

Blue Economy

Cleantech San Diego | San Diego, California

With a mission to "accelerate clean technology innovation and adoption of sustainable business practices for the benefit of the economy and the environment," Cleantech San Diego is a member-based trade organization that positions the greater San Diego region, including Imperial County, as a global leader in the cleantech economy. As a nonprofit organization, it supports industry by fostering collaborations across the private-public-academic landscape, leading advocacy efforts to promote cleantech priorities, and encouraging investment in the San Diego region.

- www.cleantechsandiego.org

Port of San Diego | San Diego, California

With a vision "to foster a world-class Port through excellence in public service," the San Diego Unified Port District's mission is to "protect the Tidelands Trust resources by providing economic vitality and community benefit through a balanced approach to maritime industry, tourism, water and land recreation, environmental stewardship and public safety."

- www.portofsandiego.org

The Maritime Alliance | San Diego, California

The Maritime Alliance (TMA) is the non-profit industry association for the largest BlueTech cluster in the United States. TMA focuses on business ecosystem development, economic development and workforce development by bringing together academia, industry and government. TMA is a membership based organization comprised of some of the world's leading ocean and water technology companies who work together to promote collaboration, innovation and an international Blue Voice.

- www.bluetechexports.org

Imagine H2O | San Francisco, California

With a mission to "empower people to deploy and develop innovation to solve water challenges globally," Imagine H2O fosters entrepreneurship and innovation in the critical areas of Data & Analytics, Monitoring & Treatment, Utility Operations, Water Efficiency, and Scarcity & Safety.

- www.imagineh2o.org

Appendix C: UC San Diego Engaged Learning Tools: Competencies

The twelve competencies are incorporated into the Engaged Learning Tools to promote student success and development at UC San Diego.

The framework and definitions were created using the Association of American Colleges & Universities (AAC&U) Value Learning Outcomes, the Council for the Advancement of Standards (CAS) in Higher Education Learning & Development Outcomes, and the WASC Senior College and University Commission Core Competencies.







WATERFRONT *magic*

SAN DIEGO *style*

Seaport SAN DIEGO

OVERALL PROGRAM

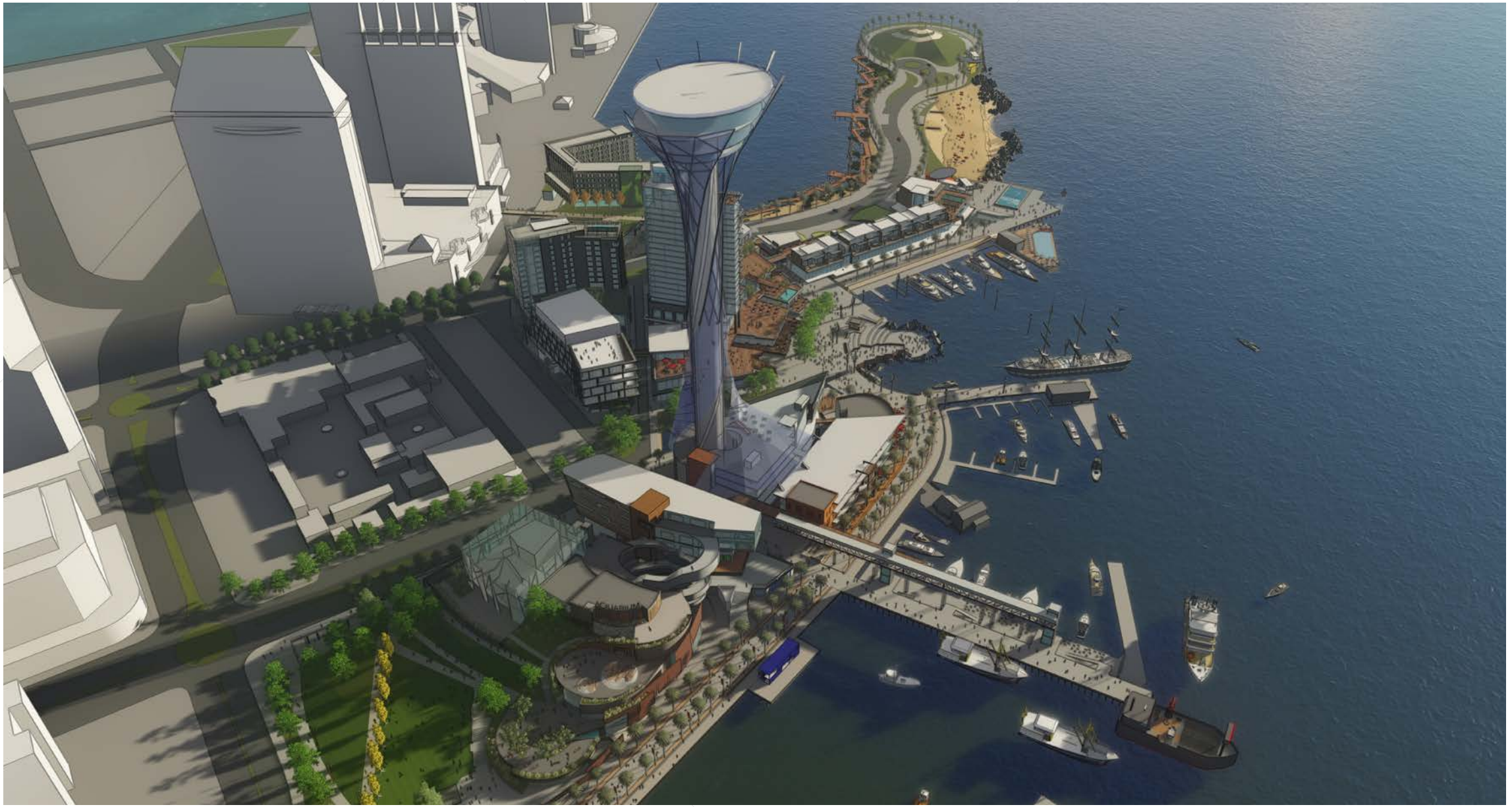


Seaport SAN DIEGO



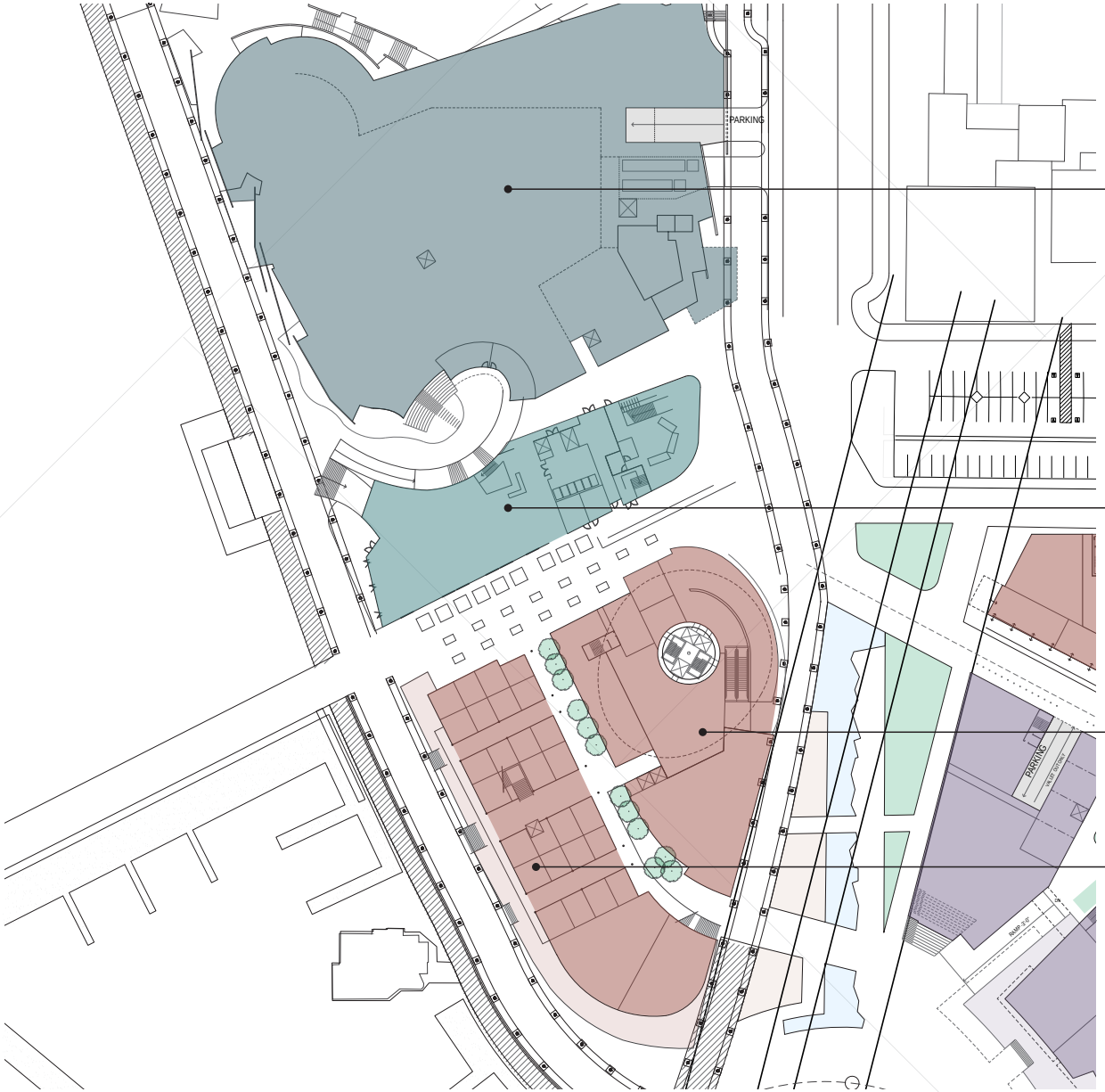
OVERALL VIEW

Seaport SAN DIEGO



OVERALL VIEW

Seaport SAN DIEGO



AQUARIUM

LEARNING CENTER

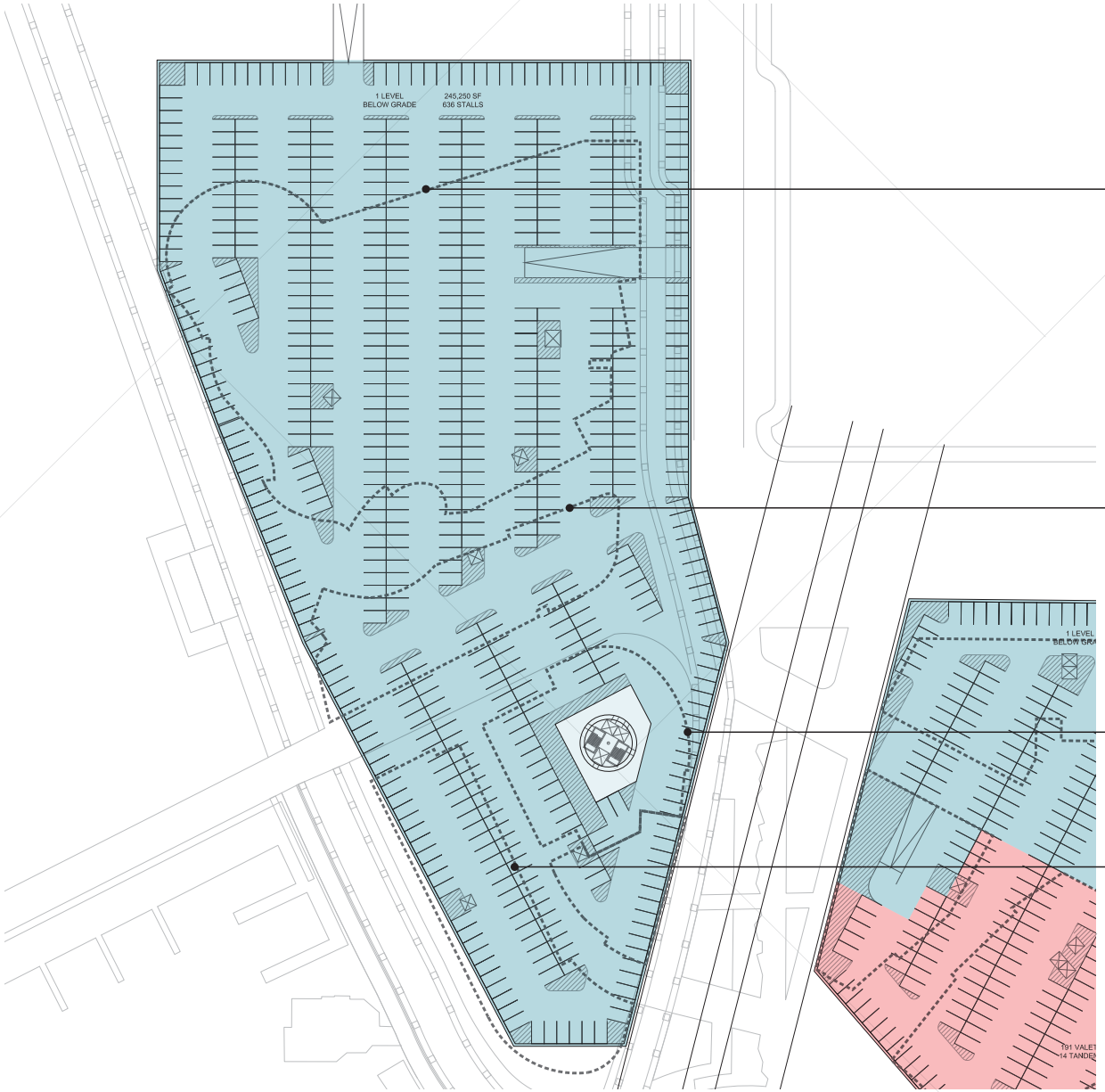
SPIRE

MARKET

SEAPORT PROGRAM

Seaport SAN DIEGO

PARKING PLAN



AQUARIUM

LEARNING CENTER

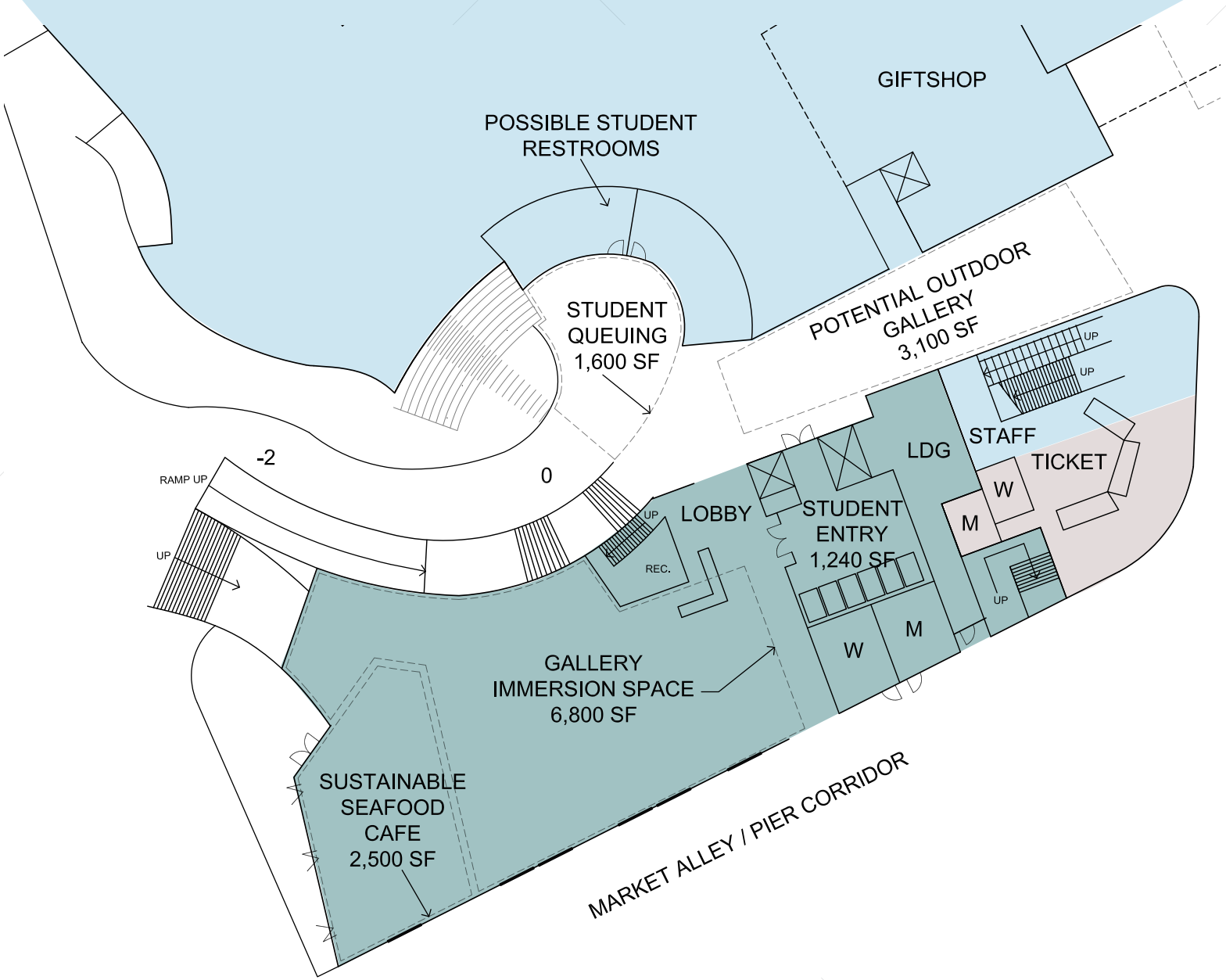
SPIRE

MARKET

Seaport SAN DIEGO

LEVEL 1

GALLERY + IMMERSION SPACE





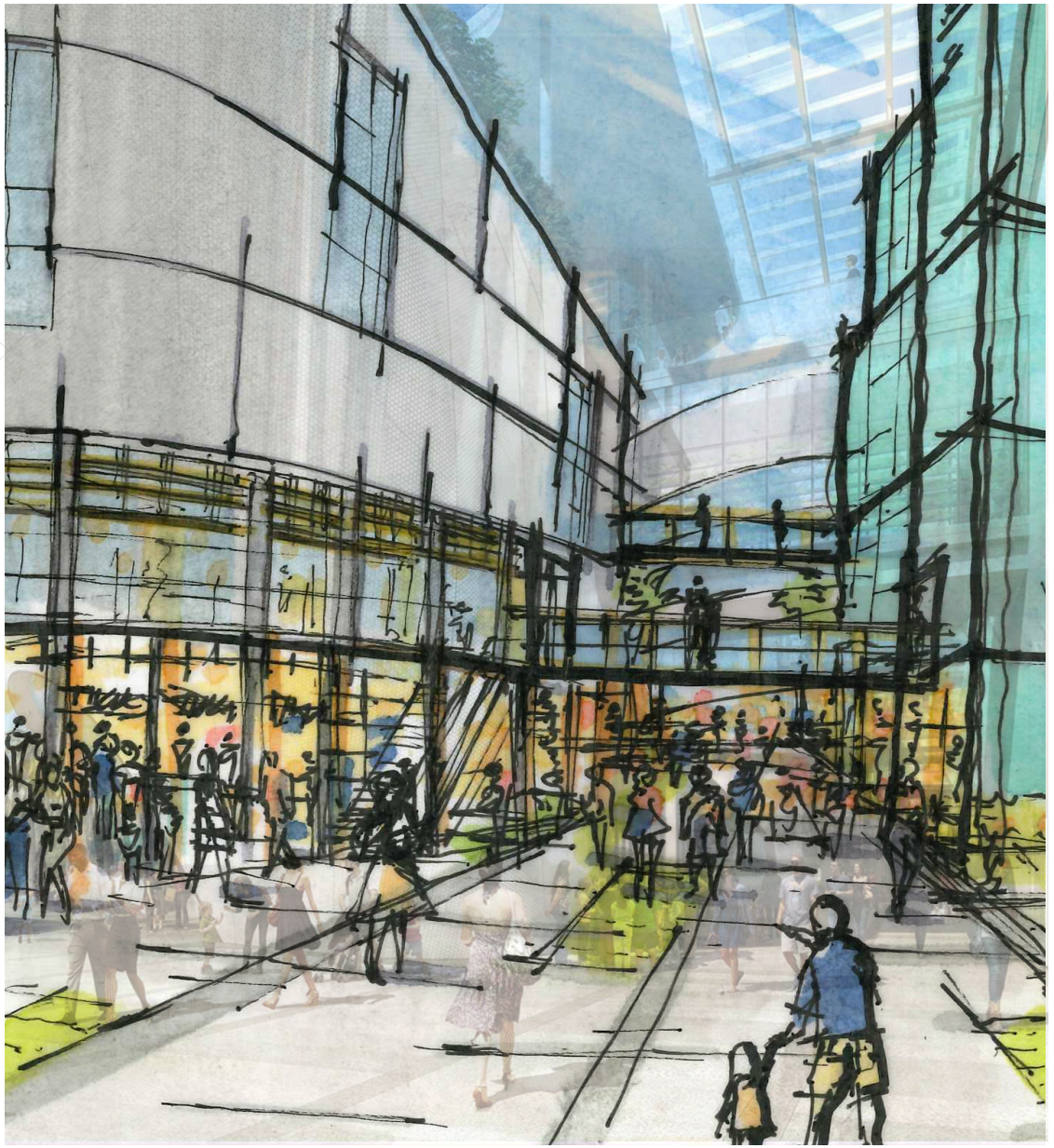
IMMERSION TANKS



INTERACTIVE PUBLIC EXPERIENCE

Seaport SAN DIEGO



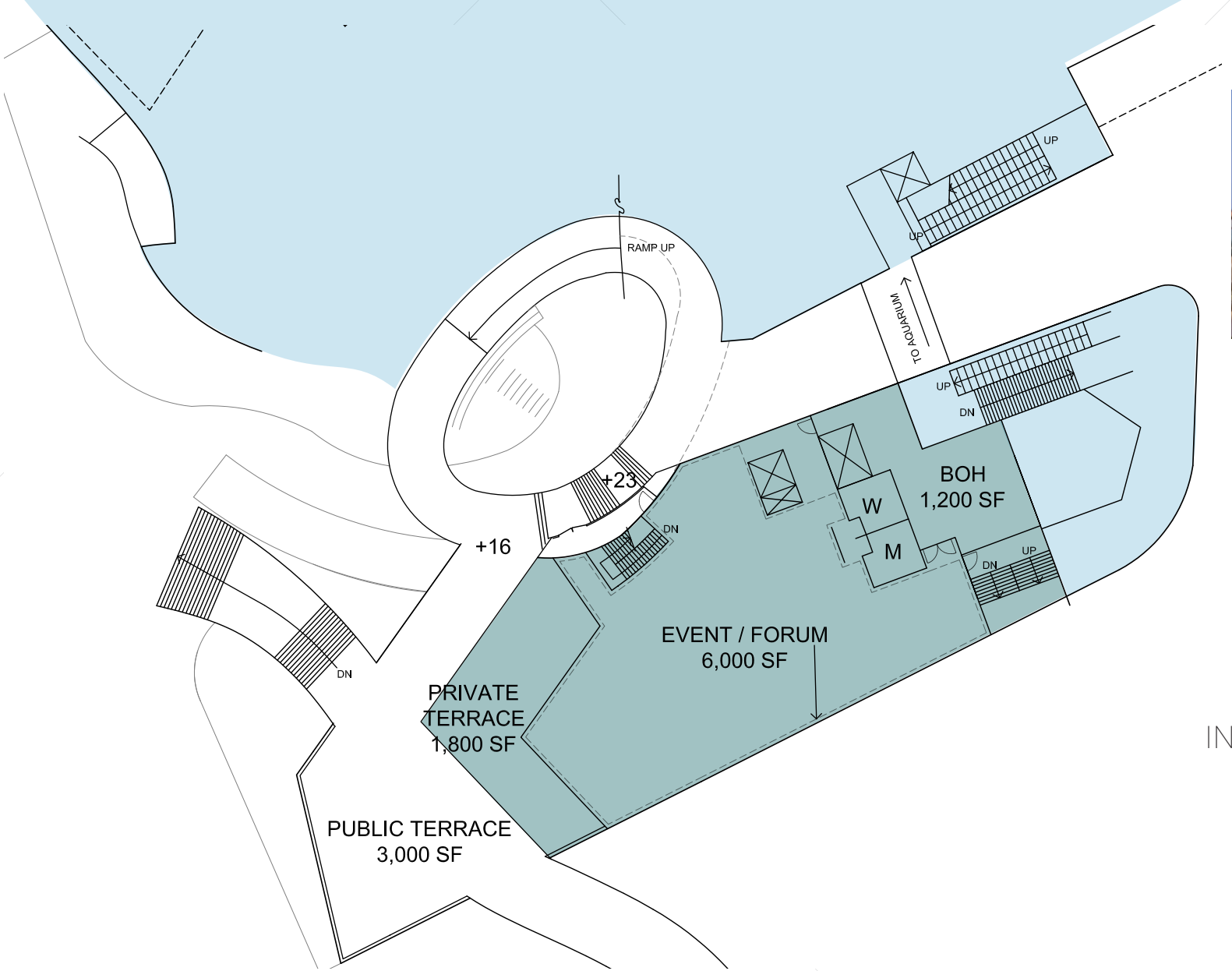


PRECEDENT IMAGE

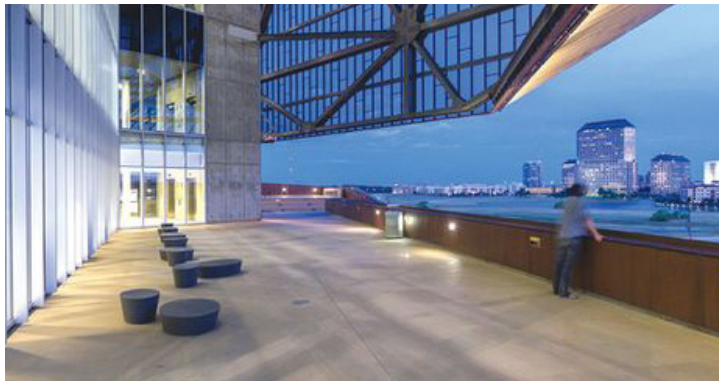
BETWEEN AQUARIUM & LEARNING CENTER

Seaport SAN DIEGO

LEVEL 2
AUDITORIUM + FORUM





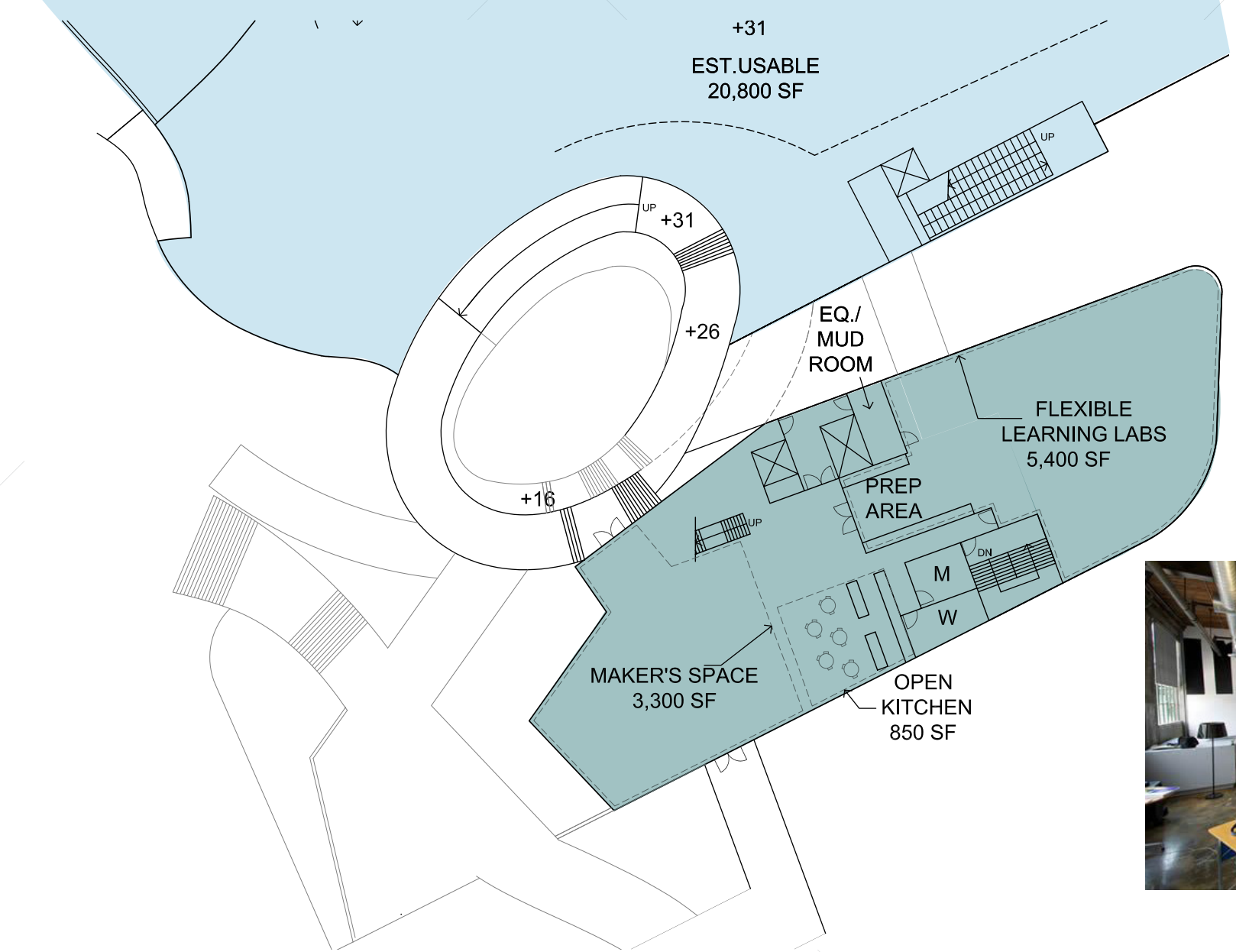


INDOOR / OUTDOOR SPACES WITH VIEWS

Seaport SAN DIEGO

LEVEL 3

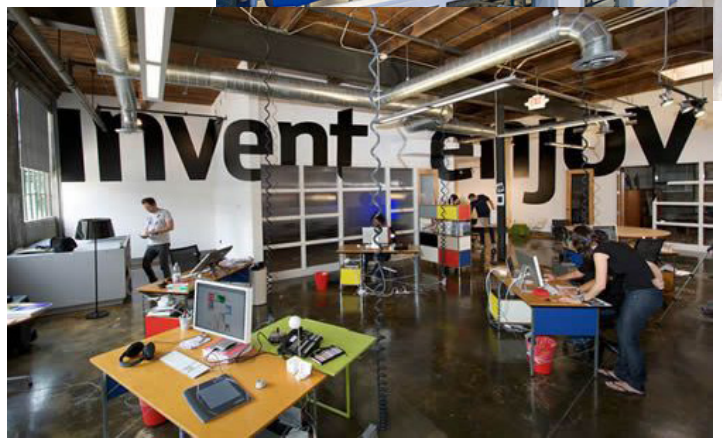
COLLEGE PREP AREA





LABS



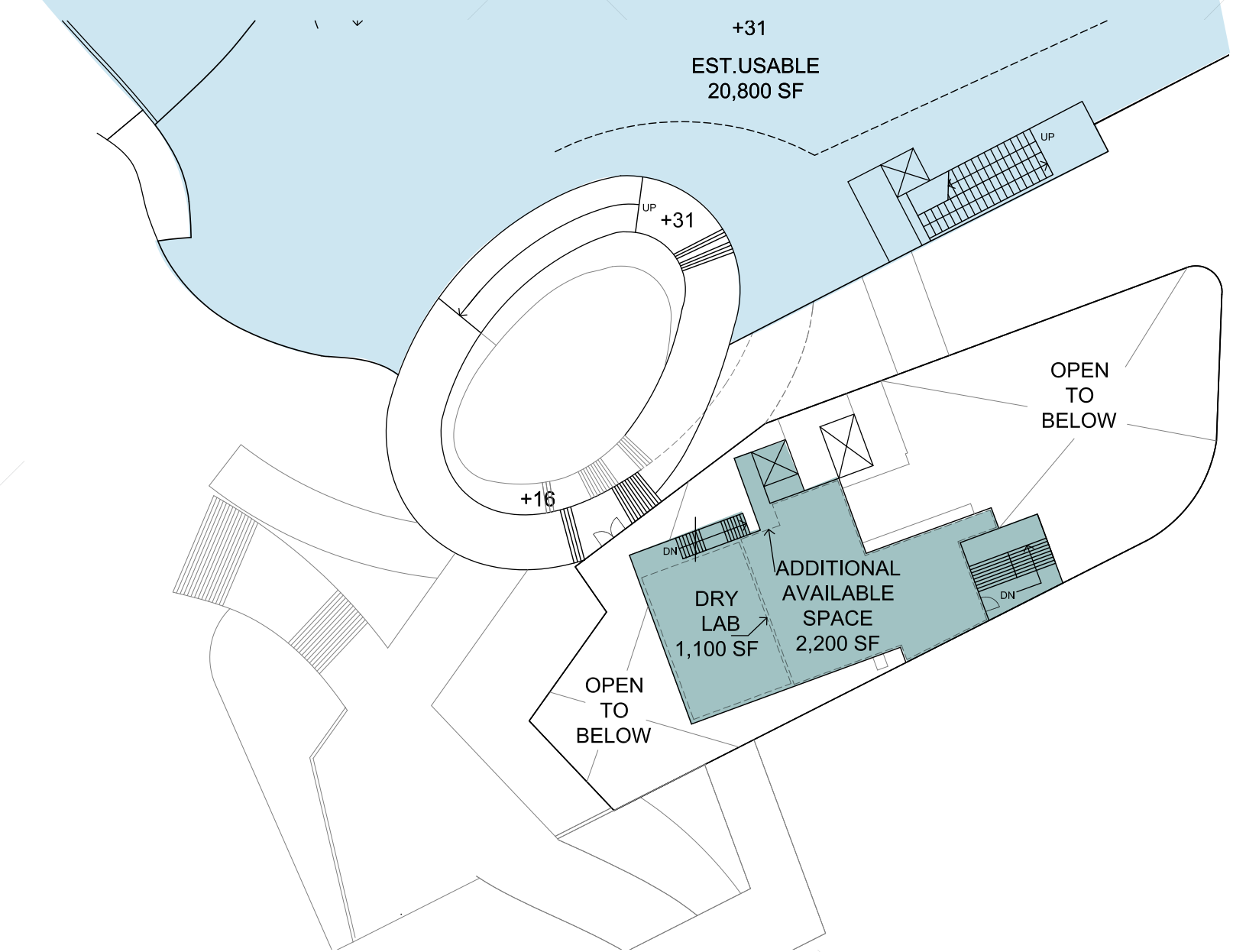


MAKER'S SPACES

Seaport SAN DIEGO

LEVEL 3 MEZZANINE

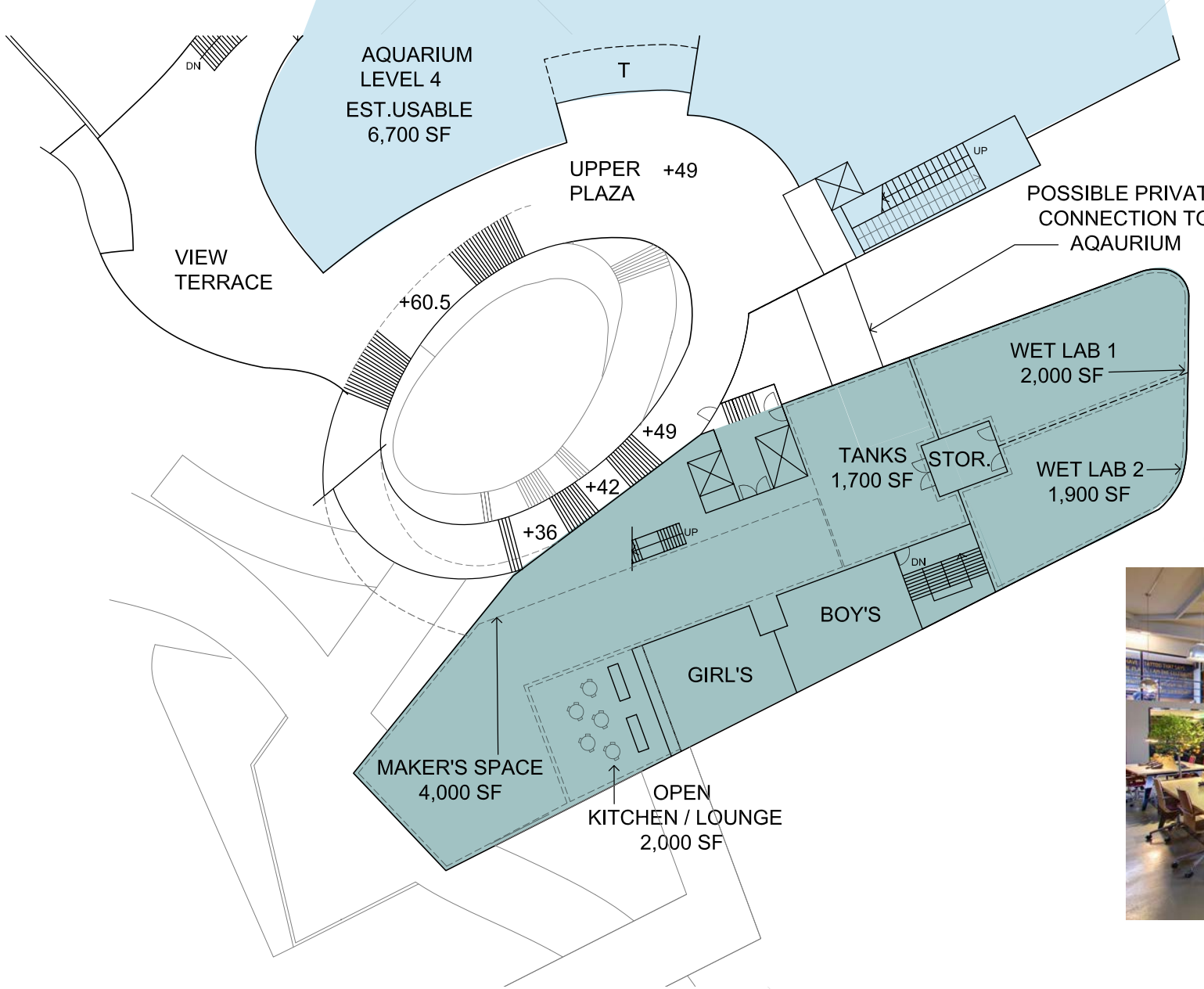
COLLEGE PREP AREA



Seaport SAN DIEGO

LEVEL 4

3-12 PROGRAM





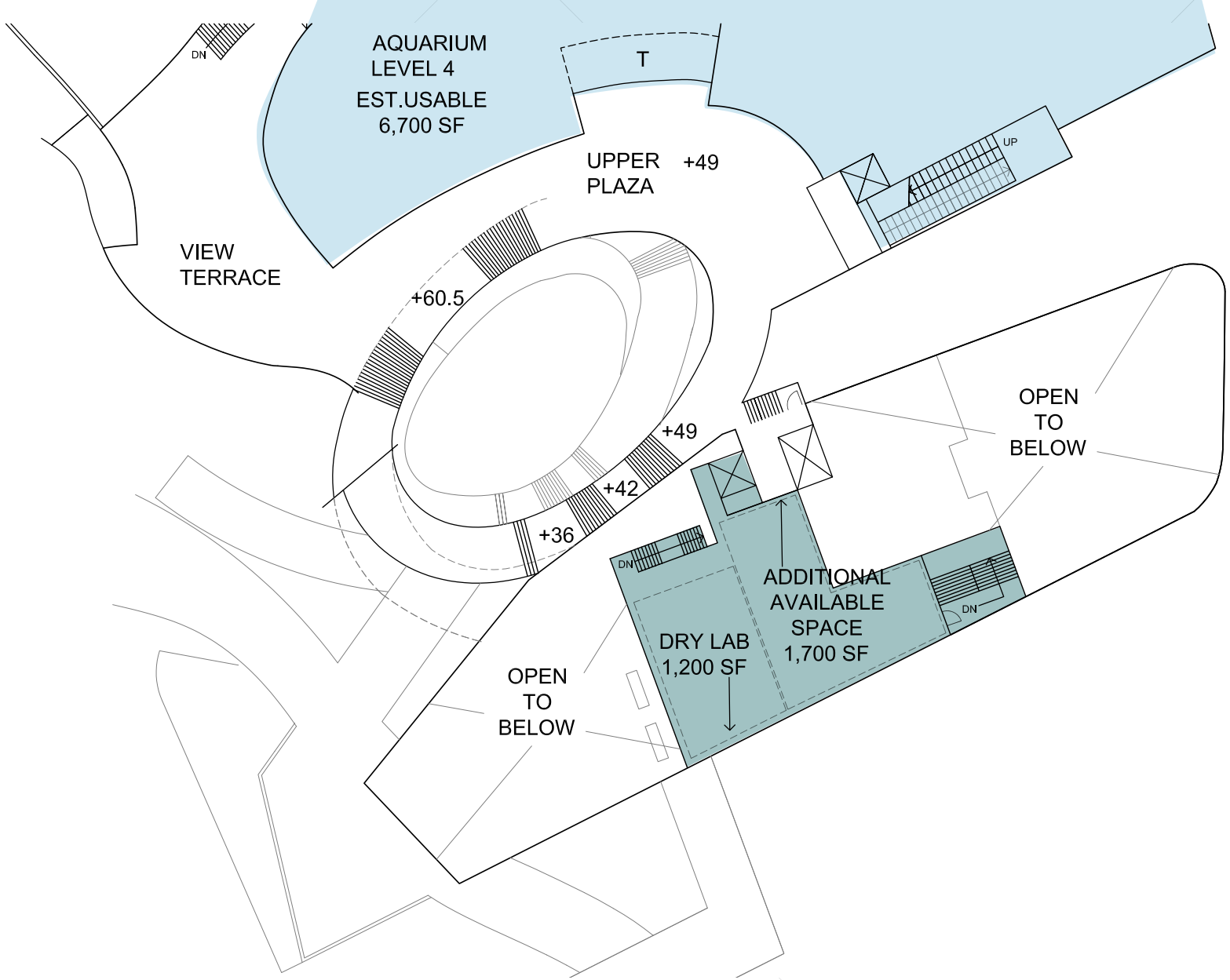
OPEN, COLLABORATIVE WORK SPACES



Seaport SAN DIEGO

LEVEL 4 MEZZANINE

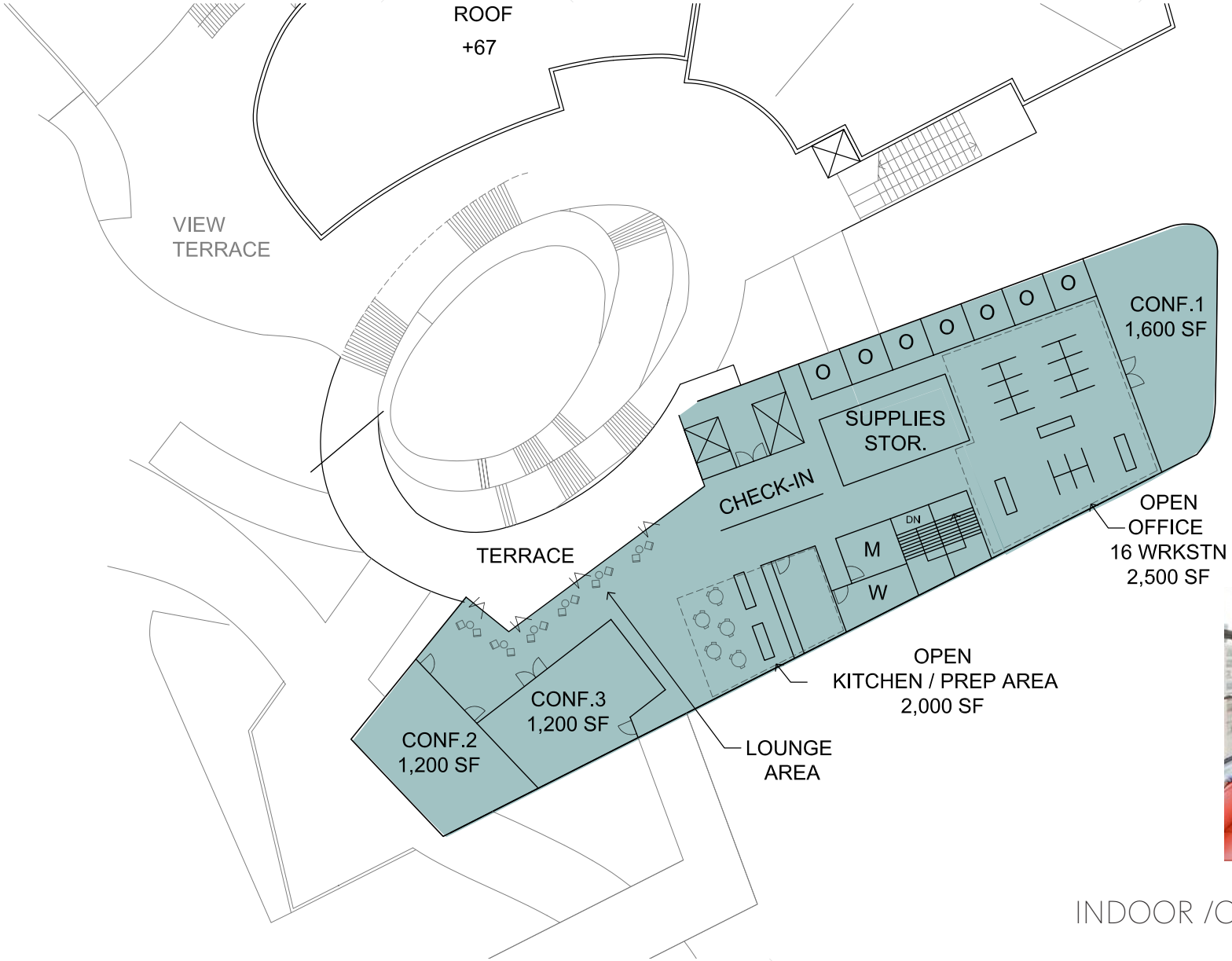
3-12 PROGRAM



Seaport SAN DIEGO

LEVEL 5

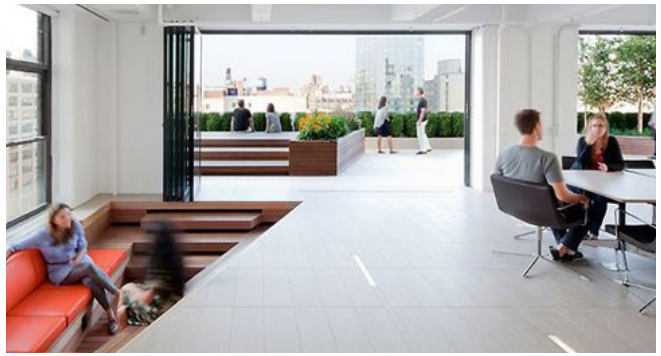
ADMIN + SUPPORT + MEETING SPACE







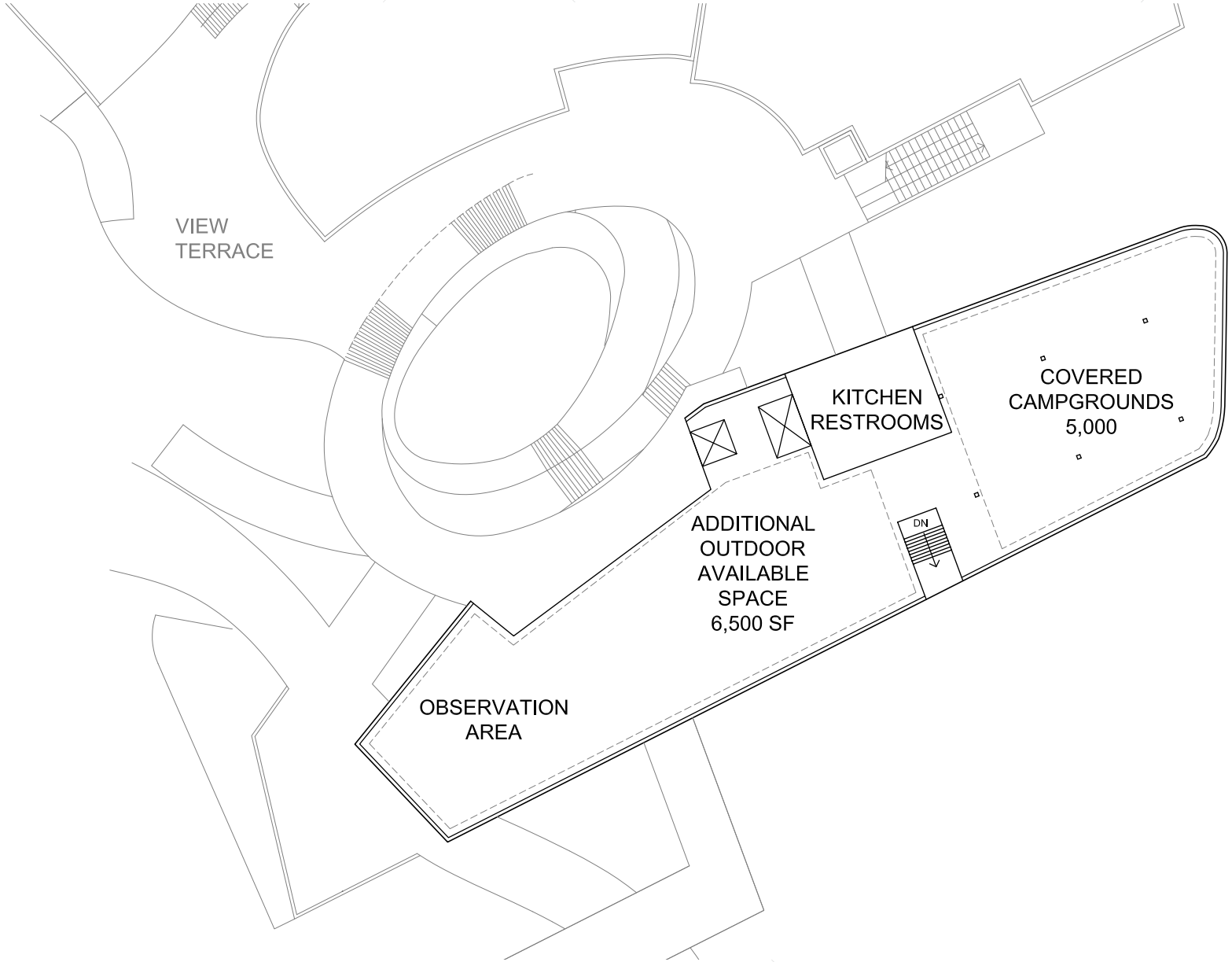
COLLABORATIVE, INFORMAL MEETING NOOKS



INDOOR /OUTDOOR LOUNGE, MEETING AREAS

Seaport SAN DIEGO

ROOF
CAMPGROUNDS







GREEN ROOF OPPORTUNITY WITH
PAVILION LIKE SETTING

Seaport
SAN DIEGO

SECTION

CAMPING

ADMIN/SUPPORT/MEETING ROOMS

WET LABS

DRY LABS

MAKER'S SPACE

FORUM OUTDOOR DECK

PUBLIC DECK

(ACCESS TO ADJACENT MARKET)

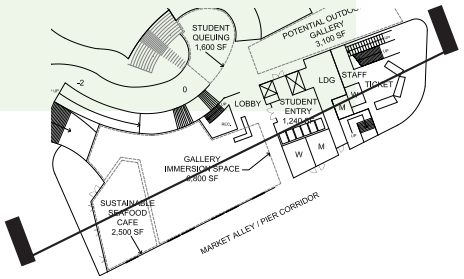
TICKETING LOBBY

GALLERY/IMMERSION SPACE

SUSTAINABLE SEAFOOD CAFE

AUDITORIUM/FORUM

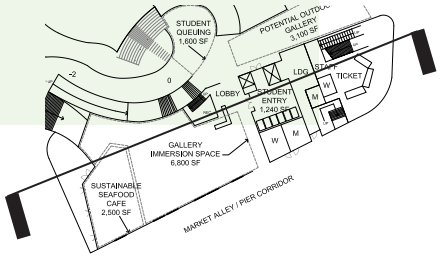
STUDENT LOBBY



Seaport SAN DIEGO

SECTION

CAMPING
ADMIN/SUPPORT/MEETING ROOMS
WET LABS
DRY LABS
MAKER'S SPACE
FORUM OUTDOOR DECK
PUBLIC DECK
(ACCESS TO ADJACENT
MARKET)
TICKETING
LOBBY
GALLERY/IMMERSION
AUDITORIUM/FORUM
STUDENT LOBBY
SUSTAINABLE SEAFOOD CAFE



Seaport SAN DIEGO

VIEWS

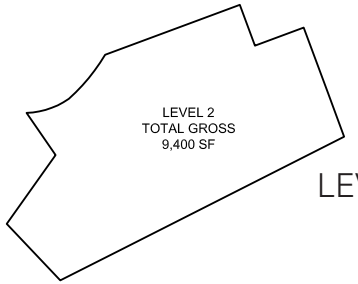




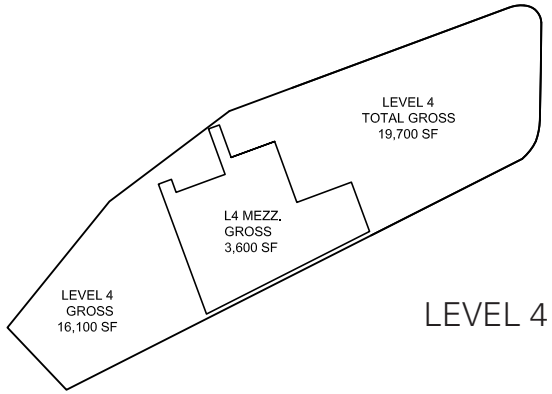


Seaport
SAN DIEGO

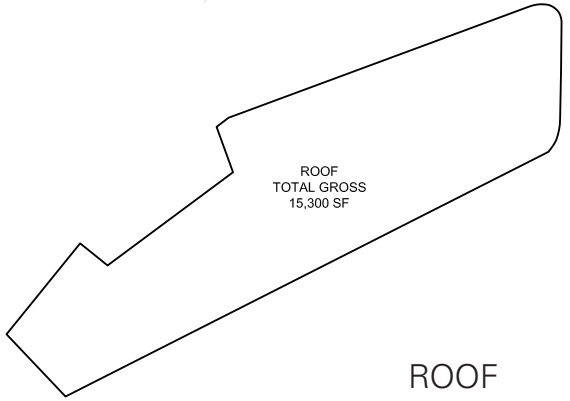
PROGRAM GROSS NUMBERS



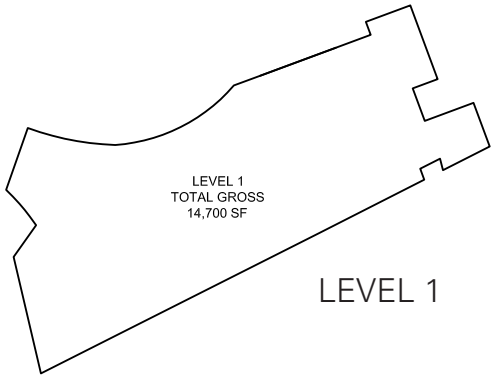
LEVEL 2



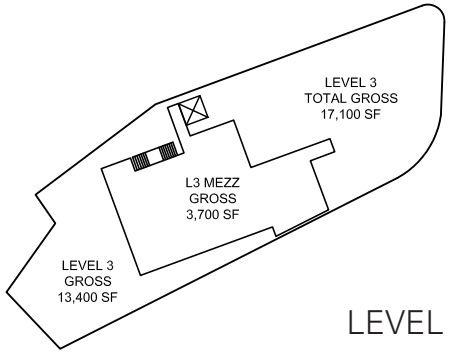
LEVEL 4



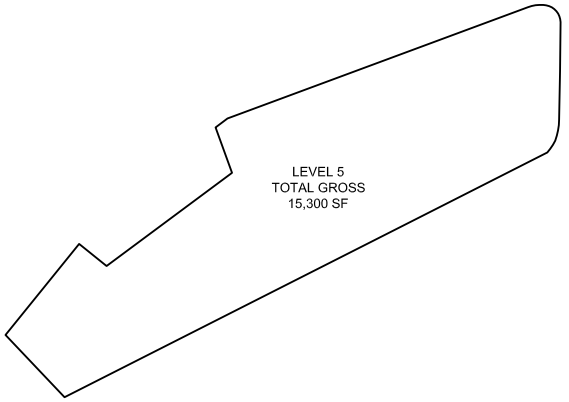
ROOF



LEVEL 1



LEVEL 3



LEVEL 5

GROSS

LEVEL 1	14,700 SF
LEVEL 2	9,400 SF
LEVEL 3	17,100 SF
(INCLUDES MEZZANINE)	
LEVEL 4	19,700 SF
(INCLUDES MEZZANINE)	
LEVEL 5	15,300 SF
ROOF	15,300 SF

TOTAL GROSS

91,500 SF

Seaport SAN DIEGO

Seaport Learning Center: Ocean and Blue Economy Career and College Prep

At the Seaport Learning Center, high school students can discover subjects, careers, fields of inquiry and creative work that relate to the ocean and Blue Economy. Project-based experiential learning programs will be designed to maximize student engagement and learning. The Seaport Learning Center will be equipped with lab equipment for science and engineering, and located next to the Seaport Aquarium on the working waterfront of San Diego Bay, with access to docks, sea-going vessels, industry partners, San Diego's most industrialized watershed, habitat restoration projects, and more.

In-depth semester-long courses are central to this program area. Additionally, shorter duration options give students opportunities to sample different subjects, continue their learning journey, and climb the "STEM Opportunity Ladder." Connections with experts, entrepreneurs, innovators, and industry professionals will be a hallmark of young adult learning at Seaport. Classes and internships pave the way toward career pathways.

Among the proposed programs, young adult students can spend a semester, a summer, or Saturdays at Seaport for high school and college course credits, through partnership with the San Diego Unified School District and San Diego Community College District. Students can participate in weekend workshops, hackathons, competitions, exhibitions, and internships (paid and unpaid) for certificates, digital badges and co-curricular transcripts for college applications. To extend exceptional learning opportunities to more students, high school teachers and community college professors can join professional learning communities and develop creative ways to use Seaport's unique resources in their courses.

Semester at Seaport

Students can participate in an intensive semester-long residency and take four accelerated classes, making use of the unique location on the working waterfront at Seaport. Each course would count for a full-year course, satisfy UC a-g high school graduation requirements, and provide dual credit for both high school and college whenever possible.

Seaport courses may include:

- Ocean Sciences,
- Blue Tech Engineering,
- Data Science (math and computing), and
- Introduction to Water Policy, Politics, Economics, and Ethics.

Courses will satisfy requirements in relevant CTE (Career Technical Education) pathways and address priority workforce sectors in San Diego County. Students from San Diego high schools with 4x4 schedules would be eligible to participate, with counseling services and academic support provided to ensure students stay on schedule for graduation and college applications. Courses will be taught by credentialed teachers and/or community college faculty members who meet CTE course instructor/college hiring guidelines.

Physical science and mathematics are two challenge areas for students. A well-designed, content-rich and relevant learning experiences at Seaport should help students succeed in these courses and fulfill graduation and college-eligibility requirements. Engineering, now part of NGSS, also presents challenges

for students and teachers. Drawing on the physical resources of the Seaport Learning Center and the human resources of Scripps Oceanography, UC San Diego, and industry partners, students can get a robust experience with real-world engineering.

Semester at Seaport will serve 10th grade students, representing the diverse demographics of the San Diego Unified School District. Students will submit applications to indicate interest and satisfaction of the prerequisites listed below. Students will be selected through a combination of application scores and lottery system by zipcode to ensure diversity of students based on geography, socioecomics, race, ethnicity, and gender.

Academic prerequisites for Semester at Seaport:
Integrated Math I
English 9
First year of HS Science
Fitness test passed
No Ds or Fs during 9th grade

Prerequisites for Semester at Seaport are designed to promote student success and not take them off track for graduation and college eligibility. The Seaport experience should bolster academic interest and achievement and not impede student progress toward their goals.

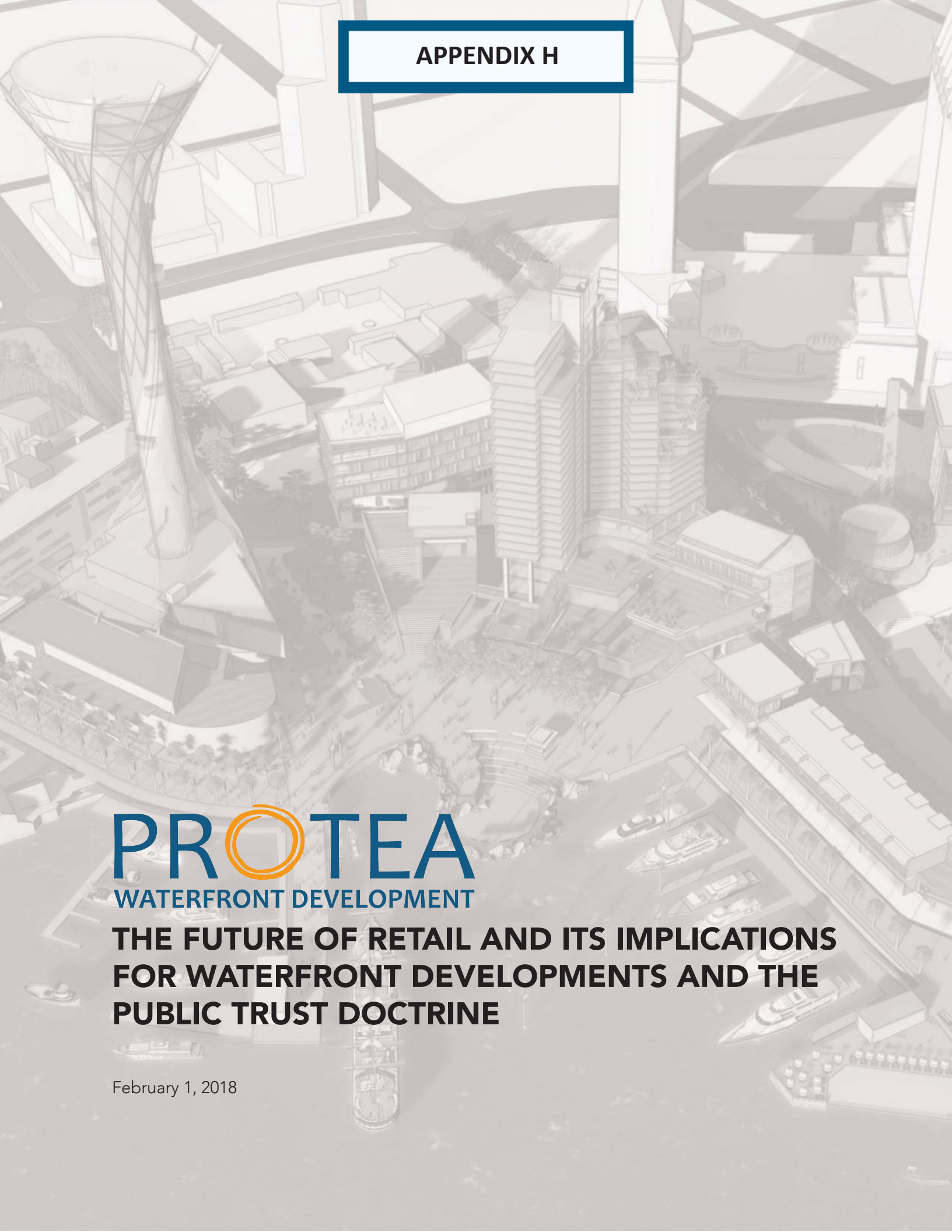
Focusing on 10th grade allows students to get established at their high school (make the transition, make friends, demonstrate readiness for Seaport experience). Students need to be on track with 10th grade requirements to be eligible for Seaport. Spending half the year at Seaport would allow students to fulfill other 10th grade requirements such as Integrated Math II and foreign language.

High School Requirements (College Eligible) Example Schedule for 4x4 and A/B			
9th	10th	11th	12th
History (a) English (b) Integrated Math I (c) College Prep Elective (g)	**Semester at Seaport** Water Policy, Politics, Economics, and Ethics (a) Ocean Data Science (c) Ocean Sciences (d) Blue Tech Engineering (d)	Social Science (a) English (b) Integrated Math III (c) College Prep Elective (g)	History (a) English (b) Math (c) College Prep Elective (g)
Lab Science (d) Foreign Language (e) Visual / Performing Arts (f) Physical Education	English (b) Integrated Math II (c) Foreign Language (e) College Prep Elective (g)	Lab Science (d) Foreign Language (e) College Prep Elective (g) Physical Education	Lab Science (d) Foreign Language (e) College Prep Elective (g) College Prep Elective (g)

UC a-g Requirements:
a. History and Social Science (2); b. English (4), c. Mathematics (3-4); d. Laboratory Science (2), e. Language other than English (2); f. Visual and Performing Arts (1); g. College Prep Electives (1); Physical Education (2) for San Diego Unified School District.

Information about Seaport programs will be shared with 8th and 9th grade students, parents, teachers, and counselors, to communicate opportunities, prerequisites, application process and selection, contract commitments, and transportation options. Students admitted to the Seaport programs will receive mass transit vouchers to address their transportation needs.

APPENDIX H



PROTEA
WATERFRONT DEVELOPMENT

THE FUTURE OF RETAIL AND ITS IMPLICATIONS FOR WATERFRONT DEVELOPMENTS AND THE PUBLIC TRUST DOCTRINE

February 1, 2018

THE FUTURE OF RETAIL AND ITS IMPLICATIONS FOR WATERFRONT DEVELOPMENTS AND THE PUBLIC TRUST DOCTRINE

Prepared By: Yehudi Gaffen, CEO of Protea Waterfront Development

OBJECTIVE OF THIS WHITE PAPER

This White Paper analyzes the role retail plays in modern mixed-use waterfront developments which fall under the jurisdiction of the Public Trust Doctrine. It discusses this in the context of current visitor trends and expectations resulting from the impacts of e-commerce on the retail industry. It focuses on Seaport San Diego, a 70 acre, 1.5M s.f. new development on San Diego Bay, as an example of the opportunities and constraints provided under the Public Trust Doctrine.

Over time, the interpretation of the Public Trust Doctrine has responded to fluctuating conditions while it protects its fundamental purpose of maintaining public access to waterfronts and protecting the environment. [1] Today, the nature of "brick and mortar" retail is shifting in response both to new technology (such as on-line sales) and to visitor expectations related to demands for an authentic and memorable experience. This White Paper sets out the character of these changes and ways in which the purpose of the Public Trust Doctrine can be maintained in the face of changing visitor expectations and their impacts on mixed-use waterfront developments.

The evolving changes in visitor serving retail intersects with the Public Trust Doctrine and particularly with the promotion of water-related economic development on California waterfront properties. The development of productive, highly-competitive retail stores can serve as an important placemaking element and an economic support for the non-retail components of waterfront properties. The current changes in the retail industry outlined below present challenges but also new opportunities to consider policies that better foster the creation of desirable visitor-serving retail environments that also have positive economic and consumer image impacts on waterfront properties under the Public Trust Doctrine jurisdiction. The alternative may be the risk that these important and valuable sites will fall by the wayside, and the relevance and viability of future mixed-use waterfront developments may be negatively impacted.

[1] "The Public Trust is sufficiently flexible to encompass changing public needs," from *The Public Trust Doctrine and the Modern Waterfront: Protecting the Environment and Promoting Water-related Economic Development: A Public Trust Synopsis*, p 10. Developed by the staff of the California State Lands Commission in 2007 and presented in workshop settings in San Francisco, Los Angeles, and San Diego.

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1. BACKGROUND AND IMPLICATIONS OF CHANGES IN THE RETAIL MARKET ON THE PUBLIC TRUST DOCTRINE

The purpose of the Public Trust Doctrine is to protect tidelands and other trust assets for the people of California, while also facilitating and protecting broad public access. It is intended to encourage the public's knowledge, use, and enjoyment of State waterfronts while excluding private uses that do not benefit all Californians. By enhancing the public's enjoyment, it provides for retail uses that primarily serve visitors rather than specifically local neighborhood needs.

This purpose relates directly to this White Paper's intent and to the discussion of the appropriate nature of retail in modern mixed-use waterfront developments, such as Seaport San Diego. Over the decades, the Public Trust Doctrine has allowed interpretations to accommodate emerging conditions and to support broader public access. The California Supreme Court has confirmed the Doctrine is sufficiently flexible to encompass changing public needs to maintain waterfronts as relevant and attractive to visitors of all income levels. [2]

2. SEAPORT SAN DIEGO PROJECT DESCRIPTION

Seaport San Diego is proposing a balanced, integrative, multi-use development which will significantly showcase and enhance the experience of the San Diego waterfront for visitors from all over the State as well as the nation and the world, in keeping with San Diego's international reputation as a premier visitor destination.



[2] Slide 10 of *The Public Trust Doctrine and the Modern Waterfront: Protecting the Environment and Promoting Water-related Economic Development: A Public Trust Synopsis,* p 10. Developed by the staff of the California State Lands Commission in 2007 and presented in workshop settings in San Francisco, Los Angeles, and San Diego.

The 70-acre site (40 on land and 30 of water) has earned the title “the 100% corner” due its centrality and profile on the San Diego’s Bayfront. The current plan and vision is over 1.5M s.f. of built space and includes the following components:

- Three separate hotels with a total room count of approximately 1,200 rooms; each hotel type with a separate price point (low, moderate and high) to appeal to a broad range of income levels.
- A world class, 180,000 s.f. aquarium programmed by Scripps Institution of Oceanography with a focus on “Ocean Optimism” that will anchor Seaport San Diego’s core values of conservation and education.
- An iconic 480 ft. high observation Spire with three high-level decks to allow public access to the sweeping views of the Bay, while integrating immersive maritime Virtual Reality (VR) and Augmented Reality (AR) educational experiences on both the ride up and the observation decks above.
- An array of new in-water developments including revitalization of the historic Tuna Harbor commercial fishing basin; new recreational boating and public water activities such as a floating pool and a new beach for visitors to access the water; in-water space for Blue Tech incubators such as aquaculture and robotic testing; and environmental marine education exhibits such as wetland recreations along the edges.
- A 90,000 s.f., 900 student Maritime Learning Center under the stewardship of Scripps Institution of Oceanography which will provide career education pathways for both blue and white-collar jobs in the emerging Blue Economy.
- A 120,000 s.f. maritime office building housing a waterfront extension annex of Scripps Institution of Oceanography and a “San Diego Blue Tech Cluster Hub” under the leadership of The Maritime Alliance.
- 320,000 s.f. of curated retail stores, markets and restaurants to define and enhance the appeal of Seaport San Diego as a “one of a kind” experiential waterfront destination. Food and beverage offerings will make up more than half of Seaport’s retail space and will include a fisherman’s market where local fisherman will sell their catch direct to the public and local restaurants. To target visitors to San Diego’s waterfront, the remaining retail stores are envisioned as a combination of destination and impulse-oriented retailers as well as some of the existing and beloved Seaport Village retailers. The retail and restaurant components are intended to play a key role as the “glue” that connects the uses and attractions while also supporting and subsidizing the economic viability of the community benefit “non-profit” environmental and educational components of Seaport San Diego.

- Parking will be in a two level, adaptable underground structure accommodating approximately 2,200 cars.
- Approximately 75% of the site will be publicly accessible open space designed and programed to operate on a 24/7 basis.

3. ANTICIPATED "USERS" OF SEAPORT SAN DIEGO

Based on the site's location in the heart of San Diego's tourist zone and the mix of uses including visitor attractions, hotels, waterfront restaurants and stores, and water-related facilities, visitors not local residents will comprise the vast majority of "guests" at Seaport San Diego. The 35-million annual visitors to San Diego is growing annually and overwhelms the downtown resident population of less than 35,000. San Diego visitor seasonality (50% of all visits take place between May and September) will raise the percentage of local patronage during off-peak visitor periods; however, non-visitor participation is projected to be a small fraction of the total number of the annual attendance to Seaport San Diego.

Current anecdotal estimates are that approximately 3M people visit the existing 13-acre Seaport Village project annually and that most are visitors or tourists. The adjacent Midway Aircraft Carrier Museum has been ranked as the #1 outdoor museum in the US and currently attracts approximately 1.5M visitors annually. We estimate once Seaport San Diego is complete and operational, it potentially could attract well over 10M visitors annually.

4. CURRENT TRENDS IMPACTING THE RETAIL MARKET

Shopping has been and will continue to be an important component of visitor activities in tourist-oriented waterfront developments. The draw to these activities is shifting and very significant impacts are being seen as e-commerce continues to show double digit year-over-year growth in the multi-trillion-dollar U.S. retail market. Some of the current trends affecting the retail market are:

(1) "Customer Attractors" are changing. Simply grouping a bunch of stores in a mall setting is no longer sufficient; there must be other compelling reasons to visit a shopping destination such as interesting and memorable experiences that go beyond solely shopping activities. The new retail environment is being called experiential or "edutainment" which is a strategy that not only entertains shoppers but also educates them into spending. It caters to modern consumers who are seeking brand experiences that enrich their lives beyond the shop floor. Savvy retailers are complementing this with their own compelling in-store experiences for their customers, resulting not only in consumer allegiance but

[3] San Diego Tourism Authority's *San Diego Tourism Marketing District FY 2019 Funding Application*, p. 24.

also a more profitable bottom line. The synergies associated with a rich, one-of-a-kind, and diverse place combined with a state of the art retailing experience is shaping how and why visitors are attracted to new developments. They are looking for places that offer the "best of the trade area" as they pursue authenticity, experiences, and education in these special places.

(2) The internet is influencing but not replacing the need for physical retail environments. In many product markets, customers still demand to see, feel and touch a product before buying. Stores are seen as one part of a distribution platform; however, these stores are smaller and take on the role as a showroom and brand statement for the consumer in recognizable "brick and mortar" branded locations. The possibility of storefronts to offer new interactive experiences that are both tailored to unique site-specific visitor involvement while offering the internet's immediate access to global markets and its ability to satisfy consumer demands anywhere and anytime are blending and leveraging the advantages of each.

(3) A visitor destination that is authentic and activated will effectively encourage a project's sustainability and success as a viable retail venue. This is known as "**Placemaking**", which Wikipedia defines as a "multifaceted approach to the planning, design and management of public spaces and capitalizes on a local community's assets, inspiration and potential with the intention of creating a place that promotes people's health, happiness and wellbeing." The expected result is that the most successful large mixed-use projects in the future will be those that create these authentic, activated destinations and become the favored locations for the retailers in the future. As the famous sociologist, urbanist and writer William H. Whyte wrote, "What appeals to people most, it would appear, is other people".

5. DISCUSSION OF THE IMPACT OF CHANGES IN THE RETAIL MARKET AS RELATED TO SEAPORT SAN DIEGO

IMPACT OF E-COMMERCE

A far-reaching multi-year, generational shakeout is underway in the retail industry. Conventional store closures, consolidations, and bankruptcy filings are significantly thinning the retail ranks. It is impacting how, when, where, and how often people shop. Surviving retailers are increasing investments in technology, pursuing multiple sales channels to sell merchandise, and focusing on improving the in-store customer experience.

These shifts in shopping patterns and habits are accelerating, are global in scope, and challenge individual physical stores and collections of stores everywhere to respond with

new approaches to remain competitive. The new wave of retail stores breaks many of the old rules regarding categories of merchandise lines. Accordingly, these innovative approaches to retailing place a high degree of emphasis on the in-store customer experience.

In this light, the e-commerce revolution has undermined old notions of what retail shopping should be and of what a retail trade area looks like. If brick and mortar retail such as that at Seaport are to succeed, they need to establish a unique, alternative plan for visitors.

E-commerce's advantages include allowing anyone, anywhere to instantly compare products and pricing globally on a single, hand-held device allowing the consumer to take firm control of the process of acquiring goods and services. The efficiency of e-commerce enables the consumer to visit fewer individual stores less often, for less time, and to have their purchases delivered to their home, office, or other convenient location.

These benefits have created downward pressure on pricing due to internet transparency and worldwide access to products, thus negatively impacting many retail profit margins. Large chain stores and small mom and pop merchants alike have been left with excess physical store space as they re-tool their businesses, investigate efficiencies, and attempt to capitalize on the creative destruction of many long-held retail traditions involving stores and their customers. As retailers follow the consumer in embracing e-commerce, the physical retail store spaces, locations, tenant mix, market assumptions, and project economics associated with retailing goods are all being recalibrated.

The e-commerce revolution has accomplished this with +/-10% market share compared to brick and mortar stores currently. Trend lines point to continuing double-digit annual gains with a 30+% e-commerce share predicted in some product categories before stabilization is achieved.

NEW RETAIL STORE APPROACHES AND SEAPORT SAN DIEGO

What advantage, then, could a brick and mortar store offer to counter the advantages of e-commerce? At Seaport, the appeal of the water-side site alone generates a substantial number of visitors. What kind of unique retail experience would attract these visitors to patronize these stores? One answer is the use of in-store technologies which they may not have access to in their hometowns. In-store technologies can fabricate specialized products on site, order or mail easily, or offer physical contact with discretionary items. In addition, a heightened communal experience can be appealing in contrast to the experience of ordering products on-line at home — usually a solo experience. The traditional shopping trip in a group can become once again a social outing that can

compete with an instantaneous online shopping transaction.

Visitors seek out both recognizable brands and local products not available in their hometowns. When they see familiar brands such as Nike or Apple, it validates the project and increases visitor satisfaction. Seaport seeks to achieve a mix of both major brands and strong local proprietors to create a strong and compelling experience for visitors who are looking to be entertained in their shopping excursions. Unique specialty movie theaters; innovative health, exercise and wellness offerings; food halls and local farmer's and fish markets; and leading retailer/restaurants such as Eataly, Bonobos, Apple flagship stores and others point the way for the future. In keeping with the Public Trust Doctrine, Seaport San Diego will seek to encourage visitor public use and enjoyment of waterfronts by responding to this trend.

"Younger consumers have drastically different buying habits, make life decisions later, and seek more experiences—as opposed to products—than older generations. heart-share equals market-share...people still want to shop...it's recreational, it's social," says Jack Kleinhenz, Chief Economist for the world's largest retail trade organization, National Retail Federation.

The newest retail store formats are designed to recapture consumer attention from online retail by creating environments that bridge online and offline sales. Brick and mortar stores are adding new features including food and beverage, instore product manufacture from 3D scans done on site, showrooms featuring merchandise that can only be ordered online and delivered, and other innovations. These new-wave brick and mortar stores are one facet of multi-channel shopping opportunities for visitors as traditional retailers transition to sell both online and off line. To highlight these changes, note that a number of online retail companies, including Amazon, have now begun to open and acquire physical retail stores to extend their omni-channel distribution.

Change has always been a hallmark of fashion trends and traditional retail stores. However, today, major societal changes are applying unprecedented pressure to the way retail business is conducted. Pop-up stores, shorter lease terms, smaller foot prints for permanent stores, faster turn-over in merchandise, extreme growth in the "value" and outlet retail segment, resurgence in traditional downtown retail stores as consumers seek authentic experiences versus homogenous mall environments, and even stores that rent merchandise for a monthly fee instead of selling it (such as Rent the Runway, Infinite Style by Ann Taylor, and shoe discounter DSW) are the vanguard of much more change ahead. To be viable and successful, Seaport San Diego needs to be responsive and at the forefront of this progression.

The new retail stores and restaurants planned for Seaport San Diego will be an integral part of the entire project and serve as the connective tissue in a complex, visitor-oriented environment. This will enhance visitors' multi-dimensional enjoyment of being on the waterfront. The physical design of this retail component will accommodate flexibility and the ability of restaurants and retail stores to adapt as the market and competitive conditions continue to evolve.

These stores will have access to 14 million annual overnight leisure visitors to San Diego, 3.5 million annual overnight business visitors to San Diego, 17.5 million annual single day visitors to San Diego, and the 3.4 million residents located within a one-hour drive-time. In addition, through their online presence these retailers can literally reach a global trade area. A visitor or tourist could order merchandise online before leaving home and have it delivered to their hotel or pick it up at the Seaport San Diego store. Alternatively, that visitor could "shop" at a retail store/show room onsite at Seaport San Diego and then order the merchandise for home delivery while sitting in the airport waiting to board a plane home. The combinations of such potential shopping/transaction formats are nearly limitless. To serve its visitors and to be economically viable, Seaport San Diego needs to be flexible.

IMPACT OF TRANSPORTATION CHANGES ON RETAIL

Besides e-commerce, other technological changes will alter the way visitors use retail locations. In the near future, the public will have a range of personal transportation options which will impact how long customers shop and how they access stores. Autonomous cars are a major game-changer for retail and this phenomenon is in the process of rolling out broadly. General Motors (GM) is planning a fleet of autonomous cars by 2019. Uber and Lyft charge roughly $1.50 per mile currently, and GM is targeting $1.00 per mile for driverless transport by 2025. GM envisions a shift from selling cars to individuals to a ride-hailing fleet that will charge people by the mile. Impacts of this revolution in automobile transportation on retail stores will be significant.

The current dominant role of parking in retail environments will be diminished along with its outsized line item cost on the retail development pro forma. Customer efficiency in shopping at physical stores will be increased dramatically. Pick-up and delivery of goods will gain new cost-effective options.

While Seaport San Diego is currently planning to have underground parking for 2200 cars under current codes, predictions indicate this need and demand will be significantly reduced within the next decade. These structures are being designed so they are adaptable for future uses such as restaurants, makers space, galleries, theaters, gyms, event spaces,

and storage. If the need for parking is shown to be redundant in the next four to six years (the predicted ground breaking for Seaport San Diego), these structures can be reduced or eliminated. The cost of these underground parking spaces exceeds $60,000 per space due to the entire parking structure being underground and below the water table. If this cost and time of construction can be eliminated, the changes to the financial proforma and operations of mixed-use projects will be major and provide a competitive advantage compared to the traditionally designed and built projects.

INTERSECTION OF RETAIL INDUSTRY CHANGES WITH THE PUBLIC TRUST DOCTRINE'S GOAL OF PROMOTING WATER-RELATED ECONOMIC DEVELOPMENT ON CALIFORNIA WATERFRONT PROPERTIES

The evolving changes in visitor retail intersect with the Public Trust Doctrine and particularly with the promotion of water-related economic development on California waterfront properties. The development of productive, highly-competitive retail stores can serve as an important placemaking element and an economic support for the non-retail components of waterfront properties. The current changes in the retail industry outlined above present challenges but also new opportunities to consider policies that better foster the creation of desirable visitor-serving retail environments that also have positive economic and consumer image impacts on waterfront properties under the Public Trust Doctrine jurisdiction. **The alternative may be to risk that these important sites will fall by the wayside, and the relevance and viability of future mixed-use developments may be negatively impacted.**

An Apple executive was quoted recently in a discussion about their flagship stores (many of which are intentionally located in areas with high visitor populations, such as Chicago's Michigan Avenue, San Francisco's Union Square, and Manhattan's Fifth Avenue): "We actually don't call them stores anymore—we call them town squares. The company dreams its flagship stores will become gathering places." These types of experience are significant visitor attractors for people who do not have these stores in their local communities.

VIABILITY OF A "QUADRUPLE BOTTOM LINE"–PEOPLE, PLANET, PROFIT, AND PURPOSE (PPPP) ON THE PROJECT

Seaport San Diego is uniquely positioned to create a new framework and paradigm for waterfront development. The guiding concept for its master plan, architecture, and economic program is its "Quadruple Bottom Line" that addresses:

[4] Project for Public Spaces, pps.org, date Posted: Jan 2, 2009.

- **P**rofit - financial viability and sustainability
- **P**eople - beneficial impact to society and community
- **P**lanet - positive effect on the global environment and Spaceship Earth
- **P**urpose - contributing to the greater good for everyone

The intent is a waterfront experience for visitors centered on the waterfront eco-system that is also economically viable and self-supporting. In order to achieve this goal, less profitable but important project components such as the Marine Learning Center, the revitalization of the San Diego commercial fishing industry, and the education and conservation initiatives at the Aquarium teaching children and adults about the importance of our oceans to the survival of the human species, will need support and subsidy from the more profitable components. Without these synergies, which make the whole greater than the sum of the parts, the vision for Seaport will not be attained.

The retail element of Seaport San Diego is a major driver of a financially viable Seaport San Diego Project. Without the ability to attract and integrate the new type of retail tenants to the project, the capability to support and subsidize the beneficial community based, non-profit elements will not be possible.

IMPACT OF THE EVOLVING PUBLIC TRUST DOCTRINE POLICY REGARDING NON-VISITOR-SERVING STORES

While the Public Trust Doctrine has been interpreted to allow only a small spectrum of retail uses narrowly defined for tourist or visitor sales (eg, souvenir stores), today's visitor industry defines retail much more broadly to reflect a multi-dimensional experience (education, recreation, shopping) encouraged by on-line sales.

In today's rapidly changing retail industry, it is increasingly difficult to define "non-visitor" stores in developments such as Seaport San Diego. Some retailers are converting to showrooms for internet purchases, other stores are adding restaurants, and a wide array of hybrid formats are emerging that are designed to broaden the market appeal of physical stores while also expanding their online presence. Retail orders can now be placed anywhere across the globe and merchandise can be delivered to a customer in many different ways in many different places.

The ultimate success of Seaport San Diego's retail component depends upon the Public Trust Doctrine permitting an expansion of allowable uses that will attract a wider number of visitors and add to the overall visitor experience. The success of the project's retail component is integral to the success of the overall project, since it is linked physically, economically, and experientially to the project as a whole.

Commercial uses were originally restricted to commercial uses such as fishing and shipping, and retail directly related to tourists' waterfront experience. As retail stores and restaurants have been acceptable uses to support visitor satisfaction in such waterfront developments, the changing character of retail today and of current visitor expectations for retail in tourist areas (as outlined in this White Paper) strongly suggests the emerging and new definitions of retail be allowed at Seaport San Diego as this will stimulate public access, increased use, and enjoyment of the waterfront.

6. WHY SEAPORT SAN DIEGO HAS AN UNRIVALED OPPORTUNITY TO ACHIEVE INTERNATIONAL RECOGNITION AS AN ICONIC VISITOR-SERVING WATERFRONT DESTINATION

Its physical location and plan, its multi-dimensional purpose, and its economic plan form an integrated concept to achieve success. Its design incorporates elements that have been proven to produce successful public places on waterfronts around the world. Project for Public Spaces (www.pps.org), an internationally recognized expert, has defined the 10 factors that create great waterfronts in cities around the world. [4] Seaport San Diego incorporates all of these critical elements, thereby providing an opportunity to present a truly game changing project for California that may become the benchmark for mixed-use projects that follow.

The ten factors are:

1. SURROUNDING BUILDINGS ENHANCE PUBLIC SPACE

Any building on the waterfront should boost activity in the public spaces around it. Ideally, there should be a mix of uses, with seamless interaction between inside and outdoors. High-rise towers that lack any public uses on the ground floor are noticeably out of place along rivers, lakes and ocean fronts. They usually create a wall that physically and psychologically cuts off the waterfront from surrounding neighborhoods.



Buildings on the harbor in Auckland, New Zealand.



The Chicago waterfront hosts a variety of shops, restaurants, tours, and transportation.

[4] Project for Public Spaces, pps.org, date Posted: Jan 2, 2009.

2. LIMITS ARE PLACED ON RESIDENTIAL DEVELOPMENT

[Seaport San Diego has no residential development in accordance with the State Lands Doctrine.]

3. ACTIVITIES GO ON ROUND-THE-CLOCK AND THROUGHOUT THE YEAR

Waterfronts that thrive year-round will reap substantial community and economic benefits. Rain or cold is no reason for a waterfront to sit empty. Creative programming can take rainy and winter weather into account, and smart use of amenities can provide protection from inclement weather. Likewise, people enjoy being by the water at night if appropriate lighting and special events make them feel welcome and safe.



Even on a blustery day, the seafront in Brighton, England still draws a crowd because of its flexible design and destinations that are open all year round.



Waterfire, a pyrotechnic public art project, brings crowds to downtown Providence in the evening hours.

4. FLEXIBLE DESIGN FOSTERS ADAPTABILITY

Successful waterfronts must adapt to many changes that bring different users at different times. Programming and management are helpful in serving diverse audiences, but flexibility must also be built into the design of the place. Instead of a permanent stage, for example, which is well-used in the summer but not the winter, a retractable or temporary stage could be used. Likewise, it is important to have on-site storage for movable chairs, tables, umbrellas, and games so they can be used at a moment's notice.



Despite minimal funding, Long Island City's Water Taxi Beach provides a compelling example of the potential for NYC's waterfront by successfully layering uses.



Book and art stalls pull in curious browsers along the Seine in Paris.

5. CREATIVE AMENITIES BOOST EVERYONE'S ENJOYMENT

The best waterfronts feature amenities that increase people's comfort and enjoyment. A bench or waste receptacle in just the right location makes a surprising difference in how people choose to use a place. Lighting strengthens a square's identity and can draw attention to specific activities, pathways or entrances. Public art is a great magnet for children of all ages to come together. Whether temporary or permanent, amenities help establish a convivial setting for social interaction.



Paris's Plage's benches comfortably accommodate social groups of various sizes.



Water features on Granville Island create an alternative connection where direct access to the water is not possible.

6. ACCESS MADE EASY BY BOAT, BIKE AND FOOT

Waterfronts flourish when they can be accessed by means other than private vehicles. In Sydney, Stockholm, Venice, Helsinki, and Hong Kong, people head to the waterfront via boat as much as by land. You can dramatically enhance the character and experience of a waterfront when it is easily reached in ways other than driving. Access by foot and bike are a crucial element of the transportation mix, which is why many of the most beloved are crowned by pedestrian promenades and bike lanes. People feel more at ease when not overwhelmed by traffic and parking lots, creating a climate that fosters a full breadth of waterfront activity. Where streets are absolutely necessary for commercial deliveries, or access to retail or marine uses, they should be designed to minimize their impact on pedestrian safety and enjoyment, and always be closed for events and festivals.



Water-transit provides a prominent connection at Dubai Creek.



In Porto, Portugal's Ribiera district streets are scaled for pedestrians, and motor vehicles allowed only as guests.



The harbor in Stavanger, Norway is dramatically enhanced by water-borne transit.

7. LOCAL IDENTITY IS SHOWCASED

The greatest waterfront destinations are found in cities that truly orient themselves to the water. Venice and Stockholm are defined by their waterfronts, and residents and visitors alike naturally gravitate there. Making the most of local identity, history and culture stimulates widespread interest in the waterfront and creates a unique sense of place. Frequent opportunities to appreciate local art, music and theatre helps draw a community together around the waterfront.



Brooklyn's Coney Island has developed its own unique image over the years.



Brooklyn Bridge Park uses public art and informational posts to offer fun lessons.

8. THE WATER ITSELF DRAWS ATTENTION

The water itself is the greatest asset of any waterfront, and should become the centerpiece for programming and activities. This can include traditional marine uses such as a ferry terminal or fishing port, which helps preserve a place's identity. Additional activities may include water-taxis, boat tours, restaurants or bars on anchored boats, fishing, rock skipping, floating pools, kayaking and swimming. Many of these activities not only attract users to waterfront but also generate interest among onlookers. Embracing the natural uses of a waterfront leads to thematic programming such as boat festivals, fish markets, bait and tackle shops, and performances on floating stages.



Waterfront fish markets contribute to the identity of Oslo's Aker Brygge Waterfront.



Water polo matches played in kayaks has emerged as an intriguing attraction at New York's Frying Pan Bar and Restaurant on the Hudson River in Manhattan.

9. ICONIC BUILDINGS SERVE A VARIETY OF FUNCTIONS

Iconic, attention-grabbing buildings that reflect a human scale and do not detract from the surrounding context can be a boon to the waterfront, so long as they serve a variety of functions. On a recent weekend morning in Stockholm, the busiest building along the

waterfront was, surprisingly, the City Hall. Surrounded by a plaza, park, and courtyards, this landmark shares its slice of the waterfront with a pier where boats embark on waterfront tours. Clearly, this City Hall (where the Nobel Prize banquet is held each December) is more than a one-dimensional icon, it is also a good neighbor exhibiting a strong sense of place. Today's iconic buildings should strive to achieve the same flexibility and public-spirited presence.



Stockholm's City Hall is not just the 'seat' of local government.



Belfast's City Hall is home to specialty markets like the annual Christmas Market hosted on the steps to the building.

10. GOOD MANAGEMENT MAINTAINS COMMUNITY VISION

Management is essential to ensure that a successful waterfront stays that way. Cities could adopt the model of the Business Improvement Districts (BID) that have been successful in restoring and maintaining the vitality of many downtowns and commercial districts. A "WID" could forge partnerships between city agencies, property owners, waterfront businesses and community organizations in the surrounding district, so that waterfront programming–such as temporary exhibits of local artists or music performances– gives the place a unique character. Such an organization would be very helpful in sustaining a diverse variety of activities and events throughout the year and implementing programs that can be used to generate revenue that benefits the waterfront as a whole.



Stavanger, Norway's waterfront features active programming on and off the water.



Active and evolving programming, as seen here in San Francisco, is essential to waterfront success and may also be used to generate revenues.

7. CONCLUSIONS AND RECOMMENDATION

The major changes in consumer buying habits and retail stores driven by technology provide a timely rationale for addressing ambiguities in the Public Trust Doctrine's definition of visitor-oriented stores. Successful retail developments are enhanced by clarity in policies, especially as they pertain to restrictions on critical, revenue-generating project elements.

Traditional retail categories of merchandising are being blurred as many hybrid formats are emerging. Physical retail stores seek to retain customers while also embracing e-commerce. Separately, internet retail sales continue to gain market share, putting pressure on pricing and thus eroding traditional retailer profit margins. Simultaneously, internet retailers are venturing into physical store spaces to take advantage of showrooms and the direct consumer contact that stores afford. The result is multi-channel retailing with both traditional retail stores and internet retailers competing in each other's core areas of competence.

This tumult in the retail sector directly impacts visitor-oriented waterfront developments such as Seaport San Diego. These changes are forcing once-fiercely independent stand-alone stores into innovative new formats that forgo single-use models to pursue integrated mixed-use developments featuring non-retail and also non-profit adjacencies.

Seaport San Diego's carefully curated series of development components are focused on an integrated set of educational, recreational, and retail uses that interact to create a comprehensive visitor experience built upon the foundation of its "Quadruple Bottom Line" principle of people, planet, profit, and purpose.

The creative destruction underway in traditional retailing is producing winners and losers, mergers and breakups, and many store closures. Out of this, the consumer is the big winner. Prices are sharper. Products are more accessible. Many retail stores are moving toward more experiential and more customer-centric environments.

Going forward, retail development faces challenges. Capital markets are more skeptical of retail. Once the darling of investment alternatives, single-use retail projects need more justification than ever before. As physical store profit margins are under stress, the rents paid to retail landlords are similarly under pressure.

Mixed-use projects such as Seaport San Diego, where retail is an integral component of a larger project, can capitalize upon the synergy of uses. Seaport San Diego's major visitor attractions such as its aquarium, observation spire, hotels and maritime facilities will combine with the waterfront walks, restaurants, and retail stores to create a seamless,

cohesive visitor experience on the waterfront. The project retail stores are a critical economic component that will contribute substantially to the funding and development of the project's maritime and other main visitor attractions. They are also an integral and appealing part of the visitor experience at the waterfront.

The consumers who visit will expect retail stores at Seaport San Diego to be a comprehensive mix of best-of-kind stores. Similarly, top retailers typically will seek strong retail co-tenants before leasing space. Retail candidates to lease space in the project will judge the property's ability to compete effectively for customers in the marketplace. A tenant mix and leasing plan with a full complement of stores will be important for Seaport San Diego in competing on a level playing field with other retail developments.

Well attended restaurants and retail stores that perform and present well create a level of excitement, energy and economic gains that translate into a successful project overall. In contrast, if the project's retail component were to underperform in sales, occupancy, and cash flow, it creates risks for the other project components. The retail stores are the face of Seaport San Diego and their performance will be a critical indicator. Retail is the most fragile land use and it performs best when its stores are aligned with their market.

Based on all the above, we respectfully suggest the following guidelines for this expansion in interpretation relative to the Seaport San Diego Project:

Retail uses for Tidelands development should enhance the visitor experience of the waterfront. They should be part of a larger multi-dimensional plan and usages and should contribute economically in a substantial way to support the multi-dimensional educational, recreational, and commercial experience of our Tidelands.

Retail stores of 20,000 s.f. or less will be considered holistically and in the context of the entire project and not on an individual store basis. Stores above 20,000 s.f. will be reviewed and evaluated based upon the following criteria:

- **Visitor Usage**
- **Unique, Experiential Opportunities**
- **Water Related Significance**
- **Entertainment Value**

APPENDIX F

SEAPORT PROJECT VISION

WORKING DRAFT

DRAFT

IMAGINE SEAPORT

Imagine a place where friends gather, families play, and an entire community celebrates; a place where the wonder of the ocean becomes a part of daily experience, where local fishermen sell visitors the catch of the day, and children marvel at the boats on the bay. Imagine a marketplace filled with local food, crafts, and entertainment and a vibrant, welcoming hospitality village thriving in the sunshine and sea air. Imagine the best of San Diego.

This is Seaport.

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» Activities and Program 99

These recommendations are intended for use as a guideline for designers and other stakeholders of the Seaport development. The overall experience of Seaport should embody the recommendations in this book. However, it is understood and expected that design teams may interpret these guidelines in many ways.

01 THE SEAPORT STORY

“The ocean is a mighty harmonist.”
William Wordsworth

CELEBRATING SAN DIEGO

Seaport is a place that celebrates what is truly unique about San Diego. Seaport reflects our people, our environment, and our spirit. Seaport welcomes, educates, and inspires. It offers surprise and delight.

Seaport will celebrate San Diego across its multiple neighborhoods, places, and experiences. We will celebrate through the design of our buildings and public spaces, family gatherings, school visits, community events, and the everyday memories we create with each visit.

Come celebrate San Diego with us at Seaport.

CELEBRATE

Ocean & Working Waterfront

Seaport is where the water and the city meet. It is deeply connected to the health and biodiversity of the ocean, embracing the ocean's importance to both the San Diego community and the earth.

Seaport fully celebrates this connection to the ocean and the working waterfront with a vibrant Tuna Harbor, active fisherman's market, experiential aquarium, engaging educational activities, and quiet spots for people to simply watch the ships go by and the tides caress the shore.

"Look at where Jesus went to pick people. He didn't go to the colleges... he got guys off the fishing docks."

Jeff Foxworthy

EXAMPLE PROGRAM ELEMENTS

- Water shuttles / water taxis using the historic boat fleet
- Views creating connections to the waterfront and ocean ecosystem
- Working fishing harbor
- Educational events highlighting fish species, cultural food preparation, environmental stewardship, science and aquaculture
- Seafood cooking events and cookoffs
- Guest appearances by local and celebrity chefs
- Saturday morning fish market including catch and eat options
- Co-uses with tugboat fleet and other boat tours
- Recreational maritime activities
- Marine references and learning opportunities throughout the site
- Marine-oriented retail
- Access to the shoreline and bay



CELEBRATE

San Diego's History & Culture

From the earliest days of local native tribes and European settlers, to the emergence of fishing and military industries, the Seaport site has been the heart of San Diego. As the start of California's legendary Highway 1, it is also a nexus of California coastal culture and the region's special connection to Mexican culture and heritage.

Seaport fully celebrates this history with subtle references embedded in the design, while avoiding nostalgic reproductions. Seaport also creates opportunities for dynamic and interactive events, entertainment, and educational experiences that reference Seaport's historic and cultural context.

EXAMPLE PROGRAM ELEMENTS

- Festivals and events to celebrate multiple local cultures, nationalities, and holidays
- Stores that sell crafts and food that reflect the many different cultures of San Diego's communities
- Subtle markers of past historical events that took place on the site
- Integration of materials that reflect historic connections (e.g. industrial materials of fishing and naval industry, materials from Highway 1 car culture, colors and pattens that reflect Mexican culture, etc.)
- Augmented reality (AR) tour of current and historic events available through the Seaport App



CELEBRATE

Community

San Diego cherishes its diverse, vital communities and its strong sense of social connectivity. Seaport celebrates the entire San Diego community – locals and visitors – by providing welcoming, accessible venues for gatherings of all sizes. It hosts events where San Diego's diverse populous can rally together. Seaport celebrates people exploring, discovering, and sharing the joy of life together.

EXAMPLE PROGRAM ELEMENTS

- Picnic areas throughout the site
- Summer movies and concerts at the floating barge
- Outdoor craft beer garden
- Marketplace with multiple seating areas and communal tables
- Parks with areas for play, sport, gathering, and relaxation
- Unique events drawing people from across the County
- Bike share
- Areas for group fitness classes (outdoor and indoor)
- Partnerships with local organizations
- Diverse outdoor event spaces
- Variety of food and beverage offerings



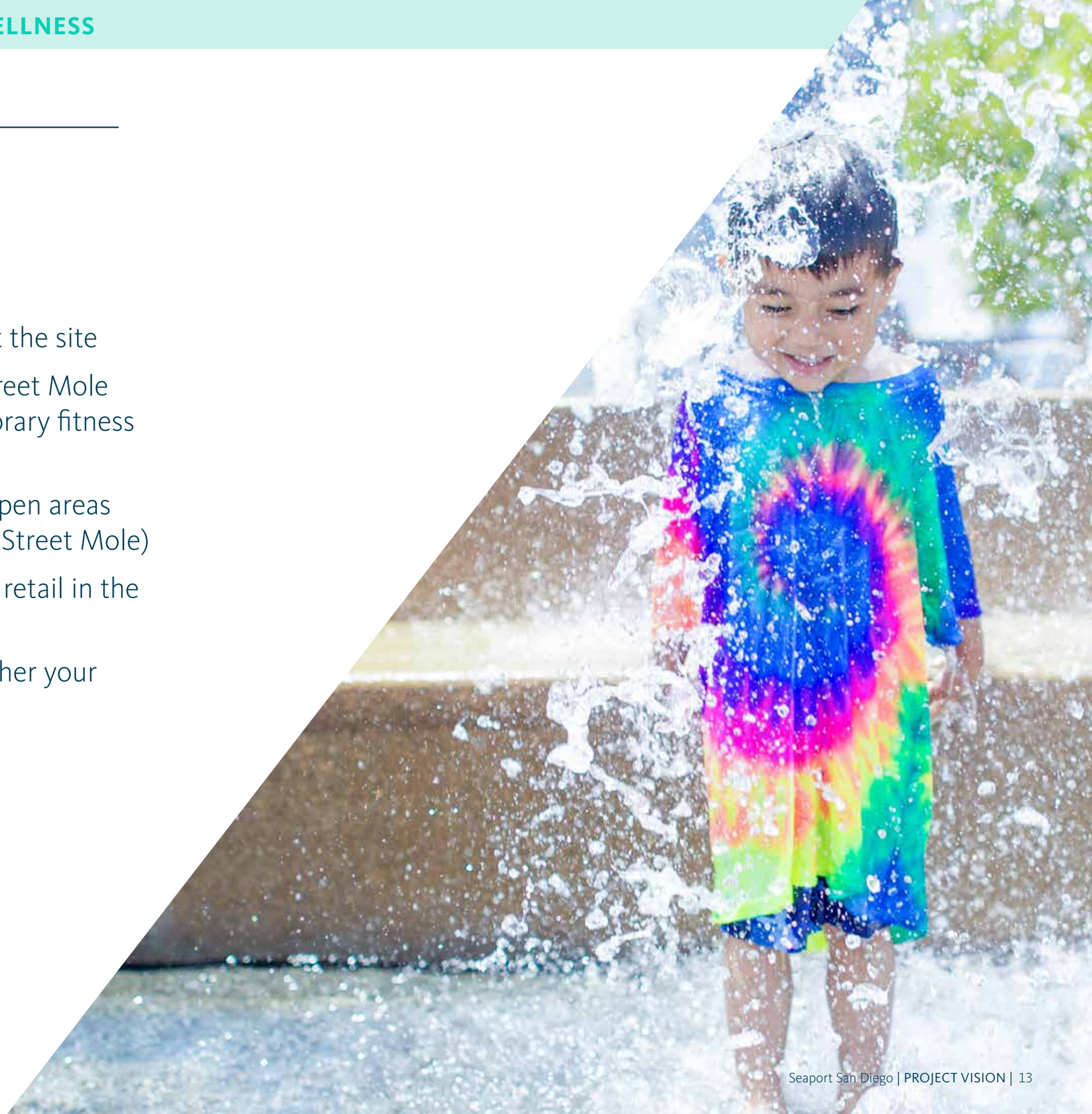
CELEBRATE

Health & Wellness

San Diego is a wellness capital, and Seaport fully supports San Diego's wellness, fitness, and health culture as part of its core experience. From the fitness center and outdoor exercise areas of Peninsula Park; to the fresh offerings of the Fisherman's Market; to the cool, calming breezes and serenity of connecting to the water – the Seaport experience will inspire its visitors to thrive in mind, body, and spirit.

EXAMPLE PROGRAM ELEMENTS

- Unique fitness-oriented destinations
- Fitness community hub at the Peninsula
- Easy walking and biking access throughout the site
- Areas in Ruocco Park, Esplanade, and G Street Mole for trainers or individuals setting up temporary fitness equipment or laying down fitness mats
- Fitness instructors holding classes in the open areas (Peninsula, Ruocco Park, Esplanade, and G Street Mole)
- Healthy food vendors and fitness-oriented retail in the Village and Marketplace
- Areas of repose and relaxation to read, gather your thoughts, or just meditate along the bay



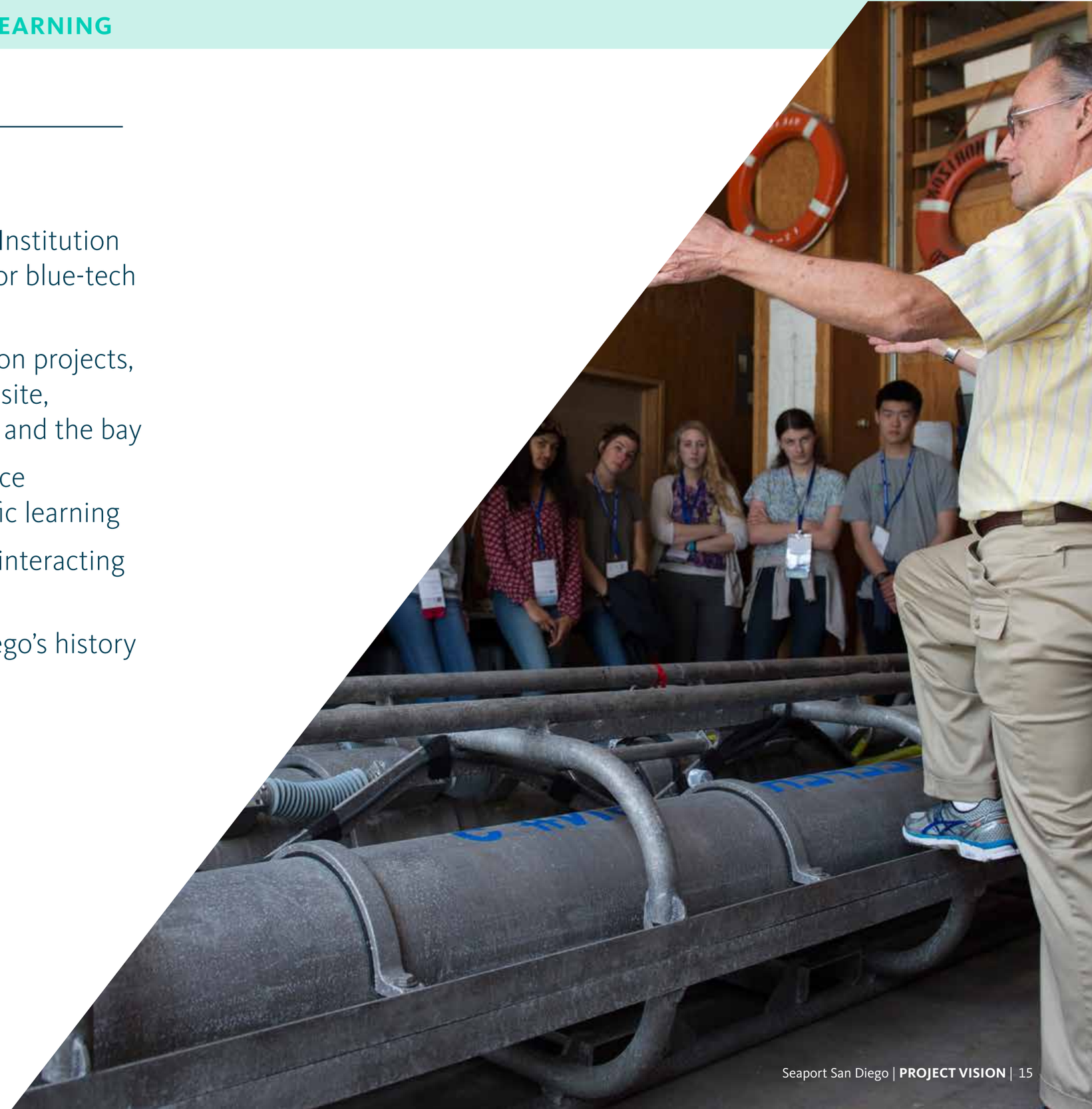
CELEBRATE

Education & Learning

Lifelong learning is a vital part of the Seaport experience. Learning about the working waterfront and its role in San Diego's history; learning about San Diego's geography from the unique perspective of the Spire viewing deck; learning about the flora, fauna, and marine life that makes the San Diego ecosystem so special – each of these experiences is a part of Seaport. Together we celebrate the big and little lessons that come from discovery and the adventures throughout Seaport.

EXAMPLE PROGRAM ELEMENTS

- Lifelong learning center including Scripps Institution of Oceonography programs and training for blue-tech careers
- Areas for display, exhibitions, demonstration projects, and windows into science throughout the site, encouraging connections between people and the bay
- Public learning moments and citizen science opportunities break down walls to scientific learning
- Fishermen, scientists, kids, and the public interacting and learning together
- Art inspired by the waterfront and San Diego's history



Seaport Brand Promise

Seaport is a transformative, engaging destination for all San Diegans and visitors to gather, recreate, learn, celebrate, relax, and enjoy San Diego's unique waterfront.

San Diegans want more meaning and connection from their leisure time and activities. Seaport provides enriching experiences that surprise and delight, creating impactful memories.



Seaport Brand Personality

The Seaport personality is the distinctive character and tone expressed throughout the Seaport experience. These traits are infused through the Seaport environments, activities, and brand expressions.

RELAXED & COMFORTABLE
genuine, informal, warm, welcoming to diverse populations

PLAYFUL & ADVENTUROUS
youthful, curious, creative, surprising, quirky

SOPHISTICATED
memorable, timeless, classic, connected to place

Relaxed & Comfortable

ENVIRONMENTS

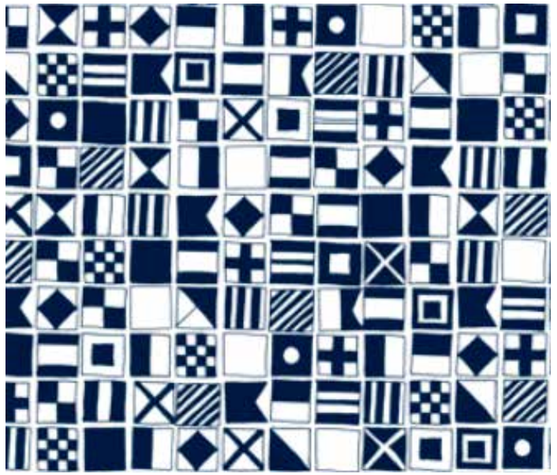








BRAND EXPRESSION









Playful & Adventurous

ENVIRONMENTS









BRAND EXPRESSION









Sophisticated

ENVIRONMENTS









BRAND EXPRESSION









02 EXPERIENCING SEAPORT

“The cure for anything is salt water: sweat, tears or the sea. ”
Isak Dinesen

Core Values & Attributes

Community • Access & Inclusivity • Quality (Experience & Physical Space) • Wellbeing (Mind, Body & Spirit)



Iconic & Intimate



Multi-Dimensional



Local



Inclusive



Authentic



Dynamic

Iconic & Intimate

Seaport blends distinctive, iconic, wow moments with a personal, intimate, and human-scale experience.

- » Funky luxury
- » Cool, unique, and different
- » Intimate, comfortable
- » Memorable
- » Interplay of contemporary and historic
- » Talking points



Multi-Dimensional

The Seaport experience is multi-dimensional and diverse, hosting a variety of activities and textures.

- Mix of materials, colors, and textures (such as bright accents, hand painted features, natural materials, glass, stone)
- Variety of form and options of circulation
- Not single purpose
- Different scales of activities happening
- Areas with a certain personality
- Varied but tied together



Local

Seaport provides a local feeling, celebrating San Diego and the waterfront in a way that is natural and not contrived.

- Great outdoor spaces to take advantage of the beautiful year-round weather
- Local character
- A natural place
- Interaction between promenade and water
- Strongly connected to the waterfront and ocean ecosystem
- Health and wellness at the forefront



Inclusive

Seaport is inviting and welcoming, with something for everyone.

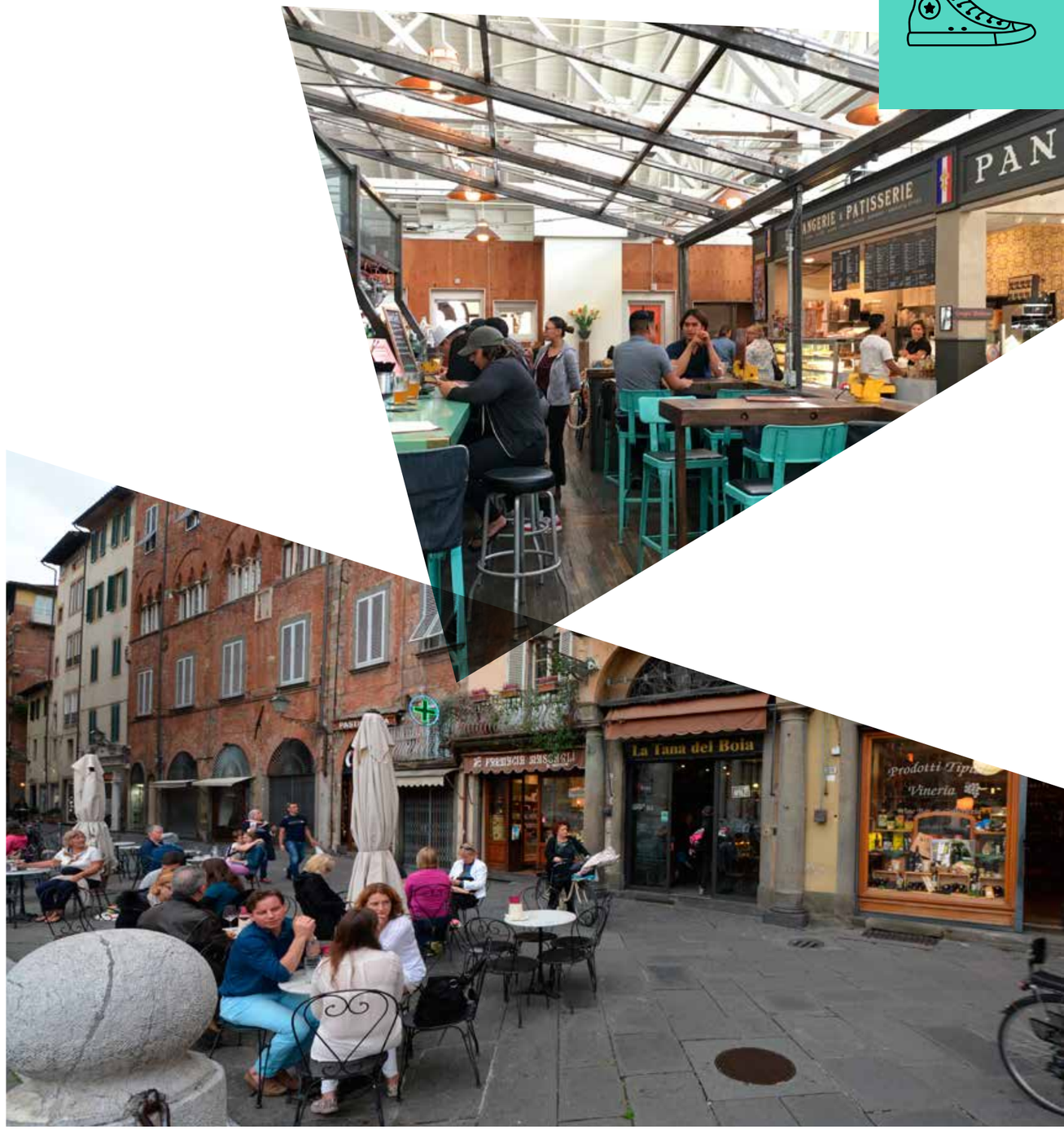
- A place for all people
- Fun and family friendly but with sophistication
- A beacon for the outside in
- Casual
- Transparent
- Inviting
- A mix of different cultures, ages, and interests



Authentic

Seaport will evolve over time and be a timeless, enduring destination.

- » Strong sense of place
- » Practical
- » Sophisticated
- » Contemporary
- » Attractive
- » Patina over time
- » High quality of place and experience



Dynamic

Seaport celebrates discovery, interaction, and engagement – offering experiences you can enjoy again and again.

- » Engaging, not distracting, technology
- » Transition from day to night
- » Contradictory elements capturing attention
- » Non-linear movement and dimension
- » Social and active
- » Unexpected and playful
- » Encouraging exploration
- » Experiential
- » A place to escape



Key User Groups

User personas help identify the needs and desires of potential Seaport visitors. The following journey maps define a few experiences of distinct Seaport users and can inform future planning. They represent a sample of the key user groups shown below; further market research may be necessary to fully understand the diverse needs of these and other user groups.



SUBURBAN FAMILIES



BARRIO LOGAN FAMILIES



MULTI-GENERATIONAL VISITORS



SCHOOL GROUPS



BOATERS



EMPTY NESTERS



CONVENTIONEER



YOUNG SINGLES



TOURIST FAMILY



INTERNATIONAL VISITORS



CRUISE SHIP VISITORS



DOWNTOWN WORKER



KAI & ALICIA

Empty Nesters

WHO

Downtown residents (recently moved from La Jolla when they retired and their youngest child got her own apartment)

WANTS

Make the most of the San Diego outdoors, maintain a healthy lifestyle, and build memories with their grandchildren

THE EMPTY NESTERS SEAPORT EXPERIENCE:



FREQUENT VISITORS

- Visit Seaport several times a week
- Spot them taking walks and buying food at the Fisherman's Market

ACTIVE AGING

- Favorite spots are the Fisherman's Market and Farmers Markets for cooking fresh, healthy weeknight dinners
- Utilize the park and paths for exercise, especially for Tai Chi on quiet mornings before the crowds arrive

ACROSS GENERATIONS

- Love to bring their grandchildren and relive fond memories of the Seaport Village carousel
- Honor Alicia's father, an immigrant, Navy veteran, and tuna fisherman at the north end's outdoor museum

ICONIC ENTRANCE
"You feel transported when you cross Harbor Dr. and enter the district."





"We love being able to walk from our downtown condo to the waterfront."



MARKETPLACE
"What to bring home for dinner...?"

ESPLANADE
"That's a new public art installation! I have to tell Alicia about this!"





AQUARIUM
"Let's see if any events are coming up that we can take the grandkids to."

PENINSULA
"It's nice to take a class on the beach in the morning before the young crowd comes in."





WALTER & Q
Young Singles

WHO

North Park roommates. Foodies. Uber riders. Hip and tech savvy. Moved to San Diego for college.

WANTS

Be on top of the trends. Adventure to cool new spots once in a while.

YOUNG SINGLES SEAPORT EXPERIENCE:



OCCASIONAL VISITORS

» Visit Seaport occasionally to check out something new or enjoy the breeze.

» Spot them people watching, eating fusion food, and drinking local craft beer.

LOCAL TASTES

» Look to Seaport for authentic local food, drink, and retail experiences.

» Value their connection to San Diego and enjoy experiencing the bay.

CONNECT THROUGH TECH

» Find out about Seaport events and new things to do on social media and from lifestyle influencers.

» Book reservations online and rideshare to the site.

» Leave reviews and post images from their visit.

RIDESHARE DROP-OFF
"Nice to get dropped off and avoid the parking hassle."



VILLAGE
"Time to call Uber. Let's make sure to watch for the brewery's summer launch."



SPIRE
"I've heard so much about this pop-up VR experience! We can see the whale migration."



VILLAGE
"I'm excited to try the Peruvian/Thai fusion at Thai con Sabor. I hope we can sit outside on the roof deck."



VILLAGE
"What a unique street performer."



ESPLANADE
"This is a great escape from the heat of our neighborhood. You can see all types of people here."

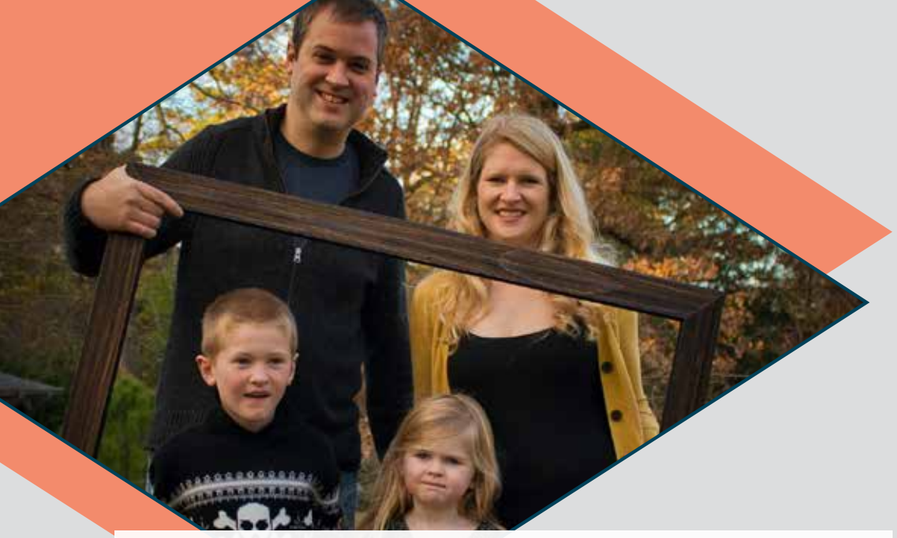


VILLAGE
"I have been waiting for the Spring Seaport Ale! I like the atmosphere here–people appreciate the brews without looking to just get drunk."



ESPLANADE
"Let's stroll down to Symphony Park before dinner. It's such a beautiful walk."





SAM, BETSY, WILL & SARAH **Suburban Family**

WHO

Sam, a developer at Intuit and his wife Betsy, an optometrist, live in San Marcos with their two children, Will (10) and Sarah (8). On weekends, they are always looking for places to visit together as a family.

WANTS

Keep kids engaged and entertained. Plan ahead but go with the flow. Find experiences and events for the whole family.

THE SUBURBAN FAMILY SEAPORT EXPERIENCE:



EVENT GOERS

- Seek meaningful events for family outings and will return if there is something new to see.
- Spend a lot of time at the beach and hiking throughout San Diego County, traveling downtown occasionally for baseball games at Petco Park.

SEEK INTERACTIVE MOMENTS

- Enjoy hands-on, educational, and surprising moments.
- Care about what's in between: photo ops, interactive installations, places to pause, and eye-catching features at different heights.

NEED SOMETHING FOR EVERYONE

- Need to keep both the kids and parents engaged.
- Summertime programming for the kids is a big win.



SPIRE
"Look at all the people and ships—I'm glad we reserved our tickets for the Spire online."



PARKING
"We haven't been to Seaport since Grandma visited us 6 years ago. The underground parking was easy to find."



"A patient told me about the Under the Sea celebration at Seaport this Saturday. Let's check it out."



MARKETPLACE
"Wow, seafood tasting outside the Market! Will, have you ever tried an oyster?"



VILLAGE
"This magic kit was made locally in San Diego...I guess we can get it, Will."



ESPLANADE
"This promenade has great nooks and crannies for hide n seek! Sarah, stand by that octopus and I'll take a picture for Grandma.



AQUARIUM
"What a full day. Let's save the Aquarium for another day."



PENINSULA
"Sarah, look—you can learn about the tides from Aquarium staff and build a sand castle."



JOSHUA
Conventioneer

WHO

A biomedical sales manager who lives in Raleigh, North Carolina. Every couple of years, BioMerge Inc. sends him to San Diego for the BioMed convention.

WANTS

Easy access to dining, entertainment, and fitness options to unwind after a long day at the convention.

THE CONVENTIONEER SEAPORT EXPERIENCE:



SOPHISTICATED LOCAL FLAVOR

- Enjoys fine food, quiet cocktails, and watching the sunset with colleagues and local friends as an alternative to exploring the Gaslamp at night.
- Finds unique gifts and souvenirs for his family while browsing the traditional, local Village Market and the array of new shops.

CONVENIENCE IS KEY

- Chooses to stay at the hotel at Seaport to be close to the convention party hosted at the terrace gardens.
- Enjoys the convenience of nearby health and fitness options like running on the promenade, public cycling classes, and the hotel juice bar.

TUNA HARBOR
"I think the Fish Market Restaurant may be my new go-to stop for meeting friends while I'm in town."



VILLAGE
"These unique fishing baits are a perfect Fathers Day gift for Dad."



TUNA HARBOR
"It's nice to have quiet drinks with colleagues and take in the sunset instead of the Gaslamp hustle and bustle."





VILLAGE
"Wow, this looks so different than the last time I was here. It's great to be so close to the convention and have so much to do right near the hotel."

VILLAGE
"There's a lot of options for keeping up my fitness routine here while away from home. Maybe we should come back for our next family vacation."



CONVENTION
"What a long day of meetings. Can't wait to go sit on my balcony back at the hotel."





ROGERO, PAM & CYN
Tourist Family

WHO

Rogero and Pam have decided to take their 12 year-old, Cyn, to San Diego for her school's spring break. Cyn invited her friend and schoolmate, Ally, to join her on the trip. It is the first time the girls have been to San Diego and they are thrilled.

WANTS

Take in the San Diego sights, sounds, smells, and tastes while bringing home special memories and momentos.

THE TOURIST FAMILY SEAPORT EXPERIENCE:



MAKING THE MOST OF THEIR TRIP

- Want to hit all the major spots while they are at Seaport, including the Spire and Aquarium.
- Look for key photo ops to document their trip and share with others.

ACTIVE AND QUIET MOMENTS

- Look for spots where the parents can relax while the kids are busy and engaged.

THE SAN DIEGO EXPERIENCE

- Visit Seaport as part of a San Diego tourism package. The girls are excited to get stamps as they visit each site.
- Interested in seeing the history of San Diego, experiencing the shoreline, and purchasing San Diego memorabilia.



"I see the parking entrance. Girls, don't forget your Go San Diego passports!"

SPIRE
"Wow, you can see the entire shoreline!" I'm glad we didn't miss this.





AQUARIUM
"Pam, I'm glad we can relax up here while the girls are busy indoors."

TUNA HARBOR
"Look! I bet those fish are being brought to the market."





AQUARIUM
"These Scripps student-docents are doing demonstrations on sea waste. Ally and I just did a project on resiliency."

MARKETPLACE
"Cyn, we have to stop here and take a photo!"





SPIRE
"Mom, Ally and I are getting matching San Diego T-shirts with tidal maps!"



VERONICA
Downtown Worker

WHO

Veronica, a paralegal, recently moved downtown with her roommate Aidan to be closer to work. In her free time, she trains for triathlons and is hoping to rescue a dog she can take out on runs.

WANTS

Balance her busy office job with an active, healthy lifestyle. Stay connected with friends, network, and build new relationships.

THE DOWNTOWN WORKER EXPERIENCE:



WORK AND PLAY

» Fits in a regular morning run or ride along the Esplanade before heading to the office.

» Enjoys the proximity of Seaport to her office, often visiting for a quick walk or a business lunch.

FITNESS DESTINATION

» Meets her trainer at the Peninsula for intense group workouts after work. Grabs kombucha with her teammates and relaxes on the hotel deck after a tough session.

» Enjoys unique classes, like stand-up paddle-board yoga, on the weekend.

HEALTHY SOCIAL SCENE

» Looks to Seaport for healthy socializing alternatives to going out for drinks at the Gaslamp.

» Enjoys the variety of Seaport attractions for go-to first date spots.

RUOCCO PARK
"I can't wait to bring my date here for a sunset picnic this Friday."





MARKETPLACE
"Since I am training for my next triathlon, I can't go out for drinks at the Gaslamp. I love coming here with my teammates and getting kombucha on tap instead!



VILLAGE
"It's an easy spot for a business lunch - a quick walk from the office and a scenic escape."



VILLAGE
"What a great treat to fuel up with delicious healthy food after a tough session."



ESPLANADE
"My morning routine is to wake up early, run along the waterfront, and take a quick shower at the club before heading to work. It's a great way to get centered and start the day."



PENINSULA
"I meet my trainer here twice a week. If I'm going to work hard I might as well be at the beach."

03 CREATING SEAPORT

“The action most worth watching is not at the center of things, but where the edges meet. ”

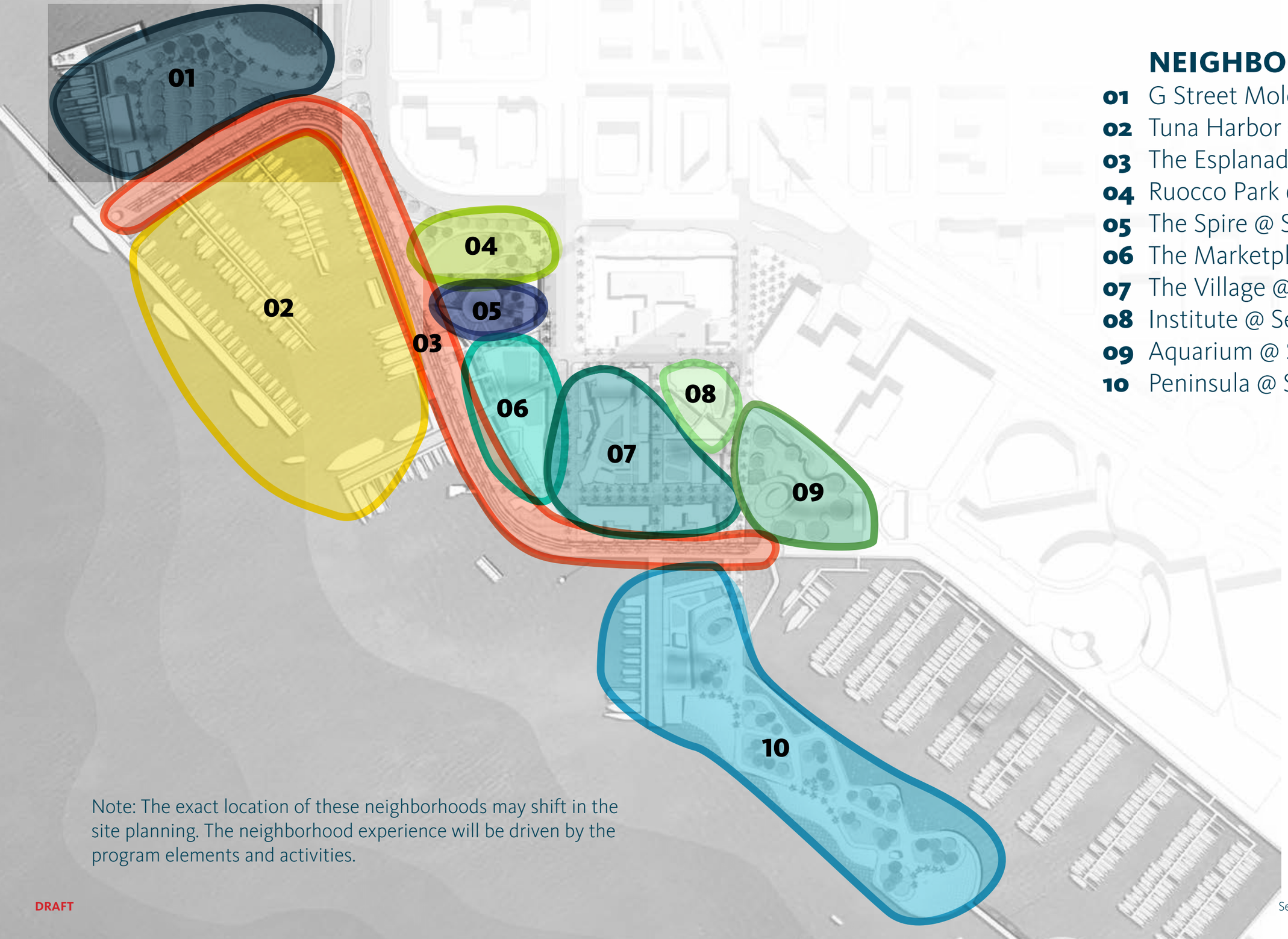
Amy Nefttzger

SEAPORT NEIGHBORHOODS

Stretching from the Peninsula to the G Street Mole, Seaport celebrates the unique people, lifestyle, and ecosystems of San Diego.

Within the Seaport district, different neighborhoods have distinct moods. Some are lively, active, and vibrant, while others are more easygoing and relaxed. The unique character of each neighborhood can inform the siting of different activities, variations on Seaport's brand expression, and the overall flavor of the environment. Distinct neighborhoods offer visitors a chance to choose the experience they desire and return for something new each time.





NEIGHBORHOODS

01 G Street Mole @ Seaport
02 Tuna Harbor @ Seaport
03 The Esplanade @ Seaport
04 Ruocco Park @ Seaport
05 The Spire @ Seaport
06 The Marketplace @ Seaport
07 The Village @ Seaport
08 Institute @ Seaport
09 Aquarium @ Seaport
10 Peninsula @ Seaport

Note: The exact location of these neighborhoods may shift in the site planning. The neighborhood experience will be driven by the program elements and activities.



Note: The exact location of these neighborhoods may shift in the site planning. The neighborhood experience will be driven by the program elements and activities.

Naming Possibilities

Neighborhoods within the Seaport district can take on different names aligned with the overall brand messaging. The following show potential ways to indicate distinct places within a cohesive site.

NEIGHBORHOODS @ SEAPORT

G Street Mole
Tuna Harbor
The Esplanade
Ruocco Park
The Spire
The Marketplace
The Village
Institute & Aquarium
The Peninsula

WATERFRONT VERSION

G Street Mole
Tuna Harbor
The Esplanade
Ruocco Park
Beacon Hill
Tidewater Market
The Inlet
Breakwater Point
Bay's Edge

ACTIVE VERSION

Relax @ Seaport
Fish @ Seaport
Explore @ Seaport
Picnic @ Seaport
View @ Seaport
Dine @ Seaport
Shop @ Seaport
Learn @ Seaport
Exercise @ Seaport

NAUTICAL / FISHING VERSION

Portside
Tuna Harbor
The Esplanade
Ruocco Park
Starboard Point
The Quarterdeck
The Shoals
Ox Eye Landing
The Jetty

01 G Street Mole

In the shadow of the majestic USS Midway, the G Street Mole is the intimate, quiet edge of Seaport. A calm swimming beach and publicly accessible swimming pool draw locals for afternoons of relaxation or family fun away from the bustle of the Village, Marketplace, and Spire neighborhoods.

FEATURES

- Publicly accessible swimming pool
- Calm “mothers beach” and kayak launch area
- Quiet, low key activity
- Attracts locals from adjacent neighborhood
- Area to commemorate the military
- Reflection of fishing history

SAMPLE MESSAGING

- *Catch the breeze with an afternoon of family fun.*















02 Tuna Harbor

Tuna Harbor @ Seaport captures the soul of San Diego's working waterfront. With its market, working fish harbor, cooking events, and water activities, Tuna Harbor encourages users to engage with the Pacific Ocean, interact with working fishermen, and learn about San Diego's rich aquaculture and cuisine.

FEATURES

- Working waterfront for fishermen
- Fisherman's Market and processing area
- Embedded viewing and education opportunities
- Industrial, functional working waterfront
- Recreational water activities

SAMPLE MESSAGING

- *Get up close with San Diego's working waterfront.*
- *Kayak around the bay, enjoy some sport fishing, and relax with local fine dining all in one day.*




19.95











03 The Esplanade

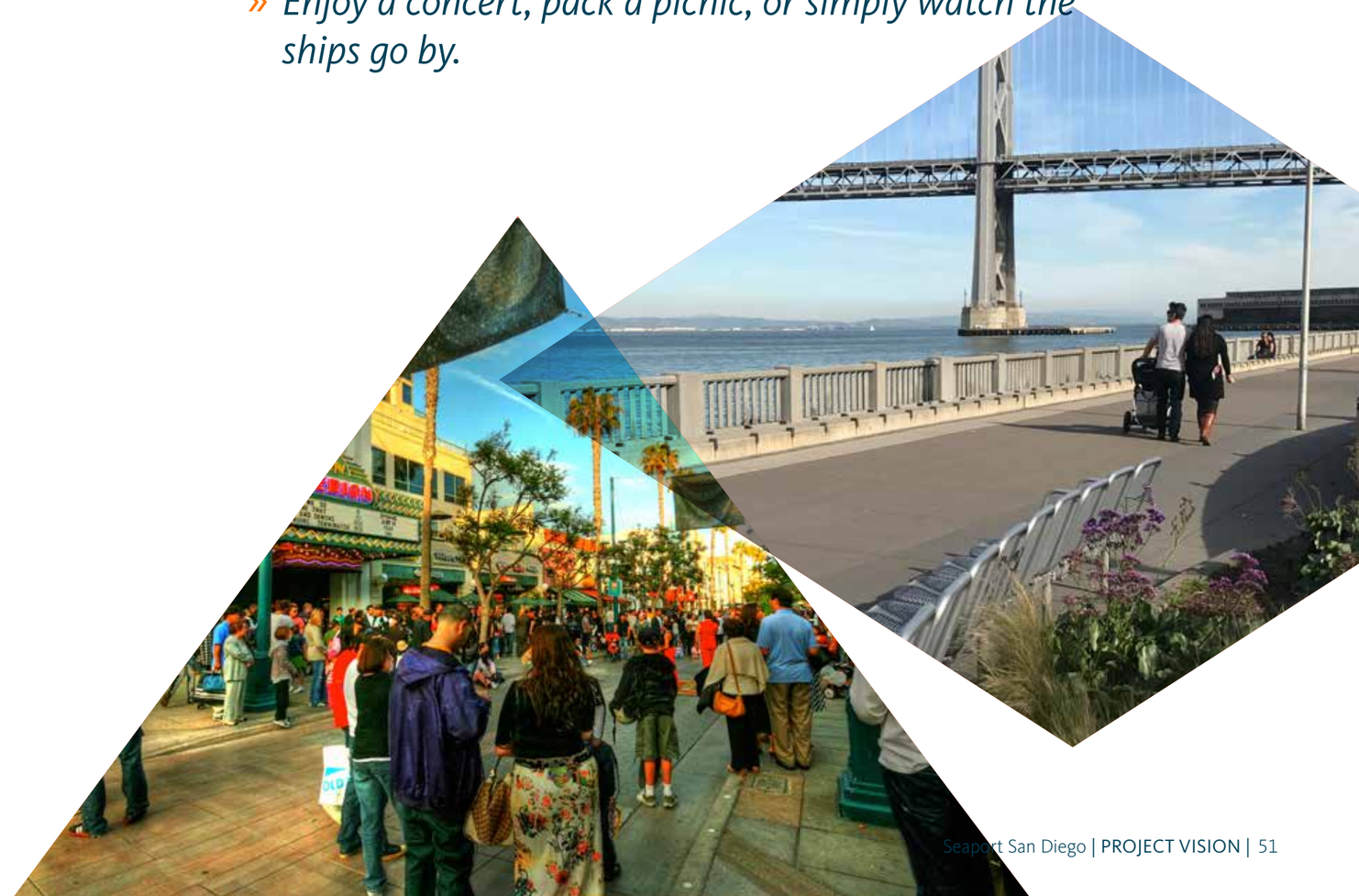
The Esplanade @ Seaport knits together the entire Seaport experience with a distinctive and inspiring waterfront promenade. An active path for biking, skating, or running winds around the edge of the Bay, while native landscape elements, shade trees, and integrated seating define areas for quiet relaxation and enjoying the ocean breeze.

FEATURES

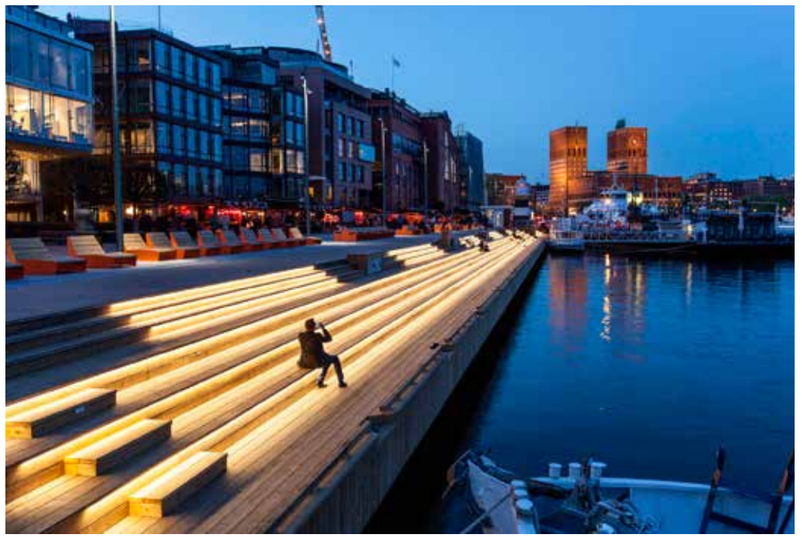
- Amazing dining experiences overlooking the bay
- Unites the Seaport waterfront experiences
- Both an active corridor for biking, skating and running, and areas for quiet use
- A stage for public events and performances

SAMPLE MESSAGING

- *Have a taste of San Diego's waterfront and meet the local chefs*
- *Find yourself and discover new destinations while riding on the edge!*
- *Enjoy a concert, pack a picnic, or simply watch the ships go by.*








SBAR
SEE/CHANGE







04 Ruocco Park

Ruocco Park is Seaport's backyard. Play, climb, picnic, ride the historic Seaport Village Looff Carousel, or just relax in a stunning natural setting with views over the Bay. Ruocco Park welcomes everyone.

SAMPLE MESSAGING

» *Gather, restore, relax, celebrate.*
» *Picnic, play, and people watch.*
» *Capture the view.*

FEATURES

» Family activities, picnics, barbecues, birthday parties, and community events
» Active uses mixed with a relaxing atmosphere
» Sloping park opening up to a view of the waterfront
» Casual, welcoming, and family-friendly atmosphere















05 The Spire

Thrilling and awe inspiring, the view from the top of the Spire will take your breath away. Along the way, learn about San Diego's history and the unique ecosystem of the California Bite. While you are there, grab a cocktail and watch the sunset over the San Diego Bay.

FEATURES

- A 'must do' activity for visitors to San Diego
- Great views, stellar drinks and snacks
- Learn about San Diego and the ocean from a different perspective
- Adventurous and daring
- A great activity for families, tourists, conventioneers, students, friends visiting from out of town, or first dates
- Multiple "Instagram moments"

SAMPLE MESSAGING

- *A view of San Diego you've never seen before*
- *The newest "must see" attraction in Southern California*















06 The Marketplace

The Marketplace @ Seaport is a community hub that showcases the bounty and craftsmanship of San Diego. A distinctively local blend of suppliers, vendors, and artisans highlights local talent and character. Small scale vendors, casual seating, and open flexible space evoke the classic marketplaces of Mexico and Europe, while the indoor/outdoor flow, windows, light, and contemporary design touches make the experience distinctly modern.

FEATURES

- Indoor/outdoor marketplace with opportunities to buy fresh and hand crafted food
- Variety of seating
- Demonstrations, samplings, and education activities
- Casual, eclectic, and active
- Indoor / outdoor flow
- Mix of local vendors including fishermen, farmers, small batch producers, and chefs

SAMPLE MESSAGING

- *Satisfy all your cravings.*
- *Local, fresh, and surprising*
- *Grab a taste of our new local brew.*
- *Experience our unique local culture.*
- *Shop fresh, shop local!*






LA HUERTA
CANDY & SNACKS
EXIT


SEPHORA




THE GROCER



07 The Village

The Village @ Seaport embodies the urban spirit of San Diego. With curated entertainment, art, and educational activities day and night, The Village is the perfect place to meet up with friends, plan an evening out, find unique gifts, or do some people watching, whether you are a guest at one of Seaport's three hotels or are a local Seaport regular.

FEATURES

- Welcoming hotel and hospitality neighborhood with three separate hospitality experiences
- Public hotel deck
- Restaurants, cafés, and fast casual dining
- Retail at a mixture of scales, including unique and local shops
- Welcoming, vibrant, lively, and pedestrian-oriented urban feel
- Active both day and night
- Family friendly with play areas easily viewed from cafés and shops

SAMPLE MESSAGING

- *Build new memories every time you visit.*
- *(Re)discover local treasures at the unique, locally-owned shops.*
- *Enjoy rooftop views of the park and out to Coronado.*
- *Eat, drink, shop, enjoy!*






Breakfast-Lunch-
1927


FRONT


Before I die...
Before I die I want to
Before I die I want to
Before I die I want to
Before I die I want to
Before I die I want to






Ferrara Fru


FRONT/ROW









08 The Institute

Blue-tech, aquaculture, deep water exploration, ocean biodiversity, cooking with local ingredients - the lifelong learning opportunities supported by the Seaport Education Institute are vast. Partnering with Scripps Institution of Oceanography and other educational innovators, the Seaport Education Institute will further the mission of Seaport through classes, trainings, and conferences that draw visitors and locals together. The Institute enriches our experience and understanding of the ocean, ecosystem, and San Diego's history and culture.

FEATURES

- Promotes understanding of San Diego's unique ecosystem, biodiversity, culture, history, and future
- Accessible and welcoming to the entire San Diego community
- Classes, trainings, conferences, and research activities integrate into the Seaport experience

SAMPLE MESSAGING

- *Experience the Bay from the green roof.*
- *See San Diego's cutting-edge blue-tech innovations.*















09 The Aquarium

The Aquarium @ Seaport combines education with adventure and entertainment. Its approach to sustainability gives back to the community and complements the surrounding habitat restoration sites. The Aquarium celebrates San Diego's flora, fauna, and marine life.

SAMPLE MESSAGING

» *Submerge yourself in the most biodiverse area in the country.*

FEATURES

» State-of-the-art ocean experience center
» Hands-on and experiential exhibits
» Focus on the unique qualities of the local ocean ecosystem















10 The Peninsula

The Peninsula @ Seaport is the ultimate San Diego Experience: a fitness capital right on the bay. Filled with programs that embrace San Diego's wellness culture, the Peninsula delivers the perfect platform for achieving harmony of mind, body and soul while relishing the rejuvenating ocean breeze.

FEATURES

- Unique fitness facility for indoor/outdoor workouts, classes, and locker facilities for members
- Outdoor areas with equipment and flat areas for family fitness, individual activities, and fitness training
- Direct access to the Village and/or Marketplace for wellness-focused food, beverage, and retail
- Active fitness vibe like Muscle Beach, Tel Aviv sports beach, and other fitness waterfronts
- Naturalistic, serene areas located further out on the Peninsula

SAMPLE MESSAGING

- *Take your workout to sea level.*
- *Be inspired to surpass your fitness goals at the waterfront.*
- *Escape from your daily grind.*
- *The place to see and be seen for fitness and wellness gurus.*












MIKASA
Health Plus



Bringing the Experience to Life

The Seaport experience will come to life through its site, public spaces, built environment, and activities. The following section highlights key principles for aligning the experience with the Seaport vision.

EXPERIENCE

- Site
- Public Space
- Built Environment
- Activities & Program

How are we brining it to life?

Seaport's Key Attributes

	KEY PRINCIPLES	ICONIC + INTIMATE	MULTI-DIMENSIONAL	LOCAL	INCLUSIVE	AUTHENTIC	DYNAMIC
SITE	Connect to the city			●	●	●	
	Showcase the waterfront			●		●	●
	Create a variety of scales	●	●			●	
	Activate the pedestrian experience			●	●		●
	Define "wow" moments + smaller surprises	●	●	●	●		●
	Be a resilient + sustainable model		●	●			
PUBLIC SPACE	Define the character of Seaport's different neighborhoods	●	●	●	●	●	●
	Unify site with subtle elements	●	●			●	
	Make parking a great experience		●	●	●		●
	Engage rooftops + second-level spaces	●	●				●
	Celebrate the local environment			●	●	●	
	Create public areas that support activation + encourage outdoor gathering		●	●	●		●
BUILT ENVIRONMENT	Utilize contemporary design that uniquely evokes the history of San Diego waterfront			●	●	●	●
	Embrace funky luxury	●	●	●		●	
	Vary sizes of retail and dining spaces		●	●		●	●
	Maintain a quality of place + experience	●				●	●
ACTIVITIES + PROGRAM	Program varied activities across the site		●		●		●
	Juxtapose activities to create a multi-dimensional experience		●		●		●
	Include a menu of small, daily activities and entertainment	●		●	●		
	Host large scale, iconic events aligned with Seaport's core values		●			●	●
	Embed temporary activations + installations						●
	Provide experience enhancing services	●					●
	Create memorable evening + nighttime experiences	●	●		●	●	

SITE

At a district level, Seaport connects to both the city and the waterfront. It is accessible to many different users via multiple modes of transit, and the site provides compelling pedestrian experiences from all entry points. Seaport operates at both the human scale and the iconic scale, creating a variety of experiences across the entire district. It also models resilient planning, with sustainable strategies embedded throughout.



LOCAL INCLUSIVE AUTHENTIC

01 Connect to the city.

CITY TO THE BAY

- ✓ Organize the Seaport site as an **extension of the existing city grid**.
- ✓ Provide clear, linear **site lines into Seaport's neighborhoods** from the surrounding San Diego neighborhoods and Coronado Island.
- ✓ Include elements functioning as **beacons to the City**. This could include the Spire in both the day and night and large, street-level signage referencing San Diego's unique neighborhood entrance signage.



View to downtown from the Seaport site

WHY?

Seaport is the interstitial space between the city and the waterfront. It is critical that there are compelling features of the site that draw residents and visitors from downtown and the convention center, and that travel paths are easy and convenient.

ACCESS

- ✓ Create **clear paths of travel** into the site, including easily accessible and safe pedestrian pathways from the waterfront.
- ✓ Make it easier and more compelling for pedestrians to cross **Harbor Drive**. This could include a pedestrian bridge or landscaped crossing zones.
- ✓ Extend **public transit routes** into the site.
- ✓ Provide opportunities to **link to Symphony Park**, and coordinate with the vision of a longer cohesive waterfront. This could include improving the Esplanade connection, or considering a direct bridge from the Peninsula.



Clear pedestrian and cyclist access

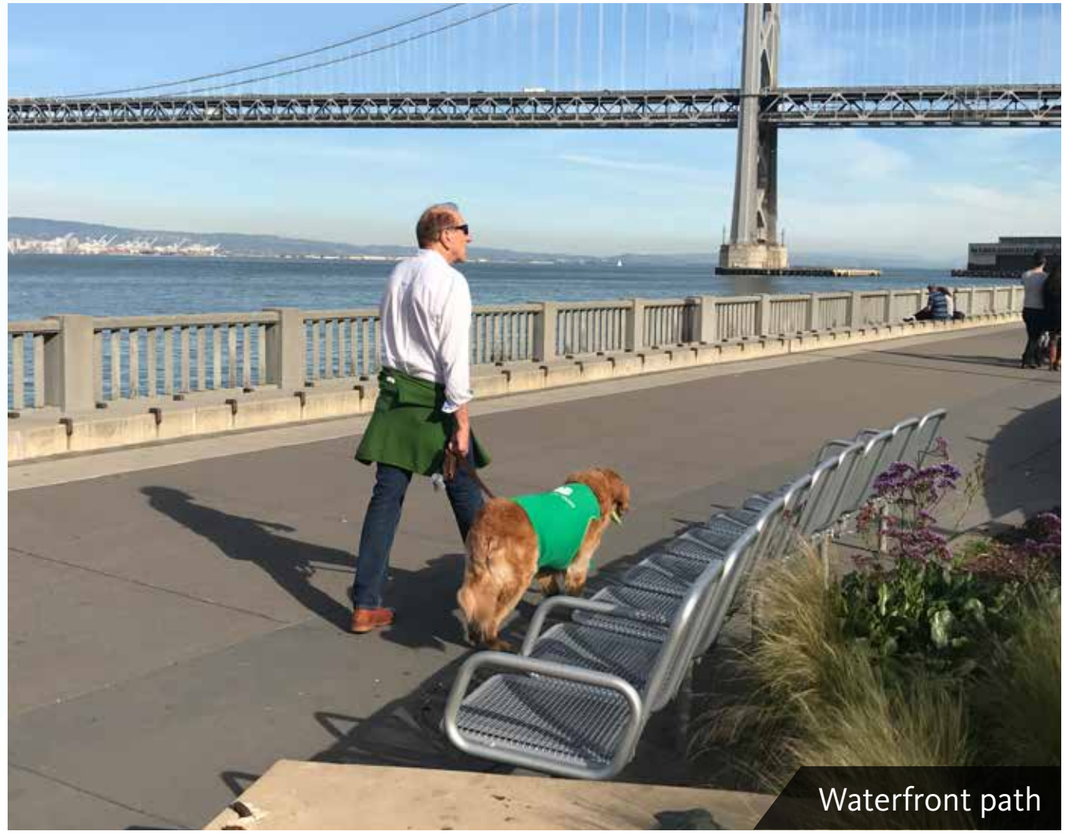


Engaging crossing signal

LOCAL AUTHENTIC DYNAMIC

02 Showcase the waterfront.

- ✓ Create a **connected waterfront experience** along the Esplanade with an uninterrupted path of travel and cohesive use of materials.
- ✓ Use lighting to **illuminate the site at night**, so it hearkens to the city, San Diego Bay, and Coronado.
- ✓ Orient buildings and outdoor space to take advantage of **waterfront views and access**.
- ✓ Include elements that provide direct and indirect sightlines to the water and **create "portals"** to encourage exploration and discovery of the different neighborhoods.



Waterfront path

WHY?

Waterfront access is a defining characteristic of the site. Seaport aims to reconnect the San Diego Bay with the city, provide inclusive access to locals and visitors, and celebrate the working waterfront—a core part of San Diego's history and future.

ICONIC + INTIMATE | MULTI-DIMENSIONAL | AUTHENTIC

03 Create a variety of scales of space across the site.

- ✓ Mix intimate public areas, pedestrian streets, and passages with large scale plazas and open areas.
- ✓ Include architecture that engages a **variety of scales**. Include some iconic moments visible from the water or city, as well as memorable and well-crafted elements at the human scale.

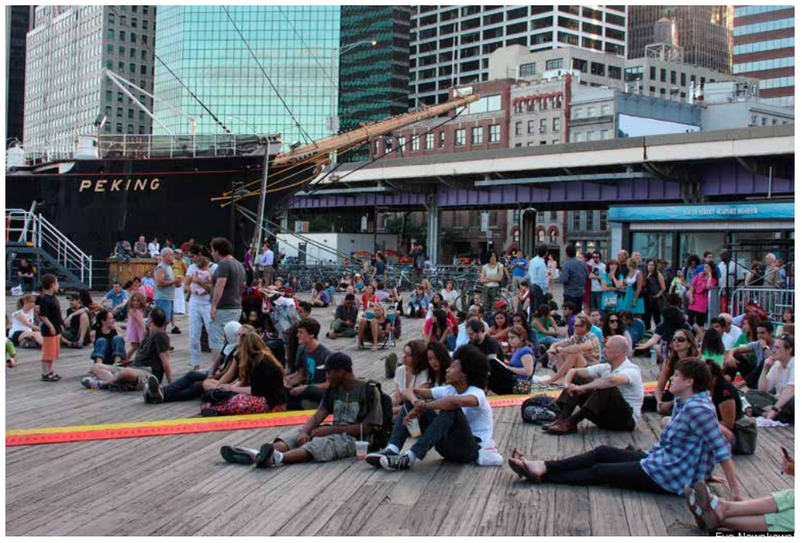

Narrow, intimate street


Large, open plaza

WHY?

Seaport supports and promotes varied experiences. Using different scales enhances the individual moods of the different neighborhoods and creates unique experiences.

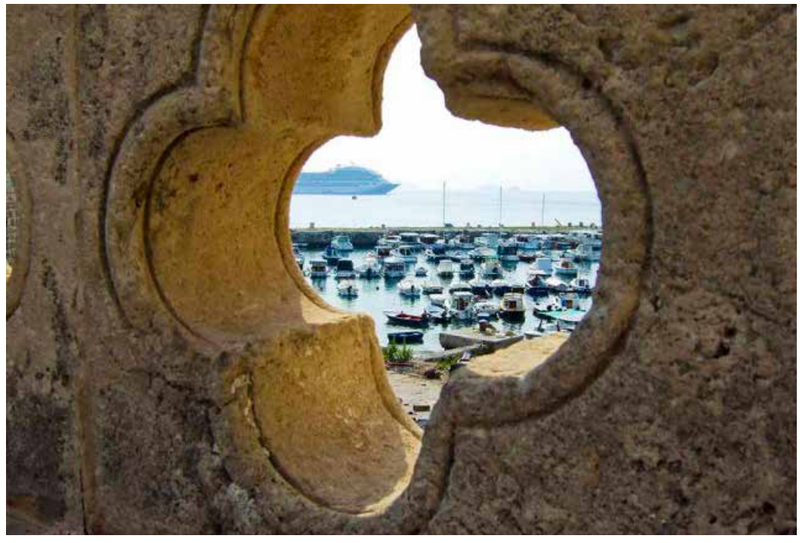



PEKING









LOCAL INCLUSIVE DYNAMIC

04 Activate the pedestrian experience.

- ✓ Embed **non-linear pedestrian pathways** in some areas (e.g. the Village, the Marketplace, Ruocco Park).
- ✓ Create **multiple pathways and entries** so that new visitors can explore and repeat visitors will continue to be surprised.
- ✓ Define **education, entertainment, and event areas** along the path of travel. These areas may include power and data, staging platforms, and small gathering areas that do not disturb pedestrian travel.
- ✓ Incorporate elements along both major and secondary paths of travel that add an **extra layer of discovery**.



A temporary pedestrian experience



Non-linear pathways create intrigue

WHY?

While there will be transit and automobile access to the edges of the site, the primary transportation mode throughout the site will be walking. Designing for the pedestrian offers smaller scale and more memorable experiences with opportunities to surprise and delight.

ICONIC + INTIMATE | MULTI-DIMENSIONAL | LOCAL | INCLUSIVE | DYNAMIC

05 Define large-scale “wow” moments and smaller scale surprises throughout the site.

- ✓ Use large and visible monuments as beacons, and a navigation tool to support **wayfinding** around the site.
- ✓ Use creative **lighting design** to create gateways, enhance the day and night experience, and guide visitors.
- ✓ Reinforce views and **connection to the waterfront**.
- ✓ Layer both permanent and temporary **“Instagram moments”** into the site. Create contrast by allowing some spaces to become the more subtle background or canvas to these “wow” moments.



A large-scale lighting installation



A small surprise

WHY?

The varied activities programmed for Seaport mean that there will be wide-ranging experiences possible at the site. Balancing a few prominent “wow” moments, such as the Spire, with smaller “surprises” and simplified canvases will ensure that multi-dimensional adventures happen at all scales. Like San Diego, Seaport is casual and playful and does not take itself too seriously.

MULTI-DIMENSIONAL

LOCAL

06 Be a resilient and sustainable model.

- ✓ Incorporate **smart city technology** across the site such as energy efficient infrastructure, spots for data collection, and appropriately utilized sensors.
- ✓ **Showcase resilience strategies and energy use data** (energy and water use, solar power generated, etc.) as a learning opportunity on the site.
- ✓ Tie the sustainability and resilience messaging to the **blue-tech, sustainable bay, and ocean educational efforts**.
- ✓ Identify creative, artistic, and engaging ways to incorporate **solar and wind technology** across the site.
- ✓ Incorporate sustainable **stormwater runoff** strategies across the site.
- ✓ Use **native landscaping** supporting low water usage.
- ✓ Plan the site anticipating potential **sea level rise**.



Creative installation of wind turbines by NewWind

WHY?

As a celebration of San Diego's waterfront, Seaport also highlights San Diego's natural resources. Seaport distinguishes itself as a uniquely local, San Diego location and demonstrates how sustainable and resilient models can add value to the lives of all. Seaport looks to the future and is an enduring site for generations to come.

PUBLIC SPACES

Seaport will include vibrant public spaces that not only connect destinations and attractions, but also truly define the unique Seaport experience. Public spaces will be accessible and inclusive for many different users and uses, functioning as the unifying “glue” that bonds together Seaport’s distinctive neighborhoods.

ICONIC + INTIMATE | MULTI-DIMENSIONAL | LOCAL | INCLUSIVE | AUTHENTIC | DYNAMIC

01 Define the character of Seaport's different neighborhoods.

✓ Identify **distinct moods and activities** for each neighborhood.

NEIGHBORHOODS

01 G Street Mole @ Seaport
02 Tuna Harbor @ Seaport
03 The Esplanade @ Seaport
04 Ruocco Park @ Seaport
05 The Spire @ Seaport
06 The Marketplace @ Seaport
07 The Village @ Seaport
08 Institute @ Seaport
09 Aquarium @ Seaport
10 Peninsula @ Seaport



Neighborhood Map p. 44

WHY?

In order to provide the variety of experiences, different neighborhoods will take on distinct moods. One area may be energetic, social and active, while another may be serene, quiet, and contemplative. This definition improves the quality of each unique experience within Seaport, and allows individuals to choose the experience they desire.

ICONIC + INTIMATE | MULTI-DIMENSIONAL | AUTHENTIC

02 Unify the site with subtle elements.

- ✓ Allow for fluid transitions between unique neighborhoods through **common and unifying elements**.
- ✓ **Harmonizing features** could include:
  - Use of natural and local materials across the site
  - Crosswalk graphics
  - Lighting strategies
  - Paving materials
  - Signage palette
  - Color palette

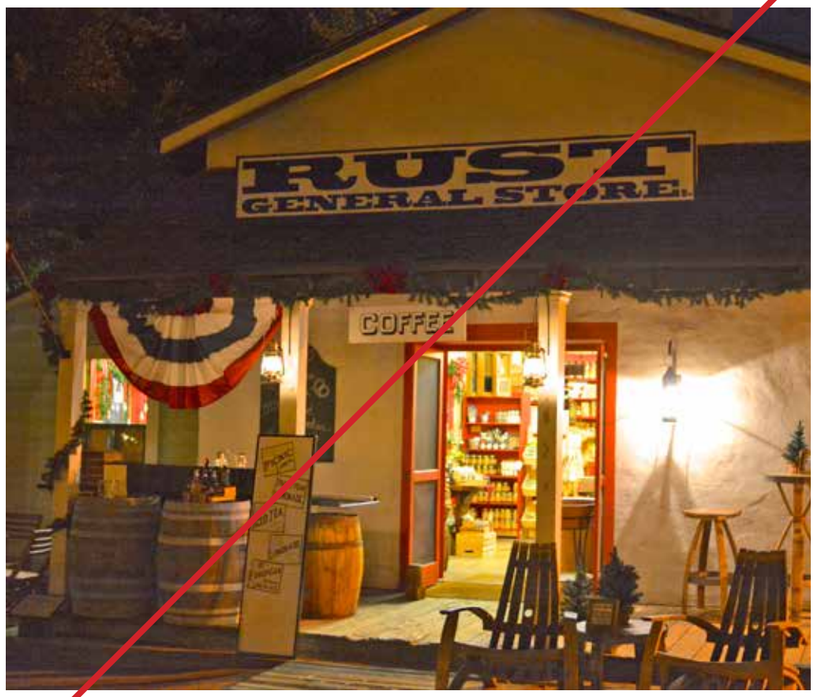


Memorable crosswalk design

WHY?

Seaport as a whole should have a cohesive sense of place. This does not have to be expressed with overt signage or a singular style, but it can be reinforced by the approach to design, lighting, materials, and public spaces. The unifying elements should reinforce the relaxed, playful, and sophisticated personality.

Avoid elements that are **too themed**.



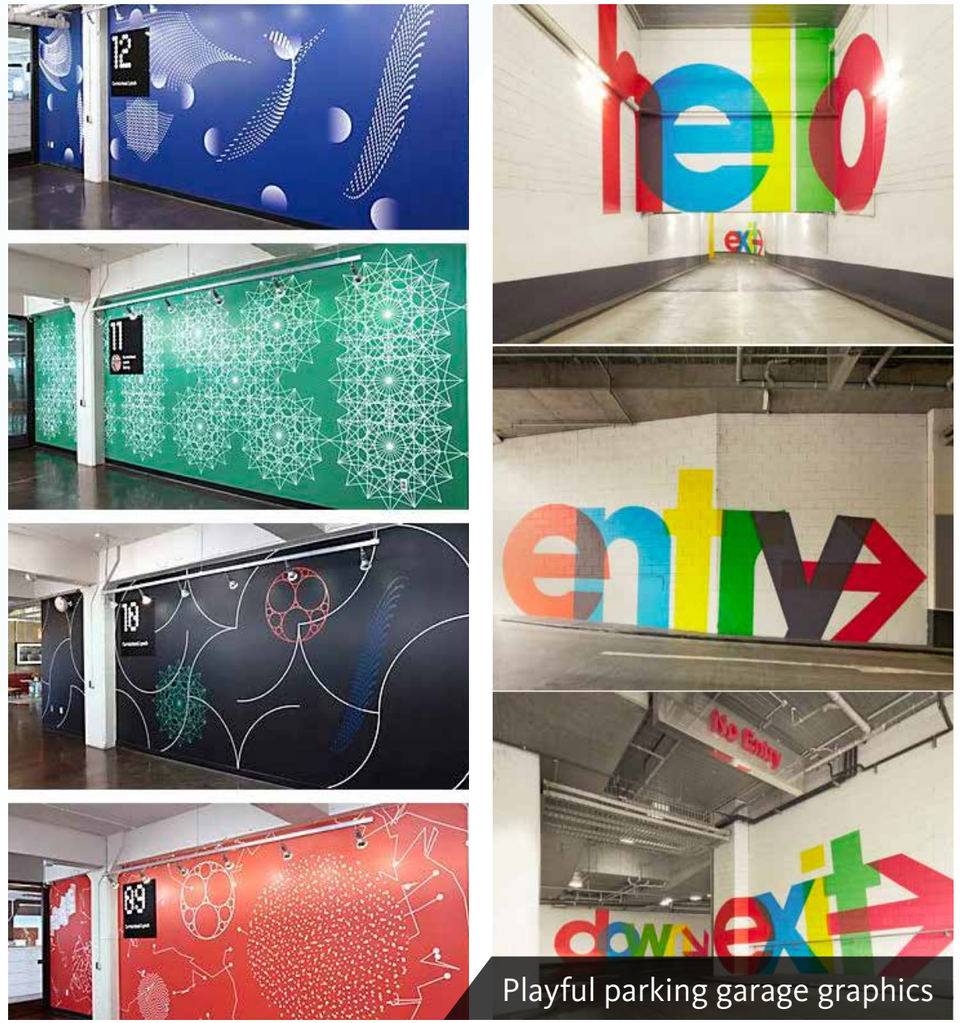
Avoid letting elements oversaturate the experience.



MULTI-DIMENSIONAL | LOCAL | INCLUSIVE | DYNAMIC

03 Make parking a great experience.

- ✓ Make parking feel **welcoming** and a part of the Seaport experience. Incorporate **delightful and playful** elements.
- ✓ **Iconic gateway** at parking entrance.
- ✓ Prioritize **safety and security**.
- ✓ Simplify entry, exit, and car parking, including **valet** where appropriate. Incorporate **clear wayfinding** to make entry to the site from parking as easy as possible.
- ✓ Integrate **technology** to help with spot availability and car location.
- ✓ Plan parking with **flat floors and high ceilings** to allow for potential future uses.



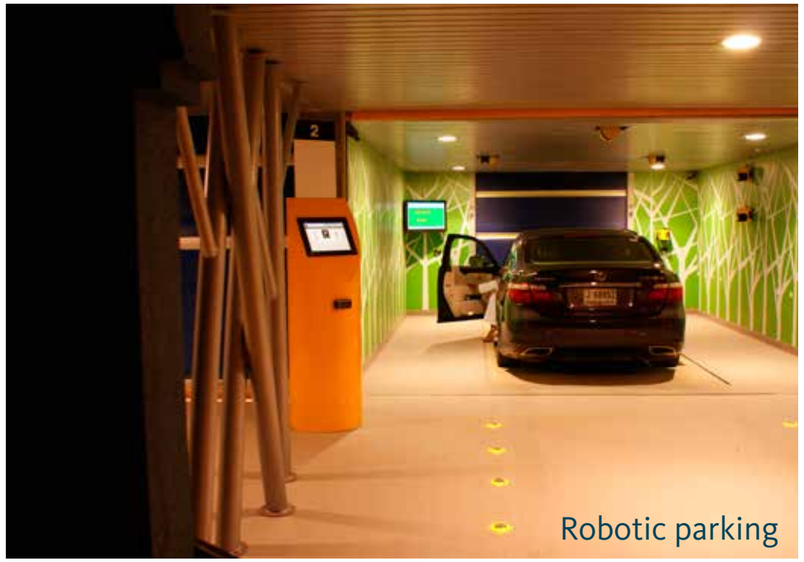
Playful parking garage graphics

WHY?

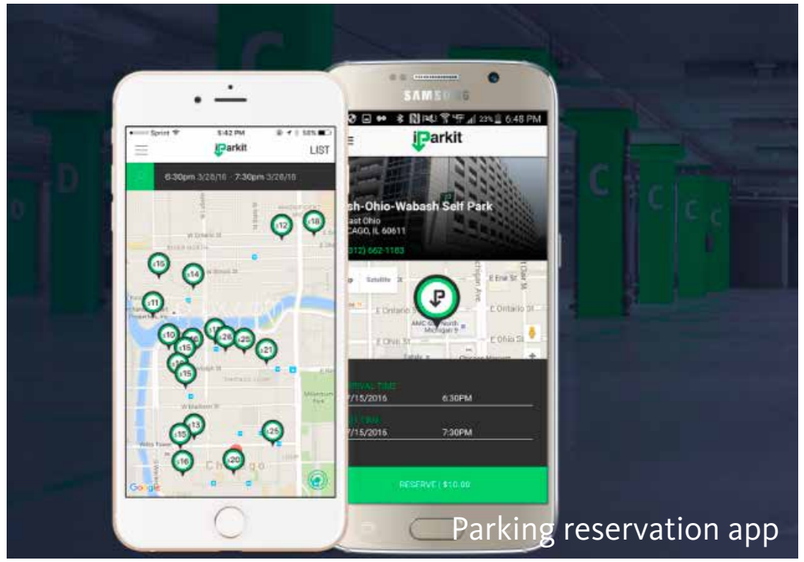
Parking will be the first and last impression of Seaport for many visitors. The Seaport experience begins and end here, and that experience should have all of the welcoming, adventurous, and sophisticated personality as the rest of the Seaport experience.



Wayfinding + lighting + active circulation



Robotic parking



Parking reservation app

ICONIC + INTIMATE | MULTI-DIMENSIONAL | DYNAMIC

04 Engage rooftops and second level spaces.

- ✓ Use second and third level building “rooftops” as part of **outdoor public and multi-use spaces**.
- ✓ Elevate public experience on the **roof deck and podium level of hotel**.
- ✓ Support **dynamic rooftop activities** like playgrounds, fitness, and weddings.
- ✓ Use rooftops to create **unexpected moments** that can be seen from the Spire.
- ✓ Place **green roofs or solar panels** where possible.



Rooftop restaurants connect to views

WHY?

Varied levels will create a richer fabric to the site and allow for more commercial/rentable and public space. This will increase the overall dynamism of the site and allow for people to explore and engage vertically (up into these event areas and down into the public areas).

LOCAL INCLUSIVE AUTHENTIC

05 Celebrate the local environment.

- ✓ Provide multiple types of **shaded areas** for picnics, fitness classes, and quiet use.
- ✓ Incorporate **local materials**.
- ✓ Blend naturalistic and contemporary **landscape design**.



Native landscaping



Variety of native plants

WHY?

Celebrating the local environment is a sustainable best practice and a way to reconnect the waterfront with the local ecology, ensuring that Seaport feels uniquely rooted in San Diego. Seaport is not a generic waterfront – it is a San Diego waterfront.

MULTI-DIMENSIONAL | LOCAL | INCLUSIVE | DYNAMIC

06 Create public areas that support activation and encourage outdoor gathering.

- ✓ Create a diverse array of **public gathering spaces** to support events of different sizes, time of day, energy level, and audience.
- ✓ Create people-watching opportunities and places to see and be seen.
- ✓ Activate **building edges** with awnings and covered outdoor seating.
- ✓ Encourage ample **outdoor seating**:
  - At restaurants, bars, cafés, hotels, and other retail amenities
  - Adjacent to the marketplace
  - In Ruocco Park and G Street Mole for family and group use



Ample outdoor seating

WHY?

Given the weather and personality of San Diego, an abundance of outdoor seating and gathering spaces reinforces the connection to San Diego's culture and sense of place.

BUILT ENVIRONMENT

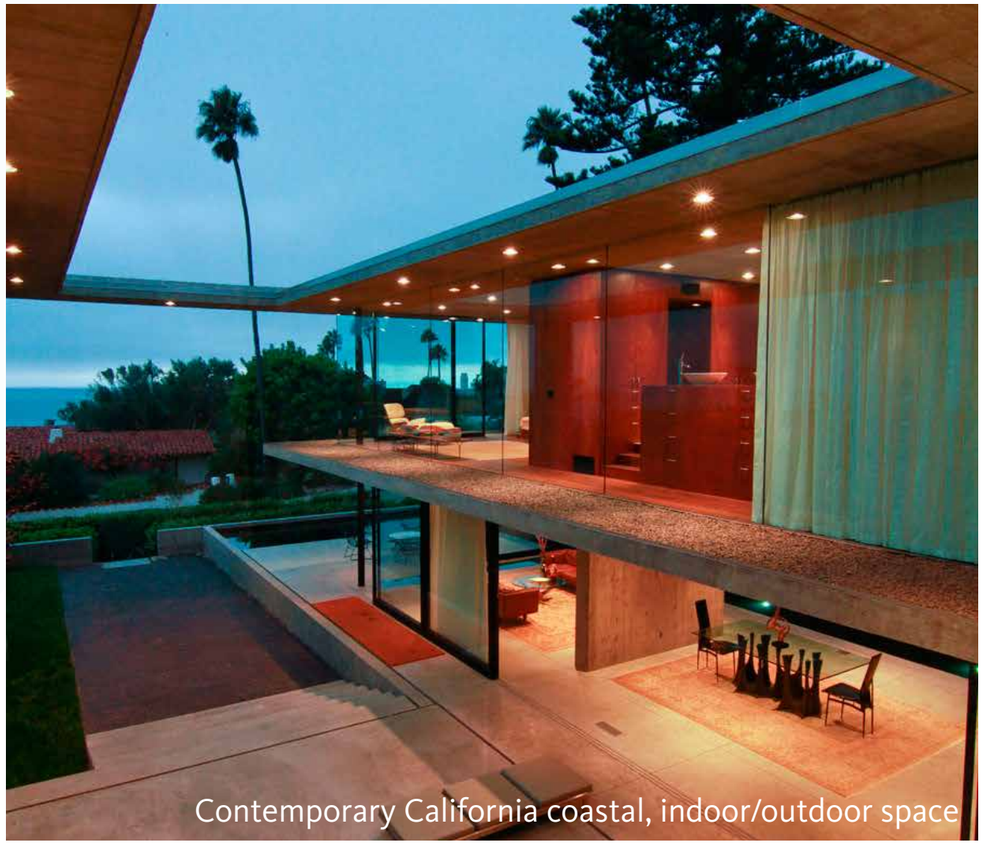
The quality of materials and craftsmanship will be evident throughout the built environment at Seaport, invoking a clean, modern vibe with a nod to the history and culture of San Diego's storied waterfront. Materials and forms will feel comfortable and welcoming while imparting Seaport's neighborhoods with subtle hints of class and grace.



LOCAL INCLUSIVE AUTHENTIC DYNAMIC

01 Utilize contemporary design that uniquely evokes the history of the San Diego waterfront.

- ✓ Include **provocative, but down to earth** design. Seaport is the Anthony Bourdain of waterfront experiences.
- ✓ Without being nostalgic or derivative, building massing and forms should reference **San Diego waterfront** / **industrial architecture**, **San Diego modernism**, and **California Coastal Modern design**.
- ✓ Include materials that **patina over time**, including natural finishes and elements common to the boating, fishing, and naval industries.
- ✓ Incorporate a **mix of building forms and materials**.



Contemporary California coastal, indoor/outdoor space

WHY?

Seaport aspires to a design aesthetic that embodies local culture. Seaport is authentic, dynamic, and inclusive. It is casual, welcoming, and sophisticated. While Seaport embraces San Diego's history, its sense of place is contemporary. Design of all buildings should invite access and use, celebrate the waterfront and the city, and support the street life of Seaport's neighborhoods.


BLATT
BLUE





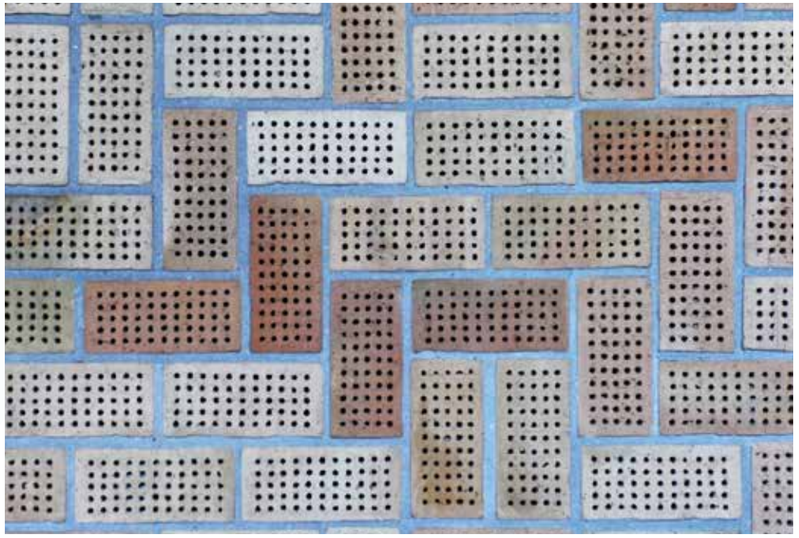

Cinquecento
TRATTORIA













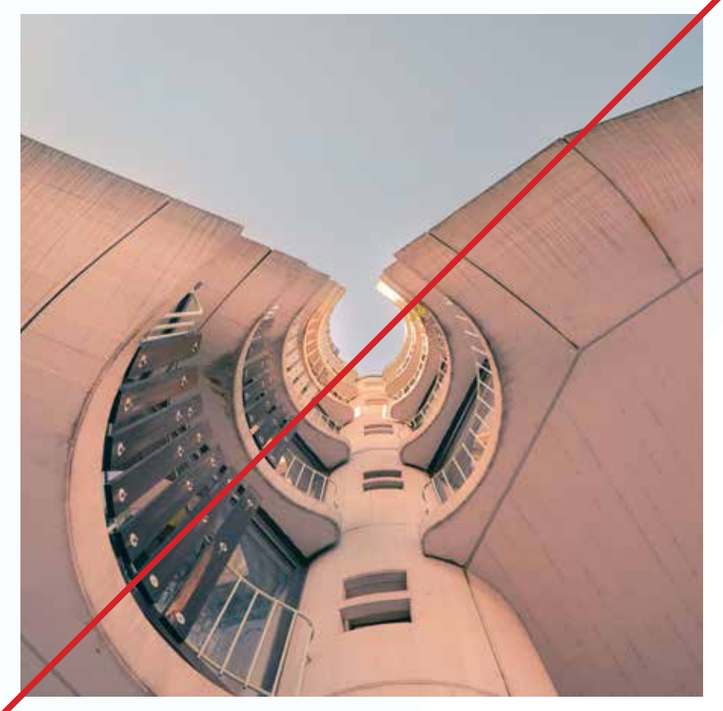




Avoid designing buildings that are **contrived or fussy**.



Avoid **overly organic** building forms.



Avoid reverting to **historically nostalgic designs**.



ICONIC + INTIMATE | MULTI-DIMENSIONAL | LOCAL | AUTHENTIC

02 Embrace funky luxury.

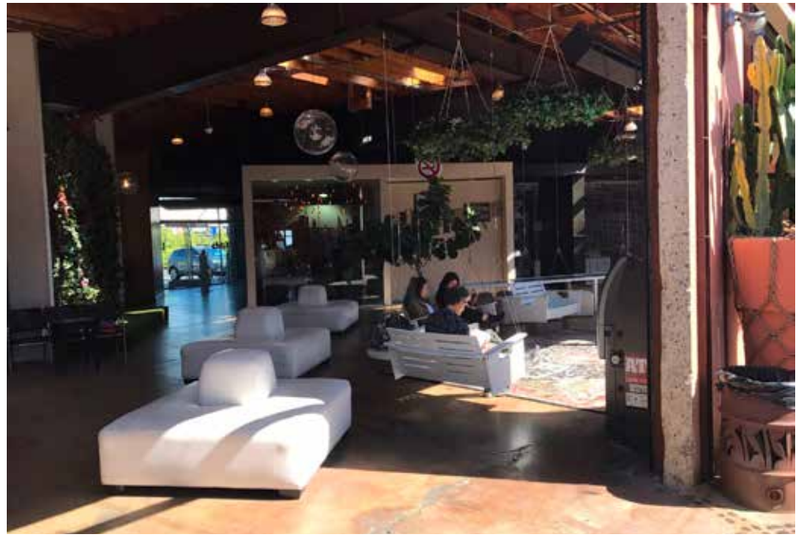
- ✓ Embed **quirkiness** in design.
- ✓ Include elements that feel **one-of-a-kind and curated**, not generic or messy.
- ✓ Include playful and surprising **lighting elements**.



One-of-a-kind quirky elements

WHY?

At its core, Seaport strives to exhibit casual sophistication. Looking for building materials that present this funkiness but maintain a sense of luxury and comfort is a critical element.





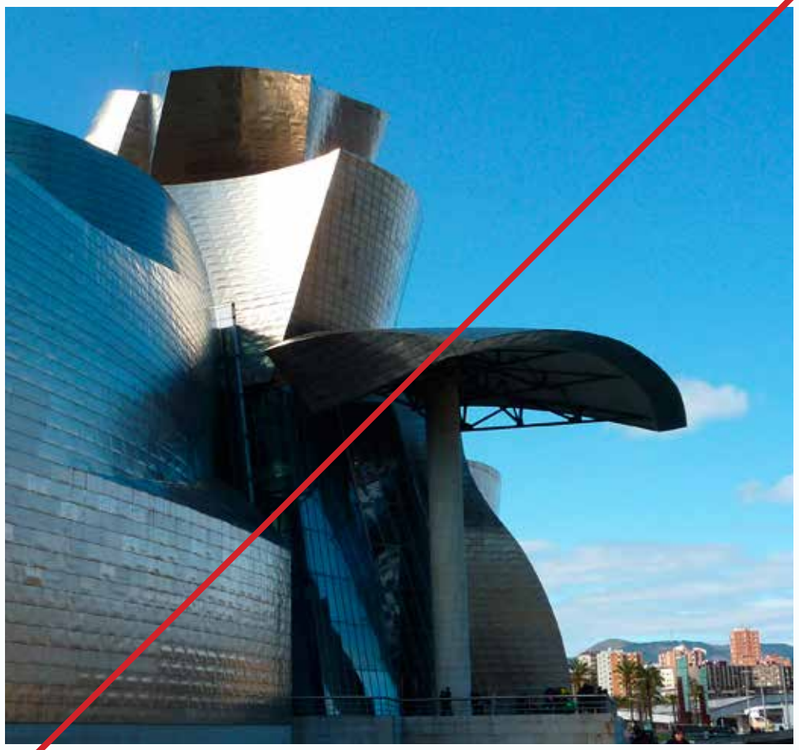








Avoid creating large funky elements. Surprising elements should be select in order to stand out.





MULTI-DIMENSIONAL | LOCAL | AUTHENTIC | DYNAMIC

03 Vary sizes of retail and dining spaces.

- ✓ Include **small turnkey storefronts** for small entrepreneurs, current Seaport Village tenants, and local vendors with minimal need for tenant improvements.
- ✓ Include **larger commercial spaces** for restaurants and waterfront-oriented retail vendors.
- ✓ Leverage **retail seating** to emphasize views to the water and back to the city. Consider elevating to create a feeling of intimacy and refuge while still connecting to the active city.
- ✓ Manage the **mix of vendors** to ensure a range of price points are represented to appeal to the Seaport's inclusive audience.


Small-scale retail options


Larger commercial spaces with activation in between

WHY?

The vision for Seaport supports a range of commercial ventures including local, regional, and national vendors. The size and variety of the spaces should support all of their different needs and allow for a dynamic experience for all user types.




BLAST ICE CREAM
@BLAST ICE CREAM


Black Sheep
GRILLED CHEESE BAR




FULTON MARKET


SEA
PRT
NYC
BAR

ICONIC + INTIMATE | AUTHENTIC | DYNAMIC

04 Maintain a quality of place and experience.

- ✓ Maintain quality of **execution**, **design** and **construction** throughout.
- ✓ Use **authentic and found materials** – avoid creating an ersatz experience.
- ✓ Build to last.



Quality building materials



Authentic landscaping integrated with buildings

WHY?

The quality of materials, design, and construction communicates Seaport's long term commitment to San Diego. Seaport is a place for generations to come.

ACTIVITIES & PROGRAM

The soul of Seaport is its diversity of activity. It is a place where there is always something new to discover and where the activities range from invigorating and entertaining to relaxing and enriching.

MULTI-DIMENSIONAL | INCLUSIVE | DYNAMIC

01 Program varied activities across the site.

- ✓ **Learn** – Scripps Institution of Oceanography, Aquarium events and lectures, active waterfront education (located near the Aquarium or Fisherman's Market for shared affinity), cooking classes at Tuna Harbor and Marketplace
- ✓ **Entertain** – Events in plaza, daily buskers in plaza, and performances at Ruocco Park
- ✓ **Exercise** – Classes on the Peninsula, individual exercise and trainers along esplanade and in Ruocco Park, family sports in Ruocco Park
- ✓ **Relax** – Sit on the hotel balcony, watch the boats along the Esplanade, sit under the trees in the Peninsula or on the G Street Mole
- ✓ **Recreate** – Craft beer tasting at the Marketplace, dinners watching the tour boats dock
- ✓ **Thrill** – See San Diego from XXX feet in the air, kayak around the Bay



Mix of activities

WHY?

Diverse activities create interest, offer something for everyone, and provide reasons to come back to Seaport again and again.

MULTI-DIMENSIONAL | INCLUSIVE | DYNAMIC

02 Juxtapose activities to create a multi-dimensional experience.

- ✓ Provide **sightlines** from one area of activity and learning to another.
- ✓ Be aware of the **juxtaposition of activities** when planning entrances, windows, sightlines, and adjacencies. For example, a view of the working fish dock may be a good juxtaposition for the blue-tech learning environment, but not for the hotel entry.



Contrast of beach and city at Campus Martius Park

WHY?

Thoughtfully juxtaposing activities can provide exposure and encourage participation by a wider range of visitors to the site. It can improve their experience by offering a memorable an unexpected experience.

ICONIC + INTIMATE | LOCAL | INCLUSIVE

03 Include a menu of small, daily activities and entertainment.

- ✓ Host events on **different scales** for different audiences.
- ✓ Offer free events and entertainment appealing to a **variety of user groups** (see user journey section).
- ✓ Include a mix of spaces that can be rented for **private events**.



Daily fitness activities



Daily family activities

WHY?

Attract local users to participate in activities that can become part of their daily routine, drawing them to Seaport for repeat visits. Provide visitors with opportunities for authentic experiences that become cherished memories.

MULTI-DIMENSIONAL | AUTHENTIC | DYNAMIC

04 Host large scale, iconic events aligned with Seaport's core values.

- ✓ Hold **uniquely Seaport programs**. Differentiate activities from what is happening around San Diego and coordinate with the timing of other events.
- ✓ Define specific areas for **large events** like fitness competitions and music festivals. Locals and global tourists will associate Seaport with iconic events.
- ✓ Use the breadth of the site to create **both flat and amphitheatre-type areas**. For example, Ruocco Park could have more of an amphitheater feel and the Plaza could be a large flat venue.
- ✓ Use the floating stage and screen as an attractor for the large scale events.



Waterfront celebration



Iconic arts and culture

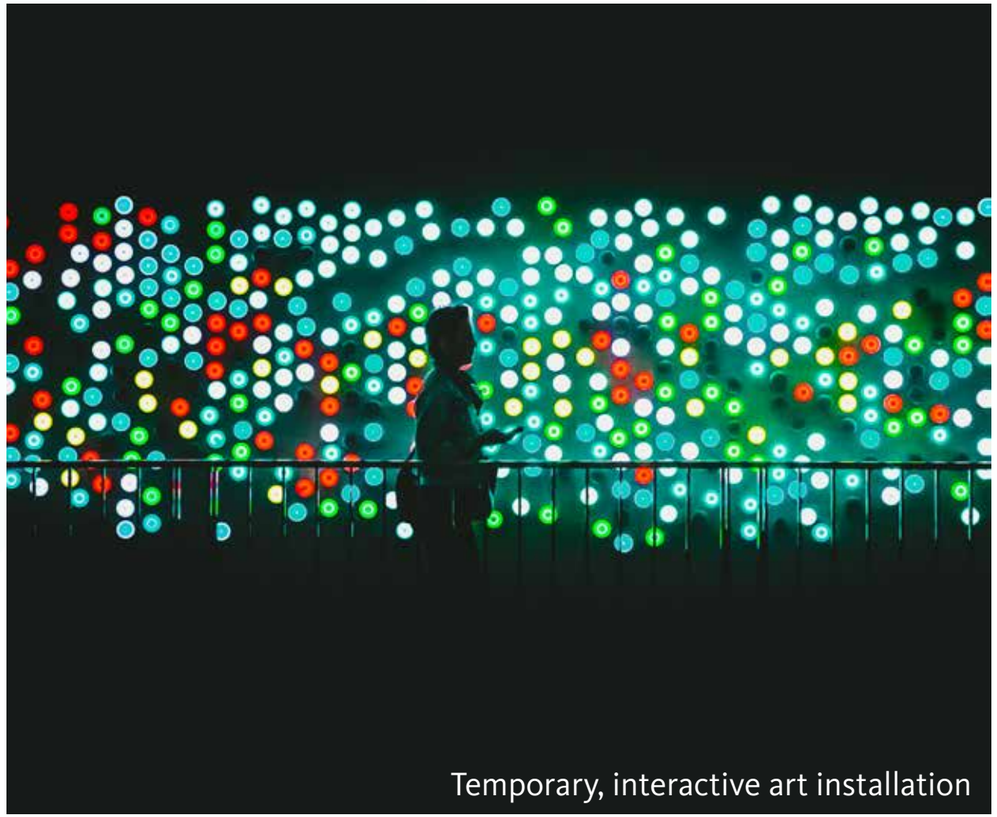
WHY?

Marquee events can draw both locals and visitors, building positive awareness of Seaport as a community gathering location.

DYNAMIC

05 Embed temporary activations and installations.

- ✓ Temporary uses keep the Seaport vibe **fresh**.
- ✓ **Temporary art installations** can include interactive art that engages with science and technology.
- ✓ Incorporate **augmented reality** at appropriate moments. Use technology only as an additive experience, not as the main experience.
- ✓ Include areas design to enable pop up retail, food trucks, and other **short term uses**.



Temporary, interactive art installation

WHY?

Variety drives the funky freshness of the Seaport experience and encourages locals to make return visits. Make it a must see for visitors.



Mobile sales + lessons


Public art



Pop-up coworking



Pop-up retail


Day/night events



Pop-up library

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06 Provide experience-enhancing services.

- ✓ Include an **app** for services, information and customized experiences.
- ✓ Consider **concierge services** on weekends or busy times (umbrella and blanket rental, yoga mat rental, delivery of food from marketplace, etc).
- ✓ Coordinate with other organizations to ensure Seaport is part of the "**San Diego experience**." This could include activity packages and additional services targeted at the tourist experience.



Sample Seaport app

WHY?

Services can make the Seaport experience even more memorable and enriching. Services may add convenience, comfort, information, delight, or luxury. They may also add to the sense of connectivity and community before and after the visit.

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07 Create memorable evening and nighttime experiences.

- ✓ Consider **24/7 site activation.**
- ✓ Use lighting to inspire and make the site feel **safe**.
- ✓ Leverage lighting to create **gateways**.
- ✓ Incorporate playfulness into lighting.
- ✓ Support the nighttime needs of hotel guests as well as locals and other visitors.
- ✓ Include memorable **nighttime dining and entertainment** activities to drive use for special occasions.



Nighttime lighting activation



Nighttime activities connected to waterfront

WHY?

Seaport should transform from day to night, attracting a crowd throughout the course of the day. With three hotels on the site, nightlife and nighttime experiences will be a desired part of the experience.

“The creative act is a letting down of the net of human imagination into the ocean of chaos on which we are suspended and the attempt to bring out of it ideas.”

Terence McKenna

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APPENDIX G

Draft August 14, 2018

Project Description Summary: Seaport Learning Center

Contents

I. Project Overview
II. Vision, Mission, Goals
III. Activating and interacting with the waterfront
IV. Statewide public use and purpose

V. Appendix:
1: List of participants in community input meetings
2: High School for-credit programs - additional detail

I. Project Overview

The context: The proposed Seaport Learning Center (SLC) will energize the entire 70-acre Seaport development with a visitor-serving public ocean learning center. SLC activities will vary in focus and duration and will create a rich variety of visitor-serving opportunities that link to San Diego fisheries, commerce, navigation, recreation, NGOs, Navy, industry, ocean science, coastal habitats and urban waterfront environments that make up the Central Embarcadero/Seaport Village Project. The Learning Center will be physically and operationally connected to the Aquarium, and also a key part of an envisioned project-wide public activation zone that contains an Aquarium, Ruocco Park, the Boardwalk, Tuna Harbor, the fish market and the G Street suite of museums, public art, and water-recreation services.



Figure 1: Architect's rendering of the Learning Center (left) and Aquarium

The program: The SLC will enhance the public's use, enjoyment and understanding of the waterfront with stimulating educational and recreational activities. The multi-use facility, operated by world-renown Birch Aquarium at Scripps/Scripps Institution of Oceanography/UC San Diego, will amplify and extend the waterfront experience with a rich variety of San Diego Bay- and ocean-themed educational activities, on-the-water experiences, public events/lectures/films, art/science/technology installations, conferences, dockside demonstrations and blue tech workshops. The Seaport Learning Center will act as home base as well as a launching pad for waterfront explorations throughout Seaport, nearby urban spaces, coastal habitats, and on docks and boats on the Bay and Pacific Ocean. Learners, young and old, as individuals and in social groups, will actively explore, investigate, create, and share their work throughout Seaport and with partners and collaborators located around the State and around the world.

The facility: The SLC facility is envisioned as an 80,000-sf facility that is physically attached to the Aquarium. The SLC's architectural concept design currently suggests the form of a sea-going vessel and will emphasize the connection to the outdoors and waterfront through windows, sliding walls that open to the water, and direct access pathways to the docks, piers, and boats. Facility highlights include: an auditorium and exhibit space; maker spaces and blue tech workshop and demonstration areas; sustainable seafood cooking and demonstration spaces; immersive wet-lab teaching and learning spaces; and an informal rooftop 'group camping' overnight accommodation. Project facilities will extend to various locations outside of the building, and throughout the public activation zone, to include outdoor interpretive exhibits with information about the science of San Diego Bay, displays of relevant ocean science equipment, and outdoor art/science/technology installations such as the proposed immersive building-scale 'Sounds of the Bay' installed between the SLC and the Aquarium and the 'Coastal Geology Interpretive Walk' along the project's fault line in the envisioned 'Water-cut' zone between Blocks A & B.



Figure 2: Working maker spaces allow visitors to both see and participate in blue tech innovation design that addresses ocean and waterfront challenges.

II. Mission, Vision, Goals

Mission: The Seaport Learning Center will inspire deep learning about our ocean planet and catalyze action for people, economies, and ecosystems to thrive.

Vision: The SLC will drive broad public engagement along the Seaport waterfront, providing equitable access for everyone to learn about our ocean planet, to explore, discover, invent, investigate, connect and care.

Goals:

- Increase understanding and protection of our ocean planet;
- Optimize public benefit of State Tidelands;
- Activate the waterfront to deepen connection with place and San Diego's extraordinary cultural and natural histories;
- Promote equity, diversity and inclusion;
- Innovate in the field of education, to advance problem- and place-based learning focused on our oceans;
- Inspire curiosity and sustained learning across generations;
- Increase understanding, awareness and means to participate in San Diego harbor's emerging blue economy.

III. SLC spaces activate and interact with the waterfront.

The Learning Center will be a multiple-use and adaptable facility designed to serve many different audiences#(general public, students, adults, seniors, families, tourists, and locals) with activities, programs, and services that activate the waterfront at Seaport. The SLC will bring the waterfront experience to the visitor with immersive learning activities (in wet labs, on docks, on boats), innovative art/science/technology installations, pop-up science demos, events, lectures, films, and conferences that both amplify and extend the waterfront experience. SLC activities will vary in focus and duration and will create a rich variety of visitor-serving opportunities that link to San Diego fisheries, commerce, navigation, ocean science, recreation, NGOs, Navy, industry, coastal habitats and urban waterfront environments that make up the Central Embarcadero/Seaport Village Project. The SLC will offer activities for locals and tourists designed to promote participants' connection to our ocean planet. The SLC will host conferences and symposia for thought and industry leaders in Earth, ocean, and atmospheric sciences, blue and green/clean technologies, sustainable seafood and culinary traditions, the arts and STEM education.

Some examples of the rich variety of activities, programs, and services envisioned as part of the SLC include:

- SD Bay Citizen Science activities, events and cruises;
- Exhibits and installations on waterfront topics (fishing, Naval history, bay and ocean natural history, marine science);
- Kayaking, small boating, various on-the-water science and natural history learning experiences;
- Nature watching and field explorations (birds, marine mammals, SD flora and fauna, etc.);
- Ocean and coastal engineering workshops, conferences, equipment development and testing, blue tech and blue economy innovation;
- SD Bay and ocean field excursions for K-12, informal and after-school (Science Camps, Boys & Girls Clubs, Scouts, etc.) groups, families, tourists, conference attendees, cruise line side trips;
- Behind-the-Scenes tours of the Aquarium;
- Pop-up Labs, demonstrations and learning experiences throughout the Seaport development;
- Parent/Child weekend workshops;
- Day-time and evening special events and festivals;
- Ocean-themed lectures, presentations, and panel discussions;
- Overnight Programs for children, families and adults;
- For-credit marine-focused High School programs.

At the Seaport Learning Center, diverse people and groups will come together to feel amazed and inspired by our ocean planet, the Pacific Ocean, and San Diego as an extraordinary place with abundant life, multiple histories and diverse perspectives. People will work together to identify and address shared challenges, to advance learning to better understand how our planet works and to co-create a world that works for everyone. We aim to bridge people, break down isolation, and build compassion and empathy to promote social, economic, educational, and ecological justice. Learners at Seaport will not just participate in a thriving and just blue economy, they will be leaders and visionaries who create healthy futures. Seaport Learning Center will



Figure 3: The SLC will promote diversity in its staff, content, and policies for scholarship and inclusion.

catalyze civic engagement on and around San Diego Bay, educate people about the tidelands public trust and nurture a community that cares about shared resources.

The SLC will promote equity, diversity and inclusion in its staff, program content, and policies for scholarship. The SLC will be particularly attentive to driving equity, diversity and inclusion in the emerging blue economy. Diversity#at Seaport means that we value people from all walks of life, diverse across multiple dimensions: age, gender, culture, race, ethnicity, religion, language, socioeconomics, place of origin, education, profession, abilities, needs, and aspirations. We value inclusion#of diverse people and diverse perspectives because this approach yields increased strength and resilience. We strive for equity#of opportunity, because while all people have equal value, not all people have equal access to resources.

IV. The SLC: A visitor-serving entity for statewide public use

The SLC is envisioned as a multi-use and adaptable public ocean learning center. The SLC will be both physically and operationally connected to the Aquarium and contribute to the broader public activation goals for the entire Seaport project. The SLC will host approximately 50,000 public participants each year through registered activities with many more (in the hundreds of thousands) served through outdoor exhibits, installations, and events. The facility is expected to be open to the public delivering programs and services from 8:00 am to 10:00 pm every day. All programs and services incorporated into the project will be open to residents statewide.

The SLC will serve as the education and public engagement arm of the Aquarium. Programming will be designed to augment an Aquarium visit with additional opportunities to explore Seaport's waterfront and engage in a variety of immersive learning experiences. Some, but not all, of the activities will take place within the SLC or Aquarium facility. A course and program listing will offer individuals and groups visiting the Aquarium rich opportunities to explore the Aquarium's exhibit content at a much deeper level. Specialty spaces within the SLC, such as wet labs, maker spaces and design studios, will provide ideal spaces for a top-tier University (Birch Aquarium/Scripps Institution of Oceanography/UC San Diego) to drive innovation in public marine-oriented learning activities that activate the waterfront. Any Seaport visitor will be able to register for an SLC activity and it will not be a pre-requisite for participants to buy a ticket for the Aquarium.



Figure 4: Immersive learning opportunities will invite visitors of all ages to learn about the animals and plants of SD Bay and nearby coastal waters.

A portion of the external entryway, patios, external walkways, and sliding walls will be designed with interactive and interpretive exhibits that will include information about the science and natural history of San Diego Bay. This will include outdoor exhibits, displays of science equipment, art installations, and exhibits on local natural history. An exhibit concept in development is to capture the underwater sounds of SD Bay and create a live immersive acoustic experience for all visitors within the building-scale oculus that connects the Aquarium and SLC. All of the outdoor areas that are part of the premises and

plaza will be open to the public for 100% of normal operating hours each day, except on occasions where such outdoor areas are rented for an event. The SLC will also operate outside the confines of its facility and adjacent patios and walkways with activities taking place on nearby docks, piers and boats. The SLC will partner with various entities—from Tuna Harbor fisherman to G Street kayak rentals to Hotel event planners—to build collaborative activation plans. The SLC will both lead and participate in festivals and Seaport-wide events. The SLC will also provide exhibits throughout the Seaport project, such as the proposed 'Coastal Geology Interpretive Walk' along the project's fault line in the envisioned 'Ramblas' zone.

V. Engages Californians to help safeguard their Trust lands and promote environmental protection

The Tidelands Trust protects the fundamental part of our California heritage that is our coast, its resources, and our communal access. Protecting those resources can never be taken for granted and there is continual need to connect with various public stakeholders, to increase awareness and understanding, to provide people with a voice, and, ultimately, to drive civic engagement.

The SLC understands that to increase public engagement around issues of environmental protection of our precious coastal resources, the public must be both motivated and empowered to be part of the conversation. SLC's reason for existing is to foster public engagement across the Seaport project and to promote conservation of our marine resources. All SLC programs, services, and activities will be tightly focused around our mission to 'inspire deep learning about our ocean planet and catalyze action for people, economies, and ecosystems to thrive'. Further, as the facility will be operated by Birch Aquarium at Scripps, Scripps Institution of Oceanography, UC San Diego, all future programming will be in support of the University's strategic initiative to 'connect understanding to protecting our planet'.

Activating Seaport's Waterfront - images

Group A: Visitors in wet lab preparing for various field excursions.











Group B: Boats, docks and piers used for ocean learning experiences.





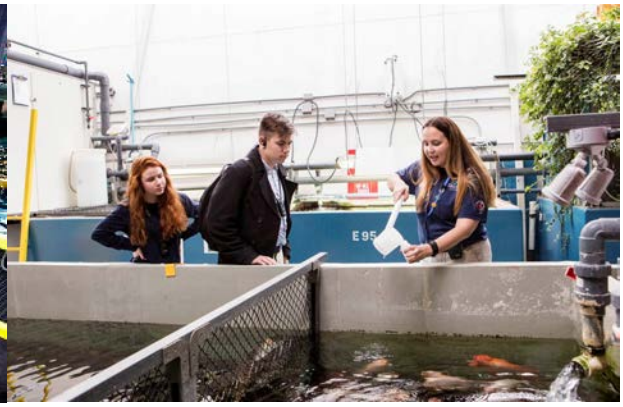


Group C: Special facilities and behind-the-scenes experiences give visitors opportunities to learn about blue tech.









VI. Appendices

Appendix A: Community input (excerpt from SLC Programing Report)



This report summary reflects a Seaport Learning Center that community stakeholders helped to create. The full Seaport Learning Center Programming Report was written to inform and inspire the developers and architectural teams to advance the project in service of our shared ideals.

An inspiring and realistic program plan demands a deep understanding of opportunities and constraints inherent in the Seaport site, understanding of potential audiences' needs and aspirations, stakeholder goals, and community assets. Hence, our design process involved extensive community input through a series of meetings and group focus sessions over a period of four months, first to understand the challenges and problems to solve, then to generate ideas to address problems, set goals, and seize opportunities. The Birch Aquarium at Scripps/Scripps Institution of Oceanography planning team designed the process, conducted research with community input, synthesized results, and shaped the final product inspired by a vision for the future and rooted in our knowledge of what works.

The following is a list of participants and contributors to the SLC program:

Edward Abeyta, U.C. San Diego, Extension, Assistant Dean for Community Engagement and Director, Pre-Collegiate and Career Preparations Programs
Elizabeth Argyle, Living Coast Discovery Center, Education & Guest Experience Manager
Emily Arnold, Birch Aquarium at Scripps, School Programs Manager
Daniel Atkinson, University of California, San Diego, Extension, Director of the Department of Arts, Humanities, Languages and Digital Arts
Keiara Auzenne, Scripps Institution of Oceanography, Equity, Diversity, Inclusion Coordinator
Alec Barron, Escondido Union High School District, Science Instructional Coach
Danny Beckwith, Birch Aquarium at Scripps, Education Specialist
Diane Forbes Berthoud♯ U.C., San Diego, Equity, Diversity, Inclusion Associate Vice Chancellor
Matt Bradley, New Children's Museum, Exhibitions Coordinator & Preparator
Lindsay Bradshaw, Living Coast Discovery Center, Animal Care Manager
Stephanie Bulger, San Diego Community College District, Vice Chancellor, Instructional Services and Planning
Constance M. Carroll♯ San Diego Community College District, Chancellor
Amanda Datnow,♯U.C., San Diego, Social Sciences, Education Studies Associate Dean & Professor
Jesse DeWald, U.C., San Diego, Jacobs School of Engineering, EnVision Maker Studio Staff Director
Megan Dickerson, New Children's Museum, Manager of Exhibitions
Chris Fitzsimmons, Birch Aquarium at Scripps, Education Specialist
Kellie Fleming, Vista Unified School District, STEM Teacher on Special Assignment (TOSA)
Kelly Frisch, Navy Region Southwest, Regional School Liaison Officer
Lisa Gilfillan, Birch Aquarium at Scripps, Education Specialist
Ivel Gontan, Fleet Science Center, Community Programs Senior Manager
Danielle Griffith, Crawford High School, Biology, Chemistry, AVID Teacher
Conor Handley, Kumeyaay Community College

Harry Helling, Birch Aquarium at Scripps, Executive Director
Cheryl Hibbeln, San Diego Unified School District, Executive Director of Secondary Instruction
Jules Jaffe♯ Scripps Institution of Oceanography, Resident Oceanographer
Kathleen Johnson, University of California, San Diego, Interim Exec. Vice Chancellor, Academic Affairs
Michael Jones, The Maritime Alliance, Founder & President
Kristen Koch, NOAA, Southwest Fisheries Science Center, Science and Research Director
Joe Krupens, University City High School, Biology Teacher
Jamie LaBrake, Kumeyaay Community College, Trustee
Liz Larkin♯ East Village High School, Principal (retired)
Jennifer Long, U.C., Irvine, Center for Environmental Biology, Education & Outreach Coordinator
Chris Manis, San Diego Community College District, Vice Chancellor, Facilities Management
Delanie Medina, Birch Aquarium at Scripps, Education Specialist
Victor Minces, University of California, San Diego, Cognitive Science Assistant Project Scientist
Sarah Morgan-Sickler, Birch Aquarium at Scripps, Education Specialist
Danielle Mueller, Scripps Institution of Oceanography, SCCOOS Program Coordinator
Greg Murphy, The Maritime Alliance, Executive Director
Jessica Nascimento, Hilltop High School, Biology Teacher
Gwen Nero, Scripps Institution of Oceanography, Director of Corporate Affiliates, Business Development, Industry Outreach and Innovation
Bob Neuhard, University of California, San Diego, Director of Strategic Alliances
Carol Padden, University of California, San Diego, Division of Social Sciences, Dean
Cari Paulenich, Birch Aquarium at Scripps, Education Specialist
Cheryl Peach, Birch Aquarium at Scripps, Senior Director of Science & Educational Alliances
Christine Pereira, The Maritime Alliance, Education Director
Mica Pollock, University of California, San Diego, CREATE & Education Studies Director & Professor
Ramesh Rao, University of California, San Diego, Calit2 Qualcomm Institute, Director
Katie Rast, San Diego Foundation, Director of Community Impact
Maggie Reinbold, San Diego Zoo Global, Director of Community Engagement
Nan Renner, Birch Aquarium at Scripps, Senior Director of Learning Design & Innovation
Martha Rodriguez, Kumeyaay Community College
Stan Rodriguez, Kumeyaay Elder, University of California, San Diego, Education Studies
Danielle Rowley, University of California, San Diego, Entrepreneur in Residence
Lisa Schiavinato, California SEA Grant, Director of Extension
Kathryn Schulz, University of California, San Diego, CREATE, San Diego Science Project, Director
Sarah Shoffler, NOAA, Southwest Fisheries Science Center, Fishery Biologist
Brett Stalbaum,, U.C. San Diego, Arts and Humanities, Visual Arts, Associate Teaching Professor
Dale Stokes♯ Scripps Institution of Oceanography, Researcher
Jim Stone, Elementary Institute of Science, Executive Director
Robert Sullivan, University of California, San Diego, Rady School of Management, Dean
Paul Sykes, San Diego Mesa College, Biology Chair & Professor
Nusrat Symons♯ Birch Aquarium at Scripps, Volunteer Coordinator
Theresa Sinicrope Talley, U.C., San Diego, Scripps Institution of Oceanography, California Sea Grant Extension Specialist
Jeanie M. Tyler, San Diego City College, Associate Dean, Strong Workforce
George Tynan, University of California, San Diego, Jacobs School of Engineering, Associate Dean
Melanie Villanueva, Chula Vista High School, Chemistry Teacher and Site Science Specialist
Steve Walters, Mission Bay High School, Science Teacher
Susan Yonezawa, University of California, San Diego, CREATE Associate Director
Ivy Young, Birch Aquarium at Scripps, Learning Consultant

Appendix 2: High School for-credit programs - additional detail

The SLC will offer a broad range of courses and visitor experiences designed to activate the Seaport waterfront. Comparable organizations, such as the Ocean Institute in Dana Point or Birch Aquarium at Scripps in La Jolla, offer more than 60 different learning experiences serving youth, adults, and seniors as individuals and in groups. Approximately 50,000 visitors each year will participate in SLC programming.

Of the many programs offered, SLC may also consider a few that offer in-depth ocean learning opportunities for teenage visitors (middle and high school grades) not available in any other venue. The need for in-depth programming in collaboration with practicing researchers was identified by professional educators in our stakeholder development sessions. In particular, the SLC leadership would like to consider a suite of for-credit high school programs that leverage the teaching and research assets of Scripps Institution of Oceanography and UC San Diego faculty and staff to provide Blue Tech-focused learning opportunities in a waterfront environment. The programs, on topics such as ocean engineering, would range from weekend and afterschool seminars (workshops, hack-a-thons, etc.) to 4- to 6-week residential science camps (where students from around the State stay on the UC San Diego campus) to semester-long courses. A new light rail system is currently being installed that will connect UC San Diego to Seaport and offer convenient and affordable transportation. High school programs, depending on hours of contact time and nature of the lesson plans, will offer either (or both) high school and/or college credit. For-credit programs are expected to serve fewer than 500 students or less than 1% of the total annual visitor participation at the SLC.

The program will be run with full awareness of, and in compliance with, the intent of the State Tidelands Trust. All for-credit programs offered by SLC will be available for any California teen. While it is likely that during the school year the majority of participants could be from San Diego, on weekends, vacations, and summers, SLC programming (in coordination with UC San Diego) will draw from a more statewide audience. SLC will coordinate with programs like the University of California's COSMOS (https://cosmos-ucop.ucdavis.edu/app/main) that exist to "motivate the most creative minds of the new generation to become leaders for California, the nation, and the world." COSMOS is a 4-week residential summer program attracting 8th-12th grade students from throughout California. COSMOS provides students with an unparalleled opportunity to work side-by-side with outstanding University faculty and researchers covering topics extending beyond the typical high school curriculum. Birch Aquarium at Scripps currently hosts hundreds of COSMOS students each summer, but without the proper facility or location. One of the stated goals for COSMOS is to ensure that future student bodies reflect California's geographic, economic, and cultural diversity. COSMOS has a generous scholarship program that ensures equity, diversity and inclusion. COSMOS is just one of many different statewide programs supported by the University of California.

The most in-depth program envisioned in the SLC portfolio of ocean learning experiences is an intensive semester-long program for high school students. The program will offer a series of four accelerated classes that take advantage of the unique location on the working waterfront at Seaport. Ideally, each course would satisfy University of California's a-g high school graduation requirements and provide dual credit for both high school and college whenever possible. The program will ensure participation by underserved teens with appropriate recruitment and selection policies and adequate financial aid. The

SLC would receive no ADA (Average Daily Attendance) funds from schools. Instead, the majority of funding for support is expected to come from operations of the adjacent public Aquarium.

An example of the types of courses that might be offered and how they could fit into an articulated high school curriculum follows.

Seaport courses may include:

- Ocean Sciences,
- Blue Tech Engineering,
- Ocean Data Science (math and computing), and
- Introduction to Water Policy, Politics, Economics, and Ethics.

Courses will satisfy requirements in relevant CTE (Career Technical Education) pathways and address priority workforce sectors in San Diego County. Students from San Diego high schools with 4x4 schedules would be eligible to participate, with counseling services and academic support provided to ensure students stay on schedule for graduation and college applications. Courses will be taught by credentialed teachers and/or community college faculty members who meet CTE course instructor/college hiring guidelines.

The chart below shows how a Semester at Seaport (in blue) could potentially fit into a high school curriculum with focused ocean-based learning.

High School Requirements (College Eligible) Example Schedule for 4x4 and A/B			
9th	10th	11th	12th
History (a) English (b) Integrated Math I (c) College Prep Elective (g)	**Semester at Seaport** Water Policy, Politics, Economics, and Ethics (a) Ocean Data Science (c) Ocean Sciences (d) Blue Tech Engineering (d)	Social Science (a) English (b) Integrated Math III (c) College Prep Elective (g)	History (a) English (b) Math (c) College Prep Elective (g)
Lab Science (d) Foreign Language (e) Visual / Performing Arts (f) Physical Education	English (b) Integrated Math II (c) Foreign Language (e) College Prep Elective (g)	Lab Science (d) Foreign Language (e) College Prep Elective (g) Physical Education	Lab Science (d) Foreign Language (e) College Prep Elective (g) College Prep Elective (g)

APPENDIX I

Seaport San Diego TPG Demand Analysis

The following represents an analysis of the projected parking demand given the current Tidelands Parking Guidelines. While the overall program is not identical to what is currently proposed, the overall number of stalls in the proposed Project significantly exceeds the projected demand.

Land Use	Intensity		Base Parking Rate*	Basic Parking Requirement Before Reductions
Retail	276,000	SF	A) 2.8 /KSF	773
Aquarium	180,000	SF	F) 0.98 /KSF	176
Education	75,000	SF	G) 2.61 /KSF	196
Observation Tower	80,000	SF	I) 150 veh	150
Office	150,000	SF	B) 2.8 /KSF	420
Hotel	1,933	Rooms	C) 0.5 /Room	967
Multi-Purpose Event Center	85,000	SF	D) 1.55 /KSF	132
Slips	195	Units	E) 0.33 /Unit	64
Fish Processing & Off Loading Plant	25,000	SF	H) 1.02 /KSF	26
Veterans Museum	100,000	SF	F) 0.98 /KSF	98
SUBTOTAL				2,904

TIDELANDS PARKING GUIDELINES ADJUSTMENT FACTORS			
Access to Airport Reduction (except for Marina uses)	5	%	-97
Shared Parking Reduction	20	%	-581
Dedicated Water Transportation Incentive	5	%	-145
Employee Trip Reduction Programs (office only)	13	%	-55
Proximity to Transit Reduction	12	%	-348
Proximity to Public Waterfront Amenities (increase for public access)	75	spaces	75
Dedicated Airport Shuttle Reduction (Hotel uses only)	5	%	-48
SUBTOTAL			-1,200
TOTAL PARKING DEMAND AFTER ADJUSTMENTS PER TPG			1,704

Source:

A) Table 1 within Tidelands Parking Guidelines San Diego Unified Port District (*January 5, 2001*); Rate for Retail
B) Table 1 within Tidelands Parking Guidelines San Diego Unified Port District (*January 5, 2001*); Rate for Office
C) Table 1 witihn Tidelands Parking Guidelines San Diego Unified Port District (*January 5, 2001*); Rate for Hotel
D) Table 1 within Tidelands Parking Guidelines San Diego Unified Port District (*January 5, 2001*); Rate for Hotel
E) Table 1 within Tidelands Parking Guidelines San Diego Unified Port District (*January 5, 2001*); Rate for Hotel Dock
F) ITE Average Peak Period Parking Demand Rate for Museum (LU 580)
G) ITE Average Peak Period Parking Demand Rate for Library (LU 590)
H) ITE Average Peak Period Parking Demand Rate for Manufacturing (LU 140)
I) Based on estimates of Yearly Visitor Data obtained from the CN Tower's website and the Space Needle's website:

- *https://www.cntower.ca/en-ca/about-us/history/astounding.html*
- *https://www.spaceneedle.com/facts/*

CN Tower Yearly Visitors = 1.5 Million / Year
Space Needle Yearly Visitors = 1.3 Million / Year

- Assuming the following:

i) 1,500,000 Visitors / Year would be anticipated to visit the Observation Tower
ii) 1,500,000 / 365 days = 4,110 Visitors / Day
iii) Assume 6,000 Visitors / Weekend Day
iv) Assume Vehicle Occupancy of 2.5 Visitors / Vehicle
v) 6000 Visitors / (2.5 Visitors / Vehicle) = 2,400 Vehicles / Day (weekend)
vi) Observation Tower hours of operation would amount to approximately 18 Hours / Day
vii) (2,400 Vehicles / Day) / (18 hours / Day) = 133 Vehicles / Hour (weekend)
viii) Conservatively rounded up to 150 Vehicles / Hour (weekend)

Reductions:

From Table 2 within Tidelands Parking Guidelines San Diego Unified Port District (*January 5,2001*)

Seaport SAN DIEGO

APPENDIX A

Public Outreach Presentations and Partners

From the outset, the Seaport San Diego team has prioritized community outreach and engagement, focused on obtaining community feedback. To date, the team has provided more than 70 presentations to community, civic and governmental groups, and elected and appointed officials, along with numerous one-on-one meetings with stakeholders.

Outreach has taken many forms beyond the traditional meetings and group presentations. A partnership with San Diego Unified School District, the fifth largest district in the US with one of the highest percentages of Title 2 students provides touch points with surrounding underserved communities such as Barrio Logan and City Heights. Separately, Scripps Institution of Oceanography also led a targeted outreach effort to over 900 Blue Tech industry companies.

Significantly, the 1HWY1 development team led and facilitated the formation of a San Diego Fisherman's Working Group ("SDFWG") to represent a diverse array of commercial fishing gear types and associated interests and then reached an unprecedented agreement with the group to provide long-desired land and waterside amenities for commercial fishing at Tuna Harbor.

Presentations have been provided to groups including:

- Circulate San Diego
- Downtown San Diego Partnership
- San Diego Regional Chamber of Commerce
- Citizens Coordinate for Century 3
- University of California San Diego
- San Diego Unified School District
- University Club
- Financial Executives International-San Diego
- American Council Engineering ACEC
- University of San Diego, Burnham-Moores Center for Real Estate
- San Diego Green Building Council
- Marina Alliance District
- Downtown Community Planning Council

- Urban Land Institute
- New Children's Museum
- Cleantech San Diego
- SANDAG
- California State Bar, Real Estate Section
- Southern California Development Forum
- City of San Diego
- Ruocco Park Foundation
- San Diego Convention Center Board
- San Diego Regional Economic Development Corporation
- Park Place Homeowners Association
- Chamber Public Policy Committee
- Commanding Officer of U.S. Naval Base Captain Brien Dickson
- Friends of Downtown
- CCIM, San Diego Chapter
- San Diego Tourism Authority
- Monarch Schools
- San Diego Regional Chamber of Commerce
- Rotary Club of Rancho Bernardo
- State Controller Betty Yee
- San Diego Association of Realtors/Commercial Real Estate Alliance of San Diego
- Point Loma Optimists
- Commercial Real Estate Women, San Diego Chapter
- Downtown San Diego Realtor Caravan
- Marina District Alliance
- Lean Construction Institute
- CityAge LA
- CityAge SD

Appendix B

PERKINS EASTMAN

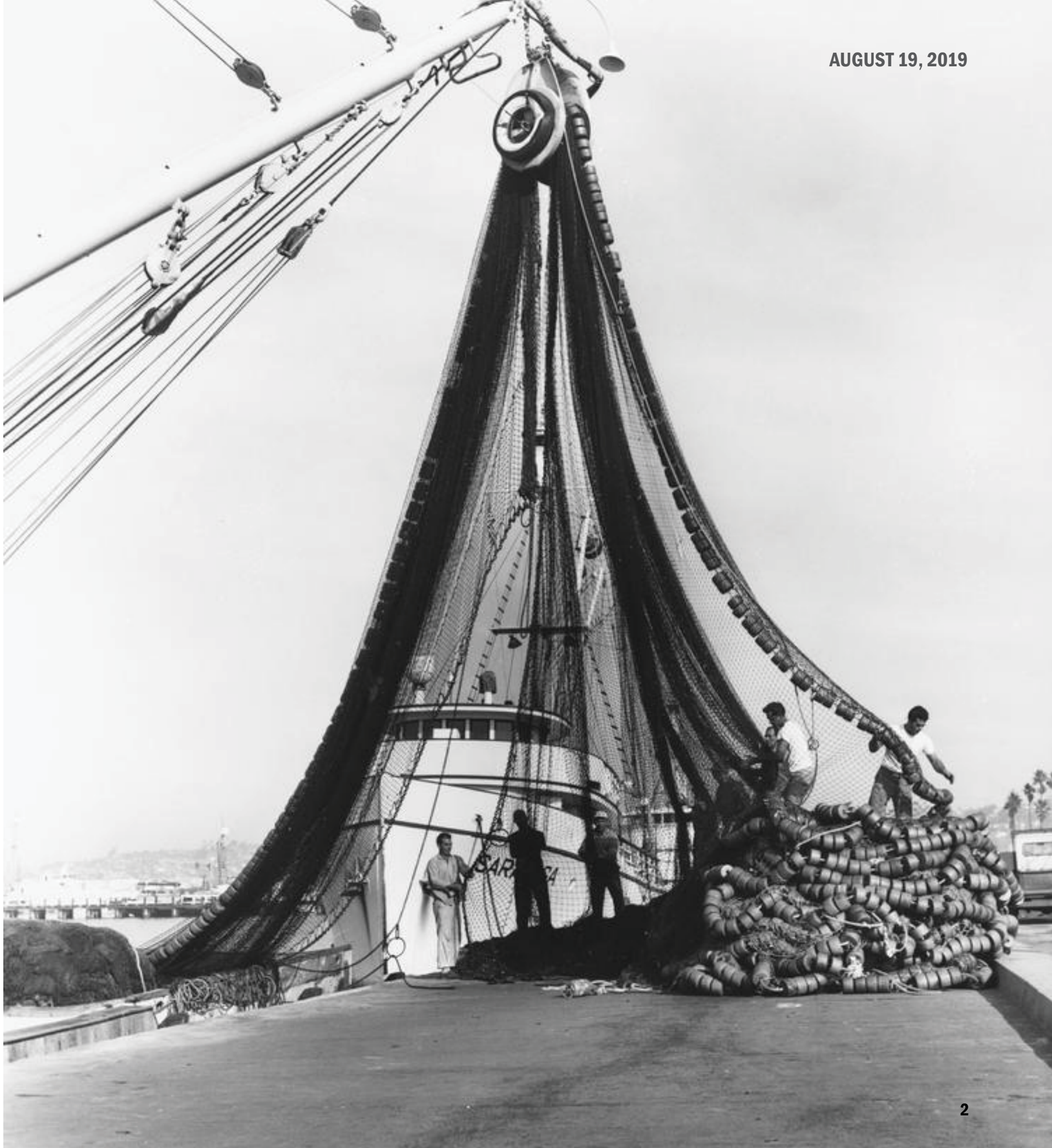
AUGUST 19, 2019

SEAPORT SAN DIEGO

G-STREET MOLE



1. OVERVIEW OF TOP PRIORITIES
2. FISH PROCESSING FACILITY DESIGN CONCEPT
3. TRAFFIC AND PARKING STUDIES
4. DISCUSSION

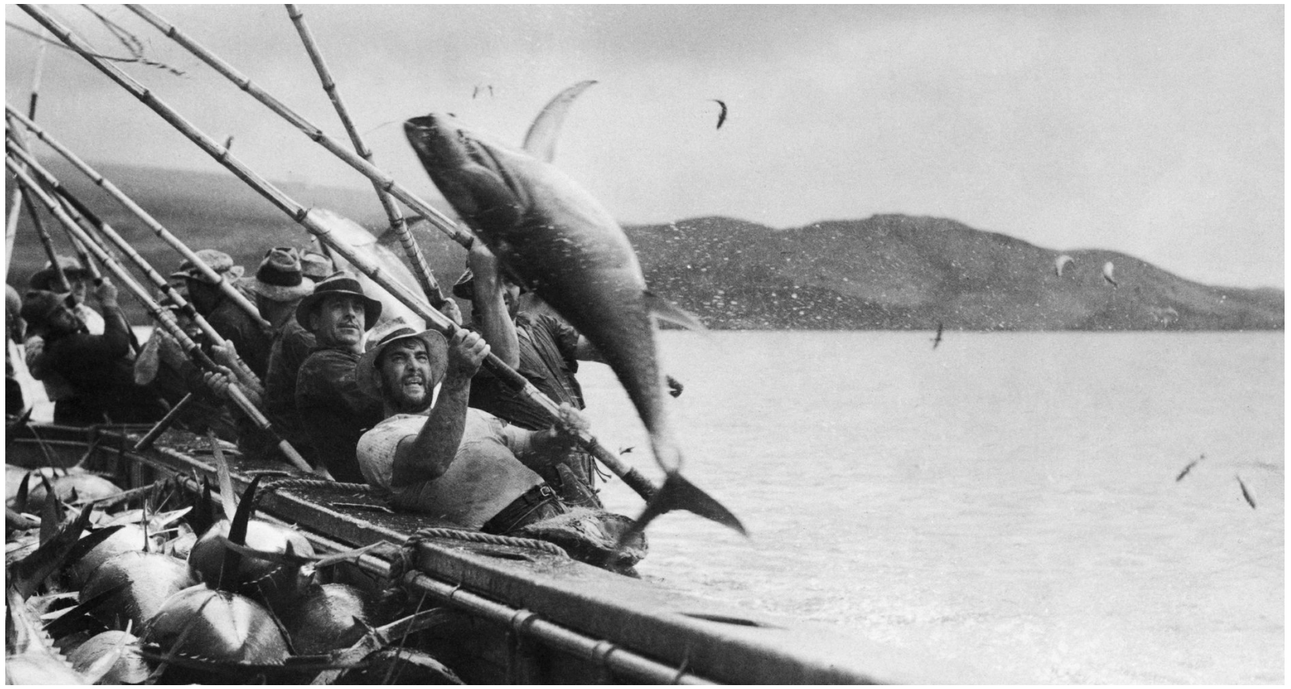


G ST. MOLE PARKING, CIRCULATION, AND MOBLITY

Guidelines for Concept

1. Commercial Fisherman have priority access to parking and driving on the Mole.
    a. Parking stalls designed to accomodate fisherman vehicles (i.e. trucks).
2. NO tour buses are allowed on the Mole.
3. Truck access for Processor and it's workers will be accommodated.
4. Valet drivers will be the only ones parking non-commercial fishing related vehicles on the Mole.
    a. Exception for the ADA and handicap individuals will be made.
5. Valet will prevent access when parking lot is full.
6. Additional parking needs will be accomodated at Mobility Hubs designated by the Port and in Seaport's parking reservoirs.
7. Ongoing dialogue: accomodating public (pedestrian) coastal access while addressing interface with commercial fisherman.

EMBRACING SAN DIEGO'S COMMERCIAL FISHING HISTORY







COMPARISON

Acreage

	ACRES
EXISTING ACREAGE	2.350
	0.110
	0.302
ADDED ACREAGE	0.400
	0.250
	0.58
TOTAL ACREAGE IN CURRENT DESIGN	3.992

Parking

EXISTING PARKING STALL COUNT: 270

PROPOSED TOTAL PARKING STALL COUNT: 252

- 107 for Commercial Fishing Zone (stall sizes to accomodate trucks)
  - 79 Commercial Fisherman Stalls
  - 18-20 Fish Processor Stalls
  - 3 ATA Stalls
  - Remaining balance to be discussed (lease?)



SITE PLAN

AUGUST 19, 2019

ADDITIONAL NET STORAGE

FIRE DEPARTMENT ACCESS/FIRE TRUCK TURN AROUND

HEAVY DUTY CRANE

LINE OF EXISTING WALL

102' DIAMETER

WET FISH PUMP

COVERED AREA FOR TRASH COMPACTOR, STAGING

ATA HISTORICAL COMMMEMORATION

LINE OF EXISTING BUILDING

THE FISH MARKET- SAN DIEGO

STALL FOR FISHERMAN

PROCESSING
+14' CLEAR INTERIOR HEIGHT

FISHER-MAN

ADJACENT PARKING BY OTHERS
136 PARKING SPACES

32 28 24 20 16 12 4

107 PARKING SPACES

22 20 18 16 14 12 5

24'

VALET DROP-OFF

LIVE FISH TANK OPTIONAL

OPEN MARKET
+12 TO +8 CLEAR INTERIOR HEIGHT

STORAGE
+7 TO +4 CLEAR INTERIOR HEIGHT

30'

1 LANE PEDESTRIAN CROSSING

2% grade slope = 1:48 Ramp

CRANE

CRANE

C

B

A

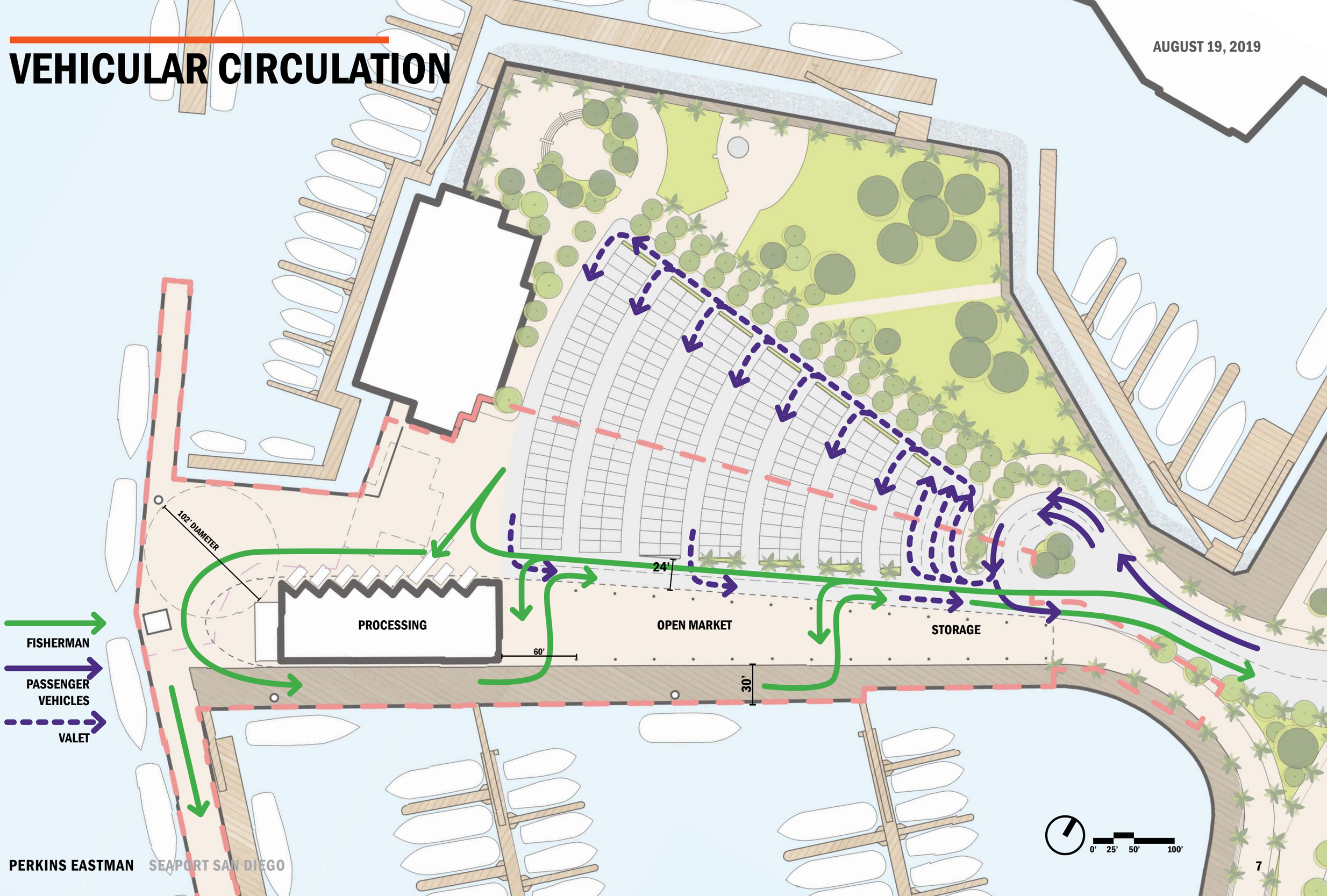
PROTECTED AREA FOR OFFLOADING/ ICE BLOWING

OFFLOADING/ ICE BLOWING

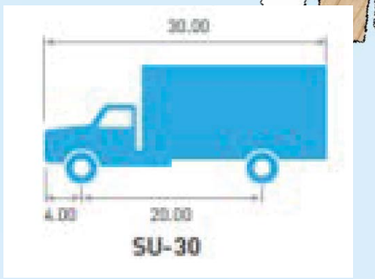
0' 25' 50' 100'

VEHICULAR CIRCULATION

AUGUST 19, 2019



TRUCK CIRCULATION



AUGUST 19, 2019

102' DIAMETER

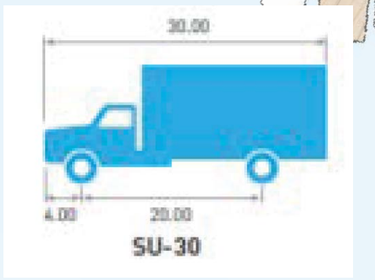
PROCESSING

OPEN MARKET

STORAGE

0' 25' 50' 100'

TRUCK CIRCULATION



AUGUST 19, 2019

102' DIAMETER

FISHERMAN

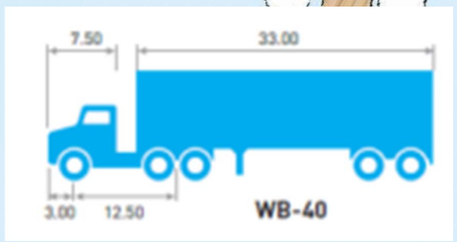
PROCESSING

OPEN MARKET

STORAGE

0' 25' 50' 100'

TRUCK CIRCULATION



AUGUST 19, 2019

102' DIAMETER

PROCESSING

OPEN MARKET

STORAGE

0' 25' 50' 100'

TRUCK CIRCULATION



AUGUST 19, 2019

102' DIAMETER

FISHERMAN

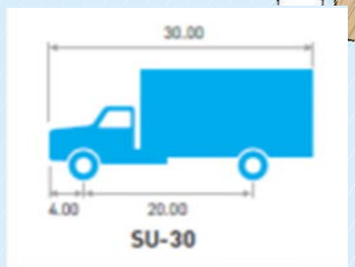
PROCESSING

OPEN MARKET

STORAGE

0' 25' 50' 100'

TRUCK CIRCULATION



AUGUST 19, 2019

102' DIAMETER

PROCESSING

OPEN MARKET

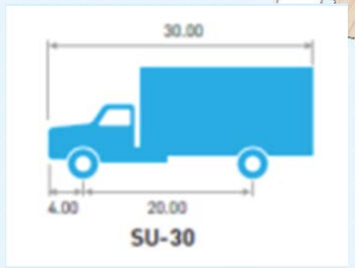
STORAGE

60'

0' 25' 50' 100'

TRUCK CIRCULATION

AUGUST 19, 2019



102' DIAMETER

24'

PROCESSING

60'

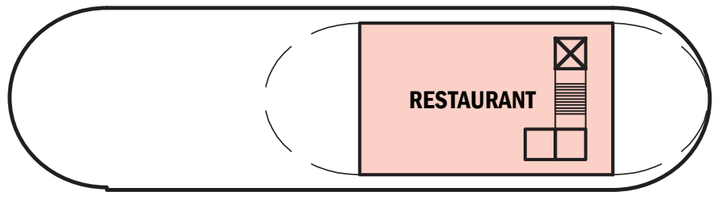
OPEN MARKET

STORAGE

FISHERMAN

0' 25' 50' 100'

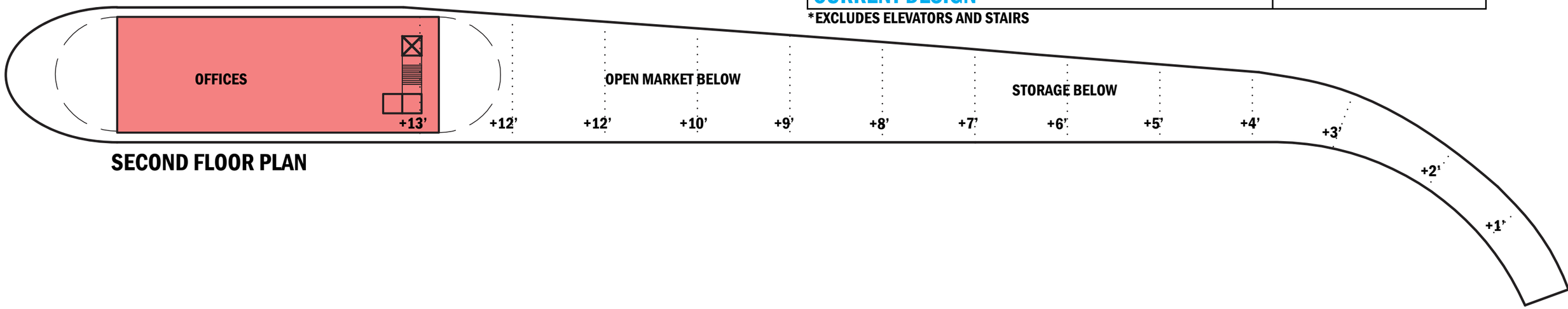
FLOOR PLANS



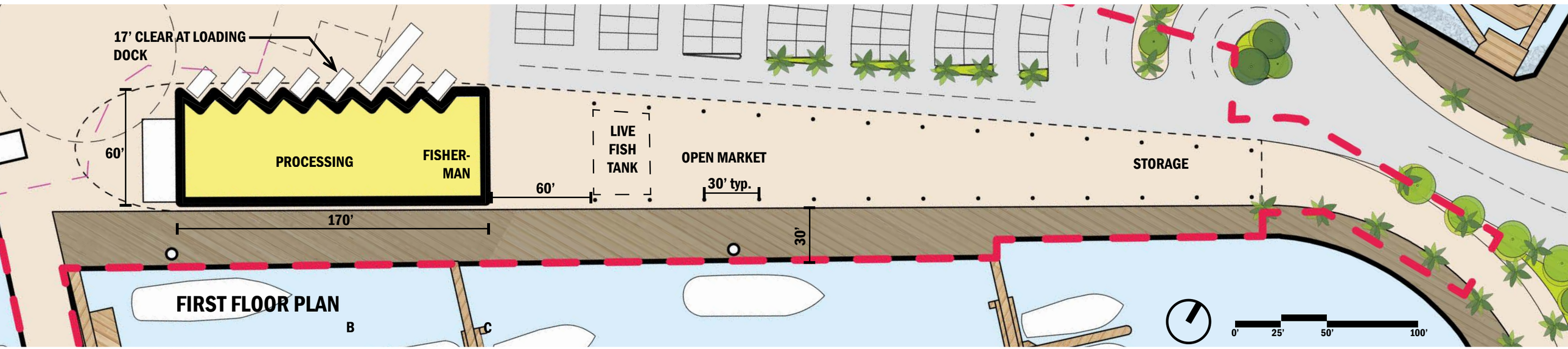
THIRD FLOOR PLAN

	GROSS SQUARE FEET
RESTAURANT	5,000
OFFICES/CONFERENCE ROOM	10,000-12,000
PROCESSING	7,000
FISHERMAN *	3,000
OPEN MARKET	9,700
OPEN STORAGE	4,300
TOTAL GROSS SQUARE FEET IN CURRENT DESIGN	39,000

*EXCLUDES ELEVATORS AND STAIRS



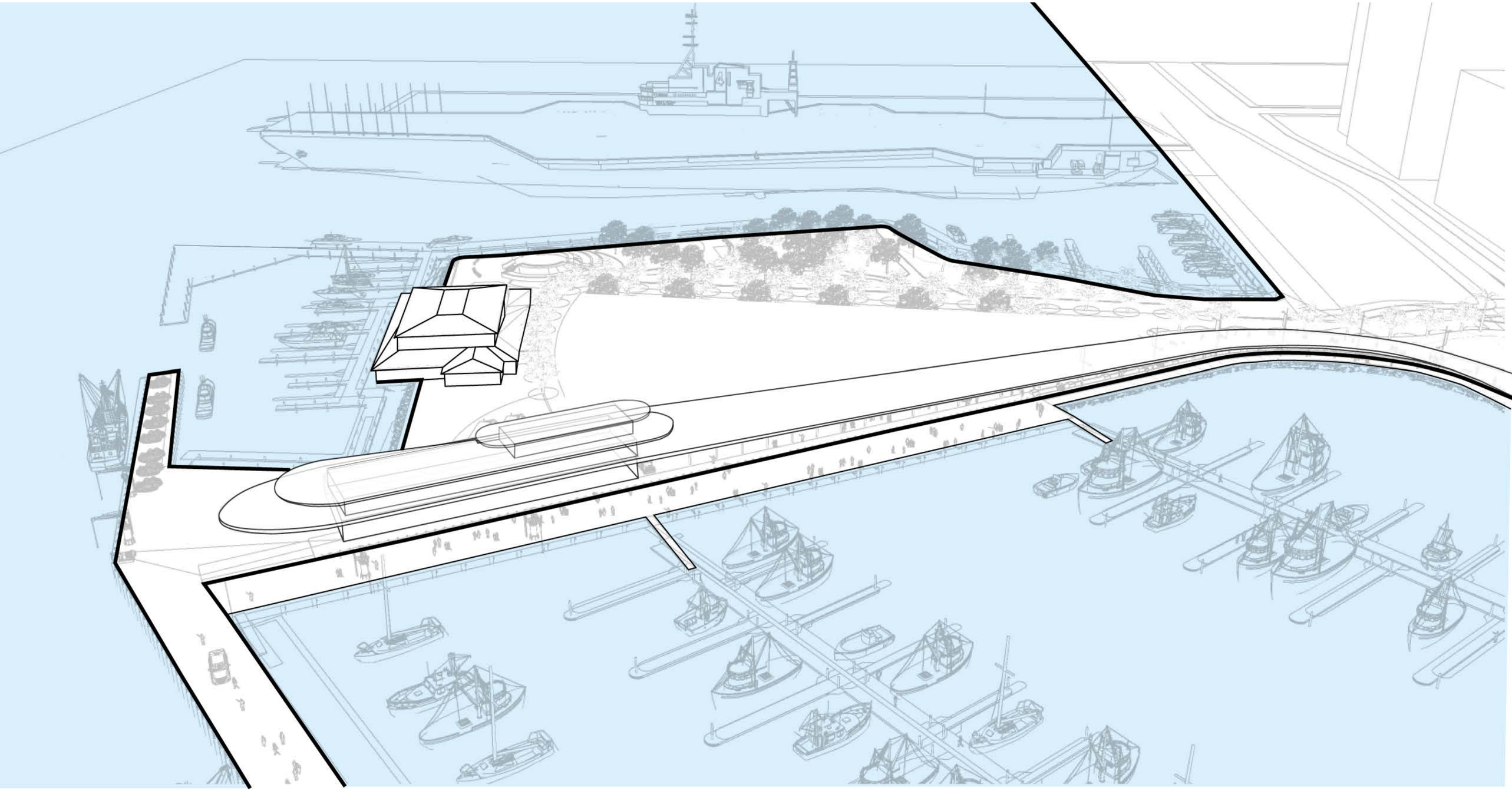
SECOND FLOOR PLAN



FIRST FLOOR PLAN

CONCEPT DIAGRAM

AUGUST 19, 2019



CONCEPT DIAGRAM - COMMERCIAL FISHING NEEDS

AUGUST 19, 2019

Fish processing facility ground floor functions requires complex vehicular access to the water

Storage

Open Market

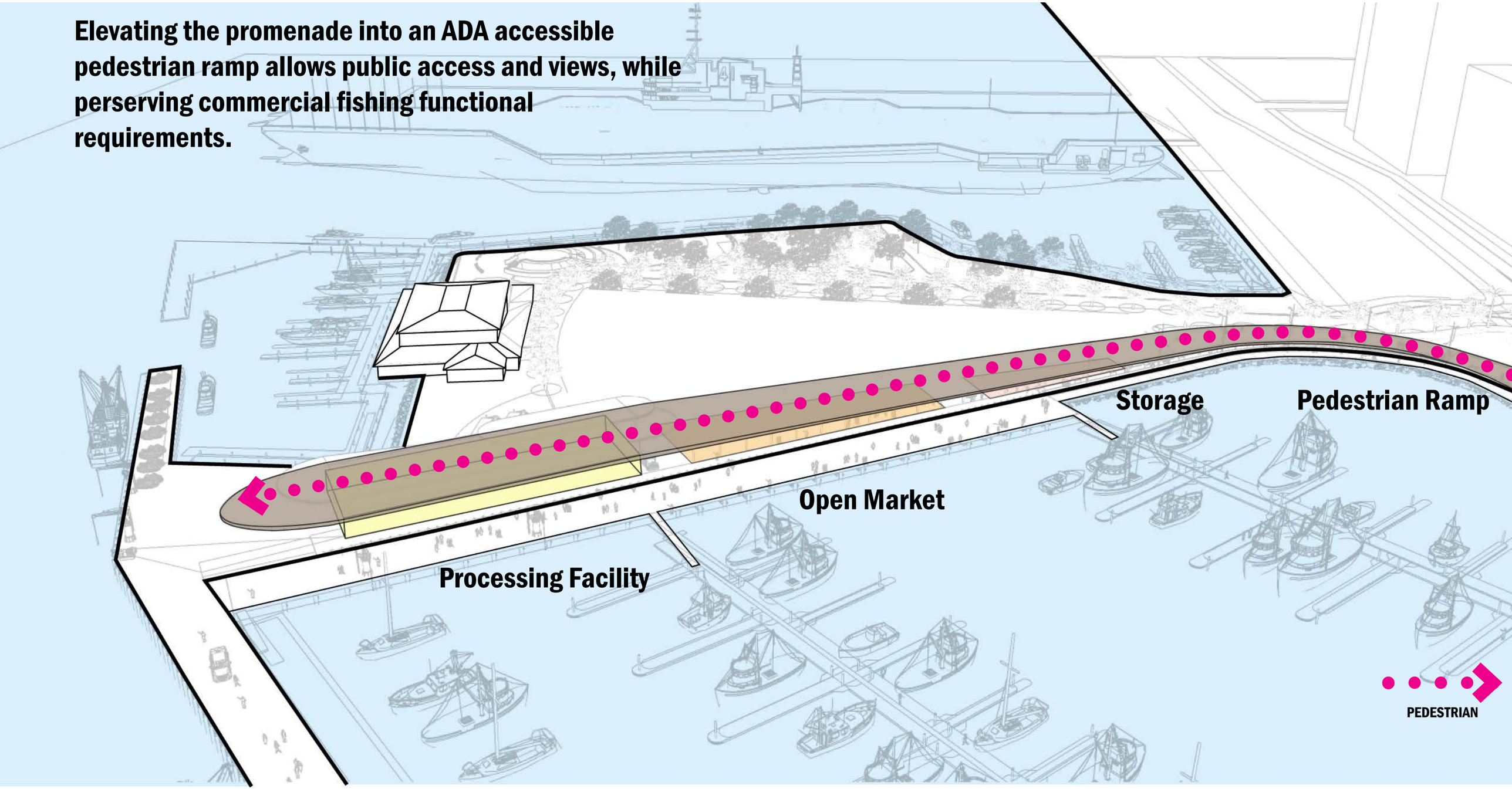
Processing Facility

FISHERMAN

CONCEPT DIAGRAM - PUBLIC ACCESS

AUGUST 19, 2019

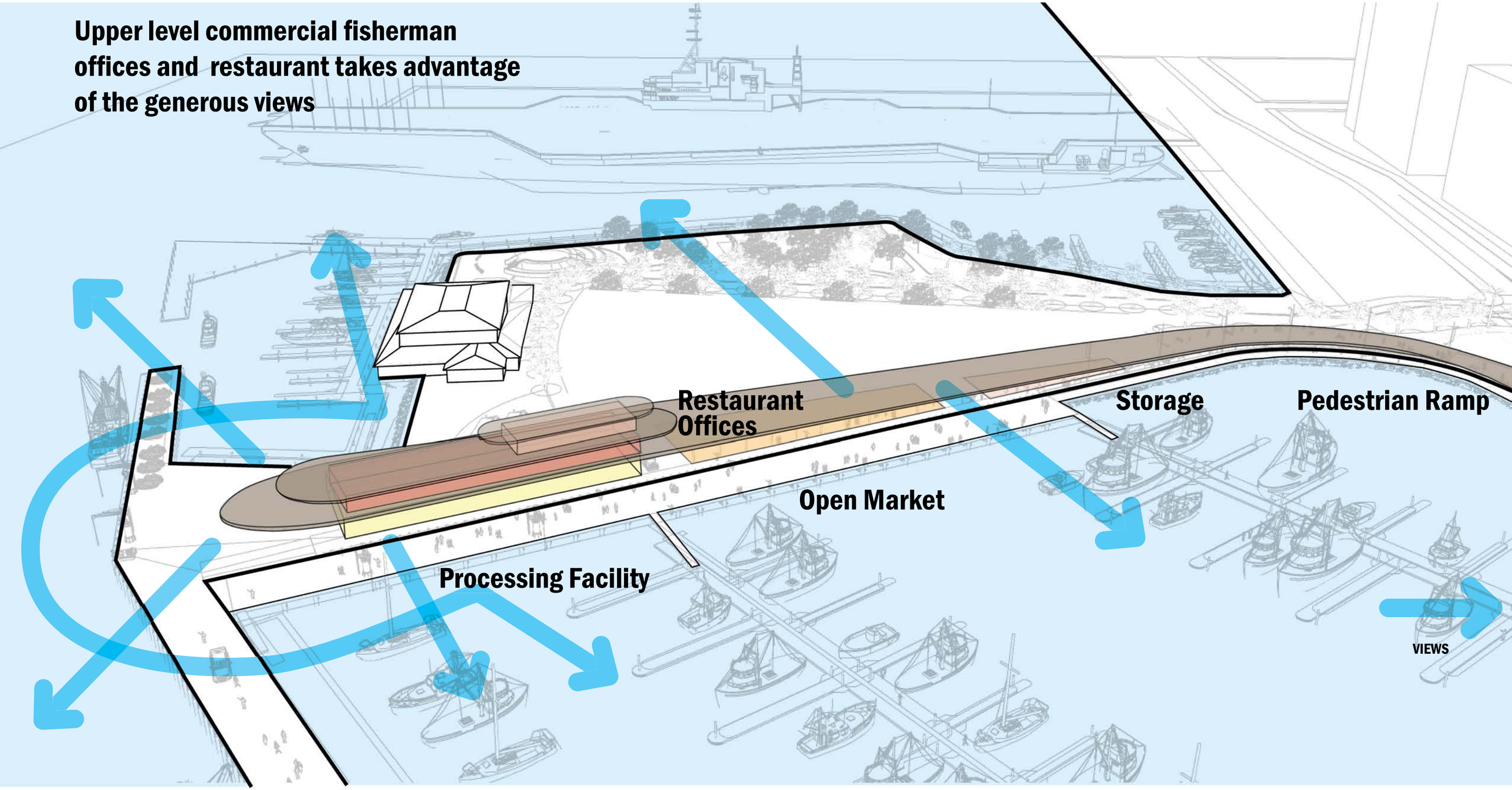
Elevating the promenade into an ADA accessible pedestrian ramp allows public access and views, while perserving commercial fishing functional requirements.



CONCEPT DIAGRAM - VIEWS

AUGUST 19, 2019

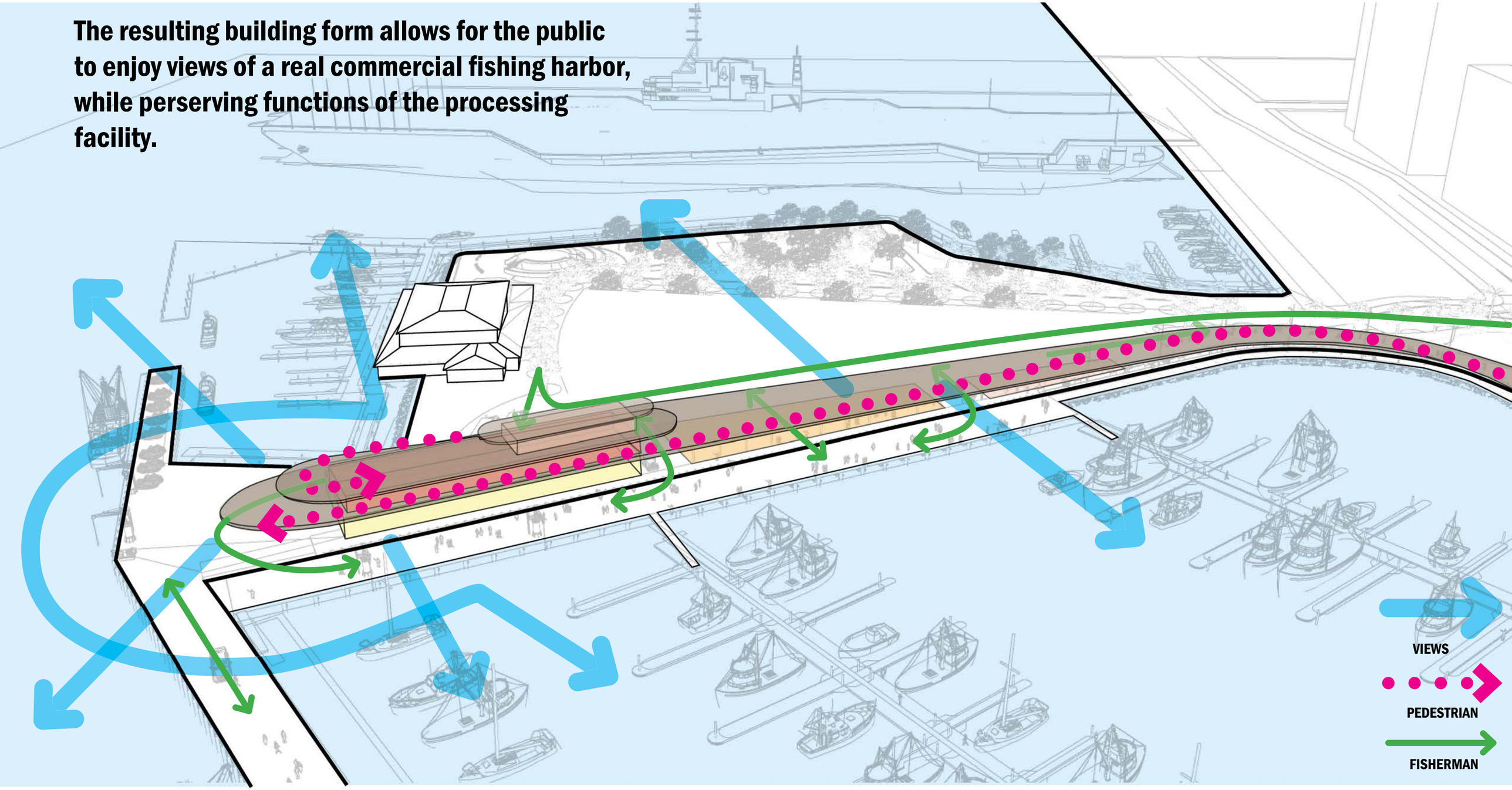
Upper level commercial fisherman offices and restaurant takes advantage of the generous views



CONCEPT DIAGRAM - A SHARED FUTURE

AUGUST 19, 2019

The resulting building form allows for the public to enjoy views of a real commercial fishing harbor, while perserving functions of the processing facility.



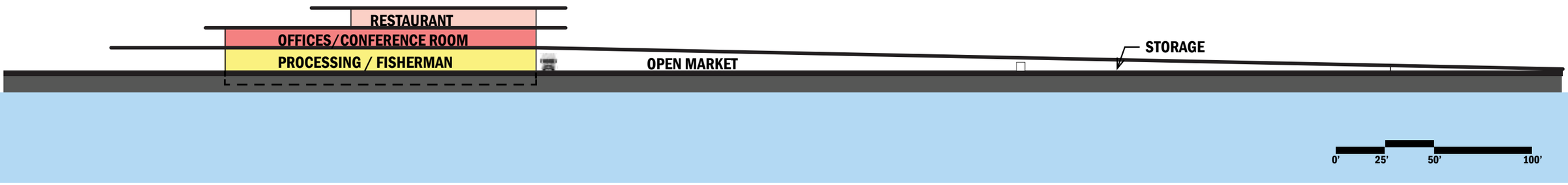
CONCEPTUAL CROSS-SECTIONS



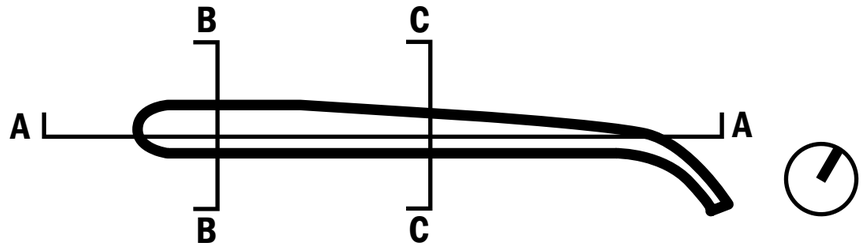
CONCEPTUAL CROSS SECTION B - TRANSVERSE LOOKING WEST



CONCEPTUAL CROSS SECTION C - TRANSVERSE LOOKING WEST



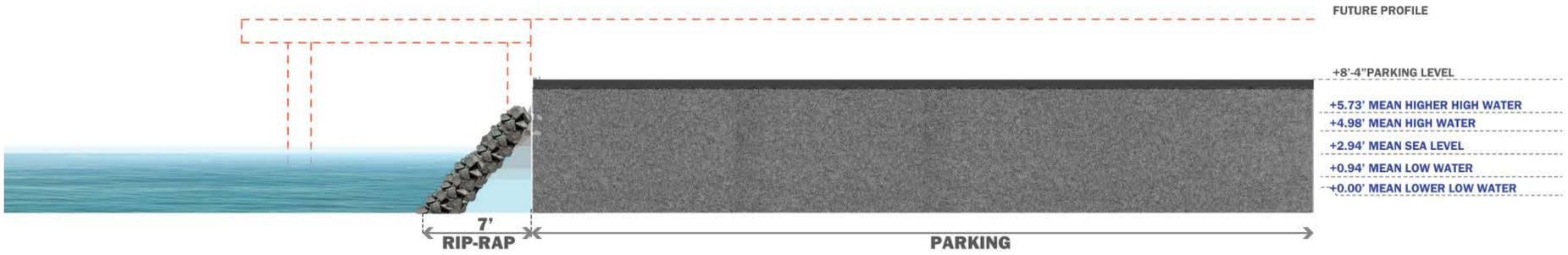
CONCEPTUAL CROSS SECTION A - LONGITUDINAL LOOKING NORTH



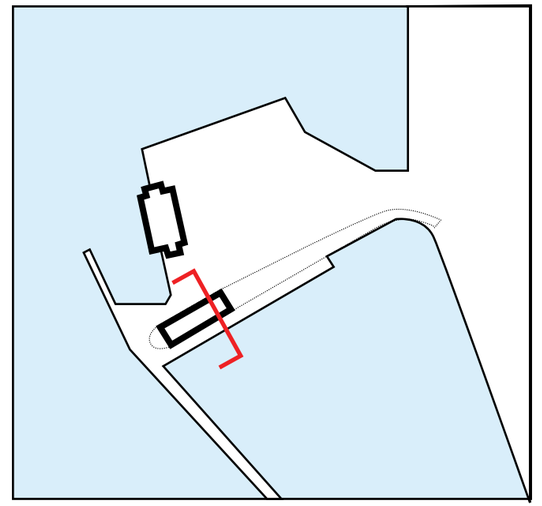
KEY PLAN

CONCEPTUAL CROSS-SECTION AT OFFLOADING PIER

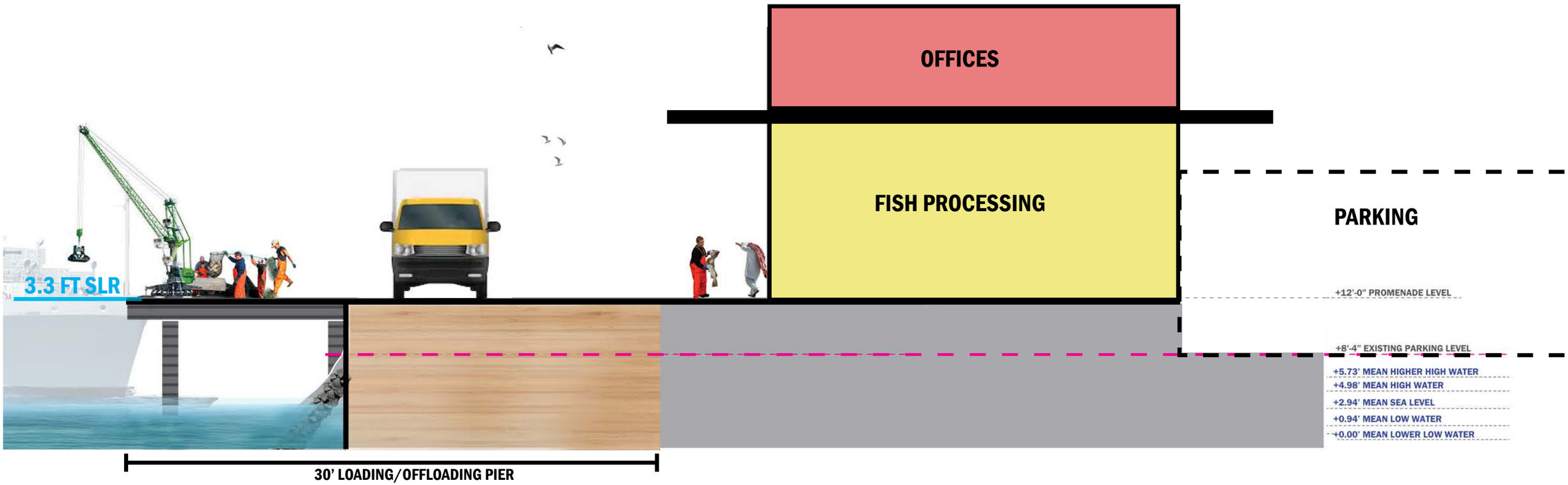
AUGUST 19, 2019



EXISTING SECTION



KEY PLAN

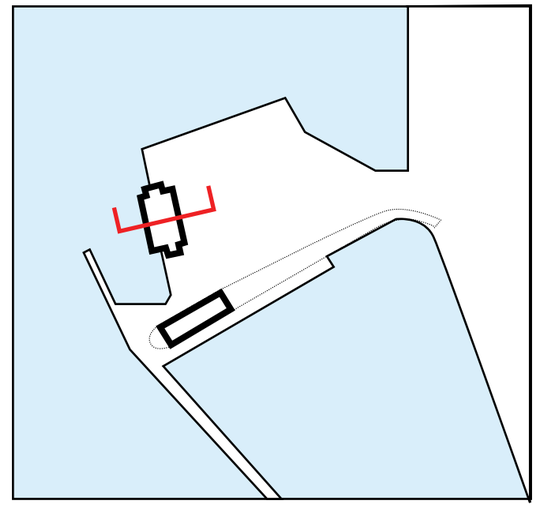


PROPOSED SECTION - EAST/WEST

+ Raise promenade to accomodate Sea Level Rise
+ Maintain existing parking level for easy truck loading dock access

CONCEPTUAL CROSS-SECTION AT FISH MARKET

AUGUST 19, 2019



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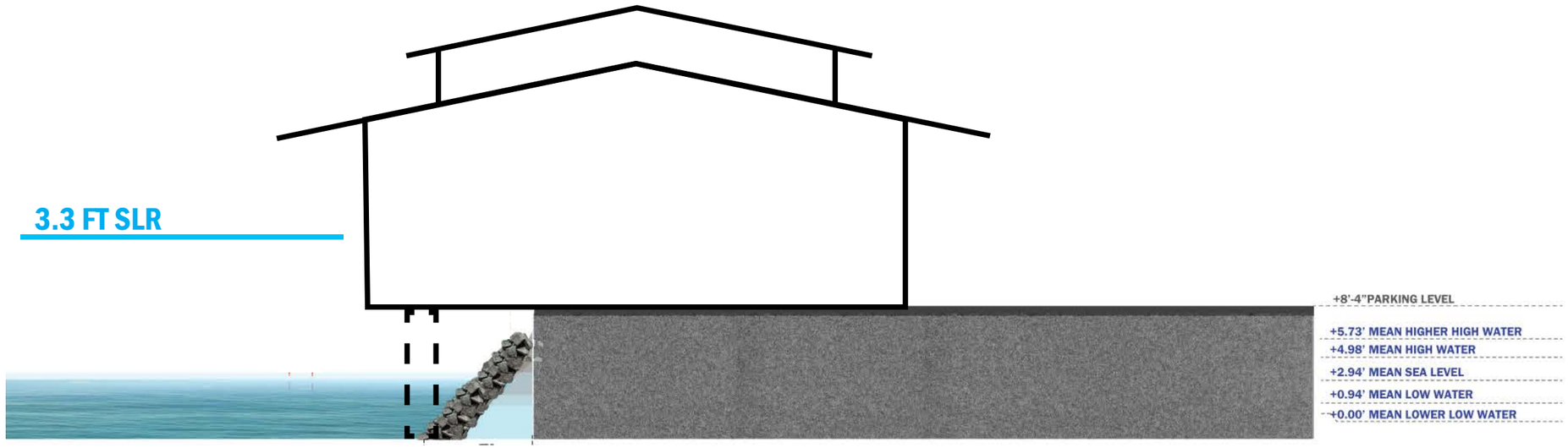


EXISTING SECTION - NORTH/SOUTH

+ Fish Market at risk of inundation due to Sea Level Rise
+ Maintain existing parking level for no change to access

SOUTHEAST FACING VIEW

APRIL 2, 2019

SATURDAY MORNING AT THE TUNA HARBOR DOCKSIDE MARKET

APRIL 2, 2019

CRANES / HOIST

AUGUST 19, 2019





FISH PUMP

AUGUST 19, 2019







TRAPS

AUGUST 19, 2019







STORAGE

AUGUST 19, 2019





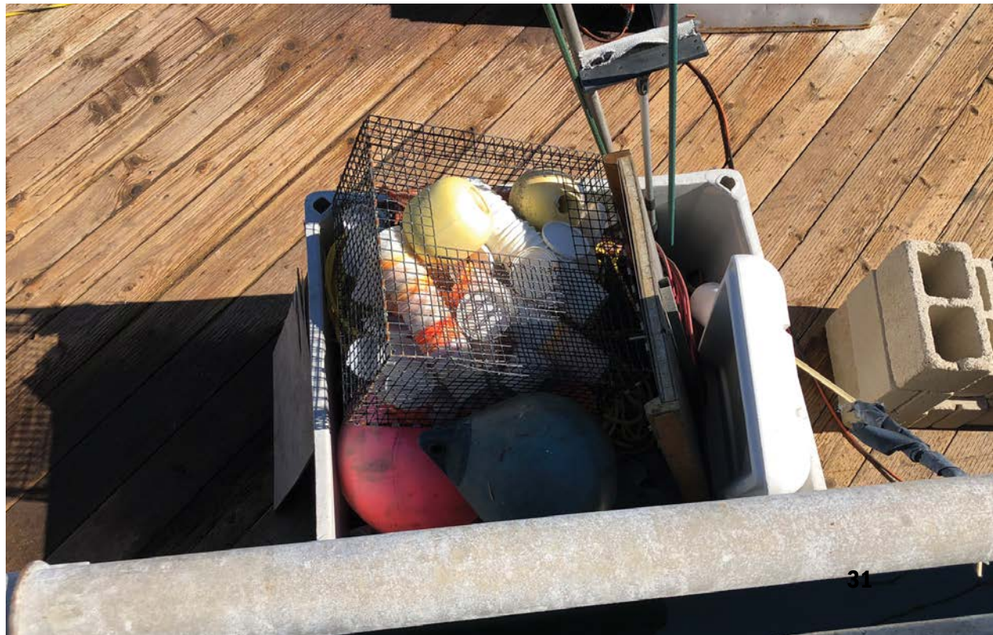


HOLDING TANKS AND STORAGE

AUGUST 19, 2019





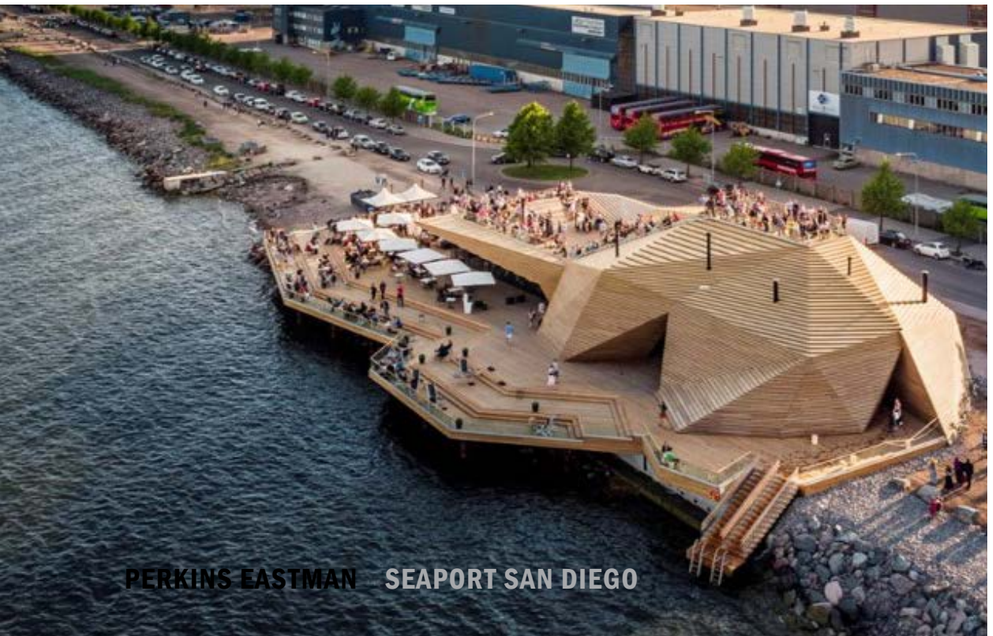


PROJECT PRECEDENT

LOYLY SAUNA - HELSINKI, FINLAND

AUGUST 19, 2019





PERKINS EASTMAN SEAPORT SAN DIEGO



PROJECT PRECEDENT

THE SYDNEY FISH MARKET - SYDNEY, AUSTRALIA

AUGUST 19, 2019



PERKINS EASTMAN SEAPORT SAN DIEGO





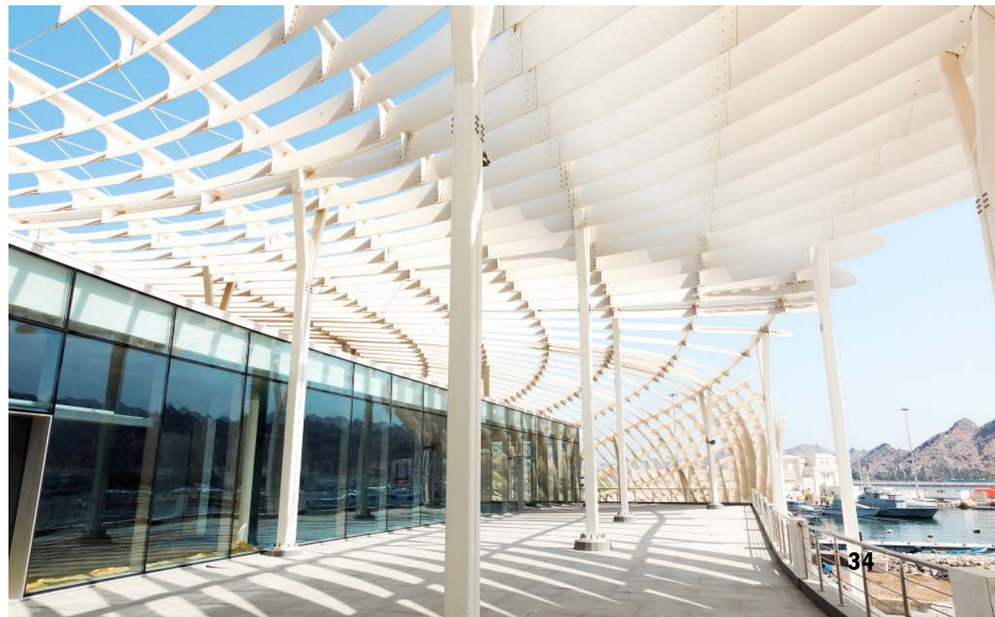
PROJECT PRECEDENT

MUTTRAH FISH MARKET - MUSCAT,OMAN

AUGUST 19, 2019







PROJECT PRECEDENT

DRAKE'S: THE BARN - SACRAMENTO, CALIFORNIA

AUGUST 19, 2019







PERKINS EASTMAN SEAPORT SAN DIEGO

PROJECT PRECEDENT

YOKOHAMA INTERNATIONAL PORT TERMINAL - PORT OF YOKOHAMA, JAPAN







PROJECT PRECEDENT

ST. PETERSBURG PIER - ST. PETERSBURG, FLORIDA

AUGUST 19, 2019







Appendix C



Design Concepts = Seaport2-1.psd

Tower Block (A)



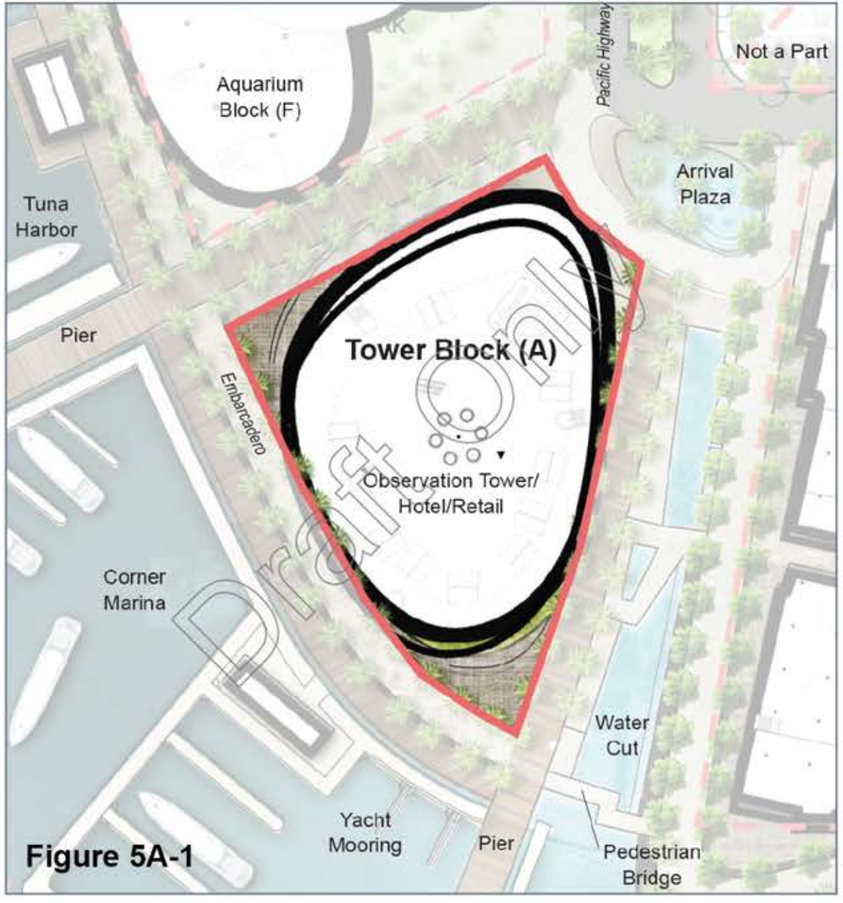
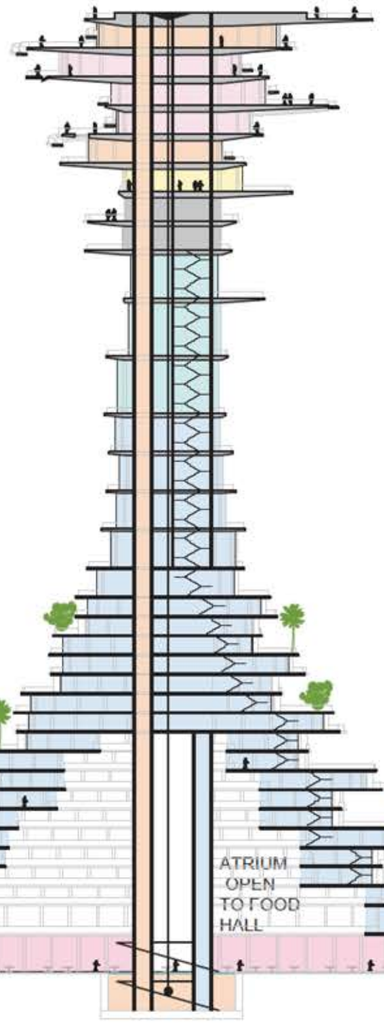


Figure 5A-1

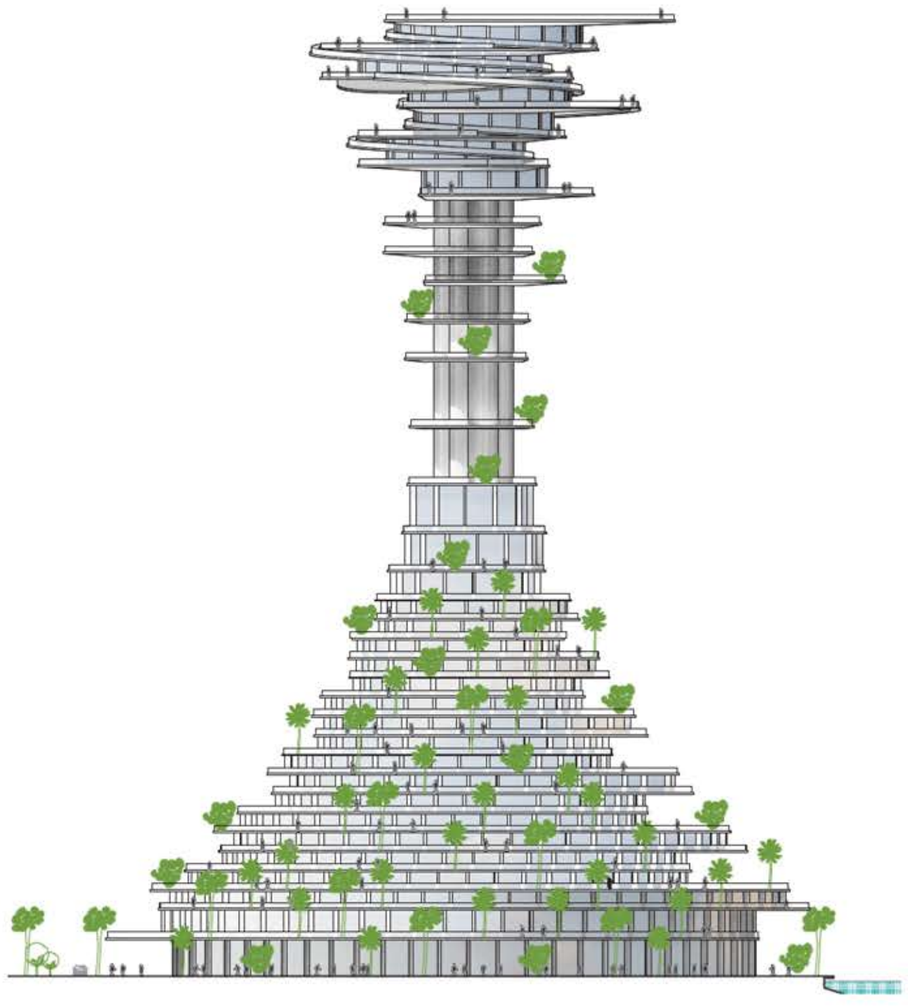


Design Concepts = Seaport2-2.psd

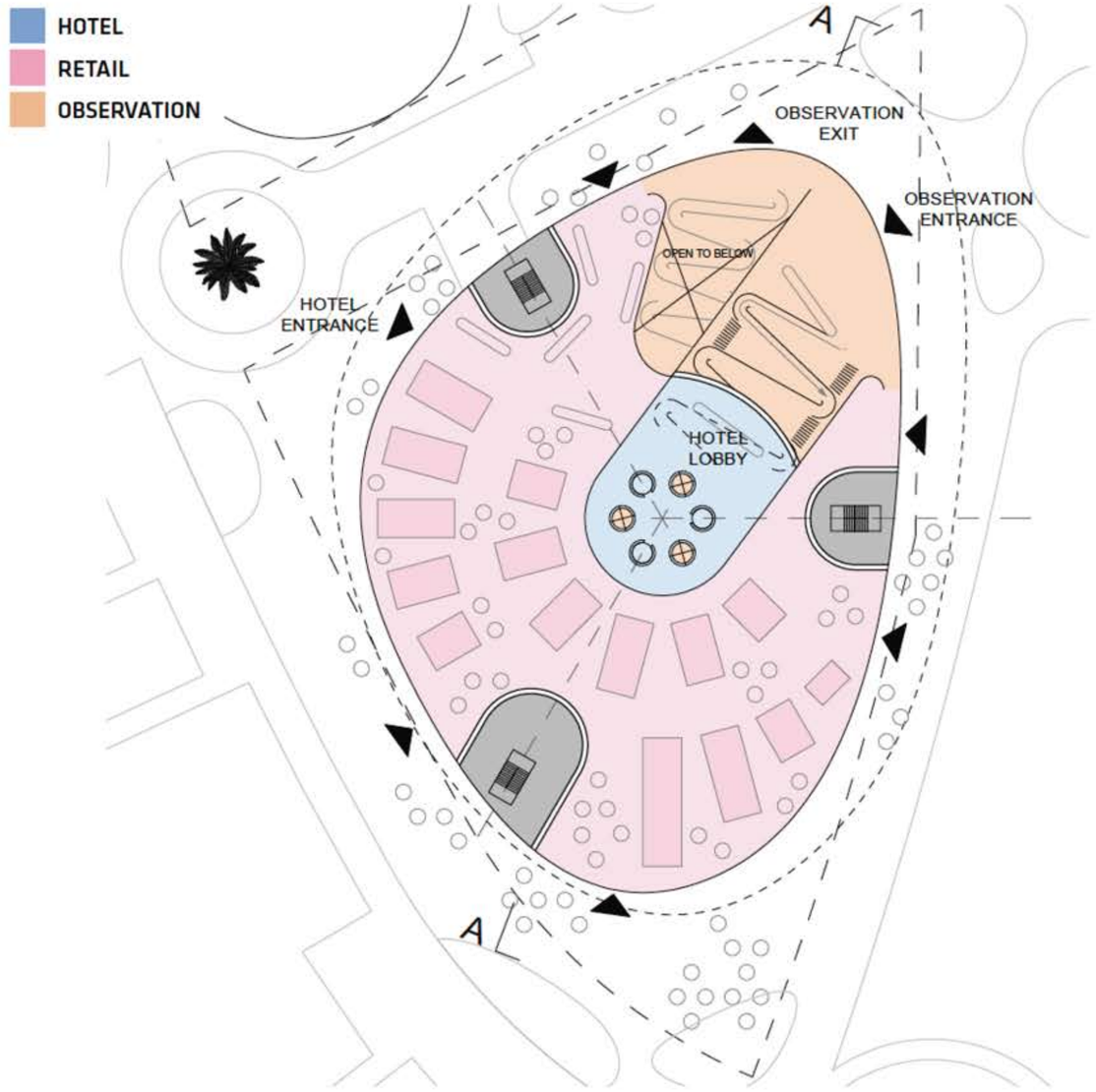
HOTEL
RETAIL
OBSERVATION
BUTTERFLY EXHIBIT
LAB



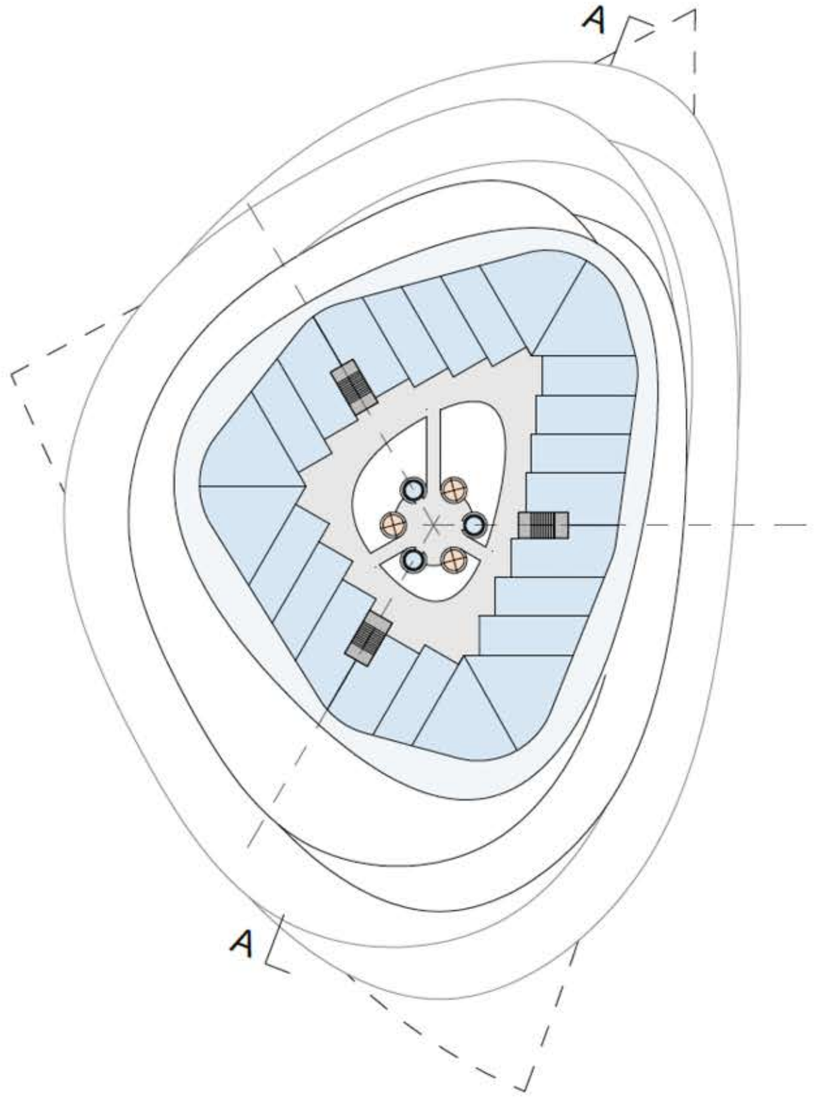
TOWER - FLOOR USES



TOWER - ELEVATION

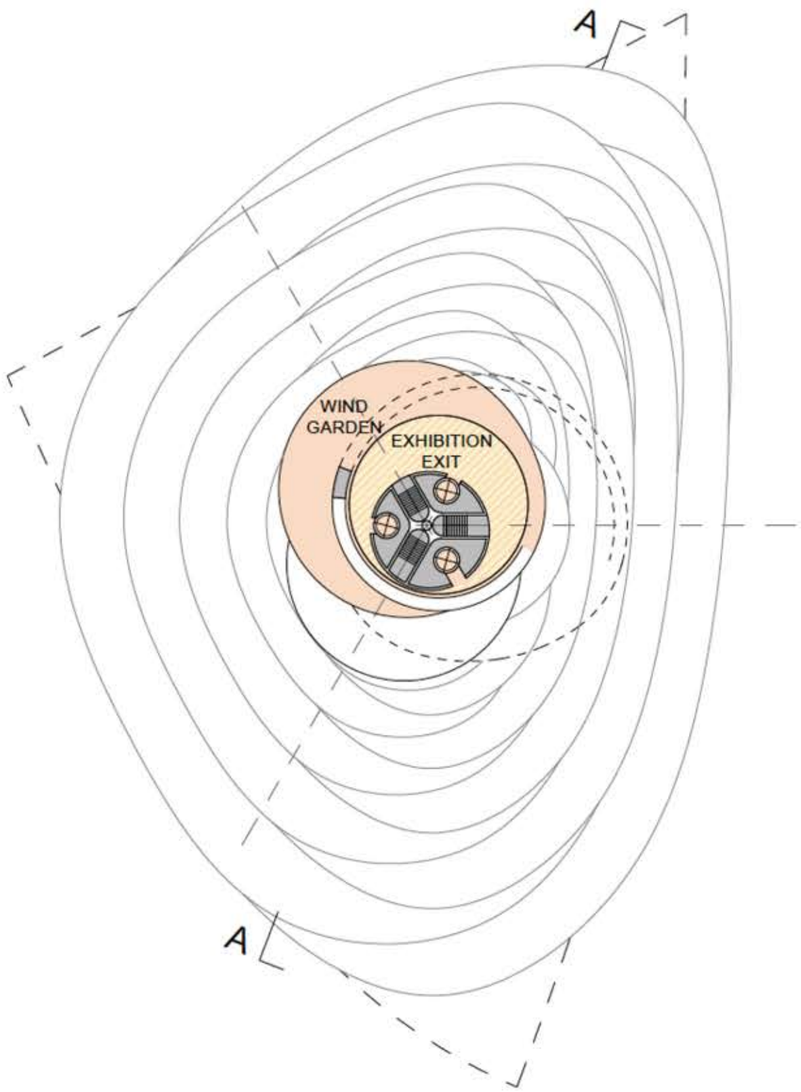


TOWER - GROUND FLOOR

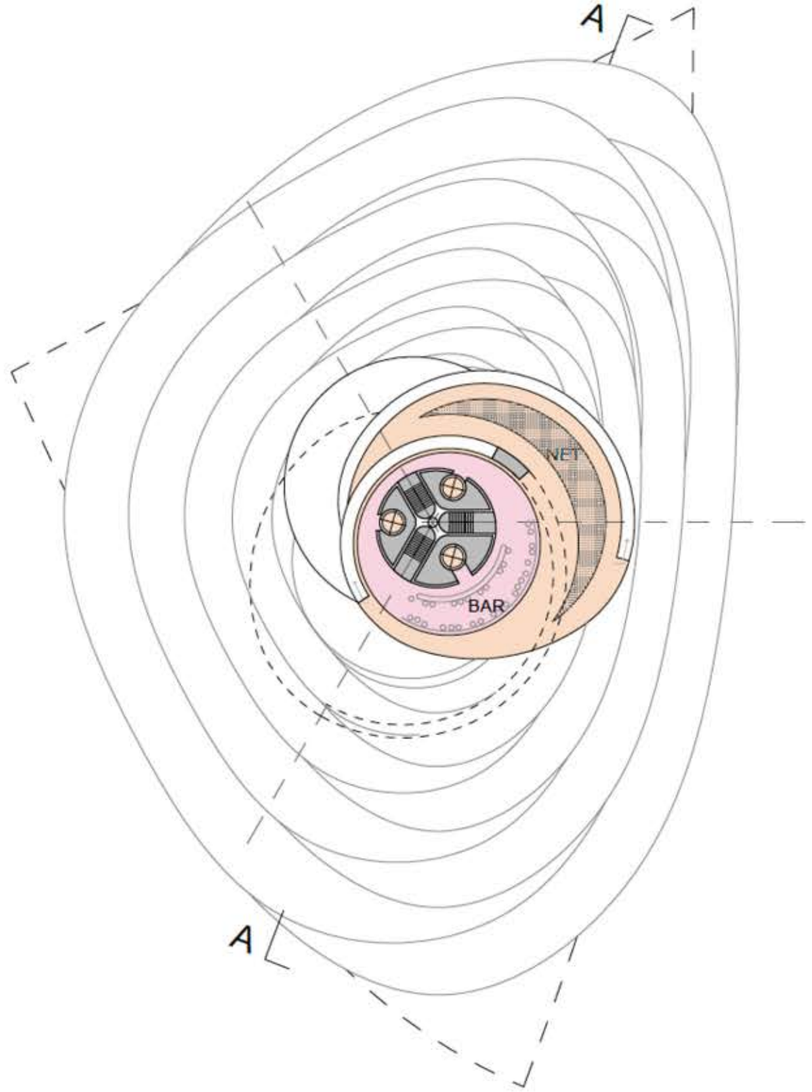


TOWER - LEVEL 7

HOTEL
RETAIL
OBSERVATION

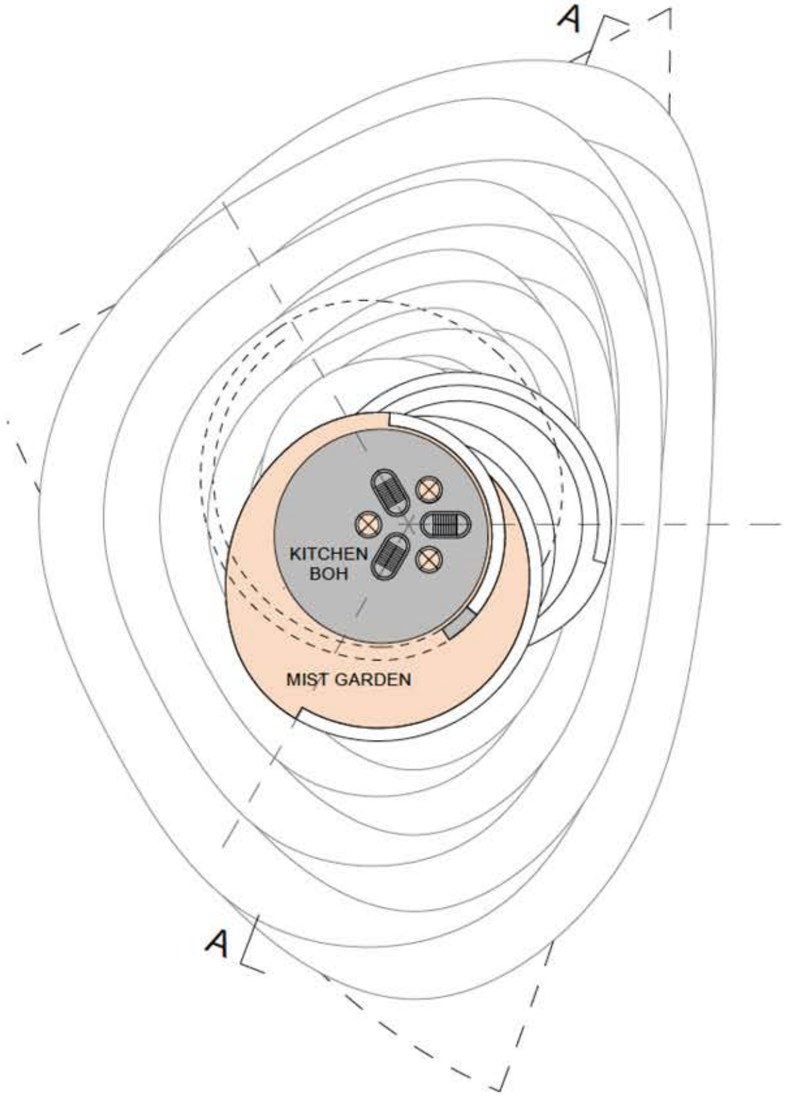


TOWER - LEVEL 33

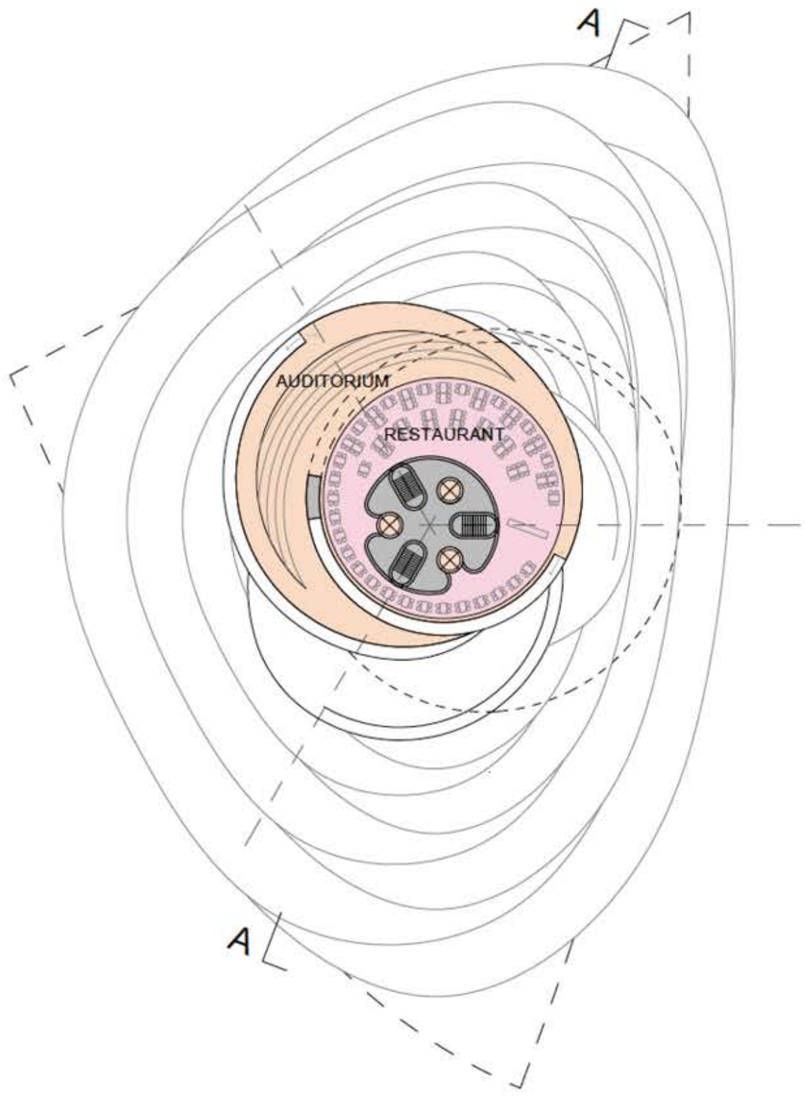


TOWER - LEVEL 34

HOTEL
RETAIL
OBSERVATION

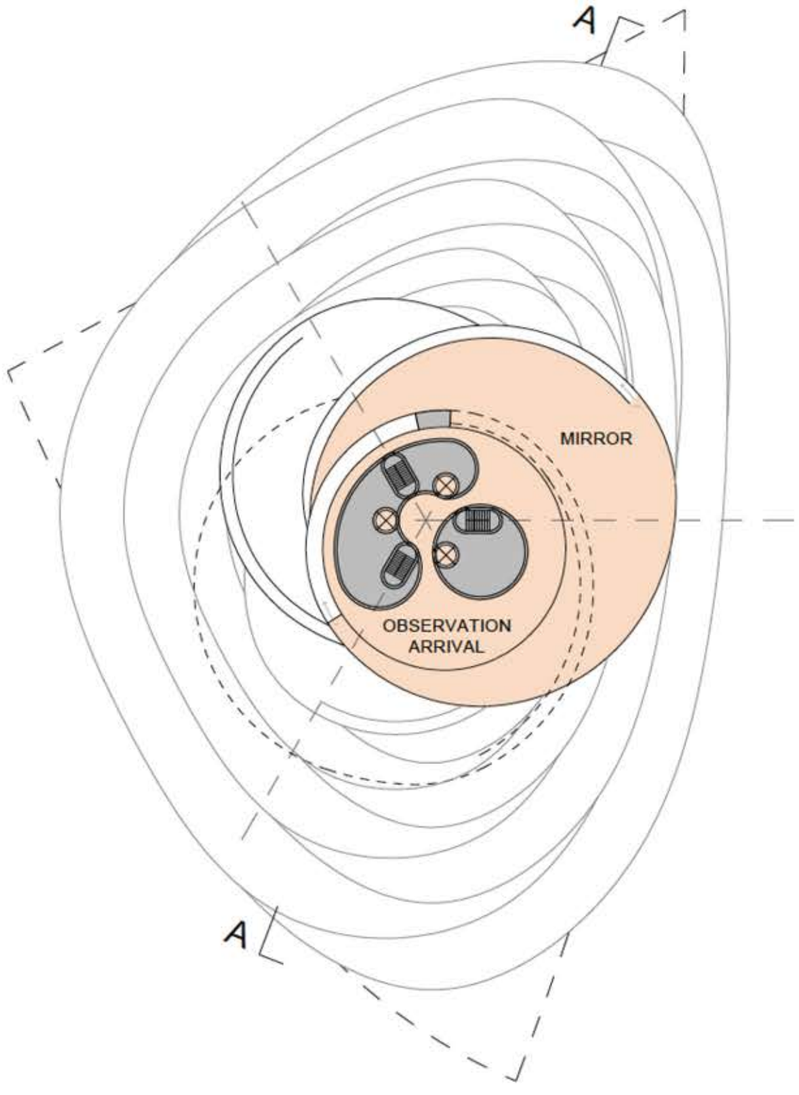


TOWER - LEVEL 35

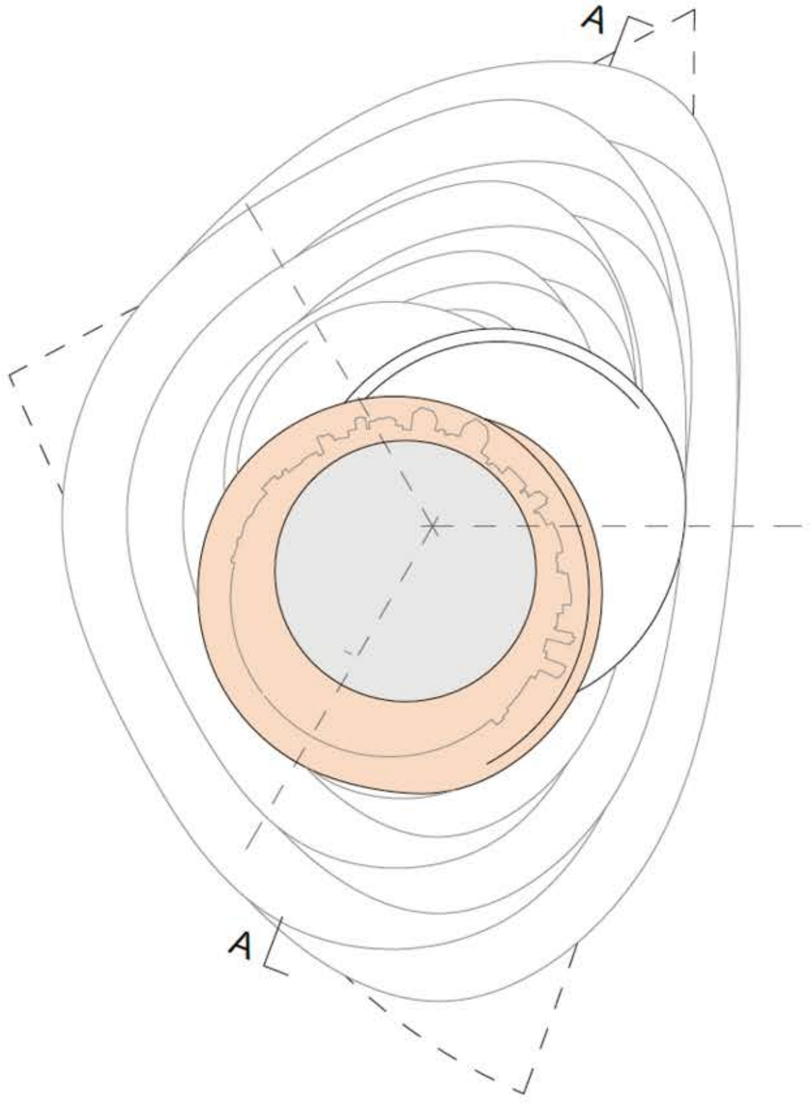


TOWER - LEVEL 36

HOTEL
RETAIL
OBSERVATION



TOWER - LEVEL 37



TOWER - LEVEL 38

Promenades and Water's Edge Conditions

Type 2 Expanded Promenade and Cantilevered Boardwalk - Existing

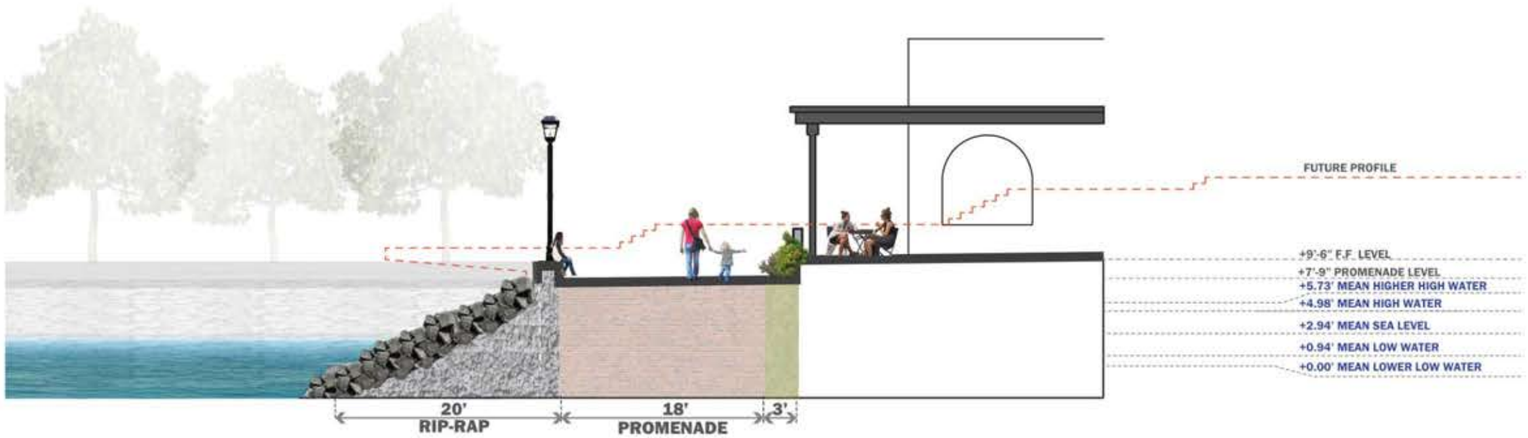
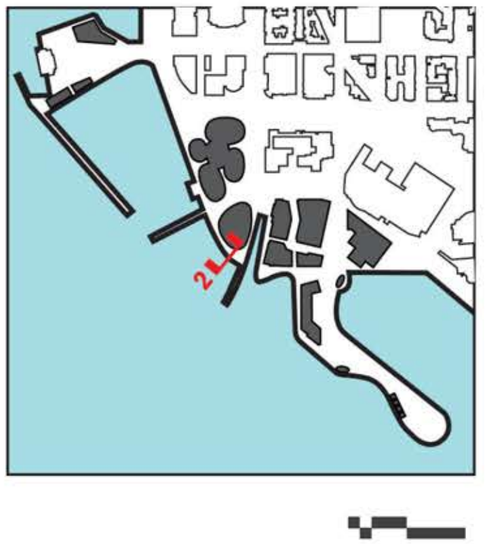




Image above of existing condition

Type 2 Expanded Promenade and Cantilevered Boardwalk - Proposed





Village Block (B)



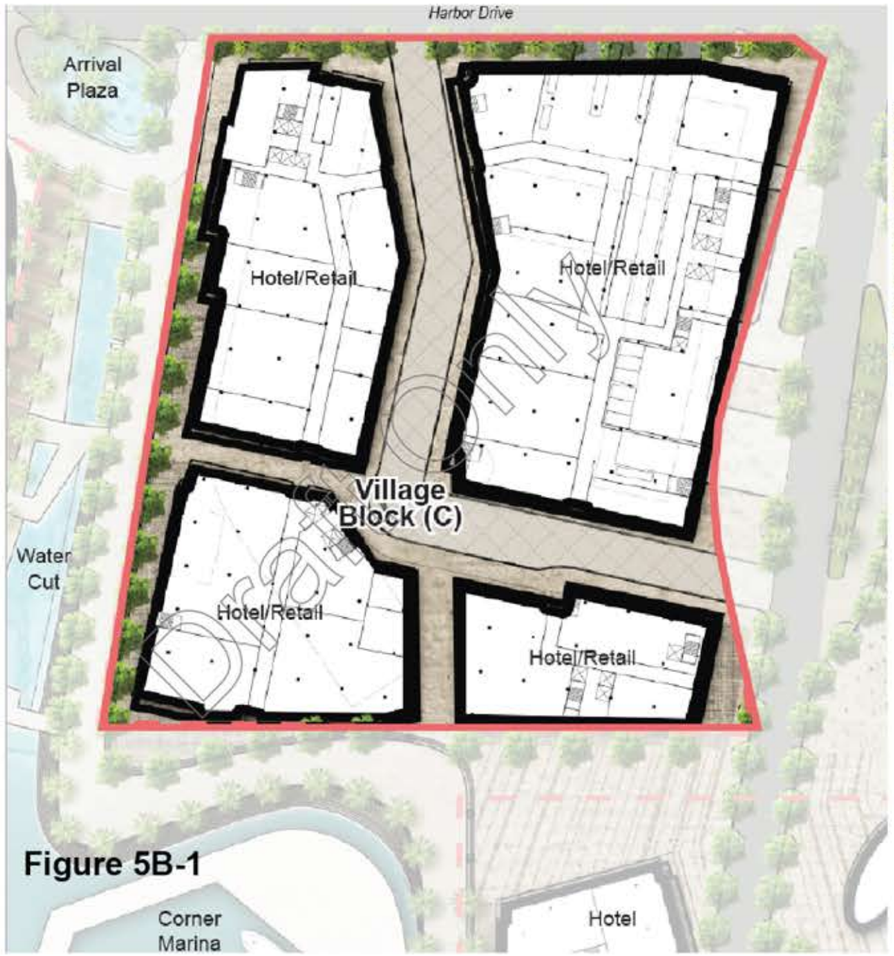


Figure 5B-1



Design Concepts = Seaport2-9.psd

Block, that has amenities built around a social experience and provides a highly affordable alternative to a conventional hotel. The hostel program remains the same with the inclusion of additional amenities such as a roof top pool deck. All Food & Beverage is accommodated in the street retail below.

Select/Limited Service: 674 Rooms
These hotels will offer another alternative to Seaport visitors who look for a hybrid option between a full-service hotel and low-cost accommodations.

The Village Block will be characterized by the following features:

- Pedestrian first environment with active ground floor retail, food and beverage. Retail and entertainment spills into the streets and the upper level rooftop amenities, filling the streets with people and life.
- Village consists of multiple towers with distinct hotel brands and respective amenity decks.
- 5 hotel brands offering a wide variety of options for visitors near and far to enjoy (hostel, micro-hotel, limited service).

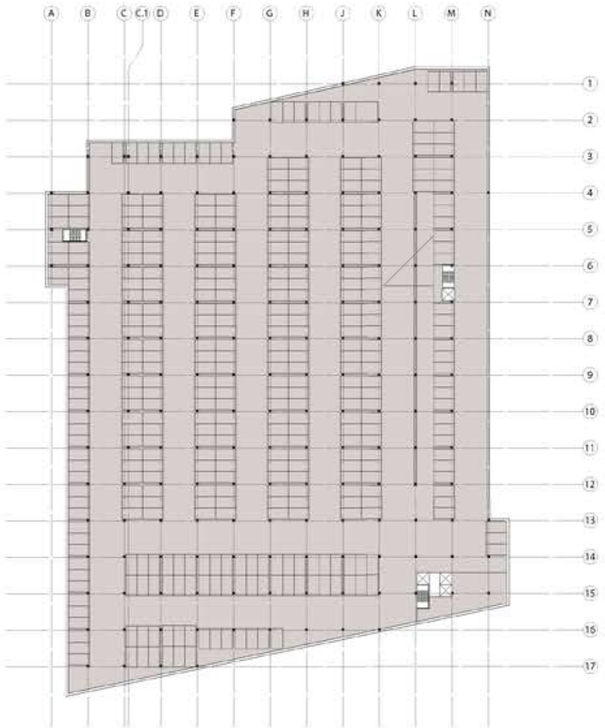
Figures 5B-2 through 5B-12 show conceptual elevations and floor plans for the proposed buildings at the Village Block.

Figure 5B-13 illustrates the proposed tidal canal between the Village and Tower Blocks.





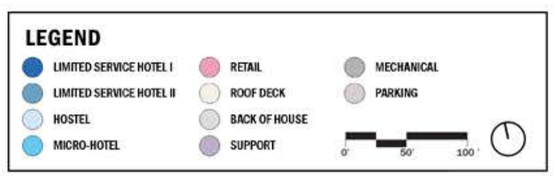
PARCEL B - VILLAGE BLOCK



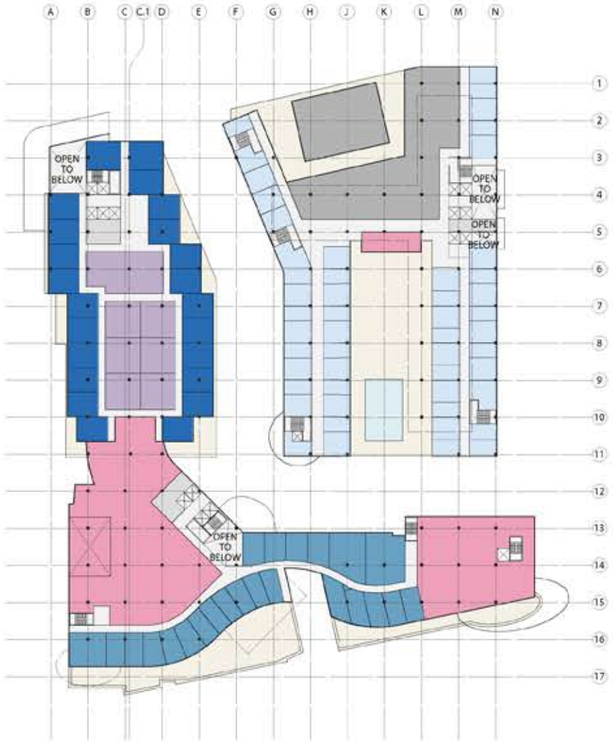
BASEMENT PLAN



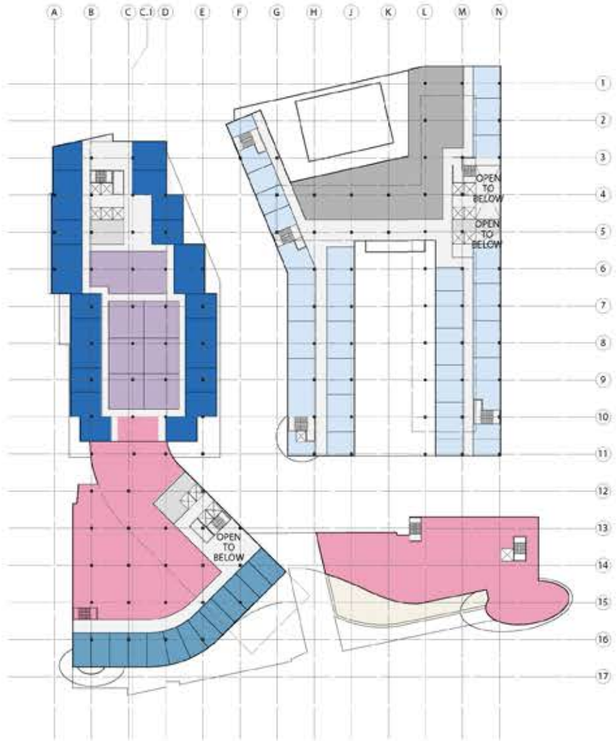
GROUND FLOOR PLAN



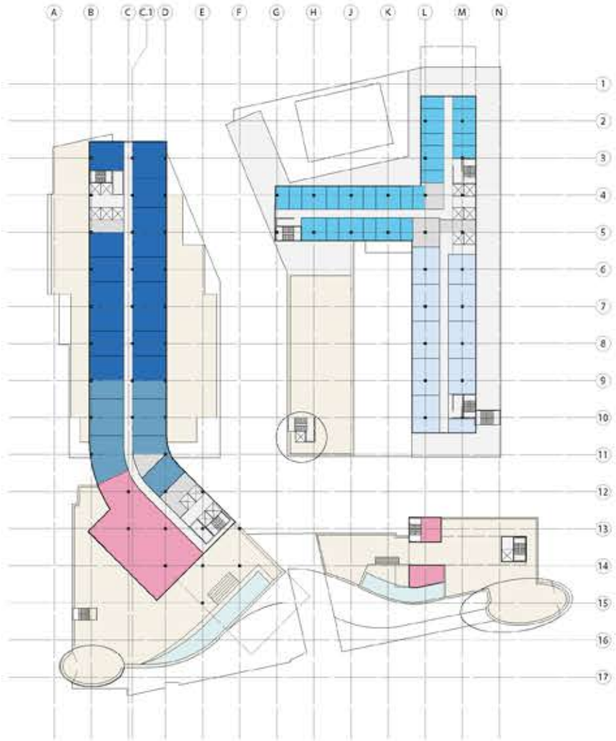
PARCEL B - VILLAGE BLOCK



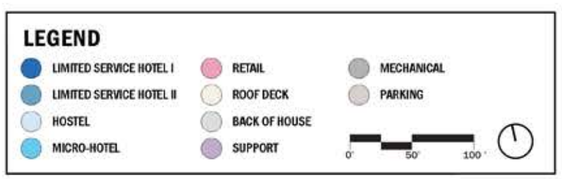
LEVEL 2 PLAN

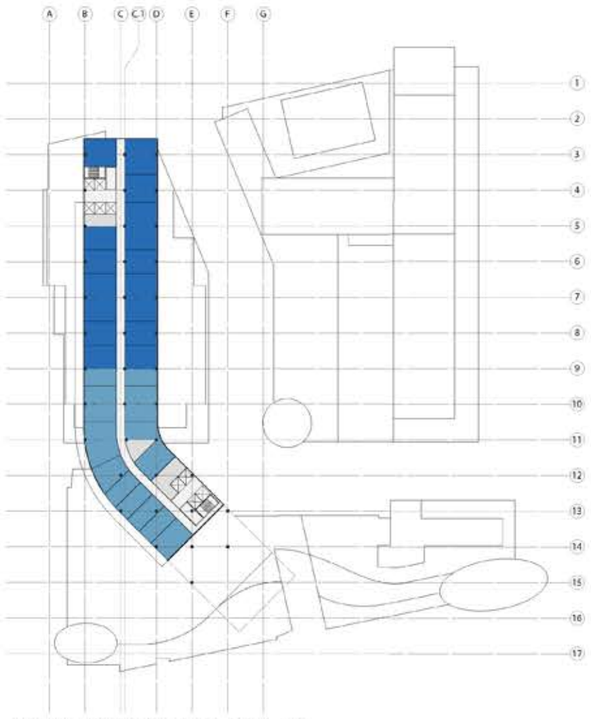


LEVEL 3 PLAN

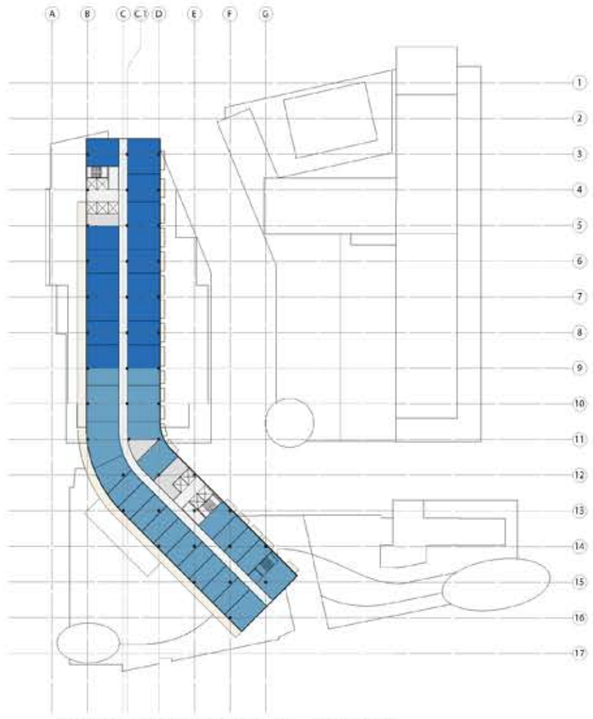


LEVEL 4 PLAN

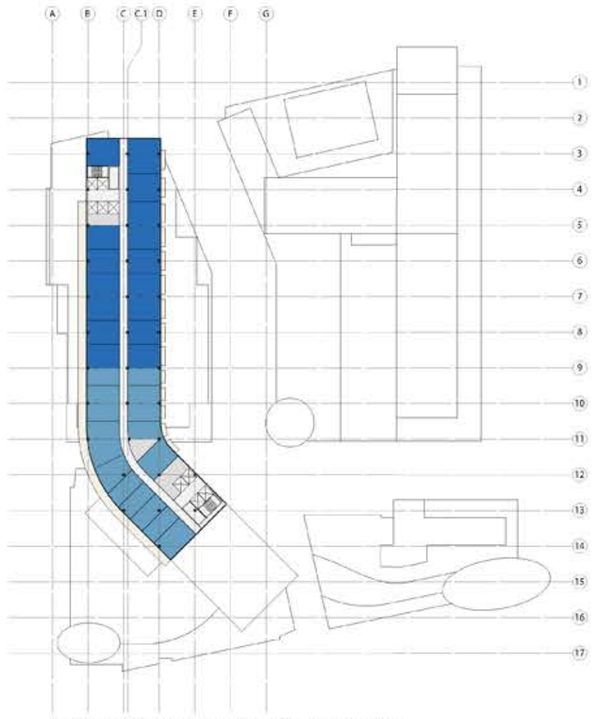




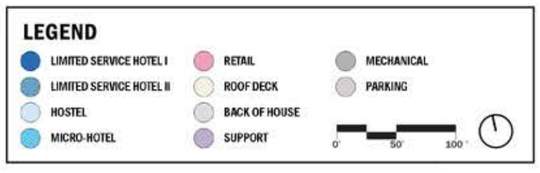
WEST TOWER LEVEL 5 PLAN



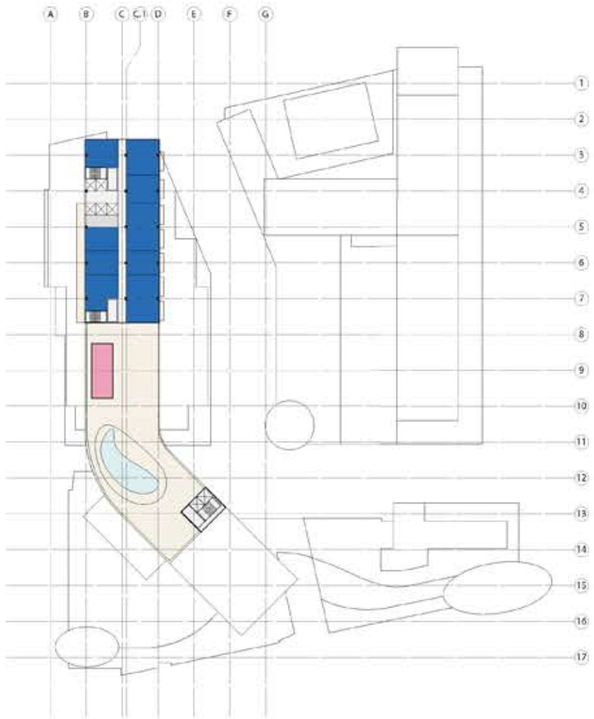
WEST TOWER LEVEL 6 - 12 PLAN



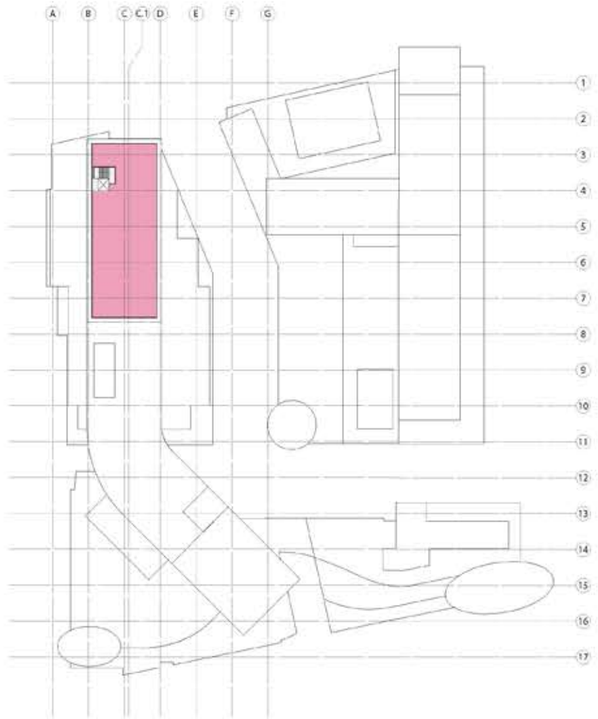
WEST TOWER LEVEL 13-17 PLAN



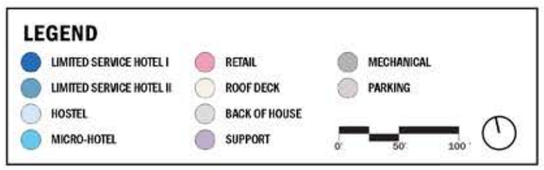
PARCEL B - VILLAGE BLOCK



WEST TOWER LEVEL 18-22 PLAN



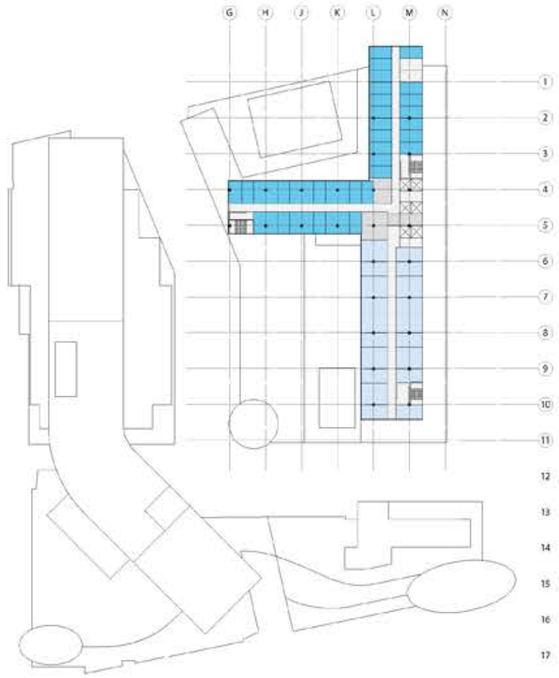
WEST TOWER PENTHOUSE PLAN



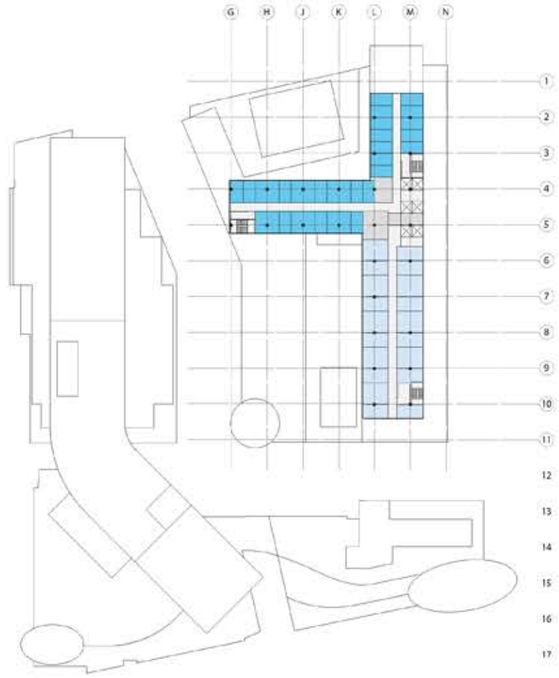




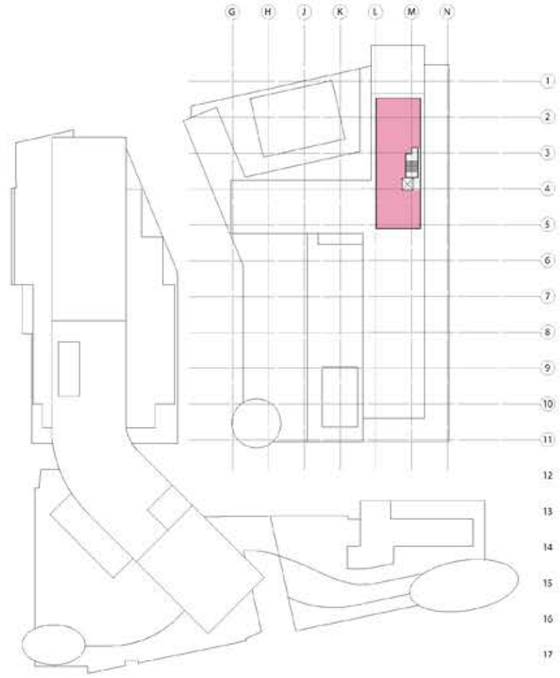




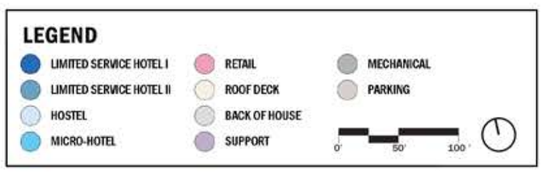
EAST TOWER LEVEL 6-11 PLAN



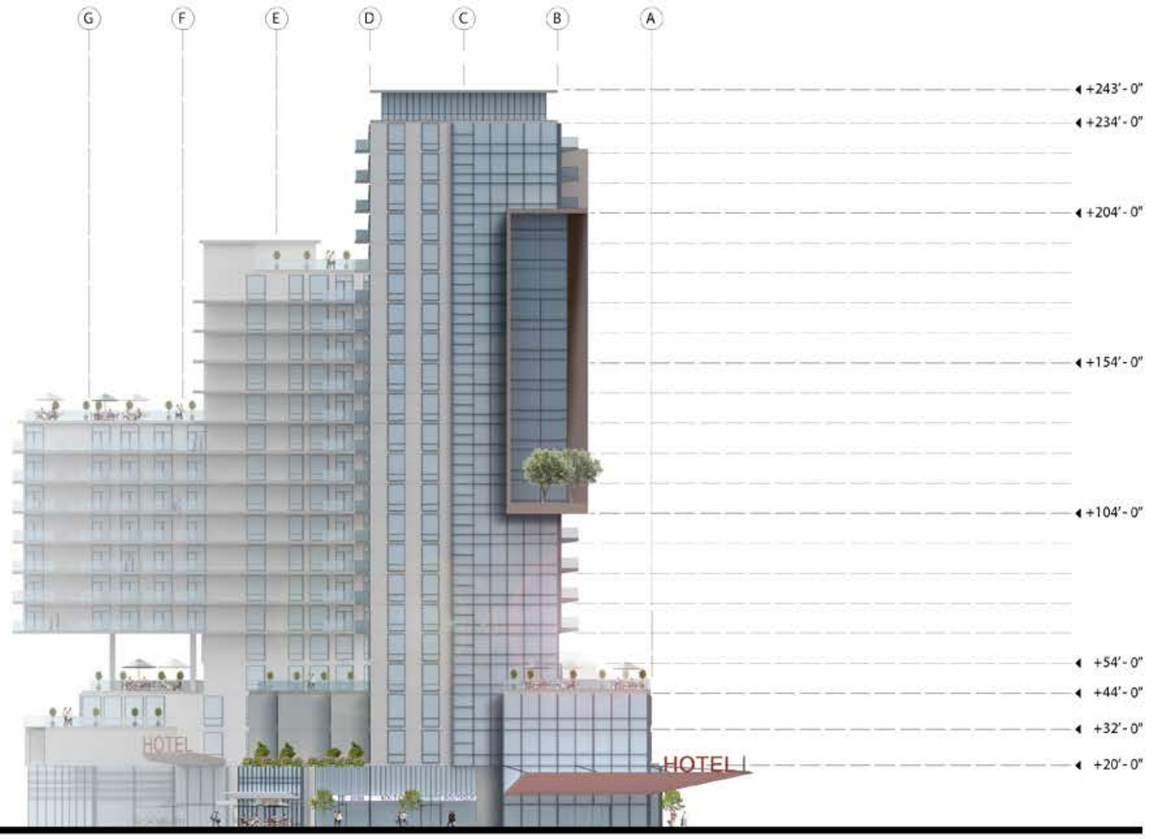
EAST TOWER LEVEL 12-13 PLAN



EAST TOWER PENTHOUSE PLAN



PARCEL B - VILLAGE BLOCK

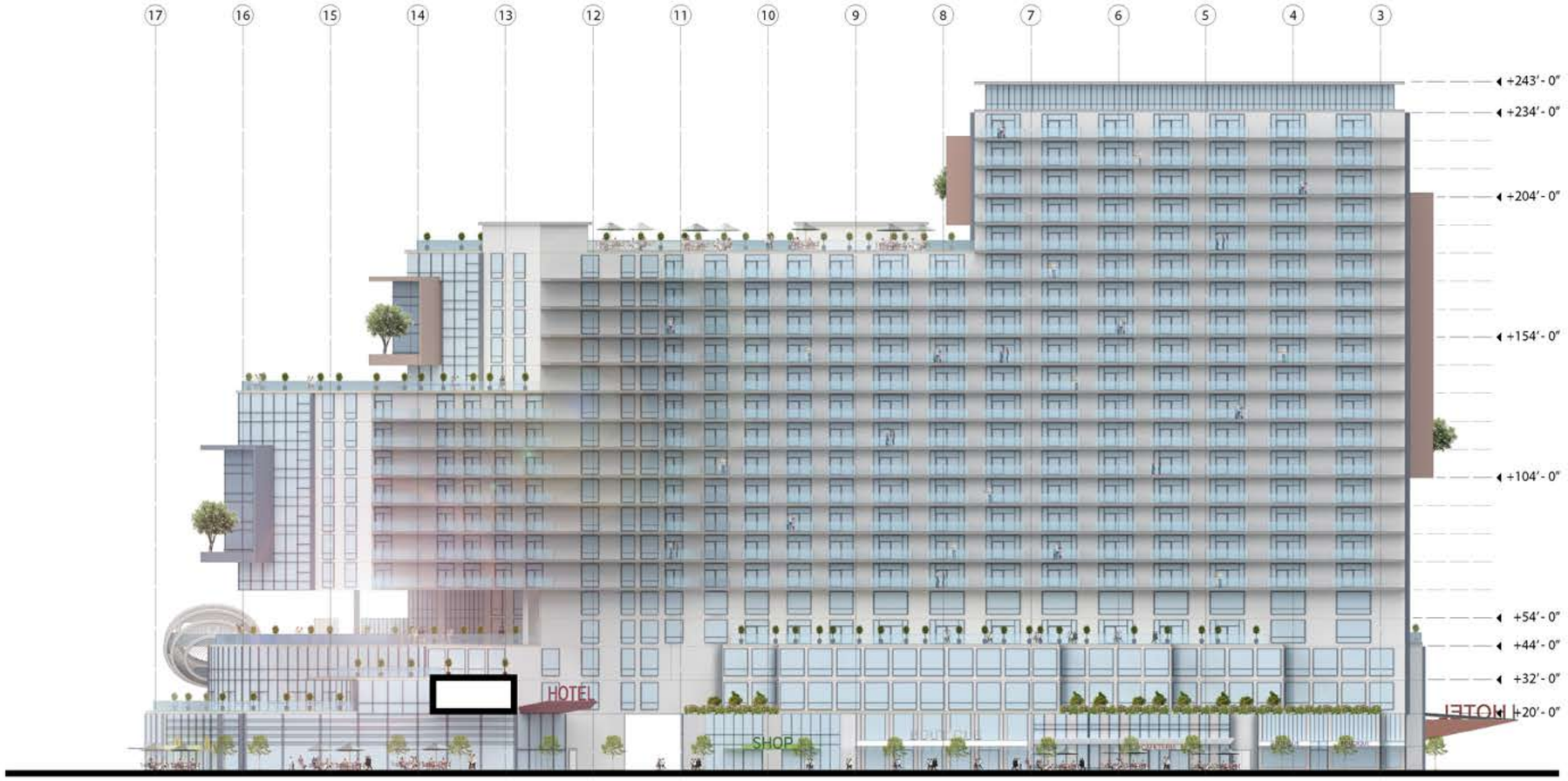




WEST TOWER - NORTH ELEVATION

0' 20' 40'

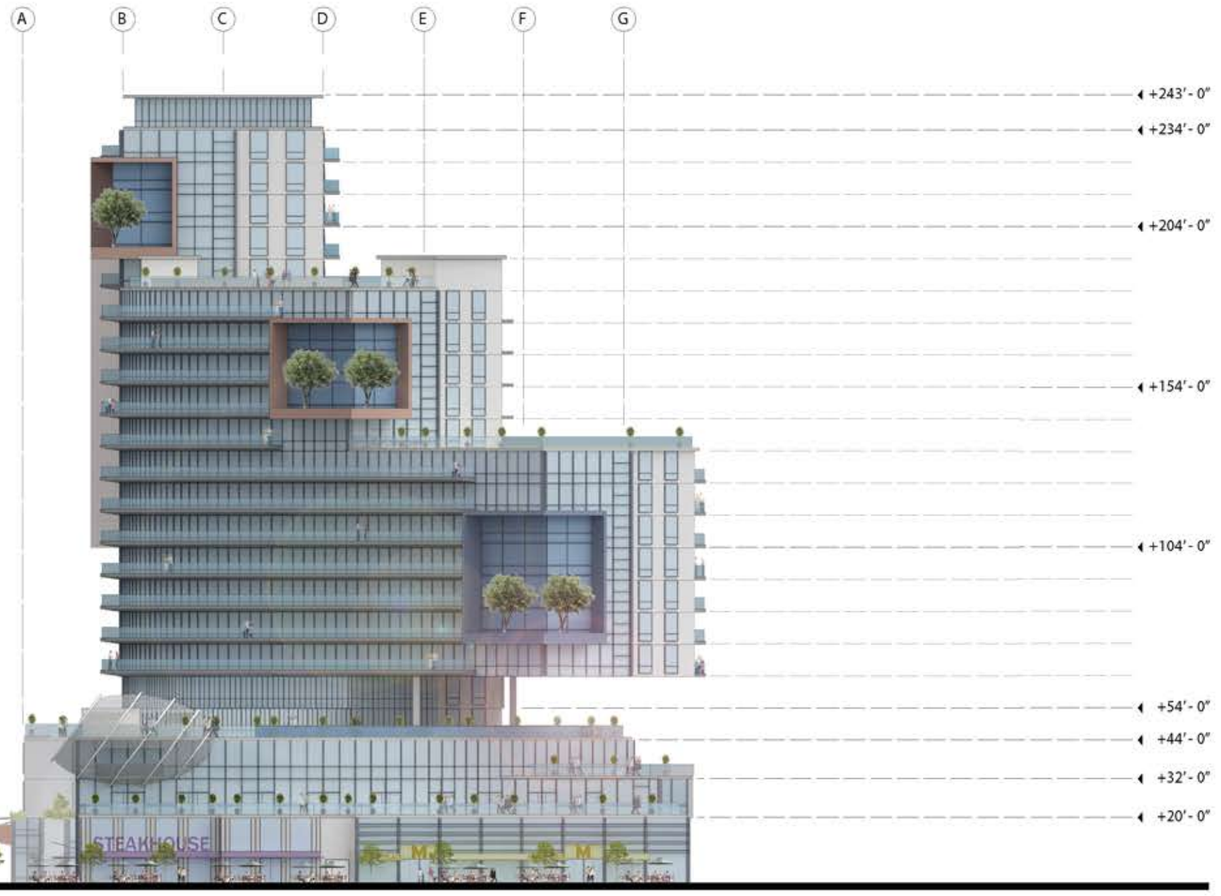
PARCEL B - VILLAGE BLOCK



WEST TOWER - EAST ELEVATION

0' 20' 40'



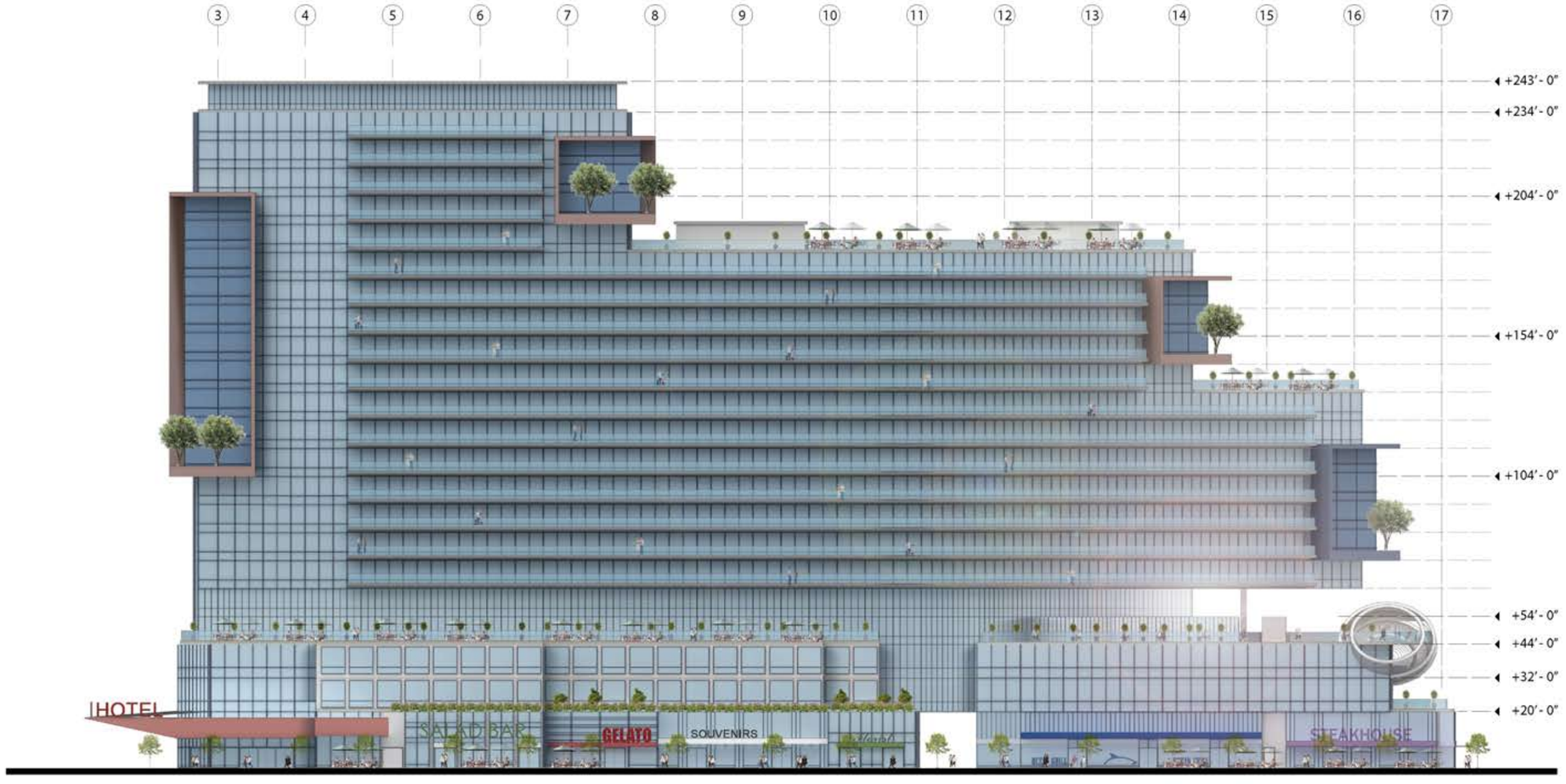




WEST TOWER - SOUTH ELEVATION

0' 20' 40'

PARCEL B - VILLAGE BLOCK



WEST TOWER - WEST ELEVATION

0' 20' 40'



PARCEL B - VILLAGE BLOCK



EAST TOWER - NORTH ELEVATION

EAST TOWER - EAST ELEVATION



EAST TOWER - SOUTH ELEVATION



EAST TOWER - WEST ELEVATION

0' 20' 40'

Type 6 Tidal Canal - Existing

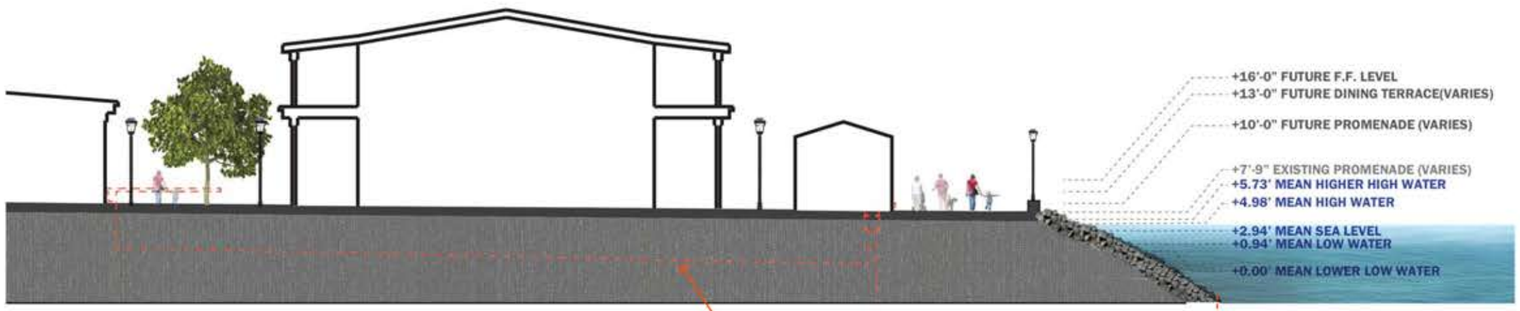




Image above of existing condition

Type 6 Tidal Canal - Proposed



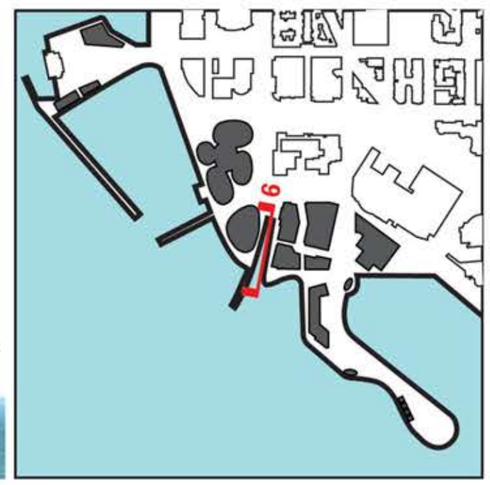


Figure 5B-13

Event Block (C)



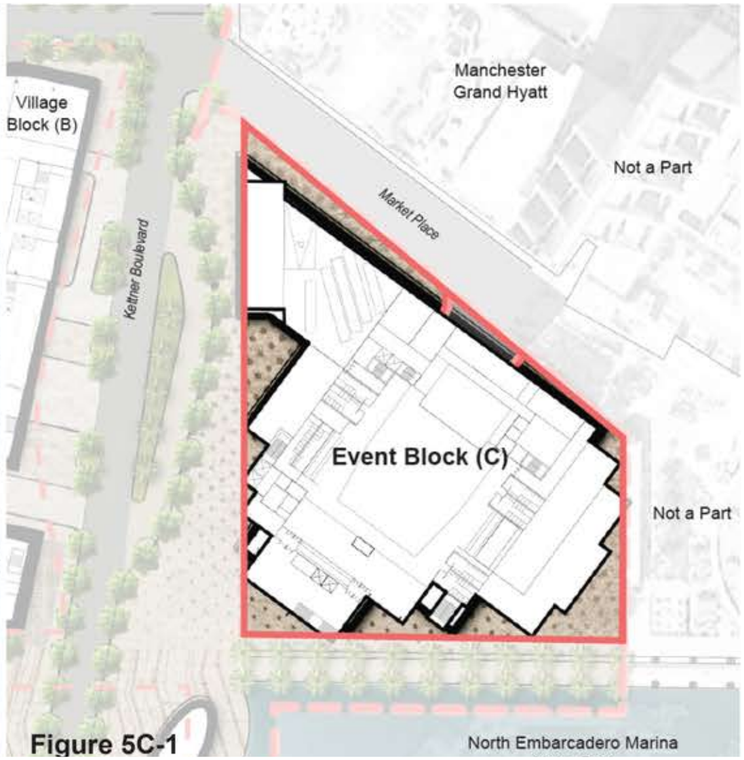
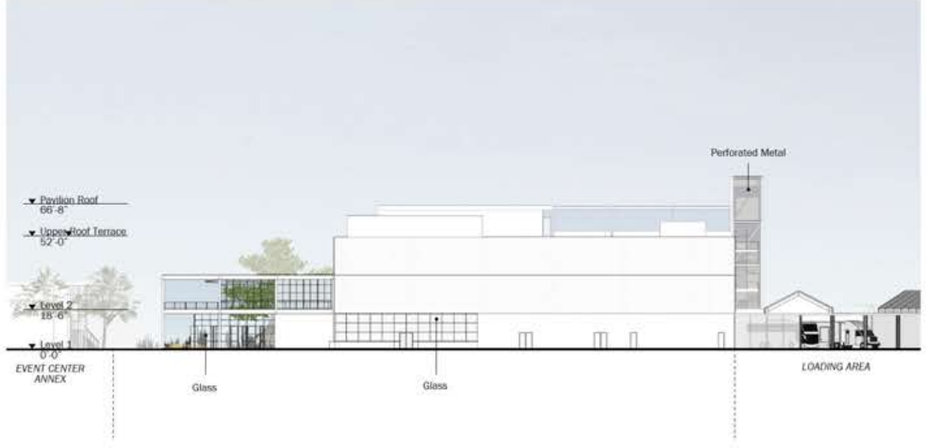


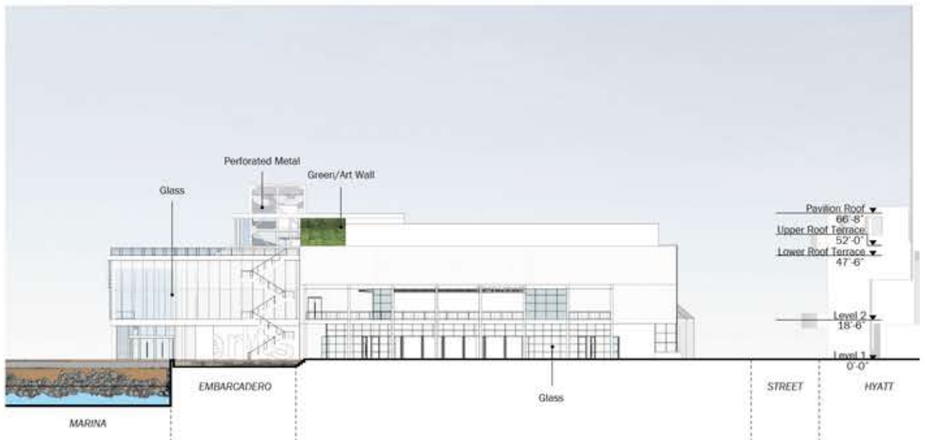
Figure 5C-1



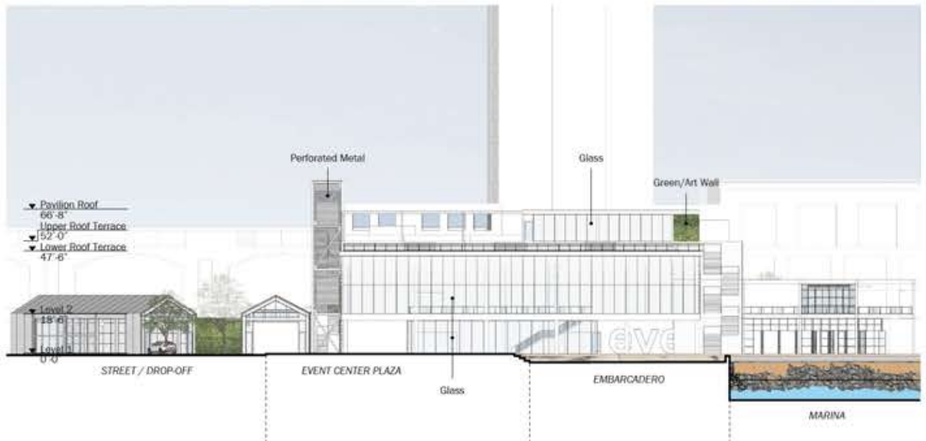
EVENT - ELEVATION NORTHWEST



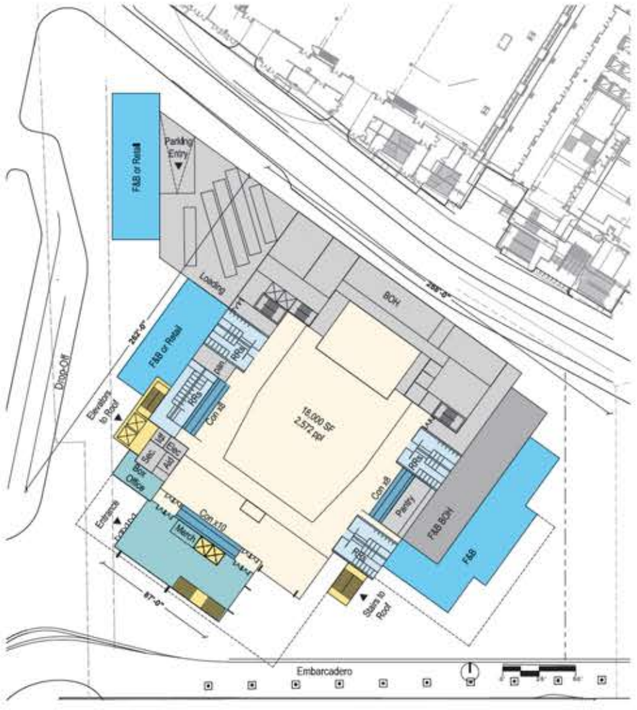
EVENT - ELEVATION NORTHEAST



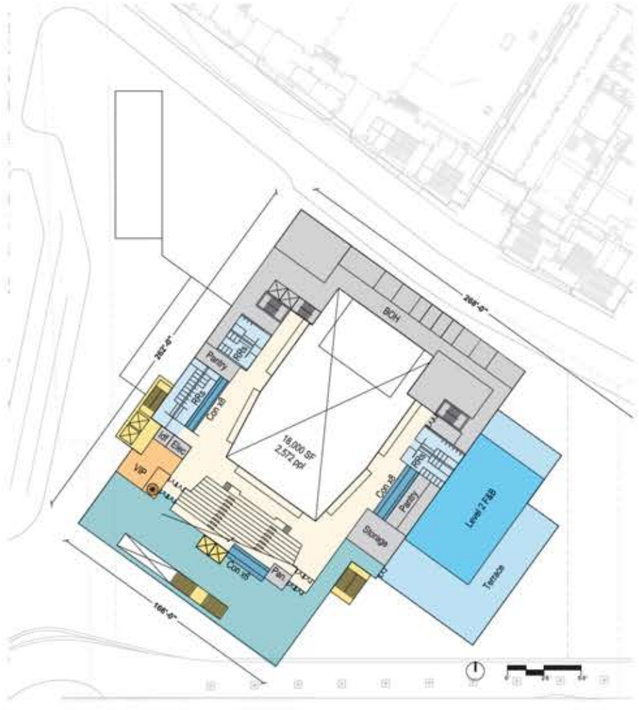
EVENT - ELEVATION SOUTHEAST



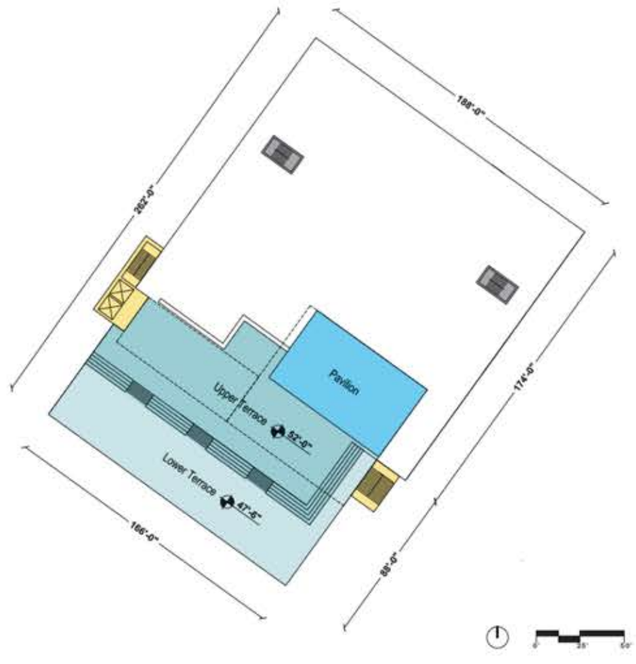
EVENT - ELEVATION SOUTHWEST



EVENT - LEVEL1



EVENT - LEVEL2



EVENT - ROOF DECK

Plaza Block (D)



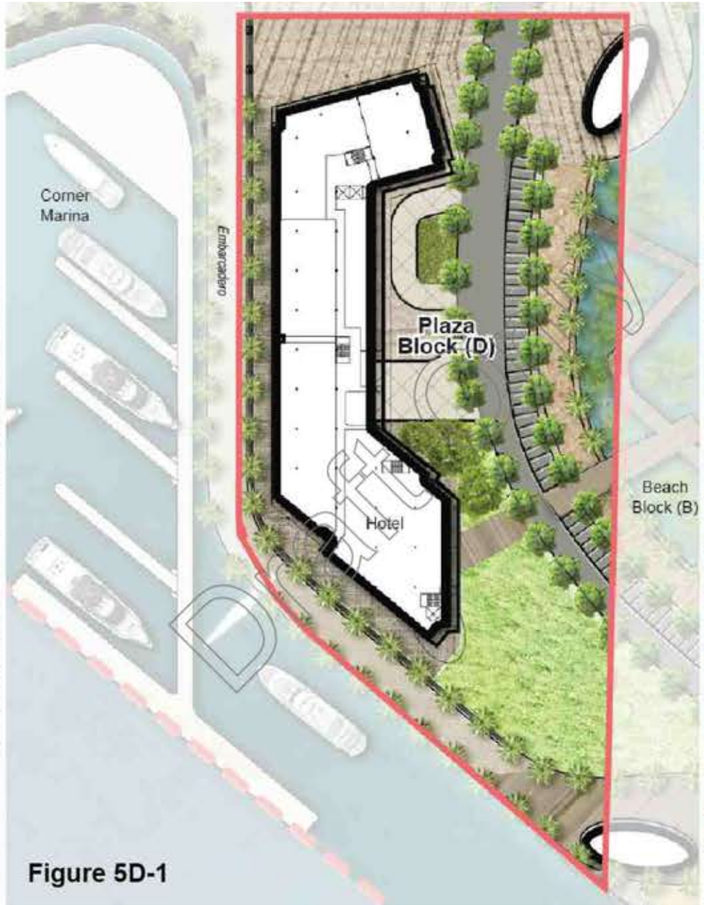


Figure 5D-1









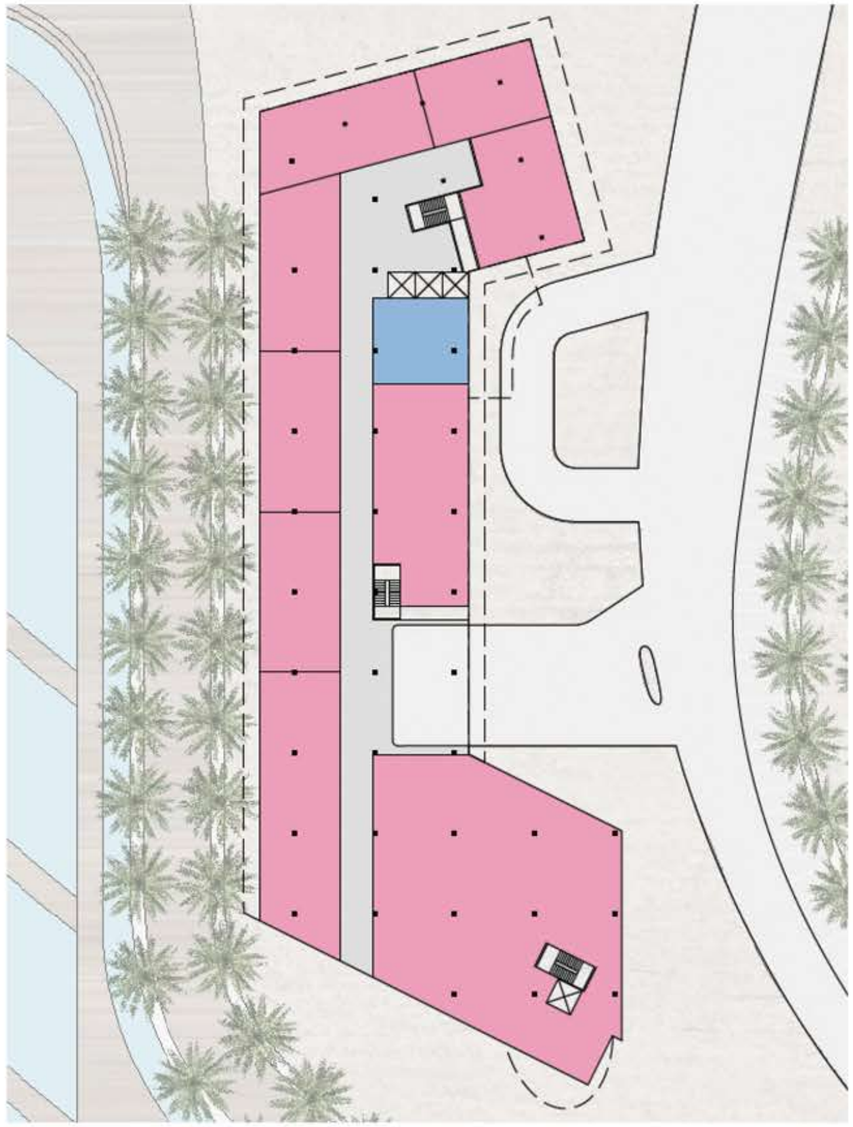
Design Concepts = Seaport2-26.psd



PLAZA ELEVATION 1



PLAZA ELEVATION 2



RETAIL
AMENITY DECK
BACK OF HOUSE
HOTEL

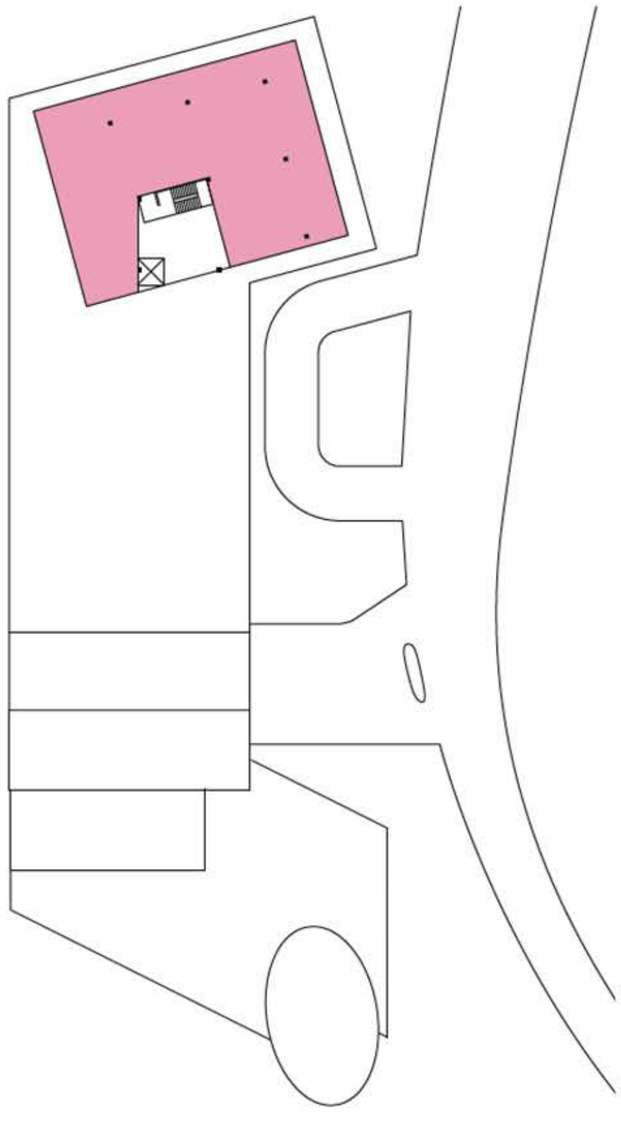
LEVEL 1 RETAIL



LEVEL 2



LEVEL 3
(TYPICAL)



PENTHOUSE

- RETAIL
- AMENITY DECK
- BACK OF HOUSE
- HOTEL

Promenades and Water's Edge Conditions

Type 1 Expanded Promenade - Existing

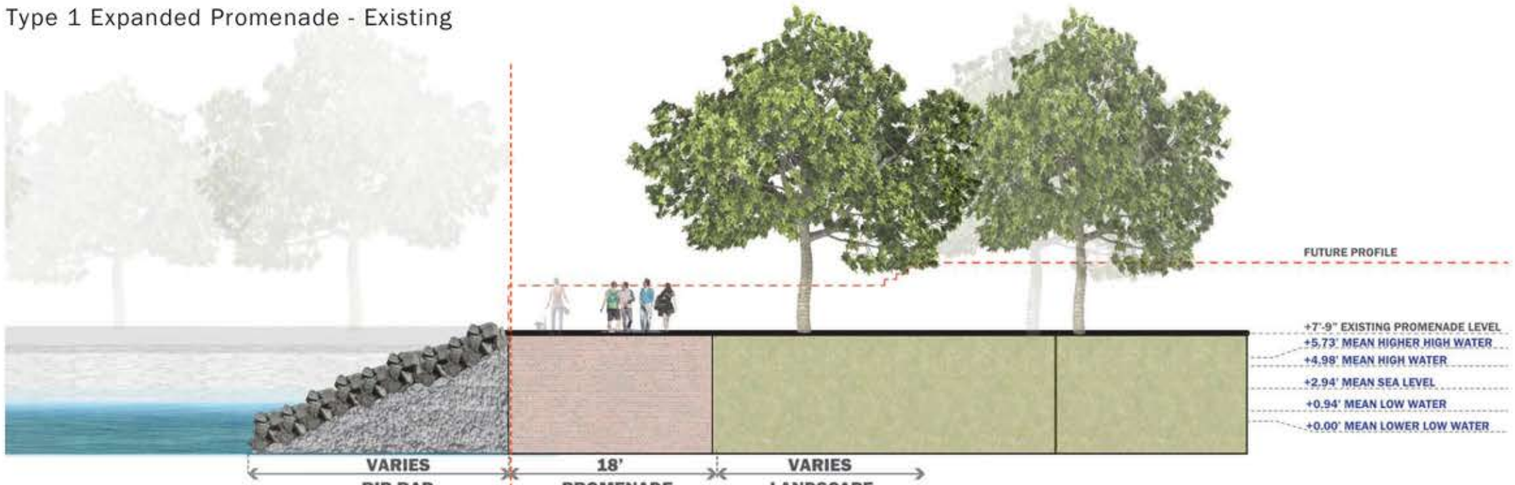
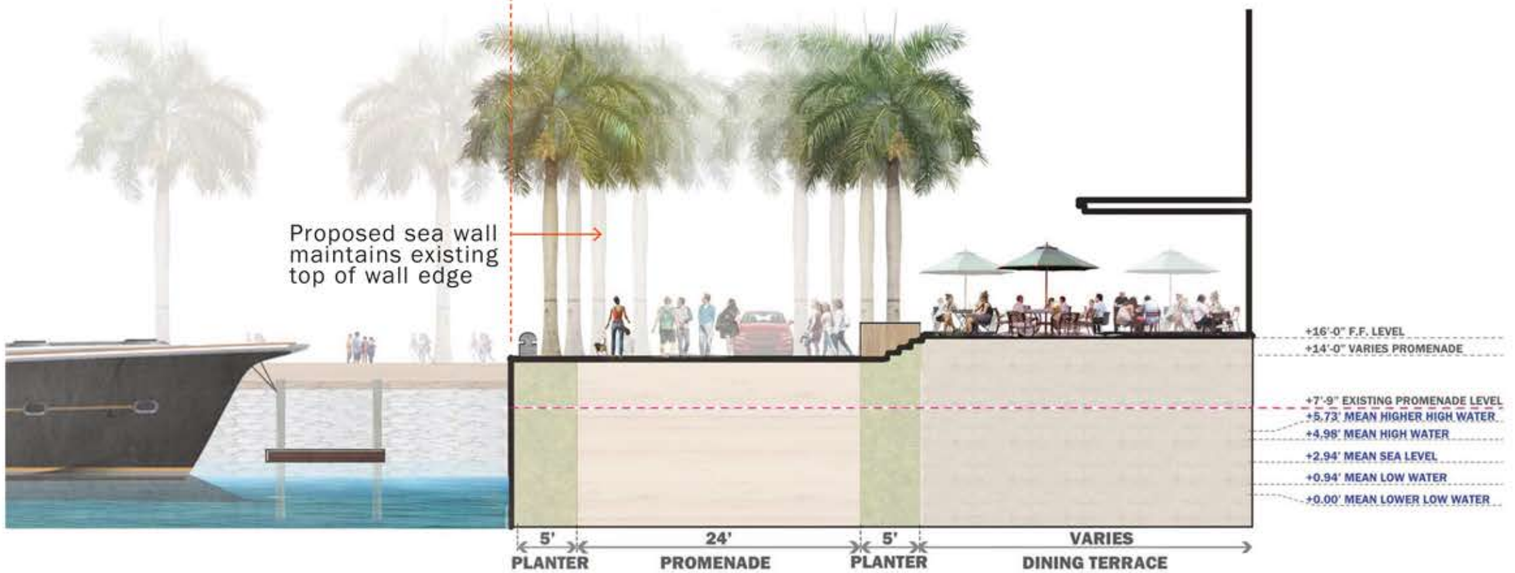
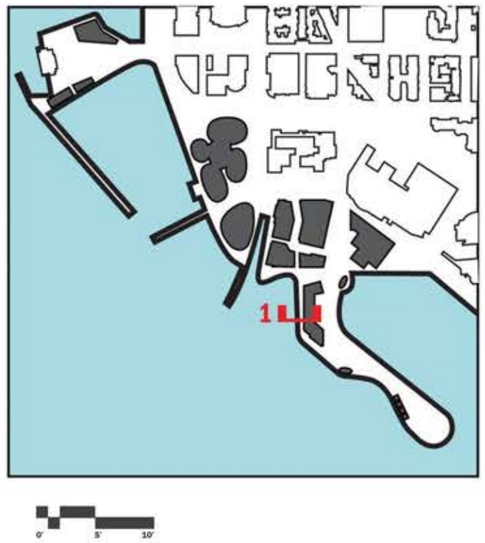




Image above of existing condition

Type 1 Expanded Promenade - Proposed

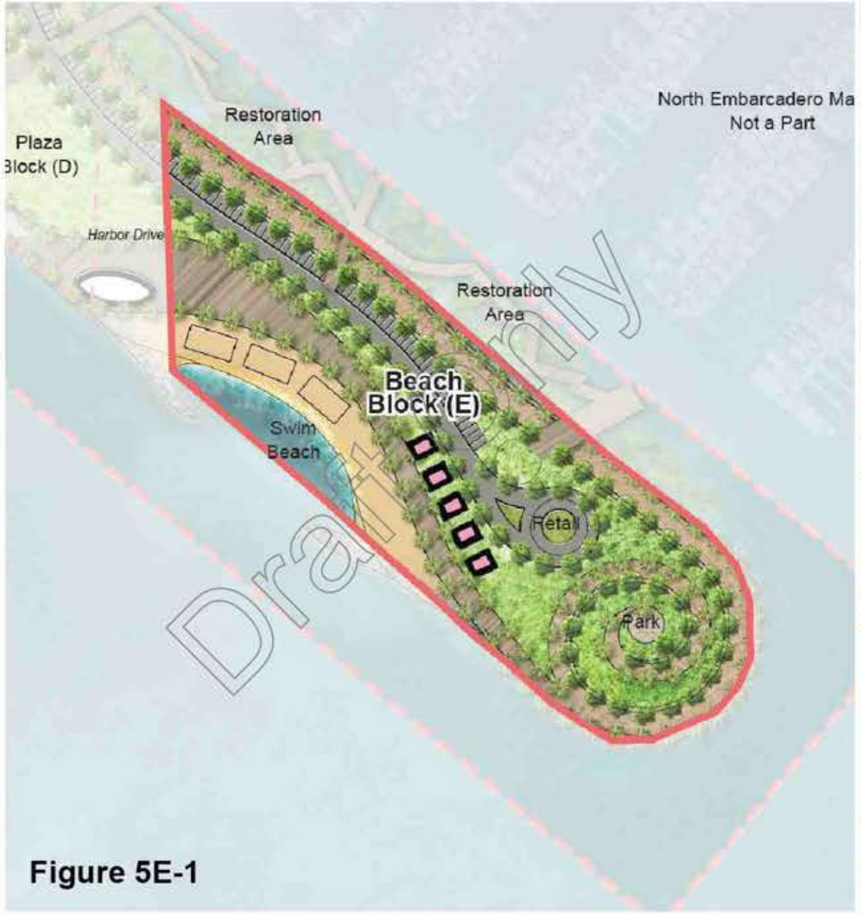




Design Concepts = Seaport2-30.psd

Beach Block (E)











Draft Only

Design Concepts = Seaport2-31.psd

Promenades and Water's Edge Conditions

Type 7 Wetlands - Existing

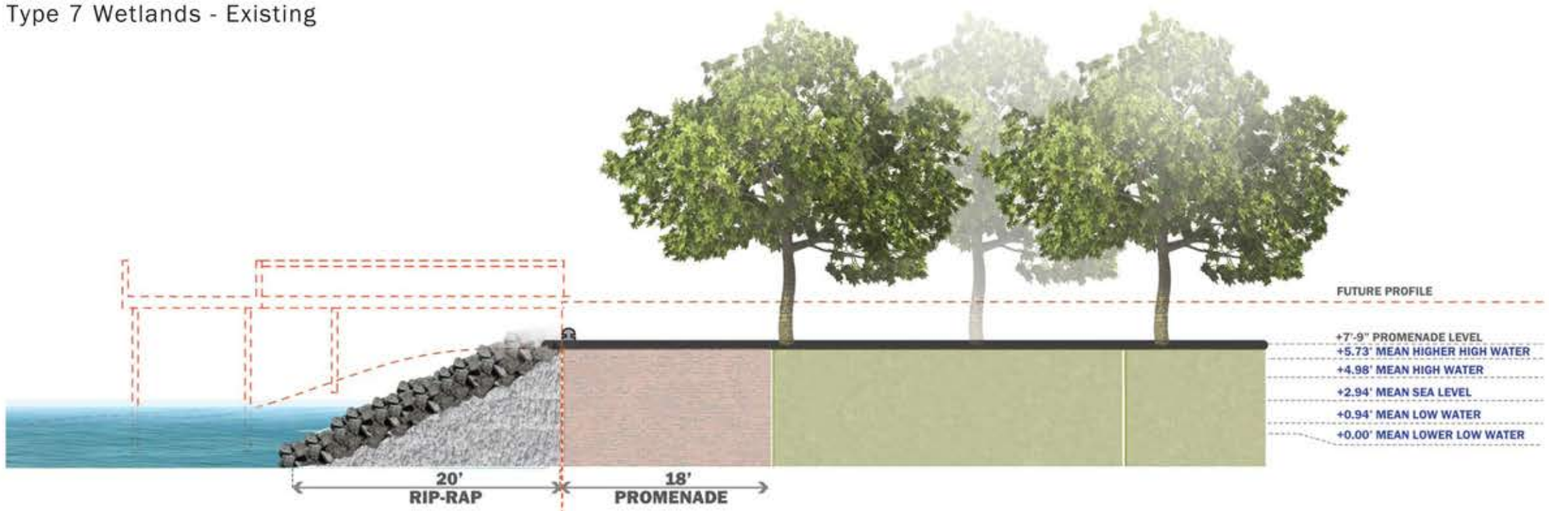
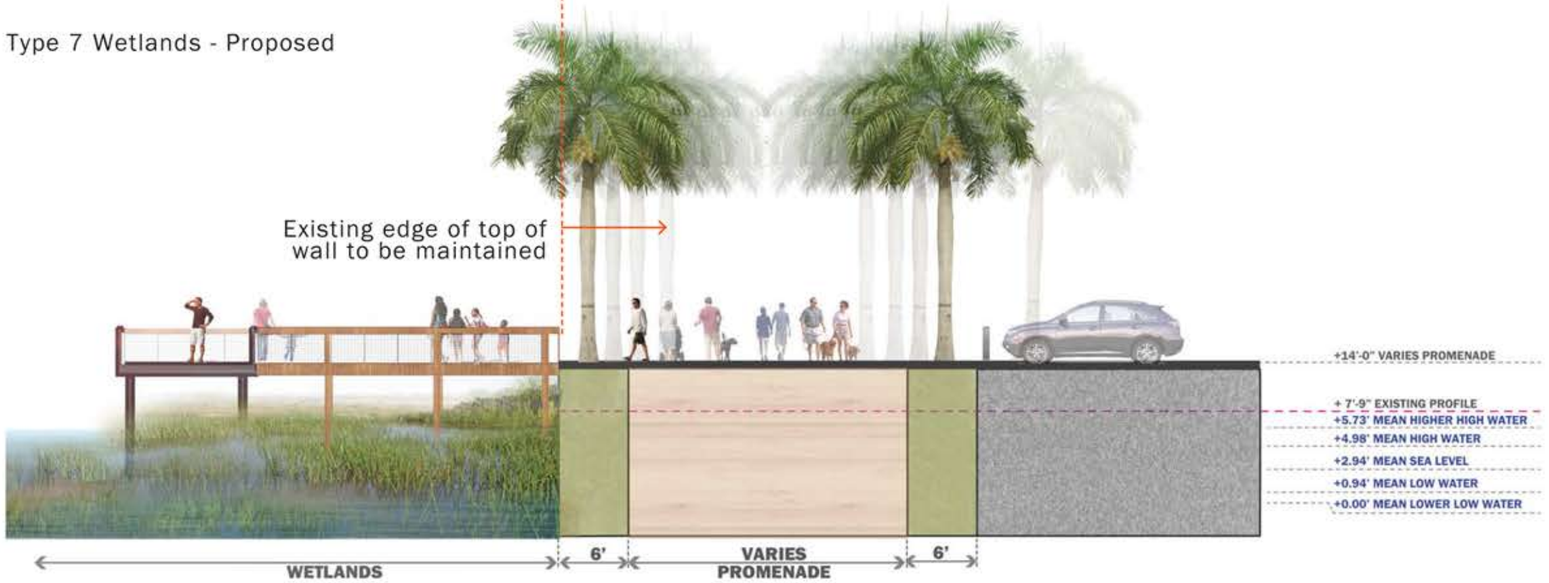
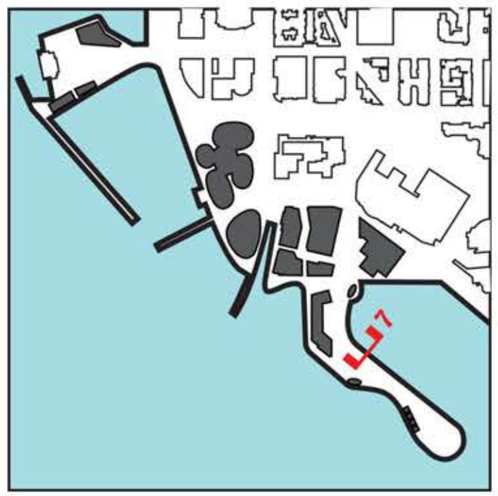




Image above of existing condition

Type 7 Wetlands - Proposed





Aquarium Block (Block F)



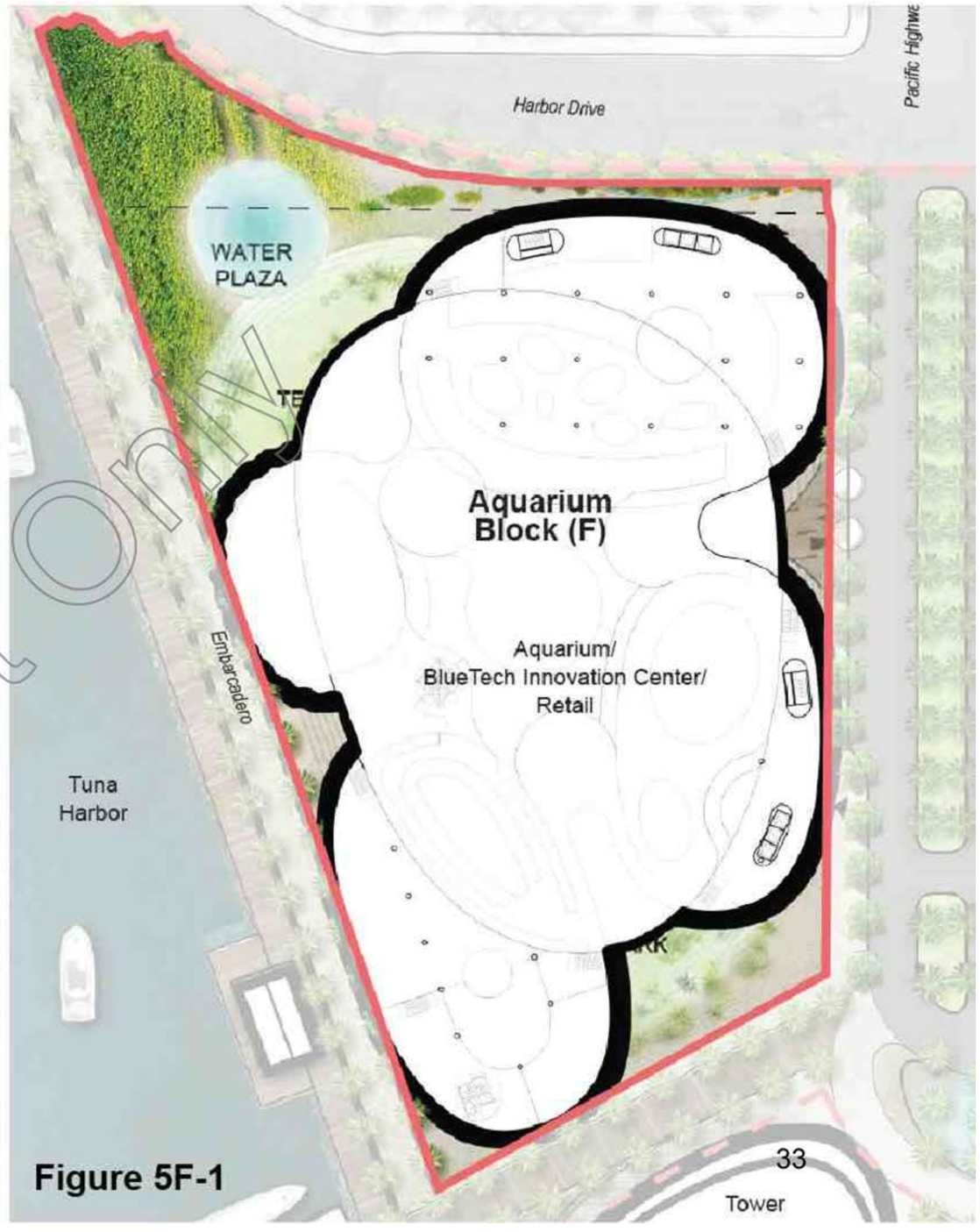
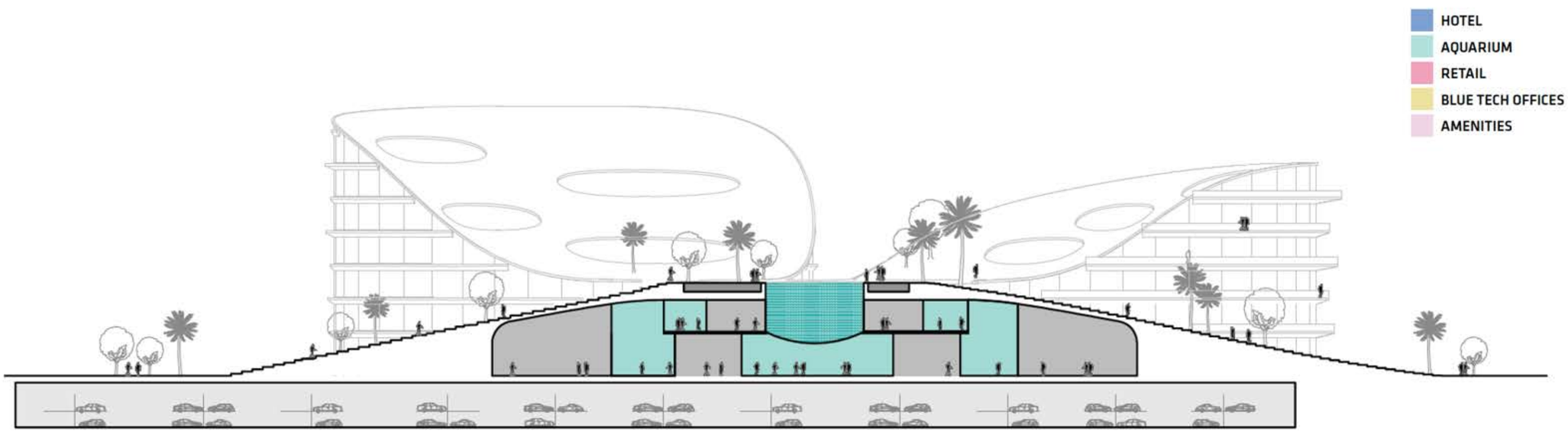
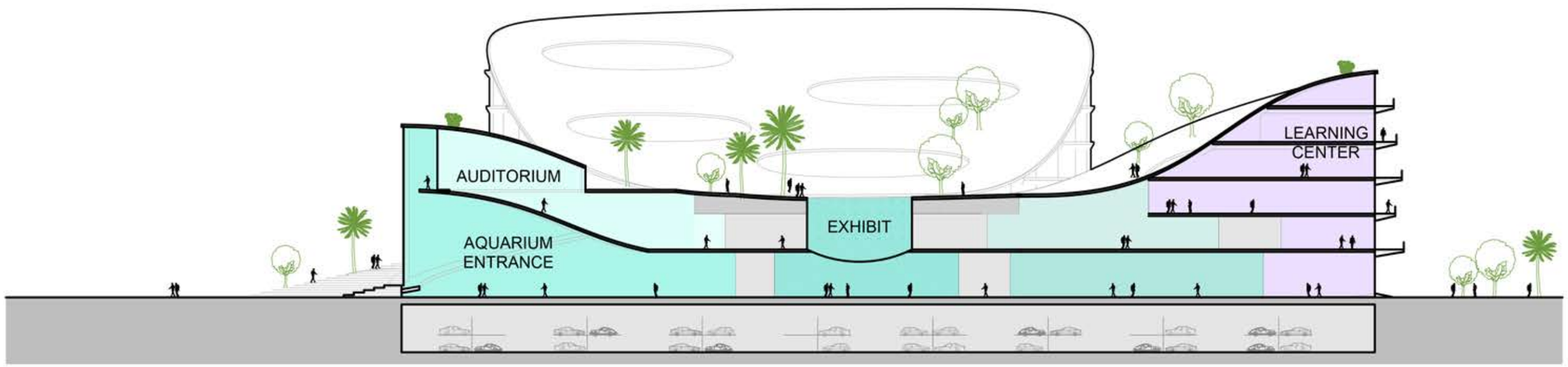


Figure 5F-1

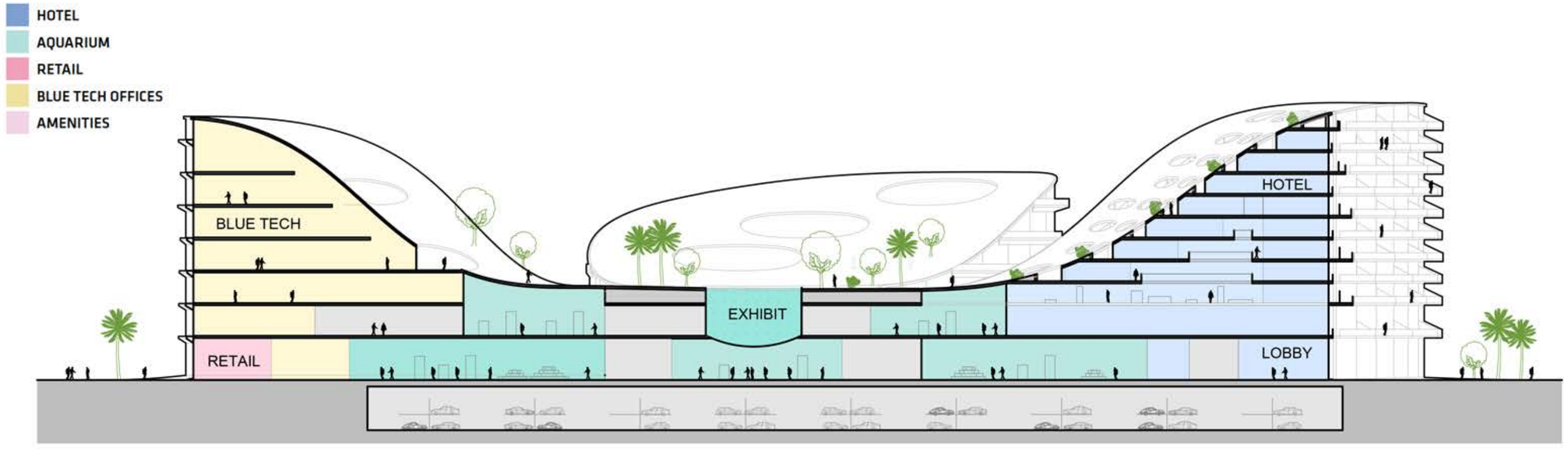


AQUARIUM - SECTION AA

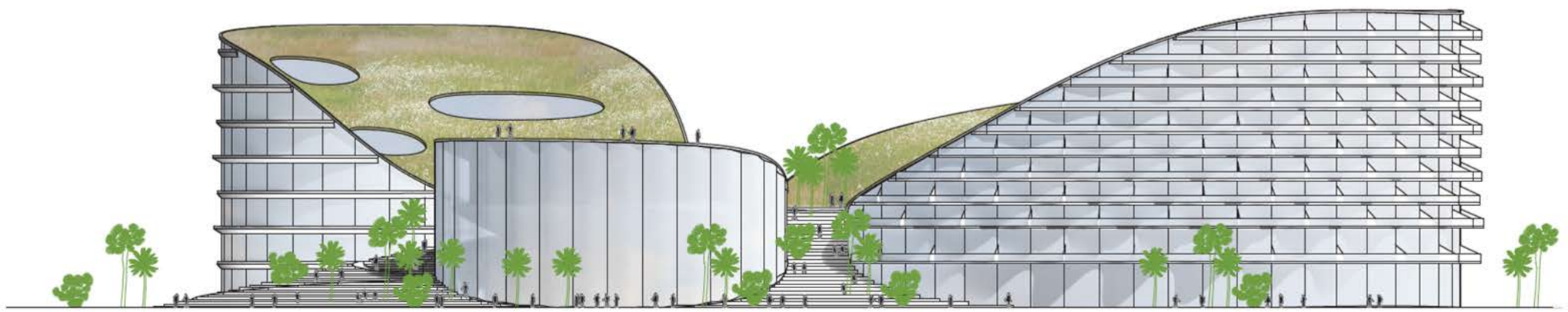


AQUARIUM - SECTION BB

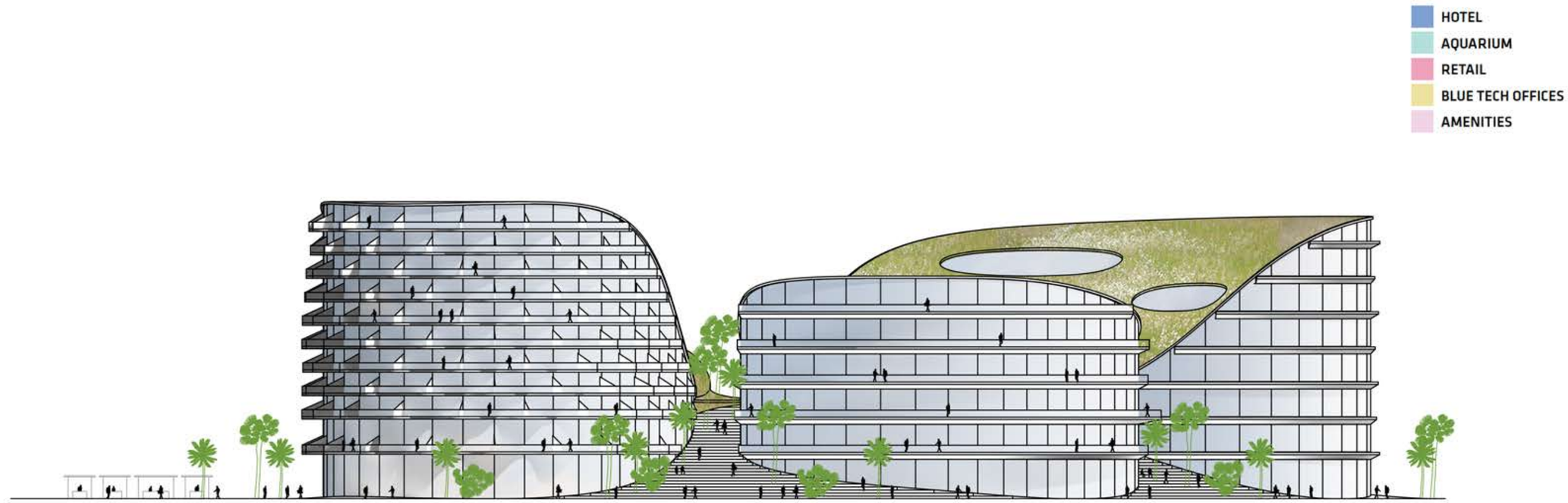
Design Concepts = Seaport2-34.psd



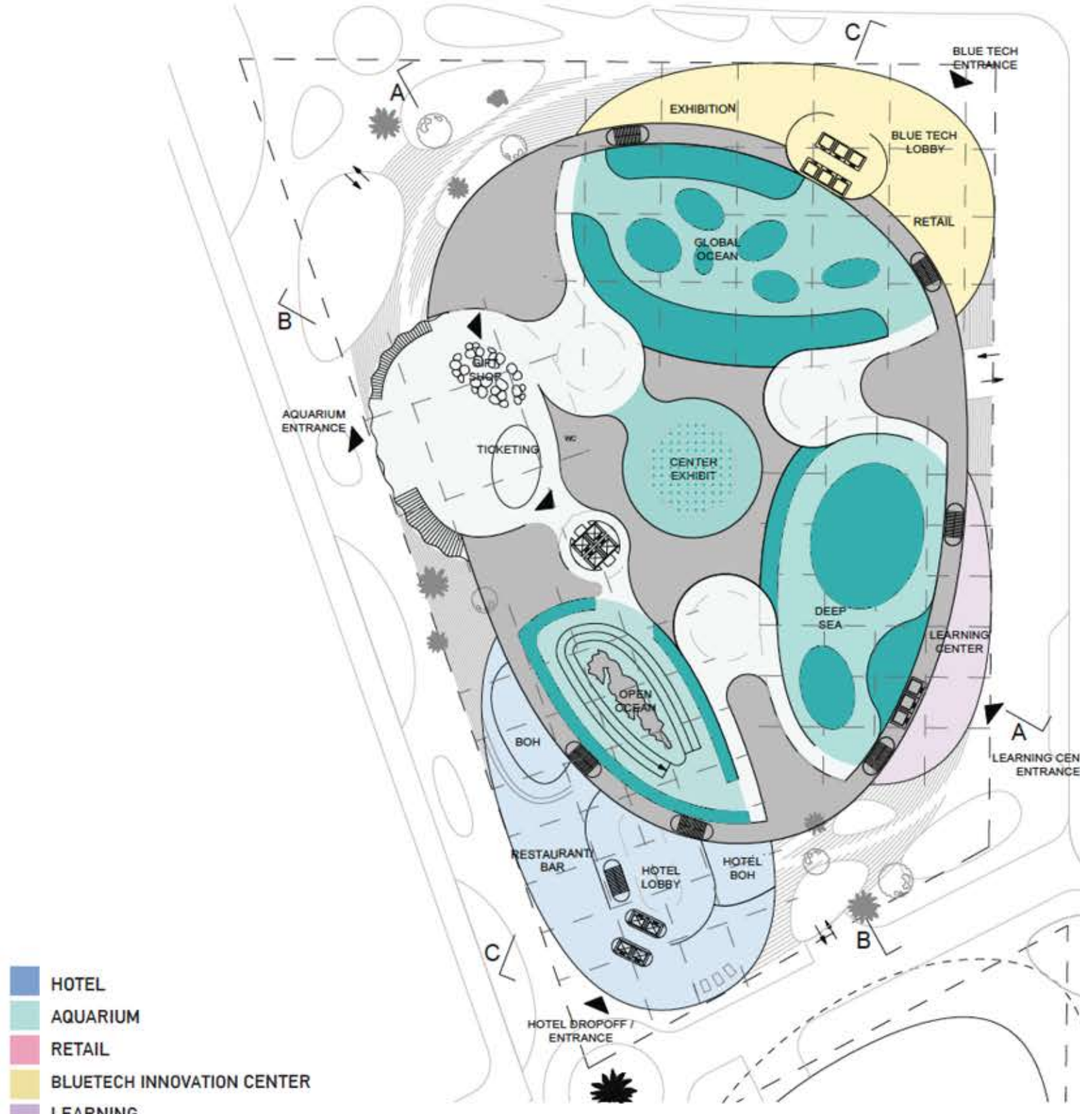
AQUARIUM - SECTION CC



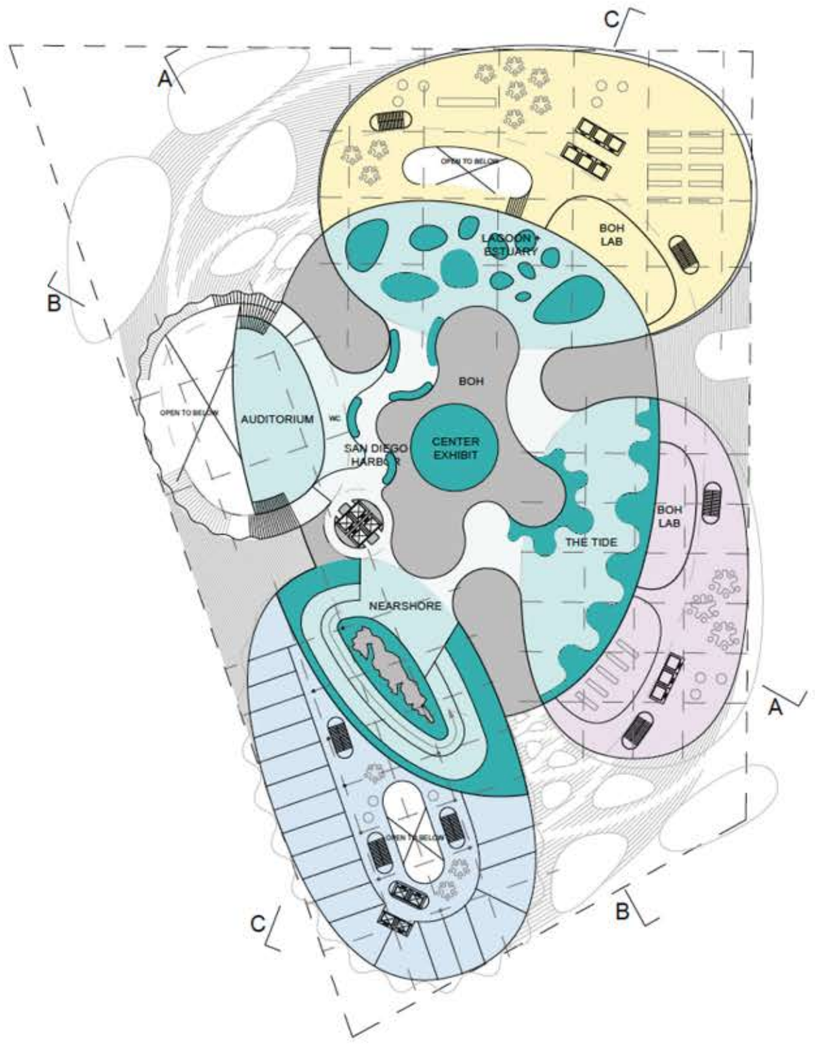
AQUARIUM - WATERFRONT ELEVATION



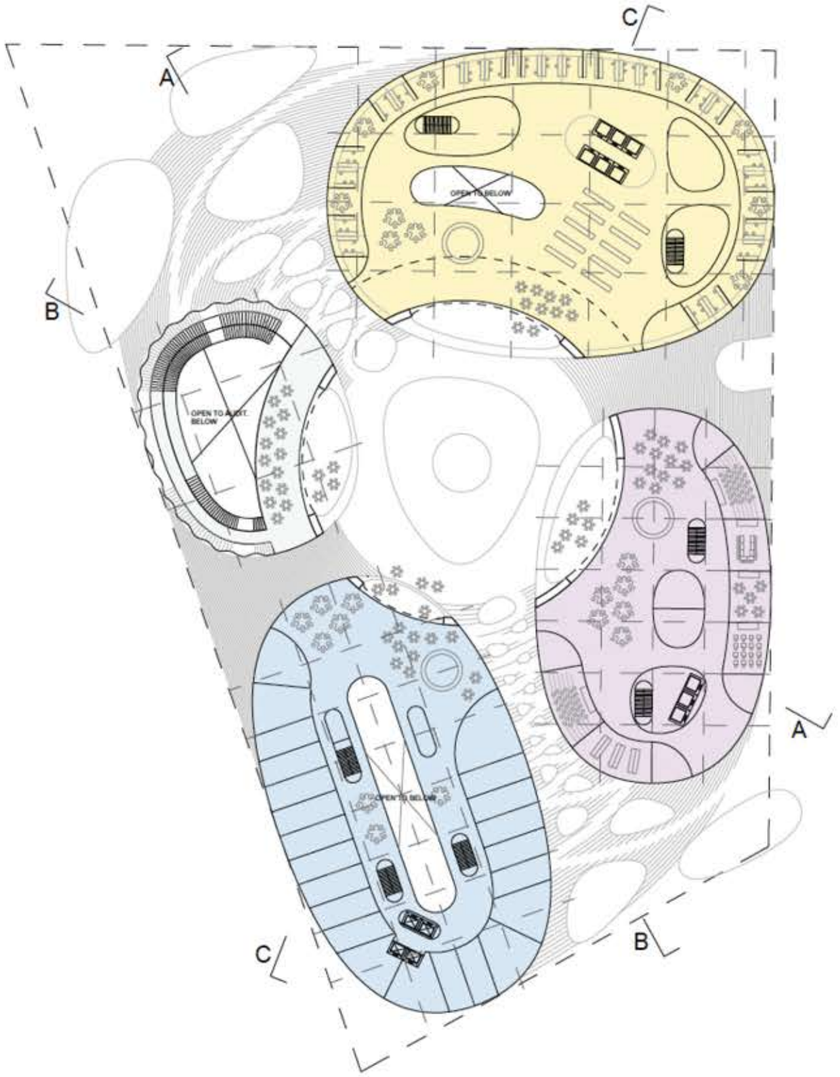
AQUARIUM - SOUTH ELEVATION



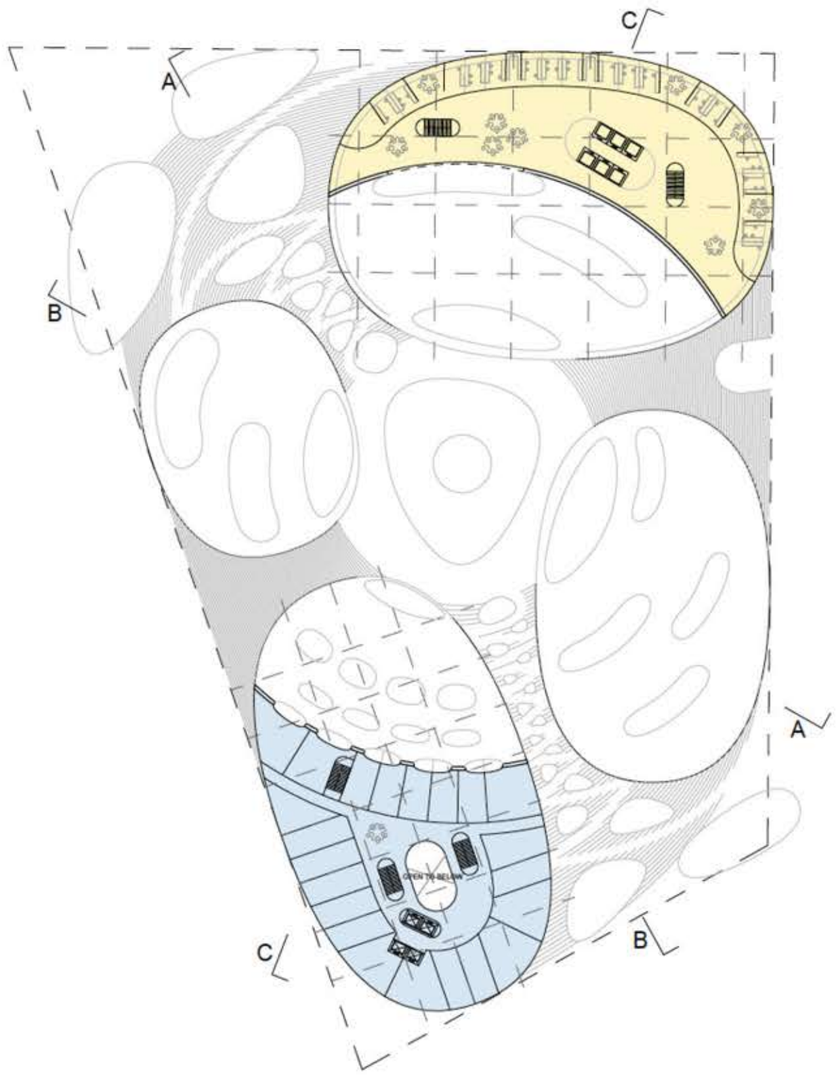
AQUARIUM - GROUND FLOOR



AQUARIUM - LEVEL 2



AQUARIUM - LEVEL 3



AQUARIUM - LEVEL 5

- HOTEL
- AQUARIUM
- RETAIL
- BLUETECH INNOVATION CENTER
- LEARNING
- AMENITIES

Type 4 Expanded Promenade and Cantilevered Boardwalk with Building and Basement within 100’ Shoreline - Existing

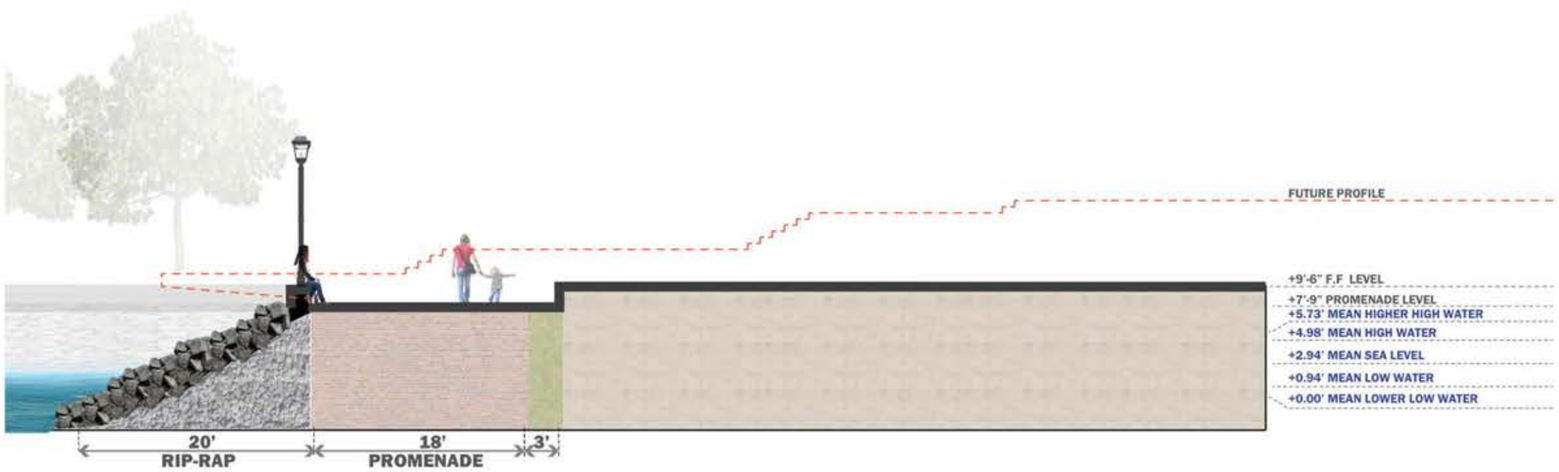
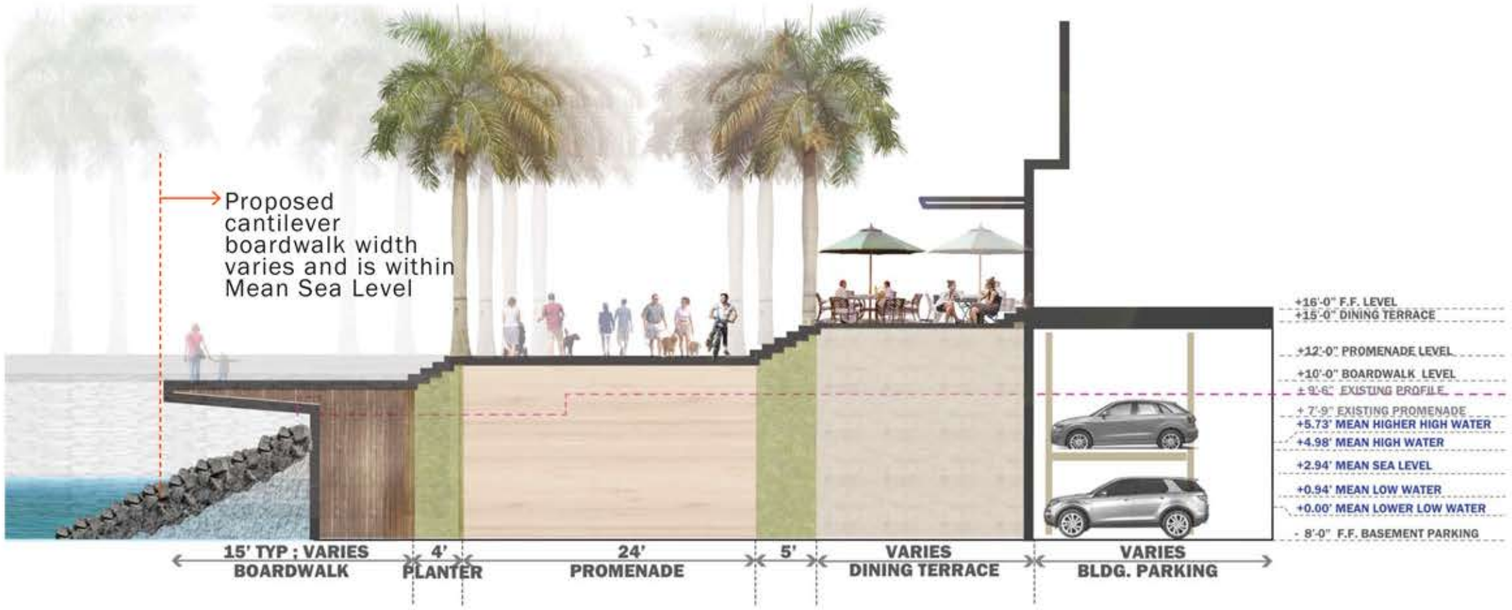
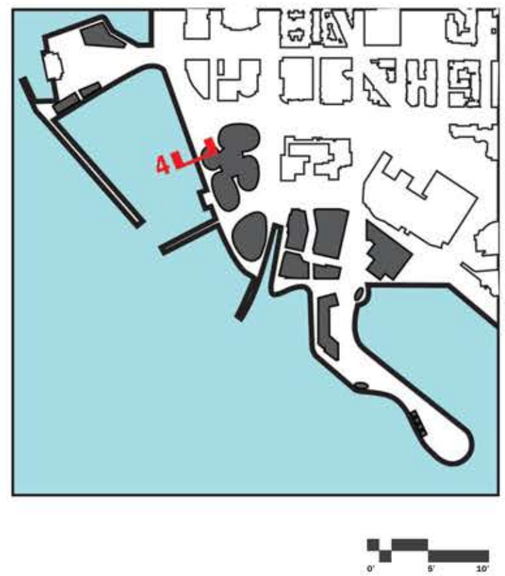




Image above of existing condition

Type 4 Expanded Promenade and Cantilevered Boardwalk with Building and Basement within 100’ Shoreline - Proposed





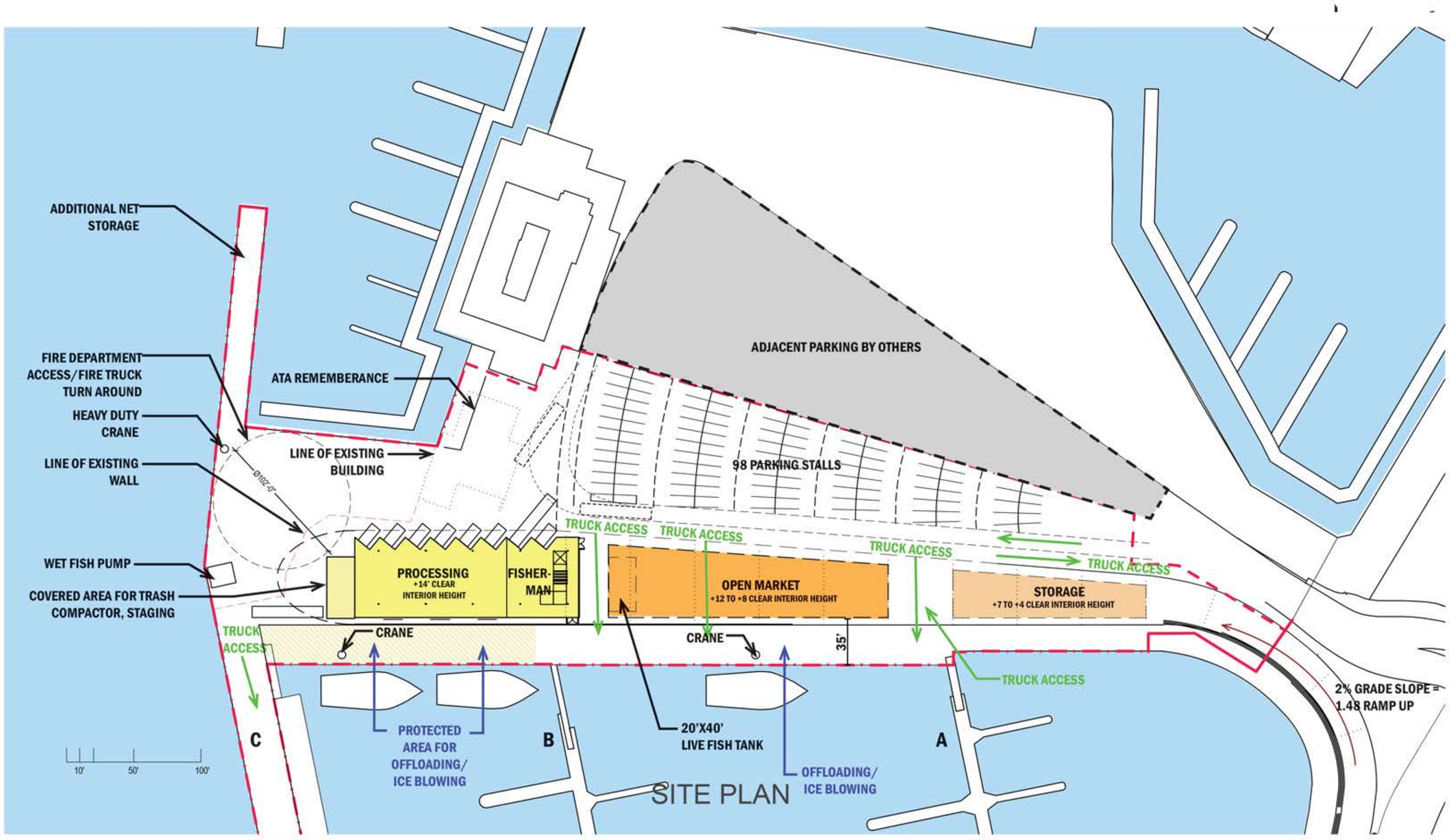
G-Street Mole (Block G)



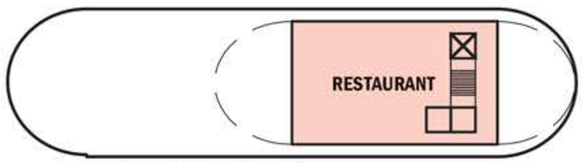


Figure 5G-1

Design Concepts = Seaport2-40.psd



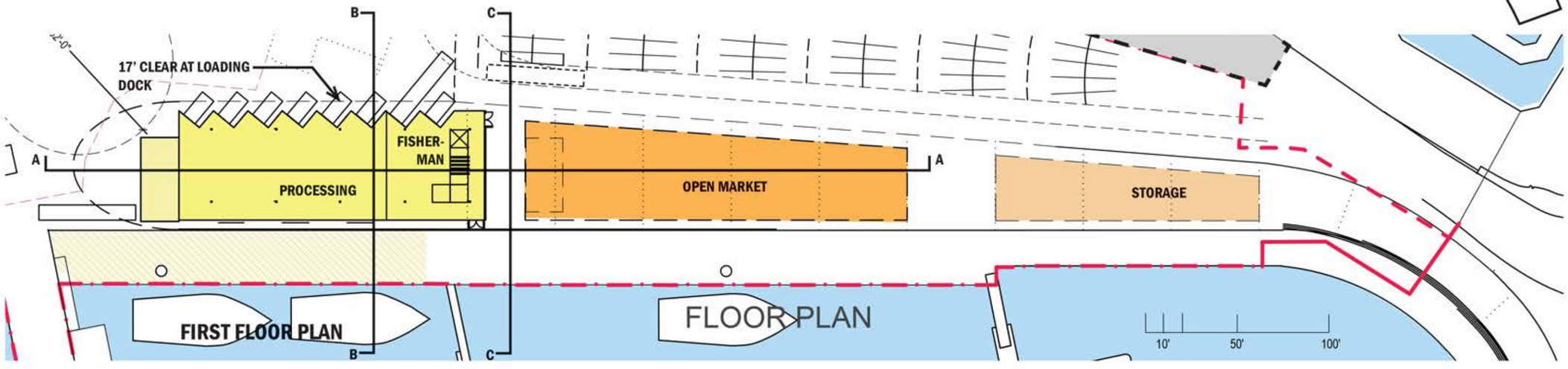
Design Concepts = Seaport2-41.psd



THIRD FLOOR PLAN

	GROSS SQUARE FEET
RESTAURANT	5,000
OFFICES/CONFERENCE ROOM	10,000-12,000
PROCESSING/FISHERMAN	10,000
OPEN MARKET	9,700
OPEN STORAGE	4,300
TOTAL GROSS SQUARE FEET IN CURRENT DESIGN	39,000

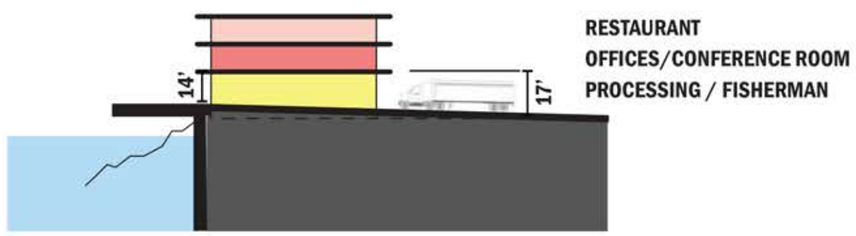
SECOND FLOOR PLAN



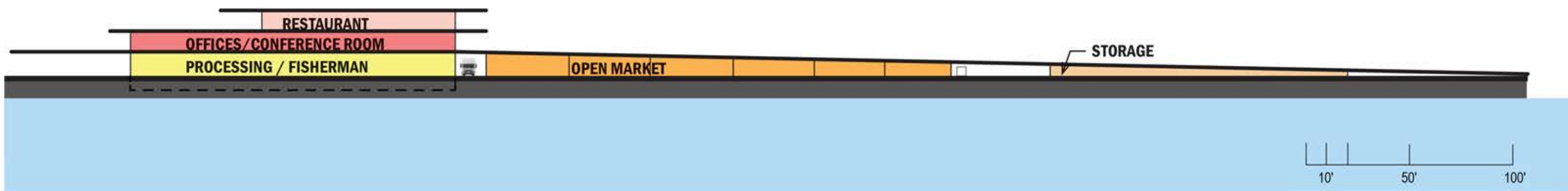
Design Concepts = Seaport2-42.psd



CONCEPTUAL SECTION B



CONCEPTUAL SECTION C



CONCEPTUAL SECTION A

CONCEPTUAL SECTIONS



SATURDAY MORNING AT THE TUNA HARBOR DOCKSIDE MARKET



CRANES/HOIST



TRAPS



HOLDING TANKS AND STORAGE



FISH PUMP



STORAGE



PROJECT PRECEDENT
LOYLY SAUNA - HELSINKI, FINLAND



PROJECT PRECEDENT
THE SYDNEY FISH MARKET - SYDNEY, AUSTRALIA



PROJECT PRECEDENT
MUTTRAH FISH MARKET - MUSCAT, OMAN



PROJECT PRECEDENT
DRAKE'S: THE BARN - SACRAMENTO, CALIFORNIA



PROJECT PRECEDENT
YOKOHAMA INTERNATIONAL PORT TERMINAL - PORT OF YOKOHAMA, JAPAN



PROJECT PRECEDENT
ST. PETERSBURG PIER - ST. PETERSBURG, FLORIDA

Design Concepts = Seaport2-46.psd

Type 10 Commercial Fisherman's Loading/Off-Loading Pier with Cranes - Existing

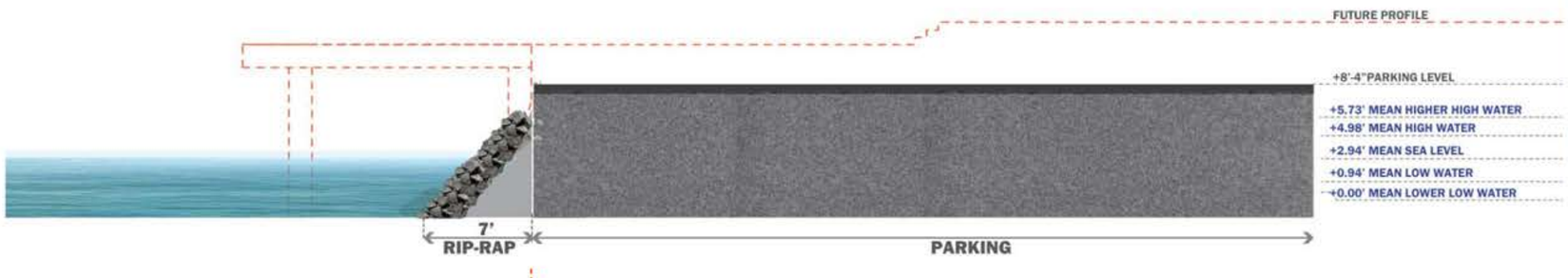
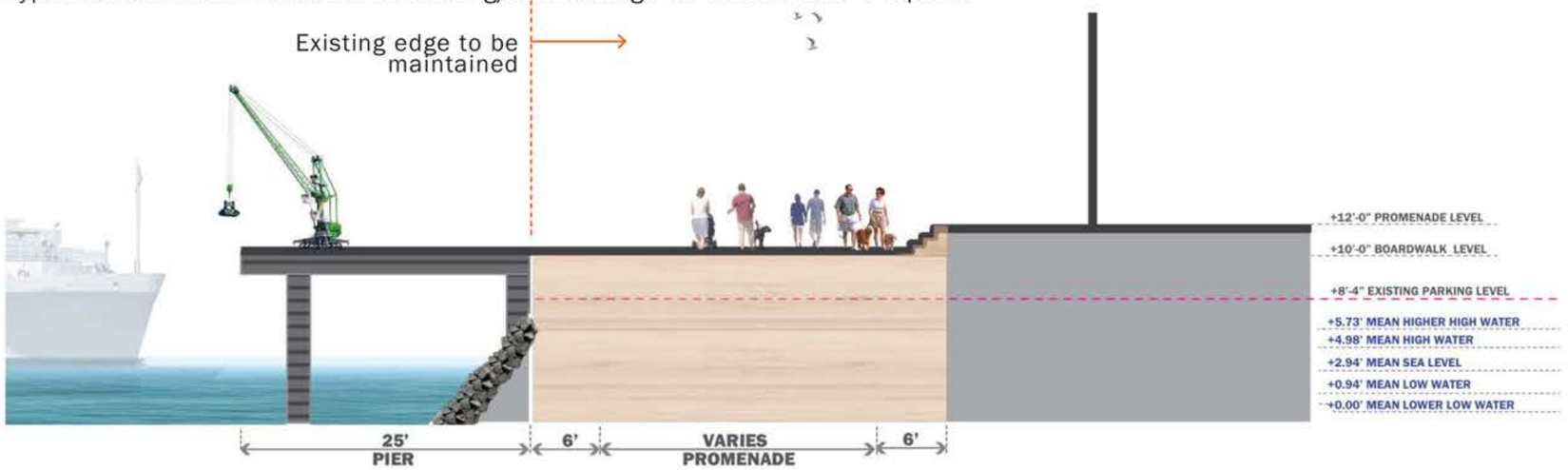
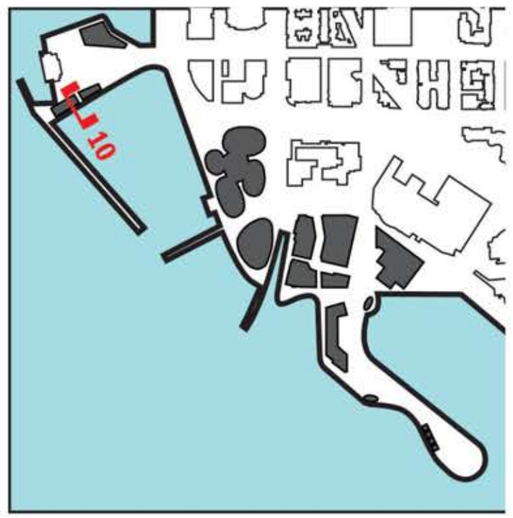




Image above of existing condition

Type 10 Commercial Fisherman's Loading/Off-Loading Pier with Cranes - Proposed





Design Concepts = Seaport2-47.psd

Appendix D

Seaport Aquarium

Preliminary Guest Experience Narrative

Version 2.1

February 20, 2018

Created by

THINKWELL
The Experience Company

2710 Media Center Drive
Los Angeles, CA 90065 USA
T: +1 818.333.3444
thinkwellgroup.com

Seaport Aquarium

Preliminary Guest Experience Narrative

MISSION STATEMENT

To create an entertaining and memorable journey through the depths of the world's oceans and freshwater habitats, while highlighting areas where science and discovery by Scripps Oceanography drives understanding, inspiration, and action toward a healthier planet.

OVERVIEW

While there are many challenges faced by the ocean and its ecosystems, the focus of this aquarium will be to inspire guests to continue the work done by Scripps Institute of Oceanography (SIO) scientists and ocean admirers so they may work together toward a healthier blue planet. Guests will leave the aquarium feeling amazed by all of the conservation efforts that are happening around the globe and empowered to do their part.

Using the stratification of layers of aquatic habitats as an organizing principle, guests will experience some of the planet's most diverse and important habitats from top to bottom. Starting with San Diego's estuarine habitats, guests will follow the stream out to the open ocean and then venture all the way down to the ocean floor. Using the multi-level structure of the aquarium, guests will dive further into the depths of the ocean as they journey down through the different levels of the aquarium and then will be given free reign to discover ocean and freshwater habitats around the globe.

Each exhibit will incorporate three themes: *Ocean Inspiration*, *Science*, and *Hope*. Guests will witness first-hand the amazing facts of the aquarium's animals and their habitats, inspiring them to learn more about the science

already being put in place to research this habitat or animal, and ultimately come away with a message of hope and engage in a participatory call to action.

TICKETING AND ENTRY

Tickets to the aquarium will be available for purchase through a shared ticketing booth for the aquarium and spire on the street level, as well as through automated ticketing kiosks on the fourth floor level and advance online purchase. Guests may also have the option of adding the butterfly pavilion onto their ticket or separately purchasing a ticket for the butterfly pavilion.

Guests wandering through the park may enter the aquarium on the fourth floor level and purchase their tickets through the ticketing kiosks near the lobby.

Guests wandering through the street level, who wish to purchase a combination ticket for the Spire and Aquarium, may buy their tickets on the street level, before journeying up to the fourth floor.

JOURNEY TO THE FOURTH FLOOR

Guests who have purchased their ticket on the first floor will begin their underwater journey early, starting with the trek up to the fourth floor lobby. After purchasing their tickets, guests hop on a series of escalators, which all together tell the story of the San Diego waterfront.

Through media wrapping on the escalator, guests will follow a digital timeline of the events which have shaped San Diego over time. Each leg of the escalator will detail a new era for San Diego — from the Kumeyaay tribe, the first people to set foot in San Diego, to the establishment of the Port of San Diego and beyond. By the time guests reach the fourth floor, they will be awestruck as

they exit out to a view of present-day San Diego, having been taken on a journey through San Diego from years past.

OUTDOOR VIEW TERRACE

Before guests step inside the aquarium, they have a chance to get a closer view of the San Diego shoreline and feel the ocean breeze. AR-enabled binoculars will be mounted throughout the edge of the terrace so guests can view the surrounding San Diego landmarks and nature. The AR-enabled binoculars will clue guests into more information about these landmarks and even preview guests with information on the San Diego shore, which they will later delve into in the aquarium, piquing guests' excitement for their underwater journey through the Pacific Ocean and beyond.

LOBBY

As guests arrive at the fourth floor lobby of the aquarium, the sights and sounds of the San Diego Harbor fill the entry space, with the sounds of the waves hitting the shore against a faint echo of sea lions in the background. This space epitomizes all the best aspects of the San Diego Harbor in one location.

Pictures from San Diego's history fill the walls along with dates and historical information, providing historical context to those who may not have chosen the escalator route.

THE SAN DIEGO HARBOR

As guests scan in and enter the aquarium, they look above and notice a giant ship hangs from the ceiling overhead, with a large barnacle-covered anchor dropped to the floor. The anchor lands in a large **open tank in the shape of the San Diego Harbor**, filled with San Diego native fish, such as **Leopard Sharks** or **Shovelnose Guitarfish.** Guests stand by the rails and look down into

the miniature bay — a small representation of all the fish which inhabit San Diego's harbor.



Welcome to San Diego.

Before diving deep into the ocean, guests will first experience where the water touches the land, the San Diego Harbor, and how the ocean has breathed life into the city.

Past the large anchor, guests enter a recreation of the Port of San Diego, where three ship facades — **a cruise ship, a US Navy vessel, and a fishing boat** — are parked at three docks. **Tanks filled with San Diego native fish** surround each ship to emulate the waters of the harbor.

Each ship represents a different aspect of San Diego's blue economy and presents a brief history of its role in shaping the San Diego Harbor and the future of our oceans. Each section also demonstrates San Diego as an active

place where innovation is driving new technologies and industries and where growth is conditioned by solutions that are also improving the ocean and the planet.

Guests may choose to step inside any of the ships' facades and experience a different aspect of what makes the San Diego Harbor a thriving destination for ocean inspiration:

The Tuna Fishing Boat: The Tuna Industry
Inside the fishing boat, guests learn about the process of catching one of America's favorite fish. In this exhibit, guests can try their own hand at deploying and catching fish, using a tuna net with enhanced sensors to reduce bycatch.

The Navy Vessel: The Navy
Past the Navy vessel facade, guests can explore the themed interior of a Navy ship and learn about the Navy's commitment to science and new technologies.

The interactive porthole windows of the submarine allow guests to open them and find a variety of different small fish found in the San Diego Bay. Behind each window is a different small species — **Sculpin**, **Yellowfin Tuna**, or **Pacific Mackerel**.

The Cruise Ship: Maritime Technologies
In this area of the exhibit, guests will learn about how the maritime industry is utilizing new technologies to help conserve and protect the oceans it sails on. Guests, for example, may explore the bow of the ship and learn how instrumentation is being used to detect whales in order to reduce whale strikes.

Next to the bow of the ship, a series of tanks display the fish that make up a whale's diet: **crabs**, **krill**, and **squids**. Because of the positive effects of new instrumentation aboard ships, the ocean ecosystem surrounding whales may continue to thrive.

Overall, this entry exhibit will teach guests how the San Diego Harbor is a place where economic and environmental challenges are met with imagination, innovation, and optimism and where hope is inspired for a healthier ocean.

LAGOONS AND ESTUARIES



After learning about how San Diego has benefitted from the ocean, guests will learn how the San Diego community is, in turn, benefitting our oceans and other natural environments. Towards the end of the San Diego Harbor exhibit, guests will be drawn downwards to the next room by the sound of bird calls and a breeze of fresh air. As guests walk down the ramp to the next exhibit, they encounter the Lagoons and Estuaries exhibit.

Entering through a display of **eelgrass**, which surrounds them on both sides, guests encounter the birds which inhabit estuarine habitats — a live exhibit featuring **all different types of sea birds**, perched on rocks or floating on the water. A nearby display teaches guests about the Pacific Flyway and the migratory nature of these birds. This display can update every season to alert

guests exactly where these birds would be located along the Pacific Flyway at this time, if they were out in the wild.

Next, guests are introduced to San Diego's turtle population as they uncover several **turtles** sunning themselves under a simulated San Diego sun and popping their heads above water.

While estuaries may not seem as glamorous as the ocean, this exhibit will teach guests to appreciate the estuarine habitats by showing them the importance that the health of an estuary has on the surrounding wildlife — by cleaning water before it returns to the sea, nourishing sand, and providing a stopover area for birds.

Ocean Inspiration Zone: The San Elijo Lagoon



After learning about the estuaries, guests will experience the lagoon habitats, focusing in on one lagoon with an inspiring restoration story — the San Elijo Lagoon.

Science & Hope in the Lagoons and Estuaries

Interactive displays throughout the Estuaries and Lagoons exhibit engage guests with the research and conservation efforts led by SIO scientists that are being put in place to keep the estuaries clean and healthy, so that the San Diego wildlife may continue to thrive.

Along with the research compiled by SIO scientists, this exhibit will showcase community stories — the real people who have made a commitment to cleaning up and caring for estuaries — allowing guests to discover that anyone has the power to make a difference.

THE TIDE



After exploring the estuary, guests can get their hands wet with an outdoor touchpool. Guests have the option to step outside onto the outdoor terrace, where they will find a breathtaking view of the San Diego waterfront along with an interactive tidepool exhibit. Here, guests may touch and observe the different species and plant life which inhabit the tide pools around San Diego while a guide identifies each colorful crustacean.

Guests might just hear the loud bark of the first animal exhibit before it comes into view — the **sea lion** exhibit. Themed to resemble a San Diego pier, guests may take a seat on tiered wooden benches while enjoying a fascinating talk by an animal trainer about sea lion behavior. As they learn the ins and outs of life as a sea lion, guests will also learn how global warming is affecting the environments and breeding grounds of these animals.

THE NEARSHORE



As guests exit the outdoor tide pools and walk into the San Diego Nearshore exhibit, the fresh scent of salt water and the relaxing sound of waves crashing sets the mood.

When guests step inside, they will be surprised to see the same **sea lion exhibit**, this time from a different point of view — underwater. While outside, guests can watch the sea lions bask in the sun, inside, guests can watch them gracefully swim underwater.

Science & Hope at the Nearshore

Because of global warming, there have been two major sea lion die-offs due to changes in the food chain. As part of the sea lion exhibit, guests will learn how SIO scientists are using technology to better understand what sea lions eat and how the food webs work, so we may be able to better predict and manage die-offs in the future. Guests will get hands-on with special wearable cameras, which are placed on sea lions in order to study what they eat and watch POV footage from a sea lion as he goes about his day.

Ocean Inspiration Zone: Global Warming



Past the sea lion exhibit, guests encounter a scientist's research station inside a ship with a window looking out to the shore. In this station, guests will learn about how SIO scientists are using technological instruments to monitor and combat the effects of global warming through videos and interactive opportunities. Guests can interact with the various technological instruments used to monitor global warming, which are scattered throughout the station. Guests may pick up one of the many technological instruments and place it on an interactive surface, which recognizes the instrument and automatically plays a short informational video.

THE OPEN OCEAN



Past the research station, the guest's journey dips below the surface of the water as they begin to explore the open ocean. This area of the aquarium will

be divided into two main habitats: *the California Bight* and *the North Pacific Gyre*. The coloring of the space will gradually shift to blue as guests walk through a curtain of 'kelp' and a row of sea stacks, as they seemingly "go underwater" and enter deeper into the California Bight.

California Bight

As they enter the California Bight, guests walk past a **multi-level kelp forest** and into the open ocean of the California Bight. This room is dotted by a series of models resembling the **Channel Islands**. Each island station teaches guests about a different aspect of the Bight ecosystem and environment — earth science, weird currents, and weather patterns.

Surrounding the models are exhibits featuring the animals who inhabit these islands: **cormorants, black sea bass, and other island endemic species of fish, inverts, and plants**.

Ocean Inspiration Zone: Marine Protected Areas

After learning about the Channel Islands and all the creatures that live there, guests will learn about how strides are being made to protect these areas, as part of our resilience solution to a warming ocean. This exhibit calls back to the previous ocean inspiration zone centered on global warming and shows how the expansion of Marine Protected Areas is working towards creating a healthier climate.

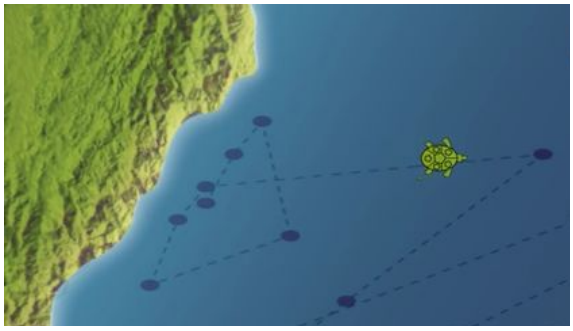
After guests learn all about the Marine Protected Areas, they will walk alongside **giant sea bass** and other neighboring fish as they pass through a winding hallway flanked by fish-filled tanks.

This hallway will then open out to a large magnificent tank displaying a fan favorite, **green sea turtles**. This room may offer auditorium-style seating, styled after a coral reef, allowing guests to sit and take in the beauty of the majestic sea turtles. A light on the ceiling of the room along with a projected image of water emulates the sunlight reflecting through the surface of the ocean, as seen from underwater.



Ocean Inspiration Zone: Sea Animal Tracking

Following the sea turtle tank, guests will enter another underwater research station. However, this time the window looks out deeper into the ocean, showing a video of turtles swimming by. This research station will inform guests of another inspirational research method currently used by scientists: sea animal tracking.



Each screen in this research station displays the POV of a different sea turtle, sea otter, or other sea animal which has been outfitted with a satellite tracker. On one screen we watch from the animal's point-of-view as they swim through the ocean, while a screen below tracks their movement. A scientist on a center screen explains the importance of sea animal tracking to better protect each species.

North Pacific Gyre

As visitors enter the next zone, we venture out even further from San Diego and the Southern California Bight to the biggest continuous biome on the planet, the North Pacific Gyre.

Past the giant tank of green sea turtles, guests will traverse through another short hallway which then opens out onto a large circular room. From the ceiling of this room hangs a large art sculpture designed to resemble a wave or current, constructed out of trash found in the North Pacific Gyre, or "The Great Pacific Garbage Patch" as it has come to be called.





A weathered Nike shoe may also be on display with a plaque telling the story of "the great Nike spill of 1990", a shipping accident involving the loss of over 61,000 Nike shoes during a storm in the North Pacific Gyre, which helped contribute to the knowledge of ocean currents.

Swirling blue lights encircle the room to give guests the impression of being in the center of the North Pacific Gyre as trash surrounds them overhead.

In the center of it all stands a model of Papahānaumokuākea, the largest Marine Reserve in the world, which is surrounded by **all different types of colorful coral** on display.

Dotted around the circular room may be a series of tanks filled with fish who live around this area of the ocean, such as **tuna** and other **large pelagics**, **sardines**, and the **North Pacific giant octopus**.

This exhibit will also highlight how currents such as the North Pacific Gyre give rise to migratory species, such as **tuna**, **sharks**, and **grouper fish.** An interactive exhibit will allow guests to witness how ocean currents are formed and how upwelling and sea mounts contribute to the migration of certain sea animals.

Ocean Inspiration Zone: The Great Pacific Garbage Patch
Past this large circular exhibit sits another research center. Through the window of this research center, guests may view a display of trash floating by underwater. Here, guests will learn through video screens and interactives how scientists, volunteers, and ocean lovers all over the world are teaming up to clean up the garbage patch once and for all. These videos and interactives will highlight the various proposals led by scientists, each with a different method of cleaning up the ocean. After learning about the various efforts proposed by scientists and ocean experts, guests will be inspired to think of ways how they, too, can aid in the clean up.

Once guests have been inspired to help in the fight to clean up the North Pacific Gyre, they will enter a trash-free zone, featuring the finale tank of the Gyre exhibit — a large multi-story immersive tank filled with **jellyfish**. The tank may be curved, allowing guests to step inside and surround themselves with peaceful, floating jellies. Guests may even be able to change the colored lighting of the jellies via an interactive.

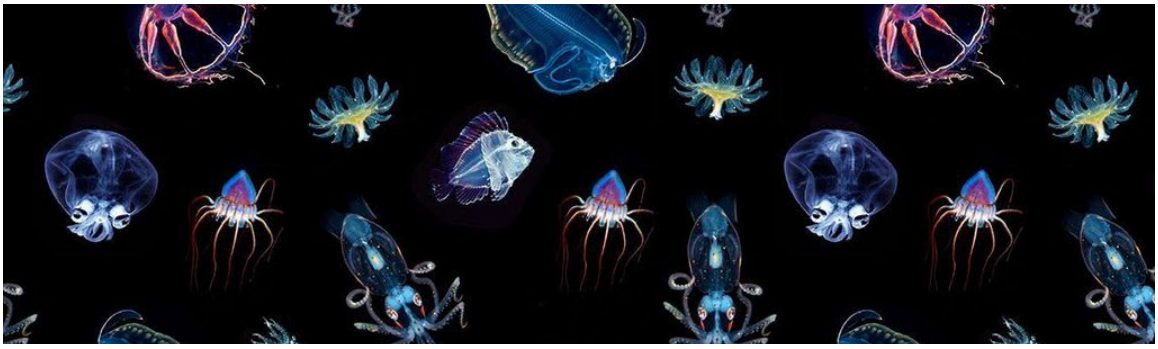




Oceanside Cafe

For those guests who have worked up an appetite mid-way through their experience, there will be a grab-and-go food and beverage offering available. Guests will be given the opportunity to rest and take in the beauty of the shoreline and the ocean as they sip on their coffee or bite into their sandwich. A glass wall facing the ocean by the food and beverage area will give guests a front row view of the subject of their journey as they continue to dive deeper below the surface.

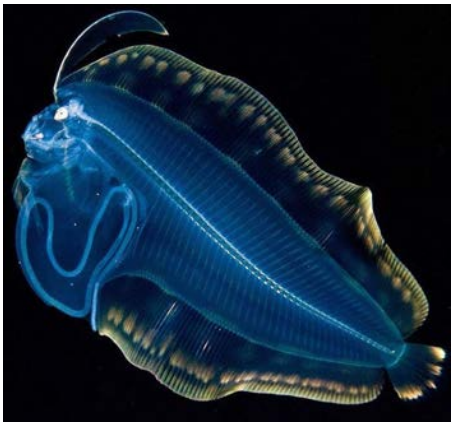
THE DEEP SEA



Past the Oceanside Cafe, guests will take the ramp down from the Open Ocean to the Deep Seas on the ground level. As guests progress down the ramp, it will turn into an underwater tunnel, surrounded by a variety of interesting and colorful fish from deeper in the Pacific Ocean. This underwater tunnel will then drop guests into the most mysterious and unexplored part of the ocean, the deep sea.

In this area, guests will discover the vastness of the ocean and learn how humans have barely even scratched the surface of uncovering what lives in the blue areas of our planet — less than 5%. After exploring the previous exhibits, filled with species and animals most visitors may already be familiar with, this exhibit will amaze guests by showing them species they have never seen before. Far beneath the surface of the sea are found the weirdest and most wondrous creatures who have adapted to the dark coldness of the deep seas with interesting and unique features, such as bioluminescence.

This exhibit will feature darker lighting than the rest to match the darkness of the deep sea. It will be lit up only by specialized lighting and the glow of nearby tanks to resemble the bioluminescence of the deep sea fish.

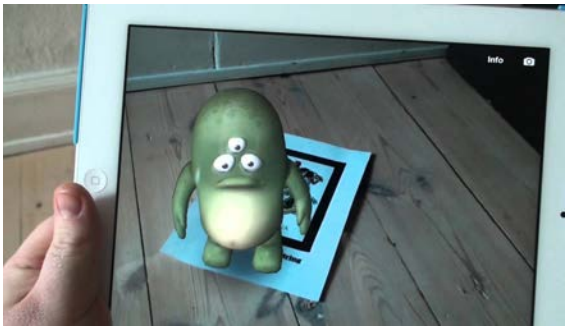



Different bioluminescent fish, such as **flashlight fish** are also on display in the dark atmosphere to showcase the wonders of bioluminescence.

Because deep sea fish may present a challenge to exhibit in an aquarium, the tanks in this area may be unique. Instead of exhibiting live fish, guests will be drawn through a dark maze of fish-less tanks, bioluminescent sea plants, and **whale falls** and **crustaceans**. Each tank may be accompanied by a mounted AR-enabled iPad, designed to look like an advanced diving mask. Guests may hold up the iPad to the tank and watch as it is suddenly inhabited by virtual

strange-looking deep sea fish. Each tank will feature the physical habitat of the fish, but only by holding the iPad up to the tank, may they uncover the deep sea fish which lives in this environment.

This effect may also be achieved through the use of “virtual tanks”, using large video screens to display virtual deep sea fish and crustaceans, or through the Pepper’s Ghost effect, whereby the images of deep sea fish would be reflected into a darkened tank.





Past the deep sea fish exhibits, guests may also find the entrance into a bioluminescent dome, which houses an underwater theater. This theater can house various shows with rotating content, teaching guests about subjects from the deep seas to ocean conservation.

Ocean Inspiration Zone: Deep Sea Mining and Global Warming

In this final research center, guests will learn about the effects of deep sea mining and climate change on the deep sea habitat. While the deep seas are, for the most part, unexplored, the effects of global warming and deep sea mining still have reached even the deepest parts of the ocean. However, with proper protection and research, these negative effects can be reversed.

This area will explore the role of oceans in climate change and teach guests real-world strategies to reduce one’s carbon footprint.

Science & Hope at the Deep Seas

Guests will have the chance to enter into a recreation of the Deep Sea Challenger and discover the findings and research discovered from this momentous deep sea dive.

Opposite the deep sea theater, guests follow the light emitting from a submarine which resembles the research station guests have explored throughout the previous exhibits. As guests pass through this submarine, a scientist congratulates guests on completing their journey to the bottom of the Pacific Ocean and welcomes them to explore the ocean areas around the globe.

THE GLOBAL OCEANS

Following the Deep Seas exhibit, guests can choose to enter a large auditorium space where they will witness a turntable show, physically moving them through different ocean habitats around the globe, all while comfortably seated. Guests will be taken on a circular journey through the Indo-Pacific, Amazon, African Rift Valley, and Antarctic/Arctic habitats, integrating media, narration, and live divers into each exhibit. These exhibits have the ability to be changed out in order to reflect different corners of the globe.

The show presentation will begin with a media presentation, showing video clips of all of the destinations guests have just journeyed through — from the San Diego estuaries all the way to the deep seas. After this presentation, guests will watch a short preview video on the four different global ocean zones they are about to experience. The video ends with a shot of a coral reef habitat in the Indo-Pacific as the lighting begins to turn a blue hue and the video screen rolls away to reveal the same shot of the coral reef habitat, except this time, in a live grand-scale tank.

Indo-Pacific

As guests watch all of the colorful tropical fish which inhabitat the waters of the Indo-Pacific, a live diver appears to lead the show and inform guests of the different species which they see before them. The tank is filled with all different types of sharks — from **sandtiger sharks** to **whitetip reef sharks**.

Amazon

As guests turn away from the Indo-Pacific, they will turn towards the Amazon rainforest, where they pass by a green, leafy wall as they make their way towards an exhibit on the Amazon River. The sounds of jaguars and other jungle animals echoe overhead as guests listen to another live diver describing the habitats and characteristics of the animals around them: **electric eels**, **rays**, **piranha**, **Arowana**, **Arapaima**, and **Pacu fish**.

African Rift Valley

As the turnstile continues to move clockwise, guests pass a wall resembling the cracked brown texture of the African Rift Valley and hear the sounds of the African desert as they encounter a herd of **flamingos** in one section, followed by a tank filled with various colorful **cichlids**.

Antarctic/Arctic

As the final exhibit of the turntable show, guests will pass by a wall covered in ice as they move onto an exhibit featuring animals from the Antarctic/Arctic region. Guests will first explore the Arctic region, with an exhibit dedicated to **Arctic puffins** before moving into the Antarctic region to watch the **penguins**. Past these land and water species, guests will dive into the freezing cold of the Antarctic and Arctic waters by exploring the **cold water fish** who live there.

Once guests have come full-circle, they will exit out of the auditorium and have the chance to explore the same animal exhibits they just witnessed in the show, now at their own pace. Guests continue down a linear pathway, walking through the different portals of the Indo-Pacific, Amazon, African Rift Valley, and Antarctic/Arctic. Each area will be appropriately themed to the specific global region and will feature a research station, displaying important research and inspiration centered around each habitat:

Ocean Inspiration Zone: 3D-printed Coral
Sponsored by the Palmyra Research Station, this research station displays some of the research done by scientists in this area. One of the cool new technologies on display may be a 3D-printed coral reef as compared to a live coral reef. A 3D printer may even show the process of constructing a fake coral reef in real time before guests' eyes.

Ocean Inspiration Zone: Amazon River and Forest Research
This research station informs guests of the inspirational research that is being done around the Amazon River and Rainforest to help the animals which live in this area.

Ocean Inspiration Zone: Sea Floor Spreading and Volcanism
After learning more about the species which live in the African Rift Valley, guests will explore another themed research station, sponsored by the Institute for Geophysics and Planetary Physics and learn how sea floor spreading and volcanism helped create the African Rift Valley.

Ocean Inspiration Zone: Antarctic Research
Guests will end their journey through the Arctic and Antarctic regions with another snow-covered research station. This research station will teach guests

about the deep research being conducted in Antarctica on a wide range of topics, from waves and sea ice vibrations to sea life adaptations.

Finale Show

As guests exit out of the Antarctic Research Station, they walk through a tunnel and into a large circular room with a **hanging interactive globe** in the center. A selection of all the global areas touched upon throughout the aquarium, from San Diego to the Antarctic, are highlighted on the globe. At timed intervals, the whole room comes to life through mapped projection with videos and more SIO information about each zone. This show will remind guests of all the ocean inspiration which is taking place all over the globe and inspire them to take action in their own communities, whether it be San Diego or another city across the globe.

Retail

After successfully completing their voyage through the aquarium, guests will exit out of the Global Oceans exhibit and into a themed gift shop, where they may take home a memorable souvenir based on their favorite animal or aquatic region.

SUMMARY

The Seaport Aquarium will lead guests on a journey through the freshwater and saltwater habitats of the Pacific Ocean and beyond, starting in the local habitats of San Diego before venturing down through the depths of the ocean. By starting with local San Diego wildlife and gradually expanding to oceans around the globe, guests will come away with a better understanding of how we are connected to the ocean and a greater motivation to care for it. Through a series of “Ocean Inspiration Zones” spread throughout each exhibit, the

Seaport Aquarium will capture a sense of optimism and allow guests to imagine a bright future for tomorrow's oceans.

APPENDIX J

Figure 2 - Midway Marina Location



Midway Marina Slips and Planned Layout

SLIP LENGTH (FT)	QUANTITY OF SLIPS (EA)	
	In-Slip	Side-Tie
40.00	-	12
60.00	2	1
80.00	2	-
100.00	2	-
120.00	-	1
Total=	6	14
AVG.=	80.00	47.14
Total LF.=	480	660

Figure 5BB-4

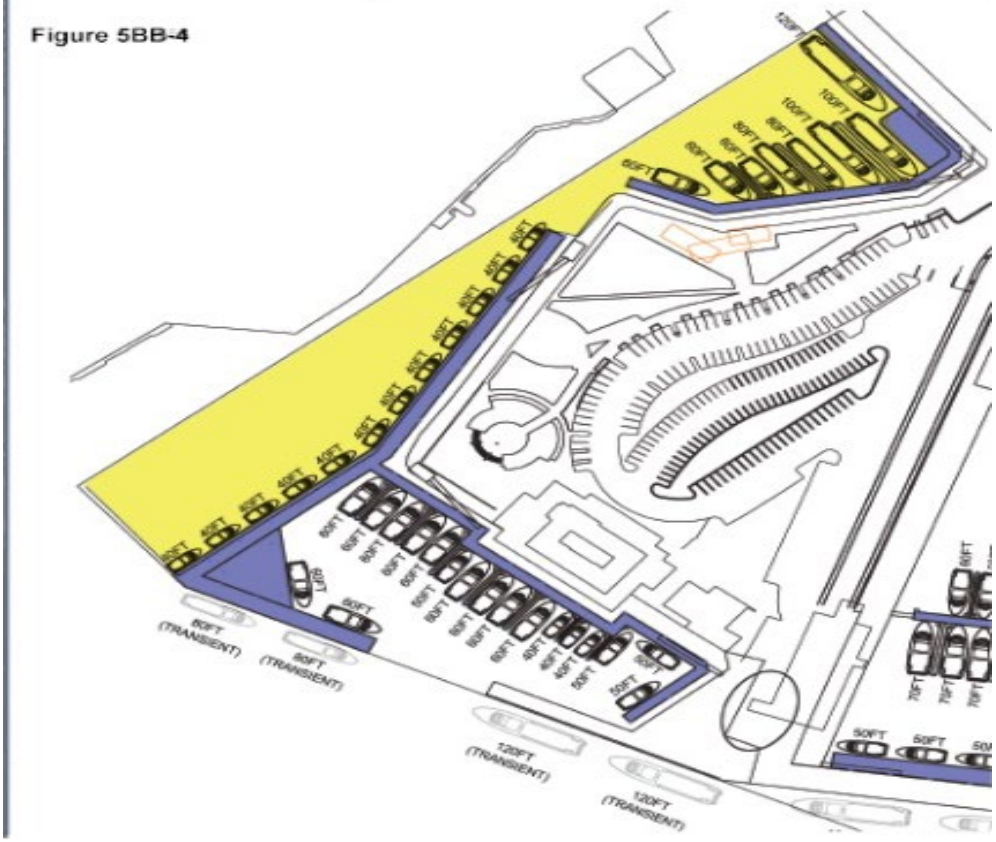

120FT
100FT
100FT
80FT
80FT
80FT
60FT
40FT
40FT
40

Figure 3 - G-Street Mole Marina Location



G-Street Mole Marina Slips and Planned Layout

SLIP LENGTH (FT)	QUANTITY OF SLIPS (EA)	
	In-Slip	Side-Tie
40.00	3	-
5000	2	2
6000	9	2
80.00 (Transient)	-	2
12000 (Transient)	-	2
Total=	14	8
AVG.=	54.29	77.50
Total LF.=	760	620

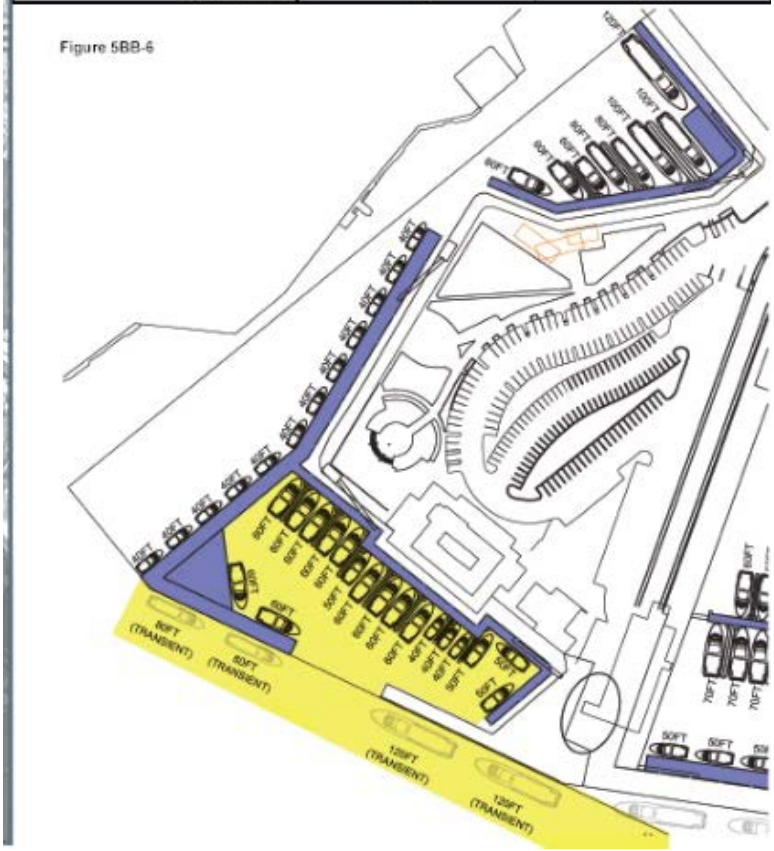
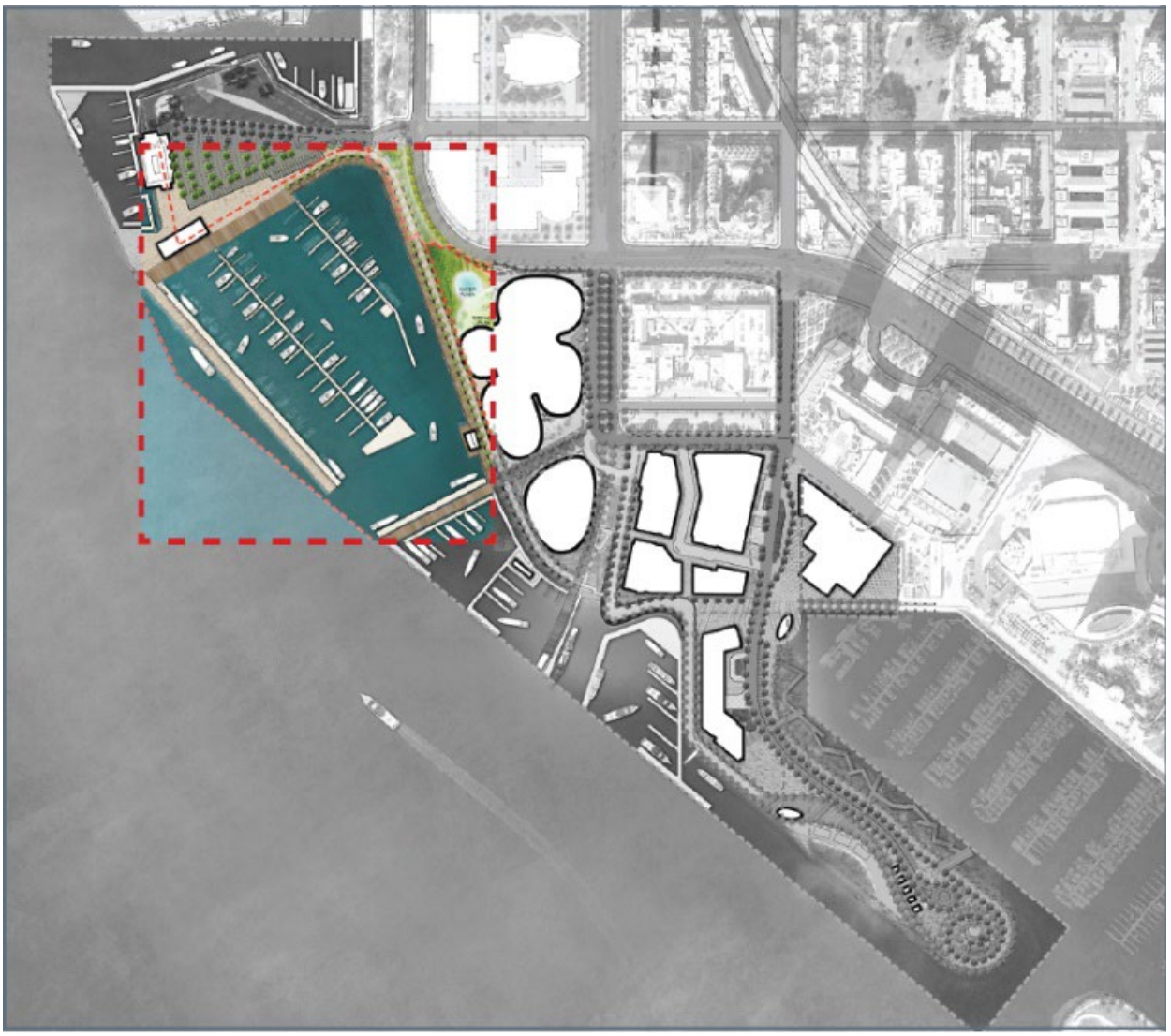


Figure 4 - Tuna Harbor Location



Tuna Harbor Slips and Planned Layout

SLIP LENGTH (FT)	QUANTITY OF SLIPS (EA)	
	In-Slip	Side-Tie
50.00	12	25
60.00	18	1
70.00	25	-
80.00	23	2
80.00 (Transient)	-	2
100.00	-	3
120.00 (Transient)	-	6
Total=	78	39
AVG.=	67.56	67.95
Total LF.=	5,270	2,650

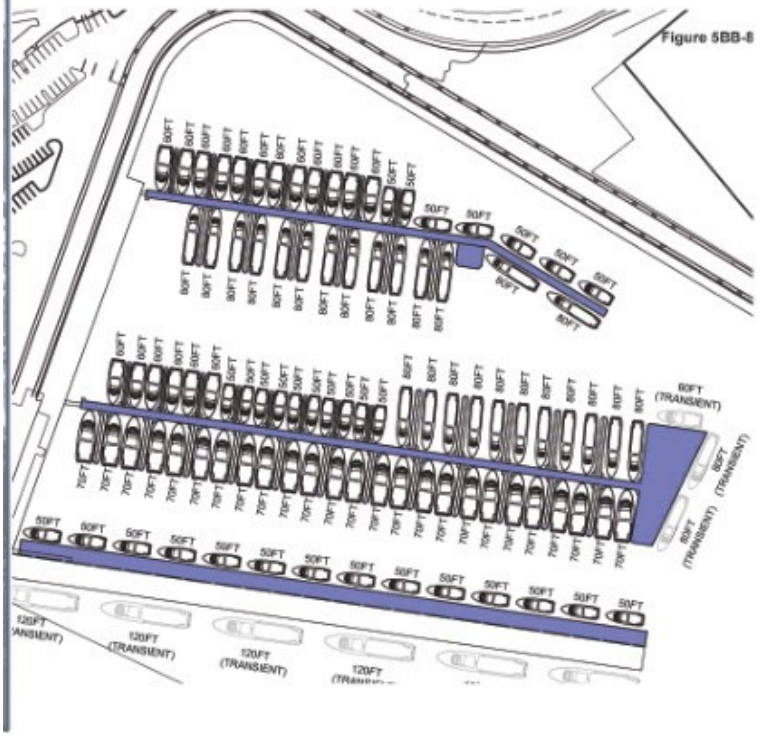
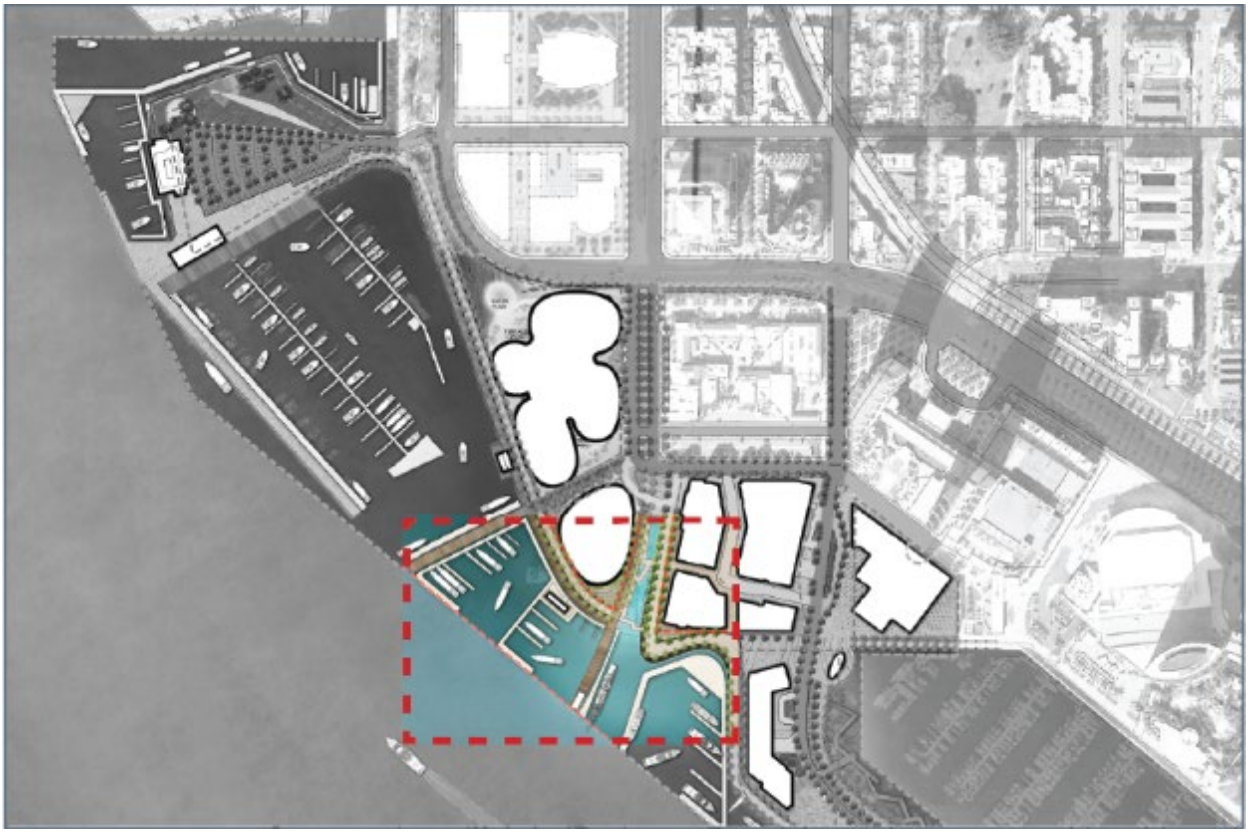


Figure 5 - 100% Corner Marina Location



100% Corner Marina Slips and Planned Layout

SLIP LENGTH (FT)	QUANTITY OF SLIPS (EA)	
	In-Slip	Side-Tie
40.00	5	-
60.00	3	1
80.00	3	1
100.00	9	2
120.00	8	5
120.00 (Transient)	-	3
150.00 (Transient)	-	1
200.00	-	1
Total=	28	14
AVG.=	88.57	117.86
Total LF.=	2,480	1,650

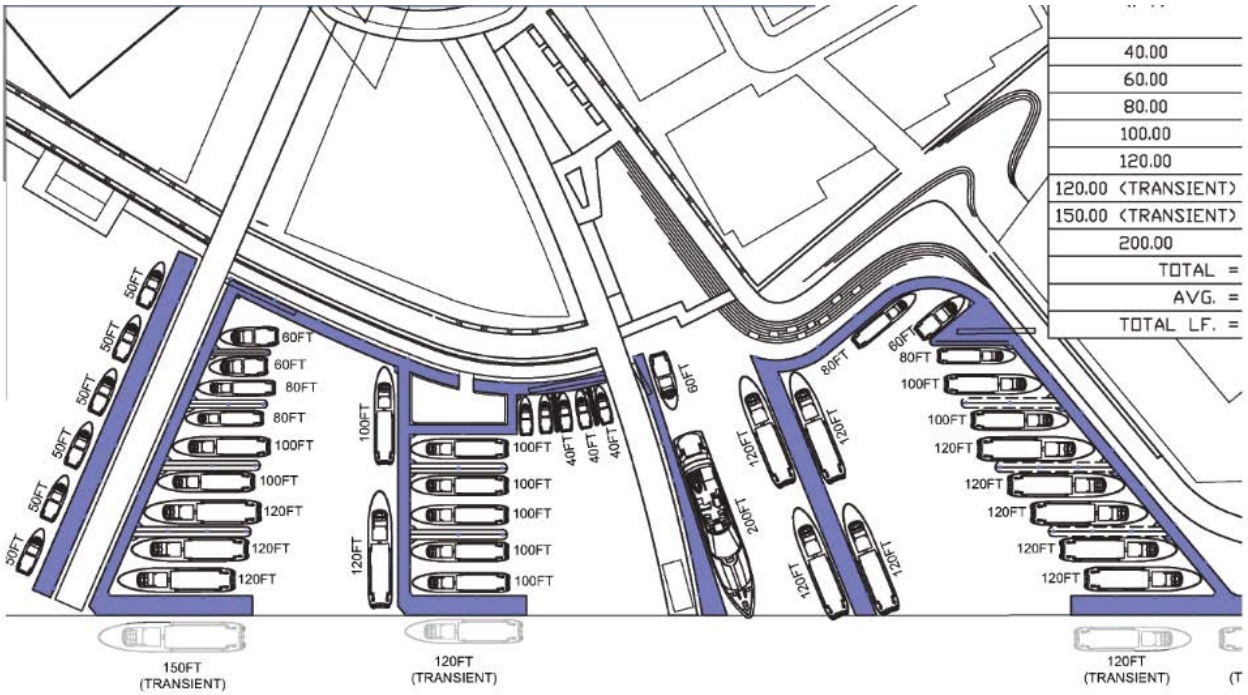


Figure 6 – Beach Block Location



APPENDIX K

MEMORANDUM OF UNDERSTANDING

between

SAN DIEGO FISHERMEN'S WORKING GROUP

and

1HWY1, LLC

This Memorandum of Understanding ("MOU") is entered into as of September 6, 2018, by and among 1HWY1, LLC ("1HWY1"), and San Diego Fishermen's Working Group ("SDFWG") (hereinafter referred to individually or collectively as "Party" or "Parties").

Recitals

A. The San Diego Fishermen's Working Group ("SDFWG") was established in 2010 as a 501(c)(3) corporation. The organization was formed to protect the commercial fishing interests and opportunities in the greater San Diego area. The organization is comprised of fishermen from the ports in San Diego County as well as trailer boat fishermen based out of San Diego. The nine Directors of SDFWG represent the major fishing gear types, which include trap, dive, net, experimental, and hook & line.

B. 1HWY1 plans to develop and operate Seaport San Diego, a 70-acre site which comprises approximately 40 acres of land and 30 acres of water in the Port of San Diego ("Port"). The Managing Member of 1HWY1 is Protea Waterfront Development LLC. Yehudi Gaffen is its CEO.

C. The Parties desire to collaborate in (1) the planning, design and development of Tuna Harbor ("the Tuna Harbor Project") and certain contiguous land side property which is a part of Seaport San Diego; and (2) the preparation of a comprehensive Commercial Fishing Report ("CFRrpt") which will provide a joint vision for future San Diego bay wide commercial fishing infrastructure (including Driscoll's Wharf) to facilitate the revitalization of the San Diego commercial fishing industry. The Tuna Harbor Project and Seaport San Diego are under the jurisdiction of the Port and other State Agencies including the California Coastal Commission and the California State Lands Commission.

D. The Tuna Harbor Project is part of 1HWY1's successful proposal which was submitted to the Port known as Seaport San Diego in May of 2016. The Port and 1HWY1 entered into an Exclusive Negotiation Agreement ("ENA") on October 2nd, 2017. Under the ENA, 1HWY1 will provide the Port with a project description of Seaport San Diego which will include the Tuna Harbor Project.

E. Commercial fishing is a prioritized use under the California Coastal Act which requires that facilities serving the commercial fishing industry be protected and, where feasible, upgraded.

F. The California Coastal Act further provides that existing commercial fishing harbor space shall not be reduced unless demand for those facilities no longer exists or adequate substitute space has been provided.

G. The following infrastructure/functions currently exist in Tuna Harbor. The Parties agree that similar functions in different locations will continue to be included in the Tuna Harbor Project:

1. Floating docks accommodating roughly 105 vessels
2. Net storage currently on G Street pier
3. A seafood transfer and/or processing building (currently Santa Monica Seafood "SMSF")
4. Freezer space and cold storage - (currently SMSF, but presently not available to fishermen)
5. Pier with vessel access for seafood offloading and gear transfer currently at G Street Pier and Market Pier
6. Ice machine currently located in SMSF
7. Offloading infrastructure: Currently one hoist managed and operated by SMSF
8. Tuna Harbor Dockside Market ("THDM") space - Market Pier with storage and ice provided by SMSF
9. Net mending and trap service area currently on docks, G Street pier and Market Pier
10. Parking currently on G Street Mole, with parking available at SMSF, and public lot immediately adjacent to SMSF, where ten (10) spots are available for use during the THDM
11. Garbage/Recycling areas
12. Seafood buyer - currently a concession under SMSF
13. Wet floor for processing fish and other seafood products currently at SMSF
14. Community support and a fishermen's organization
15. Gear storage next to vessels – partial
16. Meeting Room currently at the discretion of ATA and/or SMSF

H. Attached as Exhibit A is a diagram showing current layout/design in Tuna Harbor.

I. The Parties agree that there is a current demand for commercial fishing facilities in Tuna Harbor and Driscoll's Wharf. The need for Commercial Fishing facilities will increase based on seafood demand and recovery of overfished stocks. The Parties further agree that due to the unique history and features of Tuna Harbor and Driscoll's Wharf, one location cannot be deemed an adequate substitute for the other location, and therefore, these two facilities should operate collaboratively to meet current and potential future needs of commercial fisherman.

J. The Parties agree that commercial fishing provides a critical food product to San Diego and to the United States. Accordingly, berthing rates for commercial fishing vessels need to be subsidized. The Parties agree to use the Port's Tariff System for purposes of calculating rental rates for commercial fishing berthing in areas designated for commercial fishing. In accordance with the Port Tariff System, 1HWY1 agrees to support maintaining similar rates for berthing, storage, parking, and electricity.

K. Commercial fishing is the designated use in areas within two Port Districts under the current PMP. Port District 1, which includes Driscoll's Wharf, allocates 2.9 acres of land use and 5.7 acres of water use for commercial fishing and commercial fishing berthing, respectively. Port District 3, which includes Tuna Harbor, the G Street Mole, and the Grape street piers allocates 5.4 acres of land use and 13.1 acres of water use for commercial fishing and commercial fishing berthing, respectively. The land survey performed exclusively on the Seaport San Diego site determined that 3.5 to 3.9 acres are being currently used by the commercial fishing industry (Exhibit D and E). The parties agree that a discrepancy exists, fishermen need the "missing" 1.4 acres, and the discrepancy needs to be corrected by the Port.

L. The Parties recognize that under the current PMP, the sole designated use of Tuna Harbor is commercial fishing as designated by the California Coastal Commission.

M. The facilities in both Port District 1 and Port District 3 are indispensable and necessary to the SDFWG and its members, but a reconfiguration may be necessary to accommodate the Parties' needs. Operational continuity will be maintained through a phasing plan.

N. The Port is currently in the process of updating its Master Plan, called the Port Master Plan Update ("PMPU").

O. The Parties intend to incorporate the findings and recommendations from final designs for the Tuna Harbor Project and the Commercial Fishing Report ("CFRpt") into the ("PMPU").

Agreement

The recitals set forth above are incorporated herein by this reference and are made terms of this Memorandum of Understanding and not mere recitals.

A. Understandings between the Parties

- The Parties understand and agree that the Port must participate in all agreements relating to the Tuna Harbor Project, Driscoll Wharf and Seaport San Diego.

- The Parties understand and agree to provide for future aspirational opportunities to enhance the Commercial Fishing Industry in San Diego by encouraging and supporting innovative and nascent initiatives such as aquaculture when it is complementary, and not incompatible, nor in conflict with the needs of wild-capture fisheries.

- The Parties understand and agree that sustainable berthing rates are a critical element of the Commercial Fishing Industry's economic survival and that the Parties will work together to find a long-term solution to berthing rates. The parties acknowledge that commercial fishery participants cannot typically pay market or premium rates for services or facilities.

- The Parties understand and agree to develop a plan for both the Tuna Harbor Project and Driscoll Wharf that enables these two facilities to operate as a cross functional two harbor system for the overall benefit of Commercial Fishing Industry in San Diego. A dual harbor approach is preferred by the Parties and that redundancies, while unavoidable, will be minimized to the extent practicable.

- The Parties agree to actively and publicly work together to support each other's respective interests under the MOU, such as making appearances at public meetings at the Port, California Coastal Commission and California State Lands Commission or in the local community as appropriate.

B. MOU Goal

- The Parties will work together to refine elements of this MOU with additional specificity. Eventually, the Parties will enter into a definitive agreement concerning the commercial fishing infrastructure and operational governance for both the water and land side of the Tuna Harbor Project.

C. Collaborative Approach

- The Parties shall meet on a regular basis to discuss the governance, phasing, conceptual design, general scope and schedule for accomplishment of the above goal.

- The Parties agree to (1) exchange information and opinions about the Tuna Harbor Project, (2) to work with Port on all aspects of the Tuna Harbor Project, and the

Driscoll Wharf project. (3) discuss the respective manner in which information may be shared in the future, and (4) collaborate on and provide input as necessary on the various project components described in this MOU, (5) evaluate the feasibility of developing an appropriate operational governance and viable financial structure for the Tuna Harbor Project.

The Parties' meetings and conference calls will be held in accordance with a mutually agreed upon schedule to support the goal of SDFWG's members full participation.

The Parties understand and agree that items contained in this MOU are subject to the approval of regulatory agencies including but not limited to, the Port, the California Coastal Commission and California State Lands Commission. The Parties agree and acknowledge that issues and/or other circumstances may arise, within or outside the control of either Party, that may impact matters contained in this MOU. If issues and/or circumstances arise, the Parties will work together to make appropriate amendments to this MOU.

D. Operational Governance

The Parties shall work in good faith to develop an operational governance model and viable financial structure for the Tuna Harbor Project that will benefit the San Diego Commercial Fishing Industry, the Port and 1HWY1.

E. Physical Plan and Infrastructure

The Parties have agreed upon the preliminary conceptual design set forth as Exhibit C, entitled "Tuna Harbor Conceptual Design" as modified by the SDFWG on August 23, 2018. Included in this conceptual design are the following elements:

Floating docks or "fingers" each with a unique label.

a. "A" finger will be the most inland where most of the larger vessels targeting Highly Migratory Species currently berth;

b. "B" will be the middle finger;

c. "C" will be the floating finger attached to the fixed pier.

d. The fixed piers are labeled G St. Pier and Market Pier.

A multi-purpose building between 20,000 and 30,000 sq/ft (approximately) will be provided. The **ground floor** will include a space of approximately 7,000 sq/ft for one or more seafood buyer/processor(s) as a tenant. Either 1HWY1 or the tenant (to be determined) shall provide for this space: a processing facility, seafood loading/offloading and transfer capabilities, cold storage, ice machines, and other needs.

The **ground floor** will also include a 3,000 sq/ft area for a potential "Shared Fishermen's Space", managed by the SDFWG, (or some other entity established to represent the interests of Commercial Fishermen). 1HWY1 shall provide this space for basic infrastructure, including cold and/or freezer storage, two 5-tons/day ice machines, hot water, three compartment sinks, a fish cutting area (potentially open to the public), live seafood tanks, and other amenities necessary for the Commercial Fishermen to perform direct marketing. The Parties acknowledge and agree that it will take time to determine the economic and management feasibility of the Shared Fishermen's Space and the feasibility of the restaurant/beer garden. The SDFWG requests to pay no rent for a period of at five to ten years from when the building becomes functionable for the aforementioned purposes. 1HWY1 agrees in principal to this request. SDFWG recognizes during this period it will still need to pay for utilities, janitorial services, and any associated taxes. After five to ten years, the SDFWG requests to pay a rent subsidized by the restaurant/beer garden and the revenue generated from Zone 2. The SDFWG requests that a maximum of 20% of fair market value rent will be charged to the SDFWG after the 5 to 10-year period. The SDFWG expectation is that other, non-Commercial Fishing uses of the building will subsidize the Commercial Fishing space and uses.

This building will also include other allowable secondary uses on second and third floors. The SDFWG agrees in principal to 1HWY1 request for a food service non-conforming secondary use on the third floor, provided the overall impacts of increased public usage of G Street mole are mitigated to avoid impacting commercial fishing parking locations/designated stalls. Restricting access to the Commercial Fishing area will be a high priority for both 1HWY1 and SDFWG. 1HWY1 shall present a design to SDFWG to which shall limit public access to the building's 3rd floor, public elevators, stairwells and the related ingress and egress path to the building.

The **second floor** will also provide for a meeting room/office for the SDFWG of approximately 300 sq/ft. No rent shall be charged for this space for five to ten years; after five to ten years, no more than 20% of fair market value rent will be charged to the SDFWG. The SDFWG expectation is that other, non-Commercial Fishing uses of the building will subsidize the Commercial Fishing space and uses.

1HWY1 shall provide offloading cranes and hoists to accommodate the needs of Commercial Fishing. The SDFWG requests first right of refusal to operate or select the operator of the cranes associated with the Processor building. 1HWY1 has no objection to this request. If the SDFWG is not able to operate the cranes, 1HWY1 will consult with the fishermen to find a vendor or system that is preferable and functional.

An Offloading Dock, extending over the water and supported by piles, will be constructed for temporary tie up and offloading between A and B fingers as well as the B and C fingers. It will be constructed along the Embarcadero for multi-purpose off-load and on-board sales. This Dock will be designed and placed in an area which will not present a navigation hazard to vessels berthing in the inland slips of finger

A or B. Depending on costs and feasibility, the Parties will continue to examine all the options for the docks and determine the best course of action. 1HWY1 and SDFWG agree in principal that both offloading docks are vital to commercial fishing operations.

- Dedicated parking for crew and/or owners of vessels berthed in Tuna Harbor in the G Street Mole (79 stalls)

  a. No more than ten percent (10%) of these spaces may be limited to temporary loading/offloading (30 minutes to 1 hour)

  b. Additional parking will be made available for permit holders within a reasonable walking distance.

  c. Parking demand for non-commercial fishing tenants/concessions will not be fulfilled by access to spots dedicated for commercial fishermen.

  d. The SDFWG requests private access to the Commercial Fishing designated area. 1HWY1 agrees in principal with this request.

- In addition to the list of fishing-related infrastructure enumerated under the Recitals above, the following list of infrastructure items are necessary to support a vibrant working waterfront designed to ensure the success of San Diego Commercial Fishing Community. It is agreed in principal that 1HWY1 will provide:

  a. Wave attenuation protecting the docks, vessels and people working within Tuna Harbor

  b. Increasing the total number of berths in Tuna Harbor to 120-130 berths

  c. Additional larger berths (to 80') It is envisioned that most of the additional berths will be larger berths.

  d. Pier with truck access for seafood offloading or assistance in removing engines or other pieces of machinery.

  e. Live tanks in number, locations and dimensions as specified by the SDFWG in consultation with its members and 1HWY1.

  f. Facilities for provision of ice to Tuna Harbor commercial fishermen to be designed in a way that is convenient. For example, a hose that feeds ice directly into a vessel's fish hold.

  g. Area with sufficient floor space for a potential fish auction

  h. Staging area for traps

  i. Signage

j. Improved gear storage areas next to vessel berthing

k. A dedicated "maintenance berth" with 220-volt power

l. Larger berths should have 220-volt power supply

m. An efficient drainage system for the open air THDM area will be provided.

F. Zone 2: Water Area to the West of the Fish Market Restaurant ("Zone 2"as described in Exhibit B)

The SDFWG agrees that Zone 2, will likely remain undeveloped since its original designation was based on the existence of adjacent landside commercial fishing zoning and infrastructure. When the land-side designation was changed in 1985-86, it rendered the water-side non-operational. It is further agreed that the SDFWG would not object to a change in the designation of Zone 2 if 1HWY1 desires to develop Zone 2 as a boat basin dedicated to non-commercial fishing uses. The lack of objection to this proposed change would be conditional and predicated on each of the following being met:

- Equivalent or greater new water acreage is designated for "commercial fishing" use immediately adjacent to the Driscoll's Wharf leasehold in District 1 or at some other convenient and mutually agreeable location within District 3.

- Public access to any future new boat basin, developed in the water area in front of the Fish Market Restaurant, shall be provided in a way that both avoids interference with commercial fishing operations and is outside of any area(s) designated commercial fishing land use.

- 1HWY1 agrees that, although unlikely, should space be needed for commercial fishing vessels in Zone 2, such vessels will be accommodated.

- The free/reduced rent for the Shared Fishermen's Space and office space in the building referred to above is also tied to the enduring value that 1HWY1 will receive over 66 years for the non-commercial fishing use of Zone 2.

- 1HWY1 commits to providing a strong and sustained effort with the Port and Coastal Commission help the fishermen reestablish a minimum of one serviceable pier in the Grape St. Pier area for Commercial Fishing. Both parties recognize the ongoing need for this location to be available to Commercial Fishermen, through a zoning change or some other enduring agreement with the Port. If the proposed curvilinear pier is to be built, both parties will recommend to the Port that provisions be made to accommodate the Commercial Fishermen in an alternative, but still functional, location, and that one year's notice be provided to fishermen needing to vacate the pier. This desired outcome is not intended to interfere with the operations of Hornblower Yachts.

G. Waterside Secondary Uses and Landside Overlays

[redacted] Waterside Secondary Uses

a. The SDFWG support secondary uses for up to a maximum of one-fourth of the water area of the Tuna Harbor Project be permissible. 1HWY1 supports secondary uses for up to a maximum of one-third of the water area of the Tuna Harbor Project. Currently the Parties disagree but will continue to work towards a resolution. In either case, the parties agree Commercial Fishing will be the priority use, and secondary uses will only be allowable when there is no demand for a Commercial Fishing slip.

b. The following uses are approved uses:

   i. Spill Response Vessels

   ii. Tug boats and barges

   iii. Aquaculture

   iv. Other Coastal Dependent Commercial Uses that do not interfere with, conflict with, are not incompatible with commercial fishing.

c. The Parties agree that Recreational Boating, as defined by the PMPU, interferes with, conflicts with and is incompatible with commercial fishing. As such, recreational vessel berthing will not be an allowable secondary use under either Commercial Fishing Waterside or Landside Uses, as defined by the PMPU.

d. The Parties agree to establish a committee that determines what uses in Tuna Harbor interfere with, are in conflict with or are incompatible with commercial fishing. In addition, the Committee will review appeals or requests from commercial fisherman concerning uses or conflict matters. The SDFWG recommends a committee composition as follows: three fishermen from Tuna Harbor, one Port representative, and one 1HWY1 representative. 1HWY1 understands SDFWG's recommendation and will work with SDFWG and the Port to establish the composition of a Committee with representatives from all Parties.

e. Should the demand for berthing for commercial vessel(s) require the removal of a secondary use vessel, the order of priority for notice to vacate shall be in reverse order on the uses set forth in Section F(1)(b) and based on berthing needs of the incoming commercial vessel. For example, vessels referred to under Section F(1)(b)iv would vacate first, followed by vessels referred to under Section F(1)(b)iii and so on. In addition, other factors such as conflicts of use with commercial fishing shall also be considered in the eviction process.

H. Termination

This MOU may be terminated by either Party with thirty (30) days written notice for any reason. Prior to either Party exercising its right to terminate this MOU, the Parties shall meet and confer together in good faith in order to determine if the issue(s) underlying either Party's desire to terminate the MOU can be resolved in a manner acceptable to the Parties.

- Signature Page to Follow -

Executed this 24 day of September 2018.

1HWY1, LLC

By: _____

Name: Yehudi "Gaf" Gaffen

Title: Chief Executive Officer

Date: 9-24-2018

SAN DIEGO FISHERMEN'S WORKING GROUP

By: _____

Name: Peter Halmay

Title: President

Date: 9/24/2018

Exhibit A

Current Layout of Tuna Harbor



Exhibit B

Seaport Waterside Zoning

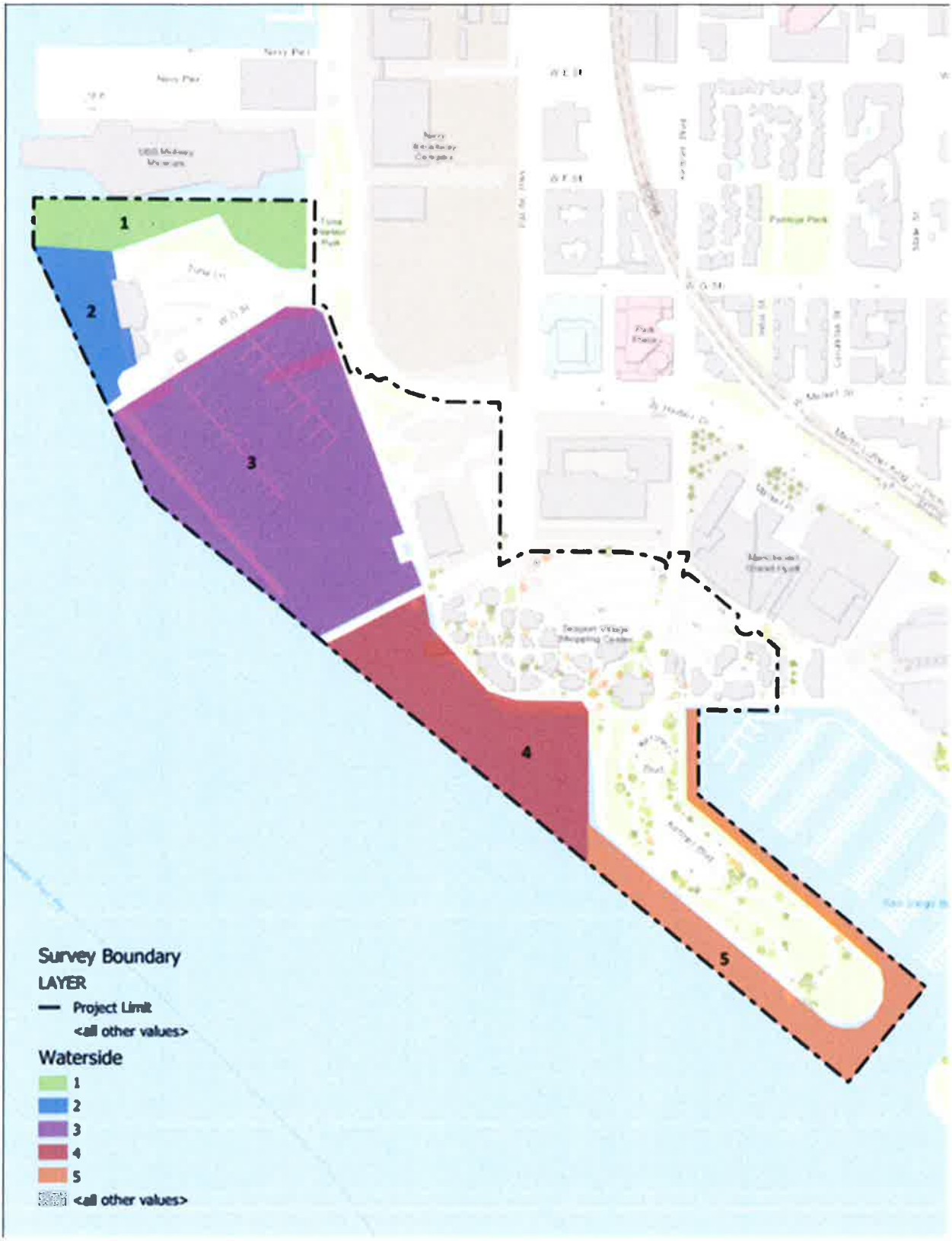
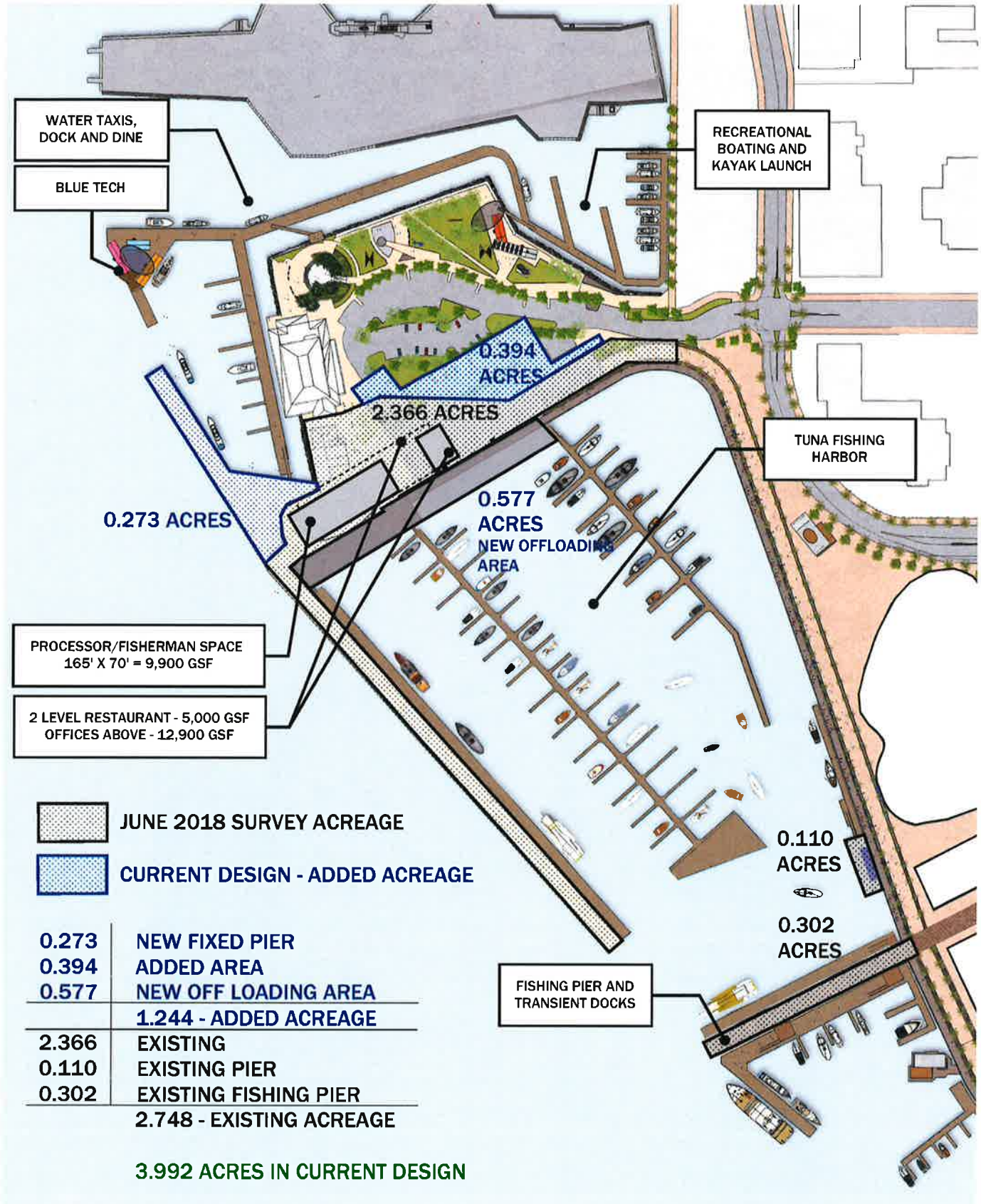


Exhibit C
Tuna Harbor Conceptual Design

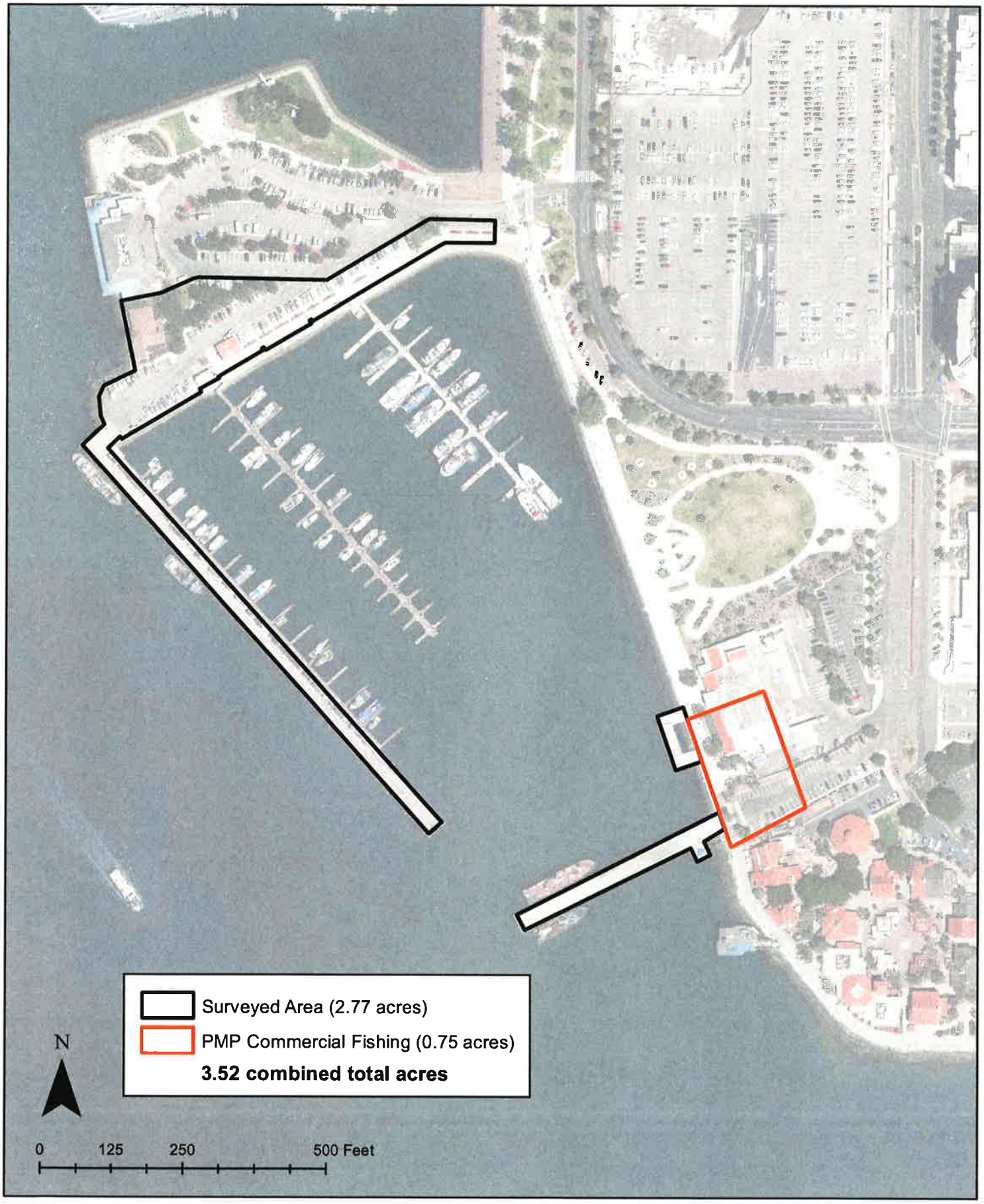


Seaport SAN DIEGO

TUNA HARBOR - SEAFOOD MARKET
ACREAGE COMPARISON

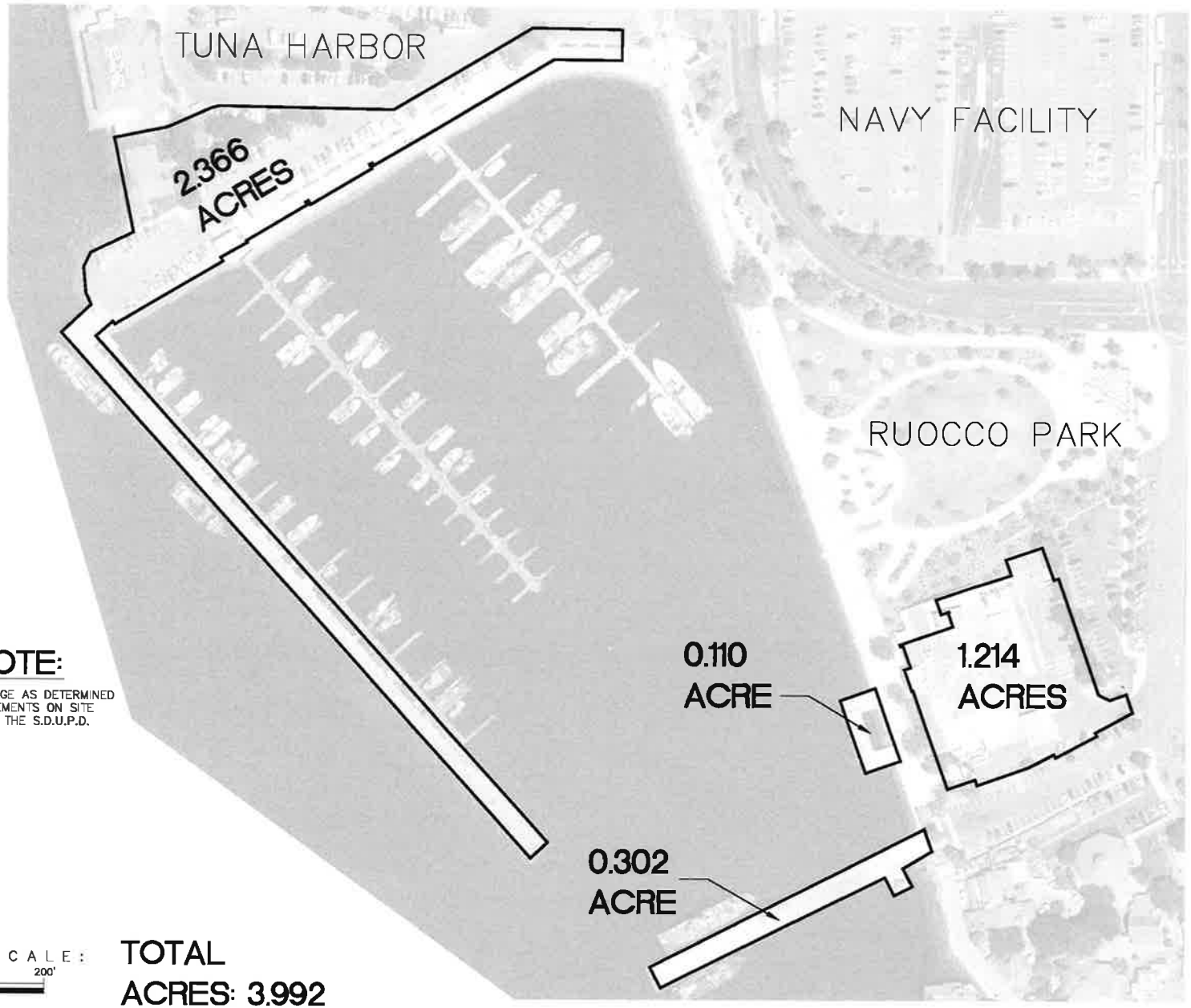
SEPTEMBER 7, 2018

Exhibit D



Surveyed Areas Reference: Fishermen Acreage Exhibit.dwg/Angel Murillo SDUPD

Exhibit E



LICENSED LAND SURVEYOR
ANGEL MUPTILLO
No. 8855
Exp. 9-30-18
STATE OF CALIFORNIA

SURVEYOR'S NOTE:

THIS SURVEY REPRESENTS THE ACREAGE AS DETERMINED BY SURVEYING THE PHYSICAL IMPROVEMENTS ON SITE WHILE WORKING IN CONJUNCTION WITH THE S.D.U.P.D. PLANNING DEPARTMENT.

TOTAL ACREAGE: 3.992
DATE OF SURVEY: JUNE 2018

GRAPHIC SCALE:
0' 25' 50' 100' 200'
1" = 100'

TOTAL ACRES: 3.992

DESIGNED	AM
DRAWN	AM
CHECKED	AM

San Diego Unified Port District
San Diego • California

SAN DIEGO, CALIFORNIA

TUNA HARBOR - SEAFOOD MARKET
ACREAGE SURVEY

DATE 6/22/2018

DRAFT MEMORANDUM

TO: Port of San Diego

FROM: DLA Piper on behalf of 1HWY1

DATE: July 19, 2020

RE: State Lands Commission Consistency Determinations

I. INTRODUCTION

1HWY1 proposes to build a mixed-use development project along the water's edge and within San Diego Bay, consisting of recreational public open space, a fish processing facility, hotels, an aquarium, restaurants, health and fitness uses, retail uses, a Blue Tech Innovation Center ("BTIC"), a Learning Center ("LC"), a multi-purpose event center ("Event Center"), and commercial and recreational fishing, boating and navigation uses (the "Seaport Project" or "Project").[1]

The Project is sited within the San Diego Embarcadero, west of downtown San Diego on the San Diego Bay waterfront and within adjacent bay waters (the "Project Site" or "Site"). The Project Site is within the planning and land use jurisdiction of the Port of San Diego ("Port"). Relevant to this memorandum, the use of the Project Site is governed by: (1) the Public Trust Doctrine; and (2) a granting statute that grants to the Port title to certain public trust lands, including the Project Site, under Chapter 67, Statutes of 1962, First Extraordinary Session, as amended (the "Port Act").

The California Legislature delegated authority to the State Lands Commission (the "Commission") to represent the statewide public interest to ensure that trustees operate granted public trust lands in conformance with applicable granting statutes and the Public Trust Doctrine. Public Resources Code Section 6301 provides that "all jurisdiction and authority remaining in the State as to tidelands and submerged lands as to which grants have been or may be made is vested in the [C]ommission." However, for areas covered by statutory grants such as the Port Act, grantee agencies such as

[1] The Project is described in greater detail in the State Lands Commission Project Description ("*SLCPD*"), which has been submitted to the Port for its consideration concurrently with this memorandum. The defined terms used in this memorandum are the same as those in the SLCPD.

the Port exercise the authority to approve development projects and determine their consistency with Public Trust Doctrine and the Port Act, subject to the regulatory oversight of the Commission. For such areas, at the request of grantee agencies, the Commission provides informal written determinations of a proposed project's consistency with the Public Trust Doctrine in light of the trustee agency's statutory grant.

This memorandum analyzes of the Project's consistency with the Public Trust Doctrine and the Port Act in accordance with prevailing legal authority.

I. LEGAL FRAMEWORK

a. Sources of Public Trust Doctrine Legal Authority

Though many Public Trust principles applied today stem from the United States Supreme Court decision in *Illinois Central Railroad Co. v. Illinois* (1892) 146 U.S. 387, the US Supreme Court has more recently confirmed that the Public Trust Doctrine is governed by state law. *See PPL Montana LLC v. Montana* (2012) 565 U.S. 576, 603-04. There are several state constitutional provisions that relate to Public Trust issues, including a prohibition on the sale of tidelands within two miles of an incorporated city (a later Legislative enactment applied the rule to all tidelands – Pub. Res. Code § 7991) (Art. X, § 3), a provision protecting the public's right to access and use navigable waters where necessary for a public purpose (Art. X, § 4), and a provision protecting the right of the public to fish on and from public lands. (Art. I, § 25).

The California Legislature has not passed a comprehensive Public Trust statute, but retains primary authority to directly administer Public Trust resources, or to delegate that authority to other state and local agencies. *See, e.g., People v. California Fish Co.* (1913) 166 Cal. 576, 597. The Legislature has delegated to the Commission primary authority to act as the trustee for state Public Trust resources, which include authority over navigable waters and tidelands. Pub. Res. Code §§ 6102, 6216, 6301. The Legislature has also delegated trustee responsibility for the administration of coastal trust lands to local agencies for specified purposes set forth in granting statutes, most often, such as in the case of the Port, related to harbor and port development. *See Newcomb v. City of Newport Beach* (1936) 7 Cal.2d 393, 401–402; *City of Long Beach v. Lisenby* (1917) 175 Cal. 575, 579–580. Such local trustee agencies must administer their trust duties in accordance with their granting statutes and must promote the statewide interest in trust resources, including ensuring that proceeds from leases and fees are used only for statewide and not local purposes. *Mallon v. City of Long Beach* (1955) 44 Cal.2d 199, 205; *City of Long Beach v. Morse* (1947) 31 Cal.2d 254, 257–258. Local grantees are also subject to oversight by the Commission, which retains residual jurisdiction and authority over tidelands. Pub. Res. Code § 6301; *State of California ex rel. State Lands Com. v. County of Orange* (1982) 134 Cal.App.3d 20, 23.

The primary source of authoritative legal guidance on the evolving Public Trust Doctrine has been the California courts, which continue to define the evolving contours of the doctrine. Additional authoritative sources on the scope of the doctrine are the Commission's written trust policy and past trust consistency determinations and published opinions of the California Attorney General.

b. Relevant Legal Principles Of The Public Trust Doctrine

As explained by the California Supreme Court in *National Audubon Society v. Superior Court*, the Public Trust Doctrine has ancient roots and provides that the State of California holds title to navigable waterways, tidelands and lands lying beneath them as a trustee for the benefit of the public. *National Audubon Society v. Superior Court* (1978) 33 Cal.3d 419, 434 (citing *Colberg, Inc. v. State of California ex rel. Dept. Pub. Wks*. (1967) 67 Cal.2d 408, 416).

Traditionally, Public Trust uses were limited exclusively to water-related commerce, navigation and fishing. *See, e.g., People v. California Fish Co.*, 166 Cal. at 584–585; *National Audubon*, 33 Cal.3d at 434. Regarding trust-consistent private commercial operations, in 1911 the California Supreme Court stated:

> The purpose of the constitutional provision [prohibiting the permanent alienation of trust tide lands] was not to blight commercial enterprise, but to foster it. It is designed to foster it by preventing the alienation into private ownership of the fee of such lands, whereby all might be acquired and held in private ownership to the destruction of the public use. But it did not mean to abort commerce in embryo or to strangle it in its infancy by putting a ban upon the activities of private commercial enterprises. . . . To hold that the state or that municipalities acting as its mandataries, may not lease, with proper restrictions of time and proper regard to public and quasi-public use, lands such as these, so that private enterprise and capital may build up the commerce of our seaport cities, is to declare that all such commerce must await the slow and frequently incompetent initiative of the municipalities themselves -- municipalities which frequently are unwilling to incur the expense and risk which would be accepted under reasonable terms by private citizens.
>
> *San Pedro etc. R.R. Co. v. Hamilton* (1911) 161 Cal. 610, 620-621 (*Hamilton*).

In the 1960s and 70s, the California Supreme Court clarified that the narrow categories of traditional trust uses do not constrain the state's ability to promote a broader, evolving concept of the Public Trust Doctrine, stating that "[t]he public uses to which tidelands are subject are sufficiently flexible to encompass changing public needs." *Marks v. Whitney* (1971) 6 Cal.3d 251, 259-60.

In *Whitney*, the Court held that the range of Public Trust-consistent uses include the right to fish, hunt, bathe, swim, to use for boating and general recreation, and to preserve "those lands in their natural state, so that they may serve as ecological units for scientific study, as open space, and as environments which provide food and habitat for birds and marine life, and which favorably affect the scenery and climate of the area." *Id*.; *see also*, Exhibit 2, California State Lands Commission Public Trust Policy ("Commission Trust Policy"), at pp. 1-2.

In *Colberg*, the Supreme Court applied the same concept of an evolving Public Trust Doctrine to commercial enterprises in a case that involved the Court upholding an agency approval of the construction of a freeway bridge across the Stockton Channel in a manner that would allegedly curtail access to shipyards. The Court stated:

> [t]he demands of modern commerce, the concentration of population in urban centers fronting on navigable waterways, the achievements of science in devising new methods of commercial intercourse — all of these factors require that the state, in determining the means by which the general welfare is best to be served through the utilization of navigable waters held in trust for the public, should not be burdened with an outmoded classification favoring one mode of utilization over another.
>
> *Colberg*, 67 Cal.2d at 422.

Consistent with these rulings, various private commercial uses have been determined by the courts, the Legislature and the Commission to be consistent with the Public Trust Doctrine, which have included various private commercial uses. Notably, however, to be consistent with the Public Trust Doctrine, such commercial uses cannot impermissibly interfere with the central purpose of the doctrine to preserve and facilitate public access to, and use of, trust resources. *San Francisco Baykeeper v. State Lands Commission* (2018) 29 Cal.App.5th 562, 570 ("*Baykeeper II*") ("[C]ontrolling authority establishes that a public trust use is not any use that may confer a public benefit, but rather a use that facilitates public access, public enjoyment, or public use of trust land.") In *Martin v. Smith* (1960) 184 Cal.App.2d 571, the Court authorized commercial development of a filled breakwater in Sausalito to include restaurants and cocktail lounges in addition to a yacht harbor. The court held the term "commercial purposes" in the lease from the Commission to the City should be read broadly since the purpose of Article X, Section 3 of the California Constitution barring the sale of tidelands, as stated in *Hamilton*, "was not to blight commercial enterprise, but to foster it." (*Id*., at p. 578.) In *Haggerty v. City of Oakland* (1958) 161 Cal.App.2d 407, 413 the Court determined that the construction of a convention and banquet hall for use by trade, shipping, and commercial organizations in addition to other third party organizations on filled tide and submerged lands within the Port of Oakland were "incidental to the development, promotion and operation of the port, harbor ... and to the furtherance of commerce, transportation, shipping and navigation."[2] *See also*, Exhibit 2, Commission Trust Policy (Trust consistent ancillary uses include hotels, restaurants, shops, and associated parking lots). In *People v. Long Beach*, 51 Cal.2d 875, 880 (1959), the California

[2] In *Haggerty*, while the primarily use of banquet and convention facilities were for port commercial associations, the Court noted stated, "[w]hile it is true that the use of the facility is not limited to commercial associations and can be rented by other groups, such fact does not detract from its real purpose or the validity of the project. No facility of this kind in any city could expect to be used full time by commercial associations. There would be a considerable economic loss to the city if it were limited to that use. Good judgment would allow the use of the facility by other groups when not required by commercial associations, and therefore, such use would be incidental to the main purpose and 'germane to the scope of its [the board's] powers and duties.'" 161 Cal.App.2d at 413-14.

Supreme Court upheld lease for a Military Y.M.C.A. that would principally serve members of the Navy, Merchant Marine, and other port workers, stating "the specific purpose set forth in the 1935 statute to promote 'the moral and social welfare of seamen, naval officers and enlisted men, and other persons engaged in and about the harbor, and commerce, fishery, and navigation,' is not only consistent with but in direct aid of the basic trust purpose to establish and maintain a harbor and necessary or convenient related facilities for the 'promotion and accommodation of commerce and navigation.'"

In addition, and worthy of note with respect to the Project, consistent with Legislature's grants of trust lands to the University of California, ocean-based research and education uses have also been determined to be Public Trust-consistent uses. See, e.g., Chapter 514, Statutes of 1929 (Granting to the Regents of the University of California for the use of the University of California in connection with scientific research and investigation coastal trust lands at the Scripps Institution of Oceanography).

As indicated above, trust tidelands cannot be alienated from public ownership. Cal. Const. Art. X, § 3; *National Audubon*, 33 Cal.3d at 438. As a result, leases and licenses are the preferred methods of authorizing private commercial or other-trust consistent private uses. *Hamilton*, 161 Cal. at 619-621; *Boone v. Kingsbury* (1928) 206 Cal.148, 154. Though "by its very essence, a public trust use facilitates public access, public enjoyment, or public use of trust land," private commercial and other trust-consistent private uses can be allowed to exclude members of the public incident to the use – so long as such exclusion is as limited as is necessary to carry out the use and, at the end of a lease, the leased area can be returned to public use. *See Boone*, 206 Cal. at 183; *see also, San Francisco Baykeeper v. State Lands Commission* (2015) 242 Cal.App.5th 202, 236, 238-39 ("*Baykeeper I*").

A granting public agency may choose between trust-consistent uses, including the choice of allowing a trust-consistent private use of trust lands over a public one. *National Audubon*, 33 Cal.3d at 440 ("[T]he public trust doctrine does not prevent the state from choosing between trust uses") (citing *Colberg*, 67 Cal.2d at 419). Notably, such choice by public agencies is not unlimited – the choice between uses has to be between allowable uses and not impermissibly impede Public Trusts interests. *See Baykeeper II*, 29 Cal.App.5th 562, at 577-78 ("When a proposed action constitutes a public trust use, the state trustee has broad discretion to permit that use and even to promote it over other legitimate trust uses. However, the state may not employ an overbroad conception of a public trust use that would undermine the primary function of the common law doctrine, which is to protect the right of the public to access and enjoy public trust lands.") (citing *National Audubon*, 33 Cal.3d at pp. 439, fn. 21, 440; and *Colberg*, 67 Cal.2d 408 at 419).

Further, within trust waters and coastal lands, uses that are not themselves consistent with the Public Trust Doctrine can be allowed where they do not impede the fundamental trust purposes of preserving trust resources and providing for the public access to, and the use and enjoyment of, those resources. *Baykeeper II*, 29 Cal.App.5th at 580 ("[A]lthough commercial sand mining is not categorically permissible as a public

trust use, the SLC may authorize private uses of trust property that do not impair the trust.") (citing *Baykeeper I*, 242 Cal.App.4th at 235-238).

Where approving any private use of trust lands, a trustee agency has "an affirmative duty to take the public trust into account in the planning and allocation of [trust] resources, and to protect public trust uses whenever feasible." *National Audubon*, 33 Cal.3d at 446; *Baykeeper I*, 242 Cal.App.4th at 234.

c. <u>The Port Act</u>

The Port Act was adopted by the Legislature in 1962. It established the Port to manage San Diego Bay and the surrounding waterfront areas subject to the Act's terms and the Public Trust Doctrine. Section 87of the Port Act defines the Public Trust uses of land and water allowable within the Port's jurisdiction. Section 87(a) requires that the public trust lands conveyed to the Port be used for general statewide purpose, in pertinent part, as follows:

1) **For the establishment, improvement**, and conduct of a harbor, and for the construction, reconstruction, repair, maintenance, and operation of wharves, **docks, piers**, **slips**, quays, and all other works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient, for the promotion and accommodation of commerce and navigation.

2) **For all commercial and industrial uses and purposes**, and the construction, reconstruction, repair, and maintenance of commercial and industrial buildings, plants, and facilities.

. . .

4) **For the construction**, reconstruction, repair, and maintenance of highways, **streets, roadways . . . parking facilities**, power, telephone, telegraph or cable lines or landings, water and gas pipelines, and all other transportation and utility facilities or betterments incidental, necessary or convenient for the promotion and accommodation of any of the uses set forth in this section.

5) **For the construction**, reconstruction, repair, maintenance, and operation of public buildings, **public assembly and meeting places, convention centers, parks**, playgrounds, bathhouses and bathing facilities, **recreation and fishing piers, public recreation facilities**, including, but not limited to, public golf courses, **and for all works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient for the promotion and accommodation of any of those uses**.

6) **For the establishment, improvement, and conduct of small boat harbors, marinas, aquatic playgrounds, and similar recreational facilities**, **and for the construction**, reconstruction, repair, maintenance, and operation of **all works, buildings, facilities, utilities, structures, and appliances incidental, necessary or convenient for the promotion and accommodation of any of those uses, including but not limited to, snack bars, cafes, restaurants, motels**, launching ramps, and hoists, storage sheds, boat repair facilities . . . administration buildings, public restrooms, bait and tackle shops, chandleries,

boat sales establishments, service stations and fuel docks, **yacht club buildings, parking areas, roadways, pedestrian ways, and landscaped areas**.

7) **For the establishment and maintenance of those lands for open space**, ecological preservation, and habitat restoration.

(*See* Exhibit 1 [the Port Act].)

II. PRIOR STATE LANDS TRUST CONSISTENCY DETERMINATIONS

The Commission has previously determined that a variety of uses are consistent with the Public Trust Doctrine and granting statutes such as the Port Act and other, similar statutes.

a. The Jack London Square Restaurant Project

The Commission issued a trust consistency determination, dated February 7, 2014, finding that a lease for a mixed-use restaurant and entertainment/gaming project, located at 98 Broadway in the City of Oakland[3] (the "Jack London Square Restaurant Project"), was consistent with the Public Trust Doctrine. (*See* Exhibit 3.)

The Jack London Square Restaurant Project is located in an approximately 34,000 square foot building within a mixed-use waterfront district (the "Jack London Square District") on Public Trust Lands. Prior to this proposal, the building sat vacant for several years. The primary purpose of Jack London Square Restaurant Project was for the operation of a restaurant and bar, including an outdoor beer garden and patio, which comprised 50 percent of the Project. An additional 22 percent was occupied by bowling lanes, and an additional 13 percent of the interior included arcade games. A portion of the project also included an interactive and interpretive patio with historical information about the history of Jack London Square and the importance of the working waterfront to Oakland's history.

In reaching its consistency determination, in line with judicial authority, the Commission noted that a project whose primary purpose is consistent with the Public Trust Doctrine can still be considered consistent with the Public Trust despite some ancillary or incidental components that, standing alone, would otherwise be considered inconsistent. The Commission determined that the primary use of the Jack London Square Restaurant Project as a restaurant, comprising 50 percent of the Project, is consistent with the Public Trust because (1) it would increase opportunities for public access to the waterfront; and (2) facilitate the public's enjoyment of Public Trust Lands, and provide regional and statewide benefits.

The Commission initially found that the bowling component, comprising 22 percent of the project, was not consistent with the Public Trust Doctrine because the bowling facility was originally designed as a purely indoor activity that took place in a windowless building with no connection to the water. The bowling alley and

[3] The Legislature granted to the City of Oakland tide and submerged lands along the Oakland waterfront, including tide and submerged lands within the Jack London Square District, which allows the City to lease the granted lands "for purposes consistent with trust, and with the requirements of commerce or navigation at said harbor." Town of Oakland Statute of 1852, Chapter 107 *et seq*.

entertainment uses were subsequently redesigned to include large windows so that visitors would have a direct connection with the waterfront. Based on the redesign, the bowling and entertainment aspects of the Jack London Square Restaurant Project were found to have an appropriate connection to the water. The Commission additionally found these ancillary uses would help to draw visitors to the primary restaurant and bar uses and encourage visitors to enjoy not only the Project amenities but also the entire Jack London Square District, who may not otherwise enjoy the waterfront at Jack London Square.

Accordingly, the Commission determined that the primary purpose and ancillary elements of the Jack London Square Restaurant Project were consistent with the legislative grants and the Public Trust Doctrine as a whole.

b. San Francisco Giants Ballpark Project

On August 26, 1997, the Commission determined that the lease for a new San Francisco Giants baseball stadium was consistent with the Public Trust Doctrine and the Burton Act, which granted the tide and submerged lands to City and County of San Francisco. (*See* Exhibit 4.) The project was an open-air waterfront stadium including 42,000 seats for baseball games, concerts and special events, a public plaza, team office space, and additional ancillary uses within the ballpark such as restaurants, specialty retail stores and kiosks. In analyzing the proposed lease for the project, the Commission analyzed three primary factors under Public Resources Code Section 6702(b): (1) whether the project is consistent with the applicable legislative grant to the Port of San Francisco, the Burton Act;[4] (2) whether the lease proceeds would be deposited into a fund for a statewide purpose; and (3) whether the lease is in the best interests of the state. (Exhibit 4, at p. 1.)

In analyzing the last factor regarding whether the lease was in the best interest of the state, the Commission analyzed the factors in Title 2, California Code of Regulations ("CCR") Section 2802, which look at whether a project is: (1) consistent with current policies and practices of the Commission; (2) economically viable, necessary, and desirable; (3) appropriate for development mix; (4) conducive to public access; (5) consistent with environmental preservation; and (6) otherwise in the best interest of the State. (Exhibit 4, at p. 2.)

In finding the project consistent with the foregoing criteria, the Commission determined that the project would be an important visitor-serving facility that encourages public trust activities along the shoreline. The ballpark, together with its public spaces and access, visitor-serving restaurants and specialty shops, and ancillary facilities, complemented the overall use of the waterfront, were allowable under the Burton Act as a public assembly use, and were thus compatible with the Public Trust and the Burton Act. The Commission noted that the project was designed to maximize views of the Bay and encourage public transit.

c. Federal Bureau of Investigation Facilities

[4] The Burton Act applies exclusively to the Port of San Francisco. *See* Chapter 1333, California Statutes of 1968, as amended.

The Port, as trustee of public trust lands granted to it under the Port Act, approved the lease of approximately 24,0000 square feet of office space for facilities for the Federal Bureau of Investigation ("FBI") to operate its Organized Crime Drug Enforcement Task Force program (the "FBI Facilities"). (*See* Exhibit 5.)

Analyzing the same factors under Public Resources Code Section 6702(b), the Commission determined that the FBI Facilities would enhance public safety and security at the Port by intercepting narcotics smuggled through the region's transit centers, including Port Facilities. Therefore, the FBI Facilities were necessary or incidental to carrying out the purposes described in the Port Act, particularly "the establishment and operation of a commercial Port."

III. THE SEAPORT PROJECT IS CONSISTENT WITH THE PUBLIC TRUST DOCTRINE AND THE PORT ACT

The courts have not set out a definitive legal test to determine the consistency of a proposed project or use with the Public Trust Doctrine. This memorandum will analyze the following key considerations set out under the various applicable authorities identified above: (1) whether the uses proposed by the Seaport Project are consistent with the Public Trust Doctrine and the Port Act individually and as a whole, and otherwise whether certain uses may be allowable as uses do not interfere with the central purposes of Public Trust Doctrine and; (2) whether the project would result in any interference or impairment of public trust uses or resources; and (3) whether the trustee maintains sufficient control over the trust lands and resources. This also includes analysis of the factors under Public Resources Code Section 6702(b) and Title 2, California Code of Regulations Section 2802 setting forth the factors the Commission considers when evaluating a private lease of trust lands.

a. <u>The Project's Proposed Uses Are Consistent With The Public Trust Doctrine And Port Act And Otherwise Do Not Impede Trust Interests</u>

The Project's uses include hotels, an Aquarium, restaurants, a tower observation deck and related amenity spaces, convention spaces, an Event Center, the BTIC, the LC, temporary and periodic use recreational and commercial marinas and related elements, a commercial fishing harbor, in-water navigation areas, public open space including walkways, piers, plazas, parks, promenades, a new urban public beach that incorporates various public recreational facilities and related roads, parking, and infrastructure elements. *SLCPD*, at p. 1. These uses are either expressly consistent with the Public Trust Doctrine and the Port Act or are otherwise consistent with general Public Trust Principles and comparable to uses held consistent with the Public Trust Doctrine under applicable legal authority. Moreover, to the extent the BTIC, the LC and certain proposed retail uses are found to not be specifically trust consistent, they are allowable under the Public Trust Doctrine because they do not interfere with but rather promote trust uses and make up a relatively minor portion of the overall Project.

As noted, "[t]he public uses to which tidelands are subject are sufficiently flexible to encompass changing public needs." *Marks v. Whitney* (1971) 6 Cal.3d 251, 259-60. As recognized in *Colberg*, whereas at one time the commercial uses allowed by the Public Trust Doctrine only related to water-based transport, in meeting the demands of modern commerce in populated urban areas, "the state, in determining the means by which the general welfare is best to be served through the utilization of navigable waters held in trust for the public, should not be burdened with an outmoded classification favoring one mode of utilization over another." *Colberg*, 67 Cal.2d at 422. Moreover, trustee agencies applying the Public Trust Doctrine are urged to read provisions such as the one in the Port Act allowing for all "commercial purposes" liberally since the purposes of constitutional trust doctrine provisions are "not to blight commercial enterprise, but to foster it." *Martin,* 184 Cal.App.2d at 578 (quoting *Hamilton*, 161 Cal. at 620); *Baykeeper II*, 29 Cal.App.5th at 577-78.

Pursuant to the Commission Trust Policy, the appropriate use of trust lands generally include uses that are "water dependent or related" and include commerce, fisheries, navigation, environmental preservation and recreation, ports, marinas docks, swimming and boating. (*See* Exhibit 1, p.1.) Ancillary or incidental uses are permissible where those uses "directly promote trust uses, are directly supportive and necessary for trust uses, or that accommodate the public's enjoyment of trust lands, *such as* hotels and restaurants, shops, parking lots and restrooms." (*Id*., emphasis added.)

i. <u>The Project's Proposed Uses Are Consistent With the Public Trust Doctrine, The Port Act, And Commission Policy</u>

1. <u>*Commercial and Recreational Boating and Navigation; Publicly Accessible Open Space and Recreation Areas*</u>

The Project's commercial and recreational boating and fishing facilities, in-water navigation areas, public open space including walkways, piers, plazas promenades, parking areas, roadways, a new urban public beach that incorporates various public recreational facilities and all related infrastructure elements are all expressly consistent with the Public Trust Doctrine. *Whitney*, 6 Cal.3d at 259 ("Public trust easements [were] traditionally defined in terms of navigation, commerce and fisheries. They have been held to include the right to fish, hunt, bathe, swim, to use for boating and general recreation purposes the navigable waters of the state, and to use the bottom of the navigable waters for anchoring, standing, or other purposes"); *Baykeeper II,* 29 Cal.App.5th at 570 (A "public trust use … a use that facilitates public access, public enjoyment, or public use of trust land.")

These water and public open space uses are also allowed under the Port Act, which includes "docks, piers, slips…all other works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient, for the promotion and accommodation of commerce and navigation…streets, roadways . . . parking facilities… small boat harbors, marinas, aquatic playgrounds, and similar recreational facilities….[and] lands for open space." Port Act, Section 87(a)(1)-(7); *see also*, Exhibit 2, Commission Trust Policy (Trust consistent uses include water-dependent or related

uses, commerce, fisheries, navigation, recreation, marinas, docks, wharves, commercial and sport fishing, swimming, boating, and open space); 2 C.C.R. § 2802(1).

2. *Hotels, Restaurants, Convention Areas and Retail Shops*

Under applicable case law, hotels, restaurants, convention and banquet halls, public assembly spaces, and retail shops have been found consistent with the Public Trust Doctrine as commercial uses that support and facilitate traditional public trust uses and the public's use and enjoyment of trust lands. See *Martin*, 184 Cal.App.2d at 578 (motels, restaurants, lounges, retail shops); *Haggerty*, 161 Cal.App.2d at 415-16 (convention centers and banquet halls). Such uses are also allowed under the Port Act, which allow "all commercial purposes," "motels," "restaurants, snack bars and cafes," "convention centers" and "public assembly and meeting places." Port Act, Section 87(a)(1)-(7); see also, Exhibit 2, Commission Trust Policy (Trust consistent uses include hotels, restaurants, and shops); *see also,* 2 C.C.R. § 2802(1). Accordingly, the Project's proposed hotels, restaurants, convention and banquet halls, public assembly spaces, and retail shops are consistent with the Public Trust Doctrine and the Port Act. Moreover, as proposed by the Project, these particular uses would be open to the public and further the goals of facilitating public access, enjoyment, and use of trust lands. *SLCPD*, pp. 7-18.

The Project's proposed Health and Fitness retail uses are also trust consistent. *People v. Long Beach*, 51 Cal. 2d at 880 (Holding Y.M.C.A. that would principally serve military personnel and commercial port workers to be a trust-consistent use.) The Health and Fitness uses within the Project would consist of branded gyms, studios and other exercise and fitness commercial uses, which would be available to hotel guests and the public via memberships or daily passes. *SLCPD*, pp. 5, 31-32. The Health and Fitness uses would also be available not just to military personnel at the Naval Shipyard and other persons engaged in commercial port business, but also all members of the public who visit the Project, which include hotel guests, convention and event attendees, and persons employed at the Project. The use would thus facilitate public health, the commercial success of the Port, and public access, use and enjoyment of the waterfront.

3. *The Event Center, LC and BTIC*

The proposed Event Center should also be considered a commercial use consistent with the Public Trust Doctrine and the Port Act as a public assembly use. Port Act, Section 87(a)(2), (5). The Port Act's allowance of "all commercial purposes" and "public assembly and meeting places" should be read, consistent with judicial mandates to broadly read allowable commercial uses, to include the proposed Events Center, which would hold concerts and other public assembly events. Id.; *see also* Exhibit 4 (Commission determination that San Francisco Giants baseball stadium, which included assembly uses for concerts and public events, was a trust-consistent public assembly use.) Notably, similar to the restaurant and bowling alley found to be consistent with the Public Trust Doctrine in the Commission's Jack London Square Restaurant Project determination, the Event Center would be oriented to and provide a glass façade facing the Bay, providing a strong visual connection to the water. *SLCPD*, pp. 46-47; Exhibit 3.

The aforementioned primary and ancillary Project uses are thus consistent with the Public Trust Doctrine and the Port Act, and also serve the central trust purpose of promoting water-oriented commerce and facilitating public access to, use of, and enjoyment of trust resources. These uses moreover, as set forth below, cover the majority of the Project Site's land and water areas, and built environment. *See* Exhibit 6 (project use by land area and building square footage charts).

The additional ancillary Project uses of the LC and the BTIC are innovative commercial uses that are not explicitly identified in prior trust decisions and the Port Act, but are generally consistent with Public Trust Principles and a broad reading of the Port Act's allowance of "all commercial uses." Port Act, §87(a)(3); *Martin,* 184 Cal.App.2d at 578. Notably, the BTIC and the LC uses are, respectively, focused on commercial and educational efforts related to ocean and marine sustainability and innovation and climate change (an existential threat to oceans and other marine environments), and are proposed to be operated in partnership with the University of California, San Diego Scripps Institute of Oceanography. *SLCPD*, pp. 49-55. Of note, the Scripps Institute is itself a Public Trust grantee, having been determined by the California Legislature to be engaged in the legislatively-determined trust-consistent use of ocean based education and research. *See, e.g.*, Chapter 514, Statutes of 1929 (Granting to the Regents of the University of California coastal trust lands for the use of the Scripps Institution of Oceanography for ocean-oriented research and educational uses). Notably, the LC use would include programming available to students and learners of all ages from across the state – not just those from the San Diego area. *SLCPD*, pp. 52-55. The provision of ocean-based educational and innovation incubator uses promoting sustainable growth, climate change solutions, and the preservation and restoration of ocean and marine resources also provides incidental support to ensure the ongoing viability of the trust-consistent ongoing operation of the Port's commercial and recreational uses, and preservation of Public Trust resources. *See* Exhibit 5 (Commission Public Trust determination allowing leasing of office space to the FBI because their work would indirectly assist with and facilitate the core trust function of operating an international commercial port). Thus, the LC and BTIC can appropriately be determined Public Trust Doctrine-consistent commercial uses allowable under the Port Act.

ii. <u>Even if the LC, BTIC, and Certain Restaurant and Retail Uses Are Not Determined to be Consistent with the Public Trust Doctrine, They Are Allowable As Ancillary Uses That Do Not Impede Trust Interests</u>

However, even if the LC, BTIC, and certain commercial retail uses are not considered to be consistent with the Public Trust Doctrine, they are allowable as the uses that do not interfere with the Project's primary public trust-consistent uses, and only make up a small portion of the overall Project. More than not merely being uses that do not impede the trust, these uses facilitate and further the Project's overall purpose of being a trust-consistent landmark destination for all Californians to enjoy. *Baykeeper II*, 29 Cal.App.5th at 580 ("[A]lthough commercial sand mining is not categorically permissible as a public trust use, trustee agencies may authorize private uses of trust property that do not impair the trust"). Additionally, the BTIC and LC uses are primarily located above the ground floor, over uses that include publicly accessible

lobbies, restaurants, shops and exhibits. *SLCPD*, pp. 49, 54. The BTIC and LC uses thus do not interfere with or impede trust uses. Rather, they facilitate such uses through ocean-based education, research and innovation. *Baykeeper II*, 29 Cal.App.5th at 580; *see also*, Exhibit 3 (Commission determined bowling entertainment uses of the Jack London Square Restaurant Project would enhance the experience of visitors to the primary restaurant and bar uses.) The LC and BTIC thus do not impede, but rather provide incidental support of, Public Trust uses.

Relatedly, while retail shops have been identified as commercial uses allowable under the Public Trust, certain of the Project's proposed ancillary retail shops may be determined to be individually inconsistent with the Public Trust Doctrine. *Martin*, 184 Cal.App.2d at 578 (Trust-consistent uses include retail shops); Commission Trust Policy, at p. 1 (Trust- consistent ancillary uses include shops); Port Act, § 87(a)(2), (5), and (6) (All trust-consistent commercial uses allowed including various visitor-serving uses and incidental and related buildings); *Baykeeper II*, 29 Cal.App.5th at 578-80 (Merely being engaged in trust consistent activity such as using boats and barges does not make an activity such as underwater sand mining *per se* consistent with the Public Trust Doctrine). Regarding the Project's ancillary use of proposed commercial retail shops and other retail uses, such uses would provide a variety of opportunities and experiences for guests, including, as further defined in the SLCDP, specialty shops, experiential retail shops (which could include arcades, a movie theater, and other entertainment uses) to appeal to a diverse sector of visitors. *SLCPD*, pp. 38-43. These retail uses are strategically located in various locations around the Project Site as ancillary uses connected to and supporting the Project's primary land side uses, including the hotel, the Aquarium, the event and convention spaces, and public open space uses. *SLCPD*, p. 43. The retail stores are thus an ancillary Project use that would be open and available to the public and would enhance the visitor experience, enabling visitors to obtain wanted goods and services onsite and stay onsite for longer periods of time in order to enjoy the Project, the Bay, and the surrounding waterfront areas. *Baykeeper II,* 29 Cal.App.5th at 570 (A "public trust use is…a use that facilitates public access, public enjoyment, or public use of trust land"); Exhibit 4 (Commission determination that San Francisco Giants stadium project retail and restaurant uses were consistent with the Burton Act, Public Trust Doctrine, and Commission policy because they would serve visitors and enhance their experience of the bay waterfront.)

The Project's "Experiential Restaurants" should also be considered a trust consistent restaurant use, or at minimum a use that does not impede the realization of trust purposes. First, a majority of Experiential Restaurants' square footage would dedicated to the trust consistent use of standard restaurant food and beverage service. SLCPD, at p. 6. Other portions of such restaurants would "be dedicated to entertainment uses such as parlor games, carnival-type games, arcade or virtual reality games, bowling lanes, wave pools, and other potential interactive gaming activities." SLCPD, at p. 6. Experiential Restaurants would thus primarily consist of trust-consistent restaurant uses and, as with the other restaurant uses, be open to the public and further facilitate the public's enjoyment of the Project and, by extension, trust lands. In any event, Experiential Restaurants only comprise a maximum 40 percent of Project restaurant uses, and 2 percent of all commercial uses in the Project. SLCPD.

In addition, the retail, restaurant, BTIC, and LC uses would provide necessary economic support and balance for the Project, providing revenues and economic stability that supports the Project's various non-income producing public open space uses. *See* 2 C.C.R. § 2802(2) (Whether a trust lands lease is within the best interest of the state includes whether it is economically viable, necessary, and desirable.) The uses, in addition to the hotels and Aquarium, would also provide substantial funding to the Port, enabling the Port to continue to fulfill its mission and evolve with the fast-changing global economy.

Accordingly, all of the Project's primary proposed uses and all or most ancillary uses are allowable under the Public Trust Doctrine and the Port Act. At worst, the Project includes limited, ancillary non-consistent uses that do not interfere with or impede, but rather promote, Public Trust interests, and are thus allowable under the Public Trust Doctrine.

iii. <u>The Project is A Mixed Use Development That Is Consistent With the Public Trust Doctrine As a Whole</u>

While there are not any judicial examples of the analysis of a mixed-use project under applicable Public Trust authority, the Commission's analysis of the Jack London Square Restaurant Project demonstrates that the scope of such analysis should consider whether the mix, proportion of uses and design of a project are consistent with the Public Trust Doctrine as a whole, even where certain elements may not be individually consistent under precedential authority. Exhibit 3; see also, *See* 2 C.C.R. § 2802(3) (Whether a trust lands lease is within the best interest of the state includes whether it is appropriate for development mix.)

Based on the Project's approximately proposed uses at the ground plane level for the 70-acre Project Site, the largest use is land-side publicly accessible open space, which constitutes 29.2 percent of the entire Project Site. Water-side commercial fishing and berthing are 18.6 percent of the Site, recreational boat berthing is 16.2 percent of the Site, while boat navigation, sportfishing and ecotourism, and industrial deepwater berthing constitute 13.4 percent of the Site. Land-side commercial fishing and processing is 5.6 percent of the Site. Together, these traditionally trust-consistent uses make up 83 percent of the entire Project Site.

Regarding the Project Site ground plane area occupied by proposed buildings, hotel uses take up 3.7 percent of the Site's total ground plane, restaurants are 3.2 percent, the Aquarium is 3.2 percent, and the Event Center is 1.3 percent. In total, these Public Trust-consistent uses comprise approximately 11.4 percent of the total Project Site area at the ground level. Ancillary uses including the proposed retail uses (which by commercial necessity must primarily be ground floor uses), are 3.9 percent of the entire Site ground plane while the additional ancillary uses of the Learning Center and the BTIC only utilize 0.8 percent, 0.01 percent of the Project's total ground plane area, respectively. Thus, the entirety of retail, BTIC, and LC uses make up 4.7 percent of the entire Project Site. *See* Exhibit 6, Chart 1 (Proposed Project Ground Plane Uses by Land and Water Area).

Based on the square footages of the proposed buildings on the Project Site, the primary use of hotels is approximately 55 percent of the total built square footage. The Aquarium, Event Center, and restaurant uses are approximately 19 percent of the Project's built square footage. Thus, these public trust-consistent uses make up approximately 74 percent of the Project's total built square footage. The LC, BTIC, and retail uses are, taken together, only approximately 21 percent of the Project's building square footage. *See* Exhibit 6, Chart 2 (Proposed Building Square Footages).

Thus, as with the Jack London Square Restaurant Project, the majority of the Project's proposed uses are trust-consistent primary and ancillary uses with only a small portion of potentially non-trust consistent uses that do not interfere with the Project's overall realization of the public access and enjoyment-related purposes of the trust.

The Project is also designed to include buildings that optimize views of the Bay with large windows to increase connectivity to the water. Under similar circumstances, the Commission determined that the Jack London Square Restaurant Project was consistent with the Public Trust Doctrine in part because the design of the building and overall layout increased opportunities for public access to the waterfront with ancillary, non-trust consistent elements contributing to the Project's overall consistency with the purposes of the Public Trust Doctrine. (*See* Exhibit 3.)

The cohesive mix of uses in the Seaport Project is also designed to have a connection to the water and enhance the public's use and enjoyment of the waterfront. Each proposed building at the Project is designed to take advantage of the waterfront and Bay views. *SLCPD*, p. 2. The Project includes a 500-foot Observation Tower with a panoramic 360 degree view of the Bay, ocean, coast and the City of San Diego. *SLCPD*, pp. 11-12, 34. As indicated above, the Event Center would also provide unobstructed views of the marina with large transparent facades and access to the water. *SLCPD*, pp. 46-47. The Project would also include a variety on-water restaurants with outdoor dining and open air terraces, including those accessible from the water for "dock and dine" public visitors. *SLCPD*, pp. 8-10, 22. Each of the buildings are strategically oriented to the waterfront to take advantage of the views and facilitate and encourage public access to the water. The buildings also include setbacks from the waterfront itself to preserve and further facilitate public access to the waterfront along the Project's interconnected network of walkways, plazas, parks, docks, beaches and other public open spaces. *SLCPD*, pp. 25-27.

The Project would also integrate well into surrounding uses. The Project is situated directly to the south of the USS Midway Museum and the Port's international cruise ship terminal, which bring visitors from around the state and country to the area who would be able to explore and enjoy the Project's many public amenities and commercial uses. To the south are hotel and entertainment uses, marinas, and the San Diego Convention Center. The Project's various uses complement these similar, related uses. Additionally, the Project's extensive internal network of pedestrian and bicycle pathways connect to the California Coastal Trial and the California Pacific Bike Route – factors which would bring in visitors from around the state and improve access not only through the Site but along the entire San Diego and broader state waterfront. *SLCPD*, p. 57, Appendix L; *see also* Exhibit 4 (Commission determination that San Francisco

Giants stadium project was consistent with public trust as it provided appropriate mix of uses included stadium for sports and concerts, specialty retail shops, and restaurants that would provide views of the bay, attract visitors from across the state, and integrate well with other adjacent waterfront uses, including connecting the project with more extensive waterfront pedestrian networks.)

b. Impairment of the Public's Interest in Trust Resources

The primary consideration relative to the impairment of the public's interest in trust resources is the maintenance of the public's access and ability to use trust lands and other trust resources. *Baykeeper II*, 29 Cal.App.5th 562 ("The doctrine is premised on a public property right of access to trust lands and protects expansive public use of trust property"); *see* 2 C.C.R. § 2802(4) (Whether a trust lands lease is within the best interest of the state includes whether it is conducive to public access.)

The Project is conducive to public access based on its design, as all elements of the Project are oriented around public access to the water, including public parks and beaches that improve public access and increase recreational opportunities for the public, plazas, promenades, embarcadero walkways (including new cantilevered walkways that bring visitors even closer to the water), and piers. *SLCPD*, pp. 25-27. These amenities would allow visitors to enjoy San Diego Bay at no cost. The Project also includes publicly accessible private commercial uses such as an Aquarium, hotels, restaurants, and commercial retail shops and, for the majority of Project Site other than for areas exclusively dedicated to commercial fishing operations, waterfront access fully and freely accessible to the public, including ample in-water spaces for boat docking and navigation. *SLCPD*, pp. 7-18.

The Project's Public Realm is designed to ensure that the Project Site and the waterfront it encompasses are accessible to as many visitors as possible. The Project also includes a large public promenade that stretches along the entire length of the Project Site, and connects to a broader network of in-project accessways that also connect to biking and recreational access pathways that extend beyond the Site - connecting to the California Coastal Trial and the California Pacific Bike Route. *SLCPD*, p. 57, Appendix L. These public access features that are accessible and free to the public make up a majority of the Project's land area, in addition to the Project's substantial water-side public realm.

As indicated, the majority of the Project's commercial uses of hotels, an Aquarium, restaurants, a tower observation deck and amenity spaces, convention spaces, an Event Center, retail shops, and temporary and periodic use boat slips would also be accessible to and available for the use of the public. That such publicly available uses may entail cost for access such as in the case of the Aquarium, convention spaces, Event Center or costs associated with buying goods or services does not alter their character as publicly available trust uses, as such uses have been consistently determined to be uses that facilitate the public's use and enjoyment of trust lands and uses that otherwise facilitate and foster additional Public Trust activities. *See, e.g*., *Martin,* 184 Cal.App.2d at 574-77 (Trust consistent commercial uses include restaurants, a motel, shops, and associated surface parking); Port Act, § 87(a)(1)-(7). Moreover, hotel rooms, Event Center events, convention center events, and boat slips

would only be subject to the exclusive use of members of the public on a temporary and/or periodic basis. Between the Project's freely accessible public open space areas and commercial uses open and available to the public, the overwhelming majority of the Project's combined land and water area and built environment maintain critical public accessibility and provide public-serving amenities and services that would facilitate the public's use and enjoyment of trust resources.

Project areas in which public access may be limited or prohibited include commercial fishing areas within the Tuna Harbor and related commercial fishing facilities, and the upper floors of the BTIC and LC spaces. Overall, these uses make up a small percentage of the overall Project Site and built environment. *See* Exhibit 6. Notably, the Project's exclusive commercial fishing operations remain largely in the same location as the existing commercial fishing operations at the existing Tuna Harbor. *SLCPD*, p. 9. Furthermore, a new proposed public access walkway and terrace allows the public to engage with and view these commercial fishing uses. *SLCPD*, Appendix B. With regard to the BTIC and LC, the ground floors of those uses include publicly accessible lobbies, shops, and restaurants; it is only the upper floors where full public access may be restricted in favor of the proposed ocean and marine-oriented commercial and educational uses. *SLCPD*, pp. 49-55; *see Boone*, 206 Cal. at 182-83 and *Hamilton*, 161 Cal. at 619-621 (Trustee agencies may allow commercial uses that limit public access where necessary for commercial operations and are kept reasonably limited so as not to impede overall public access to trust resources).

The majority of Site as proposed by the Project would be fully accessible open space free to the public. *SLCPD*, p. 25. The majority of the remainder of the Project's land area would consist of publicly accessible commercial uses that have consistently been determined to facilitate the public use and enjoyment of trust resources consistent with the Public Trust Doctrine. The Project would only limit public access to a commercial fishing harbor and related facilities, and the upper floors of the BTIC and LC uses. Thus, as a whole, the Project strongly promotes the fundamental Public Trust requirement of providing for and facilitating public use, access, and enjoyment of trust lands. *Baykeeper II,* 29 Cal.App.5th at 570 ("[C]ontrolling authority establishes that a public trust use is not any use that may confer a public benefit, but rather a use that facilitates public access, public enjoyment, or public use of trust land.")

A related relevant consideration regarding the issue of the impairment of the public's interest in trust resources is whether a project would damage or deplete trust resources - though notably uses such as oil and mineral extraction that do deplete trust resources but have been determined to be essential economic activities have been held consistent with the Public Trust Doctrine. *See Boone*, 206 Cal. at 182-83; *Citizens for E. Shore Parks v. State Lands Com.* (2011) 202 Cal.App.4th 549. Nevertheless, in the *Baykeeper* cases, one of the primary issues the Court of Appeal addressed regarding the proposed use of sand mining for construction aggregate was whether that use depleted a trust resource. *Baykeeper II*, 29 Cal.App.5th at 580-81. Based on expert evidence showing the proposed sand mining would not substantially deplete the resource, or interfere with natural sand transport or coastal morphology, the Court ultimately held the use did not unduly impair a trust resource and was thus allowable. *Id*. However, where the impairment of a resource is substantial or irrevocable, it would

likely violate the Public Trust Doctrine. *Id*. The Project would result in no depletion whatsoever of Public Trust Resources. It would rather only construct new buildings and other improvements that increase public accessibility, recreation and the value of trust land and water areas.

In addition, the Project's proposed uses of trust lands and water do not entail the use of any hazardous materials or any intrusive, environmentally damaging activities. *See* 2 C.C.R. § 2802(5) (Whether a trust lands lease is within the best interest of the state includes whether it is consistent with environmental preservation.) To the contrary, the Project proposes to, consistent with state law AB 900, incorporate state of art environmental measures including energy and transportation efficiency measures that exceed, by a wide margin, already stringent state standards for new projects and to be greenhouse gas emission neutral. Pub. Res. Code § 21183. The Project would also replace and improve old and outdated erosion and flood control facilities, and substantially improve the ability to capture storm water and significantly limit storm water pollution going into the Bay. Thus, the Project would result in substantial environmental benefits for the Public Trust areas in and around the Project Site.

c. Trustee Control of Trust Lands

The primary factor for consideration related to ongoing trustee control is the fact that the Project, consistent with state law, would be subject to a lease lasting a term of years. This same factor has led the courts and the Commission to permit trust-consistent private commercial and other uses of land, even those that do not provide for full public access, under the theory that such lands would eventually revert to agency control and can be used for other trust-consistent public uses in the future. See *Boone*, 206 Cal. at 182-83 (In allowing leasing for oil mining and mineral deposit harvesting, noted that "in no sense does the state part with title to its tide-lands," also noting that the licensed activity would be "restricted to as small a portion of the surface area as may be reasonably required for mining and removing [the mineral] deposits"); *Martin v. Smith* (1960) 184 Cal.App.2d 571, 574-77 (Holding sublease by Yacht Harbor for "a first-class restaurant with a cocktail lounge, and, thereafter, small shops and other improvements" including a motel was consistent with the Public Trust); *see* Exhibit 5 (Commission determined use for leased building for FBI offices as activity that would facilitate the trust-consistent use of the commercial Port to ensure security and curtail unlawful activities). Here, the Project Site would fully revert to Port control at the end of the lease term. Furthermore, even during the lease period, the Public Trust interest in maintaining public access and uses of trust resources is supported by the Project's substantial public open space, waterfront access, and publicly available commercial uses the Project would provide. *SLCPD*, pp. 25-29.

Additionally, during the period of the lease for the Project, the Port would retain authority over the use of the Site as the owner in trust and lessor, including the enforcement of lease terms and legal requirements subsumed within the lease and the other entitlements and conditions of approval to which the Project would be subject. As stated by the California Supreme Court in approving a railroad project on trust lands pursuant to a lease in *Hamilton*,

> An entry by the lessor may be had for breach of covenant: possession of the land with its improvements after the term of years returns to the municipality and state, and in the meantime the interests of navigation and commerce are not impaired, but are in the highest degree stimulated and fostered. The lease in this instance is typical. Vast expenditures were made which the lessor would never have made, and to a portion of land – a mere fragment of all of the like water-front lands – access is given to a transcontinental railroad for all purposes of inland and marine commerce, while at the expiration of the term of the lease the possession of the lands returns to the state. What policy more beneficial to the state itself than this it would not be easy to point out.
>
> *Hamilton*, 161 Cal. at 620-621.

As in *Hamilton*, the Port would retain control over the Project Site as the lessor during the term of the lease subject to the terms of the lease and any additional conditions imposed incident to the Port's approval of the Project. The Port would also be the ultimate recipient of the substantial improvements the Project would construct, including improved marinas, docks, a public beach, park space, parking lots, buildings, and related infrastructure elements at the end of the lease term. Based on these factors, the trustee Port would maintain substantial control over trust lands during the lease term and the entire Project Site would revert in an improved condition to Port control following end of the lease term.

IV. CONCLUSION

The Seaport Project is consistent with the Public Trust Doctrine and the Port Act and strongly promotes their fundamental purposes of providing for public access, use and enjoyment of trust resources.

CHAPTER 67

An act to provide for the establishment of the San Diego Unified Port District; to provide for the calling of municipal elections therefor; describing the powers, duties, and functions thereof, authorizing the district to borrow money and issue bonds for district purposes; to provide means of raising revenues for the operation, maintenance and bond redemption of the district; and to provide for the transfer to such district of tidelands and lands lying under inland navigable waters.

[Approved by Governor May 8, 1962. Filed with Secretary of State May 9, 1962.]

The people of the State of California do enact as follows:

SECTION 1. This act shall be known and may be cited as the San Diego Unified Port District Act.

SEC. 2. It is hereby declared to be the policy of the State of California to develop the harbors and ports of this State for multiple purpose use for the benefit of the people. A necessity exists within San Diego County for such development. Because of the several separate cities and unincorporated populated areas in the area hereinafter described, only a specially created district can operate effectively in developing the harbors and port facilities. Because of the unique problems presented by this area, and the facts and circumstances relative to the development of harbor and port facilities, the adoption of a special act and the creation of a special district is required.

SEC. 3. For the purposes of this act the following words shall have the following meanings:

(a) "District" or "port district" shall mean the San Diego Unified Port District.

(b) "Board" or "board of commissioners" shall mean the Board of Commissioners of the San Diego Unified Port District.

(c) "County" shall mean the County of San Diego.

SEC. 4. A port district for the acquisition, construction, maintenance, operation, development and regulation of harbor works and improvements, including rail, water and air terminal facilities, for the development, operation, maintenance, control, regulation and management of the Harbor of San Diego upon the tidelands and lands lying under the inland navigable waters of San Diego Bay, and for the promotion of commerce, navigation, fisheries, and recreation thereon, may be established or organized and governed as provided in this act and it may exercise the powers expressly granted herein.

Anything herein to the contrary notwithstanding, the powers and authority herein are to be used only as necessary or incident to the development and operation of a port and shall not apply to public utilities operated under the jurisdiction of the Public Utilities Commission of the State of California.

SEC. 5. The area to be embraced in the district shall include all of the corporate area of each of the cities of San Diego, Chula Vista, Coronado, National City, and Imperial Beach which establish the district as provided in this act, and any unincorporated territory in the County of San Diego contiguous thereto, which is economically linked to the development and operation of the Bay of San Diego, included in the district by the board of supervisors of the county as provided in this act.

The jurisdiction of the district to exercise its powers shall extend only over the following areas:

(a) The tidelands and submerged lands granted to the district pursuant to the provisions of this act.

(b) Any airport or airports now or hereafter owned and operated by any of the above-named cities which establish the district, or San Diego County, and which are conveyed to the district by such city or cities or San Diego County.

(c) Any other lands conveyed to the district by any city or by the County of San Diego

SEC. 6. The Board of Supervisors of San Diego County shall call an election in the area to be included within the district not later than the 1964 State Primary Election on the question of the formation of the district if either of the two conditions specified below is met:

(a) A petition calling for the formation of the district is filed with the board of supervisors from each of the five cities specified in Section 5. Each of the petitions from the five respective cities shall be signed by at least five percent (5%) of the voters registered for the last municipal election in each particular city.

(b) A resolution of consent calling for the formation of the district is filed with the board of supervisors from each of the city councils of the five cities specified in Section 5; provided, that the requirements of this section shall be deemed to have been met if a combination of petitions and resolutions of consent have been filed with the board of supervisors, so long as each of the five cities specified in Section 5, either through a petition or by a vote of the city council, has authorized the calling of an election for the formation of the district.

SEC. 7. The petition or the resolution of consent shall contain:

(a) A declaration calling for the creation of the San Diego Unified Port District, for the purpose of improving and developing the harbor.

(b) A declaration that the tide and submerged lands owned by the particular city should be granted to the district.

SEC. 8. Each signer of a petition within a particular city shall be a registered voter and resident of that city.

SEC. 9. The publication of the petition and the hearing on the petition shall be governed by the provisions of Section 6014 of the Harbors and Navigation Code.

SEC. 10. The election shall be called, noticed, held, and conducted, election officers appointed, voting precincts designated, ballots printed, polls opened and closed, ballots counted and returned, returns canvassed, results declared, oaths of office administered, and all other proceedings incidental to and connected with the election shall be regulated and done, as nearly as may be practicable, in accordance with the provisions of law regulating municipal elections in general law cities.

For the purposes of the election, the terms "board of trustees" and "city clerk," respectively, as used in the Elections Code provisions respecting the conduct of elections in general law cities, shall mean the county board of supervisors and the county clerk, respectively, for the purpose of the election held under this act.

An election called pursuant to the provisions of this act may be consolidated with any other election pursuant to the provisions of Chapter 4 (commencing with Section 23300) of Part 2 of Division 12 of the Elections Code.

SEC. 11. The count of the vote in the election shall be conducted in two parts. One part shall consist of those votes cast in the City of San Diego, and the other part shall consist of all of those votes cast in the other four cities specified in Section 5 and outside territory.

SEC. 12. If the electors in the City of San Diego and the electors in the other four cities specified in Section 5 and outside territory, approve of the formation of the district at an election held pursuant to the provisions of this act, the district shall be established.

SEC. 13. If from the canvass it appears and the board of supervisors finds that a majority of the votes cast in the City of San Diego and a majority of the votes cast in the other four cities and outside territory, the votes of such other four cities and outside territory being combined together, were cast in favor of the formation of the district, it shall enter that fact upon its minutes, together with a description of the boundaries of the district, its name, the official name or names by which the district is commonly known and enter its order declaring the district duly formed and existing in the county.

SEC. 14. Upon the establishment of the district, every city specified in Section 5 shall convey to the district all its right, title and interest in and to the tidelands and submerged lands, together with any facilities thereon, which are owned by the city, including any such lands which have been granted in trust to the city by the State in the Bay of San Diego. The City of San Diego shall convey to the district all its right, title and interest in and to such pueblo lands as lie within the tidelands and submerged lands in the Bay of San Diego, together with any facilities thereon, which are owned by the City of San Diego. Thereafter the title to such lands shall reside in the district, and the district shall hold such lands in trust for the uses and purposes and upon the conditions which are declared in

this act. Notwithstanding any other provision of this act, the City of San Diego shall not be required to convey to the district those lands described in Chapter 778 of the Statutes of 1929, and the City of Coronado shall not be required to convey to the district those lands described in Chapter 1839 of the Statutes of 1953.

SEC. 15. The Board of Supervisors of the County of San Diego may, by ordinance, include within the district unincorporated territory which the board has determined would be benefited by the district.

SEC. 16. The district shall be governed by a board of commissioners who shall be known as "port commissioners." Each city council, respectively, of the cities which are included in the district pursuant to the provisions of this act shall appoint the commissioner or commissioners to which it is entitled, pursuant to this section, to represent that particular city on the board. Three of the commissioners shall be residents of the City of San Diego, one shall be a resident of the City of National City, one shall be a resident of the City of Chula Vista, one shall be a resident of the City of Coronado, and one shall be a resident of the City of Imperial Beach. The commissioners shall be residents of the respective cities they represent at the time of their appointments, and during the term of their office. All of the powers and duties conferred upon the district shall be exercised through the board of commissioners.

SEC. 17. The term of each commissioner shall be for four years, except as provided in this section. Any vacancy shall be filled by appointment by the city council of the city from which the vacancy has occurred. Each commissioner shall continue, however, to hold office until his successor has been appointed and qualified. Each commissioner, before entering upon the duties of his office, shall take and subscribe the oath as provided in Section 1360 of the Government Code of the State of California, and a certificate of the same shall be filed with the city clerk of the city from which the commissioner shall have been appointed, and a copy of which shall be filed with the district. A commissioner may be removed from the board by a four-fifths vote of the city council which appointed such commissioner.

The first board of commissioners appointed after the formation of the district shall so classify themselves by lot that three commissioners shall serve for four years, and the remainder of the commissioners for two years. Thereafter the term of office of each commissioner shall be four years.

SEC. 18. Immediately after their appointment, the commissioners shall enter upon the performance of their duties. The board shall annually elect one of its members as chairman and another as vice chairman, and shall also elect annually a secretary, who may or may not be a member of the board. A majority shall constitute a quorum for the transaction of business.

The board shall make rules and regulations for its own government and procedure, and shall hold at least one regular meeting each month, and may hold such special meetings as it may deem necessary.

The commissioners shall receive no salaries but shall be entitled to reimbursement for necessary traveling and other expenses incurred while engaged in the performance of their duties.

SEC. 19. The board shall draft a master plan for harbor and port improvement and for the use of all of the tidelands and submerged lands which shall be conveyed to the district pursuant to the provisions of this act. A two-thirds vote of the board shall be required to adopt the plan. The board may from time to time modify the master plan by a two-thirds vote of the board.

The provisions in the master plan shall not override or supersede any local existing zoning ordinance which was in effect on April 30, 1962; provided, that if any local zoning ordinance is repealed, or expires, or becomes nonoperative for any reason, thereafter the provisions of the master plan adopted by the board shall control as to all lands and waters under the jurisdiction of the district.

SEC. 20. The board shall establish a fiscal year for its operations and shall at the end of each fiscal year or as soon as possible after the end of each fiscal year, make a complete report of the affairs and financial condition of the district for the preceding fiscal year, which shall show the sources of all receipts and the purposes of all disbursements during the year. The report shall be verified by the chairman of the board and the secretary thereof. The board shall draw up a budget for each fiscal year.

SEC. 21. The board may pass all necessary ordinances and resolutions for the regulation of the district.

SEC. 22. The board may employ engineers, attorneys and any other officers and employees necessary in the work of the district. The port director shall appoint a treasurer whose duty it shall be to receive and safely keep all moneys of the district. He shall comply with all provisions of law governing the deposit and securing of public funds. He shall pay out moneys only on warrants duly authorized by the board and not otherwise; provided, however, that no warrants need be issued for the payment of principal and interest on bonds of the district. He shall at regular intervals, at least once each month, submit to the secretary of the district a written report and accounting of all receipts and disbursements and fund balances, a copy of which report he shall file with the board.

The treasurer may appoint a deputy or deputies for whose acts he and his bondsmen shall be responsible Such deputy or deputies shall hold office subject to the pleasure of the treasurer and shall receive such compensation as may be provided by the board. The treasurer shall execute a bond covering the faithful performance by him of the duties of his office and his

duties with respect to all moneys coming into his hands as treasurer in such amount as shall be fixed by resolution of said board. The surety bond herein required shall be executed only by a surety company authorized to do business in the State of California and the premium therefor shall be paid by the district out of its general fund. The bond shall be approved by the board and filed with the secretary of the district. The treasurer before entering upon the duties of his office shall take and file with the secretary of the district the oath of office required by the Constitution of this State.

SEC. 23. It may sue and be sued in the name of the district in all courts and tribunals of competent jurisdiction.

SEC. 24. It may adopt a seal.

SEC. 25. It may take by grant, purchase, gift, devise, lease or otherwise acquire, hold and enjoy and lease and dispose of real and personal property of every kind, within the district, necessary to the full or convenient exercise of its power.

SEC. 26. Any proposed use by the district of any particular land within its jurisdiction which would constitute a public nuisance may be prohibited by ordinance adopted by the city within which such land is located.

SEC 27. It may exercise the right of eminent domain within the boundaries of the district in the manner provided by law for the condemnation of private property for public use and take any property necessary or convenient to the exercise of its powers. In the proceedings relative to the exercise of such right the district has the same rights, powers and privileges as a municipal corporation.

SEC. 28. It may borrow money and incur indebtedness and issue bonds or other evidence of indebtedness. All bond elections called by the board shall be conducted and held pursuant to Article 1 (commencing with Section 43600) of Chapter 4 of Division 4, Title 4 of the Government Code.

When in that article, the word "city" is used it includes the district and whenever the words "legislative body" are used they mean the board.

The purposes for which bonded indebtedness may be incurred by the district are described in Section 26.

All bonds issued shall be signed by the board and the district shall not incur a bonded indebtedness which in the aggregate exceeds 15 percent of the assessed value of all the real and personal property in the district.

SEC. 29. Whenever the improvement and development work for which any issue of bonds has been voted has been constructed and the proceeds of the bonds sold have not been entirely expended, the board may by resolution order that the unexpended proceeds be placed in the fund provided for the purpose of paying principal and interest of the bonds or the board may by resolution direct that all or a part of the unexpended proceeds be used for the purpose of purchasing outstanding bonds of the district. The bonds may be purchased only after the publication at least twice in a newspaper of

general circulation in the district of a notice inviting sealed proposals for the sale of bonds to the district. The notice shall state the time and place when the proposals will be opened and the amount of money available for the purchase of the bonds. The board may reject any or all proposals and if it rejects all thereof, may within a period of 30 days thereafter purchase for cash any outstanding bonds of the district but in that event the purchase price shall not be more than the lowest purchase price at which bonds were tendered to the district in the public bidding.

Any bonds purchased under the authority of this section shall be canceled immediately.

SEC. 30. The board may regulate and control the anchoring, mooring, towing, and docking of all vessels.

SEC. 31. It may perform the functions of warehousemen, stevedores, lighterers, reconditioners, shippers and reshippers of properties of all kinds.

SEC. 32. It may manage the business of the district and promote the maritime and commercial interests by proper advertisement of its advantages and by the solicitation of business within or without the district, within other states or in foreign countries, through such employees or agencies as are expedient.

SEC. 33. It may acquire, purchase, take over, construct, maintain, operate, develop, and regulate grain elevators, bunkering facilities, belt or other railroads, floating plants, lighterage, towage facilities, and any and all other facilities, aids, equipment, or property necessary for or incident to the development and operation of a harbor or for the accommodation and promotion of commerce, navigation, fisheries, or recreation in the district.

SEC. 34 It may by resolution order that all or any of the funds under its control and not necessary for current operating expenses be invested in obligations, bonds or securities of the United States of America or of any agency or instrumentality thereof.

SEC. 35. The board may do all other acts necessary and convenient for the exercise of its powers.

SEC. 36. The board shall by ordinance fix the rate of wharfage charges and other charges which are appropriate for the use of any of the facilities owned and constructed or services furnished or provided by the district.

SEC. 37. The district may itself, without letting contracts therefor, do work and make improvements. The work shall be done under the direction of its officers or employees.

In the construction, reconstruction or repair of public buildings, streets, utilities and other public works, and in furnishing supplies, materials, equipment or contractual services for the same, when the expenditure therefor shall exceed the sum of two thousand five hundred dollars ($2,500), the same shall be done by written contract, except as otherwise provided

in this act, and the board, on the recommendation of the port director, shall let the same to the lowest responsible and reliable bidder, not less than 10 days after advertising for one day in the official newspaper of the district for sealed proposals for the work contemplated. If the cost of the public contract work exceeds the sum of one thousand dollars ($1,000), but is not in excess of two thousand five hundred dollars ($2,500), the board may let the contract without advertising for bids, but not until the port director shall have secured competitive prices from contractors interested, which shall be taken under consideration by the board before the contract is let. The board may, however, upon the recommendation of the port director and by a vote of five of its members, order the performance of any such construction and reconstruction or repair work by appropriate district forces when the estimates submitted as part of the port director's recommendation indicate that the work can be done by the district forces more economically than if let by contract.

In case of a great public calamity, such as extraordinary fire, flood, storm, epidemic or other disaster the board may, by resolution passed by a vote of five of its members, determine and declare that the public interest or necessity demands the immediate expenditure of district money to safeguard life, health or property, and thereupon they may proceed, without advertising for bids or receiving the same, to expend, or enter into a contract involving the expenditure of, any sum required in such emergency, on hand in the district fund and available for such purpose. All contracts before execution shall be approved as to form and legality by the attorney for the district.

SEC. 37.5. The board may, without advertising for bids, negotiate with the government of the United States for the purpose of assisting the board in the performance of any of the work authorized by this act, and the board may contribute to the United States all or any portion of the estimated cost of any work authorized by this act which is to be done by or under contract with the United States.

SEC. 38. By resolution, the board may provide for the creation and accumulation of a fund for capital outlays.

SEC. 39. At any time after the creation of the fund, the board may transfer to the Capital Outlay Fund any unencumbered surplus funds raised for any purpose whatever, remaining on hand at the end of any fiscal year or years.

SEC. 40. The Capital Outlay Fund shall remain inviolate for the making of any capital outlays and the money shall not be disbursed from the fund except for such a purpose unless the district board submits a proposition to the electors of the district to obtain their consent to use the money in the fund for some other specific purpose. The proposition may be submitted at any election. A two-thirds vote of all the voters voting at the election is necessary to authorize the expenditure of the money for such other purpose.

SEC. 41. Notwithstanding any other provision of this act, the board may borrow money by issuance of promissory notes, or execute conditional sales contracts to purchase personal property, in an amount or of a value not exceeding in the aggregate at any one time the sum of two hundred thousand dollars ($200,000), for the purposes of constructing or operating any work, project, or facility authorized by Section 26 or for the making of improvements or the purchase of equipment or for the maintenance thereof.

All moneys borrowed pursuant to this section shall not be borrowed for a term exceeding five years, and said indebtednesses shall not incur a rate of interest in excess of six percent (6%) per annum. Each such indebtedness shall be authorized by a resolution of the board of commissioners unanimously adopted.

As a condition precedent to the borrowing of any money or the execution of any conditional sales contract, as provided in this section, in excess of twenty-five thousand dollars ($25,000), the board shall first unanimously approve by resolution and have on file a report approved by the port director on the engineering and economic feasibility relating to the project contemplated for the expenditure of said borrowed money or conditional sales contract. Said feasibility report shall be prepared and signed by an engineer or engineers licensed and registered under the laws of the State of California.

The district shall budget, levy and collect taxes, and pay for all such indebtedness without limitation by any other provision of this act.

SEC. 42. As to any service which the district is authorized to perform pursuant to the provisions of this act, the district may contract for the performance of such service by the city within which the particular tidelands are located.

SEC. 43. All bonds issued pursuant to this act, except for those authorized by Sections 51 and 52 of this act, are obligations of the district and so long as the bonds are outstanding and unpaid the board of supervisors of the county shall at the time of fixing the general tax levy and in the manner provided for such general tax levy until the bonds are paid or until there is a sum in the treasury of the district set apart for that purpose, sufficient to meet all sums coming due for principal and interest, levy and collect annually a tax sufficient to pay the annual interest on such bonds as it comes due and such part of the principal thereof as will become due before the proceeds of another tax levy made at the time of the next general tax levy for county purposes can be made available for the payment of said principal.

In the event the district has moneys on hand in any year sufficient to meet all or part of the sum coming due for principal and interest on the bonds prior to the time that the proceeds of a tax levy made at the time of the next general tax levy for county purposes can be made available for the payment of the principal and interest and the moneys have been

placed in a fund for the purpose of payment of the principal and interest the amount of moneys to be raised by the annual tax for that year may be reduced to a sum sufficient to provide the balance of moneys necessary for the purpose of payment of the principal and interest.

All taxes collected for the payment of principal and interest, shall when collected by the county tax collector, be paid to the treasurer of the district.

SEC. 44. The board shall, at least 30 days before the meeting of the board of supervisors at which the general tax levy is fixed, notify the board of supervisors in writing of the amount of money necessary to be raised by taxation to meet the payment of principal and interest on outstanding bonds which will become payable before the proceeds of another tax levy made at the time of the next general tax levy for county purposes can be made available for payment of the principal and interest. In fixing the amount of money to be raised by taxation the board of commissioners may take into account all moneys on hand and set aside in a fund for the purpose of paying the principal and interest and the amount of moneys to be raised by taxation shall be the amount required in addition to any moneys on hand and so set aside for the purpose of payment of the principal and interest.

SEC. 45. The taxes shall be levied upon all of the taxable property within the district taxable for county purposes and are in addition to all other taxes levied for all other county purposes and shall be collected at the same time and in the same manner as other county taxes are collected and shall be used for no purpose other than for the payment of the bonds and accrued interest.

SEC. 46. On or before the 15th of June of each year, the district board shall estimate and determine the amount of money required by the harbor district and shall adopt a preliminary budget which shall be divided into the following main classes:

(1) Ordinary annual expenses.

(2) Capital outlay and Capital Outlay Fund.

(3) Prior indebtedness.

SEC. 47. On or before the 15th day of June of each year, the board shall publish a notice pursuant to Section 6061 of the Government Code throughout the district stating:

(1) That the preliminary budget has been adopted and is available at a time and at a place within the district specified in the notice for inspection by interested taxpayers.

(2) That on a specified date not less than one month after the publication of the notice and at a specified time and place, the district board will meet for the purposes of fixing the final budget, and that any taxpayer may appear and be heard regarding the increase, decrease or omission of any item in the budget or for the inclusion of additional items.

SEC. 48. At the time and place designated in the published notice for the meeting, any taxpayer may appear and be heard

regarding the increase, decrease or omission of any item in the budget or for the inclusion of additional items. The hearing on the budget may be continued from time to time.

SEC. 49. The district board shall report the final budget to the board of supervisors after the budget hearing but not later than the first day of August each year after making any changes in the preliminary budget it deems advisable during or after the hearing, including deductions, increases or additions.

SEC. 49.5. The Board of Supervisors shall at the time of levying the county taxes levy a tax upon all the taxable property within the district sufficient to meet the amounts set forth in the final budget submitted by the district board. The money when collected by the tax collector of the county shall be paid to the treasurer of said district; provided further, that any levy for capital outlay or for Capital Outlay Fund shall not exceed three cents ($0.03) per hundred dollars ($100) assessed valuation of all real and personal property in the district.

SEC. 50. Bonds issued by the district pursuant to this act are legal investments for all trust funds, and for the funds of all insurers, banks, both commercial and savings, and trust companies, and for the state school funds, and whenever any money or funds may, by law now or hereafter enacted, be invested in bonds of cities, cities and counties, counties, school districts or municipalities in this State, such money or funds may be invested in bonds of the district organized pursuant to this act.

SEC. 51. The district may create a revenue bond indebtedness for the acquisition and construction, or acquisition or construction of any improvements or property or facilities contained within its powers. The issuance of the bonds shall be authorized by ordinance adopted by two-thirds of all the members of the board, to take effect upon its publication. The secretary shall publish the ordinance once in a newspaper of general circulation printed in the district, and if there is none, then in such newspaper published in the county in which the district is located. The ordinance shall specify the total amount, denomination, method of maturity, and the rate or maximum rate of interest of the bonds, and in general terms, the acquisitions and improvements to be constructed thereby; and, in addition, shall contain such other and further provisions as in the judgment of the board are deemed advisable.

SEC. 52. The proceeds of the revenue bonds shall be placed in an account in the treasury of the district to be entitled San Diego Unified Port District Revenue Construction Fund No. _____, and used exclusively for the objects and purposes mentioned in the ordinance. The lien of the bonds of the same issue shall be prior and superior to all revenue bonds subsequently issued. Proceedings for the issuance of the bonds shall be had, the board shall have such powers and duties, and the bondholders shall have such rights and remedies, all in

substantial accordance with and with like legal effect as provided in Sections 54344 to 54346, inclusive, 54347, 54348, 54350, 54351, 54352, and in Articles 4 to 11, inclusive, of Chapter 6, Part 1, Division 2, Title 5 of the Government Code. As used therein the word "resolution" shall mean ordinance, the words "local agency" shall mean district, and the words "legislative body" shall mean board.

SEC. 53. In the manner provided in this act, there may be annexed to the district any of the following territory which is in the same county as the district:

a. Any territory contiguous to the district.

b. Any territory, any point of which touches the district.

c. Any territory separated from the district by a "separating barrier," which term includes a street, road, highway, railway line, railway crossing, railway right-of-way, watercourse, lagoon, or other natural barrier.

d. Any territory specified in this section may consist of one or more separate parcels of land, but it is not necessary that all parcels shall constitute in the aggregate one tract of land.

SEC. 54. Any territory specified in Section 53 may be annexed in the manner provided for sanitary districts in the Health and Safety Code. The alteration of boundaries shall be ordered by the board of supervisors of the county in which the property is located.

SEC. 55. The board shall:

(a) Make and enforce all necessary rules and regulations governing the use and control of all navigable waters and all tidelands and submerged lands, filled or unfilled, and other lands within the territorial limits of the district.

(b) Regulate and control the anchoring, mooring, towing and docking of all vessels

(c) Establish and maintain a system of harbor police and may establish harbor fire protection within the territorial limits of the district for the enforcement of the ordinances, rules and regulations of the district, and employ the necessary officers, who shall as to such matters have all the power of peace officers and firemen within the district; or in the alternative, the district may contract with the municipalities whose territorial limits are adjacent to or contiguous to those of the district to provide such services.

SEC. 56. The board shall make and enforce such local police and sanitary regulations relative to the construction, maintenance, operation and use of all public services and public utilities in the district, operated in connection with or for the promotion or accommodation of commerce, navigation, fisheries, and recreation therein as are now vested in the district.

SEC. 57. The board may acquire, erect, maintain or operate within the district, all improvements, utilities, appliances or facilities which are necessary or convenient for the promotion and accommodation of commerce, navigation, fisheries, and recreation, or their use in connection therewith upon the lands

and waters under the control and management of the board, and it may acquire, maintain and operate facilities of all kinds within the district.

SEC. 58. In case of emergency the board may suspend, modify or amend any rule or regulation of the board, or it may place in effect any emergency rule or regulations, for periods not exceeding thirty (30) days, and every such ordinance shall so provide.

SEC. 59. Any person who violates the provisions of any ordinance, or any local police or sanitary regulation, of the board shall be guilty of a misdemeanor. The prosecution shall be conducted by the City Attorney of San Diego if the infraction occurred within the corporate limits of the City of San Diego on lands or waters subject to the jurisdiction of the district. The prosecution shall be conducted by the District Attorney of San Diego County if the infraction occurred without the corporate limits of the City of San Diego but otherwise on lands or waters subject to the jurisdiction of the district. The complaint shall be filed in the judicial district within which the infraction occurred.

SEC. 60. In the absence of the adoption of any police, fire and sanitary regulations by the district, the police, fire and sanitary regulations of any municipal corporation whose boundaries are adjacent to or contiguous to the territorial limits of the district shall be applicable.

SEC. 62. The enacting clause of all ordinances passed by the board shall be in substantially the following form:

"The Board of Port Commissioners of San Diego Unified Port District do ordain as follows:"

All ordinances and resolutions shall be signed by the chairman of the board and attested by the clerk.

SEC. 63. All ordinances and resolutions shall be entered in the minutes. All ordinances passed by the board shall be published, with the names of the members voting for and against them at least once in some daily newspaper of general circulation printed and published in the County of San Diego.

SEC. 64. An ordinance passed by the board shall not go into effect until the expiration of 30 days from its publication.

This section does not apply to any ordinance ordering or otherwise relating to:

(a) An election.

(b) The adoption of the annual budget.

(c) The bringing or conducting of suits or actions.

(d) The condemnation of private property for public use.

(e) The immediate preservation of the public peace, health or safety, which ordinance shall contain a specific statement showing its urgency and be passed by a two-thirds vote of the board.

All ordinances of the classes excepted, take effect upon their publication. A grant or franchise, lease, right or privilege shall never be construed to be an urgency measure.

All grants or franchises, leases, rights or privileges shall be made by ordinance.

Irrevocable permits shall not be granted or issued to any person.

SEC. 65. The district created in accordance with the provisions of this act is a public corporation created for the purposes set forth herein.

SEC. 66. The district may contribute money to the federal or the state government or to the county in which it is located or to any city within the district, for the purpose of defraying the whole or a portion of the cost and expenses of work and improvement to be performed, either within or without the territorial limits of the district, by the federal, state, county or city government, in improving rivers, streams, or in doing other work, when such work will improve navigation and commerce, in or to the navigable waters in the district.

SEC. 67. The district shall take over and assume the bonded indebtedness incurred for development of tide and submerged lands of the county or any city specified in this act which shall have heretofore issued bonds or created any bonded indebtedness for harbor development or improvement in the Bay of San Diego and to issue any bonds for the retirement of any such outstanding bonded indebtedness. For the purpose of retiring bonds assumed by the district, the revenues, if any, from the facility or facilities constructed through the use of the bond proceeds shall be used to retire such bonds. Proceeds raised through taxation may also be used to retire such bonds.

The district shall also take over and assume other indebtedness, including indebtedness arising out of contractual obligations, of the county or any city specified in this act which indebtedness shall have been incurred for development of tide and submerged lands.

SEC. 68. The State hereby consents to the county or any city which has elected to join the district established under the provisions of this act to grant its right, title and interest in and to the tidelands, submerged lands, whether filled or unfilled, swamp, overflowed, and salt marshlands in the Bay of San Diego, which are owned by the county or any city, including any such lands which have been granted in trust to the county or city by the State, to the district in trust for the uses and purposes and upon the conditions specified in this act. The county or such city may also transfer, relinquish and surrender to the district its power to manage, conduct and operate the harbor in or adjacent to which such portion of such lands are situated. The district shall, upon its establishment in accordance with the provisions of this act, become the successor of the county or such city whose tide and submerged lands shall have been included therein with respect to the management, conduct and operation of the harbor and with respect to the use, possession and title to such portions of such lands, and

they shall continue to be held and used by the district pursuant to this act.

SEC. 69. If the district is dissolved by operation of law, or otherwise, any such lands so granted thereto pursuant to this act, together with any and all improvements thereon, and the management, conduct and operation of such harbor, reverts to and is revested in the county or city so granting the same to the district. The lands reverting to the cities or the county pursuant to this section shall be held by the respective cities or the county in trust subject to the conditions, terms, and purposes of this act.

SEC. 70. Whenever the district is established under the provisions of this act it is the successor of the county and each of the cities included therein as to all powers theretofore vested in the county or each such city or exercisable by its officers, which are by the provisions of this act granted to the district or are exercisable by its officers. Such powers are relinquished by the county and the cities and surrendered to the district. The title to, and possession and control of, any works, structures, appliances, improvements and equipment of the kinds designated in this act, owned or held by or in trust for the county and each of the cities, or by any officer or board thereof, in trust or otherwise, for any purpose for which the district is authorized to acquire and use property pursuant to this act, are upon the establishment of the district, transferred to and vested in the district and are thereafter owned, operated and controlled by the district pursuant to this act.

SEC. 71. Upon the establishment of the district, all persons then occupying the several offices of or under the government, of the county and each of the cities included therein, except as otherwise provided, whose several powers and duties are within the powers of the district or within the powers or duties of the several officers thereof, shall immediately quit and surrender the occupancy or possession of such offices which shall thereupon cease and determine, except as to any persons who have powers and perform duties for the county and the cities other than those mentioned, whose offices shall not cease and determine as to such other powers and duties but shall continue with respect thereto the same as if the district had not been established.

Notwithstanding the provisions contained in this section, all employees of the county and any city performing duties in connection with the Port of San Diego or the respective harbor departments, shall be blanketed in as employees of the district; and the district is empowered to contract with the State Employees' Retirement System and may provide retirement and disability benefits for employees under the State Employees' Retirement System pursuant to its rules and regulations. The district may, by contract, continue such employees of the district so blanketed in as members of the retirement system of which they were members while they were employees of the respective cities.

SEC. 72. The officers of the district shall be:

(a) An auditor.

(b) A port director.

(c) An attorney.

(d) A clerk.

(e) A treasurer.

(f) A chief engineer.

The auditor, port director, and attorney shall be appointed by the board. All other officers shall be appointed by the port director and confirmed by the board.

SEC. 73. The salaries of the officers shall be fixed by the board by ordinance. The auditor and attorney shall hold office at the pleasure of the board. All other officers shall be appointed from a classified civil service. All officers shall give such bond as is prescribed by the board; the premium on all bonds on officers and employees shall be paid by the district. All other officers or employees shall be appointed by the port director from a classified civil service. The board shall establish a classified civil service for all offices and phases of employment other than the offices specified herein.

SEC. 75. The board may adopt civil service rules and regulations in accordance with the following provisions:

(a) The civil service rules and regulations shall provide:

(1) For the qualifications and examination of all applicants for employment and for the employment of persons on probation

(2) For the registration of persons, other than unskilled laborers, in the classified civil service, in accordance with their general average standing upon examination.

(3) For promotions on the basis of ascertained merit and seniority in service and examination, and for competitive examinations for promotions.

(4) For the reassignment of persons injured in the service of the district who were at the time of injury actually engaged in the discharge of the duties of their positions.

(5) For leaves of absence.

(6) For the transfer from one position to a similar position of the same class.

(7) For the reinstatement to the list of eligibles on recommendation of the port director, of persons who have become separated from the service or have been reduced in rank, other than persons who have been removed for cause.

(8) For the keeping of service records of all employees in the civil service, and for their use as one of the bases for promotions or layoffs through stoppage or lack of work.

(9) For the procedure for the removal, discharge or suspension of employees; for the investigation by the board of the grounds thereof, and for the reinstatement or restoration to duty of persons found to have been removed, discharged or suspended for insufficient grounds or for reasons which are not sustained by investigation.

(10) Generally for any other purpose which may be necessary or appropriate to carry out the objects and purposes of the civil service system and the rules herein specifically authorized.

(b) Upon the request of the port director, the following persons may be exempted by the board, by ordinance, from the civil service:

(1) Persons employed to render professional, scientific, technical or expert service of a temporary or exceptional character.

(2) The first and second deputies or assistants of any officer of the district or of the chief engineer in the service of the district.

(3) Persons employed on the construction of district works, improvements, buildings or structures.

(4) Persons receiving a salary not exceeding fifty dollars ($50) a month.

Any exemption so made may be terminated at any time by resolution of the board.

(c) All officers and employees who, at the time of the establishment of the district, would be included in the classified civil service of the district, if a classified civil service is established, and who have been continuously in the service of the harbor department of a municipal corporation included in the district for a period of six months prior to the district's establishment, are deemed to have the necessary qualifications required by the provisions of this act and they retain the same respective or equivalent positions as nearly as practicable under the district which they formerly held in such municipal corporation.

(d) All officers and employees who, at the time of the establishment of the district, would be included in the classified civil service, if a classified civil service is established, but who have been in the service of the harbor department of any such municipal corporation for a period of less than six months, are deemed to be in the service of the district under probation, and are subject to the same regulations as other applicants for appointment to the civil service of the district serving under probation in accordance with rules and regulations established by the board.

SEC. 76. Nothing herein contained shall prevent the board from contracting with the County of San Diego to utilize the services of its civil service commission office or department to effectuate the purposes hereof.

SEC. 77. The salaries or wages of all officers and employees of the district shall be paid either monthly, semimonthly or weekly as the board by ordinance may determine.

SEC. 78. Such persons shall severally forthwith deliver and turn over to the proper officers of the district, all property of the county and each city in their hands or under their control

including any and all works, structures, appliances, improvements and equipment of the character, kinds or classes enumerated or designated in this act and pertaining to harbor improvements or affairs.

SEC. 79. The provisions of this act shall apply to any municipal corporation which is governed under a freeholders' charter even if such provisions are inconsistent with the charter or its amendments, it being hereby declared that such provisions are a matter of statewide concern and are to prevail over any inconsistent provisions in any such charter. If the district is dissolved by operation of law or otherwise, any such works, structures, appliances, improvements and equipment are vested in such municipal corporation, together with any other works, structures, appliances, improvements and equipment acquired or constructed by the district in that portion of the district within the limits of each such municipal corporation respectively.

SEC. 80. All money received or collected from or arising out of the use or operation of any harbor or port improvement, work, appliance, facility or utility, or vessel, owned, controlled or operated by the district; all tolls, charges and rentals collected by the board, and all compensations or fees required to be paid for franchises or licenses, or otherwise by law or ordinance or order, to the district for the operation of any public service utility upon lands or waters under the control and management of the board, shall be deposited in the treasury of the district to the credit of a fund to be known as the San Diego Unified Port District Revenue Fund. The money in or belonging to the fund shall not be appropriated or used for any purpose except those enumerated in this act.

SEC. 81. The fund may be used for the necessary expenses of conducting the district, including the operation and maintenance of all harbor or port improvements, works, utilities, appliances, facilities and vessels owned, controlled or operated by the district for the promotion and accommodation of commerce, navigation, fisheries, and recreation, or used in connection therewith, and for the purposes set forth in any grants in trust.

SEC. 82. The money in the fund may also be used for advertising the commercial and other advantages and facilities of any harbor in the district, and for encouraging and promoting commerce, navigation and transportation in and through such harbor.

SEC. 83. The money in the fund may also be used for the acquisition, construction, completion and maintenance of harbor and port improvements, works, utilities, appliances, facilities, and vessels, for the promotion and accommodation of commerce, navigation and fisheries, and recreation, or uses in connection therewith; and for extraordinary improvements and betterments to lands and property under the control,

supervision and management of the district, including the purchase or condemnation of necessary lands and other property and property rights.

SEC. 84. The money in the fund may also be used for the payment of the principal, or interest, or both, of district bonds authorized, issued and sold pursuant to this act.

SEC. 85. The money in the fund may also be used for the payment of the principal or interest, or both, of the bonds of the county or any city in the district, for harbor improvements, authorized or outstanding prior to the establishment of the district, or thereafter issued and sold by such county or city for harbor improvements pursuant to this act.

SEC. 86. The port director may make application in writing to the board for a transfer of amounts from one appropriated item to another in the budget allowance. On the approval of the board by a two-thirds vote, the auditor shall make such transfer; but a transfer shall not be made except as herein provided, and in any event a transfer shall not be made from one bond improvement fund to another.

SEC. 87. (a) The tide and submerged lands conveyed to the district by any city included in the district shall be held by the district and its successors in trust and may be used for purposes in which there is a general statewide purpose, as follows:

(1) For the establishment, improvement and conduct of a harbor, and for the construction, reconstruction, repair, maintenance, and operation of wharves, docks, piers, slips, quays, and all other works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient, for the promotion and accommodation of commerce and navigation.

(2) For all commercial and industrial uses and purposes, and the construction, reconstruction, repair and maintenance of commercial and industrial buildings, plants and facilities.

(3) For the establishment, improvement and conduct of airport and heliport or aviation facilities, including but not limited to approach, takeoff and clear zones in connection with airport runways, and for the construction, reconstruction, repair, maintenance and operation of terminal buildings, runways, roadways, aprons, taxiways, parking areas, and all other works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of air commerce and air navigation.

(4) For the construction, reconstruction, repair and maintenance of highways, streets, roadways, bridges, belt line railroads, parking facilities, power, telephone, telegraph or cable lines or landings, water and gas pipelines, and all other transportation and utility facilities or betterments incidental, necessary or convenient for the promotion and accommodation of any of the uses set forth in this section.

(5) For the construction, reconstruction, repair, maintenance and operation of public buildings, public assembly and

meeting places, convention centers, parks, playgrounds, bathhouses and bathing facilities, recreation and fishing piers, public recreation facilities, including but not limited to public golf courses, and for all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any such uses.

(6) For the establishment, improvement and conduct of small boat harbors, marinas, aquatic playgrounds and similar recreational facilities, and for the construction, reconstruction, repair, maintenance and operation of all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any of such uses, including but not limited to snack bars, cafes, restaurants, motels, launching ramps and hoists, storage sheds, boat repair facilities with cranes and marine ways, administration buildings, public restrooms, bait and tackle shops, chandleries, boat sales establishments, service stations and fuel docks, yacht club buildings, parking areas, roadways, pedestrian ways and landscaped areas.

(b) The district or its successors shall not, at any time, grant, convey, give or alienate said lands, or any part thereof, to any individual, firm or corporation for any purposes whatever; provided, that said district, or its successors, may grant franchises thereon for limited periods, not exceeding 66 years, for wharves and other public uses and purposes, and may lease said lands, or any part thereof, for limited periods, not exceeding 66 years, for purposes consistent with the trusts upon which said lands are held by the State of California, and with the requirements of commerce and navigation, and collect and retain rents and other revenues from such leases, franchises and privileges. Such lease or leases, franchises and privileges may be for any and all purposes which shall not interfere with commerce and navigation.

(c) Said lands shall be improved without expense to the State; provided, however, that nothing contained in this section shall preclude expenditures for the development of said lands for any public purpose not inconsistent with commerce, navigation and fishery, by the State, or any board, agency or commission thereof, when authorized or approved by the district, nor by the district of any funds received for such purpose from the State or any board, agency or commission thereof.

(d) In the management, conduct, operation and control of said lands or any improvements, betterments, or structures thereon, the district or its successors shall make no discrimination in rates, tolls or charges for any use or service in connection therewith.

(e) The State of California shall have the right to use without charge any transportation, landing or storage improvements, betterments or structures constructed upon said lands for any vessel or other watercraft, aircraft, or railroad owned or operated by the State of California.

(f) There is hereby reserved to the people of the State of California the right to fish in the waters on said lands with the right of convenient access to said water over said lands for said purpose.

(g) There is hereby excepted and reserved in the State of California all deposits of minerals, including oil and gas, in said lands, and to the State of California, or persons authorized by the State of California, the right to prospect for, mine, and remove such deposits from said lands.

(h) Said lands shall be held subject to the express reservation and condition that the State may at any time in the future use said lands or any portion for highway purposes without compensation to the district, its successors or assigns, or any person, firm or public or private corporation claiming under it, except that in the event improvements, betterments or structures have been placed upon the property taken by the State for said purposes, compensation shall be made to the person entitled thereto for the value of his interest in the improvements, betterments or structures taken or the damages to such interest.

(i) The State Lands Commission shall, at the cost of the district, survey and monument said lands and record a description and plat thereof in the office of the County Recorder of San Diego County.

(j) As to any tide and submerged lands conveyed to the district by a city which are subject to a condition contained in a grant of said lands to the city by the State that said lands shall be substantially improved within a designated period or else they shall revert to the State, such condition shall remain in effect as to said lands and shall be applicable to the district.

As to any tide and submerged lands conveyed to the district by a city which are not subject to such a condition contained in a grant by the State and which have not heretofore been substantially improved, said lands, within 10 years from the effective date of this act, shall be substantially improved by the district without expense to the State. If the State Lands Commission determines that the district has failed to improve said lands as herein required, all right, title and interest of the district in and to said lands shall cease and said lands shall revert and rest in the State

accordance with other applicable provisions of law.

SEC. 722. Section 87 of the San Diego Unified Port District Act (Chapter 67 of the Statutes of 1962, First Extraordinary Session), as amended by Section 18 of Chapter 399 of the Statutes of 1996, is amended to read:

Sec. 87. (a) The tide and submerged lands conveyed to the district by any city included in the district shall be held by the district and its successors in trust and may be used for purposes in which there is a general statewide purpose, as follows:

(1) For the establishment, improvement, and conduct of a harbor, and for the construction, reconstruction, repair, maintenance, and operation of wharves, docks, piers, slips, quays, and all other works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient, for the promotion and accommodation of commerce and navigation.

(2) For all commercial and industrial uses and purposes, and the construction, reconstruction, repair, and maintenance of commercial and industrial buildings, plants, and facilities.

(3) For the establishment, improvement, and conduct of airport and heliport or aviation facilities, including, but not limited to, approach, takeoff, and clear zones in connection with airport runways, and for the construction, reconstruction, repair, maintenance, and operation of terminal buildings, runways, roadways, aprons, taxiways, parking areas, and all other works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient for the promotion and accommodation of air commerce and air navigation.

(4) For the construction, reconstruction, repair, and maintenance of highways, streets, roadways, bridges, belt line railroads, parking facilities, power, telephone, telegraph or cable lines or landings, water and gas pipelines, and all other transportation and utility facilities or betterments incidental, necessary, or convenient for the promotion and accommodation of any of the uses set forth in this section.

(5) For the construction, reconstruction, repair, maintenance, and operation of public buildings, public assembly and meeting places, convention centers, parks, playgrounds, bathhouses and bathing facilities, recreation and fishing piers, public recreation facilities, including, but not limited to, public golf courses, and for all works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient for the promotion and accommodation of any of those uses.

(6) For the establishment, improvement, and conduct of small boat harbors, marinas, aquatic playgrounds, and similar recreational facilities, and for the construction, reconstruction, repair, maintenance, and operation of all works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient for the promotion and accommodation of any of those uses, including, but not limited to, snack bars, cafes, restaurants, motels, launching ramps, and hoists, storage sheds, boat repair facilities with cranes and marine ways, administration buildings, public restrooms, bait and tackle shops, chandleries, boat sales establishments, service stations and fuel docks, yacht club buildings, parking areas, roadways, pedestrian ways, and landscaped areas.

(7) For the establishment and maintenance of those lands for open space, ecological preservation, and habitat restoration.

(b) The district or its successors shall not, at any time, grant, convey, give, or alienate those lands, or any part thereof, to any individual, firm, or corporation for any purposes whatever. However, the district, or its successors, may grant franchises thereon for limited periods, not exceeding 66 years, for wharves and other public uses and purposes, and may lease those lands, or any part thereof, for limited periods, not

exceeding 66 years, for purposes consistent with the trusts upon which those lands are held by the State of California, and with the requirements of commerce and navigation, and collect and retain rents and other revenues from those leases, franchises, and privileges. Those lease or leases, franchises, and privileges may be for any and all purposes that do not interfere with commerce and navigation.

(c) Those lands shall be improved without expense to the state. However, nothing in this section shall preclude expenditures for the development of those lands for any public purpose not inconsistent with commerce, navigation, and fishery, by the state, or any board, agency, or commission thereof, when authorized or approved by the district, or preclude expenditures by the district of any funds received for that purpose from the state or any board, agency, or commission thereof.

(d) In the management, conduct, operation, and control of those lands or any improvements, betterments, or structures thereon, the district or its successors shall make no discrimination in rates, tolls, or charges for any use or service in connection therewith.

(e) The State of California shall have the right to use without charge any transportation, landing or storage improvements, betterments, or structures constructed upon those lands for any vessel or other watercraft, aircraft, or railroad owned or operated by the State of California.

(f) There is hereby reserved to the people of the State of California the right to fish in the waters on those lands with the right of convenient access to that water over those lands for that purpose.

(g) There is hereby excepted and reserved in the State of California all deposits of minerals, including oil and gas, in those lands, and to the State of California, or persons authorized by the State of California, the right to prospect for, mine, and remove deposits from those lands.

(h) Those lands shall be held subject to the express reservation and condition that the state may at any time in the future use those lands or any portion for highway purposes without compensation to the district, its successors or assigns, or any person, firm, or public or private corporation claiming under it, except that in the event improvements, betterments, or structures have been placed upon the property taken by the state for those purposes, compensation shall be made to the district, its successors, or assigns, or any person, firm, or public or private corporation entitled thereto for the value of his or her or its interest in the improvements, betterments, or structures taken or the damages to that interest.

(i) The State Lands Commission, at the cost of the district, shall survey and monument those lands and record a description and plat thereof in the office of the County Recorder of San Diego County.

(j) As to any tide and submerged lands conveyed to the district by a city that are subject to a condition contained in a grant of those lands to the city by the state that those lands shall be substantially improved within a designated period or else they shall revert to the state, that condition shall remain in effect as to those lands and shall be applicable to the district.

As to any tide and submerged lands conveyed to the district by a city that are not subject to this condition contained in a grant by the state and that have not heretofore been substantially improved, those lands, within 10 years from July 12, 1962, shall be substantially improved by the district without expense to the state. If the State Lands Commission determines that the district has failed to improve the lands as herein required, all right, title, and interest of the district in and to those lands shall cease and the lands shall revert and rest in the state.

EXHIBIT A

PUBLIC TRUST POLICY

For

The California State Lands Commission

The Legislature has given the California State Lands Commission authority over California's sovereign lands – lands under navigable waters. These are lands to which California received title upon its admission to the Union and that are held by virtue of its sovereignty. These lands are also known as public trust lands. The Commission administers public trust lands pursuant to statute and the Public Trust Doctrine – the common law principles that govern use of these lands.

Public Trust Doctrine

The Public Trust Doctrine is set forth in common law. Several of its guiding principles are that:

I. Lands under the ocean and under navigable streams are owned by the public and held in trust for the people by government. These are referred to as public trust lands, and include filled lands formerly under water. Public trust lands cannot be bought and sold like other state-owned lands. Only in rare cases may the public trust be terminated, and only where consistent with the purposes and needs of the trust.

II. Uses of trust lands, whether granted to a local agency or administered by the State directly, are generally limited to those that are water dependent or related, and include commerce, fisheries, and navigation, environmental preservation and recreation. Public trust uses include, among others, ports, marinas, docks and wharves, buoys, hunting, commercial and sport fishing, bathing, swimming, and boating. Public trust lands may also be kept in their natural state for habitat, wildlife refuges, scientific study, or open space. Ancillary or incidental uses, that is, uses that directly promote trust uses, are directly supportive and necessary for trust uses, or that accommodate the public's enjoyment of trust lands, are also permitted. Examples include facilities to serve visitors, such as hotels and restaurants, shops, parking lots, and restrooms. Other examples are commercial facilities that must be located on or directly adjacent to the water, such as warehouses, container cargo storage, and facilities for the

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development and production of oil and gas. Uses that are generally not permitted on public trust lands are those that are not trust use related, do not serve a public purpose, and can be located on non-waterfront property, such as residential and non-maritime related commercial and office uses. While trust lands cannot generally be alienated from public ownership, uses of trust lands can be carried out by public or private entities by lease from this Commission or a local agency grantee. In some cases, such as some industrial leases, the public may be excluded from public trust lands in order to accomplish a proper trust use.

III. Because public trust lands are held in trust for all citizens of California, they must be used to serve statewide, as opposed to purely local, public purposes.

Commission Authority

The Legislature has granted general authority to the Commission to manage trust lands. Unless otherwise expressly stated in the State Constitution or statutes, the public trust doctrine mandates the criteria for Commission management of trust lands. In carrying out its management responsibilities, the Commission commonly leases trust lands to private and public entities for uses consistent with the doctrine. Subject to the criteria in statutes and case law, the Commission may also exchange public trust lands for non-trust lands, lift the trust from public trust lands, enter into boundary line agreements, and otherwise generally manage trust lands. While most of the authority over public trust lands possessed by the Legislature is vested in the Commission, the Legislature, as the people's elected representatives, has not delegated the authority to modify uses permitted on public trust lands by the Public Trust Doctrine. There are times when the Legislature, exercising its retained powers, enacts laws dealing with public trust lands and uses for specified properties. This may include, in limited circumstances, allowing some non-trust uses when not in conflict with trust needs, in order to serve broader public trust purposes.

Implementation by the Commission of the Public Trust Doctrine.

The Commission implements the Public Trust Doctrine through careful consideration of its principles and the exercise of discretion within the specific context of proposed uses. Factors such as location, existing and planned surrounding facilities, and public needs may militate in

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favor of a particular use in one area and against the same use in another. The Commission applies the doctrine's tenets to proposed projects with consideration given to the context of the project and the needs of a healthy California society, to meet the needs of the public, business and the environment. The Commission may also choose among competing valid trust uses. The Commission must also comply with the requirements of other applicable law, such as the California Environmental Quality Act. In administering its trust responsibilities, the Commission exercises its discretionary authority in a reasoned manner, accommodating the changing needs of the public while preserving the public's right to use public trust lands for the purposes to which they are uniquely suited.

Relationship of the Commission to Granted Lands

The Legislature has granted certain public trust lands to local governments for management. A grantee must manage trust lands consistent with its own granting statutes and the Public Trust Doctrine. The Legislature has retained for the state, by delegating to the Commission, the power to approve land exchanges, boundary line agreements, etc.

The State Lands Commission exercises oversight over all granted lands. Generally, this means the Commission carries out this responsibility by working cooperatively with grantees to assure that requirements of the legislative grants and the Public Trust Doctrine are carried out and to achieve trust uses. The Commission monitors and audits the activities of the grantees to insure that they are complying with the terms of their statutory grants and with the public trust. With a few exceptions, grantees are not required to secure approval from the Commission before embarking on development projects on their trust lands nor before expending revenues generated from activities on these lands. However, where an abuse of the Public Trust Doctrine or violation of a legislative grant occurs, the Commission can advise the grantee of the abuse or violation; if necessary, report to the Legislature, which may revoke or modify the grant; or file a lawsuit against the grantee to halt the project or expenditure.

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STATE OF CALIFORNIA EDMUND G. BROWN JR., *Governor*

CALIFORNIA STATE LANDS COMMISSION

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February 7, 2014

File Ref.: G 01-05.9

Pamela Kershaw
Director, Commercial Real Estate
Port of Oakland
530 Water Street
Oakland, CA 94607

Subject: 98 Broadway (Pavilion I) Project, Jack London Square, Oakland, California

Dear Ms. Kershaw,

This letter is in response to the Port of Oakland's ("Port") request, dated October 31, 2013, for a trust consistency determination of the restaurant and entertainment project proposed to be located at the existing building and plaza at 98 Broadway in Jack London Square (also known as the "Pavilion 1" building). Specifically, this letter will set forth the State Lands Commission ("Commission") staff's position that, based upon the information submitted to the Commission by the Port and the Port's master lessee for Jack London Square, Jack London Square Ventures LLC ("JLSV"), the above-referenced project, in its entirety and on balance is consistent with the common law Public Trust Doctrine for water-related commerce, navigation, and fishery (hereafter the "Public Trust") and with the terms and conditions of the legislative grant(s) to the Port. This conclusion is premised on certain conditions being incorporated into the project, as explained in more detail below.

Pavilion I consists of an approximately 67,000 square foot parcel of land with an approximately 34,000 square foot building that was constructed in 1986 and which sits on top of a parking garage in Jack London Square. The Port initially constructed the building for use as a food court, but it was never used for that purpose. After an extended vacancy period, the Port leased the Pavilion I building in 1992 to Barnes & Noble for a bookstore. (JLSV assumed the lease under a new ground lease upon its acquisition of the Pavilion I building in 2002.) Barnes & Noble occupied the building for fifteen years and then notified JLSV that it was not feasible for it to maintain its tenancy beyond 2008. JLSV worked with Barnes & Noble for several years following, including modifying its lease to eliminate rent, in an effort to avoid a large and very visible vacancy at this central location in Jack London Square. Barnes & Noble, however, closed the store in early 2010, after having paid no rent for two years.

It is Commission staff's understanding that for the past five years JLSV has actively pursued new long-term tenants and uses for the building, including using two different brokerage houses and independent consultants to search for a maritime-related tenant. Unfortunately, these efforts were not successful and the building remains vacant. This is primarily due to the constraints imposed by the site. For example, in seeking a restaurant operator, JLSV learned that potential tenants viewed the space as too massive for solely restaurant use. In addition, JLSV has determined that the projected rent for maritime-related or visitor serving retail would be insufficient to support the cost of renovation and build-out required for those uses.

After five years of pursuing a tenant to occupy the Pavilion 1 building and conducting significant market research to determine what types of uses would be successful and economically viable at the site, JLSV ultimately concluded that a combined restaurant/entertainment venue would be successful in drawing local, regional and statewide visitors to this site and connecting the public with the water. Accordingly, JLSV entered into negotiations with a potential tenant for a combined restaurant/entertainment attraction that is intended to energize this long-vacant building and the entire Jack London Square with a visitor-serving waterfront restaurant and entertainment venue.

Project Description

The proposed project is primarily a restaurant/bar with various entertainment elements, including bocce ball, arcade games and bowling lanes, designed to attract visitors from the region and statewide. JLSV's marketing analyses estimate the project will bring an additional 365,000 visitors to Jack London Square on an annual basis.

According to JLSV, specific plan elements include the following:

- The primary purpose of the Pavilion 1 building will be for restaurant/bar use, serving visitors to Jack London Square. Over 50% of the total project area is devoted solely to restaurant/bar use. This includes an outdoor beer garden and patio, designed to take full advantage of Pavilion 1's waterfront location and views.
- Approximately 22% of the building will be occupied by 16 bowling lanes and an additional 13% of the interior will include arcade games, including boardwalk-style games.
- A portion of the site will include an interactive and interpretive patio that will include historical information about the founding of Oakland on the edge of the waterfront, the history of Jack London Square and the importance of the working waterfront to Oakland's history. This will also provide visitors with a fun and interactive way of learning more about the Port of Oakland.

- The outdoor area will include a beer garden, sitting areas, fire pits, and a multi-use court area for bocce ball and other outdoor games designed to further the enjoyment of the waterfront area. Use of these outdoor multi-use courts will be limited to restaurant and beer garden patrons, and designed to enhance the outdoor dining experience by creating a fun entertainment option for patrons to enjoy.
- The building is designed to emphasize the outdoors and the relationship of the building to its prime waterfront site. The building layout creates a light, open, airy experience and connects the interior uses with the adjacent large, open plaza and the waterfront.

Public Trust

The State of California ("State") acquired tide and submerged lands and beds of navigable waterways as sovereign lands under the equal footing doctrine upon its admission to the Union in 1850. The State holds these lands in trust for the benefit of all of the people of California. This trust is called the Public Trust Doctrine ("Public Trust"). Under this doctrine, the sovereign does not hold tide and submerged lands and beds of navigable waterways as the proprietor of these lands who may sell them or make whatever use of them it desires. Rather, the sovereign holds these lands as the trustee of a Public Trust for the people to be used only for specified purposes, as described below.

Several critical restrictions are imposed on the State as trustee of Public Trust lands. The sovereign may not sell or otherwise dispose of Public Trust lands except in very limited situations and then only when that sale or other disposition serves the needs of the trust. The Public Trust lands include all lands that were tide and submerged lands and beds of navigable waters at the time of California's admission to the Union, even if these lands have since been filled. These lands are held for the benefit of all the people of the State and, therefore, must be used for statewide as opposed to purely local public purposes. And what is most pertinent to this discussion, Public Trust lands must be used for Public Trust purposes, which are generally maritime-related, including, commerce, navigation, fishing, as well as water-oriented recreation, visitor-serving uses and environmental protection.

Public Trust uses, however, are not static, but evolve over time as public needs change. Initially, Public Trust uses were limited to commerce, navigation and fishing, but in recent decades have been expanded by judicial decisions to include water-oriented recreation, retention as open space and habitat protection for wildlife and plant preservation and for scientific study and visitor-serving amenities. Obvious Public Trust uses include ports, wharves, docks, marinas, buoys, commercial and sport fishing, boating, swimming, open space and wildlife refuges. Less obvious, but nonetheless appropriate, Public Trust uses include commercial and industrial facilities that by their very nature require locations on the water or directly adjacent to the water. These

include warehouses, power plants, oil and gas production facilities and pipelines. Other Public Trust uses are those that are ancillary or incidental to the use and enjoyment of Public Trust lands. They support Public Trust uses or provide accommodation for these uses and include hotels, restaurants, visitor-serving establishments and parking facilities. More difficult issues arise when trying to decide whether commercial and retail establishments primarily serve visitors to the waterfront or local residents or whether recreational venues have a sufficient connection to water to enhance the public's use and enjoyment of the water.

Jack London District Legislative Grants

The State originally granted to the City of Oakland ("City"), through a series of legislative acts, all of the state's tide and submerged lands in the City to hold and manage as trustee for the Public Trust on behalf of the people of the State. The City in turn delegated to the Port the exclusive control and jurisdiction over the granted tide and submerged lands in the City within a defined Port area, as trustee for the Public Trust. This delegation of authority included waterfront lands in the Jack London District of the Oakland waterfront. The Port subsequently acquired other, non-waterfront lands adjacent to and upland of the granted tidelands in the Jack London District, using revenue generated by the Port's operation and management of the Oakland harbor (hereafter "Public Trust funds"). Both the Public Trust and the terms and conditions of the legislative grants of tide and submerged lands to the City limit the use of granted Public Trust lands and lands acquired using Public Trust funds to those uses that are consistent with, and in furtherance of, the Public Trust.

Specifically, by Chapter 107 of the Statutes of 1852, the Legislature established the Town of Oakland (later the City). By Chapter 174 of the Statutes of 1923, Chapter 45 of the Statutes of 1937, Chapter 343 of the Statutes of 1937, Chapter 720 of the Statutes of 1941, and Chapter 218 of the Statutes of 1945, the Legislature granted to the City tide and submerged lands along the Oakland waterfront, including tide and submerged lands within the Jack London Square District.[1]

The Jack London District legislative grants provide that: "Said lands shall be used by the City, only for the establishment, improvement, and conduct of a harbor, and for the construction, maintenance and operation thereon of wharves, docks, piers, slips, quays and other utilities, structures and appliances necessary or convenient for the promotion and accommodation of commerce and navigation . . . ."

The Jack London District legislative grants also allow the City to grant franchises in the granted lands for specified periods "for wharves and ***other public uses and purposes***," and to lease the granted lands for specified periods "for purposes consistent

[1] All of these statutory trust grants are hereafter referred to collectively as the "Jack London District legislative grants."

with the trusts upon which said lands are held by the State of California, and with the requirements of commerce or navigation at said harbor." (Stats. 1911, Chap. 654; Stats. 1923, Chap. 174; Stats. 1937, Chap. 45; Stats. 1937, Chap. 343; Stats. 1941, Chap. 720; and Stats. 1945, Chap. 218, emphasis added.) In 1981, the Legislature authorized the City to grant franchises and leases on all of its granted lands for terms not to exceed 66 years, subject to all other terms and conditions of its legislative grants. (Stats. 1981, Chap. 1016).

Analysis and Determination

Jack London Square is a mixed-use waterfront site located on Public Trust lands that incorporates a wide variety of visitor-serving and water oriented retail, dining, and waterfront services. Jack London Square also includes a marina, office space, a boutique hotel, and the Port's headquarters. In addition, JLSV has been successful in developing and promoting various events at Jack London Square that draw hundreds of thousands of people to the waterfront on a regional and statewide basis by combining special events in a unique waterfront setting. While JLSV has experienced significant success at reactivating Jack London Square, the larger blocks of retail space have proven to be difficult to fill on a permanent basis. The Pavilion I site is a central location within Jack London Square that has been vacant for many years, and which has been significantly underutilized to the detriment of the Public Trust. The building was not built to accommodate maritime uses; it was originally intended to be used as a food court. Unfortunately, as discussed above, it was never utilized as such, and the building site has either been occupied by a bookstore or has not been occupied at all.

As described above, both the Public Trust and the Jack London District legislative grants require uses that are visitor-serving and provide a statewide public use or purpose. The proposed use of the Pavilion 1 building is primarily as a restaurant/bar amenity with ancillary elements that include 16 bowling lanes, a boardwalk-style arcade area, and outdoor bocce ball courts. The project proponents describe the necessity of having the ancillary entertainment elements of bowling, bocce ball, and arcade games as creating a critical mass to establish a waterfront amenity that will re-energize Jack London Square, and facilitate the public's enjoyment of its waterfront, and thereby also make the primary restaurant and beer garden uses successful on a long-term basis.

In prior analyses of trust consistency, Commission staff has given great weight to whether a proposed use enhances or facilitates the general public's enjoyment of Public Trust lands. Likewise, Commission staff has carefully analyzed the proposed uses of the Pavilion 1 site in the context of the specific location and the public's trust needs. Although each individual component of the project can be considered as part of a project, each with varying degrees of Public Trust consistency, the primary use or purpose of a project must be in furtherance of the Public Trust. For example, a mixed-use development may be considered incompatible with the Public Trust not because it contains some non-trust elements, but because it promotes a "commercial enterprise

unaffected by a public use" rather than promoting, fostering, accommodating or enhancing a Public Trust use. On the other hand, a project whose primary purpose is consistent with the Public Trust can still be considered consistent with the Public Trust despite some ancillary or incidental components that, standing alone, would otherwise be inconsistent with the Public Trust. At the same time, ancillary or incidental project components that are *consistent* with the Public Trust will not make a trust-inconsistent primary use permissible.

Commission staff's position with regard to the proposed Pavilion 1 project is that the proposed restaurant is the primary project purpose and use, which will increase opportunities for public access to the waterfront and facilitate the public's enjoyment of Public Trust lands and is thus consistent with the Public Trust. Another important element in addressing the consistency of a particular project with the Public Trust is the extent to which it provides benefits to the regional and statewide public, as opposed to providing merely local benefits. The proposed project, as conditioned, appears to provide such regional and statewide benefits and will not primarily serve the local citizenry.

When addressing what constitutes an appropriate use of Public Trust lands, the Commission and its staff have previously determined that a "Bowling Center" proposed for the San Francisco waterfront was not a use consistent with the Public Trust because the bowling facility was the primary element of the project and it was designed as a purely indoor activity that took place in a windowless building with no connection to the water. However, with regard to the Pavilion 1 project, the bowling component is truly an ancillary element of the overall project, only comprising a relatively small percentage of the overall project (approximately 22% of the building and approximately 16% of the entire project site). As discussed above, the primary purpose of the project is a dining venue embracing the waterfront location and open air areas of the location which in and of themselves are consistent with the Public Trust. Moreover, the bowling and entertainment aspects of the project will help to draw additional visitors to the primary restaurant and bar uses and encourage them to remain longer and enjoy not only the project amenities but also the entire Jack London Square waterfront. It is anticipated that this project will draw additional visitors who otherwise would not come to enjoy the waterfront at Jack London Square.

Additionally, through the design of the building and overall layout and location of the proposed amenities, the proposed project goes a long way towards ensuring that the primary use of the building and site as a restaurant and bar, with the ancillary entertainment elements of bowling, boardwalk-style arcade games, and bocce ball courts, provide broad public use and enjoyment of this site, Jack London Square and the area's waterfront views in ways that have not been realized in the past. For example, JLSV will fully integrate the entertainment components of the project to take advantage of the large windows that line the waterward side of Pavilion I, including designing the site to ensure the bowling lanes are adjacent to the windows so that

bowlers have a direct connection with the waterfront and the Jack London Square atmosphere. Additionally, the bocce ball courts will be placed in the middle of the outdoor beer garden bar so that users can enjoy some recreational entertainment while also experiencing views of the waterfront. Finally, specific areas of the exterior will be designated as waterfront interpretive areas, educating the general public about the Oakland waterfront. These uses as finally designed and configured will enhance the public's use and enjoyment of waterfront by its proximity to the water.

In conclusion, based on the foregoing, specifically the extended vacancy of the Pavilion 1 building, the lack of demand for maritime-related uses, and the mix and proportion of uses at the site when considered in the context of the larger Jack London Square area and subject to the following conditions, Commission staff concludes that the primary purpose of the proposed project as a restaurant/bar is consistent with the Public Trust and the Jack London District legislative grants and the ancillary elements of the project are not inconsistent with the Public Trust and the Jack London District legislative grants. The required conditions are as follows:

1. All of the outdoor areas that are part of the premises and plaza shall be open to the public for 100% of normal operating hours each day, except on occasions where such outdoor areas are rented for a private event. Such private events shall be for no longer than 6 hours in any given day and shall occur no more often than 100 days in any calendar year, unless State Lands Commission staff has previously approved an increase in either the number of hours or number of days allowed for such private event use.

2. The interpretive program shall be expanded beyond Area 1 to include additional interpretive areas near the proposed fire pits, which are the areas closest to the water as depicted on the attached exhibit.

3. Any party rooms incorporated into the project will be open to residents statewide and local residents and community groups shall not be given any preference to reserve such rooms for private use. There also shall be no discounts favoring local groups or uses.

4. No formal, competitive league play will be conducted on the premises at any time. For purposes of these trust consistency conditions, a formal, competitive league is one organized solely for the purposes of competitive bowling play between member teams over a fixed season. Informal, "fun" or "social" league play is permitted; however, during any day on which such permissible "fun" or "social" league play is occurring, at least 8 lanes will be available on a "walk-in," non-reserved basis for at least 6 of the normal operating hours of that day, and at all other times during normal operating hours of that day, at least 2 lanes will be available on a "walk-in," non-reserved basis.

5. When managing, conducting, operating or controlling the operation at 98 Broadway, the lessee, sublessee(s), and any of their successors in interest or assigns shall not discriminate in rates, tolls, or charges for any goods, uses or services provided at the premises and shall not discriminate against or unlawfully segregate any person or group of persons because of gender, gender identify, sexual orientation, race, color, creed, national origin, ancestry, or physical disability for any use or service in connection with those actions.

6. The portion of the project area dedicated to bowling lanes shall not exceed 22.5% of the combined interior space and upper level patios, and shall not exceed 16.5% of the total project area.

7. Prior to the date that is 34 years after commencement of use of the premises as a mixed restaurant and entertainment facility and prior to approving a new long-term sublease for re-use of the premises as a mixed restaurant and entertainment facility at any time after that 34-year period, the Port shall re-assess the feasibility of using the site for maritime or other uses directly connected with or serving the Public Trust for water-oriented commerce, navigation or fisheries.

For the foregoing reasons, and subject to the above conditions, the proposed restaurant/bar/entertainment venue at Pavilion 1 in its entirety and on balance is consistent with the Jack London District legislative grants and the Public Trust.

Sincerely,

JENNIFER LUCCHESI
Executive Officer

cc: Joshua Safran, Deputy Port Attorney
Tara Mueller, Deputy Attorney General

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D. Plummer
B. Stevenson

CONSIDER APPROVAL OF DETERMINATIONS PURSUANT TO PUBLIC RESOURCES CODE SECTION 6702 (b) REGARDING A GROUND LEASE AND LEASE DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE CITY AND COUNTY OF SAN FRANCISCO, THROUGH ITS PORT COMMISSION, AND THE CHINA BASIN BALLPARK COMPANY LLC

BACKGROUND:

The San Francisco Port Commission (Port) has requested the California State Lands Commission to find that the lease for a new San Francisco Giants ballpark is consistent with the public trust, and to make the determinations described in Public Resources Code Section 6702 (b). The lease property, shown in Exhibits A and B (attached to this calendar item and incorporated by reference), is comprised of filled tide and submerged lands and other lands which, following their purchase by the Port, will become subject to the Burton Act. The Burton Act is the legislation through which the Port administers tide and submerged lands granted to the City and County of San Francisco by the State (Chapter 1333, Statutes of 1968, as amended). The parties to the Lease Disposition and Development Agreement (the "Lease DDA") and the Ground Lease are the Port and the developer of the ballpark, the China Basin Ballpark Company LLC ("CBBC"). The CBBC supports the request made by the Port to the State Lands Commission. Further discussion of the Port's request is included below under the heading "Section 24 of the Burton Act."

The Port has submitted all significant transactional documents to the Commission to support its request. Among them are the Lease DDA and the Ground Lease, applicable land use plans, resolutions of San Francisco's Board of Supervisors and Port Commission, an appraisal of the site in support of the lease rent, and an economic analysis of the project prepared by San Francisco's Budget Analyst to the Board of Supervisors. The Port has included excerpts from these and other documents in the grantee's report to the State Lands Commission, as mandated by the Commission's regulations (Title 2, California Code of Regulations, Sections 2800-2803). The grantee's report is attached to this calendar item as Exhibit C, and is incorporated by reference as a part of it.

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Public Resources Code Section 6702 sets forth three determinations which the Commission must address: First, whether the proposed lease or contract is in accord with the statute by which the Legislature granted the tide and submerged lands (here, the Burton Act); second, whether the proceeds of the lease will be deposited into a fund for statewide proposes permitted by the granting statute; and third, whether the lease or contract is in the best interests of the State.

By regulation (Title 2, California Code of Regulations, Section 2802), the Commission has set forth several criteria which it considers in determining whether a lease is in the best interests of the State: first, that the project is consistent with current policies and practices of the Commission; second, that the project is economically viable, necessary, and desirable; third, that it is appropriate for developmental mix; fourth, that the project is conducive to public access; fifth, that it is consistent with environmental preservation; and, last, that the project is otherwise in the best interests of the State. The staff has examined the proposed ballpark Ground Lease, Lease DDA, grantee's report, and supporting documentation as these items bear upon the criteria in statute and in regulation.

Project Description and Lease Terms

The lease is of a 12.5 acre parcel of land facing the China Basin channel, approximately one-half mile south of the Bay Bridge. The lease site is shown from two vantage points in Exhibits A-1 and A-2. Exhibit B shows how the lease site fits into the larger waterfront. The property is comprised of 3 tracts: (1) Pier 46B, now the location of the Port's maintenance facility and some private tenants; (2) Parts of Berry and Second Streets; and (3) a 3.5 acre parcel of land owned by Caltrans and now leased to private tenants month-to-month.

The site as it exists is closed to public access along China Basin, and is not inviting to general public use. The Port Commission has jurisdiction and control over all of the site, except the Caltrans parcel. The Port is authorized by statute (Chapter 11, Statutes of 1984) to purchase the Caltrans property at fair market value. The Port and Caltrans have negotiated a term sheet for the acquisition of the site at the price of $3.6 million. Once the property is acquired, the former Caltrans property will become subject to the Burton Act, as the remainder of the property is now.

The Ground Lease authorizes several uses of the property for a term of up to 66 years, the maximum term permitted by the Burton Act:

- It authorizes an open-air, waterfront ballpark of 42,000 seats for approximately 81 regular season baseball games and also for concerts or special events,

subject to measures which deal with noise, light, and traffic concerns. It authorizes commercial and entertainment uses within the ballpark, such as food service and retail sales.

- The Ground Lease calls for the construction of developed open spaces, plazas, and a PortWalk along China Basin which will link with other public access along the Bay. These areas will be open to both patrons and to the general public year round. A large public plaza will be constructed on the waterfront just outside the centerfield wall, and will be a part of the PortWalk. Upstairs from it, a smaller area known as Centerfield Terrace will be open to the general public, except at game times and during special events, and at night (according to hours agreed to by the Port).

- The Ground Lease permits the development of a Pavilion Building of up to 136,000 square feet along Third Street, which may be used for offices for the Giants, broadcasting and media facilities for games, a communications center for rent by the community (limited to 10,000 square feet), and a Pacific Bell children's learning center.

- The lease permits the CBBC to develop ancillary uses within the ballpark and its concourses, such as specialty retail stores and kiosks. It also allows the development of specialty retail and entertainment uses in the Pavilion Building, with square footage limitations. Retail sales from carts and other moveable facilities will be permitted in the public plazas and on the PortWalk.

The Port will lease the assembled site to the CBBC for $1.2 million per year, subject to rent escalators based upon cost of living adjustments throughout the lease term. Lease extension beyond December 31, 2022, will require lease rent to be re-set to fair market value, subject to a specified floor and ceiling. The CBBC will be responsible for all costs of site development, and will solely bear any construction cost overruns in the development of the project. The staff of the State Lands Commission has reviewed the appraisal upon which the base rent was established, including the comparable sales to which it refers. The appraisal of the site supports the indicated amount as base fair market rent. The rent escalator clauses in the lease are commercially reasonable. Lease revenues will be deposited into the Port's trust account maintained by the City and County of San Francisco.

Compliance with Burton Act and Integration With Surrounding Development
The ballpark project will be an important visitor-serving facility integrated into and encouraging public trust activities along this section of the San Francisco shoreline. The ballpark, together with its public spaces and access, visitor-serving specialty shops, and ancillary facilities, complements the overall use of the waterfront from the Ferry Building to China Basin, and is compatible with the public trust and the Burton Act.

The construction of the ballpark is a part of an economic and land use transition in the area of the waterfront immediately south of the Bay Bridge. Over time, the use of this area has evolved from maritime industrial towards public recreation and assembly, as well as commercial recreation and water-oriented retail. The Waterfront Plan developed by the Port recognizes that industrial maritime operations are now concentrated in the southern waterfront, while "people-oriented" uses comprise a growing portion of trust uses on the waterfront north of China Basin.

The PortWalk along China Basin Channel will connect with and extend the Embarcadero Promenade (Herb Caen Way). Pedestrians walking along the PortWalk will be able to directly view the playing field on game days from the pedestrian arcade along the right field wall by looking through a series of archways. Public plazas will adjoin the major pedestrian entrances at Third and King Streets, Lefty O'Doul Bridge, and behind center field, and will be open to general public use on non-game days.

The site at Pier 46B is ideally situated for visitors using public transit and enjoying the waterfront as they approach the ballpark. Public transit visitors to the ballpark will be able to exit Bay Area Rapid Transit's Embarcadero Station, and either take the above-ground Muni train along the renovated Embarcadero Roadway, or walk the shoreline Herb Caen Way. Both the Embarcadero and the PortWalk have been designed to carry large numbers of pedestrians and transit patrons on a north-south axis along the waterfront. The Ballpark will be the destination for thousands of visitors traveling in the hours before a game. The walk will be past existing and planned shops and restaurants and piers open to the public. Fans walking from the south will cross China Basin on the historic Lefty O'Doul Bridge.

The ballpark has been designed to maximize views of the Bay, South Beach Marina, the City skyline, and the Bay Bridge. The outfield wall and the scoreboard are low to preserve sightlines to the water for all fans. The identity of the ballpark will be tied to its location on water.

The Port and the Giants are engaged in a joint project to bring direct ferry service to the ballpark by opening day in the year 2000. The Giants have retained Moffatt & Nichol Engineers to prepare a concept plan for the service. The Port Commission has reviewed the plan, which calls for two ferry berths at Pier 46B with direct access to the ballpark via the PortWalk. The Commission has directed staff to issue a Request for Proposal for an operator of the ferry service. The ferry docks at the ballpark will also serve as a landing area for water taxies, which may transport patrons to and from other waterfront attractions such as Fisherman's Wharf.

According to the grantee's report, the Port also contemplates that this facility may be the impetus for ferry service in the southern part of the City with its growing residential, commercial, research, and university communities of South Beach and Mission Bay. The Port now manages or leases eight ferry or excursion boat docking facilities along the San Francisco waterfront, carrying an estimated six million passengers per year. The Port believes that ferry service at the ballpark will be an integral addition to this service.

Section 24 of the Burton Act

The San Francisco Port Commission, as the administrator of lands granted in trust to the City and County of San Francisco through the Burton Act, is authorized to enter leases which conform with the Burton Act. Section 24 of the Burton Act (added by Chapter 1400, Statutes of 1969) provides that the rights and obligations of lessees under leases lawfully entered by the Port will remain in effect should the State amend, modify, or revoke the Burton Act by an act of the Legislature.

As to leases which are lawfully entered, Section 24 of the Burton Act provides San Francisco lessees within the Port Commission's jurisdiction essentially identical protections offered lessees statewide through Sections 6701-6706 of the Public Resources Code. Section 24 is limited to San Francisco Port jurisdiction, and is self-executing in that it requires simply that a lease be lawfully entered for its lease protection terms to take effect. No State Lands Commission action is necessary for lawfully entered leases. By contrast, Sections 6701-6706 apply to other grantee public agencies in the State where there is no grant provision such as Section 24, and require an application to the State Lands Commission and approval.

The ballpark project involves issues of special complexity, and presents title and financing issues unique to this transaction. As an accommodation to this lessee, its title company and lenders, the Port has chosen to request the State Lands Commission to make appropriate findings pursuant to Public Resources Code sections 6701-6706

regarding the Ground Lease and, insofar as it confers the right to the use and occupation of, or the right to conduct operations upon or within the leased lands, the Lease DDA. The Port has also requested the Commission to find that these documents may be lawfully entered. The action by the State is not intended to imply or to state a limit on the terms of Section 24 of the Burton Act to insulate lawful Port leases from subsequent changes to the Burton Act by the Legislature. The Port has the option to decide whether a particular future lease will be brought before this Commission for approval under Sections 6701-6706, or to rely solely on the terms of Section 24, which require the State to honor the rights and obligations of leases which the Port has entered lawfully.

OTHER PERTINENT INFORMATION:

1. The City and County of San Francisco Planning Department prepared an environmental review document for the ballpark. The EIR was certified by the Planning Department and the San Francisco Redevelopment Agency on June 26, 1997. The California State Lands Commission staff has reviewed the EIR and Mitigation Monitoring Program adopted by the lead agency and by the Port. The Mitigation Monitoring Program is in Exhibit E, attached to this calendar item and incorporated by reference as a part of it.

2. Findings made in conformance with the State CEQA Guidelines (Title 14, California Code of Regulations, section 15091 and 15096) are contained in Exhibit D, attached to this calendar item and incorporated by reference as a part of it. The findings were adopted by the Port at its meeting of July 16, 1997.

3. A Statement of Overriding Considerations made in conformance with the State CEQA Guidelines (Title 14, California Code of Regulations, section 15093) is contained in Exhibit D. The Statement of Overriding Considerations were adopted by the Port at its meeting of July 16, 1997.

EXHIBITS:

A-1. Site Map
A-2. Site Map
B. Location Map
C. Grantee's Report
D. CEQA Findings and Statement of Overriding Considerations
E. Mitigation Monitoring Program

PERMIT STREAMLINING ACT DEADLINE:

N/A

RECOMMENDED ACTION:
IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE FINAL EIR WAS PREPARED AND CERTIFIED FOR THIS PROJECT BY THE CITY AND COUNTY OF SAN FRANCISCO PLANNING COMMISSION AND THE SAN FRANCISCO REDEVELOPMENT AGENCY COMMISSION AS ADEQUATE, ACCURATE, AND OBJECTIVE, AND THAT THE STATE LANDS COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

2. ADOPT THE FINDINGS MADE IN CONFORMANCE WITH TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTIONS 15091 AND 15096 (h), AS CONTAINED IN EXHIBIT D ATTACHED TO THIS CALENDAR ITEM, SUBSTITUTING THE STATE LANDS COMMISSION IN THE PLACE OF THE PORT AS THE AGENCY ADOPTING THE FINDINGS, EXCEPT WHERE THE PORT HAS AFFIRMATIVE DUTIES FOR WHICH IT IS RESPONSIBLE.

3. ADOPT THE MITIGATION MONITORING PROGRAM, AS CONTAINED IN EXHIBIT E, ATTACHED TO THIS CALENDAR ITEM, SUBSTITUTING THE STATE LANDS COMMISSION IN THE PLACE OF THE PORT AS THE AGENCY ADOPTING THE FINDINGS, EXCEPT WHERE THE PORT HAS AFFIRMATIVE DUTIES FOR WHICH IT IS RESPONSIBLE.

4. ADOPT THE STATEMENT OF OVERRIDING CONSIDERATIONS MADE IN CONFORMANCE WITH TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15093, AS CONTAINED IN EXHIBIT D, ATTACHED TO THIS CALENDAR ITEM, SUBSTITUTING THE STATE LANDS COMMISSION IN THE PLACE OF THE PORT AS THE AGENCY ADOPTING THE FINDINGS, EXCEPT WHERE THE PORT HAS AFFIRMATIVE DUTIES FOR WHICH IT IS RESPONSIBLE.

5. FIND THAT THE SAN FRANCISCO PORT COMMISSION, AS THE ADMINISTRATOR OF LANDS GRANTED IN TRUST TO THE CITY AND COUNTY OF SAN FRANCISCO THROUGH THE BURTON ACT (CHAPTER 1333, STATUTES OF 1968, AS AMENDED), IS AUTHORIZED TO ENTER LEASES WHICH CONFORM WITH THE TERMS OF THE BURTON ACT.

6. FIND THAT THE SAN FRANCISCO PORT COMMISSION HAS REQUESTED THE STATE LANDS COMMISSION TO FIND THAT THE GROUND LEASE AND THE LEASE DDA BETWEEN THE CITY AND COUNTY OF SAN FRANCISCO THROUGH ITS PORT COMMISSION AND THE CHINA BASIN BALLPARK COMPANY LLC MEET THE REQUIREMENTS OF PUBLIC RESOURCES CODE SECTION 6702, AND ARE CONSISTENT WITH THE PUBLIC TRUST.

7. FIND THAT THE SAN FRANCISCO PORT COMMISSION HAS FILED WITH THE STATE LANDS COMMISSION A FULL AND COMPLETE APPLICATION AND GRANTEE'S REPORT FOR THE REQUESTED PUBLIC RESOURCES CODE SECTION 6702 APPROVAL.

8. DETERMINE, PURSUANT TO PUBLIC RESOURCES CODE SECTION 6702 (b) (1), THAT THE GROUND LEASE AND THE LEASE DDA (INSOFAR AS IT CONFERS THE RIGHT TO THE USE AND OCCUPATION OF, OR THE RIGHT TO CONDUCT OPERATIONS UPON OR WITHIN THE LEASED LANDS) BETWEEN THE CITY AND COUNTY OF SAN FRANCISCO AND THE CHINA BASIN BALLPARK COMPANY LLC ARE IN ACCORDANCE WITH THE PUBLIC TRUST AND THE BURTON ACT, THE GRANT UNDER WHICH TITLE TO THE TIDE AND SUBMERGED LANDS IS HELD.

9. DETERMINE, PURSUANT TO PUBLIC RESOURCES CODE SECTION 6702 (b) (2),THAT ALL PROCEEDS OF THE GROUND LEASE AND THE LEASE DDA SHALL BE DEPOSITED INTO AN APPROPRIATE FUND EXPENDABLE ONLY FOR STATEWIDE PURPOSES AUTHORIZED BY THE BURTON ACT.

10. DETERMINE THAT THE GROUND LEASE AND THE LEASE DDA ARE IN THE BEST INTERESTS OF THE STATE PURSUANT TO SECTION 6702 (b) (3) OF THE PUBLIC RESOURCES CODE AND TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2802.

11. FIND THAT THE GROUND LEASE AND THE LEASE DDA MAY BE LAWFULLY ENTERED BY THE CITY AND COUNTY OF SAN FRANCISCO THROUGH ITS PORT COMMISSION WITHIN THE MEANING OF SECTION 24 OF THE BURTON ACT.

12. THE FINDINGS IN PARAGRAPHS EIGHT THROUGH ELEVEN APPLY TO THE GROUND LEASE AND LEASE DDA IN A FORM SUBSTANTIALLY SIMILAR TO THE GROUND LEASE AND LEASE DDA NOW ON FILE IN THE SACRAMENTO OFFICES OF THE STATE LANDS COMMISSION.

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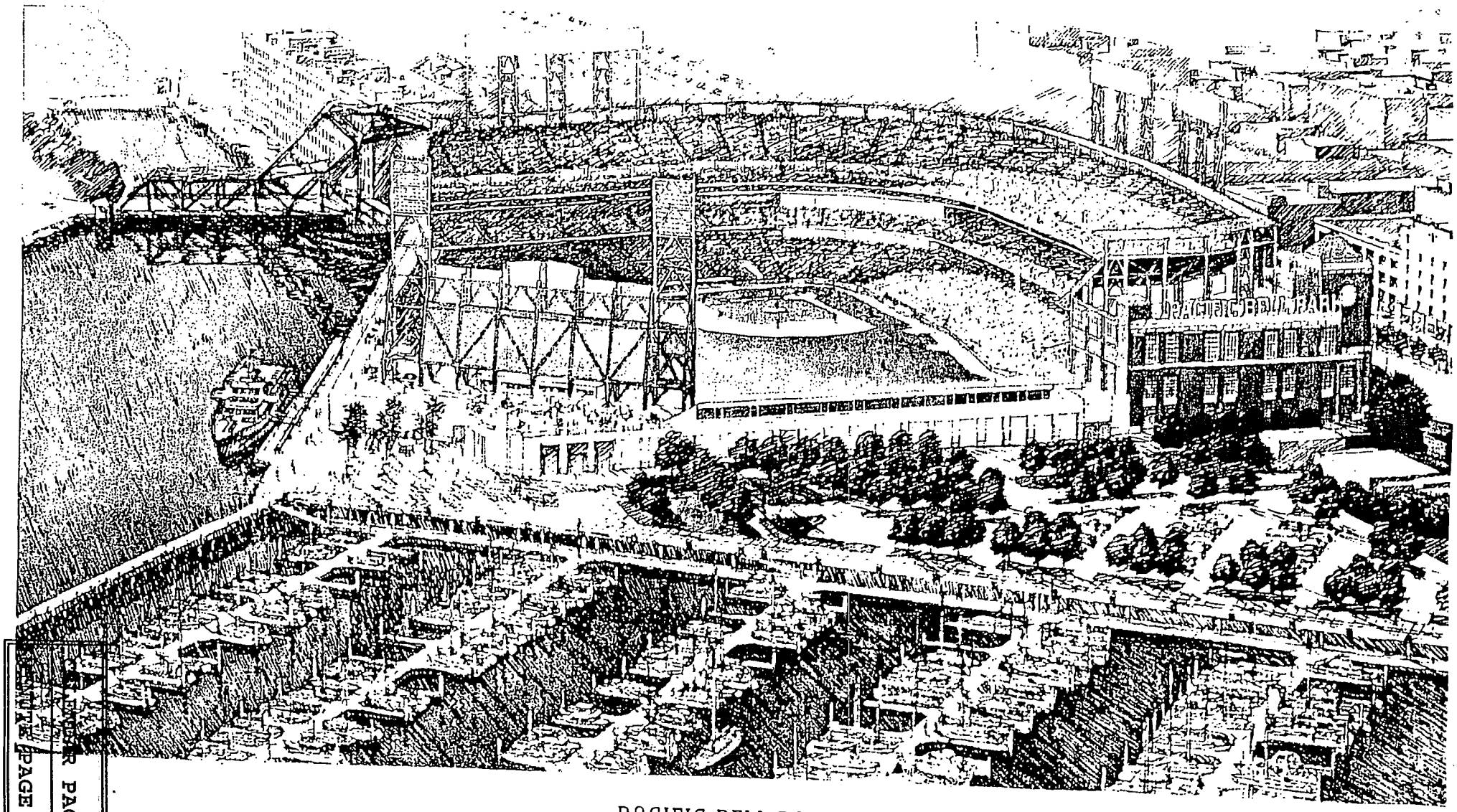

PACIFIC BELL PARK
AERIAL VIEW FROM SOUTH BEACH MARINA
JUNE 1997

Exhibit A-1

SPORT

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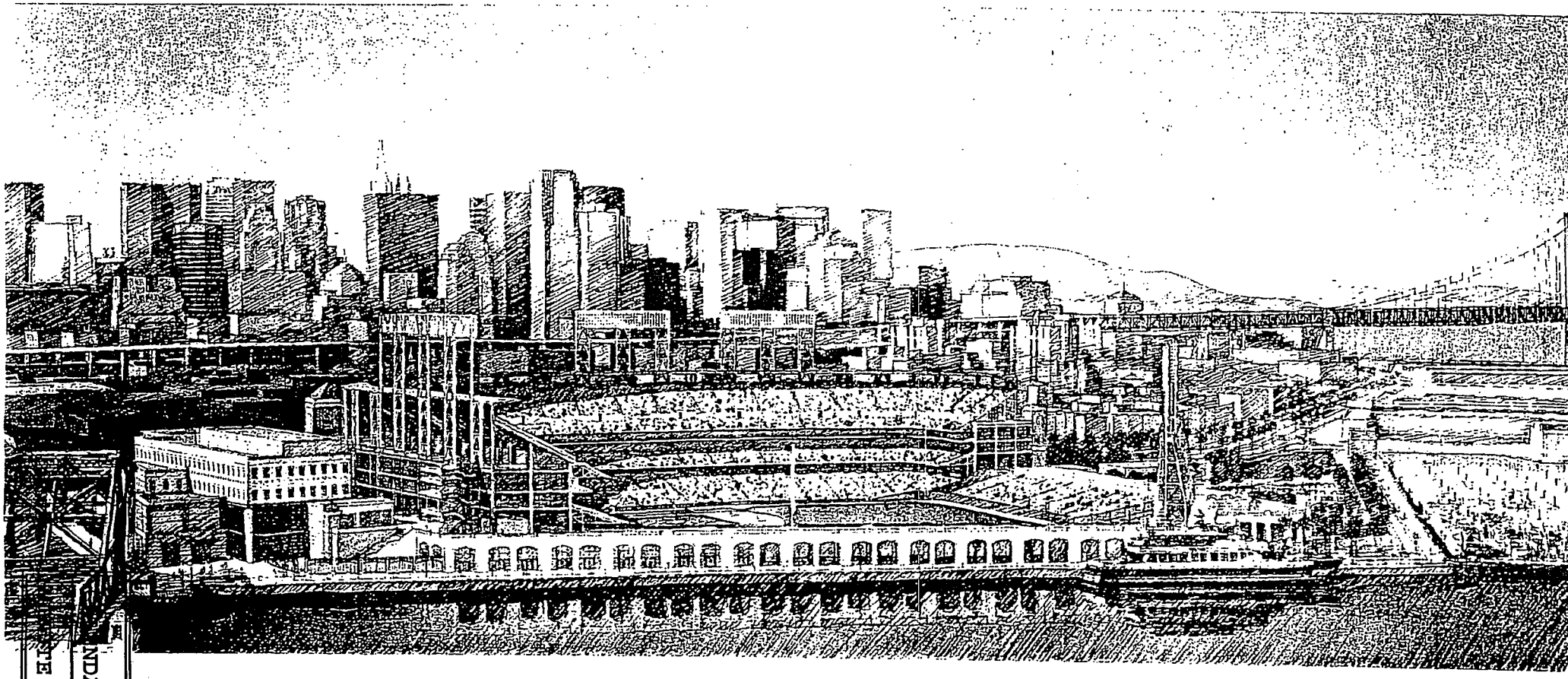


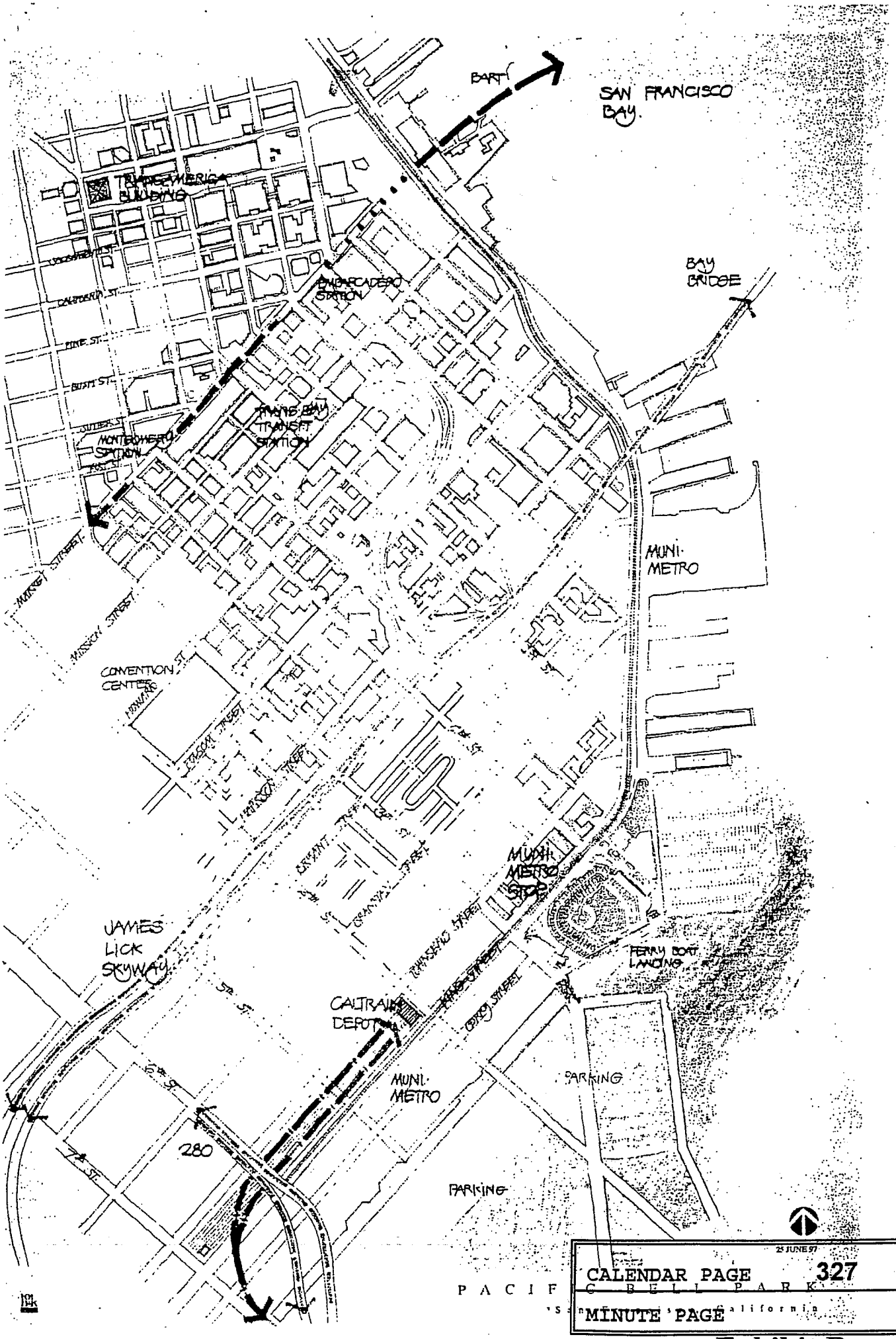
PACIFIC BELL PARK
AERIAL VIEW FROM ACROSS CHINA BASIN
JUNE 1997

Exhibit A-2

SPORT

PACIFIC BELL PARK

326



25 JUNE 97

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Exhibit B

Exhibit C

PORT OF SAN FRANCISCO

Ferry Building
San Francisco, CA 94111
Telephone 415 274 0400
Telex 275940 PSF UR
Fax 415 274 0528
Cable SFPORTCOMM
Writer

August 18, 1997

Robert C. Hight
Executive Officer
State Lands Commission
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202

Re: The New Ballpark for the San Francisco Giants at Pier 46B
(Pacific Bell Park)

Dear Mr. Hight:

By this letter, the San Francisco Port Commission respectfully requests the State Lands Commission to affirm certain Port Commission approvals and findings concerning the Project as described below. This letter constitutes an application and Grantee's Report pursuant to California Code of Regulations, Title 2, Article 9, Section 2800, et seq.

The San Francisco Port Commission has reviewed and approved a ground lease ("Ground Lease" or "Lease") and a Lease Disposition and Development Agreement ("DDA") between the City and County of San Francisco through the San Francisco Port Commission ("Port") and the China Basin Ballpark Company LLC ("CBBC") as well as related transaction documents. In conjunction with those approvals, the Port Commission found that the Ground Lease, DDA, and other transaction documents are in accordance with the public trust for commerce, navigation and fisheries (the "Tidelands Trust"), including, without limitation, the statutory trust imposed by the Burton Act, Chapter 1333 of the Statutes of 1968, as amended ("Burton Act Trust"), and the terms of the Burton Act, and may be lawfully entered into. (The Tidelands Trust and Burton Act Trust are collectively referred to here as the "Public Trust".)

As you know, pursuant to Section 24 of the Burton Act, transaction documents legally entered are statutorily protected from impairment which may occur due to a subsequent amendment, modification, or termination of the Burton Act grant by the State. Thus, subsequent action by the State Lands Commission to grant similar protection under Public Resources Code Section 6702(b) would not be required.

However, as an accommodation to CBBC and its lenders, the Port respectfully requests that the State Lands Commission find that the Project is consistent with the Public Trust and the Burton Act and make the determinations set forth in Public Resources Code Section 6702(b) and its implementing regulations concerning the Ground Lease and DDA.

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We have provided the Commission staff final versions of the transaction documents as approved (in all cases by unanimous vote) by the Port, Board of Supervisors, or other City agencies, an appraisal, and applicable plans, resolutions and policies of relevance to the Public Trust and the Public Resources Code Section 6702(b) findings. Those submittals are listed in Attachment 1 to this letter. For the convenience of the Commission, excerpts from some of those documents are also submitted in attachments to this letter. The Port resolution finding consistency with the Public Trust is included here as Attachment 2.

The Project and Transaction

The Ballpark, Associated Plazas and Public Access

Under the transaction as approved by the Port, the Port will lease to CBBC an approximately 12.5 acre site bounded generally by King Street, Second Street, the China Basin Channel and Third Street, shown on Attachment 5 (the "Site"). CBBC for the development of the Ballpark and related facilities. The improvements consist of the following (the "Project"):

- An open-air, waterfront ballpark with up to 42,000 seats (the "Ballpark"). The San Francisco Giants will play approximately 81 regular season games per year at the Ballpark. In addition, concerts or other special events are permitted subject to conditions designed to address noise, light, and traffic concerns of the neighboring residential community. Under the lease, CBBC may also develop associated commercial and entertainment uses in the Ballpark such as food service and related retail.

- Open spaces and plazas for patrons or the general public, described more particularly below in the discussion of Ballpark design. These include a PortWalk running the entire span of the Ballpark along the water, an arcade for viewing games from the PortWalk, public plazas at the entrances, a large plaza on the waterfront outside the center field wall of the Ballpark, and a second story Main Concourse including a Centerfield Terrace and access thereto. The plazas are open to the public year around, the arcade is open to the public during games, and the Centerfield Terrace is open to the public except at night, during games and other special events, and certain special circumstances specified in the ground lease with the Port.

- A Pavilion Building of up to 136,000 square feet which may contain offices for the Giants, game-related broadcasting and media facilities, a communications center consisting of meeting and teleconferencing facilities available for rental use by the

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community of up to 10,000 square feet, and a Pacific Bell children's learning center. In addition, the Pavilion Building may include restaurant and special retail uses subject to size limitations. These uses are each ancillary to the Ballpark use and enhance public use of the Ballpark and adjacent trust assets.

The Project is depicted in the renderings supplied as Attachment 3 to this letter. The uses are defined in the Ground Lease, supplied under separate cover. Relevant excerpts regarding use provisions are included as Attachment 4. The combined floor area of the Ballpark, including the Pavilion Building, is about one million square feet.

Environmental Impact Report Re Project

With respect to environmental review, the City and County of San Francisco Planning Department prepared an environmental review document for the Ballpark entitled "SAN FRANCISCO GIANTS BALLPARK AT CHINA BASIN Environmental Impact Report" ("EIR"). The EIR was certified by the Planning Department and the San Francisco Redevelopment Agency on June 26, 1997. The EIR is a voluminous document which includes a comprehensive analysis of all potential significant environmental impacts of the Ballpark on the environment. It also identifies a variety of mitigation measures which have been adopted by local agencies as part of the Ballpark approval process. (A summary of the EIR is attached as Attachment 10.)

The EIR includes a thorough analysis of potential impacts of the Ballpark on the Bay, both during the construction and operation phases of the project. It identifies specific measures to address turbidity, Pacific herring spawning, suspended sediments, debris control, prevention of toxic spills and zinc particulate contamination, litter control, capture of storm water, and erosion and sedimentation control. These measures have all been imposed as part of the local Ballpark approvals and the FEIR concludes that the Project will have no significant, adverse water quality impacts.

The Project will have certain unavoidable, significant environmental impacts on transportation and on air quality (as a result of increased vehicular emissions). In accordance with the California Environmental Quality Act, however, the Port has found that the many economic, social and other benefits of the Project outweigh these significant environmental effects.

The Ballpark and the Public Trust

In adopting the DDA, Ground Lease and related documents, the Port Commission has found that the Ballpark is a use consistent with the Public Trust and the Burton Act. Five elements underlay this finding:

- *Use:* The Project, including the Ballpark, its public spaces, public access, related specialty retail and ancillary facilities, and Pavilion building constitutes Bay-oriented public assembly, a trust compatible use in this location.

- *Context:* The Ballpark comprises a key element of the Port's new Waterfront Land Use Plan ("Waterfront Plan"). This Plan incorporates the Ballpark, and recognizes that the Ballpark will increase public use of other trust resources on the waterfront, and will serve as a catalyst to preservation, renovation and development of those resources.

- *Location:* The Ballpark's location at Pier 46B encourages public use of trust resources to travel to and from games--ferries by water and the Embarcadero Roadway by rail and foot.

- *Design:* The Ballpark's water-oriented design creates major new public access and view opportunities for both the general public year around and for patrons during games.

***Use*: The Ballpark is Bay Oriented Commercial Recreation and Public Assembly.**

The Project, including the Ballpark, its public spaces, public access, related specialty retail and ancillary facilities, and its Pavilion building, constitutes a trust compatible use in this location. The Ballpark constitutes Bay Oriented Commercial Recreation and Bay Oriented Public Assembly, both uses encouraged by the San Francisco Waterfront Special Area Plan as adopted by the San Francisco Bay Conservation and Development Commission ("BCDC") pursuant to the McAteer Petris Act, itself an exercise of the Tidelands Trust. The Special Area Plan defines Bay-Oriented Commercial Recreation and Bay-Oriented Public Assembly as "Facilities specifically designed to attract large numbers of people to enjoy the Bay and its shoreline, such as restaurants, specialty shops and hotels." The location, design, and context of the Ballpark all serve to enhance public use of the San Francisco Bay and the San Francisco waterfront. Other uses permitted under the lease are ancillary (such as team offices, game broadcast facilities, food stands and other in-Ballpark retail), enhance public use of the Ballpark, and promote use of the other trust resources adjacent to the Bay in the immediate vicinity (the specialty retail, small meeting facilities available to the public, and the Pac Bell Children's Learning Center).

The construction of the Ballpark is part of an economic and land-use transition in this waterfront subarea which is consistent with an evolving use of the trust resources of the piers north of China Basin from maritime industrial towards public recreation and

assembly, as well as commercial recreation and water-oriented retail. The Port's newly adopted Waterfront Plan, also an exercise of the Burton Act Trust, states:

> The Port currently oversees a broad range of commercial, maritime and public activities on this public trust property. The piers north of China Basin were originally built in the early 1900's to support break-bulk cargo shipping, shipbuilding and commercial fishing. Over time, the introduction of container shipping and other changes in the cargo shipping industry, and the reduction in U.S. shipbuilding and repair operations led to a dramatic decline in industrial maritime activities north of China Basin. (Design and Access Element of the Waterfront Plan, submitted under separate cover, at page 2.)

The Waterfront Plan recognizes that today these industrial maritime operations are concentrated in the southern waterfront, while "people-oriented" uses comprise a growing portion of trust uses on the waterfront north of China Basin.

***Context*: The Ballpark as a Catalyst for Increasing the Number of Visitors to the Waterfront**

The San Francisco waterfront needs more exposure. The recent removal of the Embarcadero freeway and the creation of the new Embarcadero Roadway have transformed the waterfront, but many citizens of the Bay Area have yet to visit and experience the change. Once they come, the new waterfront sells itself, and they come again as repeat visitors. This is why the Port has invested effort in special events which enhance public exposure; the waterfront experience is of sufficient charm and charisma, that we are seeing exponential growth in attendance at waterfront activities. From the Port's perspective, the Ballpark will be home to 81 or more of the largest possible such special events, exposing more than three million visitors a year to the waterfront experience.

While many of these fans already know the waterfront, a substantial number currently do not. The Giants estimate that over eighty percent of its current attendees are visitors from other Bay Area counties. Within that estimate, twenty-five percent are from outside the region altogether. The number of out of town visitors is likely to rise given the attractive new location. By way of example, Camden Yards in Baltimore attracts 24 per cent of its fans from outside the Baltimore-Washington, D.C. area. Overall attendance in the new Ballpark is expected to increase substantially from that achieved at 3Com Park.

The Port intends to expend the effort necessary to "capture" baseball fans as extended waterfront visitors. Families attending the game are already inclined to come early and many spend the evening and stay in hotels in the City. The EIR estimates that

23 percent of the fans will arrive more than an hour before the game on weekdays and 40 percent on weekends. A market study performed by the Giants (provided under separate cover) estimates an 11 percent increase in overnight stays. These estimates may be conservative; out of town patrons at CamdenYards constitute 46 percent of all patrons, essentially making the Camden Yards a tourist destination. We believe the same will occur in San Francisco. The study estimates that these fans will spend about $4.0 million on overnight spending and $13.5 million on day trip spending outside the Ballpark. The Port anticipates that much of this activity will be directed towards waterfront uses.

The Port's Waterfront Plan recognizes this opportunity:

> The new ballpark should attract an estimated three million baseball fans to the waterfront each season....The ballpark will create a unique opportunity to attract these visitors to activities on Port piers and seawall lots and will prolong their enjoyment of the waterfront before and after ball games and other events. Rincon Park South Beach Park the Brannan Street Wharf and parks south of the Channel will be enlivened as visitors discover these existing and planned public places. The water-oriented, mixed-use developments planned for the Ferry Building area, Piers 26-28, 30-32, 38 and 40, as well as adjacent seawall lots, will be designed and programmed to take advantage of ballpark visitor activity. New public and ballpark-related media exposure will aid the public's growing recognition of the waterfront. Increased demand for land uses to serve new visitors will accelerate the time frame for implementing the new development, open spaces and public access envisioned in the Waterfront Plan. (Waterfront Plan Amendments, submitted under separate cover, at page 30.)

The Waterfront Plan, including its area-specific Design and Access Element, provides for the development of open space, public access, and commercial recreational facilities to serve this group. These include:

- Design of pedestrian facilities to insure that members of the public have continuous horizontal access along the waterfront including the Ballpark. The Ballpark PortWalk, the main plaza on the water side of the Ballpark, and the walkways and open space integrated into the parking for the South Beach Marina are each designed to provide such continuity.

- Other waterfront parks will be developed in the immediate vicinity. These include Rincon Park, the Brannan Street Wharf, and Mission Bay. Access along Mission Creek will be improved.

- The Waterfront Plan specifies appropriate locations for retail commercial activities such as restaurants, specialty retail and hotels.

***Location*: The Ballpark at Pier 46B Encourages Use of Trust Assets for Transportation to and from Games.**

At Pier 46B, the Ballpark is ideally situated for direct ferry boat service and pedestrian and transit access from downtown along the waterfront's newly-renovated Embarcadero Roadway.

Ferry Service to the Ballpark

The Port and CBBC are engaged in a joint project to bring direct ferry service to the ballpark by opening day of the year 2000. CBBC retained Moffatt & Nichol Engineers to perform a concept plan for the ferry landing facilities. (Submitted under separate cover; a rendering of the concept from the EIR is attached as Attachment 7.) The Port Commission has reviewed the Plan, which calls for two ferry berths at Pier 46B with direct access to the ballpark via the PortWalk. The Port Commission has directed staff to issue a request for proposals for an operator of the ferry service. (The Port Commission Resolution is Attachment 8.) In addition, the City and the San Francisco Redevelopment Agency have agreed that up to $500,000 of tax increment from the Project will be available for ferry landing facilities if necessary. (Attachment C to the Owner Participation Agreement, which is in turn Attachment 20 to the DDA, submitted under separate cover). 3Com Park at Candlestick Point is currently served by ferries from Alameda and Tiburon. The Port and CBBC expect to see a substantial increase in ferry ridership given the convenience and proximity to the new Ballpark. The ferry facilities at the Ballpark may also serve as a landing area for water taxies which may transport patrons to and from other waterfront attractions such as Fisherman's Wharf.

The Port also contemplates that this facility could serve as the impetus for future ferry service in the southern part of the City serving the growing residential, commercial, research and university communities in South Beach and Mission Bay. The Port currently manages, leases and/or operates eight ferry or excursion boat docking facilities along the San Francisco waterfront. They carry an estimated total of over 6 million passengers per year. The Port sees ferry service at the Ballpark as an integral addition to this service.

Pedestrian and Transit Access from Downtown Along the Waterfront Embarcadero.

At the center of the Port's physical planning for the waterfront is the new Embarcadero Roadway and Pedestrian Promenade, also known as "Herb Caen Way". The

roadway and promenade are designed to carry large numbers of pedestrians and transit patrons on a north-south axis along the waterfront.

The Ballpark is precisely the type of destination the Embarcadero Roadway and PortWalk were designed to serve. The hours before ball games will see the most intensive pedestrian and transit use of The Embarcadero. The Waterfront Plan provides:

> The new ballpark should attract an estimated three million baseball fans to the waterfront each season, many of whom will travel by foot, bicycle, transit and car along The Embarcadero and its waterfront Promenade ("Herb Caen Way'). Others will travel along the Mission Bay waterfront via Terry Francois Blvd. (Amendments to Waterfront Plan, submitted under separate cover, at page 30.)

Conservative estimates anticipate that more than 5,500 people will walk to a weekday evening game. (See the Ballpark Environmental Impact Report ("EIR"), provided under separate cover.) Fans arriving at the Ballpark from the south will cross the historic Lefty O'Doul Bridge overlooking China Basin Channel. About 3,500 people will ride to the game on MUNI metro, most coming along The Embarcadero.

***Design*: The Ballpark Architecture and Orientation Creates New Public Access Opportunities for the General Public and Maximizes Patron Enjoyment of the Bay.**

The Ballpark Design Promotes Access to and along the Waterfront for the General Public

The Site currently contains no developed public access. As is typical of such industrial uses, the edge of the pier is inaccessible except to the industrial users. The Ballpark project will dramatically change the area, opening the adjacent waterfront to the public. The design provides for approximately 2.6 acres of improved walkways, plazas, and viewing areas as well as an outdoor cafe on the Centerfield Terrace. The details of public access treatment are set forth in the BCDC Application, submitted under separate cover. Attachment 9 is a site diagram which delineates public access areas. These areas are also shown on the renderings in Attachment 3.

Public access facilities include a walkway or "PortWalk" along China Basin Channel that will connect with and effectively extend the Embarcadero Promenade to the plaza adjacent to the Lefty O'Doul Bridge and the Bridge itself. The PortWalk will include "belvederes" or balconies cantilevered out beyond the rest of the PortWalk to provide additional space for fishing, viewing, or other activities outside the pedestrian flow on the PortWalk itself. The PortWalk will be open to the public continuously on a year-around basis.

During games, members of the public walking along the PortWalk will be able to enter an adjacent 6,167 square foot area to view the playing field through an approximately 230 foot portion of the arcade which forms the right field wall.

Three public plazas will adjoin the entrances at (i) the corner of Third and King Streets (the main entrance), (ii) the corner of Third Street and China Basin Channel (Lefty O'Doul Plaza adjacent to the Bridge) and (iii) center field (the large plaza adjacent to the water and a terminus for the PortWalk). These plazas will be open to the public year-around on a 24-hour basis.

In addition to public access along the PortWalk, arcade and plazas, the public will be afforded the opportunity for views of the Bay from the Centerfield Terrace, a 16,818 square foot cafe and concession area on the second, Main Concourse level of the Ballpark. This Terrace will be open to members of the general public except during games and other special events (and for a reasonable time before and after), and during nighttime hours approved by the Port.

The Ballpark Design Creates Major View and Access Opportunities for its Patrons

For patrons, the Ballpark has been designed and oriented to maximize views from the stands to the Bay and Bay Bridge. The height of the outfield walls and scoreboard has been held to a minimum to avoid blocking lines of sight to the Bay and Bay Bridge from the stands. The essential transparency of the right field wall along the PortWalk enhances this tie to the water. (See renderings in Attachment 3.)

The Main Concourse within the Ballpark described above will provide views of the Bay, the South Beach Marina, the City skyline and the Bay Bridge. This 82,000 square foot area is continuous around the playing field, and will provide an accessible and unique Bay viewing opportunity for all fans and event patrons.

Public relations and marketing efforts from the inception of the Ballpark concept have emphasized this relationship to the Bay. The Giants are undertaking a considerable effort to establish a water-oriented identity for the park. The planned logo of the Ballpark shows a baseball splashing into the Bay. The team's mascot is a seal. This effort, though obviously symbolic, should not be minimized; it is backed by an advertising effort which will disseminate widely and fix in the public's mind the Ballpark's relationship to the water.

Off-site Public Access will Provide Additional Enjoyment of the Bay for the General Public and Patrons Using South of Channel Parking

CBBC has developed as part of its BCDC application a conceptual plan for off-site public access improvements in an area adjacent to proposed interim Ballpark parking south of China Basin Channel. Proposed improvements consist primarily of a pedestrian walkway along the shoreline, a bicycle lane, a bicycle storage area, and a landscaped area including trees. The rip rap/seawall area will remain in its current condition. The improvements are designed to accommodate waterfront circulation and to create an area to enjoy Bay views to the north while acknowledging the interim nature of the use and the need to accommodate maritime support activities or other uses at this location in the future.

Expansion of the Land Area Subject to the Public Trust

The Ballpark Site consists of three major tracts (Attachment 5 shows the Site): (1) Pier 46B, which has housed the Port's maintenance facility and a number of private tenants; (2) portions of Berry Street and Second Street; and (3) an approximately 3.5 acre parcel at King and Third Streets, which is owned by Caltrans and is leased on a month-to-month basis to private tenants. The Port has jurisdiction and control over all of the Site except the Caltrans parcel, to which the Port will take title on or before the dosing of the lease transaction, which is expected to occur in late October, 1997.

The property within the Port's jurisdiction is subject to the Public Trust and Burton Act. The Caltrans property does not appear to be presently encumbered by the Public Trust. Under special State legislation adopted in 1984, the Port has the right to purchase the Caltrans property at fair market value. Under the terms of that legislation, the property will become subject to the Burton Act Trust upon acquisition by the Port.

Thus the Project increases the value of the trust resource. The total acreage under the Public Trust will increase approximately 3.5 acres. The newly-created parcel consolidates land resources in a manner that increases the utility and financial value of the Site to the Public Trust due to the increased size, shape and resulting commercial versatility.

Fair Market Rent

CBBC will pay fair market compensation to the Port in the form of minimum rent. Full rent under the Ground Lease begins at $1,200,000 per year upon delivery of the Site to CBBC. This rent is consistent with the Port's recent independent appraisal of the Site (supplied under separate cover). The appraisal is based on the highest and best use of the

property. The rent will be deposited into the Port's Harbor fund pursuant to the Burton Act.

The rent is subject to certain periodic cost-of-living adjustments throughout the term. In addition, if CBBC extends the initial term of the Ground Lease beyond December 31, 2022, the Ground Lease provides for the rent to be reset to fair market value, subject to a specified floor and ceiling. The Ground Lease provides for a second fair market value adjustment if CBBC extends the term beyond December 31, 2042, again subject to a specified floor and ceiling.

The Ground Lease requires rent to be paid on an absolutely net basis. CBBC is responsible for all costs on the Site. In addition, CBBC bears the risk of any construction cost overruns for development of the Ballpark Project. See Attachment 6 for a summary of the transaction.

Conclusion

In conclusion, the Port sees the Ballpark Project as a major contributor to trust values, not just enhancing, but transforming the nature of the public's use and enjoyment of the waterfront. The Ballpark Project provides continuous lateral public access to the public, extending the existing pedestrian promenade to and across the Site. The Ballpark Project has been designed to bring the waterfront experience to the baseball fans, and the Port's physical and circulation planning has been designed to encourage those families attending a game to arrive early, spend the evening and become extended waterfront visitors. The Port requests the State Lands Commission find that the Ballpark Project serves the Public Trust and that the Ground Lease, the DDA, and related transactions are lawfully entered and meet the requirements set forth in Public Resources Code Section 6702(b).

Sincerely,

Douglas F. Wong/gvw

Douglas F. Wong
Executive Director
Port of San Francisco

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ATTACHMENTS

Attachment 1:	List of Documents Submitted to State Lands Commission in Support of Port Application to Affirm Public Trust Findings
Attachment 2:	Port Commission Resolution No. 97-54 Regarding Public Trust
Attachment 3:	Project Renderings
Attachment 4:	Exerpts from the Ground Lease concerning Permitted Uses
Attachment 5:	Site Diagrams
Attachment 6:	Summary of the Transaction
Attachment 7:	Rendering from FEIR regarding Ferry Landing Facilities at the Ballpark
Attachment 8:	Port Commisssion Resolution No. 97-61 Regarding Request for Proposals for Construction and Operation of Ferry Landing Facilities at the Ballpark
Attachment 9:	Public Access Site Diagrams
Attachment 10:	Summary of EIR

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STAFF REPORT

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CONSIDER APPROVAL OF A PROPOSED EXPENDITURE OF PUBLIC TRUST FUNDS BY THE SAN DIEGO UNIFIED PORT DISTRICT NOT TO EXCEED $6 MILLION TO LEASE OFF-TIDELANDS OFFICE SPACE IN THE CITY OF SAN DIEGO, SAN DIEGO COUNTY

TRUSTEE:

San Diego Unified Port District

INTRODUCTION:

The San Diego Unified Port District (Port) is trustee of sovereign tide and submerged lands granted by the Legislature under Chapter 67, Statutes of 1962, First Extraordinary Session as amended (the Port Act). The District requests approval to use Public Trust funds to lease approximately 24,000 square feet of office space located fewer than 10 miles away from the Port's granted lands. Due to the nature of the proposed use (see below), the specific location is not being disclosed.

PROPOSED EXPENDITURE:

The proposed expenditure is for covert facilities for the Federal Bureau of Investigation (FBI) to operate its Organized Crime Drug Enforcement Task Force program in partnership with the Port's harbor police. The Task Force Program was established in 1982 to fight organized crime drug traffickers. The Program leverages federal, state, and local law enforcement agencies to collaborate in high-profile investigations. The Port's harbor police participate in the Program as part of their law enforcement duties.

Since 2010, the Organized Crime Drug Enforcement Task Force Program facility has operated under a lease from the City of Chula Vista under a reimbursement agreement similar to that contemplated between the FBI and the Port. The FBI has asked the Port to be the facility lessor, rather than the City of Chula Vista. The lease would be for an initial 5-year period, with an option for an additional 2-year term. The Port would expend $500,000 in Public Trust revenues annually for the lease and estimates that the total expenditure would be $5 to $6 million. The FBI would reimburse the Port for the expenditures and provide an additional administrative fee of 5 percent to reimburse the Port for staff time and related expenses associated with the lease. While Port funds will initially be spent off of

the granted lands, the FBI will reimburse the Port and the reimbursement revenue will go back into the Trust.

ANALYSIS AND RECOMMENDATION:

Sections 30.5 (d) of Chapter 67, Statutes of 1962, as added by Chapter 399, Statutes of 1996, requires State Lands Commission approval for all off-tidelands expenditures in excess of $250,000. To approve the proposed expenditure, the Commission must make all the following findings pursuant to Public Resources Code section 6702, subdivision (b):

1) That such lease, contract, or other instrument is in accordance with the terms of the grant or grants under which title to the tide or submerged lands in question is held.
2) That the proceeds of such lease, contract, or other instrument shall be deposited in an appropriate fund expendable only for statewide purposes authorized by the legislative grant.
3) That such lease, contract, or other instrument is in the best interests of the State.

The lease premises are less than 10 miles from the Port's granted lands. The Port's participation in the Organized Crime Drug Enforcement Task Force, including the leasing and reimbursement by the FBI to use the covert facility, will enhance public safety and security at the Port by intercepting narcotics smuggled through the region's transit centers, including Port facilities. The activity is necessary or incidental to carrying out the purposes described in Port Act Section 87, subdivision (a)(1), including the establishment and operation of a commercial port. The Port will place the reimbursed expenditures into the appropriate trust fund and expend those funds in accordance with the Port Act. The lease will support the Port's cooperation in a task force that enhances public safety and supports lawful maritime commerce at no net cost to the Port or the public and is therefore in the State's best interests.

Staff has reviewed the information from the Port supporting the proposed expenditure of tideland funds to lease off-tidelands office space in the city of San Diego and recommends approval.

OTHER PERTINENT INFORMATION:

1. The proposed action is consistent with Strategy 1.2 of the Commission's Strategic Plan to provide that the current and future management of ungranted sovereign lands and resources and granted lands, including through strategic partnerships with trustee ports and harbor districts, are consistent with evolving Public Trust principles and values, particularly

amid challenges relating to climate change, sea-level rise, public access, and complex land use planning and marine freight transportation systems.

2. Staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, title 2, section 2905, subdivision (a)(2).

   Authority: Public Resources Code section 21084 and California Code of Regulations, title 14, section 15300 and California Code of Regulations, title 2, section 2905.

EXHIBIT:

A. Request from the San Diego Unified Port District

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, title 2, section 2905, subdivision (a)(2).

AUTHORIZATION:

1. Find that the proposed off-tidelands expenditure by the San Diego Unified Port District for a lease for facilities to the FBI is in accordance with the terms of the statutory trust grant pursuant to Chapter 67, Statutes of 1962, First Extraordinary Session, as amended.

2. Find that the proceeds from the lease shall be deposited in an appropriate fund expendable only for statewide purposes authorized by the legislative grant.

3. Find that the proposed off-tidelands expenditure by the San Diego Unified Port District as set forth in the documents on file in the Commission's Sacramento office is in the best interests of the State.

4. Approve the expenditure of up to $6 million by the San Diego Unified Port District for the proposed off-tidelands leased facility.

Port of San Diego
HARBOR POLICE

3380 North Harbor Drive
San Diego, CA 92101
portofsandiego.org

July 18, 2019

Ms. Jennifer Lucchesi
Executive Director
California State Lands Commission
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202

Subject: Request for California State Lands Commission Approval of Off-Tidelands Capital Expenditure for District Leasing of Off-Tidelands Office Space for FBI Task Force

Dear Ms. Lucchesi:

In compliance with Section 30.5 of the San Diego Unified Port District Act (Port Act), the San Diego Unified Port District (District) is requesting the California State Lands Commission (Commission) approve an off-Tidelands capital expenditure for the District to lease approximately 24,000 square feet of office space located in San Diego, California, less than 10 miles from District Tidelands. The lease is for covert facilities for the Federal Bureau of Investigations (FBI) Organized Crime Drug Enforcement Task Force (OCDETF) in which the District's Harbor Police participate. The FBI will reimburse the District for all lease expenses, an insurance policy for the premises, and pay the District an administrative fee of 5%. Therefore, while District funds will initially be spent off-Tidelands related to the lease, such funds will be repaid to the District by the FBI.

While lease of real property is not currently considered a capital expenditure for District accounting purposes, due to new Government Accounting Standards Board rules, the proposed lease may be required to be capitalized in a future year. Therefore, approval under Port Act, Section 30.5 is being requested.

The OCDETF Program was established in 1982 to mount a comprehensive attack against organized crime drug traffickers. The Program is the centerpiece of the U.S. Attorney General's drug strategy to reduce the availability of drugs by disrupting and dismantling major drug trafficking organizations, money laundering organizations and related criminal enterprises. Similar to other regional task forces, the purpose of the OCDETF is to combine the efforts of federal, state, and local law enforcement agencies to collaborate in high profile investigations. As part of its law enforcement role, the District's Harbor Police participate in the OCDETF.

Since 2010, the covert OCDETF facility has been leased through the City of Chula Vista under a reimbursement agreement similar to that contemplated between the FBI and the District. The FBI has asked the District to take over leasing of the facility effective October 1, 2019 for an initial period of five years plus options for another 5 years at a rent of approximately $500,000 per year plus other expenses for a total expenditure of approximately $5-6 million. All of the District's payments under the lease will be reimbursed 100% by the FBI, and the District will receive an additional administrative fee of 5% to cover its staff time and related expenses.

The lease premises are less than 10 miles from District Tidelands. Because of the FBI's previous investment in improvements and equipment in the facility, relocation to a Tidelands location is not feasible. The District's participation in the OCDETF, including leasing this facility for the FBI and receiving reimbursement by the FBI, is necessary or incidental to carrying out the purposes described in Port Act Section 87, including the law enforcement role played by Harbor Police and the desire to reduce the interference organized crime causes in the use and enjoyment of District Tidelands.

In order to allow the District to enter into the proposed lease (all expenses of which will be 100% reimbursed plus an administrative fee) and further the purposes of the OCDETF which align with those of the District and its Harbor Police, the District requests the Commission approve this off-Tidelands expenditure in accordance with Port Act, Section 30.5

We would appreciate this request being heard by the Commission at its August 23, 2019 meeting to allow the proposed lease to begin October 1, 2019 as the FBI desires. District representatives will be available at that meeting to answer questions or to present to the State Lands Commission.

If you need more information, please do not hesitate to contact me via telephone at (619) 686-619-6588 or via email at mstainbrook@portofsandiego.org.

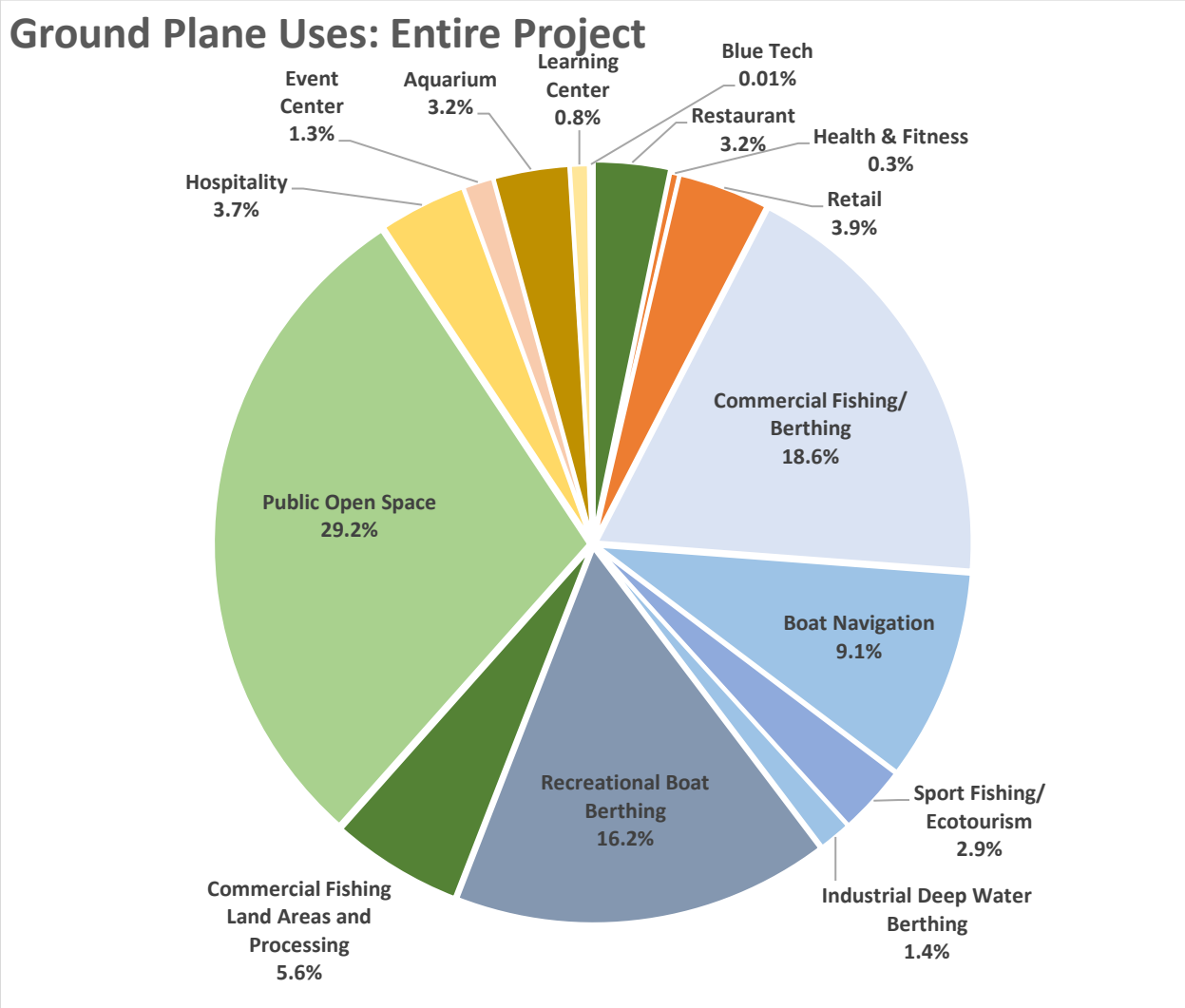
Sincerely,

Mark G. Stainbrook
Vice President, Public Safety/Harbor Police Chief
San Diego Unified Port District

WATER AND LAND USE CHARTS

Land And Water Ground Plane Uses

The following chart compares the relative primary Project uses at the ground level for the 70 acre site, including land blocks and water zones:



Total Project Building Square Footages

The following chart compares the square footages of different uses of the total of the up to 2.4 million square feet of new building area on the Project Site's land blocks:

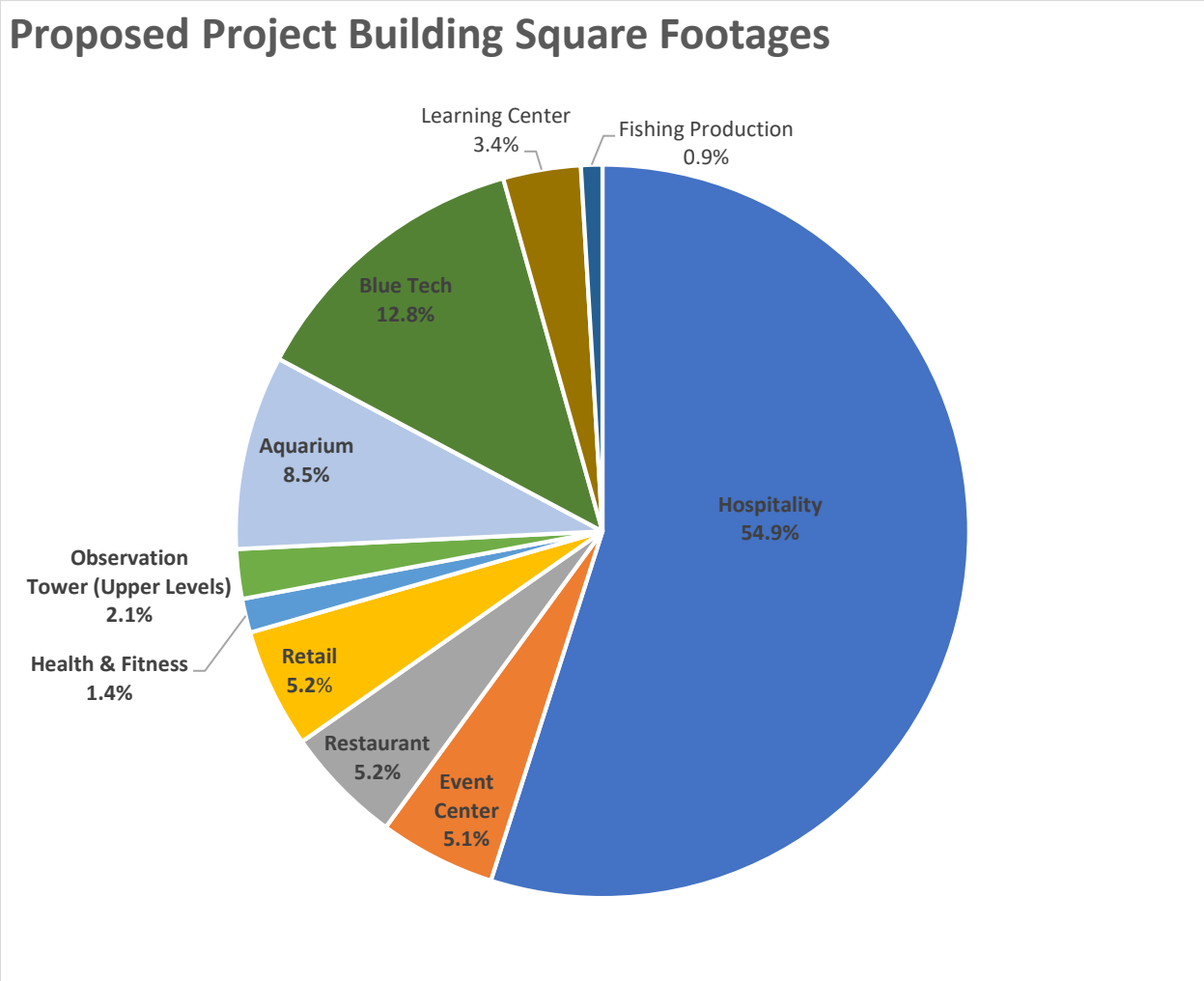


EXHIBIT C

Seaport San Diego
State Lands Commission Project Description
Supplemental Submittal



January 19, 2021

1) INTRODUCTION

This supplemental Project Description ("PD Supplement") provides additional information regarding the Seaport San Diego project ("Project"), supplementing the July 2020 Draft Seaport State Lands Commission Project Description ("SLC PD") in response to certain questions and requests for more information by staffs from the Port of San Diego ("Port") and the State Lands Commission ("Commission"). This PD Supplement thus does not address all components of the Project. Specifically, it provides more information in response to Port and Commission feedback regarding the following discrete components of the Project: (1) the "Health and Fitness" retail uses; (2) the Event Center; (3) Commercial Retail uses; (4) the Blue Tech Innovation Center ("BTIC"); and the (5) Learning Center.

2) HEALTH AND FITNESS

As set forth in the SLC PD, the Project includes up to 35,000 square feet of "Health and Fitness" retail uses that would include one full-service gym and smaller focused boutique fitness uses. (See SLC PD, at pp. 30-32.) The Project's Health and Fitness uses would be an externalization of a hotel amenity: the Project's six proposed hotels would not include or, in the case of the "5-Star Hotel," would include limited gym/fitness centers, and room rates would include the cost of passes to utilize the Project's Health and Fitness uses. Accordingly, the Project's Health and Fitness uses would serve hotel guests, in addition to other guests visiting the Project.

a. The Project's Health and Fitness Uses Would Externalize Hotel Gym Facilities

To ensure Health and Fitness uses are fully utilized by the Project's hotels, the hotel operators would be subject to written operational agreements with the Project developer providing for the usage of the Health and Fitness uses by hotel guests. In addition, the design of the hotels themselves would be included in the development proposal for the Project being considered for approval by the Port, and these designs would not include fitness uses within the hotels.

b. Demand for the Proposed Health and Fitness Uses.

The Project would have sufficient demand for the proposed 35,000 square feet of Health and Fitness uses. According to the San Diego Tourism Authority, San Diego County had 35.8 million visitors in 2018, with 10.8 million overnight visitors and 10.2 million hotel guests, with an average hotel occupancy of 78.7 percent. (See Exhibit A, Tourism Factsheet.) As indicated by the Tourism Authority, tourism is San Diego's second largest traded industry, with a large volume of steady and increasing demand for facilities to serve this vital local business. Even a small fraction of these visitors utilizing the health and wellness facilities of the Project would support 35,000 square feet of health and fitness uses.

In addition, over time, health and fitness facilities have become increasingly important to travelers staying in hotels, in some cases even driving travel-based decisions about where to stay. According to the Global Wellness Institute ("GWI"), a non-profit research organization, wellness tourism is a fast-growing tourism segment that grew 6.5 percent annually from 2015-2017. Travelers made 830 million wellness trips in 2017, which is 139 million more than in 2015. Wellness tourism is estimated to have generated $639.4 billion in economic activity in 2017 globally.[1]

According to GWI, the tourism market includes two types of travelers: (1) primary wellness travelers, who are motivated by wellness to take a trip or choose their destination based on its wellness offerings (e.g., someone visiting a wellness resort or participating in a yoga retreat); (2) secondary wellness travelers, who seek to maintain wellness or engage in wellness activities during any kind of travel. The bulk of wellness tourism done by secondary wellness travelers accounts for 89 percent of wellness tourism trips and 86 percent of expenditures in 2017. Secondary wellness tourism is growing at a faster rate than primary wellness tourism (10percent compared to 8percent annually, from 2015-2017). GWI projects wellness tourism will grow at average annual rate of 7.5percent through 2022 (faster than the 6.4percent annual growth forecasted for overall global tourism). GWI expects that global wellness tourism

[1] See Global Wellness Institute, *Global Wellness Tourism Economy: North America*, November 2018.

expenditures will reach over $919 billion in 2022, representing 18 percent of the global tourism market. GWI also projects wellness tourism trips to grow by 8.1percent annually to 1.2 billion trips in 2022. Wellness tourism growth forecast is well-aligned with the expected growth across many sectors that focus on wellness and holistic health (e.g., fitness/mind-body, healthy eating, organic food, etc.). More and more consumers are adopting wellness as dominant lifestyle value and decision driver.

Regarding the general usage of health and fitness facilities by hotel guests in the US, a 2017 study by the Cornell Center for Hospitality Research found that, among 782 guests across 33 facilities operated by "midscale, upscale and luxury brands," approximately 22 percent of guests utilized hotel gym facilities on a daily basis (42 percent stated that they intended to use fitness facilities).[2] At 70-80 percent occupancy, assuming the Project's approximately 2,136 hotel rooms and hostel beds occupied by single persons, that would be between 329 and 375 hotel guests utilizing fitness facilities daily at any given time. In addition, as indicated, younger travelers are substantially more interested in utilizing fitness facilities when travelling than older ones: a 2017 study by research firm MMGY found that nearly half of millennials said a premium fitness center with options for on- or off-site exercise classes was influential when they chose a hotel, as opposed to more than a third of Generation Xers and fewer than a quarter of baby boomers. (MMGY's study counted millennials as those born between 1980 and 1998).[3] Accordingly, the demand for fitness facilities for hotel users is anticipated to continue to grow over time.

Notably, the Cornell Center for Hospitality Research study also found that individual hotels typically operate internal gyms at a financial loss.[4] Accordingly, most hotels would be financially incentivized to support the externalization of Health and Fitness uses. This would enable Project hotels to receive the benefits of a coveted amenity while not having to incur the financial losses that come with operating it.

In addition, as indicated in the SLC PD, as part of the Project's proposed Health and Fitness programming, the Project would also provide a variety of free public fitness classes and events taught by professional fitness instructors from the Project's Health and Fitness operators. Such classes would primarily plan to be located in Block E within the public open space at the Beach Block. This type of programming is also enabled by Health and Fitness uses proposed by the Project, as such uses would employ the fitness instructors who would provide public programming and provide any necessary equipment for conducting such classes.

c. Types of Memberships and Passes for Health and Fitness Uses

The Health and Fitness uses would facilitate different types of passes/membership options, which would cater to hotel guests and visitors from across the state:

1) Part of hotel fees/charges for hotel guests: Hotel guests would, as part of their room rates, receive access to Project Health and Fitness uses.

2) Daily: All visitors to the Project would be able to purchase a daily pass to any or all Health and Fitness uses in the Project.

3) Weekly: All visitors to the Project would be able to purchase a weekly pass to any or all Health and Fitness uses in the Project.

4) Preexisting Passes: Health and Fitness uses would also utilize preexisting monthly memberships. Monthly passes would be useful to hotel guests and other offsite users who have monthly memberships with the Project's Health and Fitness operators. Such access would also include hotel and other Project guests that have ClassPass and similar monthly membership services that give user fitness class credits each month to apply to one-off classes at nearly any participating fitness studio. As indicated above, more and more travelers value and make lodging

[2] Dev, C.; Hamilton, R.; Rust, R., *Hotel Brand Standards: How to Pick the Right Amenities for Your Property,* Cornell Center for Hospitality Research, Feb. 1, 2017, at p. 6 ("Cornell Study").
[3] MMGY Global, *Portrait of American Travelers*, 2016-2017.
[4] Cornell Study, at p. 6.

decisions based on the availability of fitness uses, and the availability to utilize existing memberships would be a plus for such travelers.

5) Free Fitness Classes: The Project would provide free public fitness classes and events led by professional fitness instructors from the Project's Health and Fitness uses. These are primarily planned for Block E within the public open space at the Project's Beach Block but could occur in other locations as well. Programs proposed to include yoga, meditation, boot camp, Pilates, spinning, CrossFit and tai chi. These programs would serve the public with beneficial Health and Fitness programming that would not be available absent the inclusion of independent Health and Fitness operators in the Project.

Accordingly, the Project would include a range of different options for Health and Fitness facilities by hotel guests and the entire public in a manner that is most cost effective for the end user based on individual need. Health and Fitness uses would enable hotel guests and all visitors who wish to exercise and an opportunity to do so in high quality in-Project facilities. Reducing in-hotel Health and Fitness uses also creates greater accessibility to recreational amenities for all visitors to the Project Site, while reducing overall space dedicated to ancillary Health and Fitness uses within hotels. Externalizing these uses also allows Health and Fitness facilities to be used by guests of hotels that would not usually have access to such amenities, including hostels limited-service hotels within the Project. The Project's proposed Health and Fitness uses promote healthy lifestyles and physical fitness among guests and visitors to the Project, providing a positive ancillary use supporting and facilitating public use and enjoyment of trust lands.

3) EVENT CENTER

a. Water-Oriented Design

The design focus for the Event Center is to explore opportunities that optimize public connection to the water and create unique experiences for visitors. The Event Center is planned to be located in Block B, in a waterfront location that provides unobstructed water views through the inclusion of transparent surfaces facing the water. (See Exhibit B, Event Center Location Options.) The proposed design prioritizes clear, continuous sightlines to the water, so whether members of the public approach from along the embarcadero or from inland, the water would be visible, creating a sense of constant connection to the water as one moves around the building. (See Exhibit C, Event Center Sketch.)

Regarding the entrance to the Event Center building, the lobby would potentially be located on the southwest corner of Block B, oriented so the entrance directly faces the waterfront. By doing so, within the primary lobby and front of house, the public would be engaged with the water, creating a unique and enjoyable visual experience for patrons. The water-facing façade of the Event Center would have tall, transparent, operable walls that can create porosity and enlarge the feeling of the waterfront and public realm. This seamless transition is designed to stimulate public activation along the waterfront. (See Exhibit C, Event Center Sketch.)

The lobby and front of house areas would also include transparency on multiple floors, which would introduce new vantage points of the water. These elements would also include a mix of spaces from linear, outdoor terraces that transition seamlessly into indoor rooms that would serve as gathering and lounging spaces for event patrons, creating indoor/outdoor spaces that would take advantage of San Diego's temperate year-round climate and provide a direct unobstructed connection and views of the bay. After events, guests would be greeted by the waterfront and the public can spill out onto and energize the embarcadero. (See Exhibit C, Event Center Sketch.)

Regarding loading, the Events Center would be loaded at grade, which reduces the height of the venue. Fewer loading docks allows the footprint and vehicular access doors to be minimized and there is no change to the activation around the perimeter of the building. The loading area would be located, screened, and secured as to not inhibit visitors' access or enjoyment of the water.

The Event Center would still be partially wrapped with primarily restaurant uses on the ground floor.

b. Free and Low-Cost Events

The Event Center would include year-round events that would include paid admission events as well as six (6) events free to the public. Such events are anticipated to include, but are not limited to, concerts and other live-performance entertainment, private leased events, comedy shows, children and family shows, speakers, speeches, rallies, symposia, and potentially E-gaming. Performances could be held throughout the week and dates and times would vary depending on the performance.

The Event Center would also offer six (6) rent-free dates for qualified community events which could include culturally significant family-oriented events, live music, DJ's, street performers, dance groups, showcase booths and presentation spaces for local artisans and vendors, public exhibitions and pop-up food and beverage vendors.

Standard ticketed events are anticipated to typically have a price point of $20-$70, though such prices may vary by event.

The Event Center would also be available for private-leased events.

4) COMMERCIAL RETAIL

The Project's retail uses are strategically located in various locations around the Project Site as ancillary uses connected to and supporting the Project's primary land side uses. This includes being within mixed-use structures comprising hotel, Aquarium, event and convention spaces, and being provided within areas dedicated public open space uses. Retail stores would be open and available to the public and would enhance the visitor experience, enabling visitors to obtain wanted goods and services and stay onsite for longer periods of time in order to enjoy the waterfront.

a. Role of the Retail Uses for Placemaking and Financial Feasibility of the Project

The proposed commercial retail uses provide necessary connectivity, pedestrian flow and ground plane interest as well as economic support for the Project as a whole. Its function has been referred to as the "glue" or connective tissue the compliments and "holds together" the diverse uses on the Project Site. It is also important to note that the overwhelming majority of the land area of the Project Site (over 70 percent) consists of non-revenue generating, publicly accessible open space and public realm areas that would be built and maintained by the Project. These costs are not insignificant. The Project anticipates that future retail operators would pay a substantial amount of Common Area Maintenance ("CAM") costs, which would cover maintenance of common areas Project-wide. It is therefore not only a design imperative for a successful and attractive "place" but also an economic necessity for the Project to include significant revenue-generating uses to cover these expenses.

Proposed retail uses are a primary revenue-generating uses within the Project Site and are essential to the overall economic viability of the Project. Notably, contrasting the at least 70 percent of the total Project ground plane dedicated to publicly accessible open space and public realm areas, the Project's proposed retail uses cover only 3.9 percent of the total Project ground plane. Notably, these retail uses are also primarily at the ground level within mixed-use buildings, so the land area in which they exist is also occupied by other uses such as hotels and the Aquarium. Retail uses also only comprise 5.2 percent of the Project's total building square footage. (SLC PD, at pp. 38 – 43.)

Accordingly, the proposed retail uses are necessary to ensure the Project as a whole, including its proposed public open space and public realm areas, can be economically maintained on an ongoing basis and provide for public use and enjoyment of trust lands for generations to come.

b. Criteria for Commercial Retail Uses

Regarding criteria to ensure that proposed Specialty Shop, Experiential and Service-Oriented Wellness retailers, as defined in the SLC PC, embody the core themes of the Project of "Ocean Optimism" and sustainability, the Project proposes that a critical mass of new retailers must meet at least three of the five following criteria:

- A corporate mission statement that includes a focus on sustainability and environmental conservation;
- Demonstrated use of energy and waste efficient processes and sustainable materials that go beyond minimum legal requirements;
- Utilization of advertising and branding that focuses on and increases awareness of sustainability and conservation issues, particularly as they relate to the ocean and marine environments;
- Demonstrated financial and social contributions toward ocean and marine-related sustainability and conservation efforts; and
- Contribution to ocean-related education initiatives of the Project through participation in Project-led efforts.

Notably, the Project would not seek to apply these criteria to returning current tenants of Seaport.

c. Retail Areas are for Retail Uses

Regarding retail sales uses generally, we also clarify that such uses would constitute retail sales uses, and not any other uses. In other words, retail sales describe the proposed use, and not simply the type of business the operator generally conducts. Moreover, the design and location of the proposed ground floor retail spaces the Project would provide as retail shops would be designed for retail use, and would therefore not be suitable for other uses, such as offices.

d. Demand for Commercial Retail Uses

Regarding demand, more than sufficient demand exists for the spaces provided for Specialty Shop, Experiential and Service-Oriented Wellness retailers. Combined, these uses constitute a total of only 131,000 square feet, which would include those businesses currently operating at Seaport, which would return to the Project post-opening. For reference, assuming an average size of 3,500 square feet per shop, that would only include approximately 37 shops, inclusive of returning shops (there are currently approximately 90,000 square feet of retail at Seaport currently, which we note does include restaurants). According to the San Diego Tourism Board, the approximately 35.1 million visitors to San Diego per year spend approximately 11.6 dollars billion annually. The nearby cruise terminal sees approximately 267,861 passengers per year. San Diego is one of the top 5 leisure destinations in the United States. Therefore, we believe if a small fraction of the visitors and dollars spent are at the Project itis sufficient to support the proposed retail uses at the Project. (See Exhibit A, Tourism Factsheet.)

5) BLUE TECH INNOVATION CENTER (BTIC)

a. Definition of Blue Technology

The Port's Aquaculture & Blue Technology Program defines Blue Technology as "the advanced technology sector of the maritime industry, which drives sustainable innovation across emerging markets of the Blue Economy. It includes a broad spectrum of industries and innovative technologies focused on promoting sustainable ocean activities."[5]

Blue Technology is inextricably associated with the broader concept of the Blue Economy. The United Nations' World Bank defines the Blue Economy as the "sustainable use of ocean resources for economic growth, improved livelihoods and jobs, and ocean ecosystem health."[6] In turn, industries associated with Blue Technology are those that are focused on the development and implementation of technological advances supporting the Blue Economy. Within the Project, such advances would be developed and implemented in the BTIC.

[5] See https://www.portofsandiego.org/waterfront-development/blue-economy
[6] See; https://www.worldbank.org/en/news/infographic/2017/06/06/blue-economy;

According to the World Bank, the Blue Economy includes many different sectors and activities, including: renewable energy, aquaculture, fisheries, maritime transport, tourism, desalination, waste disposal management, extractive industries, and defense, among others.[7] (See also, SLC PD, at pp. 49-50 [Defining a range of Blue Tech functions that could be implemented at the BTIC and within the Project generally].) Thus, a wide range of industries contribute to the Blue Economy and Blue Technology.

As of 2018, the World Bank estimated that the Blue Economy contributes roughly $1.5 trillion to the global economy each year, and expects the increasing growth of the Blue Economy to outpace global economic growth overall.[8] In the US, according to the Bureau of Economic Analysis and the National Oceanic and Atmospheric Administration (NOAA), the oceans provide significant economic benefits, which accounted for 1.8 percent ($372.8 billion) of national gross domestic product (GDP) in 2018, a figure that is already growing at a faster rate than the US economy as a whole.[9] Accordingly, Blue Technology serves a growth sector of the economy, and seeks to sustainably utilize, preserve and restore ocean resources.

b. The Role of Scripps in the BTIC

Scripps would be one of the anchor tenants of the BTIC. Scripps would also have a role in the governance of the BTIC pursuant to a Memorandum of Understanding currently being developed.

Other than Scripps, the tenants of the BTIC would be mature companies involved in commercial enterprise related to the ocean as well as, startups and smaller companies including for-profit and non-profit enterprises with a specific focus on the development and implementation of technology related directly to ocean and marine business, restoration, conservation, and sustainability efforts. Put another way, the companies and academic and research tenants at the BTIC would be engaged in Blue Technology enterprises serving the Blue Economy, in addition to potentially performing other pure research functions related to oceans and marine life.

c. BTIC Office Uses

The needs of companies involved in Blue Tech include laboratories and ancillary office uses. The ancillary office uses by BTIC tenants to provide workspaces for officers and employees of tenants employed in BTIC-consistent business and research firms. The BTIC is an innovation incubator whose core function is the provision of on-and-off water research facilities and laboratories, collaborative work areas, meeting areas, and conference rooms, with offices being anticipated as a purely ancillary use on an as-needed basis to be determined by BTIC tenants.

We believe that facilitating the BTIC would require some flexibility to allow tenants to best determine how to allocate space within their leased areas. What should be most critical to determining what is an appropriate BTIC tenant is one that is in the business of developing and implementing Blue Technology. How they set up their individual leased space should be largely left up to the individual tenants' discretion based on their own unique business needs, as appropriate.

6) LEARNING CENTER

a. Programming for Elementary, Middle and High School Students

Programs for elementary, middle school, and high school aged children will run concurrently within the Learning Center, which is expected to serve approximately 50,000 students per year total, a figure that is

[7] See World Bank Group, *The Potential of the Blue Economy: Increasing Long-term Benefits of the Sustainable Use of Marine Resources for Small Island Developing States and Coastal Least Developed Countries*, 2017, at pp. 12-26. Found at https://openknowledge.worldbank.org/bitstream/handle/10986/26843/115545.pdf?sequence=1&isAllowed=y
[8] See World Bank Group, *Toward a Blue Economy: A Promise for Sustainable Growth in the Caribbean*, Report No. AUS16344, Sept. 2016, at p. 13. Found at http://documents1.worldbank.org/curated/en/965641473449861013/pdf/AUS16344-REVISED-v1-BlueEconomy-FullReport-Oct3.pdf
[9] See https://www.noaa.gov/media-release/marine-economy-in-2018-grew-faster-than-us-overall

inclusive of entire Blue Campus within the Project (inclusive of the Aquarium, BTIC, and Learning Center).

Experiences would extend beyond the Learning Center itself, and include educational opportunities in the Aquarium, on the docks and piers, and in the water. The Project would also potentially provide high school-level "Semester at Seaport" program that would offer series of accelerated classes that take advantage of unique location on the working waterfront. The Semester at Seaport program is anticipated to serve 100-150 students a year, which would include participation by underserved teens.

b. SDUSD's Role in the Learning Center

In return for its financial contribution to the Learning Center, San Diego Unified School District ("SDUSD") would have the opportunity to utilize the state-of-the-art Learning Center and other educational facilities and opportunities at the Project. While Learning Center uses would be available to and serve all students in the state (programs would be free to all students throughout the state on a first come, first serve basis), SDUSD's students would also be provided one-of-a-kind educational experiences at the Project.

Programs would include half-day/day trips and expanded educational opportunities trips. SDUSD would also be provided a seat on the Project's Board of Governors, allowing it to have voice in determining the educational programming and experiences that would benefit and be made available to students across the state. Further, while SDUSD would fund a portion of the initial capital cost of the Learning Center, it would not be responsible for operational or maintenance costs or management.

EXHIBIT D

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October 2, 2020

Sent via e-mail (rconiglio@portofsandiego.org; trussell@portofsandiego.org)

Port of San Diego
Randa Coniglio, CEO
Thomas Russell, General Counsel
3165 Pacific Highway
San Diego, CA 92101

Re: Removal of the Navy Pier Building and Redevelopment of the Pier as A Public Park

Dear Ms. Coniglio and Mr. Russell,

On behalf of the San Diego Waterfront Coalition, we write to call upon the San Diego Unified Port District ("the Port") to promptly remove the so-called Head House building ("Navy Pier Building") – a 48,000 square-foot dilapidated building that sits mostly vacant along the east entrance of the Navy Pier, adjacent to a highly used bayfront promenade – and redevelop the pier as a pedestrian-oriented memorial park. Further, the Waterfront Coalition calls upon the U.S.S. Midway Aircraft Carrier Museum ("Midway Museum") to work with the Port in developing plans for the long promised park at the wharf immediately to the north of the Midway, commonly known as Navy Pier.

The Navy Pier Building is an eyesore that blocks any view that would be available to the public walking on the promenade that runs along the San Diego Bay, as well as views from Harbor Drive. Its removal will significantly improve the pedestrian experience along the promenade, the public experience overall, and is a necessary step in the process to re-open direct bay views. Removal of the Navy Pier Building is needed to mitigate the overall bulk of the Midway and the adverse impact it has had over the last seventeen years since the Midway was moved to that site.

As described more fully below, the Port committed to remove the Navy Pier Building nearly 20 years ago to mitigate the visual and public access impact of the U.S.S. Midway ("Midway") being placed south of the Navy Pier. Unfortunately, in violation of the Coastal Act, the Port Master Plan, the California Environmental Quality Act, and the Public Trust doctrine, the Navy Pier Building has not been removed.

I. HISTORY OF THE PORT'S COMMITMENT TO DEMOLISH THE NAVY PIER BUILDING AND REDEVELOP THE PIER AS A PUBLIC PARK.

A. The Commission Considers the Original Port Master Plan Amendment Number 27.

A portion of the history of the Port's commitment to demolish the Navy Pier Building and redevelop the pier as a public park is succinctly set forth in the California Coastal Commission's ("Commission") April 20, 2017 Staff Report and Recommendation on the Port's proposal to allow parking on Navy Pier to continue for an interim period of four years while the Port developed a plan for conversion of the pier into a public park. The Port's proposal included a commitment to demolish the Navy Pier Building. The Staff Report explained:

> On March 14, 2001, the Commission approved Port Master Plan Amendment (PMPA) No. 27 that included, among other development, docking of the U.S.S. Midway Aircraft Carrier for use as a museum on the south side of Navy Pier. The primary issue related to the project-driven PMPA was the visual impacts that would occur as a result of the Midway berthing. As discussed in the PMPA staff report, docking of the 1,000 foot long and 50-190 foot tall Midway would "block existing public views, contribute to the walling off of San Diego Bay, block a potential view corridor down F Street, and create a 'tunnel' effect on Harbor Drive at the subject site." The landowner of Navy Pier at that time, the Navy, agreed to lease the pier to Midway for use as a parking lot; however, there were indications that the Navy would transfer ownership of the pier to the Port in the future. Not only were visual impacts of the Midway a concern, but also the visual and public access impacts that would occur if the Navy's structure and parking were to remain on Navy Pier long-term. As discussed in the PMPA staff report, Navy Pier was "<u>not an appropriate place for a permanent parking lot, due to adverse visual impacts a parking lot will have on the surrounding waterfront and the loss of the prime waterfront location for public access and recreational purposes</u>."
>
> To mitigate for the visual impacts of the Midway, the proponents of the museum proposed to create a 5.7-acre memorial park on Navy Pier once it was relinquished to the Port by the Navy. The proposal included a conceptual plan to demolish the existing Head House, and redevelop the pier as a pedestrian-oriented memorial park with plazas, grassy lawns, benches, promenades, design features, and a Navy spouses club and chapel for small social functions. Further, the proponents of the Midway museum

> committed to establishing a reserve account into which they would deposit $100,000 per year for the first five years, and $150,000 per year for the next five years to be used to relocate the parking from Navy Pier. However, because the Port was unwilling to include any language in the Port Master Plan to assure that the proposed parking lot would be converted to a public park in the future, Commission staff recommended denial of the portion of the PMPA related to the Midway.

(**Exhibit A**, April 20, 2017 Commission Staff Report and Recommendation, pp. 2-3, emphasis added.)

B. Staff Recommends Denial of Part of the Port Master Plan Amendment As Inconsistent With the Coastal Act Due to the Lack of Assurances of Removing Parking on the Pier and Developing a Public Park.

The Commission's February 21, 2000 Staff Recommendation provides additional clarity that the Commission staff's recommended denial of the portion of the PMPA authorizing the siting of the Midway because of the Port's failure to assure the parking lot on Navy Pier would be eliminated and a public park would be developed within a reasonable timeframe. The February 21, 2000 Staff Recommendation states:

> The public access program does contain language indicating that conversion of the pier to a park is consistent with the planning goals of the "Visionary Plan" adopted by the North Embarcadero Alliance. However, the Port District was not willing at this time to include conversion of Navy Pier to a park as a stated goal of the plan, or to indicate a time frame or phasing plan for relocation of the parking or conversion of the pier to a park, e.g., when the Navy's Broadway Complex is redeveloped or the pier vacated by the Navy. In summary, the amendment does not provide even a minimal degree of assurance that the proposed parking lot on Navy Pier will ever be removed or replaced with a public park that could offset the adverse visual impacts of the Midway. Therefore, the part of the amendment relating to the Midway cannot be found consistent with the Coastal Act at this time.

(**Exhibit B**, February 21, 2000 Commission Staff Report and Recommendation, p. 2, emphasis added.)

Since the Port did not own Navy Pier at that time, the Commission could not require the Port to take specific action to redevelop Navy Pier as a condition of approval of permanently birthing the Midway there. The February 21, 2000 Commission Staff Report explained:

> The Commission is fully aware that the Port District does not have the authority to require that the Navy vacate Navy Pier at any particular time. The Commission is seeking policy language in the PMP that makes clear that parking on Navy Pier for a potential Midway museum would be an interim use, and that the ultimate goal for the area is to convert Navy Pier to a public park. Including as a planning goal in the PMP the conversion of Navy Pier to a memorial park would signify the Port's commitment to and support of such an action. It would not commit the Port to pay for the conversion, any more than designating a land use for commercial uses requires the Port to pay for the construction of such uses. But as long as the Port cannot provide at least a minimal level of assurance that the parking will be removed from the Navy Pier and the Pier converted to a public park, the Commission cannot find the Midway portion of the plan consistent with the visual quality protection policies of the Coastal Act.

(**Exhibit B**, p. 17.)

C. To Secure the Commission's Approval of the Midway, the Port Committed in 2001 to Mitigate the Visual and Public Access Impacts That Would Occur If the Navy's Structure and Parking Were to Remain on the Pier Long-Term.

In response to Commission staff's recommended denial of the portion of the PMPA authorizing the siting of the Midway, the Port, during the Commission hearing, changed its position and agreed to include language in the Port Master Plan to assure that the parking lot would be converted to a public park in the future. (**Exhibit A**, pp. 3, 22.) These commitments by the Port and Midway were accepted by the Commission and later included by the Port as conditions of the Port-issued coastal development permit and lease agreement with the Midway. (**Exhibit A**, p. 22.)

In its February 28, 2001 letter from the Port to the Commission, the Port acknowledged these commitments. The purpose of the Port's letter was to "provide … assurance that the proposed parking on the Navy Pier will be removed and replaced with a park." (**Exhibit C**, p. 57 (Exhibit #10 to June 28, 2001 Revised Findings).) To provide this assurance, the Port made the following commitments:

> As we discussed, attached is a letter from the U.S.S. Midway Aircraft Carrier Museum (Midway), wherein its president offers to establish a ten-year special account into which it will contribute $100,000 per year for the first five years and $150,000 per year for the second five years. The purpose of the funds in the account will be to secure upland parking for the Midway, thereby allowing the parking on the pier to be removed and the

> pier converted to a memorial park. The account will be auditable or accessible to the Coastal Commission staff and Port staff annually to verify that the funds are present. Additionally, the Port would make the establishment of such an account a condition of the Coastal Development Permit issued in conjunction with the Midway (following an assumed positive action by the Coastal Commission on the Master Plan amendment). Furthermore, establishing and maintaining such an account would also be a lease condition with the penalty of non-compliance being forfeiture of the lease.

(*Ibid,* emphasis added.)

The attached letter from the Midway stated, "These funds would be maintained in this account and could not be used for other purposes until such time as such parking is eliminated from the pier." (**Exhibit C**, p. 58.)

As a result of the Port's assurances, the following language was incorporated into the PMP:

> Parking for visitors to the Midway and its museum will be provided, on an interim basis, at the Navy Pier, pursuant to the museum's lease with the United States Navy. When and if the Navy determines that its use of the Navy Pier is no longer necessary, the Port will accept the proposal by the San Diego Aircraft Carrier Museum to convert the Navy Pier into a "public park" use, thereby allowing the pier to be converted into a memorial park complementing the Midway and its museum, while affording additional public open space and bay vistas. Vehicle parking for museum visitors will then be shifted to nearby offsite locations. However, since the Navy Pier's future is uncertain and will be determined by decisions of the federal government, the conversion of the pier to a 5.7-acre memorial park is a specific planning goal of the Port, and environmental analysis for the park conversion will be conducted prior to the Navy relinquishing ownership and/or control of the Navy Pier such that construction of the park can occur as soon as feasible thereafter. The park conversion will be subject to all appropriate laws at the time the Navy Pier park is proposed.

(**Exhibit A**, p. 22, emphasis added; see also **Exhibit D**, Port Master Plan, p. 64.)

D. Environmental Review of the Port Master Plan Amendment Was Conducted.

The proposed amendment was the subject of an Environmental Impact Report (EIR) under the California Environmental Quality Act. (**Exhibit C**, p. 6.) The EIR was

adopted by the Board of Port Commissioners on April 25, 2000 as Resolution #2000-82. (*Ibid.*) The amendment was adopted by the Board of Port Commissioners on April 25, 2000 as Resolution #2000-83. (*Ibid.*)

The EIR conducted for the docking of Midway and adopted by the Board of Port Commissioners concluded that there would be potentially significant impacts to public views caused by the docking of the Midway. (**Exhibit A**, p. 23.)

E. In 2003, the Port Obtains Title of Navy Pier.

In 2002, the Secretary of the Navy was given the authority to transfer title of Navy Pier to the Midway Museum. (**Exhibit A**, p. 22.) The Midway Museum had the option to accept ownership of the pier or transfer title to another agency and chose to transfer ownership to the Port in 2003. (*Ibid.*)

F. The 2003 Coastal Development Permit Authorizing the Berthing of the Midway Required Funding for Removal of Parking and Conversion of the Pier Into a Memorial Park.

On August 21, 2003, a Coastal Development Permit was issued to the San Diego Aircraft Carrier Museum authorizing the Midway to be berthed on the south side of Navy Pier. A special condition was added requiring the following:

> The San Diego Aircraft Carrier Museum (SDACM) shall establish a ten-year special account into which it will contribute $100,000 per year for the first five years and $150,000 per year for the second five years. The purpose of the funds in the account will be to secure upland parking for the Midway, thereby allowing the parking on the pier to be removed and the pier converted to a memorial park. At such time as SDACM obtains adequate parking away from the pier, it may close the special account and use the funds in any way SDACM sees fit. The account will be auditable or accessible to the Coastal Commission staff and Port staff annually to verify that the funds are present.
>
> The SDACM shall submit complete plans and a project description to the District for review and evaluation of the Navy Pier Memorial Park as soon as practicable, but not later than three years prior to the conclusion of the ten-year special account period described in item #10 above.]

(**Exhibit E**.)

G. In Its 2005 Lease, the Midway Museum Commits to Submitting Plans for the Development of Veteran's Memorial Park.

On October 6, 2005, the Port, as Lessor, entered into a lease with the Midway Museum, as Lessee. The lease states, in relevant portion:

> Lessee shall take the leadership role in pursuing funding and development of the Veteran's Memorial Park … By no later than seven (7) years from the Commencement Date, Lessee shall submit a complete set of plans and a project description for the development of the Veteran's Memorial Park to Lessor for its review, evaluation, and consideration. In the event, construction of the Veteran's Memorial Park has not commenced within ten (10) years from the Commencement Date, Lessor's obligation under this Paragraph 48 shall become and be null and void and of no further force or effect.

(**Exhibit F**, p. 16 (Exhibit No. 7).)

H. The Port and Midway Museum Dispute Whether the Midway Museum Has Complied With Its Lease Obligations.

On March 6, 2012, the Midway Museum submitted a conceptual design of Veteran's Park, including conceptual architectural drawings, preliminary structural drawings, schematic design drawings, and an environmental application for a park over parking on Navy Pier. (**Exhibit F**, p. 9.) Between 2012 and 2014, the Port and the Midway Museum exchanged several letters regarding whether the Midway Museum complied with its lease obligations and whether it was required to commence construction of the park. In its November 13, 2012 letter, the Port claimed that "the Midway has not submitted a 'complete set of Plans" as required by the Lease" and "[t]he lease also requires Midway to commence construction of the park on Navy Pier 'within ten (10) years from the Commencement Date' of the Lease." (*Ibid*.)

In its December 10, 2012 letter, the Midway Museum questioned "the proper meaning to be attached to the phrase 'complete plans.'" (*Id.* at p. 7.) The Midway Museum proposed to submit further plans and details within 120 days following certification of a Port Master Plan Amendment that includes Veteran's Park on Navy Pier. (*Ibid.*) The Midway Museum also argued that "Midway is not obligated to perform any construction." (*Ibid.*) In a January 28, 2014 letter, the Midway Museum sent another letter requesting confirmation of its interpretation.

On May 27, 2014, the Port stated:

> We confirmed that your plans were sufficient for the District to conduct environmental review and process a Port Master Plan Amendment (PMPA); however, the Midway has not submitted a complete set of plans as required by the Lease. This requirement cannot be fulfilled until a PMPA is processed. With respect to the obligation for development of Veterans Memorial Park on Navy Pier, the Midway 'shall take the leadership role in pursuing funding and development of the Veteran's Memorial Park …'

(**Exhibit F**, p. 5, emphasis in original.)

I. The Port's 2016 Application to Extend Public Parking and Demolish the Navy Pier Building as an Interim Solution.

Rather than constructing the required park on Navy Pier, the Port instead applied for Coastal Development Permit 6-16-0258 to: 1) maintain parking facilities on Navy Pier for an additional four-year period; 2) increase parking rates; 3) demolish the Head House building and reconfigure parking to add an additional 150 parking spaces; and 4) install public access amenities, including a 7,840 sq. ft. public viewing deck. (**Exhibit A**, p. 1.) The Port maintained that the proposed project was an "interim solution" that was necessary in order to provide the Port and Midway additional time to develop a long-term plan for the pier. (*Id.* at p. 3.)

In approving CDP 6-16-0258, Commission included the following Special Conditions, among others:

- "If the applicant does not obtain a coastal development permit or amendment from the California Coastal Commission to continue parking on Navy Pier prior to expiration of the permit, the applicant shall cease parking on the pier upon expiration of the permit."

- "By acceptance of this permit, the applicant agrees that no later than three (3) years following Commission approval of Coastal Development Permit No. 6-16-0258, the applicant shall submit an application to the Commission for a Port Master Plan Amendment (PMPA) to incorporate Navy Pier into the Port Master Plan …"

- The Port was required to provide annual reports "on the progress made towards converting Navy Pier from a parking lot into a public park."

(**Exhibit A**, pp. 7-8.)

On May 11, 2017, the Commission approved the CDP application, with changes. (**Exhibit G**, p. 12.) The Commission concluded that the project, with the inclusion of the special conditions, was consistent with Section 30251 of the Coastal Act. (**Exhibit A**, pp. 25.)

The CDP also provided: "If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application." (**Exhibit A**, p. 6.) Since construction never commenced, that permit expired on May 11, 2019.

J. The Port Transferred All Funds Out of the Navy Pier Head House Demolition Project Account.

On April 23, 2019, the Port adopted Resolution 2019-044 to reallocate all remaining funds, totaling $2,485,000.00, from the Navy Head House Demolition Project. (**Exhibit H**, p. 1.) $900,000.00 of those funds were transferred to Capital Improvement Program ("CIP") Capital Labor to fund efforts on active projects through fiscal year 2020, and the remaining $1,585,000 was transferred to "CIP Contingency" for future capital improvement needs. (*Ibid*.) The Port's Resolution states that "the Navy Pier Head House Demolition project will remain in the CIP and staff will return to the BPC [Board of Port Commissioners] at a later date once funding has been identified to complete the project." (*Ibid.*) The Waterfront Coalition believes those transfers were highly inappropriate and the funds should be returned to an account to be used for removal of the Navy Pier Building and development of the long promised public park.

II. ARGUMENTS

A. The Port is in Violation of the Coastal Act.

Section 30251 of the Coastal Act states, in part:

> The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect public views to and along the ocean and scenic coastal areas and, where feasible, to restore and enhance visual quality in visually degraded areas...

The Port Master Plan Amendment that incorporated the Midway into the Port Master Plan was approved by the Commission based on the commitment by the Port and Midway that parking on Navy Pier would be an interim use and that the pier would be converted to a public park to mitigate for the visual impacts that occurred from the docking of the 50-190 foot tall, 1,000 foot long aircraft carrier.

The Commission's February 21, 2000 Staff Recommendation stated:

> In summary, the amendment does not provide even a minimal degree of assurance that the proposed parking lot on Navy Pier will ever be removed or replaced with a public park that could offset the adverse visual impacts of the Midway. Therefore, the part of the amendment relating to the Midway cannot be found consistent with the Coastal Act at this time.

(**Exhibit B**, p. 17.)

The Commission only approved the berthing of the Midway after the Port made a commitment, which was incorporated into the Port Master Plan Amendment, "to convert the Navy Pier into a 'public park' use" "if the Navy determines that its use of the Navy Pier is no longer necessary." This commitment was mitigation under the Coastal Act for the Midway.

Another Coastal Act violation pertains to the Port's commitment to maintain funds in an account "to secure upland parking for the Midway, thereby allowing the parking on the pier to be removed and the pier converted to a memorial park." As described above, the Port stated "the Port would make the establishment of such an account a condition of the Coastal Development Permit issued in conjunction with the Midway." The transfer of funds out of the account violates a condition of the CDP issued for the Midway.

The Coastal Act provides for "citizen suits." Under Public Resources Code Section 30803, citizens can bring legal action to address violations of the Coastal Act and to enforce orders issued by the Commission. If the Port is unwilling to address these violations of the Coastal Act, an appropriate citizen suit will be pursued.

B. The Port Is in Breach of the Public Trust.

The concept of a public trust over natural resources unquestionably supports exercise of the police power by public agencies. (E.g., *People v. K. Sakai Co.* (1976) 56 Cal.App.3d 531, 535–536.) But, the public trust doctrine also places a *duty* upon the government to protect those resources. "The heart of the public trust doctrine, however it may be articulated, is that it imposes limits and obligations on governments." (Wilkinson, *The Public Trust Doctrine in Public Land Law* (1980) 14 U.C. Davis L.Rev. 269, 284, fn. omitted.) "[T]he public trust is more than an affirmation of state power to use public property for public purposes. It is an affirmation of the duty of the state to protect the people's common heritage of streams, lakes, marshlands and tidelands...." (*National Audubon Society v. Superior Court (1983)* 33 Cal.3d 419, 441.) "The state has an affirmative duty to take the public trust into account in the planning and allocation of water resources, and to protect public trust uses whenever feasible." (*Id.* at p. 446.)

The interests encompassed by the public trust are protected by public agencies acting pursuant to their police power and explicit statutory authorization. Nonetheless, the public retains the right to bring actions to enforce the trust when the public agencies fail to discharge their duties. (*Ctr. for Biological Diversity, Inc. v. FPL Grp., Inc.* (2008) 166 Cal. App. 4th 1349, 1365–66.) Many of the cases establishing the public trust doctrine in this country and in California have been brought by private parties to prevent agencies of government from abandoning or neglecting the rights of the public with respect to resources subject to the public trust. (E.g., *Illinois v. Illinois Central Railroad* (1892) 146 U.S. 387, 13 S.Ct. 110; *City of Berkeley, v. Superior Court* (1980) 26 Cal.3d 515.) The facts involved in *National Audubon Society* illustrate that public agencies do not always strike an appropriate balance between protecting trust resources and accommodating other legitimate public interests. Indeed, as in that case, the protection of the trust resources have been entirely ignored.

"[T]he [public trust] doctrine places on the state the responsibility to enforce the trust. If the appropriate state agencies fail to do so, members of the public may seek to compel the agency to perform its duties, but neither members of the public nor the court may assume the task of administering the trust. … Plaintiffs have the right to insist that the state, through its appropriate subdivisions and agencies, protect and preserve public trust property." (*Ctr. for Biological Diversity, supra*, 166 Cal. App. 4th at 1367–68.)

There are important public trust breaches, including the collection of fees from the public for parking for 20 years instead of allowing the public to enjoy a public pier. Additionally, as discussed above, the Port has transferred funds earmarked for the development of a public pier into other capital improvements.

The State Lands Commission and the Coastal Commission should force the Port to take appropriate action if the Port fails and refuses to do so on its own. If the State Lands Commission and the Coastal Commission fail to compel the Port to perform its duties, appropriate citizen action will be pursued.

C. The Port Is in Violation of Its Master Plan Amendment.

As set forth in Section 1(C) above, the Port added the following language to its Port Master Plan:

- "Parking for visitors to the Midway and its museum will be provided, on an interim basis, at the Navy Pier…"

- "When and if the Navy determines that its use of the Navy Pier is no longer necessary, the Port will accept the proposal by the San Diego Aircraft Carrier Museum to convert the Navy Pier into a 'public park'

use, thereby allowing the pier to be converted into a memorial park complementing the Midway and its museum, while affording additional public open space and bay vistas."

- "[T]he conversion of the pier to a 5.7-acre memorial park is a specific planning goal of the Port, and environmental analysis for the park conversion will be conducted prior to the Navy relinquishing ownership and/or control of the Navy Pier such that construction of the park can occur as soon as feasible thereafter."

The Port has ignored these provisions of its Master Plan.

D. The Port Is in Violation of the California Environmental Quality Act.

While investigation is continuing, at present, we believe the Port has failed to comply with any required mitigation measures related to the berthing of the Midway, in violation of the California Environmental Quality Act ("CEQA"). A public agency shall provide that measures to mitigate or avoid significant effects on the environment are fully enforceable through permit conditions, agreements, or other measures." (Pub. Resources Code, § 21081.6, subd. (b).)

As discussed at length above, the Midway blocks views of the Bay and beyond from Harbor Drive, the pedestrian walkway, and other locations. Removal of the structures on the Navy Pier, and replacement with improvements which protected views, was a fundamental condition to approval of the berthing of the Midway. The Port has ignored those mitigation measures.

E. The Port Is in Violation of the Midway Lease.

The 2005 lease between the Port and the Midway Museum provides:

Lessee shall take the leadership role in pursuing funding and development of the Veteran's Memorial Park … By no later than seven (7) years from the Commencement Date, Lessee shall submit a complete set of plans and a project description for the development of the Veteran's Memorial Park to Lessor for its review, evaluation, and consideration.

(**Exhibit F**, p. 5.)

If the Midway Museum is unwilling to enforce the Port's compliance with its lease, the public could, as an intended third-party beneficiary of the lease.

III. CONCLUSION

Despite the commitments from the Port, the pier has yet to be converted into a public park. Even more inexcusable, the dilapidated Navy Pier Building was never demolished, even though the transfer of ownership from the Navy to the Port occurred seventeen years ago, in 2003. Moreover, the Port has collected revenue from public parking on the pier for that same amount of time, benefitting from the collection of revenues while the public has not received the benefits of public access and better views through the demolition of the Navy Pier Building and the creation of a public park.

To date, nothing has been done to mitigate the negative visual and public access impacts resulting from the docking of the Midway, the remaining dilapidated 2-story Navy Pier Building, and the continuation of parking on Navy Pier, despite the passage of nearly 20 years. (*See* **Exhibit I** – The San Diego Union-Tribune, "*Port, Midway Promised a Park on Navy Pier Two Decades Ago. It's Still Not There,*" August 10, 2019.) We understand that all public agencies are now focusing their attention on limiting the spread of the coronavirus. However, we request a response to our request for removal of the Navy Pier Building and replacement with the public park promised two decades ago by October 23, 2020. The Port's response will guide how we proceed in order to protect the public's interest in accessing these important public lands and enforce the mitigation measures promised by the Port and imposed on the Port by the California Coastal Commission.

We thank you for your time and consideration.

Sincerely,



Josh Chatten-Brown
On behalf of the Waterfront Coalition

Cc: California Coastal Commission

EXHIBIT A

CALIFORNIA COASTAL COMMISSION
SAN DIEGO AREA
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(619) 767-2370

Th20a

Filed:	12/22/16
180th Day:	6/20/17
Staff:	M. Lasiter-SD
Staff Report:	4/20/17
Hearing Date:	5/11/17

STAFF REPORT: REGULAR CALENDAR

Application No.:	**6-16-0258**
Applicant:	**San Diego Unified Port District**
Agent:	Wileen Manaois
Location:	960 North Harbor Drive, San Diego, San Diego County
Project Description:	Maintain parking facilities on Navy Pier for a four-year period, increase parking rates, demolish the Head House building, reconfigure parking to add an additional 150 parking spaces for a total of 660 parking spaces, reconfigure circulation, and install public access amenities including a 7,840 sq. ft. public viewing deck.
Staff Recommendation:	Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION

Navy Pier is located on northeastern San Diego Bay directly north of the U.S.S. Midway Museum ("Midway"). The pier was originally owned and utilized by the United States Navy ("Navy"), but the title was approved to be transferred to

the Midway which had the option to accept ownership of the pier or transfer it to another agency. Midway chose to transfer ownership to the San Diego Unified Port District ("Port"), and the transfer occurred in 2003. Since then, Midway has leased 31,436 square feet of the southern portion of Navy Pier from the Port, which is used for ticket sales, an ADA-compliant elevator, stairs, emergency backup generator, vending machines, ATMs, and parking for employees and volunteers. The remainder of the pier has been used as a parking lot, primarily by visitors and employees of the Midway, since 2004 when the museum first opened. The proposed project would allow parking on Navy Pier to continue for an interim period of four years, while the Port develops a long term plan for conversion of the pier into a public park. The applicant also proposes to raise parking rates, demolish a two-story building on the eastern portion of the pier, called the Head House, that is currently used as a parking garage; restripe the demolished area and reconfigure existing parking to add 150 new parking spaces for a total of 660 parking spaces; and install interim public amenities, including new pedestrian walkway connections, benches, lighting, landscaping, planter boxes, bicycle racks, coastal access signage, new and reconfigured curbs, and a 7,840 square foot public viewing deck at the west end of the pier.

On March 14, 2001, the Commission approved Port Master Plan Amendment (PMPA) No. 27 that included, among other development, docking of the U.S.S. Midway Aircraft Carrier for use as a museum on the south side of Navy Pier. The primary issue related to the project-driven PMPA was the visual impacts that would occur as a result of the Midway berthing. As discussed in the PMPA staff report, docking of the 1,000 foot long and 50-190 foot tall Midway would "block existing public views, contribute to the walling off of San Diego Bay, block a potential view corridor down F Street, and create a 'tunnel' effect on Harbor Drive at the subject site." The landowner of Navy Pier at that time, the Navy, agreed to lease the pier to Midway for use as a parking lot; however, there were indications that the Navy would transfer ownership of the pier to the Port in the future. Not only were visual impacts of the Midway a concern, but also the visual and public access impacts that would occur if the Navy's structure and parking were to remain on Navy Pier long-term. As discussed in the PMPA staff report, Navy Pier was "not an appropriate place for a permanent parking lot, due to adverse visual impacts a parking lot will have on the surrounding waterfront and the loss of the prime waterfront location for public access and recreational purposes."

To mitigate for the visual impacts of the Midway, the proponents of the museum proposed to create a 5.7-acre memorial park on Navy Pier once it was relinquished to the Port by the Navy. The proposal included a conceptual plan to demolish the existing Head House, and redevelop the pier as a pedestrian-oriented memorial park with plazas, grassy lawns, benches, promenades, design features, and a Navy spouses club and chapel for small social functions. Further, the proponents of the Midway museum committed to establishing a reserve account into which they would deposit $100,000 per year for the first

five years, and $150,000 per year for the next five years to be used to relocate the parking from Navy Pier. However, because the Port was unwilling to include any language in the Port Master Plan to assure that the proposed parking lot would be converted to a public park in the future, Commission staff recommended denial of the portion of the PMPA related to the Midway. However, during the Commission hearing, the Port changed its position and agreed to include the language and the Commission approved the PMPA. Thus, parking on Navy Pier was approved on an interim basis only. The certified Port Master Plan contains the following description of the plan to convert Navy Pier to a park once ownership was transferred from the Navy to the Port:

> *When and if the Navy determines that its use of the Navy Pier is no longer necessary, the Port will accept the proposal by the San Diego Aircraft Carrier Museum to convert the Navy Pier into a 'public park' use, thereby allowing the pier to be converted into a memorial park complementing the Midway and its museum, while affording additional public open space and bay vistas. Vehicle parking for museum visitors will then be shifted to nearby offsite locations. However, since the Navy Pier's future is uncertain and will be determined by decisions of the federal government, the conversion of the pier to a 5.7-acre memorial park is a specific planning goal of the Port, and environmental analysis for the park conversion will be conducted prior to the Navy relinquishing ownership and/or control of the Navy Pier such that construction of the park can occur as soon as feasible thereafter. The park conversion will be subject to all appropriate laws at the time the Navy Pier Park is proposed.* (Emphasis added)

Despite these commitments from the Port and Midway, the pier has yet to be converted into a public park even though the transfer of ownership from the Navy to the Port occurred fourteen years ago in 2003. The applicant maintains that the proposed project is an interim solution that is necessary in order to provide the Port and Midway additional time to develop a long term plan for the pier. Because the Port has not incorporated the pier into the Port Master Plan, the pier is within the Commission's permitting jurisdiction.

The primary issues raised by this project are visual impacts from the continuation of parking on Navy Pier and docking of the Midway that has yet to be mitigated; and impacts to public access and recreation from (1) the delay of the conversion of the pier to a park by an additional four years and (2) the increase of public parking rates on the pier. However, the demolition of the dilapidated Head House building and installation of public amenities for the interim period would improve the public's experience from the public promenade and Harbor Drive and facilitate future development of the pier to a park. To ensure that continued parking on the pier is temporary, **Special Condition No. 1** sets a four year permit term. **Special Condition No. 2** requires that the applicant submit a Port Master Plan Amendment application no later than three years into the permit term to incorporate Navy Pier into the Port

Master Plan, including a land use designation identifying at minimum 75% of the pier as a public park. Special Condition No. 2 further requires that the applicant provide annual reports detailing the progress made towards the conversion of the pier into a park to be reviewed by the Commission in any future decisions regarding the pier. Any increase in parking rates may impact the public's ability to visit the coast if they cannot afford it. While it is reasonable to raise parking rates to that of the market, additional increases at this time are not warranted. **Special Condition No. 3** limits parking rates on the pier to rates that were proposed by the applicant in the original application and that are consistent with existing market rates so that the public has equal access to the waterfront. To ensure that the public is aware of the free public access available at Navy Pier, **Special Condition No. 6** requires the applicant to submit a signage plan that clearly identifies the existing public viewing deck on the Midway and the proposed public viewing deck at the west end of the pier. To address potential impacts to water quality that could occur during and following demolition and restriping of the pier, **Special Condition Nos. 8** and **9** require the applicant to submit a Construction and Pollution Prevention Plan and a Post-Development Runoff Plan. Additional special conditions require final plans to be submitted for the demolition of the Head House, restriping and installation of public amenities, and landscaping.

Commission staff recommends **approval** of Coastal Development Permit 6-16-0258 as conditioned.

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APPENDICES

Appendix A – Substantive File Documents

EXHIBITS

Exhibit 1 – Vicinity and Site Map
Exhibit 2 – Proposed Site Plan
Exhibit 3 – Existing Site Plan
Exhibit 4 – Port and U.S.S. Midway Correspondence
Exhibit 5 – Pre-Midway Views
Exhibit 6 – Recommended Maximum Future Parking Area
Exhibit 7 – Midway lease
Exhibit 8 – Midway CDP
Exhibit 9 – Revised Findings on San Diego Unified Port District Port Master Plan Amendment No. 27 (North Embarcadero)

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** Coastal Development Permit Application No. 6-16-0258 subject to the conditions set forth in the staff recommendation.*

Staff recommends a **YES** vote on the foregoing motion. Passage of this motion will result in conditional approval of the permit and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution:

The Commission hereby approves coastal development permit 6-16-0258 and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Port Master Plan conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. 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 on which 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 of interpretation of any 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.

III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. **Permit Term.**

(a) This coastal development permit authorizes development on a temporary basis only. The development is authorized for a period of four (4) years, commencing upon the date of Commission approval of Coastal Development Permit No. 6-16-0258, after which time the authorization for continuation or retention of any development approved as part of this permit shall cease. After the permit expires, the retention of parking on Navy Pier will require the issuance of a new or amended coastal development permit.

(b) If the applicant does not obtain a coastal development permit or amendment from the California Coastal Commission to continue parking on Navy Pier prior to expiration of the permit, the applicant shall cease parking on the pier upon expiration of the permit.

(c) All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to all special conditions. Any deviation from the approved project plans must be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit is legally required.

2. **Port Master Plan Amendment and Progress Reports.**

(a) Port Master Plan Amendment. By acceptance of this permit, the applicant agrees that no later than three (3) years following Commission approval of Coastal Development Permit No. 6-16-0258, the applicant shall submit an application to the Commission for a Port Master Plan Amendment (PMPA) to incorporate Navy Pier into the Port Master Plan with at least 75% of the pier designated as a public park and up to 25% of the pier designated as public parking. In order to open up views to

the San Diego Bay, future parking shall be located directly adjacent to the Midway along the southern perimeter of the pier, as generally depicted in Exhibit 6. The PMPA may be part of a larger Port Master Plan update. The PMPA application shall include changes to the text of the Port Master Plan that describe the park and associated public amenities, and a land use designation identifying at least 75% of Navy Pier as a public park.

(b) Progress Reports. One year following Commission approval of Coastal Development Permit No. 6-16-0258, the applicant shall submit to the Executive Director a report on the progress made towards converting Navy Pier from a parking lot into a public park. Each calendar year thereafter, the applicant shall submit to the Executive Director an annual progress report documenting the progress that has occurred throughout the previous year. Each report shall include, but not be limited to, discussion and documentation of the following:

i. Park planning studies;

ii. Park environmental review pursuant to the California Environmental Quality Act and the Coastal Act;

iii. Park design plans;

iv. Planning meetings;

v. Permit approvals; and

vi. Relocation of all or at a minimum 75% of public parking off Navy Pier, including the identification of existing and planned parking reservoirs and appropriate transportation links from the parking reservoirs to the U.S.S. Midway.

The information contained in the annual progress reports will be used by the Commission in review of the Port Master Plan Amendment application required in subsection (a) of this special condition and any future development on Navy Pier requiring a coastal development permit.

3. **Parking Management.** By acceptance of this permit, the applicant agrees that the paid parking program shall operate under the following parameters:

(a) Parking rates on Navy Pier shall be clearly posted and shall be no higher than the following:

i. Transient rate:

a. $8 for up to one hour;

b. $20 for up to 6 hours;

c. $25 for up to 24 hours;

ii. Special event rate: $30;

iii. U.S.S. Midway educational overnight rate: $10;

(b) The maximum rates shall be in effect regardless of holidays or weekends; and

(c) The applicant shall reduce transient and special event rates by at least 25% below the maximum parking rates identified in Special Condition 3(a)i. during the off-season, specifically October 1 – March 31 annually, and during other low demand periods as determined by the Port.

The applicant shall undertake the parking program in accordance with the approved parking provisions. Any proposed changes to the approved paid parking program shall be reported to the Executive Director. No changes to the approved parking program, including an increase in parking rates beyond the maximum rates identified in subsection (a) of this special condition, 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. **Head House Demolition Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and written approval of the Executive Director, a full-size demolition plan for the Head House.

The permittee shall undertake development in conformance with the approved final plans unless the Commission amends this permit or the Executive Director determines that no amendment is legally required for any proposed minor deviations.

5. **Final Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and written approval of the Executive Director, a full-size set of final plans for the interim parking and public amenities on Navy Pier that substantially conform with the plans submitted to the Commission, titled Navy Pier Interim Parking Striping, dated October 14, 2016.

The permittee shall undertake development in conformance with the approved final plans unless the Commission amends this permit or the Executive Director determines that no amendment is legally required for any proposed minor deviations.

6. **Public Access Signage Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and written approval of the Executive Director, a comprehensive Public Access Signage Plan. The plan shall include, but not be limited to, the following:

(a) Plans, dimensions, and locations of signage to notify the public of the public access available on the U.S.S. Midway deck when the U.S.S. Midway is open to the general public. Signage shall be large enough to be seen by the public and clearly identify that public access on the U.S.S. Midway deck is available free of charge. Signage shall be located, at minimum, on the public promenade at the pedestrian entrances to Navy Pier and at the entrance to the ticket booth.

(b) Plans, dimensions, and locations of signage to notify the public of the public access available on the viewing deck at the end of Navy Pier. Signage shall be large enough to be seen by the public and be located, at minimum, on the public promenade at the pedestrian entrances to Navy Pier and along the pedestrian walkways prior to reaching the viewing deck.

7. **Final Landscape Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, in a form and content acceptable to the Executive Director, a full-size set of final landscaping plans, which shall include and be consistent with the following:

(a) Vegetated landscaped areas shall consist of native plants or non-native drought tolerant plants that are non-invasive. No plant species listed as problematic 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).

(b) Use of reclaimed water for irrigation is encouraged. If using potable water for irrigation, only drip or microspray irrigation systems may be used. Other water conservation measures shall be considered, such as weather based irrigation controllers.

The permittee shall undertake development in accordance with the approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

8. **Construction and Pollution Prevention Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and written approval of the Executive Director, a Construction and Pollution Prevention Plan. The Plan shall demonstrate that all construction, including, but not limited to, clearing, grading, staging, storage of equipment

and materials, or other activities that involve ground disturbance; building, reconstructing, or demolishing a structure; and creation or replacement of impervious surfaces, complies with the following requirements:

(a) **Protect Public Access.** Construction shall protect and maximize public access, including by:

i. Demolition may not occur from Memorial Day weekend to Labor Day unless, due to extenuating circumstances (such as tidal issues, extensive delays due to severe weather, or other environmental concerns) the Executive Director authorizes such work.

ii. Public access shall be maintained around the project site to provide a continuous connection to the public promenade north and south of Navy Pier, throughout project demolition and construction.

iii. Staging and storage of construction equipment and materials (including debris) may not take place on the public promenade outside the project area. Staging and storage of construction equipment and materials shall occur at least 25 feet from coastal waters, drainage courses, and storm drain inlets, if feasible. Construction is prohibited outside of the defined construction, staging, and storage areas.

iv. All construction methods to be used, including all methods to keep the construction areas separated from public recreational use areas (e.g., using unobtrusive fencing or equivalent measures to delineate construction areas), shall be clearly identified on the construction site map and described in the narrative description.

v. All bay access points and other recreational use areas impacted by construction activities, other than those approved as part of this project, shall be restored to their pre-construction condition or better within three days of completion of construction.

(b) **Minimize Erosion and Sediment Discharge.** During construction, erosion and the discharge of sediment off-site or to coastal waters shall be minimized through the use of appropriate Best Management Practices (BMPs), including:

i. Land disturbance during construction (e.g., clearing, grading, and cut-and-fill) shall be minimized, and grading activities shall be phased, to avoid increased erosion and sedimentation.

ii. Erosion control BMPs (such as mulch, soil binders, geotextile blankets or mats, or temporary seeding) shall be installed as needed to prevent soil from being transported by water or wind. Temporary BMPs shall be implemented to stabilize soil on graded or disturbed areas as soon as feasible during construction,

where there is a potential for soil erosion to lead to discharge of sediment off-site or to coastal waters.

iii. Sediment control BMPs (such as silt fences, fiber rolls, sediment basins, inlet protection, sand bag barriers, or straw bale barriers) shall be installed as needed to trap and remove eroded sediment from runoff, to prevent sedimentation of coastal waters.

iv. Tracking control BMPs (such as a stabilized construction entrance/exit, and street sweeping) shall be installed or implemented as needed to prevent tracking sediment off-site by vehicles leaving the construction area.

v. Runoff control BMPs (such as a concrete washout facility, dewatering tank, or dedicated vehicle wash area) that will be implemented during construction to retain, infiltrate, or treat stormwater and non-stormwater runoff.

(c) **Minimize Discharge of Construction Pollutants.** The discharge of other pollutants resulting from construction activities (such as chemicals, paints, vehicle fluids, petroleum products, asphalt and cement compounds, debris, and trash) into runoff or coastal waters shall be minimized through the use of appropriate BMPs, including:

i. Materials management and waste management BMPs (such as stockpile management, spill prevention, and good housekeeping practices) shall be installed or implemented as needed to minimize pollutant discharge and polluted runoff resulting from staging, storage, and disposal of construction chemicals and materials. BMPs shall include, at a minimum:

A. Covering stockpiled construction materials, soil, and other excavated materials to prevent contact with rain, and protecting all stockpiles from stormwater runoff using temporary perimeter barriers.

B. Cleaning up all leaks, drips, and spills immediately; having a written plan for the clean-up of spills and leaks; and maintaining an inventory of products and chemicals used on site.

C. Proper disposal of all wastes; providing trash receptacles on site; and covering open trash receptacles during wet weather.

D. Prompt removal of all construction debris.

E. Detaining, infiltrating, or treating runoff, if needed, prior to conveyance off-site during construction.

ii. Fueling and maintenance of construction equipment and vehicles shall be conducted off site if feasible. Any fueling and maintenance of mobile equipment conducted on site shall take place at a

designated area located at least 50 feet from coastal waters, drainage courses, and storm drain inlets, if feasible (unless those inlets are blocked to protect against fuel spills). The fueling and maintenance area shall be designed to fully contain any spills of fuel, oil, or other contaminants. Equipment that cannot be feasibly relocated to a designated fueling and maintenance area (such as cranes) may be fueled and maintained in other areas of the site, provided that procedures are implemented to fully contain any potential spills.

(d) **Minimize Other Impacts of Construction Activities.** Other impacts of construction activities shall be minimized through the use of appropriate BMPs, including:

i. The damage or removal of non-invasive vegetation (including trees, native vegetation, and root structures) during construction shall be minimized, to achieve water quality benefits such as transpiration, vegetative interception, pollutant uptake, shading of waterways, and erosion control.

ii. Soil compaction due to construction activities shall be minimized, to retain the natural stormwater infiltration capacity of the soil.

iii. The use of temporary erosion and sediment control products (such as fiber rolls, erosion control blankets, mulch control netting, and silt fences) that incorporate plastic netting (such as polypropylene, nylon, polyethylene, polyester, or other synthetic fibers) shall be avoided, to minimize wildlife entanglement and plastic debris pollution.

(e) **Construction In, Over, or Adjacent to Coastal Waters and Habitat.** Construction taking place in, over, or adjacent to coastal waters and habitat shall protect the coastal waters and habitat by implementing additional BMPs, including:

i. No construction equipment or materials (including debris) shall be allowed at any time in the intertidal zone or in coastal waters.

ii. Construction activity shall not be conducted in the intertidal zone or in coastal waters.

iii. To the extent feasible, work shall take place during daylight hours. Lighting of the bay area, beyond project area lighting needed for any nighttime work, is prohibited. Any lighting needed for nighttime work shall be shielded and directed away from the bay. Lighting directed at the bay is prohibited.

iv. All construction equipment and materials shall be stored beyond the reach of tidal waters.

v. Tarps or other devices shall be used to capture debris, dust, oil, grease, rust, dirt, fine particles, and spills to protect the quality of coastal waters.

vi. All erosion and sediment controls shall be in place prior to the commencement of construction, as well as at the end of each workday. At a minimum, if grading is taking place, sediment control BMPs shall be installed at the perimeter of the construction site to prevent construction-related sediment and debris from entering the bay, ocean, waterways, natural drainage swales, and the storm drain system.

vii. All debris resulting from construction activities shall be removed from the project site within 24 hours of completion of the project.

viii. If preservative-treated wood is used, appropriate BMPs shall be implemented that meet industry standards for the selection, storage, and construction practices for use of preservative-treated wood in aquatic environments; at a minimum, those standards identified by the Western Wood Preservers Institute, et al. in *Treated Wood in Aquatic Environments: A Specification and Environmental Guide to Selecting, Installing and Managing Wood Preservation Systems in Aquatic and Wetland Environments* (2012) or the latest revision. The preservative-treated wood shall be certified by a third party inspection program, as indicated by the presence of a BMP Quality Mark or Certificate of Compliance, to have been produced in accordance with industry BMP standards designed to minimize adverse impacts in aquatic environments.

(f) **Manage Construction-Phase BMPs.** Appropriate protocols shall be implemented to manage all construction-phase BMPs (including installation and removal, ongoing operation, inspection, maintenance, and training), to protect coastal water quality.

(g) **Construction Site Map and Narrative Description.** The Construction and Pollution Prevention Plan shall include a construction site map and a narrative description addressing, at a minimum, the following required components:

i. A map delineating the construction site, construction phasing boundaries, staging site, temporary public access route, and the location of all temporary construction-phase BMPs (such as silt fences, inlet protection, and sediment basins).

ii. A description of the BMPs that will be implemented to minimize land disturbance activities, minimize the project footprint, minimize soil compaction, and minimize damage or removal of non-invasive vegetation. Include a construction phasing

schedule, if applicable to the project, with a description and timeline of significant land disturbance activities.

iii. A description of the BMPs that will be implemented to minimize erosion and sedimentation, control runoff and minimize the discharge of other pollutants resulting from construction activities. Include calculations that demonstrate proper sizing of BMPs.

iv. A description and schedule for the management of all construction-phase BMPs (including installation and removal, ongoing operation, inspection, maintenance, and training). Identify any temporary BMPs that will be converted to permanent post-development BMPs.

(h) **Construction Site Documents.** The Construction and Pollution Prevention Plan shall specify that copies of the signed CDP and the approved Construction and Pollution Prevention Plan be maintained in a conspicuous location at the construction job site at all times, and be available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of the CDP and the approved Construction and Pollution Prevention Plan, and the public review requirements applicable to them, prior to commencement of construction.

(i) **Construction Coordinator.** The Construction and Pollution Prevention Plan shall specify that a construction coordinator be designated who may be contacted during construction should questions or emergencies arise regarding the construction. The coordinator's contact information (including, at a minimum, a telephone number available 24 hours a day for the duration of construction) shall be conspicuously posted at the job site and readily visible from public viewing areas, indicating that the coordinator should be contacted in the case of questions or emergencies. The coordinator shall record the name, phone number, and nature of all complaints received regarding the construction, and shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry.

(j) **Notification.** The permittee shall notify planning staff of the Coastal Commission's San Diego Coast District Office at least three working days in advance of commencement of construction or maintenance activities, and immediately upon completion of construction or maintenance activities.

The permittee shall undertake development in accordance with the approved Construction-Phase Pollution Prevention Plan, unless the Commission amends this permit or the Executive Director determines that no amendment is legally required for any proposed minor deviations.

9. **Post-Development Runoff Plan**. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and written approval of the Executive Director, a Post-Development Runoff Plan. The final Post-Development Runoff Plan shall demonstrate that the project complies with the following requirements:

   (a) **Low Impact Development Strategies.** The project shall comply with the following Low Impact Development standards:

      i. Minimize disturbance of coastal waters and natural drainage features such as stream corridors, rivers, wetlands, natural drainage patterns, drainage swales, groundwater recharge areas, floodplains, and topographical depressions.

      ii. Minimize removal of native vegetation, and plant additional non-invasive vegetation, particularly native plants that provide water quality benefits such as transpiration, interception of rainfall, pollutant uptake, shading of waterways to maintain water temperature, and erosion control.

      iii. Maintain or enhance appropriate on-site infiltration of runoff to the greatest extent feasible. Use strategies such as avoiding building impervious surfaces on highly permeable soils; amending soil if needed to enhance infiltration; and installing an infiltration Best Management Practice (BMP) (e.g., a vegetated swale, rain garden, or bio retention system).

      iv. Minimize the addition of impervious surfaces, and where feasible increase the area of pervious surfaces in re-development. Use strategies such as minimizing the footprint of impervious pavement; and installing a permeable pavement system where pavement is required.

      v. Disconnect impervious surface areas from the storm drain system, by interposing permeable areas between impervious surfaces and the storm drain system. Design curbs, berms, and similar structures to avoid isolation of vegetative landscaping and other permeable areas, and allow runoff to flow from impervious pavement to permeable areas for infiltration. Use strategies such as directing runoff from impervious pavement into distributed permeable areas (e.g., turf, medians, or parking islands); installing a vegetated swale or filter strip to intercept runoff sheet flow from impervious surfaces; and installing a rain barrel or cistern to capture and store roof-top runoff for later use in on-site irrigation.

      vi. Where on-site infiltration is not appropriate or feasible, use alternative BMPs to minimize post-development changes in runoff flows, such as installing an evapotranspiration BMP that does not infiltrate into the ground but uses evapotranspiration to reduce runoff (e.g., a flow-through planter or retention pond);

directing runoff to an off-site infiltration facility; or implementing BMPs to reduce runoff volume, velocity, and flow rate before directing runoff to the storm drain system.

(b) **Implement Source Control BMPs.** Appropriate and feasible long-term Source Control BMPs, which may be structural features or operational practices, shall be implemented to minimize the transport of pollutants in runoff from the development by controlling pollutant sources and keeping pollutants segregated from runoff. Use strategies such as covering outdoor storage areas; using efficient irrigation; proper application and clean-up of potentially harmful chemicals and fertilizers; and proper disposal of waste.

(c) **Manage BMPs for the Life of the Development.** Appropriate protocols shall be implemented to manage BMPs (including ongoing operation, maintenance, inspection, and training) to keep the water quality provisions effective for the life of the development.

(d) **Site Plan and Narrative Description.** The Post-Development Runoff Plan shall include a site plan and a narrative description addressing, at a minimum, the following required components:

i. A site plan, drawn to scale, showing the property boundaries, building footprint, runoff flow directions, relevant drainage features, structural BMPs, impervious surfaces, permeable pavements, and landscaped areas.

ii. Identification of pollutants potentially generated by the proposed development that could be transported off the site by runoff.

iii. An estimate of the proposed changes in (1) impervious surface areas on the site, including pre-project and post-project impervious coverage area and the percentage of the property covered by impervious surfaces; (2) the amount of impervious areas that drain directly into the storm drain system without first flowing across permeable areas; and (3) site coverage with permeable or semi-permeable pavements.

iv. A description of the BMPs that will be implemented, and the Low Impact Development approach to stormwater management that will be used. Include a schedule for installation or implementation of all post-development BMPs.

v. A description and schedule for the ongoing management of all post-development BMPs (including operation, maintenance, inspection, and training) that will be performed for the life of the development, if required for the BMPs to function properly.

The permittee shall undertake development in accordance with the Post-Development Runoff Plan, unless the Commission amends this permit or the

Executive Director determines that no amendment is legally required for any proposed minor deviations.

10. **Assumption of Risk, Waiver of Liability, and Indemnity.**

(a) By acceptance of this permit, the permittee acknowledges and agrees (i) that the site may be subject to hazards, including but not limited to waves, storms, and flooding, many of which will worsen with future sea level rise; (ii) to assume the risks to the permittee and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury of damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

(b) PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a written agreement, in a form and content acceptable to the Executive Director, incorporating all of the above terms of subsection (a) of this condition.

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION

The proposed project is located on Navy Pier and consists of maintaining existing parking; increasing existing parking rates; demolishing the Head House building; restriping the demolished area and reconfiguring existing parking to add 150 new parking spaces for the interim period; enhancing the existing vehicular and pedestrian ingress and egress; and installing additional public access amenities, including benches, walkways, planters and a public viewing deck. Navy Pier is located on the San Diego Bay just north of the aircraft carrier U.S.S. Midway ("Midway") (Exhibit 1) and is currently used for parking primarily by Midway employees, volunteers and visitors. The San Diego Unified Port District ("Port") proposes the subject project as an interim solution which will allow them additional time to plan for the conversion of Navy Pier from a parking lot into a public park. The specific project components are described in greater detail below:

(1) Maintain Parking

The Port proposes to maintain existing parking on Navy Pier for a period of four years. In its initial coastal development permit application, the Port requested a

term of seven years or until completion of an unrelated adjacent development, Manchester Pacific Gateway; however, after discussions with Commission staff, the Port revised the project to reflect the shorter term.

(2) Modification of Parking Rates

The applicant proposes to increase existing parking rates on Navy Pier and allow for a range of rates depending on the season, with a lower rate charged during the off-peak season of October through March, and a higher rate charged during peak spring and summer months (April through September).

In the original application, the Port proposed parking rates that were identified by the Port as consistent with existing market rates for parking lots within the adjacent area. However, the Port subsequently revised the project to increase parking rates to fund the demolition of the Head House building. The existing, originally proposed, and final proposed parking rates are as follows:

Rate Category	Existing Rates	Originally Proposed Rates	Final Proposed Rates
Transient: Up to 1 Hour	$5	$6 to $8	$6 to $10
Transient	$10 (1-12 hrs.)	$15 to $20 (up to 6 hrs.)	$15 to $25 (up to 6 hrs.)
Transient Daily Maximum *	None stated	$18 to $25 (up to 24 hrs.)	$18 to $30 (up to 24 hrs.)
Special Event	$20	$20 to $30	$20 to $40
Educational Overnight**	$10	$10	$10 to $15
Monthly Parking	$145 to $180	$150 to $200	eliminated
Midway Only Monthly Parking (max 20 spaces/ month)	$145	$150	eliminated
Midway Employee & Volunteer Daily Overage Rate	None	$10	$15 to $25

* Parking for greater than 6 hours requires payment of the Daily Maximum Rate.

**Overnight parking will be allowed for participants of the Midway Educational Overnight Program and short-term during times when demand is low and spaces are available.

Note: Motorcycles that park in a designated motorcycle parking space will pay fifty percent (50%) of the posted rate.

Note: The original application included only the continuation of parking on Navy Pier and the parking rate increase: however, the subsequent components were added by the Port following coordination with Commission staff:

(3) Demolition of the Head House building

The Head House is a two-story, 48,000 square foot building formerly used by the Navy and located on the easternmost portion of the pier adjacent to the public promenade. The building is vacant except for parking on the 1st floor for Midway staff and volunteers. The proposed demolition would include: abatement of hazardous materials; removal of the interior, roof, walls and foundation system, capping of existing utilities; and installation of structural infills in pier deck openings.

(4) Installation of Interim Public Access Amenities

Upon completion of the Head House demolition, the applicant proposes to install interim public access amenities until such time as the parking lot is converted into a public park. The proposed public access improvements incorporate several pedestrian walkways, including from the Embarcadero Promenade to the Midway entrance along the southern perimeter of the pier, from the Embarcadero Promenade to the public viewing area on the west end of the pier, and north/south pedestrian walkway connections on the pier; benches, lighting, landscaping, planter boxes, bicycle racks, and coastal access signage; new and reconfigured curbs and striping; and a new 7,840 square foot public viewing area at the east end of the pier (Exhibit 2).

(5) Reconfigured Parking on Navy Pier and Ingress/Egress Enhancements

Upon completion of the Head House demolition, the applicant proposes to install asphalt and concrete pavement to match the existing pier surface; conduct grading for drainage purposes; and stripe the area to create surface parking spaces within the footprint of the demolished building. These parking spaces would be integrated with the existing parking located west of the Head House footprint, which would be reconfigured to maximize parking efficiency, improve traffic flow, and enhance pedestrian and bicyclist access on the pier. Additionally, the pier entry and exit driveways would be realigned to improve traffic and pedestrian flow. The existing and proposed parking totals are shown in the table below.

Description	Existing	Proposed	Change
Public Regular	383*	499	116
Public Accessible	9	12	3
Public Motorcycle	5	37	32
Subtotal – Public Parking	**397**	**548**	**151**
Midway Employee	105	105	0
Midway Service Parking	8	7	-1
Total Pier Parking	**510**	**660**	**150**

* 20 of the existing 383 public spaces are currently rented out exclusively to the Midway. Port staff has indicated that they will no longer offer Midway monthly rentals following approval of the CDP and these 20 spaces will return to the public parking reservoir.

(6) Other Improvements

Other improvements would include a storm water drainage system with required retention and filtration installation, and reconfiguration of existing utilities.

B. PROJECT HISTORY

On June 28, 2001, the Commission approved Port Master Plan Amendment ("PMPA") No. 27 that included, among other development, docking of the U.S.S. Midway Aircraft Carrier for use as a museum on the south side of Navy Pier (Exhibit 9). The land owner of Navy Pier at that time, the United States Navy ("Navy"), agreed to lease the pier to Midway for use as a parking lot; however, there were indications that the Navy would transfer ownership of the pier to the Port in the future. Commission staff initially recommended denial of the portion of the PMPA related to the Midway due, in part, to the impacts that the Midway would have on public views and the lack of language in the PMPA regarding mitigation. As discussed in the PMPA staff report, docking of the 1,000 foot long and 50-190 foot tall Midway would "block existing public views, contribute to the walling off of San Diego Bay, block a potential view corridor down F Street, and create a 'tunnel' effect on Harbor Drive at the subject site." Not only were visual impacts of the Midway a concern, but also the visual and public access impacts that would occur if parking were to remain on Navy Pier long-term. As discussed in the PMPA staff report, Navy Pier was "not an appropriate place for a permanent parking lot, due to adverse visual impacts a parking lot will have on the surrounding waterfront and the loss of the prime waterfront location for public access and recreational purposes."

To mitigate for the visual impacts of the Midway, the proponents of the museum proposed to create a 5.7-acre memorial park on Navy Pier once it was relinquished to the Port by the Navy. The proposal included a conceptual plan to demolish the existing Head House, and redevelop the pier as a pedestrian-oriented memorial park with plazas, grassy lawns, benches, promenades, design features, and a Navy spouses club and chapel for small social functions. Further, the proponent of the Midway museum committed to establishing a

reserve account into which it would deposit $100,000 per year for the first five years, and $150,000 per year for the next five years to be used to relocate the parking from Navy Pier.

The Port, however, was unwilling to include language in the PMPA specifying the conversion of the Navy Pier into a public park until during the Commission hearing. These commitments by the Port and Midway were accepted by the Commission and later included by the Port as conditions of the Port-issued coastal development permit and lease agreement with the Midway. As a result of the proposal, the following language was incorporated into the PMP:

> *Parking for visitors to the Midway and its museum will be provided, on an interim basis, at the Navy Pier, pursuant to the museum's lease with the United States Navy. When and if the Navy determines that its use of the Navy Pier is no longer necessary, the Port will accept the proposal by the San Diego Aircraft Carrier Museum to convert the Navy Pier into a "public park" use, thereby allowing the pier to be converted into a memorial park complementing the Midway and its museum, while affording additional public open space and bay vistas. Vehicle parking for museum visitors will then be shifted to nearby offsite locations. However, since the Navy Pier's future is uncertain and will be determined by decisions of the federal government, the conversion of the pier to a 5.7-acre memorial park is a specific planning goal of the Port, and environmental analysis for the park conversion will be conducted prior to the Navy relinquishing ownership and/or control of the Navy Pier such that construction of the park can occur as soon as feasible thereafter. The park conversion will be subject to all appropriate laws at the time the Navy Pier park is proposed.* (Emphasis added.)

In 2002, the Secretary of the Navy was given the authority to transfer title of Navy Pier to the Midway. Midway had the option to accept ownership of the pier or transfer title to another agency and chose to transfer ownership to the Port in 2003. Since the Port acquired ownership of Navy Pier from the Navy, however, progress towards converting the pier to a park has been delayed. Environmental review for the conversion was begun by the Port in 2009, but put on hold in 2013 prior to completion. In 2012, the Midway submitted conceptual park designs to the Port and the Port responded via letter in 2014 (Exhibit 4) that the conceptual designs were sufficient for the Port to conduct environmental review and process a PMPA; however, the Port has yet to do either and, as such, the Commission retains permitting jurisdiction over Navy Pier.

Thus far, the only requirement that has been satisfied has been the reserve account set up by the Midway to fund the relocation of parking off Navy Pier. Although the Midway has saved $1.25 million in this account to fund relocation of parking to nearby offsite locations, the Midway has yet to identify an alternative location for parking. The Midway has also failed to satisfy certain

lease requirements – mainly the requirement to commence construction of the park on Navy Pier within ten years from the commencement date of the lease, or no later than October 1, 2015 (Exhibit 7).

C. VISUAL RESOURCES

Section 30251 of the Coastal Act states, in part:

> *The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect public views to and along the ocean and scenic coastal areas and, where feasible, to restore and enhance visual quality in visually degraded areas…*

Section 30251 of the Coastal Act requires that development is sited to protect public views to and along coastal areas. The proposed project includes continuing parking on Navy Pier, which would further delay the opening of visual access to the San Diego Bay that would have been achieved by converting the pier from a parking lot into a public park. In addition, it defers the provision of mitigation for the berthing of the Midway which blocked existing public views along the Bayfront on a primary coastal access corridor.

The PMPA that incorporated the Midway into the PMP was approved by the Commission based on the commitment by the Port and Midway that parking on Navy Pier would be an interim use and that the pier would be converted to a public park to mitigate for the visual impacts that occurred from the docking of the 50-190 foot tall, 1,000 foot long aircraft carrier. Prior to the Midway's arrival, existing views were expansive and allowed the public to see to Coronado and San Diego Bay (Exhibit 5); however, docking the Midway replaced the scenic open water and coastline views with views of the Midway. Because the conversion of the pier from a parking lot to a park has not occurred, the visual impacts associated with docking of the Midway have not been appropriately mitigated. Thus, these visual impacts to the public viewshed still occur and will continue to occur with approval of the subject project and until such time as the park is built.

The Port maintains that the Midway does not have a negative impact on public views but is instead advantageous, an argument based on the popularity of the Midway, which has attracted more than a million visitors a year. However, in addition to the findings that the project would impact visual resources memorialized in the PMPA No. 27 staff report adopted by the Commission, the EIR conducted for the docking of Midway and adopted by the Board of Port Commissioners also concluded that there would be potentially significant impacts to public views caused by the docking of the Midway. There is no doubt that the Midway is a popular visitor-serving destination, however, that status does not negate the loss of visual access that resulted from its docking. While many visitors do attend the museum and some members of the public

may take advantage of the free public access to the Midway deck, the vast majority of visitors who drive, bike, or walk along this scenic route and the Embarcadero Promenade lost significant public views.

As detailed in the "Project History" section, although transfer of the pier occurred 14 years ago, the Port has yet to complete any of the necessary steps to convert the pier into a public park. These steps include conducting environmental review of the project, incorporating the project into the PMP through a PMPA, and approving plans for the park. To ensure that the Port will undertake these steps prior to the expiration of the proposed permit term, **Special Condition No. 2** requires the applicant to submit a PMPA application to incorporate the pier into the PMP, with clear policy language and a land use designation designating the pier as a public park, no later than three years following Commission approval. Special Condition No. 2 further requires that the Port document progress made towards conversion of the pier on an annual basis, including detailing the environmental review process, and submit progress reports to the Executive Director to be used by the Commission to review any future development of Navy Pier. Thus, the project has been conditioned to ensure that the necessary steps to convert the pier to a park will occur before the end of the proposed four year permit term and avoid any further delay.

After coordinating with Commission staff, the applicant revised the project to include demolition of the Head House building, which sits on the eastern boundary of the Navy Pier. The building is dilapidated and blocks any view that would be available to the public walking on the promenade that runs along the San Diego Bay and views from Harbor Drive. Its removal will significantly improve the pedestrian experience along the promenade and is a necessary step in the process to re-open direct bay views. **Special Condition No. 4** requires that the applicant submit demolition plans for Executive Director review and approval. While demolition of the Head House does not mitigate for the visual impacts caused by the Midway and continued parking on Navy Pier, it will provide visual benefits to the public walking along the waterfront promenade and driving along Harbor Drive.

In the PMPA, the Port committed to converting the entire 5.7-acre pier into a park; however, Port staff now insists that maintaining some parking on Navy Pier may be necessary, depending on efforts that are currently being undertaken by the Port to plan for future redevelopment of the North Embarcadero. Because the public park at Navy Pier was originally proposed to mitigate for bay views blocked by the Midway, the future park should be designed to open up views to the bay. Thus, to ensure that any future retention of parking on the pier does not conflict with opening up bay views, **Special Condition No. 2** requires that future permanent parking only occur directly adjacent to the Midway along the southern perimeter of the pier to avoid obstruction of views (Exhibit 6), and be limited to 25% of the pier with the remaining 75% dedicated to the public park.

In summary, visual resource impacts will continue to occur until Navy Pier is converted into a public park. However, the proposed project has been conditioned to ensure the necessary steps to convert the pier to a public park are completed prior to expiration of the subject permit term and, during the interim planning period, the public will benefit from increased visual access as a result of the removal of the Head House building. Therefore, the proposed project, as conditioned, is consistent with Section 30251 of the Coastal Act.

D. PUBLIC ACCESS AND RECREATION

Section 30210 of the Coastal Act states:

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

Section 30212 of the Coastal Act states, in part:

> *(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:*
>
> *(1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,*
>
> *(2) adequate access exists nearby* […]

Section 30212.5 of the Coastal Act 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, of overcrowding or overuse by the public of any single area.*

Section 30213 of the Coastal Act states, in part:

> *Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.*

Section 30210 of the Coastal Act requires that maximum public access and recreational opportunities be provided. Section 30212 requires that access from the nearest public roadway to the shoreline be provided except where it is inconsistent with public safety or the protection of fragile coastal resources, or

adequate access exists nearby. Section 30212.5 requires parking facilities to be distributed throughout an area to avoid overcrowding of a single area. Section 30213 states that lower cost visitor and recreational facilities shall be provided where feasible. The proposed project will provide short term public access benefits by increasing the amount of parking available to the public. However, the largest benefit to public access and recreation will be realized once Navy Pier is converted from a parking lot into a public park, which will provide direct access to the shoreline and a low-cost visitor and recreational facility, priorities under Sections 30212 and 30213 of the Coastal Act.

There are currently 510 parking spaces on Navy Pier. Of those, 60 spaces are located in the Head House building which is rented out to Midway for exclusive use for $5,900 a month (approximately $3 a day per space); another 45 spaces on the southern brow of the pier are included in the Midway's lease from the Port, of which Midway pays 4% of gross income from food and beverage sales; 20 spaces of the public parking inventory are rented to Midway for $145 per space per month (approximately $5 a day per space); and 8 parking spaces are used by Midway for service parking. The 125 spaces that are used for employee and volunteer parking are rented to Midway at a much lower rate than what the public pays. According to a parking utilization study conducted for the Midway in 2016, of the 377 remaining public parking spaces, visitors to the Midway comprise 74% of the daily parkers and the lot sells out almost daily. The Midway also hosts approximately 650 events throughout the year and groups attending these events are allowed to purchase parking spaces on Navy Pier in advance.

As identified in the PMP, Navy Pier was never intended to be a long term parking solution. Instead it was envisioned that the pier would be converted to a public park upon transfer of the pier from the Navy to the Port. Transfer of the pier occurred in 2003; thus, for the past 14 years the Port has had the benefit of charging for parking on the pier and the Midway has had the benefit of discounted and free parking for its employees and volunteers, and adjacent parking for visitors.

The Port and Midway maintain that it is necessary to continue parking on the pier until a long-term plan for the pier and relocation of parking is developed. While the Port and Midway have already had adequate time to develop a plan but have yet to do so, a shortage of parking in the surrounding area does exist and removal of parking on Navy Pier, without relocation, would adversely impact the public's ability to access the coast by car. Thus, **Special Condition No. 1** establishes that the permit is temporary and limits continued parking on Navy Pier for a period of four years only, which will give the Port and Midway additional time to develop a long-term plan for redevelopment of Navy Pier and relocation of all or 75% of the parking to offsite locations. This would result in an approximately 4.3 acre park and leave approximately 1.4 acres for parking. The remaining parking would be equivalent to approximately 165 parking spaces which would maintain existing parking for Midway employees

and volunteers (105 spaces) and leave 60 additional parking spaces for the public.

The goal of the four year period is to plan for the conversion of Navy Pier from a parking lot into a park. However, in order to do so, the pier must first be incorporated into the PMP. Thus, **Special Condition No. 2** requires the applicant to submit an application to the Commission for a PMPA to incorporate Navy Pier into the PMP with policy language supporting the conversion to a public park and a land use designation clearly identifying all or at least 75% of the pier as a public park. To ensure that the application is submitted to the Commission with adequate time to review and process the PMPA and complete final plans for the park, Special Condition No. 2 further requires that this application be submitted no later than three years following approval of the subject permit.

In addition to the incorporation of the pier into the PMPA, the Port will need to complete numerous tasks in order to convert Navy Pier into a public park, including park planning studies, environmental review, design plans, and public meetings. In addition, the applicant will need to obtain permit approvals and relocate existing parking from the pier. To ensure that the applicant is on track to convert the pier into a park following this four year period, **Special Condition No. 2** requires that the applicant submit annual progress reports for Executive Director review that detail the progress made towards the conversion.

Originally, the applicant proposed to increase parking rates over existing rates, but consistent with market rates at nearby lots; however, the Port later revised the project to increase parking rates even more to an amount that the Port estimates would cover all costs to demolish the Head House. There are several reasons why parking rates should not increase over that of surrounding market rates. First, the applicant has collected revenue from public parking on the pier since 2003, or for approximately 14 years. The associated PMPA was approved by the Commission based on the proposal that parking on Navy Pier would be limited to an interim period and that conversion would occur following the Navy's relinquishment of the pier. The PMP clearly states:

> *When and if the Navy determines that its use of the Navy Pier is no longer necessary, the Port will accept the proposal by the San Diego Aircraft Carrier Museum into a "public park" use, thereby allowing the pier to be converted into a memorial park complementing the Midway and its museum, while affording additional public open space and bay vistas. Vehicle parking for museum visitors will then be shifted to nearby offsite locations. However, since the Navy Pier's future is uncertain and will be determined by decisions of the federal government, the conversion of the pier to a 5.7-acre memorial park is a specific planning goal of the Port, and environmental analysis for the park conversion will be conducted prior to the Navy relinquishing ownership and/or control of the Navy Pier such that*

> *construction of the park can occur as soon as feasible thereafter*. (Emphasis added.)

Thus, the applicant has benefited from the pier remaining a parking lot by collecting revenues while the public has not received the benefit of a public park. In addition, demolition of the Head House and restriping of the parking lot will result in an additional 151 parking spaces on the pier and associated revenue.

The Midway and Port have also yet to meet a number of the Port-issued CDP (Exhibit 8) and lease agreement (Exhibit 7) conditions that were required to ensure that a plan and schedule were in place for the timely conversion of Navy Pier from a parking lot to a public park. For example, the Midway's lease with the Port required the Midway to commence construction of the park on Navy Pier within 10 years of the commencement date of the lease, or no later than October 1, 2015, which has yet to occur. Further, the lease required the Midway take the lead in pursuing funding and development of the Veterans Memorial Park, unless construction of the park has not commenced within 10 years of the commencement date of the lease. Although the Midway completed its requirement to submit plans for a Navy Pier Park in 2012, the environmental review and PMPA necessary to move forward with conversion of the park was never conducted by the Port. Although the Midway funded an account of $1.25 million to relocate parking, it has yet to identify an offsite location for parking. Thus, it appears that the delay of the park conversion has occurred due to the applicant and its lessee, and that the parking revenue collected in the past should be used to fund the park that the public was promised almost 14 years ago with the approval and incorporation of PMPA #27.

Nevertheless, the Midway is located adjacent to downtown San Diego and parking is limited in the immediate project vicinity as well as in the surrounding area. Therefore, the originally proposed parking rate increases are appropriate, in this case, because the rates are consistent with existing market rates for parking in this area.

Any increase in parking rates will impact the public's ability to visit the coast if they cannot afford it or there are not reasonable options for alternative transit. While it is reasonable to raise parking rates to that of the market, additional increases at this time are not warranted. Thus, **Special Condition No. 3** requires parking rates on Navy Pier to be consistent with existing market rates. The parking rates established in Special Condition No. 3 are the same as those originally proposed by the applicant.

The applicant will reserve 105 parking spaces of the total 660 parking spaces on Navy Pier for use by the Midway following demolition and restriping of Navy Pier, the same amount currently reserved for Midway employees and docents. In addition, the project will result in the addition of 151 new public parking spaces through reconfiguration, which will improve access to the Midway and

the San Diego Bay and result in increased revenues for the Port. However, it is important to note that additional parking resulting from demolition of the Head House is temporary and only to be used during this interim 4-year period.

Following demolition of the Head House, the Port proposes to install interim public amenities including benches, potted plants, walkways, and a public viewing platform at the west end of the pier. To ensure consistency with the preliminary plans, **Special Condition No. 5** requires that the applicant submit Final Plans and **Special Condition No. 7** further requires the applicant to submit Final Landscape Plans for Executive Director review and approval.

Free public access to the Midway deck was required as part of the approval of the PMPA that authorized the berthing of the Midway, as well as by the CDP (2003-3) issued for Midway by the Port. However, the current signage does not maximize public access to the Midway as the language is vague and the signs are not appropriately located to inform the public of the free public viewing deck. For example, one of the public access signs is located on the southern perimeter of the pier west of the ticket booth, where it is visible only to those parking and entering the Midway from the southwest section of the pier. To ensure that the public is notified of the existing and proposed public access points, **Special Condition No. 6** requires creation of a comprehensive and cohesive signage plan to notify the public of all public amenities on both the Navy Pier and the Midway. In addition, Special Condition No. 6 requires that signs are large enough and appropriately located so that they are easily visible by the public. As conditioned, signage would be located on the public promenade and strategically on walkways along the pier to the Midway and to the proposed viewing area. Therefore, the project, as conditioned, is consistent with the public access and recreation policies of the Coastal Act.

E. WATER QUALITY

Section 30230 of the Coastal Act states:

> *Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*

Section 30231 of the Coastal Act states:

> *The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other*

> *means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

Section 30232 of the Coastal Act states:

> *Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.*

Section 30253 of the Coastal Act states:

> *New development shall do all of the following:*
>
> *(a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*

Section 30230 requires that uses of the marine environment be carried out in a manner that will sustain the biological productivity of coastal waters for long-term commercial, recreational, scientific, and educational purposes. In addition, Section 30231 requires that the biological productivity and quality of coastal waters be maintained. Section 30232 requires protection of coastal waters from spillage of various hazardous substances. Section 30253 requires that new development minimizes risk in areas of high flood hazard.

The proposed project includes demolition of an existing building and expansion of an existing parking lot on an existing pier located over coastal waters in the San Diego Bay. While no work is proposed to take place in coastal waters, the proposed project may result in potential adverse effects to surrounding habitat due to unintentional disturbance from construction and demolition equipment, materials, and debris. Construction and demolition activities associated with the proposed project could result in the generation of debris or presence of equipment, materials and hazardous substances that could be subject to run-off and wind dispersion into the marine environment. The presence of equipment, building materials, and debris on the subject site could pose hazards to sensitive marine organisms if discharged into the marine environment or left inappropriately on the project site. In addition, such potential discharges and disturbances to the marine environment could result in adverse effects to offshore habitat from increased turbidity and pollutant of coastal waters. To ensure that construction material, debris, or other waste associated with project activities does not enter the water, **Special Condition No. 8** requires the

applicant to submit a Construction and Pollution Prevention Plan for review and approval of the Executive Director that includes BMPs to minimize erosion and sediment discharge and the discharge of construction pollutants.

Because parking lot runoff is a major contributor to non-point source pollution of waterways, impacts to water quality are likely to occur during the use of the pier as a parking lot if not properly planned and managed for. Contaminants can originate from paving materials, automobiles (antifreeze, oil, hydrocarbons, metals from wearing brake linings, rubber particles from tires, nitrous oxide from car exhausts, and grease), and waste discarded by people. These contaminants can enter the bay should they be subject to stormwater run-off. Thus, **Special Condition No. 9** requires the applicant to submit a Post-Development Runoff Plan that includes low impact development strategies and implementation of source control BMPs to minimize the discharge of contaminants into coastal waters by run-off.

Finally, there is a risk developing on a pier that is subject to flooding and hazards from waves. Therefore, **Special Condition No. 10** requires the applicant to assume all risks for developing in a location that is subject to waves, storms, and flooding.

In conclusion, the proposed development raises concerns regarding water quality impacts associated with demolition, construction, and operation activities. As conditioned through Special Condition Nos. 9 and 10, potential impacts have been either eliminated or minimized and addressed. Therefore, the Commission finds that the project, as conditioned, is consistent with Sections 30230, 30231, 30232, and 30253 of the Coastal Act.

F. LOCAL COASTAL PLANNING

Section 30604(a) requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. In this case, the Port Master Plan being equivalent to an LCP, such a finding can be made.

The subject site was formerly owned by the U.S. Navy who transferred ownership to the Port in 2003. However, the Port has yet to incorporate the subject site into the San Diego Unified Port District's certified Port Master Plan. Thus, the Coastal Commission retains permit jurisdiction of this site and Chapter 3 of the Coastal Act remains the legal standard of review with the PMP used as guidance. As conditioned, the development is consistent with Chapter 3 of the Coastal Act. Approval of the project will not prejudice the ability of the local government to incorporate this area into the certified PMP.

G. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. In April 2000, the Port adopted a Master EIR regarding the relocation and operation of the Midway and other potential development on the North Embarcadero that identified parking impacts and the mitigation measure of parking on Navy Pier or other nearby parking locations. Newer aspects of the project (fee increases, demolition) are exempted from CEQA review. (See Guidelines 15273, 15301(l).)

The proposed project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. Mitigation measures, including conditions addressing the protection of visual resources, public access and water quality, will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally-damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

- Certified Port Master Plan
- Revised Findings on San Diego Unified Port District Port Master Plan Amendment No. 27
- Treated Wood in Aquatic Environments: A Specification and Environmental Guide to Selecting, Installing and Managing Wood Preservation Systems in Aquatic and Wetland Environments (2012) Western Wood Preservers Institute, et al.

EXHIBIT B

CALIFORNIA COASTAL COMMISSION
SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
(619) 767-2370

RECORD PACKET COPY

W19b

February 21, 2000

TO: COMMISSIONERS AND INTERESTED PERSONS

FROM: DEBORAH N. LEE, SOUTH COAST DEPUTY DIRECTOR
SHERILYN SARB, DISTRICT MANAGER, SAN DIEGO DISTRICT
DIANA LILLY, COASTAL PLANNER, SAN DIEGO DISTRICT

SUBJECT: **Staff Recommendation on San Diego Unified Port District Port Master Plan Amendment No. 27 (North Embarcadero).** For Commission consideration and possible action at the Meeting of March 13-16, 2001)

SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending that the Commission approve, in part, and deny, in part, the proposed amendment to the certified Port District Master Plan which would allow for the following development within the area of San Diego's waterfront known as North Embarcadero. The plan would allow the construction of a 600-800 room hotel, office building, retail and parking facilities on the old Lane Field site; the narrowing of Harbor Drive from four lanes to three between Grape Street and Pacific Highway; the extension of B and C Streets between Pacific Highway and North Harbor Drive; construction of a new 25-foot wide pedestrian esplanade along the water's edge at Harbor Drive; the replacement of 3 existing industrial piers with one new public pier at Grape Street; construction of a small commercial recreation facility on the new Grape Street Pier; construction of a restaurant on the bayfront inland of the Grape Street Pier; modernization of the cruise ship terminal at the B Street Pier, including an increase of building height up to 50 feet; and docking the U.S.S. Midway Aircraft Carrier for use as a museum on the south side of Navy Pier.

The amendment also includes adoption of a Parking Management & Monitoring Program for the North Embarcadero to address the potential parking demand and impacts to traffic circulation through requiring the construction of additional surface parking lots and alternatives to on-site parking, including the promotion of mass transit and planning for shuttle stops in the area.

The Midway Aircraft Carrier Museum is a visitor-serving, coastal-dependent use. However, Staff feels that the Master Plan, as currently proposed, does not provide for sufficient offsetting benefits to mitigate the substantial adverse visual impacts of the Midway. The 50 to 190 foot high ship would block existing public views, contribute to the walling off of San Diego Bay, block a potential view corridor down F Street, and create a "tunnel" effect on Harbor Drive at the subject site. In addition, the parking required for the Midway would be located on Navy Pier. The pier is not an appropriate place for a permanent parking lot, due to the adverse visual impact a parking lot will have

on the surrounding waterfront and the loss of the prime waterfront location for public access and recreation purposes.

There are alternative project designs that could potentially compensate for these impacts. For example, the proponents of the museum have indicated a long-term goal of creating a memorial park on the existing Navy Pier adjacent to the proposed Midway site. This proposal involves creating a free, visually attractive public open space area next to the Midway, where currently, the Pier is occupied by a two-story Navy building, and as proposed, would contain the parking required for the Midway museum. Conversion of this area into a park could mitigate for the visual impacts of the project.

As a result of discussions with Commission staff about providing additional public access amenities to offset the impact of the Midway, the Port District has adopted a Midway public access program. The public access program provides for free public access to the bayward side of the deck of the Midway, which would provide a prime viewing point for the public, and would partially offset the loss of views from surrounding areas. However, the concerns regarding view blockage from Harbor Drive, the creation of a "tunnel" effect and walling off of San Diego Bay from Harbor Drive, and the adverse impacts to public views from siting a parking lot on a dock, would not be mitigated by opening a portion of the deck of the Midway to the public.

The public access program does contain language indicating that conversion of the pier to a park is consistent with the planning goals of the "Visionary Plan" adopted by the North Embarcadero Alliance. However, the Port District was not willing at this time to include conversion of Navy Pier to a park as a stated goal of the plan, or to indicate a time frame or phasing plan for relocation of the parking or conversion of the pier to a park, e.g., when the Navy's Broadway Complex is redeveloped or the pier vacated by the Navy. In summary, the amendment does not provide even a minimal degree of assurance that the proposed parking lot on Navy Pier will ever be removed or replaced with a public park that could offset the adverse visual impacts of the Midway. Therefore, the part of the amendment relating to the Midway cannot be found consistent with the Coastal Act at this time.

Commission staff expects to continue discussions with Port staff, and representatives from the Midway in an attempt to resolve the Coastal Act issues relative to the Midway project.

Staff recommends that the Commission find the Midway Aircraft Carrier Museum portion of the amendment, as submitted, inconsistent with the resource protection, public access and recreation policies of Chapter 3 and Chapter 8 of the Coastal Act, and recommends denial of this part of the amendment.

Staff further recommends that the remaining portions of the amendment relating to redevelopment of the North Embarcadero area be found consistent with Chapter 3 and Chapter 8 of the Coastal Act, and recommends approval of this part of the amendment.

The appropriate motions and resolutions can be found on Page **4**. The main findings for denial of the amendment in part, and approval of the amendment in part, begin on Page **5**.

Port Master Plan Amendment Procedure. California Code of Regulations, Title 14, Section 13636 calls for port master plan amendments to be certified in the same manner as provided in Section 30714 of the Coastal Act for certification of port master plans. Section 13628 of the Regulations states that, upon the determination of the Executive Director that the master plan amendment and accompanying materials required by Section 13628(a) are sufficient, the master plan amendment shall be deemed submitted to the Commission for purposes of Section 30714 of the Coastal Act. The subject amendment was deemed submitted on August 9, 2000. Within 90 days after this submittal date, the Commission, after public hearing, shall certify or reject the amendment, in whole or in part. If the Commission fails to take action on the amendment submittal within the 90-day period, the proposed amendment is deemed certified. However, on September 19, 2000, the Board of Port Commissioners waived the 90-day time period.

The City of San Diego has concurrently submitted a Local Coastal Program Amendment (LCPA) to the City of San Diego LCP for the redevelopment of the North Embarcadero. The LCPA would create a North Embarcadero Overlay District including design guidelines and parking requirements, etc, that covers much of the same area as the subject PMPA plus a small inland area within the City coastal permit jurisdiction. The City's LCPA is intended to be consistent with the Port Master Plan vision for the North Embarcadero region, and as such, the City's proposed LCPA is referenced several times within this document as it relates to possible prejudice of the Commission review of the LCPA. The LCPA has been scheduled for Commission review at the same hearing as the subject PMPA.

STAFF RECOMMENDATION:

I. PORT MASTER PLAN SUBMITTAL – MOTIONS AND RESOLUTIONS

MOTION I: ***I move that the Commission certify the portion of the Port of San Diego Master Plan Amendment No. 27 that includes the Midway Aircraft Carrier Museum.***

STAFF RECOMMENDATION OF PARTIAL REJECTION OF PORT MASTER PLAN AMENDMENT:

Staff recommends a **NO** vote. Failure of this motion will result in rejection of the identified provisions and adoption of the following resolution and findings. The motion to certify passes only upon an affirmative vote of a majority of the Commissioners present.

RESOLUTION FOR PARTIAL REJECTION OF PORT MASTER PLAN AMENDMENT:

The Commission hereby denies certification of the portion of Port of San Diego Master Plan Amendment No. 27 that includes the Midway Aircraft Carrier Museum and adopts the findings set forth below on grounds that the amendment as submitted does not meet the requirements of and is not in conformity with the policies of Chapter 3 and Chapter 8 of the Coastal Act. Certification of the amendment would not meet the requirements of the California Environmental Quality Act, as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the amendment.

MOTION II: ***I move that the Commission certify the remainder of the Port of San Diego Master Plan Amendment No. 27.***

STAFF RECOMMENDATION OF PARTIAL CERTIFICATION:

Staff recommends a **YES** vote. Passage of this motion will result in certification of the remainder of the port master plan amendment and adoption of the following resolution and findings. The motion to certify passes only upon an affirmative vote of a majority of the Commissioners present.

RESOLUTION FOR PARTIAL CERTIFICATION OF PORT MASTER PLAN AMENDMENT:

The Commission hereby certifies the remainder of the Port of San Diego Master Plan Amendment No. 27 and adopts the findings set forth below on grounds that the remainder of the amendment is consistent with Chapter 8 and Chapter 3 of the Coastal Act. Certification of the remainder of the amendment complies with the California

Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amendment on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the port master plan amendment.

II. FINDINGS AND DECLARATIONS.

The Commission finds and declares as follows:

A. Previous Commission Action. The Commission certified the San Diego Unified Port District Master Plan on October 14, 1980. The Commission has reviewed twenty-six amendments since that date.

B. Contents of Port Master Plan Amendments. California Code of Regulations Title 14, Section 13656 calls for port master plan amendments to be certified in the same manner as port master plans. Section 30711 of the Coastal Act states, in part, that a port master plan shall include all 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 Section 30711 of the Coastal Act. The proposed changes in land uses and proposed projects are outlined in sufficient detail in the port master plan submittal for the Commission to make a determination of the proposed amendment's consistency with the Chapter 3 and Chapter 8 policies of the Coastal Act.

The proposed amendment was the subject of an Environmental Impact Report under the California Environmental Quality Act. The Environmental Impact Report associated

with the plan amendment was subject to public review and hearing and was adopted by the Board of Port Commissioners on April 25, 2000 as Resolution #2000-82. A public hearing on the proposed master plan amendment was held and the amendment was adopted by the Board of Port Commissioners on April 25, 2000 as Resolution #2000-83.

C. Standard of Review. Section 30700 of the Coastal Act states that Chapter 8 shall govern those portions of the San Diego Unified Port District located within the coastal zone, excluding any wetland, estuary, or existing recreation area indicated in Part IV of the Coastal Plan. The entire water area under the jurisdiction of the Port of San Diego is covered by Chapter 3 policies because San Diego Bay is mapped as an estuary and wetland in Part IV of the Coastal Plan, and on the maps adopted by the Commission pursuant to Section 30710 of the Act. See 14 C.C.R. § 13610(b). The proposed amendment involves changes to both land use designations and water designations. Chapter 3 is the standard of review for the changes in water use designation. In addition, proposed projects listed as appealable in Section 30715 must be consistent with the policies of Chapter 3 of the Coastal Act. The amendment includes text changes and a new project list for several appealable developments including construction of a 600-800 room hotel, office building, retail and parking facilities at Lane Field; public improvements including a pedestrian esplanade; parks and plaza areas, narrowing Harbor Drive from 4 lanes to 3; the demolition and reconstruction of the Grape Street Piers, docks, wave attenuation structure and new restaurant; and linking B and C street between Pacific Highway and North Harbor Drive. Chapter 8 of the Coastal Act is the standard of review for the balance of the proposed amendment.

Preliminary plans indicate that a small portion of the Midway carrier may extend bayward of the pierhead line. This area is not within the tidelands granted to the San Diego Port District, and thus, is within the Commission's original permit jurisdiction. A lease from the State Lands Commission would also be required. Therefore, the Midway may be required to obtain a coastal development permit from the Commission as well as the Port District. If any portion of the project is within the Commission's permit jurisdiction, the standard of review would be Chapter 3 policies, not the Port Master Plan.

D. Description of Proposed Plan Amendment. The proposed master plan amendment involves changes to the text, land/water use map, and project list of Planning District 3 (Center City/Embarcadero) to allow for a number of new projects. The amendment is a result of a coordinated planning effort by the North Embarcadero Alliance, a planning body made up of officials from the Port District, City of San Diego, County of San Diego, Centre City Development Corporation, and U.S. Navy. The Alliance developed a Visionary Plan in 1998 to guide the development of the North Embarcadero area. The proposed Port Master Plan Amendment (PMPA) references the Visionary Plan's design concepts and goals in several instances; however, the Visionary Plan itself has not been incorporated into the Port Master Plan and is not the subject of this amendment or the standard of review for coastal development permits issued by the Port District. Only the projects contained in the proposed Table 11: Project List are part of this amendment; additional projects contained within the Visionary Plan will require

additional review and approval by the Commission. The Port will use the Visionary Plan for planning guidance only.

As noted above, the proposed amendment includes a table listing the following appealable projects:

- Construction of a 600-800 room hotel, office building, retail and parking at Lane Field;
- Public improvements including a pedestrian esplanade; parks and plaza areas;
- Narrowing Harbor Drive from 4 lanes to 3;
- Demolition and reconstruction of the Grape Street Piers, new boat docks, wave attenuation structure and restaurant; and,
- Linking B and C Street between Pacific Highway and North Harbor Drive.

Non-appealable projects on the proposed project list include:

- Modernization and expansion of the cruise ship terminal
- Public vista points
- Infrastructure improvements to the Broadway Pier
- The Midway Aircraft Carrier Museum

A number of the improvements in the PMPA are designed to give the waterfront a more pedestrian orientation. Harbor Drive would be narrowed from four lanes to three to accommodate construction of a new bayfront public esplanade along the water's edge at Harbor Drive. The esplanade would include a new 25-foot wide pedestrian promenade on its western edge, and is a part of a larger bayside open space network connecting Harbor Island to South Embarcadero. Plazas would generally be located where east-west streets terminate, and additional public amenities such as fountains and public art would be provided.

Three existing industrial piers west of the County Administration Center would be replaced with a new 30,000 sq.ft. public pier at Grape Street and an associated 12,000 sq.ft. public boat dock. A commercial recreation facility such as a bait shop or snack shop would be located on the new Grape Street Pier. An 800-foot long floating wave attenuation screen would be integrated into the new pier to protect the boat docks. A new two-story, maximum 10,000 sq.ft., 25-foot high restaurant may be located on a 5,000 sq.ft. parcel inland of the Grape Street Pier.

The PMPA provides for the extension of B and C Streets from their current terminus at Pacific Highway to North Harbor Drive through the Lane Field site. The existing plan envisions development of the old Lane Field site and Navy Engineering building into a new complex of buildings and open space. The proposed amendment specifies that primary consideration would be development of a 600-800 room hotel, office buildings, retail and parking facilities. The PMPA identifies a Floor Area Ratio for the site, setback

and stepback requirements, heights that slope away from the Bay, and right-of-way corridors view and access corridors through the site.

The cruise ship terminal at the B Street Pier would be expanded and upgraded including increasing the height of the existing building to 50 feet (with appurtenant structures extending above 50 feet). The existing terminal is a converted warehouse and does not have adequate facilities to accommodate the size of modern cruise ships and the number of passengers on these ships. The upgrade will modernize the building to accommodate the larger ships and expand terminal facilities such as loading and customs.

The U.S.S. Midway Aircraft Carrier would be docked on the south side of Navy Pier for use as a museum. Submitted with the PMPA is a mitigation plan for impacts to 4 acres of open water in San Diego Bay involving the creation of 9.15 acres of new coastal salt marsh habitat in National City, south of the Sweetwater River Flood Control Channel. The mitigation is specifically required in the PMPA.

The plan also involves numerous changes to the existing land and water use designations in the Port Master Plan. The land use changes are designated largely to facilitate the proposed Embarcadero Promenade, the narrowing of Harbor Drive, and the extension of B and C Streets. The changes also reflect a more accurate accounting of the amount of land area than previously calculated, and thus, show an overall increase in land area. The revisions would result in an approximately 1.9-acre increase in the "Public Facility/Street" designation, a .6-acre decrease in "Commercial Recreation" area, a 2.9-acre increase in "Park/Plaza", and a .6-acre increase in "Promenade" area.

The plan also involve changes in water use designations, including redesignating approximately 21 acres of "Commercial Fishing Berthing" to "Specialized Berthing", "Park/Plaza" and "Commercial Recreation" to accommodate the new public recreational Grape Street Pier and docks, and redesignation of another 5.5 acres of "Commercial Fishing Berthing" to "Specialized Berthing" to allow mooring of the U.S.S. Midway. The bayward portion of the Midway location has been designated as Park/Plaza and as a Public Access point to indicate that the area will be open and available to the public. Although the plan includes a significant reduction in "Commercial Fishing Berthing," the replacement "Specialized Berthing" designation continues to allow commercial fishing berthing within the subject precise plan area, and language in the proposed PMPA specifically identifies commercial fishing as the highest priority use in this location.

The amendment also includes adoption of a Parking Management & Monitoring Program for the North Embarcadero. In general, new projects are required to provide adequate on-site parking to accommodate the particular project's demand. Several new projects, including the Grape Street Pier restaurant and new public improvements like the esplanade, would utilize only public parking. Thus, the Parking Management Program is required to address the parking needs of these projects, as well as the public parking needs overall in the North Embarcadero area. The plan requires individual Parking Management Plans prior to issuance of Coastal Development Permits for a particular

project, to ensure that weekday and weekend day parking deficits are addressed. Projects in the PMPA will be phased over several years.

Section 13634 of the Code of Regulations allows for minor, immaterial changes to a Port Master Plan (Amendment) after submission of the plan. On December 12, 2000, the Board of Port Commissioners revised the amendment to remove a reference to a project west of the County Administration Center that is not intended to be implemented at this time, added two paragraphs on page 74 indicating that the deck of the Midway will be a 0.8 acre public viewing area, indicated that mitigation for the loss of 4.1 acres of open water habitat would be provided in the City of National City, and adopted by reference a U.S.S. Midway Public Access Program. The Midway Public Access Program requires that the bayward side of the Midway be open to free public access whenever the Midway is open and operating, and requires the provision of coastal access signs and interpretive signage. These changes provide more specificity and increase protection of coastal resources, and are not considered a material amendment to the PMPA submittal.

E. Conformance with the Coastal Act. The proposed amendment would result in changes to land use categories and to the specific policies contained in Planning District 3. In order for the Commission to certify the proposed master plan amendment, the Commission must determine that the amendment conforms to the following applicable Chapter 3 and Chapter 8 policies of the Act:

1. Applicable Policies

Section 30210.

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

Section 30211.

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212.

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

(1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,

(2) adequate access exists nearby, or,

[...]

Section 30213.

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Section 30224

Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land for long-term commercial, recreational, scientific, and educational purposes.

Section 30230

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30233

(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:

(l) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

(3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland. The size of the wetland area used for boating facilities, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, shall not exceed 25 percent of the degraded wetland.

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

(5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

(6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

(7) Restoration purposes.

(8) Nature study, aquaculture, or similar resource dependent activities.

(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable long shore current systems.

[...]

Section 30234

Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational

boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.

Section 30234.5

The economic, commercial, and recreational importance of fishing activities shall be recognized and protected.

Section 30235

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible.

Section 30251.

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas....

Section 30252.

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings.

Section 30708

All port-related developments shall be located, designed, and constructed so as to:

(a) Minimize substantial adverse environmental impacts.

(b) Minimize potential traffic conflicts between vessels.

(c) Give highest priority to the use of existing land space within harbors for port purposes, including, but not limited to, navigational facilities, shipping industries, and necessary support and access facilities.

(d) Provide for other beneficial uses consistent with the public trust, including, but not limited to, recreation and wildlife habitat uses, to the extent feasible.

(e) Encourage rail service to port areas and multicompany use of facilities.

Chapter 3 is the standard of review for all appealable projects, and all projects in the water and use designations applied to water. Chapter 8 is the standard of review for the remainder of the amendment.

2. Findings for Consistency with Chapter 3/Chapter 8 of the Coastal Act

A. U.S.S. Midway Aircraft Carrier.

The amendment would provide for the permanent docking of the Midway alongside the south side of Navy Pier (Pier 11A), at the southern end of North Harbor Drive. The Midway is a decommissioned aircraft carrier, which would be towed to San Diego Bay from its current station at Bremerton, Washington. The ship would be berthed against two new mooring platforms that would be constructed on the existing pier. The bow of the ship would point towards the bay. Parking for the Midway would be provided on the existing Navy Pier.

The Midway would be converted into an aircraft carrier museum. Navy Pier has historically been the departure place in San Diego for troops going to war, and the site is nearby several existing naval memorials including the Aircraft Carrier Memorial, the Homecoming Memorial, and the Presidential Unit Citation Memorial. Funding for the Midway museum comes from both private donations and loans; no public money has been involved.

1) Visual Resources. The Midway is approximately 1,000 feet long and 50 feet tall from the waterline to the flight deck. Above the flight deck, the control tower area would be approximately 190 feet tall, as measured from the waterline. Including the new mooring platforms on the north side of the ship, the width of the Midway would extend approximately 260 feet south of the existing Navy Pier.

The siting of the Midway raises concerns regarding both the compatibility of the bulk and scale of the structure with the surrounding community and the blocking of public views. The Midway would be located on the bayward side of North Harbor Drive, which parallels the shoreline and is the main coastal accessway in the downtown area. In general, the bayward side of North Harbor Drive in the North Embarcadero area consists of low-scale development such as the Harbor Excursion ticket booth, one and two-story

restaurants, and the Maritime Museum historic ships including the Star of India, Berkeley, and others. The inland side of North Harbor Drive is more intensely developed with the County Administration Center, restaurants, and hotels.

The ship would be located between the existing Navy Pier to the north and the G Street Mole and Tuna Harbor Park to the south. Navy Pier currently has a 2-story Navy building on it which would remain. To the south, a two-story restaurant is located on the western terminus of the G Street Mole, while the remainder of the park is open grassy space, parking, or low-scale memorial structures.

The inland side of Harbor Drive east of the subject site is developed with a Naval Base and is under the jurisdiction of the U.S. Navy, and currently developed with multi-story structures. There are approvals on the site for a project known as the Navy Broadway Complex, which would consist of up to 2.5 million square feet of mixed commercial office, hotel and retail uses. Although no construction on this project is anticipated at this time, this project would be up to 400 feet in height.

In general, the proposed PMPA would continue the pattern of more intense, higher development on the eastern side of Harbor Drive, such as the proposed Lane Field development. The amendment would allow construction of a new 25-foot high restaurant on the bayward side of Harbor Drive inland of the new Grape Street Pier. The PMPA would also allow improvements to the existing cruise ship terminal located approximately two blocks north of the proposed Midway site, which could result in an increase in the height of the terminal building to 50 feet, with some building appurtenances extending higher than 50 feet.

The Midway, which is 50 feet high to the flight deck and portions of which would extend up to 190 feet in height, would represent a departure from the existing scale of most development located bayward of Harbor Drive. Currently, there are no structures comparable to the Midway in height and bulk located bayward of North Harbor Drive, and the relatively low-scale of development in this area allows for a mostly open viewshed towards the shoreline and Coronado. The visual effect of the Midway would be comparable to at least a 5-story high structure that would cover essentially the entire water area from Navy Pier to Tuna Harbor Park. The presence of the Midway, combined with the high-rise structures existing and anticipated on the eastern side of Harbor Drive across the street from the Midway, would create a "tunnel" effect for pedestrians and vehicles on this portion of North Harbor Drive.

Public views provided along the North Embarcadero portion of North Harbor Drive are significantly greater in number and scope than those available from the rest of Harbor Drive. South of the project site, views of the water and the bayfront are almost entirely blocked by existing development. North of Laurel Street, bay views from Harbor Drive are extremely limited. But views of the water and Coronado are currently available to both north and southbound traffic from the majority of North Harbor Drive in the North Embarcadero Area, including at the subject site.

The Midway would have a significant impact on public views. The proposed project would eliminate views of the water, Point Loma and Coronado currently available approaching the project site from both the north and the south on Harbor Drive. Views to the north from the entire G Street Mole and Tuna Harbor Park would be obstructed. This is an existing Public Park, and a designated vista area in the Port Master Plan. The visual quality and character of the viewshed would be severely impacted by the Midway.

As mitigation for this impact, the Port District has proposed opening the bayside portion of the deck of the Midway to free public access. Given the proposed height and location of the ship, views from the deck would be quite expansive and would afford unparalleled views of the area. The viewing experience from the deck of the ship would be different than that from the existing park, but would be similar enough to help offset the loss of views from the park.

However, while opening the deck of the Midway would essentially replace the views lost from the G Street Mole, it would not mitigate for the bulk and scale of the ship as viewed from Harbor Drive and the surrounding inland area. And there would still be impacts to public views. The ship would be located west of, and across Harbor Drive from the terminus of F Street. This portion of F Street is within the Naval Base and is not currently open to the public. However, the Centre City Community Plan designates F Street as a view corridor to be implemented when the site is redeveloped. (The City's currently pending LCPA for the North Embarcadero area would not change or remove this designation.) The Midway would prevent the opening of any views of the water or Coronado along this designated view corridor when the Naval site is redeveloped.

Of course, all of these views would be replaced by a view of the Midway museum, which would be a visitor-serving, coastal-dependent use. San Diego has a rich naval history and the Commission recognizes the importance of providing visitor attractions and destinations at the waterfront. Nevertheless, the North Embarcadero area is, unfortunately, one of the few areas downtown where there is a strong visual connection to the waterfront, and each new development that blocks off another significant portion of the public's view has an adverse impact. As noted above, the current plan has provisions for increasing the height of the cruise ship terminal to as high as 50 feet. The expansion is necessary to accommodate the larger size of modern cruise ships. The terminal is located approximately ¼ mile north of Navy Pier, and will further contribute to the bulk and scale of development in the area of the Midway. Although portions of the existing Navy buildings on Navy Pier were recently demolished, the existing two-story structure on Navy Pier is proposed to remain, and will contribute to the walling-off effect in the area. As valuable as opening the deck of the Midway to the public would be, it could totally mitigate for the overall bulk of the ship and the adverse impact it will have to the area.

There are a number of alternatives to the proposed project that could lessen or avoid the visual impact of the project. For example, a carrier could potentially be sited at or

adjacent to existing naval facilities on Coronado, the 10th Avenue Marine Terminal or the Naval stations further south in the Bay in San Diego or National City. These sites were not examined in the Environmental Impact Report associated with the proposed amendment as the Navy has not to this date expressed interest in housing a permanent museum facility. However, the Midway would most likely not present any adverse visual impact in these locations, and a partnership with the Navy should not be dismissed as a potential opportunity. In addition, the Campbell Shipyard site, which is located northwest of the 10th Avenue Marine Terminal could potentially accommodate the Midway. The bayward side of Harbor Drive is already heavily developed in this area, and an aircraft carrier would likely not have as significant of an impact on public views. Although the Port has expressed interest in constructing a hotel at the Campbell site, the recent discovery of significant amounts of contaminants at the site suggests an alternative project like the Midway may be suitable at this location.

However, if the proposed location remains the only desirable location to the Port District and the project proponents, another potential alternative to the proposed project has been raised by representatives of the Midway museum, for future build-out of the site. A conceptual plan has been developed to site the Midway south of Navy Pier, as proposed, but to also demolish the existing Navy building on the Pier, and redevelop the Pier as a pedestrian-oriented memorial park with plazas, grassy lawns, benches promenades, design features, and even a Navy wives club and chapel for small social functions and public food service. Under this "conceptual plan," parking for the Midway would be located nearby in a new parking structure on the inland side of Harbor Drive.

In contrast, under the current amendment, Navy Pier would be used for parking for visitors to the Midway. While parking is clearly necessary to accommodate the use, providing public parking is not the best use of a water-oriented structure, and would have an adverse impact on the visual quality of the area. It appears that a plan like this conceptual plan would open up the area and improve the visual quality of the North Embarcadero area in a manner which could potentially offset the adverse visual impacts of the ship. Although the proponents of the Midway have indicated their preference for this conceptual plan, there is nothing in the proposed Master Plan amendment that provides for the implementation of this design, the EIR did not evaluate the plan, and no off-site parking facility has been identified or funded.

In its recent augmentation to the submittal, the Port District has added language in the plan indicating that conversion of the pier to a park "is consistent with the planning goals contained in the Visionary Plan"; however, the Port has indicated their unwillingness to make this conversion a specific goal of the plan. The Port has stated that since the Navy and the Broadway Complex are not within the jurisdiction of the Port, adding a policy to the Master Plan relating to this area is not appropriate.

However, it is common practice to have short or long-terms goals in planning documents that relate to areas not within the direct control of the planning agency. For example, the City of San Diego LCPA #4-2000 for the North Embarcadero area being reviewed by the

Commission concurrently with the proposed project contains planning goals for the entire North Embarcadero region, although very little of the area is with the City's jurisdiction. And in fact, the Midway Public Access Plan as proposed contains very specific requirements for parking and public access on Navy Pier. The PMPA also contains specific language requiring that mitigation for the open water impacts resulting from the Midway be provided in the City of National City, although that is clearly outside the Port's jurisdiction.

The Commission is fully aware that the Port District does not have the authority to require that the Navy vacate Navy Pier at any particular time. The Commission is seeking policy language in the PMP that makes clear that parking on Navy Pier for a potential Midway museum would be an interim use, and that the ultimate goal for the area is to convert Navy Pier to a public park. Including as a planning goal in the PMP the conversion of Navy Pier to a memorial park would signify the Port's commitment to and support of such an action. It would not commit the Port to pay for the conversion, any more than designating a land use for commercial uses requires the Port to pay for the construction of such uses. But as long as the Port cannot provide at least a minimal level of assurance that the parking will be removed from the Navy Pier and the Pier converted to a public park, the Commission cannot find the Midway portion of the plan consistent with the visual quality protection policies of the Coastal Act. The timing of such conversion would obviously be linked to when the Navy determines their use of the Navy Pier is no longer necessary. Relocation of the parking could occur at any time independent of actions by the Navy or as part of redevelopment of the Navy Broadway Complex.

Another project alternative that has been suggested involves lowering the Midway approximately 10 feet by dredging the bay at the proposed site; however, potential environmental impacts of dredging have not been examined, and a 10-foot difference in height would not substantially alter the visual impact of the project. Given the expense that would likely be associated with dredging, allocation of the money towards implementation of the conceptual plan would likely be a more effective means of mitigating the visual impact of the Midway.

In summary, the Midway Aircraft Carrier Museum portion of the proposed PMPA would have a significant adverse visual impact in its proposed location. Adequate offsetting mitigation for these adverse impacts has not been provided. There are a number of potential project alternatives that could avoid or reduce the impacts. A conceptual site plan has been developed that demonstrates that there is an alternative, or long-term, Midway project involving creation of a public park on Navy Pier that would open up the viewshed and improve the visual quality of the North Embarcadero area, potentially mitigate the adverse visual impacts of the carrier. However, this plan is not included as a goal in the proposed PMPA. Allowing a project of this magnitude to proceed in the absence of adequate mitigation would set an adverse precedent for development on the North Embarcadero. Until the Master Plan contains goals or policies for developing and implementing a Midway project that includes mitigation for the visual impacts of the

project in a timely manner, the Midway portion of the plan cannot be found consistent with the visual protection policies of Chapter 3 and Chapter 8 of the Coastal Act.

2) **Parking/Public Access**. Currently, Navy Pier is restricted to authorized military and civilian personnel. No public parking is available on the pier, except during Summer Pops concerts. The EIR for the project determined that the peak parking demand for the Midway will be approximately 348 spaces on a weekend and 279 spaces on a weekday. The parking for Midway would be provided on the adjacent Navy Pier. Because some parking spaces would still be required for the Navy facility to remain on the pier, the required 348 spaces would be available on the weekends, but only 200 spaces would be available on weekdays, 79 spaces short of the weekday requirement. The EIR requires that 79 additional off-site parking spaces be provided, if not on Navy Pier, then at a nearby. Thus, adequate parking to accommodate the demand generated by the Midway will be provided.

However, the proposed amendment does not contain any long-term measures or goals designed to ultimately relocate the required parking for the Midway from the Navy Pier into an off-site satellite lot(s). As noted above, the Commission supports the development of visitor-serving attractions along the waterfront. And typically, on-site parking is preferred to off-site parking, because it provides the most convenient access for the public. But a pier is not the appropriate place to be developing new permanent parking facilities. The parking lot will not be a visually attractive development and will not provide the type of pedestrian recreational opportunities that should be available on the waterfront.

The proposed PMPA is designed to promote the waterfront as a visitor destination, and as such, should contain specific provisions promoting and requiring the funding and development of off-site parking for the Midway, as well as for other visitor-serving uses in the area. The Parking Management Program does include some general provisions for promoting public transit and an area shuttle, but again, no measures designed to relocate the Midway parking off of Navy Pier. Converting a pier into a permanent parking area would not have a positive impact on the visual quality of the North Embarcadero area, or on the public access and recreational opportunities. The PMPA should include the means to implement and fund a long-term alternative parking and transportation program to offset visitor parking deficits rather than create additional parking on Navy Pier. Therefore, the Commission cannot find the Midway portion of the project consistent with the public access and recreation policies of the Coastal Act.

3) **Biological Resources**. Approximately 350 parking spaces would be located on Navy Pier to serve visitors to the Midway museum. This would create the potential for petroleum hydrocarbons, grease, etc. associated with vehicles to enter San Diego Bay through direct leakage and stormwater runoff. A Storm Water Pollution Prevention Plan (SWPPP) is required for the project that must contain Best Management Practices (BMPs) to address contaminants through such means as grease/oil separators. The Port Master Plan does not specifically require the adoption of BMP programs for the Midway;

however, the Plan does require lease agreements that ensure tenants do not contribute to water pollution.

The ship's hull would be protected with a cathoditic system, in an effort to minimize hull maintenance requirements. Maintenance activities such as painting other parts of the ship are required to occur in conformance with state and federal regulations, as outlined in an Environmental Protection Plan which has been prepared for the Midway, although this plan has not been specifically incorporated into the PMP. The ship would be moved to dry-dock about every 20 years where major maintenance activities would occur. The Port District has indicated that if the Midway museum did not succeed financially, the Navy would take the ship back, so it would not remain in place indefinitely. The Port has stated that the Midway's lease agreement and coastal development permit will require guarantees in the form of a bond or other financial means that will ensure that the ship will be removed from San Diego Bay should it go bankrupt.

The Midway would not actually rest on the ocean floor; rather it would occupy approximately 28 feet of the water column, with approximately 12 feet between the bottom of the hull and the ocean floor. Mooring the carrier would result in approximately 4.1 acres of impact to open water habitat, which is valuable habitat for fish and foraging birds. The hull of the Midway touching the water would cover approximately 2 acres of the Bay, the overhang of the flight deck would shadow up to an additional 2 acres of open water, and the mooring platform structures would result in 0.1 acres of impact.

As part of the proposed PMPA submittal and at the request of Commission staff, the Port has submitted a mitigation plan for the 4 acres of open water impacts. The proposed mitigation involves expansion of an existing degraded marsh east of south San Diego Bay in the City of National City. The site is known as Lovett Marsh, a tidal channel surrounded by development south of the Sweetwater River Flood Control Channel. The plan involves excavating sediment from surrounding uplands in order to create new tidal wetland habitat, grading existing upland slopes and seeding them with Maritime Succulent Scrub vegetation, and planting coastal salt marsh vegetation in the newly created wetland area. The mitigation would itself impact 0.89 acres of existing "disturbed" coastal salt marsh and 0.74 acres of mule fat scrub, but result in the creation of approximately 9.15 acres of new coastal salt marsh as mitigation for loss of 4.1 acres of open water habitat.

The proposed mitigation raises several concerns. First, the Commission typically requires that mitigation be "in-kind," that is, the mitigation should replace the same kind of habitat that is impacted, as close to the impact area as possible. In the case of the proposed project, the salt marsh mitigation site is several miles south and inland of the open water impact site. The Port District has indicated that there are a limited number of sites in San Diego Bay under the control of the District where a restoration project could create new open water habitat. However, the District did not consider these sites as potential mitigation sites for the Midway, as they are intended to serve as mitigation sites for future Port projects. Given the amount of build-out in San Diego Bay, opportunities

for open water mitigation sites in the Bay are very limited, which suggests that additional impacts to Bay habitat may be inappropriate.

Nevertheless, in this particular case, the mitigation plan has been reviewed by the Commission staff ecologist, National Marine Fisheries and the U.S. Fish and Wildlife Service. The Commission has in the past approved saltmarsh restoration as mitigation for open water impacts, although in most cases, the mitigation has a strong open-water component. The creation of salt marsh habitat as proposed has been given preliminary approval as adequate to offset the biological impacts of the project.

Specific language in the text of the amendment requires that mitigation for the Midway be provided in the form of the creation of approximately 9.2 acres of new coastal salt marsh. Thus, the biological impacts associated with the Midway can be found consistent with the resource protection policies of Chapter 3 and Chapter 8 of the Coastal Act. Denial of the Midway portion of the project is based on inconsistency with the visual and public access and recreation policies of the Coastal Act.

B. North Embarcadero Redevelopment.

As described above, the amendment includes public improvements along Harbor Drive, narrowing Harbor Drive from four lanes to three between Grape Street and Pacific Highway, replacing three existing industrial piers west of the County Administration Center with a new public pier at Grape Street, a new 25-foot high restaurant inland of the Grape Street Pier, the extension of B and C Streets, development of the old Lane Field site and Navy Engineering building with a 600-800 room hotel, office building, retail and parking facilities in a new complex of buildings and open space, and expansion of the cruise ship terminal at the B Street Pier would be expanded to up to 50 feet in height.

1) **Visual Resources**. The plan contains provisions for the establishment of view corridors and a 60 foot height limit in the Laurel Street corridor, landscape and streetscape improvements along the proposed esplanade on North Harbor Drive, and public viewing/vista points along the Crescent shoreline from Laurel Street to Market Street. Language in the plan states that the wharf side of the esplanade is to remain clear of objects or furnishings that would block bay views.

The extension of B and C Streets from their current terminus at Pacific Highway through to North Harbor Drive would create new view corridors and increase public access to the waterfront from downtown. The City of San Diego's pending LCP also provides for the extension of these streets and designates them as view corridors.

The plan sets an FAR of 7.0 and 6.5 for the Lane Field parcel, while establishing building height limits on the site ranging from 200 feet to 400 feet sloping back from the Bay. The plan also sets setbacks and stepbacks along the Broadway side of this parcel. These criteria are consistent with those proposed in the City's pending LCP.

The plan establishes a 12 foot high building height limit in the area of the proposed esplanade, with the exception of a 25-foot high height limit for the parcel at Harbor Drive inland of the Grape Street Pier to allow for construction of a new restaurant. The construction of a new two-story structure in this area raises concerns about view blockage and bulk and scale. As discussed above, the majority of North Harbor Drive is characterized by low-scale development and open views towards the water, and any new construction on the bayward side of Harbor Drive has the potential to adversely impact public views.

However, in this particular case, the second-story of the restaurant would be offset from the Grape Street View corridor, and thus, wouldn't block any existing views down this street. Additionally, Grape Street is a one-way street with traffic heading away from the Bay, so existing views from this street are limited. View blockage from Harbor Drive remains a concern, but with the exception of this parcel, structures on the bayward side at this portion of North Harbor Drive are limited to 12 feet in height, such that the impact of this one structure will be limited and can be found consistent with the resource protection policies of the Coastal Act. However, the Commission will continue to review new projects in this area with the visual impact to pedestrians and vehicles on Harbor Drive in mind.

The amendment also includes expansion of the cruise ship terminal to a maximum of 50 feet in height. Some building appurtenances would extend above 50 feet. The existing building was a warehouse that was converted to a cruise ship terminal many years ago. The cruise ship industry has changed considerably in the last two decades, and ships are far larger than they were previously. At the existing terminal, moving cargo and people is difficult and inefficient, and compromises the effectiveness of the terminal operation. The structure is also too small to reasonably accommodate the number of people boarding and disembarking the ships, going through customs, etc. The expansion would modernize the terminal to accommodate present-day cruise ships and traffic intensity (vessels and people). Although the height increase would contribute incrementally to a walling off of the bay, a cruise ship terminal is a coastal-dependent, high-priority use under the Coastal Act. The height increase would contribute to the bulk and scale of development on the bayfront, but not actually block any existing views. The project would not require any expansion of the existing pier or filling of the bay. The expansion would follow the design guidelines of the North Embarcadero Visionary Plan, such that the building would have stepbacks and architectural features to minimize its visual impact.

In summary, the plan includes numerous features designed to protect and enhance views to and along the waterfront. No significant impacts to views or community character will result from the amendment. Therefore, this portion of the proposed Port Master Plan Amendment can be found consistent with the visual protection policies of Chapter 3 policies and Chapter 8 policies of the Coastal Act.

2) **Public Access/Parking**. As noted above, numerous Coastal Act policies pertain to the provision of adequate public access to the shoreline. The plan contains provisions for many public access improvements including the replacement of the Grape Street industrial piers with a new public pier, the extension of B and C Streets, the Harbor Drive esplanade and parks, and streetscape improvements to Broadway Pier. The Lane Field parcel will have access corridors a minimum of 80-feet wide to enhance physical and visual access to the waterfront. A north-south pedestrian link, if practical, is also proposed through this parcel.

When development does not provide adequate parking facilities, or alternative means of access such as public transit, the general public can be precluded from accessing the shoreline. The Parking Management & Monitoring Program submitted as a component of the proposed amendment is intended to ensure that the proposed development will maintain and enhance public access to the coast consistent with the public access and recreation policies of the Coastal Act.

The EIR analyzed the projected parking demand for the proposed PMPA. In general, new projects are required to self-park; that is, provide adequate parking to accommodate the particular project's demand, and would not compete for public parking. However, several new projects, including the Grape Street Pier restaurant and new public improvements like the esplanade, would utilize public parking. The parking analysis determined that on weekdays, adequate public parking to serve the area Thus, the Parking Management Program is required to address the parking needs of these projects, as well as the public parking needs overall in the North Embarcadero area. The plan requires individual Parking Management Plans prior to issuance of Coastal Development Permits a for particular project, to ensure that weekday and weekend day parking deficits are addressed.

Projects in the PMPA will be phased over several years. An annual monitoring program tied to actual "parking utilization" will begin after completion of the first project under the Plan. Additional parking construction will begin when utilization thresholds exceed 90% capacity, that is, when monitoring determines existing parking has reached 90% of capacity, new parking facilities will be required. Implementation of the monitoring and construction of new parking facilities will be required as conditions of new coastal development permits.

The narrowing of North Harbor Drive and the increase in traffic generated by the redevelopment in the proposed amendment could have an adverse impact on public access by restricting the flow of traffic. North Harbor currently provides six lanes of traffic north of Grape Street, four lanes between Grape Street and Broadway and two lanes south of Broadway to Pacific Highway. The proposed amendment includes re-striping North Harbor Drive between Grape Street and Pacific Highway to a three-lane roadway (two lanes southbound and one lane northbound). A traffic analysis performed for the amendment analyzed 22 key signalized intersections and 40 street segments in the plan area. The analysis determined that in the near-term, traffic conditions at only 6

intersections and 3 street segments would worsen as a result of implementation the amendment, and these impacts were determined to be less than significant, because the delay increases are small and in no case did Levels of Service (LOS) fall below LOS D. (Two street segments currently at LOS E would continue to operate at LOS E.) Level of Service E is considered "significant" under City of San Diego standards for the Centre City area.

The only significant impacts identified were cumulative impacts to portions of Interstate 5 and several freeway on-ramps and off-ramps. These impacts are considered unmitigatible at the current time, although an I-5 freeway corridor study currently being prepared by the San Diego Association of Governments (SANDAG) will address deficiencies on the freeway and its ramps and recommend traffic improvements. These impacts occur outside of the Coastal Zone and are the result of region-wide growth and development. The proposed amendment will not result in traffic impacts that will adversely impact public access or recreation in the Coastal Zone.

It is important to note that the long-range (2020) traffic projections done for the North Embarcadero redevelopment assumed that the airport expansion "Concept F" would be constructed by the year 2020. That is, that direct airport access would be available to I-5 at a point between Washington Street and Old Town Avenue. Without this assumption, the volumes along Laurel Street, Grape Street, Hawthorn Street and North Harbor Drive would be much greater. The short-term traffic projections are not affected by this assumption. If this airport connection is not approved, the Port District and the City of San Diego will have to revisit traffic and circulation issues in the North Embarcadero area. With the proposed narrowing of Harbor Drive, Pacific Highway will become the most attractive commuter alternative between downtown and the airport, not Harbor Drive, which is appropriate and consistent with the Chapter 3 policies of the Coastal Act, regardless of the airport access to I-5.

One of the stated goals of the Parking Program is both reducing the parking demand and increasing the parking supply, in order to achieve a balance between the supply and demand of parking in the area. The Parking Program has measures designed to promote the use of transit and pedestrian use of the area, including promoting subsidized transit passes for employees of area businesses, providing information to downtown hotel guests regarding the availability of transit uses, plans for shuttle stops at two locations on Harbor Drive within the North Embarcadero area, promoting pedi-cab use and providing areas for pick-up and drop-off, and providing bicycle racks and lockers within the area. In addition, the Program calls for providing "trailblazing measures", that is, providing signs showing directions to the North Embarcadero area from downtown and transit locations, directions on local kiosks and transit/shuttle stops. The Parking Program would require that as a condition of approval for future coastal development permits, use of mass transit be encouraged and supported.

Traffic improvements that will improve public access are planned for the North Embarcadero area, including additional traffic signals and controlled intersections to

improve pedestrian access, and a separate 10-foot wide bicycle path to run parallel to the promenade. The bicycle path will accommodate both bicycles and pedi-cabs. As proposed, the North Embarcadero portion of amendment provides public access amenities and will not result in adverse impacts to public access. Therefore, this portion of the amendment can be found consistent with the public access and recreation policies of Chapter 3 and Chapter 8 of the Coastal Act.

3) **Biological Resources**. The plan involves the construction of a new 30,000 sq.ft. public recreational pier at Grape Street. Although the project involves the placement of new pilings, the pier will replace three existing piers that together total approximately 30,000 sq.ft. in area, thus, there will be no change in the amount of water area shaded by pier structures. The EIR for the proposed amendment determined that there is no eelgrass in the amendment area.

The proposed Grape Street Pier also includes construction of a wave attenuation structure. The Port District has clarified that this structure will be a floating concrete structure or similar structure that does not involve any fill, and that the structure will be the minimum necessary to reduce wave force on the propose pier and recreational docks. The placement of structural pilings for public recreational piers that provide public access and recreational opportunities, such as those proposed in the PMPA, is a permitted use under Section 30233 of the Coastal Act.

Therefore, the Commission finds that this portion of the proposed Port Master Plan Amendment can be found consistent with the Chapter 3 and Chapter 8 policies of the Coastal Act regarding the protection of biological resources.

C. Centre City LCPA.

Staff is currently reviewing an application by the City of San Diego to amend its certified LCP to create a North Embarcadero Overlay District including design guidelines and parking requirements. The City's LCPA is does not proposed any changes in land use, but is largely intended to ensure that the existing community plans and Planned District Ordinances governing the North Embarcadero region (Centre City and Marina Districts) are updated consistent with the vision for the North Embarcadero region as proposed in the Port Master Plan and in the Visionary Plan (although the Visionary Plan is not proposed to be incorporated into the LCPA). Although the majority of the North Embarcadero region is within the Port District's coastal development permit jurisdiction, the Centre City community plan and PDO contain graphics and planning goals for the North Embarcadero shoreline to help ensure consistent planning for the region as a whole.

Suggested modifications for the City's LCPA have been provided with the findings for the City's submittal. Approval of the North Embarcadero portion of the PMPA will not prejudice the Commission's review of the City's LCPA.

D. Consistency with the California Environmental Quality Act (CEQA). As described above, the proposed amendment does have the potential to result in damage to visual and biological resources in the form of individual and cumulative impacts. The proposed amendment was the subject of an Environmental Impact Report under CEQA. The EIR was subject to public review and hearing and was adopted by the Board of Port Commissioners. However, the Commission has found that the Midway portion of the proposed PMPA #27 cannot be found in conformance with Chapter 3 and Chapter 8 policies of the Coastal Act and that that portion of the proposed amendment will result in significant adverse impacts to the environment of the coastal zone. Therefore, the Commission finds that the Midway part of the amendment is inconsistent with the California Environmental Quality Act.

The remaining portion of the amendment has been found consistent with the visual, biological, and public access and recreation policies of the Coastal Act, and will not cause significant adverse impacts to the environment. Specifically, the amendment has been found consistent with the public access and recreation, visual resource and biological protection policies of the Coastal Act. There are no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact which the amendment might have on the environment. Therefore, the Commission finds that the remaining portion of the amendment is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

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Re Amendment of Port District]
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Master Plan - North Embarcadero]
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Alliance Visionary Plan . . . . .]
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RESOLUTION 2000-83

WHEREAS, the San Diego Unified Port District (Port District) has an adopted Port Master Plan which has been certified by the California Coastal Commission; and

WHEREAS, said Plan was prepared, adopted and certified pursuant to the Port District Act, the California Coastal Act and other applicable laws; and

WHEREAS, a proposed Plan Amendment for the North Embarcadero Alliance Visionary Plan has been prepared and processed; and

WHEREAS, a Final Master Environmental Impact Report pursuant to the California Environmental Quality Act, State CEQA Guidelines, and Port District procedures relative to said Amendment has been prepared, considered and certified, NOW, THEREFORE,

BE IT RESOLVED by the Board of Port Commissioners of the San Diego Unified Port District, as follows:

That the Master Plan of the Port District is amended by incorporating therein the Master Plan Amendment, on file in the office of the Port District Clerk as Document No. 40550, pertaining to said North Embarcadero Visionary Plan.

BE IT FURTHER RESOLVED that the Executive Director or his designated representative is hereby authorized and directed to transmit said Master Plan Amendment, together with all relevant factual information, the certified Final Environmental Impact Report, and the Coastal Act consistency analysis to the California Coastal Commission for its review, approval and certification pursuant to the California Coastal Act, and that said

Exhibit #1
Port Master Plan Amendment #
Resolution

Amendment will take effect automatically and be deemed fully certified upon Coastal Commission approval pursuant to Public Resources Code Section 30714. This action by the Board of Port Commissioners constitutes formal adoption of the Coastal Commission's certification of the referenced Amendment.

ADOPTED this 25th day of April, 2000.

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4/25/00

RECEIVED
DEC 13 2000
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

San Diego Unified Port District
Proposed Master Plan Amendment

North Embarcadero

Existing/Proposed Plan Text
and
Proposed Plan Graphics

December 12, 2000

Note: Text to be deleted shown ~~stricken~~ and text to be added shown underlined.

Exhibit #2
PMPA #27
Proposed Amendment

CENTRE CITY EMBARCADERO: Planning District 3

The Embarcadero of San Diego is the downtown waterfront area for an urban region of over 2.7 million people. The pierside maritime activities of commercial fishing boats, merchant ships, Navy vessels and pleasure craft contribute to the fabric of the Embarcadero. Planning District 3 covers all of the Port District waterfront from the U.S. Coast Guard Air Station to the Tenth Avenue Marine Terminal. From Laurel Street to Market, Port land boundaries follow parallel to the shoreline and extend easterly to Pacific Highway, except for two major land blocks; the five-block-long property of the County of San Diego's Administrative Center and the four-block-long property of the U.S. Navy's Commander, Naval Base San Diego and Naval Supply Center. The owners of both of these properties have proposed extensive renovation and redevelopment plans which include commercial recreation, county governments administration, and U.S. Navy uses.

In order to coordinate the redevelopment of this area and adjoining agency properties, an alliance was formed to develop a single, comprehensive plan. The North Embarcadero Alliance includes the Port District, City of San Diego, County of San Diego, Centre City Development Corporation, and the U.S. Navy. The Alliance developed a Visionary Plan in 1998 to guide the redevelopment of the contiguous properties. The specific recommendations of the Visionary Plan that pertain to Port District land and water areas within the Planning District 3 Precise Plan area are incorporated into the Master Plan. All other recommendations of the Visionary Plan guide development within Planning District 3.

Precise Plan Concept

The basic concept of the redevelopment of the Embarcadero is to create a unified waterfront, both visually and physically, which creates an overall sense of place. In this concept, the Embarcadero becomes a pedestrian spine along which commercial and recreational activities are located. In order to emphasize the pedestrian oriented waterfront experience, through traffic is routed to Pacific Highway, and considerable effort is directed toward improving the amenities and people spaces of the public thoroughfare along ~~Harbor Drive~~ North Harbor Drive. Industrial uses adjacent to the airport are renovated and retained as important employment centers and as airport buffer land use activities. The renovation of marine terminal facilities will retain the active use of deep draft berthing and continue carefully selected functions of a working port. The commercial fishing industry is given a major focus at several locations with the development of new piers and a mooring basin. A major hotel and commercial complex with recreational facilities is proposed to connect and enhance nearby portions of downtown.

The Embarcadero is intensively used by many people. With the mixture of activities going on here, it is important to emphasize that several activities may occur at the same location, depending on a scheduling overlap to accommodate all of them. For example, Broadway Pier may be used at different times for tuna fleet berthing, cruise ship berthing, excursion or ferry boat berthing, public access, passive recreation, and commercial recreation. The redefined Specialized Berthing designation applies to this precise plan area only, and may include marine-related uses such as transient and general berthing of small boats, historic ship berthing, ferry or excursion boat berthing, and commercial fishing boat berthing as the highest priority use. The designation carried on the Precise Plan indicates the primary use, but secondary uses may occur. This is particularly true of water areas and of public access which may be available at other sites than those mentioned.

Land and Water Use Allocations

The Precise Plan allocates a balanced distribution of commercial, industrial, public recreation and public facility uses in this 4334-acre planning area. More detailed allocations are indicated in the Land and Water Use Table, and use areas are graphically portrayed on the Plan Map.

Centre City Embarcadero Planning Subareas

The Planning District has been divided into six subareas. as An explanation of the Precise Plan is covered in the following text, organized to the geographic locations of the subareas shown in Figure 12.

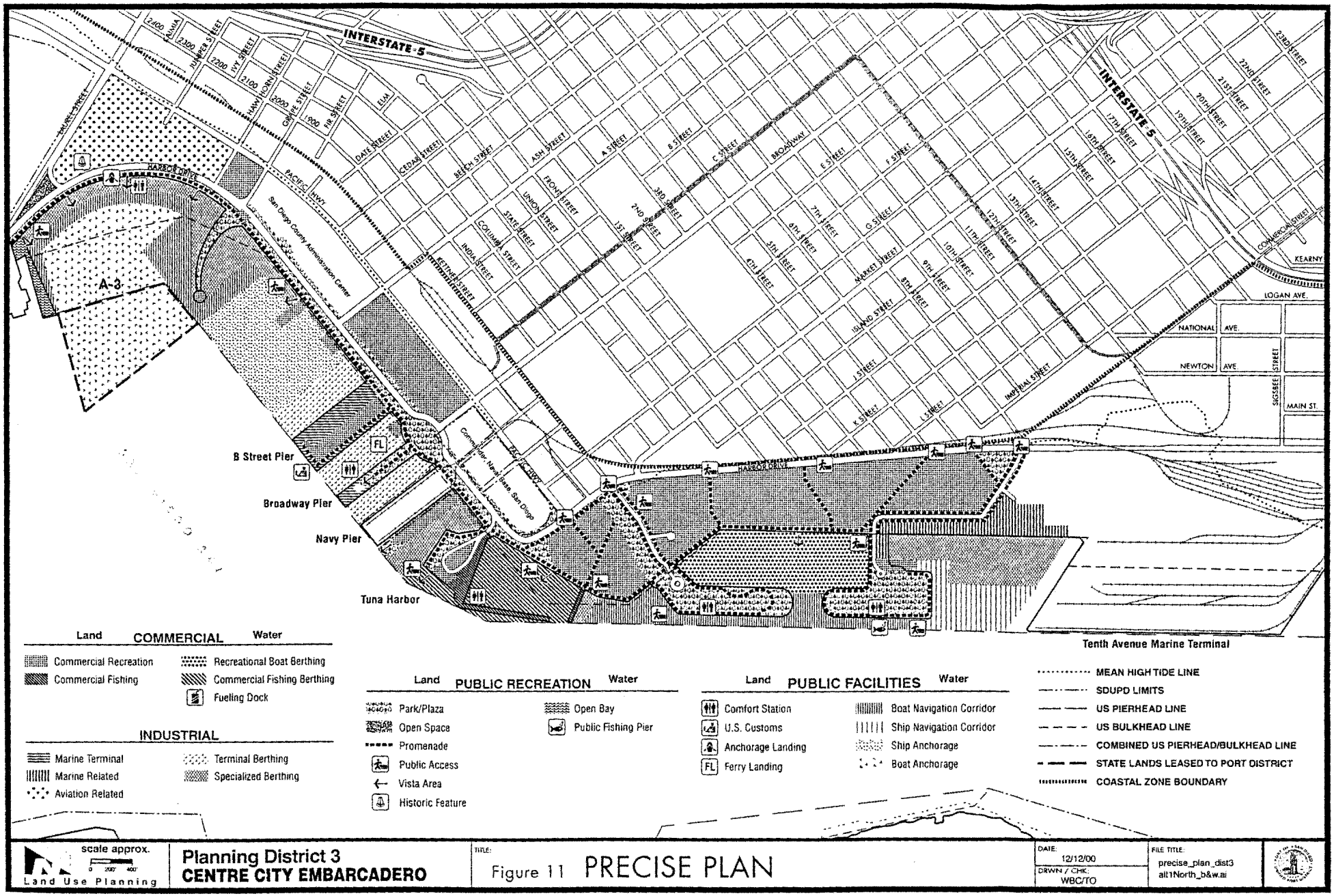
The North Embarcadero Alliance "Visionary Plan" area includes all of Subareas 31, 32, 33, and part of Subarea 34. The Visionary Plan proposes to revitalize San Diego's downtown waterfront through a concept for public improvements and by guiding development to optimize property values, public access opportunities and priority waterfront and water-dependent uses. The Plan recommends a substantial linear esplanade park on the urban waterfront with public art, street furniture, public spaces, expansive Bay views and public parking. The Plan proposes two major parks and plazas at the County Building and the foot of Broadway, and includes recreational piers and associated public facilities, harbor excursion landings and water-related commercial uses on Port tidelands. General commercial, residential, and commuter traffic would utilize an enhanced Pacific Highway grand boulevard, while North Harbor Drive would serve waterfront public access, water-dependent, and Embarcadero commercial recreational uses. An extension of the downtown San Diego small-block street grid across the railroad right-of-way, off Port lands, to the Bay would enhance public views and pedestrian access opportunities from upland areas (See Visionary Plan Figure 3.1 for illustrative plan of the area). Above-ground parking structures which are visible at the perimeter of a development should be limited to a maximum of six levels of parking or 60 feet above grade. (See Visionary Plan- p.79) North Harbor Drive, Broadway, Ash Street, and Grape Street are envisioned as active pedestrian linkages to the Bay from upland areas. Building frontage adjacent to these streets shall be developed with uses that promote pedestrian activity and public oriented uses. On other streets, ground-level facades shall maximize the sense of contact between indoor and outdoor activities. (See Visionary Plan – pp. 67,68.)

TABLE 10

CENTRE CITY EMBARCADERO: PLANNING DISTRICT 3
PRECISE PLAN LAND AND WATER USE ALLOCATION

LAND USE	ACRES	WATER USE	ACRES	TOTAL ACRE	% OF TOTAL
COMMERCIAL	~~97.3~~ 96.7		~~65.3~~ 34.3	~~162.6~~ 131.8	~~37%~~ 30%
Commercial Fishing	4.7	Commercial Fishing Berthing	~~44.3~~ 13.3		
Commercial Recreation	~~92.6~~ 92.0	Recreational Boat Berthing	21.0		
INDUSTRIAL	42.1		~~38.1~~ 64.9	~~80.2~~ 107.0	~~19%~~ 25%
Aviation Related Industrial	22.3				
Marine Related Industrial	12.9	Specialized Berthing	~~15.5~~ 46.7		
Marine Terminal	6.9	Terminal Berthing	~~22.6~~ 18.2		
PUBLIC RECREATION	~~49.3~~ 52.8		4.7	~~45.1~~ 56.7	~~12%~~ 13
Open Space	0.5	Open Bay/Water	4.7		
Park/Plaza	~~42.8~~ 45.7				
Promenade	~~6.0~~ 6.6				
PUBLIC FACILITIES	~~44.8~~ 46.7		~~92.8~~ 92.2	~~137.6~~ 138.9	32%
Streets	~~44.8~~ 46.7	Boat Navigation Corridor	~~18.2~~ 29.6		
		Boat Anchorage	25.0		
		Ship Navigation Corridor	~~24.8~~ 13.4		
		Ship Anchorage	~~24.8~~ 24.2		
TOTAL LAND AREA	~~233.5~~ **238.3**	**TOTAL WATER AREA**	~~200.9~~ **196.1**		
PRECISE PLAN LAND AND WATER ACREAGE TOTAL				**434.4**	**100%**

Note: Does not include:
State Submerged Tidelands 22.6 acres
Existing Acreage:
SAN DIEGO CONVENTION CENTER EXPANSION PMPA CCC January 12,1996
Revised Acreage:
*South Embarcadero Redevelopment draft PMPA 04/24/96



scale approx.

Land Use Planning

Planning District 3
CENTRE CITY EMBARCADERO

TITLE: Figure 11 PRECISE PLAN

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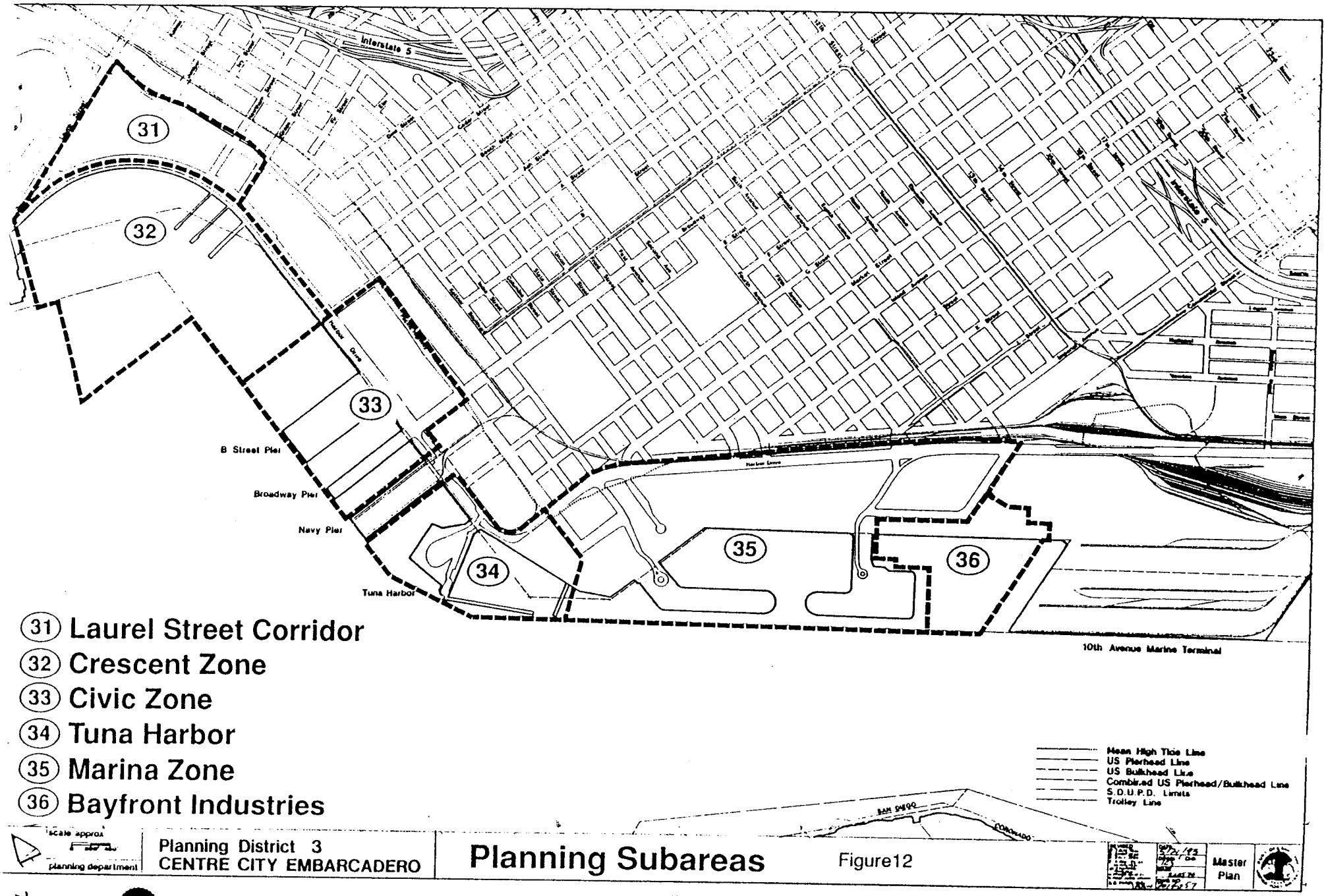

(31) Laurel Street Corridor
(32) Crescent Zone
(33) Civic Zone
(34) Tuna Harbor
(35) Marina Zone
(36) Bayfront Industries

scale approx.
planning department

Planning District 3
CENTRE CITY EMBARCADERO

Planning Subareas

Figure12

Master Plan

Laurel Street Corridor

The established aviation related industrial use in this subarea, subsequent to renovation and beautification of the physical plant, is anticipated to continue in operation; however, if such use is discontinued, the Visionary Plan proposes the extension of vehicle and pedestrian access, parking, service access, and view corridors along extensions of Kalmia, Juniper, and Ivy streets through this parcel to North Harbor Drive. ~~for the duration of the planning period.~~ Building height limits of 60 feet are proposed for this area; however, this height limit would be superseded by any more-stringent FAA runway approach zone restrictions. (See Visionary Plan Figures 4.5, 4.10, 4.11, and 4.12.) Grape and Hawthorn Streets, Pacific Highway and North Harbor Drive from Laurel Street to Hawthorn Street will be modified to accommodate traffic flow and with streetscape improvements to match the balance of the streets through Subareas 31-34. Geometric improvements to direct traffic flow from North Harbor Drive to Pacific Highway will be made at the Grape Street intersections with these roadways. The block between Hawthorne, Grape, Pacific Highway and ~~Harbor Drive~~ North Harbor Drive (2.3 acres) will remain in commercial recreation use with some landscape improvements or possible parking facility development. The landscaped triangle at Laurel and ~~Harbor Drive~~ North Harbor Drive is shown on the Plan as open space.

Crescent Zone

The most important element influencing design in the Crescent Zone is the curvilinear form of the waterfront. Dramatic panoramic views can be realized at either vehicular or pedestrian speeds. The Port Master Plan capitalizes on this attribute to establish a grand pedestrian-oriented esplanade (no less than 100 feet wide) ~~promenade~~ and major entryway into the Centre City district from Grape Street to Broadway. The promenade connects with the ~~Harbor Drive~~ North Harbor Drive bicycle path to provide a continuous pedestrian/bicycle path from Navy Estuary to Fifth Avenue, a distance of four miles. Pacific Highway streetscape improvements would continue through this subarea. An esplanade at least 25-feet wide, bayward of Harbor Drive, will be added from Laurel Street to Grape Street.. ~~Where Harbor Drive~~ North Harbor Drive will be ~~has been~~ narrowed to three lanes to ~~restrict~~ reduce through traffic. The unused right-of-way will be ~~has been~~ developed with landscaped promenades, parks and plazas. Along the water's edge the concrete pathway will continue its present use as both pedestrian promenade and service area for commercial fishing boats tied up along the Crescent Zone bulkhead. Four public viewing/vista points would be spaced along the Crescent shoreline.

The waterfront between Grape Street and Ash Street will be used for Ship Anchorage, Boat Navigation Corridor, and Specialized Berthing. The three existing piers no longer function or are needed as commercial fishing berthing or fuel pier; therefore they will be replaced with a 30,000 square-foot curvilinear pier at Grape Street, with a 12,000 square-foot public boat dock designated as Park Plaza. The waterside termination of this pier is designated as Commercial Recreation to allow possible development of a commercial facility. Wave attenuation structures would protect the boat docks. A 5,000 square-foot parcel with a maximum 10,000-square-foot floor area designated as Commercial Recreation will provide for a major restaurant or other commercial recreation use on the esplanade at the foot of the Grape Street Pier. Development density with a Floor Area Ratio (FAR) of 3.0 and a building height limit of 12 feet is prescribed for this area, with the exceptions of the proposed commercial recreation parcel where a 13-foot high second story would be allowed. Building stepbacks along the inland side of North Harbor Drive for upper stories shall be 25-foot minimum at 50 feet along the inland side of North Harbor Drive and 15-foot on east-west streets. (See Visionary Plan Figures 4.4, 4.5 and 4.8) ~~the fuel docks and Anthony's Restaurant will continue to be used as a tie-up and net mending area for tuna seiners. This activity is encouraged as part of the working port identity.~~ Commercial Ffishing Bberthing has been allocated to the Crescent water interface (18.6 acres) as the highest priority use; however, this water is also used for transient berthing and occasional general berthing for small boats. The boat channel area just offshore is also used for temporary anchorage for small boats.; therefore, the designation is changed to Specialized Berthing, which

includes these uses within this precise plan area only. The boat channel area just offshore is also used for temporary anchorage for small boats.

Anchorage A-3, Laurel Street Roadstead Anchorage, is sheltered from the open sea but is located in both the most visible and the widest part of northern San Diego Bay. Approximately 20.6 acres of water area is allocated to accommodate about 50 vessels on swing point mooring buoys. Onshore, a public rest room, three dinghy floats and connecting shore ramps provide for the landing needs of the anchorage user. As a federally designated anchorage, the boundaries are shown on coastal charts and identified on site by boundary markers. Administration of the anchorage is exercised by the Port District, pursuant to local ordinance. Thirty to forty percent of the moorings are to be set aside for short-term use by cruising or transient vessels. Section III, Water Based Transportation system, contains information on the baywide small craft anchoring system.

Civic Zone

The zone of highest activity is the Civic Zone from Ash Street to Broadway. This zone reflects its waterfront orientation, with operating piers extending into the bay, Navy facilities, commercial fishing activity, and historic sailing vessels. Its physical relationship to Centre City attracts large numbers of people and the future development of both areas is integrated by the Visionary Plan. ~~being carefully integrated by mutual planning.~~

Significant redevelopment is recommended for the Civic Zone. The landscaped esplanade and streetscape improvements ~~promenade~~ mentioned in the Crescent Zone will be continued along ~~Harbor Drive~~ North Harbor Drive and Pacific Highway through the Civic Zone. ~~Harbor Drive~~ North Harbor Drive will be ~~restricted to traffic accessing the abutting properties~~ reduced by narrowing to three ~~two~~ lanes. Parking areas along the street will be interspersed with landscaping, vertical elements used to frame and enhance views, and lawn areas. (See Visionary Plan Fig. 5.3)

The esplanade ~~promenades~~ expands into plazas at Beech and Ash Streets, B Street Pier, and Broadway Pier. These plazas will be designed to provide open space, sitting and strolling areas for tourists and nearby workers, and to increase the sense of destination for Embarcadero v~~V~~isitors.

Passive green spaces (parks) are proposed between the plazas on the esplanade, providing recreational opportunities and places for people to relax, play, and enjoy Bay views. The promenade is a continuous 25-foot-wide paved area adjacent to the water's edge. The wharf side remains clear of objects or furnishings that would block Bay views. A delicate string of lights, a planting area with tall palms, and a 10-foot-wide bike path border the landward side of the promenade (See Figure 5.3 of the Visionary Plan).

The most important element in this zone is the conversion of the old Lane Field site and Navy Engineering building into a new complex of buildings and open spaces. Primary consideration is a 600-to-800-room hotel. The intent of the plan is to retain flexibility for considering a wide array of development options. The concept includes possible multiple utilization of activities that could provide for commercial recreation; international trade, travel and cultural complexes; commercial and office space for maritime business; support facilities related to the Port; and, subject to negotiation with the U.S. Navy, the provision of equal or better building space for the relocation of the Naval Facilities Engineering Command. The FAR for Lane Field parcel is 7.0 and 6.5, while building height limits range from 400 feet to 200 feet sloping toward the Bay. Special setback requirements along the Broadway side of this parcel range from 55 feet to 65 feet, widening toward the Bay (See Figure 4.7 of the Visionary Plan, which also illustrates the special radius setback on North Harbor Drive/ Broadway SW corner). Stepbacks for upper stories are 25-feet minimum at 50-feet building height except for the B Street side of the parcel and on other east-west streets where they are 15 feet. There are no stepback requirements along Pacific Highway.

(See Visionary Plan Figures 4.5, 4.6, 4.7 and 4.8.)

The Visionary Plan proposes public right-of-ways aligned with existing downtown streets through development parcels, including Lane Field. These right-of-ways include pedestrian and vehicle traffic, view corridors, parking and service access. The right-of-ways shall be a minimum of 80-feet-wide with the character of a public street, and would enhance the physical and visual access to the Bay. The C Street segment through Lane Field may vary in alignment with existing street up to 20 feet north or south, and it may or may not accommodate vehicular circulation. A north-south pedestrian link, if practical, is also proposed through this parcel. (See Visionary Plan Figures 4.10, 4.11, 4.12, and 6.1).

B Street Pier is scheduled for substantial redevelopment of the apron wharf and the structures on the pier. The south shed will be removed or redesigned to create space for parking and a promenade. The western end of the pier will be converted for specialized commercial uses such as a shopping bazaar, and foods and services reflecting the maritime character of the Embarcadero and which will be compatible with ~~occasional~~ cruise ship berthing. The Cruise Ship Terminal will be expanded and ~~shipping sheds on the north side~~ both sides of the pier will ~~will continue, with both sides of the pier~~ accommodate~~ing~~ ship berthing. Cruise ships may ~~will be encouraged to~~ tie up at both the B Street and Broadway Piers. ~~Ultimately, t~~The shopping bazaar could be expanded into the terminal building ~~north shed~~ and the existing Maritime Museum could be provided with land-based support area, storage and work area, and possibly a living museum of nautical craftsmen ~~on the pier~~; however, loading, off-loading, and storage capabilities for general cargo will be retained as needed. Alternatively, the Maritime Museum may be relocated to another location along the Embarcadero, such as the curvilinear pier at Grape Street. A FAR of 2.0 applies to the B Street and Broadway piers. The bulding height limit for the B Street Pier is 50 feet; however, an expanded cruise ship terminal, now under study, may require (for functional reasons) building(s) in excess of 50 feet in height. Pursuant to the Port's cruise ship terminal study, alternative height restrictions and other guidelines affecting B Street Pier may be appropriate and acceptable, and they should be considered by the Alliance. (See Visionary Plan Figs. 4.4, 4.5 and pp. 63, 64.)

Broadway Pier will continue to provide recreational space on its plaza and viewing platform, as well as accommodatinge commercial shipping and miscellaneous vessel berthing, including day cruisers. Improvements to the pier will include paving, plantings, lighting, and furniture. The harbor excursion and ferry boat water lease north of Broadway Pier may ~~will~~ also remain as part of the recreational experience along the waterfront or move to another location along the Embarcadero.

Tuna Harbor

This subarea consists of the Tuna Harbor, the harbor formed by its pier, the Harbor Seafood Mart, and adjacent areas.

Tuna Harbor and the shoreline area between it and Navy Pier are planned to provide space for commercial fishing and commercial recreation activities. The plan concept is to create a physical and visual linkage along ~~Harbor Drive~~ North Harbor Drive by tying together Broadway Pier and the Harbor Seafood Mart with Tuna Harbor.

The aircraft carrier Midway is proposed to be docked on the south side of the Navy Pier. The Terminal Berthing designation would be changed to Commercial Recreation and Park/Plaza for the proposed 0.8 acre public viewing area with a designated vista point on the bow deck of the ship. The Commercial Fishing Berthing designations in this water area would be replaced with Specialized Berthing to accommodate multiple uses. Landscaping and streetscape improvements on North Harbor Drive would continue through this area.

Mitigation for the loss of 4.1 acres of open water habitat resulting from the placement of the aircraft carrier Midway and its mooring platform structures would be provided by an expansion of an existing degraded marsh, known as Lovett Marsh, east of south San Diego Bay in the City of National City, resulting in the creation of approximately 9.2 acres of new coastal salt marsh.

A small waterfront plaza, fishing technology displays, restaurants, marine related office and retail space is planned on the periphery of the mole. Tourist traffic on the public areas will be encouraged, consistent with safety.~~, and~~

~~the~~ The Embarcadero pedestrian path loops through the area.

A substantial portion of Tuna Harbor is ~~scheduled to be~~ devoted to commercial fishing use. It is anticipated that offices for the tuna and fresh fish fleet will locate here, as well as ancillary uses such as small seafood processors, fish markets, marine instrument and equipment sales, fishing and ocean technology displays, and automobile parking. The northern side of the mole has been renovated by stabilizing the existing concrete slab wall with rock revetment. The south face of the mole has been renovated with rock revetment for shore protection. Floating docks will provide 50- and 60-foot berths for commercial fishing boats. Low level lighting is provided for the berths. Landside support services, auto parking, and truck access are included. Approximately 100 commercial fishing berths are provided alongside the floating docks.

To shelter Tuna Harbor from the south, a concrete breakwater pier approximately 400 feet long has been built from the land lying between the Harbor Seafood Mart and Seaport Village. It provides additional berthing for tuna seiners and large market fishing boats, and allows public access to the water, and accommodates water taxi service.

Retain the existing 20,000 square-foot building area to continue the existing fish processing and sales company in its existing location and maintain the existing fish unloading dock. A maritime theme retail complex of 80,000 to 130,000 square feet will be developed at the Harbor Seafood Mart site. The existing open space plaza will be retained as a pleasant rest area and viewing place along the Embarcadero promenade for event gatherings and public activities.

Marina Zone

The Marina Zone, located along Harbor Drive from Market Street to Fifth Avenue, is planned to be intensively developed as a major public and commercial recreational complex. Major projects, including the 22-acre Embarcadero Marina Park; the restaurant and specialty retail center of Seaport Village; a regional convention center, and convention hotels and marina, have started the transformation of this waterfront area into an attractive commercial and recreational resource. The plan concept calls for an expansion of the regional convention center, partially depressing a new parking lot entrance from Harbor Drive, appropriate parking structures, and the redevelopment of the vacated police station site for entertainment and specialty retail shopping. Marina Zone projects will provide the southerly anchor for the Embarcadero development and the six-mile long promenade that extends north to Spanish Landing Park along the waterfront. Pedestrian linkages from the upland areas will provide access to this lively activity center for residents and visitors alike.

The plan envisions creation of the approximately 4.1 acre Central Park, between California Street and Kettner Blvd., Harbor Drive and North Embarcadero Park, as the first phase of redevelopment the Seaport Village project, to provide open space, family-oriented recreation, and supporting facilities consistent with the Public Access and Recreation land use designation. The existing Harbor House Restaurant will be allowed to remain at the edge of the park until its lease expires in 2018, or an economically feasible alternative location within Subarea 35 becomes available. A specialty retail and entertainment complex of 45,000 to 70,000 square feet on the old police station site and public and commercial parking in an underground facility. The complex may include performing arts/movie theater, restaurant, lounge, cabaret dining, food court, retail, and associated storage, food preparation and management office space with a general height of structures not to exceed two stories with some exterior architectural elements not exceeding 40 feet. Certain buildings specifically identified in the site expansion plan (April 13, 1998) may extend up to 65 feet. The extensive pedestrian and bicyclist access to and along the shoreline provided by the existing Seaport Village will be extended along the access and visual corridors of Pacific Highway, California Street, realigned Kettner Boulevard, Pier Walk, Central Park and other public accessways, as shown in the South Embarcadero Public Access Program (April, 1998), which is included in this plan by reference.

The regional convention center is supported by major hotel complexes; a convention hotel that contains twin 25-story towers

accommodating 1400 hotel rooms and a 450-slip marina; and an existing hotel of 875 rooms. Ancillary uses in this area include banquet, meeting, restaurant, hotel guest-oriented retail space, court game areas, and automobile parking.

A proposed 750 – 810-room second hotel tower, with a minimum 100-foot set back from Harbor Drive, and a maximum height of 62 feet for the lobby galleria/ballroom structure connecting the second tower to the existing tower, including meeting space, 34,000 square feet of exhibit space, 30,000 square feet of ballroom space, a minimum 35,000 square-foot public plaza-park at the intersection of Harbor Drive and Kettner Boulevard shall be developed. The public sidewalk along Harbor Drive and the Marina Walk public access, view corridor, and public plaza shall be developed and maintained, and that part of the existing restaurant located in Marina Walk shall be redesigned, relocated or elevated to achieve its public purposes.

Between the existing Marriott and Hyatt Hotels, an access way is proposed consistent with the Public Access Program. Bayward of the hotels, a continuous pedestrian promenade links the two Embarcadero Marina Park peninsulas and assures public access along the shoreline. Pedestrian linkage to the uplands is proposed around and over the expanded convention center. An existing accessway between the Marriott Hotel and the convention center will be improved to provide functional, safe, and environmentally educational passage to the waterfront, as provided in the Public Access Program. The convention center expansion includes another public accessway with a minimum width of 20 feet over the convention center connecting Harbor Drive and the Embarcadero Promenade. An elevated walkway on the Convention Center's observation deck level will parallel Convention Way. At the intersection of Eighth Avenue and Harbor Drive, the promenade connects with the adjacent Gaslamp Quarter pedestrian and trolley facilities. The public accessway extends from the south end of the convention center expansion and along both sides of Eighth Avenue. The District, in conjunction with the City of San Diego, will implement a public access program of signage, pavement markings, amenities and public information to inform and invite the public to and along the Embarcadero, as is more specifically shown in the District's "Public Access Program" (November, 1995) and the "South Embarcadero Public Access Program" (April, 1998), which are incorporated into the plan by reference.

Seaport Village, a 100,000 square-foot specialty retail and restaurant complex, was constructed in 1979. An expanded specialty retail center is proposed on the former City police headquarters site. This project includes the relocation of Pacific Highway and Harbor Drive, as well as the vacation of a five-foot strip along Kettner Boulevard. These street modifications are in accord with street right-of-way abandonment and dedication agreements between the City of San Diego and the Port District. The vacated street area is redeveloped in compliance with the adjacent land use designation which is commercial recreation. Additional automobile parking for specialty retail and hotel uses is planned in structures in the vicinity of Kettner Boulevard and Harbor Drive.

New commercial development in the Marina Zone shall participate in the implementation of the Parking Management and Monitoring Plan to achieve maximum feasible reduction in automotive traffic, facilitate the extension and utilization of mass transit to serve the Marina Zone, provide and support means of non-automobile circulation to employees and guests, provide maximum feasible on-site or proximate parking facilities on Port lands, and participate in the tiered, legally available, off-site parking program to address peak individual and cumulative demand, which shall be monitored and reported annually to the Port and California Coastal Commission for the economic life of the development.

An 11-acre site, fronting onto Harbor Drive and Fifth Avenue, has been developed into a regional convention center. Floor area is allocated for display and exhibit area, meeting rooms, and support space, such as lobbies, storage, food service, and parking. The plan concept proposes an extension of the convention center into a 13-acre site connected to the south end of the center and occupying the area bounded by Harbor Drive, Eighth Avenue, and Convention Way. The USO is to be relocated. Fifth Avenue, an undedicated street, was closed as part of the development of the original center. Harbor Drive is proposed to be partially depressed to provide an alternate access to an existing underground parking lot system and to

enhance the urban design character at the convention center. The expansion will add approximately one million gross feet of floor area to the convention center. The convention center operator will be required to implement the Parking Management Plan and Monitoring Program (November, 1995, which is incorporated by reference into the master plan) to meet the needs of the convention center visitors and support functions, as well as the public seeking access to the Embarcadero Marina Park South.

Bayfront Industries

South of the Fifth Avenue extension is an area currently leased by Campbell Industries for shipbuilding and repair. The Master Plan calls for its continuance. A parcel on the south side of the park entry road is reserved for marine contractors. Bayside improvements to this area include remedial dredging to the depth of minus 20 feet MLLW, the installation of a 400-foot-long concrete deck finger pier or apron wharf, and the placement of about 550 linear feet of rock revetment to stabilize the shore and prevent shoaling in the basin. Development controls will be enforced over both of these projects to ensure compatibility with hotel and park uses. Landscaped buffers and employee parking will be used at the interface between hotels and industries.

Preservation and renovation efforts, including possible relocation, are currently underway for the dilapidated structure formerly occupied by the San Diego Rowing Club. If these efforts are not imminently successful, portions of the structure may be salvaged and the rest demolished.

TABLE 11: Project List CENTRE CITY/EMBARCADERO: PLANNING DISTRICT 3	SUBAREA ↓	DEVELOPER ↓	APPEALABLE ↓	FISCAL YEAR
~~1. INDUSTRIAL SITE RENOVATION: Renovate structures; landscape~~	~~31~~	~~T~~	~~N~~	~~1993-94~~
~~2.~~1. NORTH HARBOR DRIVE, ~~ASH~~ GRAPE TO BROADWAY: Reduce traffic lanes; install landscaping, irrigation; develop ~~promenade,~~ bike path	33	P	~~N~~ Y	~~1996-97~~ 2000-04
~~3. HOTEL COMPLEX, B STREET: Remove incompatible buildings; construct hotel, restaurant, coffee shop~~	~~33~~	~~T~~	~~Y~~	~~1994-95~~
~~4. LANE FIELD COMPLEX: Demolish existing buildings; construct facilities and open spaces; landscape~~	~~33~~	~~T~~	~~N~~	~~1993-94~~
~~5. B STREET PIER: Modify existing superstructure to accommodate cruise ship berthing and clearance activity; provide for shops, food, service, lighting and pedestrian amenities; reconstruct apron wharf~~	~~33~~	~~P~~	~~N~~	~~1992-93~~
~~6. TUNA HARBOR: Renovate parking; construct marine displays and maritime plaza~~	~~34~~	~~P~~	~~Y~~	~~1995-96~~
~~7.~~2. SPECIALTY RETAIL/ENTERTAINMENT COMPLEX: Renovate or reconstruct buildings; landscape improvements; parking; ancillary structures, including parking structure; pedestrian access routes to the bay	34, 35	T	Y	1999-2001
~~8.~~ 3. CONVENTION CENTER PHASE II: Construct regional center; infrastructure, not including groundwater treatment, and landscape improvements; Parking Management Plan and Monitoring Program; public access program, construct public plaza	35	T	N	1999-2001
~~9.~~ 4. HARBOR DRIVE: Convention Center; Subgrade alignment	35	T	N	1999-2001
~~10.~~ 5. HARBOR DRIVE AND EIGHTH AVENUE INTERSECTION: Construct intersection for cross traffic and turning movements	35	P	N	1999-2001
~~11.~~ 6. STORM DRAIN AND SEWER LINE: Relocation and new construction	36	T	N	1999-2001
~~12.~~ 7. PUBLIC ACCESS: Pedestrian access improvements to waterfront and promenade	35	T	N	2000-02
~~13.~~ 8. HOTEL TOWER: Construct hotel tower, lobby and galleria; pedestrian access to the waterfront walkway; remove Market Place and construct new cul-de-sac driveway	35	T	Y	1999-2000
~~14.~~ 9. PARK: Remove old City Police Station, construct park including landscape improvements, artwork and pedestrian plazas	35	P	Y	1999-2000
~~15.~~10. WIDEN NORTH HARBOR DRIVE to 4 lanes between Broadway and Pacific Highway.	34	T	Y	1999-2000
11. LANE FIELD DEVELOPMENT: 600-to-800-room hotel, office building, retail, and parking	33	T	Y	2001-05
12. NORTH EMBARCADERO REDEVELOPMENT: (a)Visionary Plan public improvements, (b) esplanade, (c) street improvements, (d) vista points, (e) Grape Street piers replacement and restaurant, (f) park and plaza areas, (g) Broadway Pier infrastructure improvements, (h) B and C Street linkages between Pacific Highway and North Harbor Drive.	31-34	P	Y*	2001-05
13. USS MIDWAY: Aircraft Carrier Museum located on the south side of Navy Pier 11A	34	T	N	2000-02
14. PASSENGER TERMINAL AT B STREET PIER: Cruise Ship Terminal Modernization	33	P	N	2001-05

P- Port District
T- Tenant
N- No
Y- Yes

*"Vista Points" and Broadway Pier infrastructure improvements are non-appealable projects.

Revised 12/12/00

TABLE 4
PORT MASTER PLAN
LAND AND WATER USE ALLOCATION SUMMARY

LAND USE	ACRES	WATER USE	ACRES	TOTAL ACRES	% OF TOTAL
COMMERCIAL	~~353.8~~ 353.2		~~414.0~~ 383.0	~~767.8~~ 737.0	~~15%~~ 14%
Marine Sales and Services	26.2	Marine Services Berthing	23.1		
Airport Related Commercial	38.0				
Commercial Fishing	7.6	Commercial Fishing Berthing	~~50.0~~ 19.0		
Commercial Recreation	~~278.3~~ 277.7	Recreational Boat Berthing	330.6		
Sportfishing	3.7	Sportfishing Berthing	10.3		
INDUSTRIAL	1165.3		~~193.3~~ 220.1	~~1358.6~~ 1385.4	26%
Aviation Related Industrial	152.9				
Industrial Business Park	113.7				
Marine Related Industrial	332.8	Specialized Berthing	~~141.7~~ 172.9		
Marine Terminal	149.6	Terminal Berthing	~~51.6~~ 47.2		
International Airport	416.3				
PUBLIC RECREATION	~~264.0~~ 267.5		278.1	~~542.1~~ 544.8	10%
Open Space	19.1				
Park/Plaza	~~134.9~~ 137.8	Open Bay/Water	278.1		
Golf Course	98.2				
Promenade	~~11.8~~ 12.4				
CONSERVATION	394.7		1053.6	1448.3	27%
Wetlands	304.9	Estuary	1053.6		
Habitat Replacement	89.8				
PUBLIC FACILITIES	~~223.7~~ 225.6		~~392.9~~ 392.3	~~616.6~~ 617.9	12%
Harbor Services	4.9	Harbor Services	10.5		
City Pump Station	0.4	Boat Navigation Corridor	~~272.0~~ 283.4		
		Boat Anchorage	25.0		
Fire Station	0.4	Ship Navigation Corridor	~~60.6~~ 49.2		
Streets	~~218.0~~ 219.9	Ship Anchorage	~~24.8~~ 24.2		
MILITARY	25.9		125.6	151.5	3%
Navy Fleet School	25.9	Navy Small Craft Berthing	6.2		
		Navy Ship Berthing	119.4		
AREA UNDER STUDY			402.8	402.8	~~7%~~ 8%
TOTAL LAND AREA	~~2427.4~~ 2432.2	TOTAL WATER AREA	~~2860.3~~ 2855.5		
MASTER PLAN LAND AND WATER ACREAGE TOTAL				5287.7	100%

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SAN DIEGO COAST DISTRICT

San Diego Unified Port District

U.S.S. MIDWAY PUBLIC ACCESS PROGRAM

A Supplemental Document to the North Embarcadero Port Master Plan Amendment

Approved by the Board of Port Commissioners
on December 12, 2000

Exhibit #3
PMPA #27
Public Access Progra

This Public Access Program is a supplemental document to the Port Master Plan Amendment for the North Embarcadero Alliance Visionary Plan. The Program identifies the existing and proposed geographic areas proposed for accommodating maximum and direct public physical access to the shoreline and observation deck of the USS Midway Aircraft Carrier Museum. This Public Access Program is a segment of a larger, comprehensive system of public access for District lands on San Diego Bay. The accessways established in the Program are consistent with public safety needs and guidelines of the Americans with Disabilities Act (ADA). Access provisions have been coordinated with the carrying capacity of coastal resources and public improvements to avoid overuse and overcrowding, while providing adequate public access and public parking.

The foundation of the access program on the deck of the proposed USS Midway Aircraft Carrier Museum area begins with the identification of the nearest public road to the shoreline, Harbor Drive. This street provides vehicular and pedestrian access to the shoreline and the Navy Pier. The existing promenade will link to the deck of the USS Midway that will provide scenic vantage points for viewing the coastline and maritime activities on San Diego Bay. The use of these accessways will be promoted and enhanced by the conspicuous posting of coastal (Bay) access signs as well as informational and locational signs; placement of seats, benches, trash receptacles, and other pedestrian access amenities; and the distribution of visitor brochures and media information services, consistent with the North Embarcadero Alliance Visionary Plan.

The conversion of the Navy Pier to a memorial Park as envisioned by the USS Midway Museum is consistent with the planning goals contained in the Visionary Plan as adopted by the North Embarcadero Alliance.

The Embarcadero Promenade

Harbor Drive is linked, for public access purposes, by a 25-foot-wide pedestrian and bicycle access easement developed and used by the public as a shoreline promenade. This promenade maintains its shoreside location for six miles from the Convention Center to Spanish Landing Park. Ultimately, the promenade terminates along the shoreline of Shelter Island. The entire route is accessible under the provisions of the ADA. It is lighted for evening use. The promenade would be linked to the deck of the USS Midway by a 20-foot wide pedestrian path running along the south side of the Navy Pier. The deck of the USS Midway would be open and available at no charge to the public at all times while the museum is open for business. The hours of operation are expected to be 9:00 a.m. to 6:00 p.m. seven days a week. However, the public viewing deck will be open to the public during all regular and expanded hours of business for the Midway Museum.

The entire route will be accessible under the Americans with Disabilities Act (ADA). The USS Midway project would provide 900 linear feet of additional public access pathways on the deck and 690 additional linear feet of public access pathways on the Navy Pier. Three designated vista points and 0.8 acres of public plaza area would be provided on the bow of the ship. Under the program, coastal access signs will be installed. Lighting is provided by street lights and ambient lighting. New lights and street furniture will be installed with the North Embarcadero esplanade improvements. This route on the Navy Pier and deck of the Midway will be maintained by the San Diego Aircraft Carrier Museum.

Linkage to Public Transit

Links to public transit also form an important element in encouraging people to use the coastal access routes. The San Diego Trolley runs along railroad tracks just north of Harbor Drive. The Seaport Village trolley

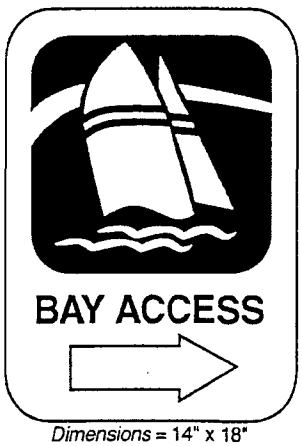
station is located at Harbor Drive and Pacific Highway. Public transit buses run along Harbor Drive as well as the Old Town trolley, pedicabs, and horse-drawn carriages.

On the Embarcadero Promenade, pedestrians have several recreational options. One is to stroll along the deck of the USS Midway, enjoying views of the sailboats in the marina, activities on the G Street Mole, and the Bay. Another is to walk to the north or south end of the waterfront promenade and enter either the north or south arms of Marina Park. Here are landscaped picnic areas, basketball courts, a public fishing pier, and wide lawn areas. At the south end is Seaport Village, a popular specialty shopping area.

Based on the kinds of uses arrayed along the Embarcadero Promenade, it is estimated that coastal access path users would be composed of residents of nearby downtown housing, conventioneers, patrons, downtown workers, tourists and employees of the hotels, restaurants and marina along the walk.

Coastal Access Signs

The Standard "Coastal (Bay) Access" signs used in San Diego will be installed in clear view at the entrance to the Navy Pier, visible from both directions on the promenade.



Dimensions = 14" x 18"

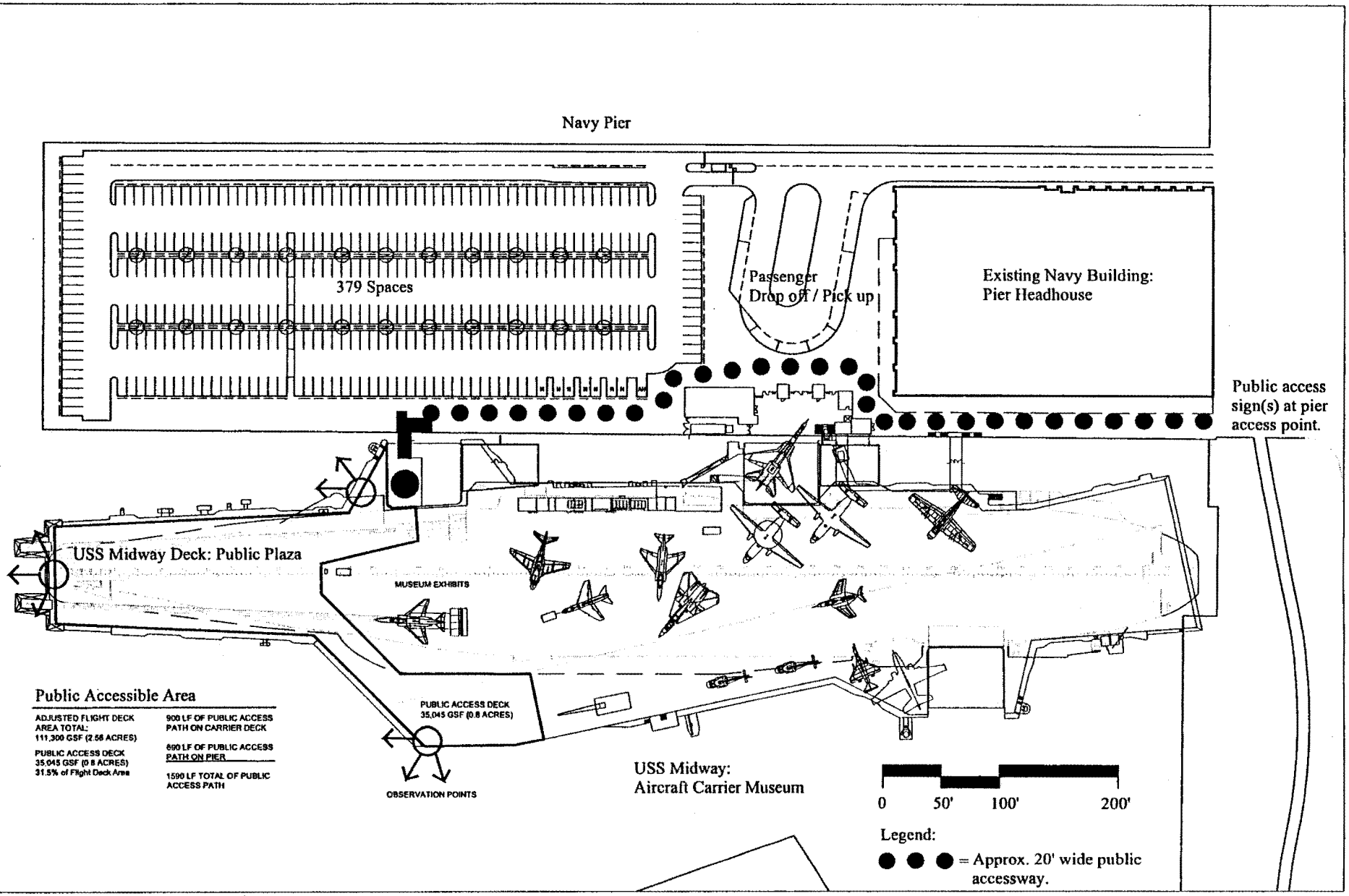
Public Access to USS Midway Viewing Deck FREE TO PUBLIC during all hours of Business, Open Seven Days a Week

Guide Displays

The Port District has erected a number of "You Are Here" displays and interpretive signs around the Bay, to help visitors identify their location and obtain directions to desired destinations. The coastal access routes will be added to the displays in appropriate locations, consistent with the North Embarcadero Alliance Visionary Plan.

Compliance with Coastal Act Policies

This Public Access Program supplements the Port Master Plan Amendment for the North Embarcadero Plan, in which it is included by reference. The Amendment is governed by the California Coastal Act, Chapter 8, Ports, which provides that all port-related development, such as the Convention Center Expansion, shall be located, designed, and constructed so as to provide for other beneficial uses consistent with the public trust, including recreational uses, to the extent feasible. (Section 30708(d).) The proposed Amendment is consistent with that Section because it implements the Coastal Act public access standards and objectives.



Midway Museum: Public Access Plan for Carrier Deck

San Diego, California

December 5, 2000

CARRIER JOHNSON

Port of San Diego

North Embarcadero Parking Monitoring and Management Program

INTRODUCTION

The parking analysis presented in this document assesses the adequacy of parking proposed in the North Embarcadero Alliance Visionary Plan (Visionary Plan) area within the jurisdiction of the San Diego Unified Port District and describes actions to ensure that sufficient parking is available in the future.

This Parking Monitoring and Management Program is based on the Parking Analysis of the Master EIR for the proposed North Embarcadero Alliance Visionary Plan, certified by the Board of Port Commissioners on April 25, 2000. The Parking Management Plans described herein will be implemented in accordance with the Mitigation Monitoring and Reporting Program required by the California Environmental Quality Act (CEQA).

PARKING MANAGEMENT PLAN

Separate Parking Management Plans are required prior to issuance of Coastal Development Permits to accommodate weekday and weekend day deficits. This is because the supply of parking is much greater on weekend days due to the assumed availability of private office-related lots, i.e., County Administration Center (CAC) North Lot and Lane Field. Both Parking Management Plans assume 1,100 parking spaces would be provided on the streets within the study area. The following Parking Management Plans achieve a balance between the demand of parking and supply availability in the study area. Projects that provide adequate off-street parking for their own use would not be required to participate in the Parking Management Program.

Projects in the Visionary Plan area will be phased over several years. An annual monitoring program tied to actual parking utilization will begin after completion of the first project under the Visionary Plan. Additional parking construction will begin when utilization thresholds exceed 90% capacity.

Exhibit #4
PMPA #27
Parking Program

The following Parking Management Plan would mitigate the anticipated parking shortfall:

1. Weekday Parking Management Plan:

   - In Parking Area 2, build a 50-space surface lot or provide 50 spaces dedicated for public use in the CAC Parking Lots. Designate 10 spaces for carpool/vanpool employee use only, with the balance designated for public use only with longer than 3-hour parking allowed.
   - In Parking Area 3, build a 150-space surface lot or provide 150 spaces dedicated for public use at Lane Field or in a future parking structure at Lane Field or 1220 Pacific Highway. Designate 20 spaces for carpool/vanpool employee use only, with the balance designated for public use only with longer than 3-hour parking allowed.
   - Dedicate 92 spaces in an existing parking location south of Broadway (Parking Area 4) available for public use.
   - Promote subsidized transit pass for employees of study area businesses.
   - Provide information to downtown hotel guests regarding the location of the North Embarcadero area and the availability of transit usage.
   - Plan for shuttle stops at two locations on Harbor Drive within the Plan area, such as at Ash Street and at Broadway.
   - Promote pedi-cab use and provide areas for pick-up and drop-off.
   - Provide bicycle racks and lockers within the study area.
   - Provide trailblazing (i.e., signs showing directions to the North Embarcadero area from downtown and transit locations), directions on local kiosks, and transit/shuttle stops.

2. Weekend Parking Management Plan:

   - Same as Weekday Parking Management Plan with the addition of:

     Make available 300 spaces within the Lane Field office parking structure to be used by the public and/or employees of waterfront uses on weekday evenings and weekend days.

The individual weekday and weekend day parking demand and supply mitigation requirements are shown in Table A. Since there is a calculated parking surplus in Area 4 (222 spaces), a portion of this Area 4 surplus (the northern spaces) could be used to mitigate the calculated deficit in Area 3. This is because the parking demand within Area 3 is in the southern portion and part of the available Area 4 supply is in the northern portion of Area 4. Since a portion of the Area 4 surplus is

located far south within Area 4, the entire Area 4 surplus can be utilized to mitigate Area 3 deficits. The 242-parking-space Area 3 deficit will be mitigated by providing 150 additional off-street public spaces and "borrowing" 92 surplus spaces from Area 4, as outlined in Table A.

Area 2 shows a calculated 5-space deficit. This deficit should not be mitigated by borrowing from Area 1, since a large portion of the Area 1 surplus is located in the northern section of Area 1. Furthermore, an off-street weekday public parking area will be needed in Area 2 such that not all parking within the project area is metered, on-street short-term (2-3 hours) parking. For these reasons, the Area 2 deficit will be mitigated by providing 50 additional off-street public spaces within Area 2, as outlined in Table A.

CONCLUSION

The North Embarcadero parking supply and demand was analyzed under existing and future conditions. The existing parking conditions were determined to be adequate. The future weekday peak parking condition (between 8 a.m. and 5 p.m.) was calculated to be adequate for the overall North Embarcadero area; however, when analyzed by smaller areas, there were deficits in Areas 2 and 3. The future weekday parking condition after 5 p.m. or a weekend day was calculated to have a deficit of 276 parking spaces for the overall North Embarcadero area. These deficits will be eliminated through the implementation of a Parking Management Plan, which includes providing additional supply.

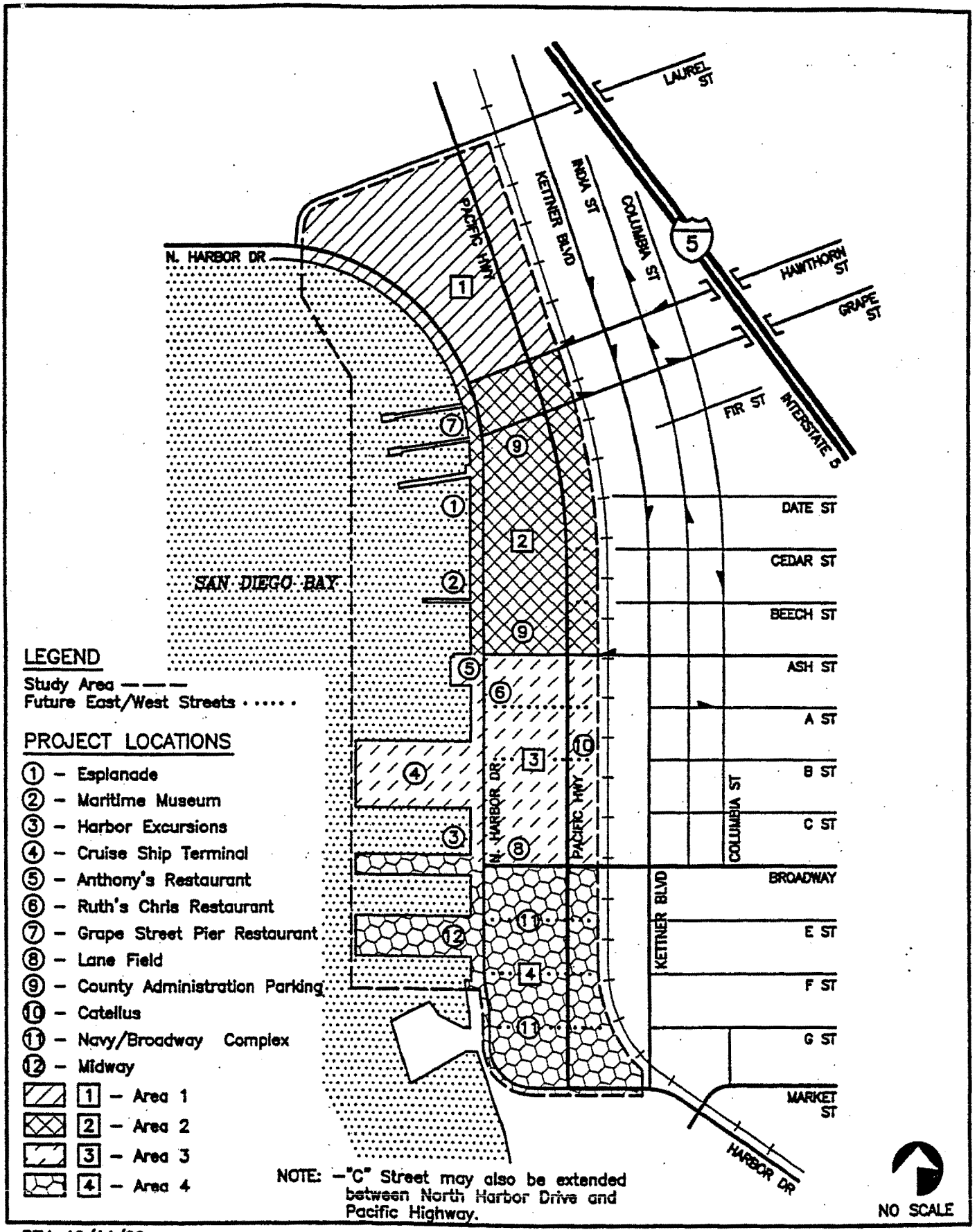
Weekday and weekend day parking management plans were developed specifically for the North Embarcadero area. The parking management plans incorporated the guiding principles and strategies both of reducing the parking demand and increasing the parking supply to achieve a balance between the supply and demand of parking availability in the study area.

An annual monitoring program tied to actual parking utilization will be implemented such that planning for additional construction begins when certain utilization thresholds are met.

TABLE 4
FUTURE PARKING DEMAND WITH MITIGATION

Parking Supply and Demand	Weekday Peak (Between 8AM-5PM)	Weekday after 5PM or a Weekend Day
Area 1		
Future Surplus within Area 1	120 [1]	96 [1]
Surplus within Area 1	***120***	***96***
Area 2		
Future Deficit within Area 2	(5) [1]	(41) [1]
Mitigation of building 50 Space Parking Lot or providing 50 dedicated Public Spaces in CAC Parking Lot or future CAC Parking Structure.	50	50
Surplus within Area 2	***45***	***9***
Area 3		
Future Deficit within Area 3	(242) [1]	(529) [1]
Mitigation of using Lane Field Office Parking (Weekend Only)	0	300
Mitigation of building 150 Space Parking Lot or providing 150 dedicated Public Spaces at Lane Field or in future Parking Structure on Lane Field.	150	150
Mitigation of using 92 Spaces from Area 4	92	92
Surplus within Area 3	***0***	***13***
Area 4		
Future Surplus within Area 4	222 [1]	198 [1]
Mitigation for Area 3 of using 92 Spaces from Area 4	(92)	(92)
Surplus within Area 4	***130***	***106***
Summary		
Total Surplus/(Deficit)	95 [1]	(276) [1]
Total Mitigation	200	500
TOTAL PARKING SURPLUS WITH MITIGATION	**295**	**224**

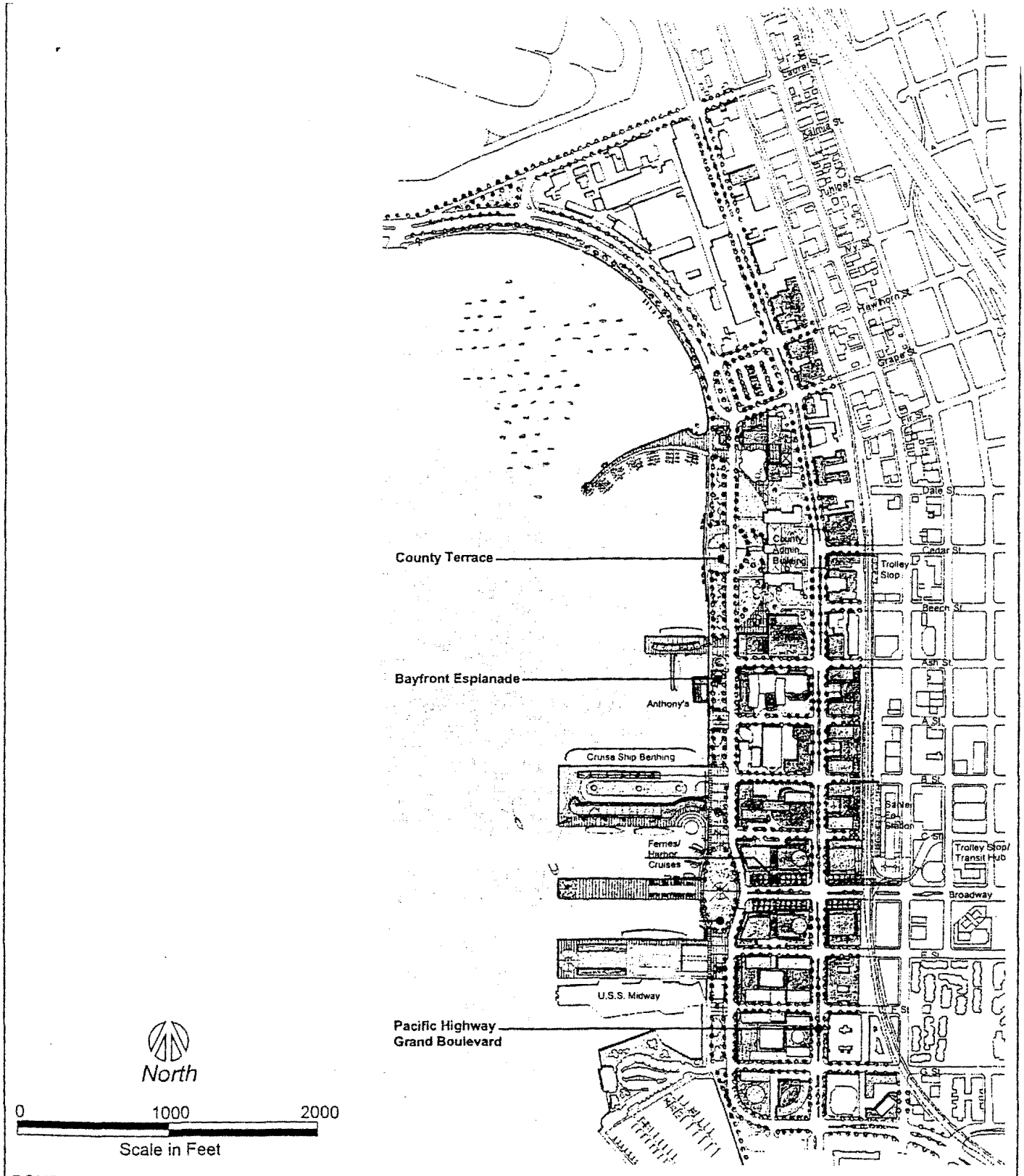
Source: LLG Engineers, 1999. [1]From Table 3.



REV. 10/14/99
898PARK.DWG

Figure 1

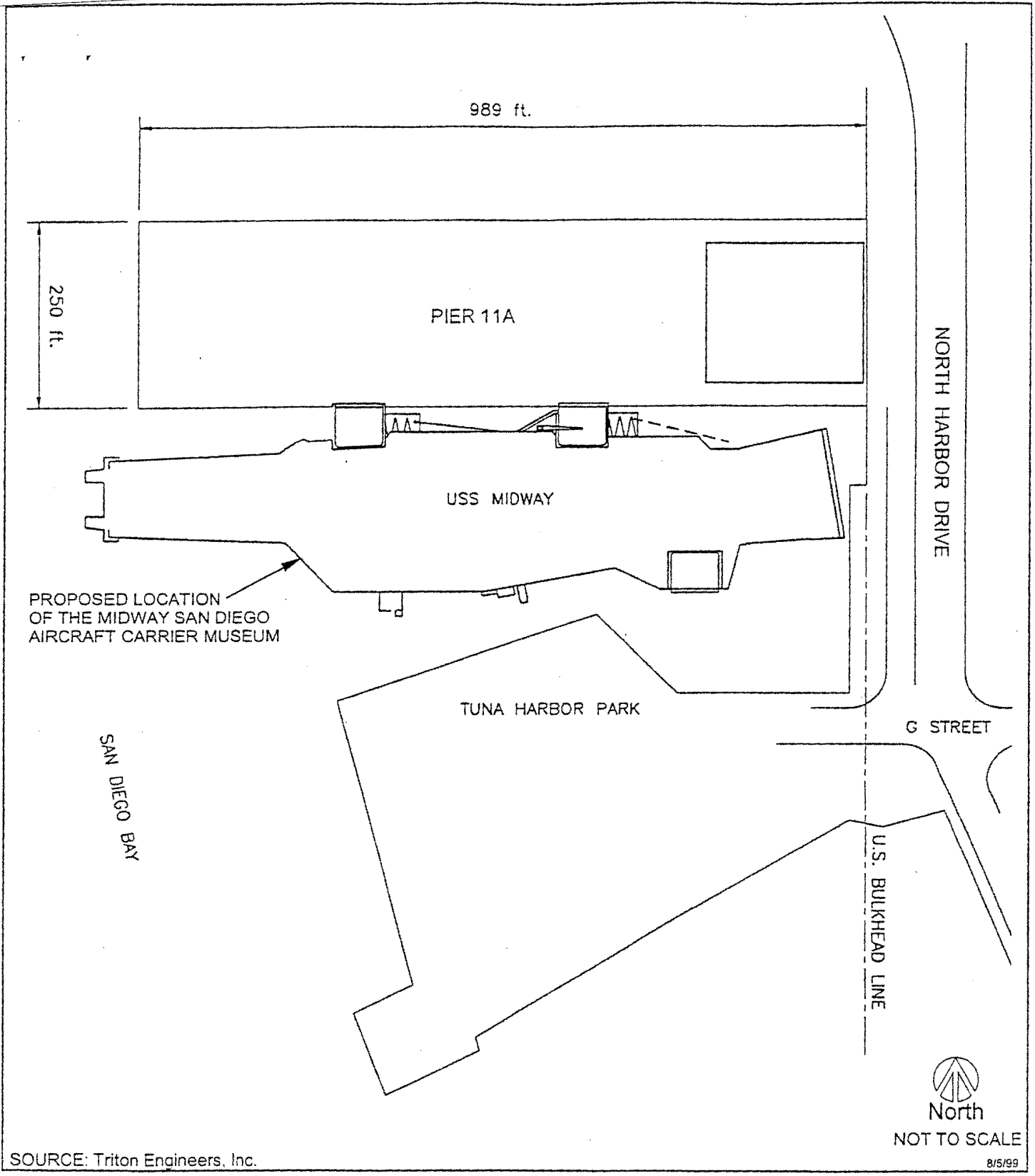
STUDY AREA AND PROJECT LOCATIONS



SOURCE: Sasaki Associates, 1999.

11/02/99

Exhibit #5
PMPA #27
Concept Plan



SOURCE: Triton Engineers, Inc.

8/5/99

BRG CONSULTING, INC.

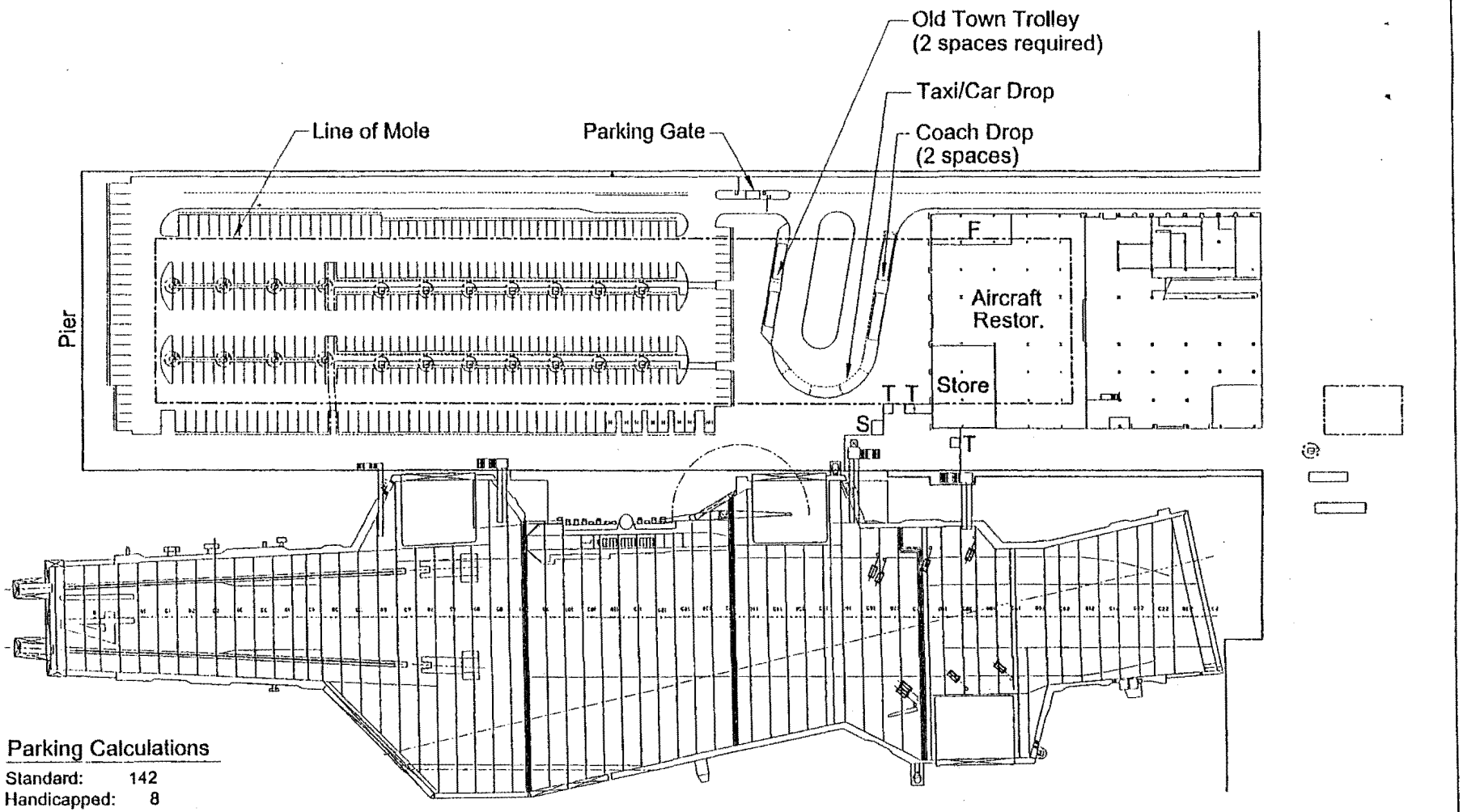
North Embarcadero Alliance Visionary Plan MEIR

The Midway Location Map

FIGURE

3.3-5

Exhibit #6
PMPA #27
Midway Location



SOURCE: Hinkel, Whitaker Architects, 9/1/99.

BRG CONSULTING, INC.

North Embarcadero Alliance Visionary Plan MEIR

Midway and Parking Lot Layout

FIGURE 3.3-6

Exhibit #7
PMPA #27
Midway Parking

LEGEND

1 San Diego International Airport

2 Solar Turbines

3 Grape Street Piers

4 County Administration Building

5 Maritime Museum

6 Anthony's Fish Grotto

7 Holiday Inn

8 B Street Pier

9 Broadway Pier

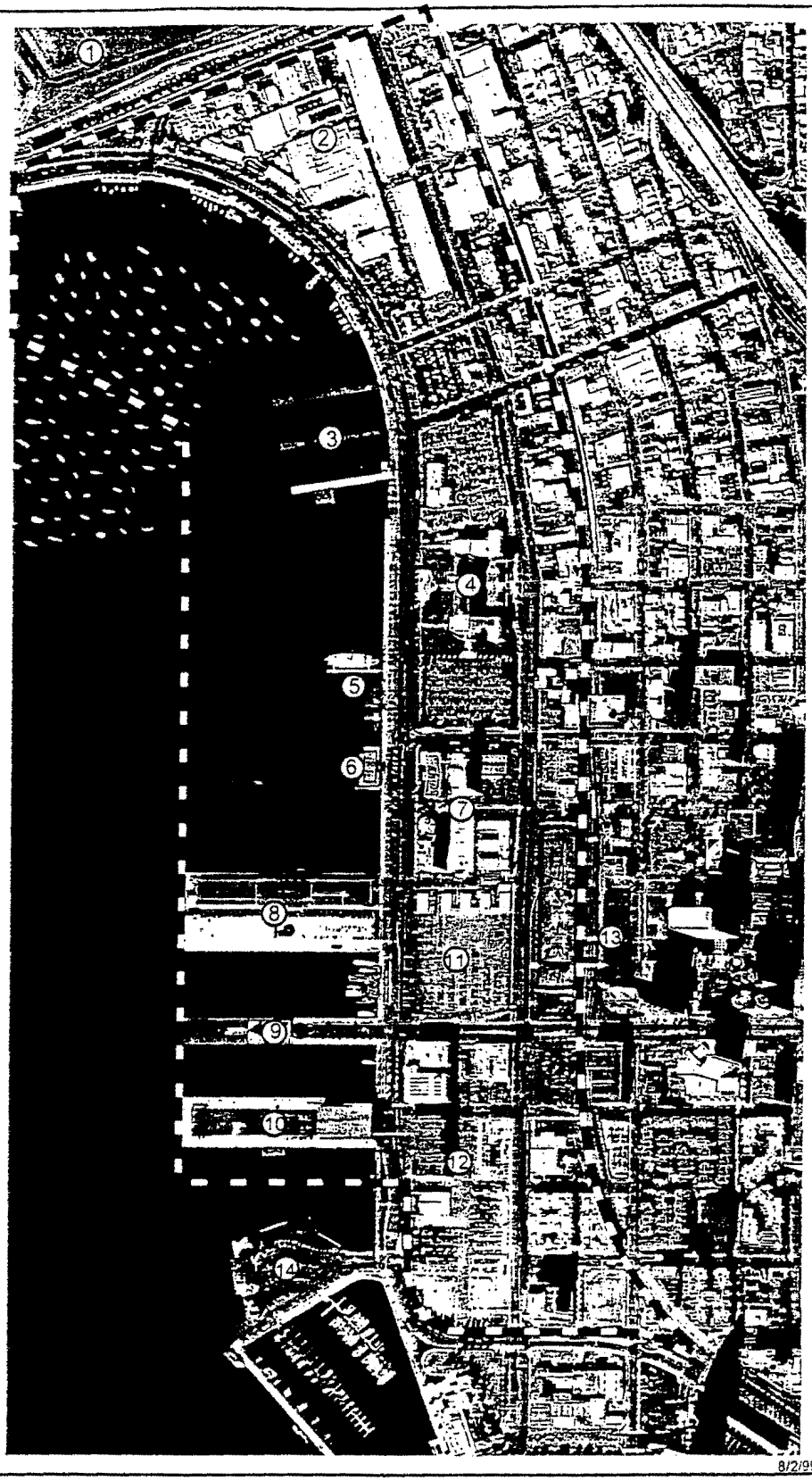
10 Pier 11A

11 Lane Field

12 U.S. Navy

13 Santa Fe Depot

14 G Street Mole



North

NO SCALE

SOURCE: BRG Consulting, Inc., 1999.
BASE PHOTO: Aerial Fotobank, Inc., 1/4/99.

8/2/99

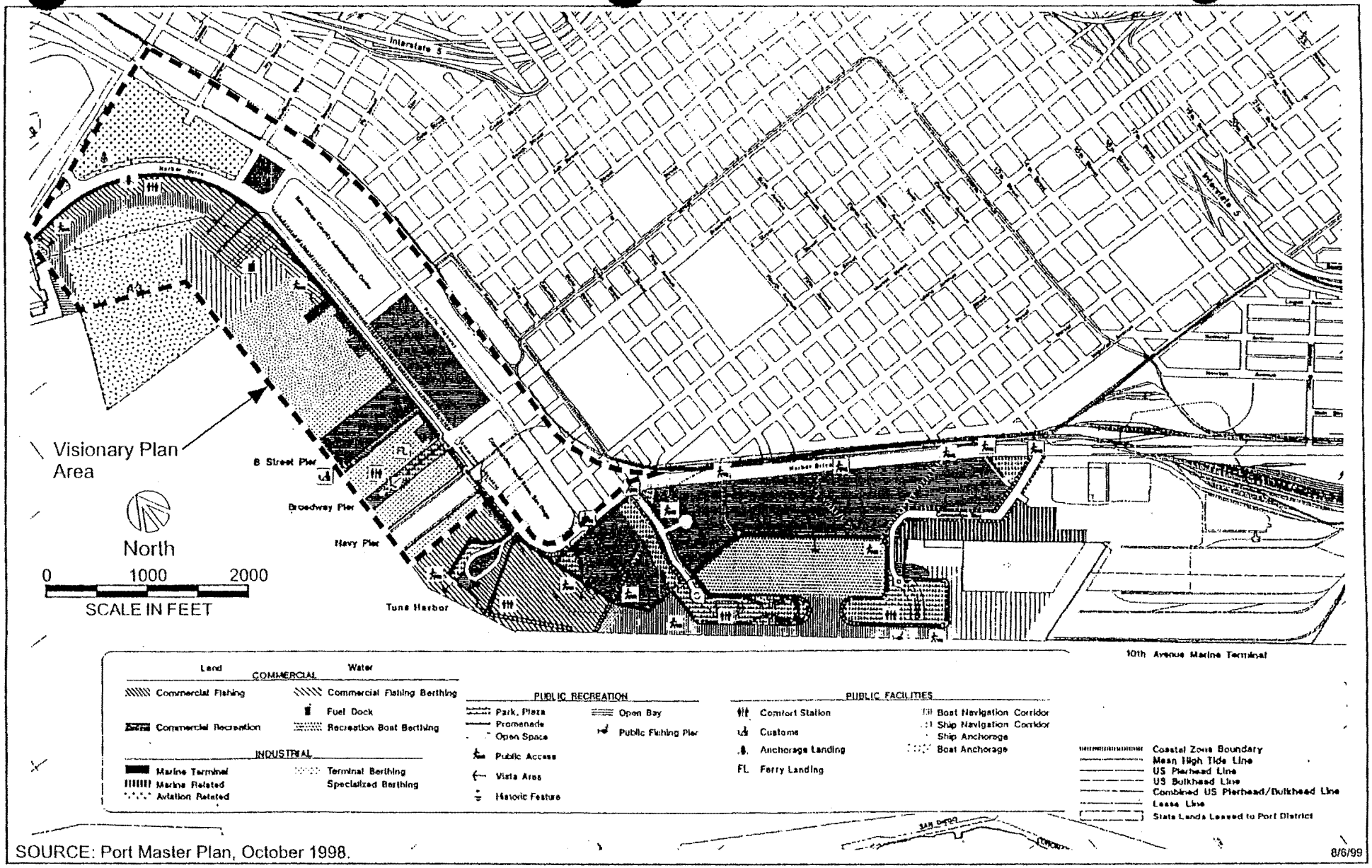
BRG CONSULTING, INC.

North Embarcadero Alliance Visionary Plan MEIR

Existing Surrounding Land Uses

FIGURE 4.3-2

Exhibit #8
PMPA #27
Existing Land Uses



SOURCE: Port Master Plan, October 1998.

8/6/99

Exhibit #9
PMPA #27
Existing P

BRG CONSULTING, INC.

North Embarcadero Alliance Visionary Plan MEIR

Centre City Embarcadero Precise Plan (Planning District 3)

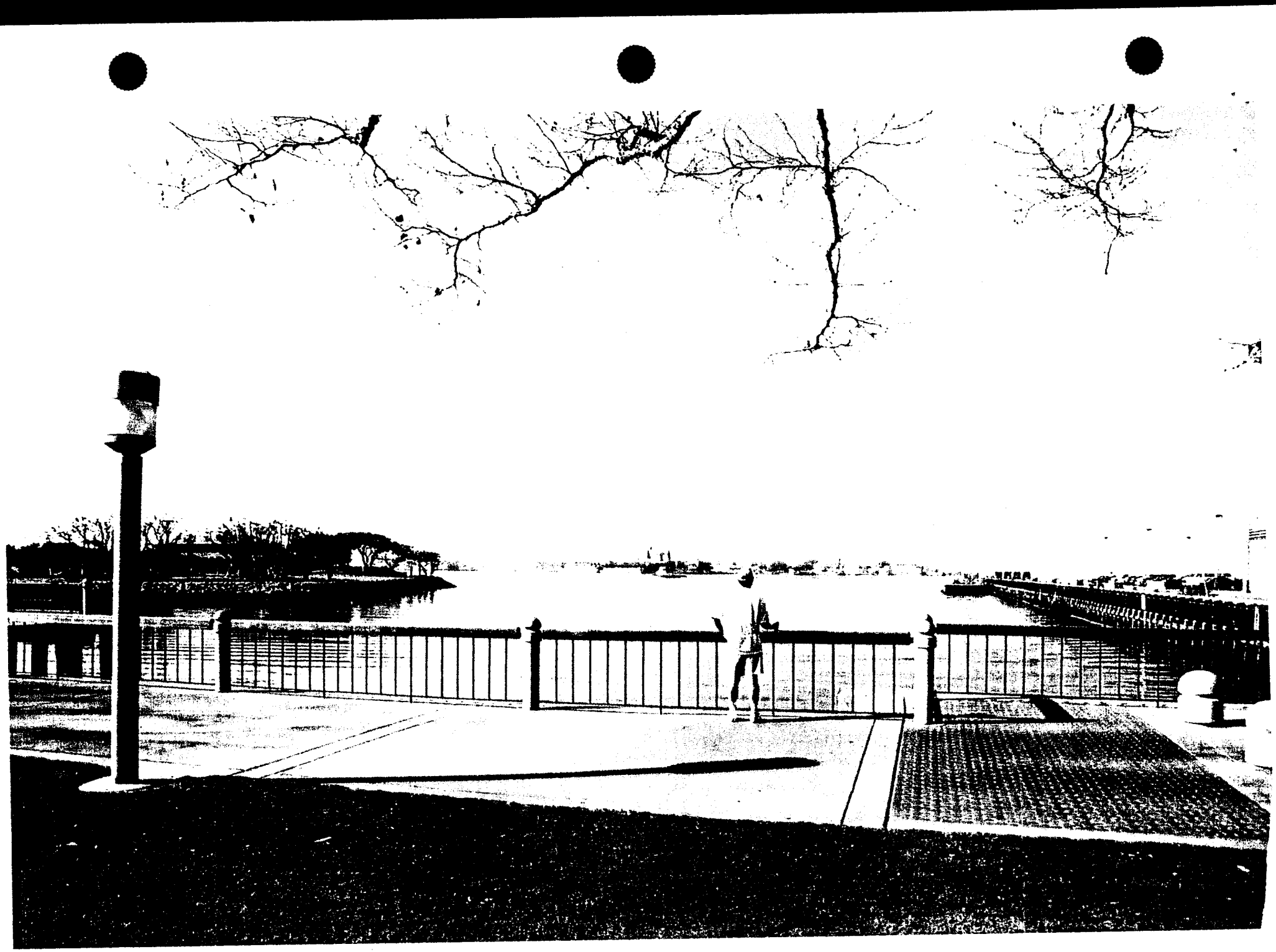
FIGURE 4.3-3

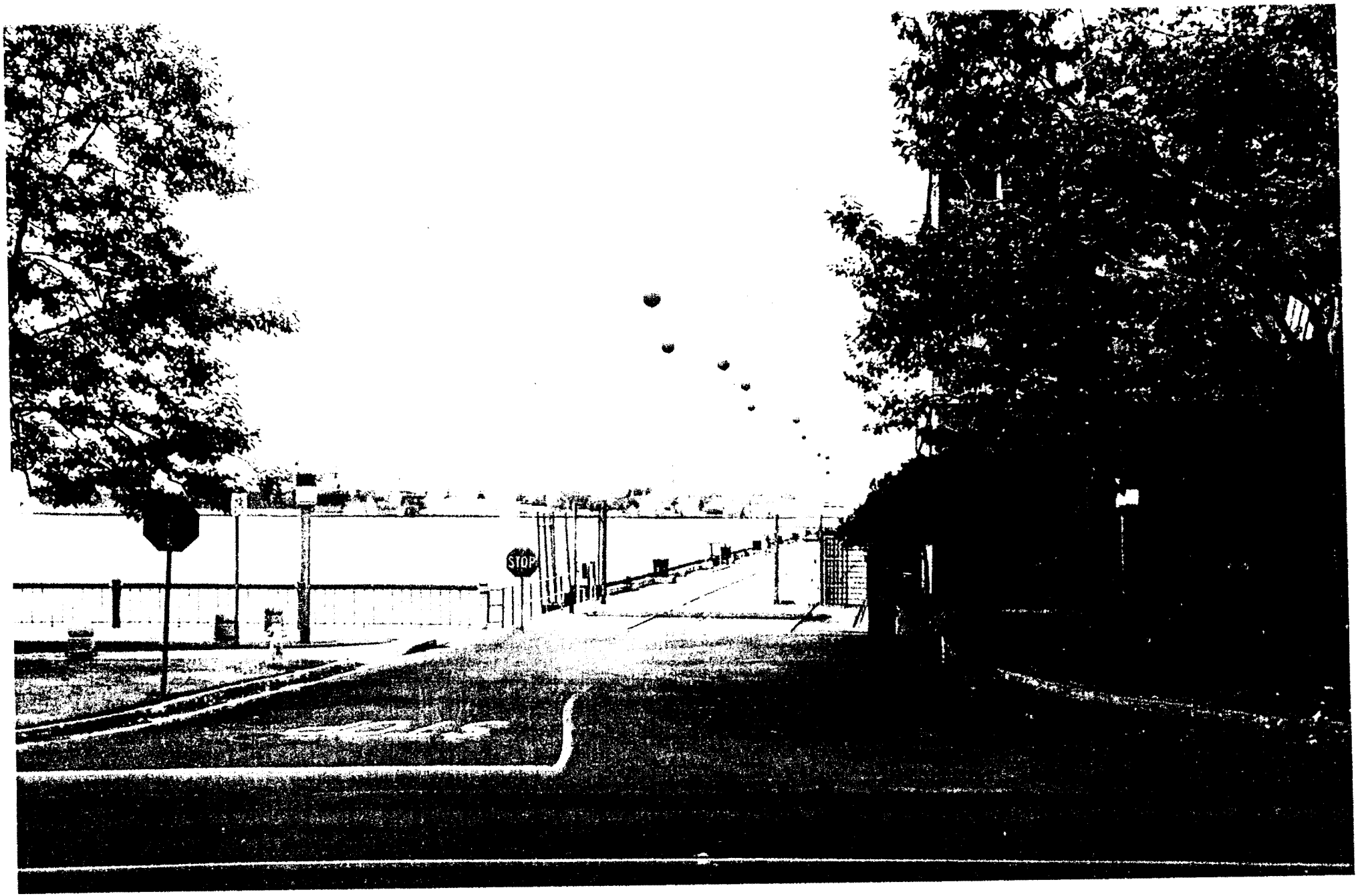
Photograph Guide

Red balloons represent the height of the flight deck of the Midway

1. Looking West directly across from the proposed Midway location
2. Looking Southwest from Harbor Drive towards the proposed Midway location.
3. Looking Northwest towards site from Harbor Drive between G Street Mole/Tuna Harbor Park and Navy Pier.
4. Looking Northwest from sidewalk between G Street Mole/Tuna Harbor Park and Navy Pier
5. Looking Northwest towards project site from eastern edge of Tuna Harbor Park
6. Looking North from memorial at Tuna Harbor Park
7. Looking Southwest from Harbor Drive towards existing Navy buildings on Navy Pier

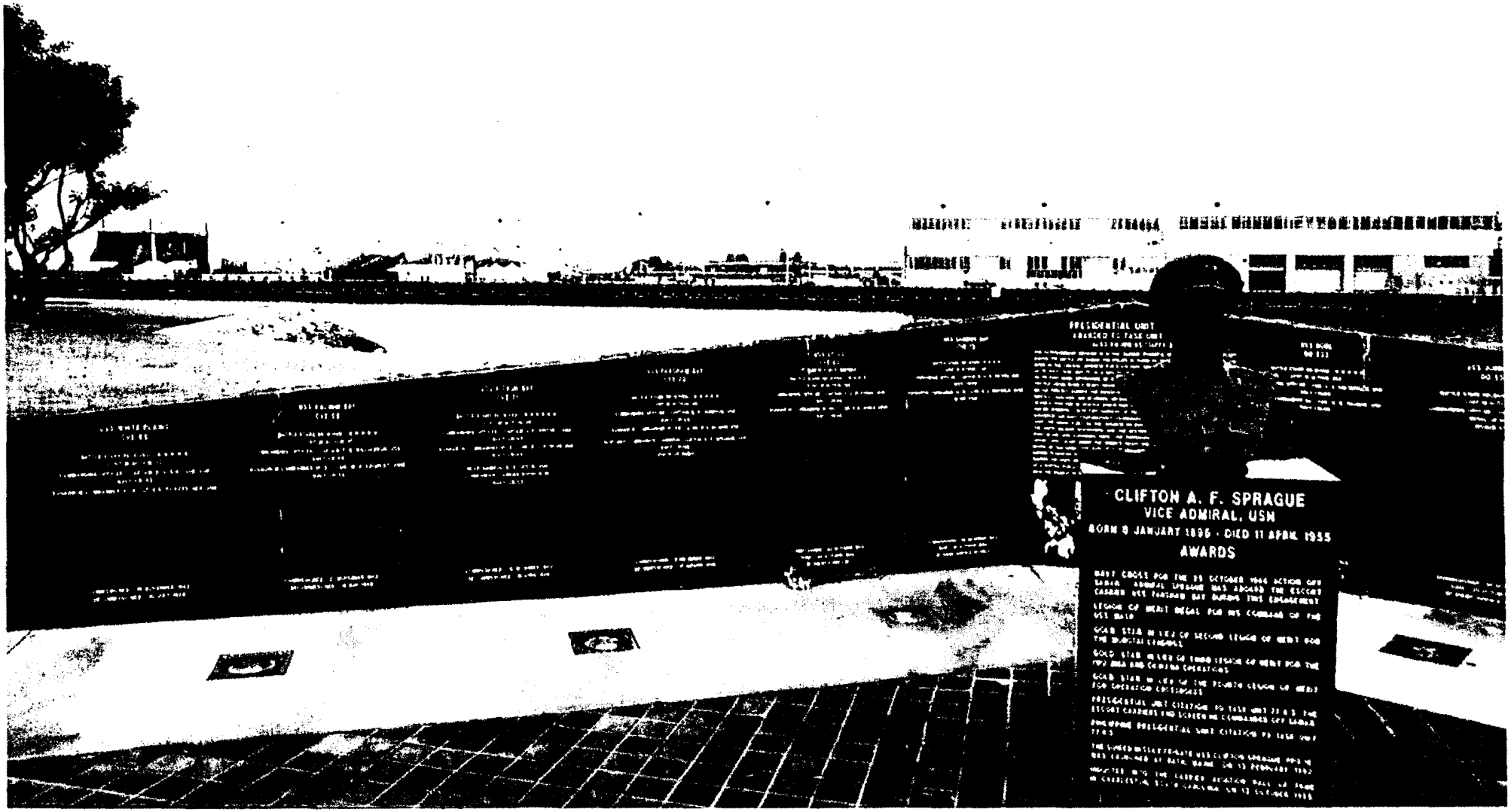
Exhibit #10
Port Master Plan Amendment #27
North Embarcadero Redevelopment
Photographs of Midway Site




STOP







6

STATE OF CALIFORNIA – THE RESOURCES AGENCY GRAY DAVIS, Governor

CALIFORNIA COASTAL COMMISSION
SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
(619) 767-2370

December 8, 2000

Dan Wilkens
Senior Director, Strategic Planning Services
P.O. Box 488
San Diego, CA. 92112

Re: U.S.S Midway Public Access Program

Dear Mr. Wilkens:

In reviewing the draft U.S.S Midway Public Access Program, staff of the California Coastal Commission would recommend two additional changes.

1. The paragraph that discusses the long range goal for the Navy Pier, that is the third paragraph of the text, should be supplemented to include language that states:

   "Further, it is the goal of the members of the North Embarcadero Alliance that prior to or concurrent with the redevelopment of the Navy's Broadway Complex, the Navy Pier shall be converted to a War Memorial Park open to the public."

2. The exhibit showing the "Midway Museum: Public Access Plan for the Carrier Deck" should be modified to indicate the public access walkway from Harbor Drive that serves the Museum and Public Plaza area extends to the bayward limit of the Navy Pier.

We appreciate your cooperation, and hope these comments will be incorporated into the Public Access Program.

Sincerely,

Chuck Damm

Chuck Damm
Senior Deputy Director

Exhibit #11
PMPA #27
Correspondence from Commission Staff to Port District

PORT OF SAN DIEGO

Operator of Marine Terminals and San Diego International Airport
BOARD OF PORT COMMISSIONERS
Chairman of the Board

December 15, 2000

RECEIVED
DEC 18 2000
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Mr. Chuck Damm
Senior Deputy Director
California Coastal Commission
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4402

SUBJECT: U.S.S. Midway Public Access Program

Dear Mr. Damm:

Thank you for your letter of December 8, 2000 concerning the U.S.S. Midway Museum. The Board of Port Commissioners considered the comments contained in your letter when it approved the U.S.S. Midway Public Access Program on December 12, 2000. The Board supports your recommendations to ensure that the park concept on Navy Pier occurs at the same time the Navy's Broadway Complex is redeveloped and to extend the public accessway to the end of the Navy Pier. However, the Navy Pier and Broadway Complex are not within the Port District jurisdiction. Therefore, we cannot place such restrictions on Navy property via the Port's Master Plan.

We have been working closely with the North Embarcadero Alliance agencies and agree that a new public space on the waterfront on the Navy Pier is a beneficial goal for the betterment of San Diego's downtown embarcadero. We further have tasked the San Diego Aircraft Carrier Museum to gain the necessary approvals from the Navy to achieve these goals in order to ensure that the Midway Museum is a valuable addition to San Diego's waterfront. Thank you for your constructive and cooperative interest in improving and protecting San Diego Bay's waterfront.

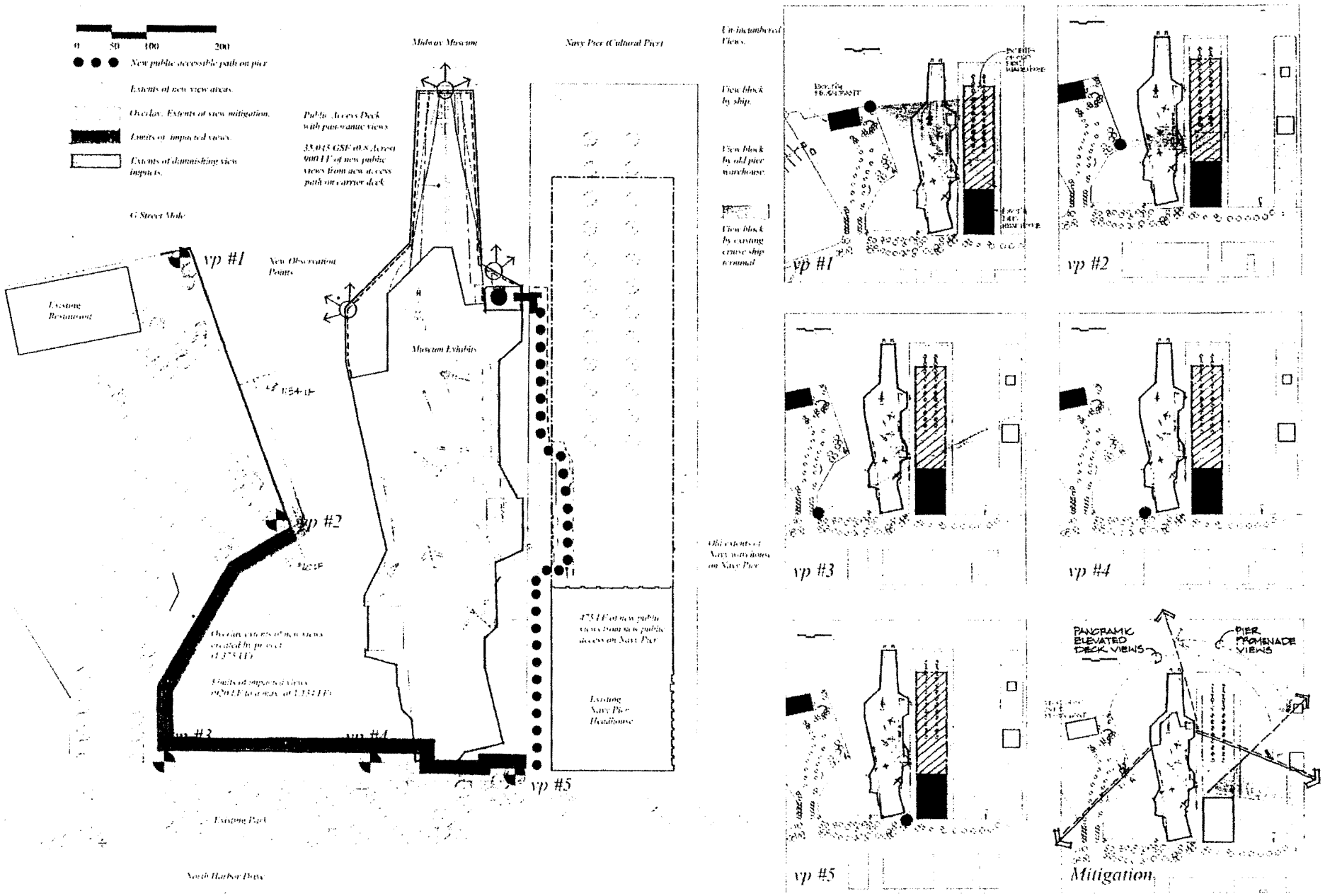
Sincerely,

P. H. Speer

Paul H. Speer
Chairman
Board of Port Commissioners

PHS/DEW/BC/mk

Exhibit #12
PMPA #27
Port District Respon

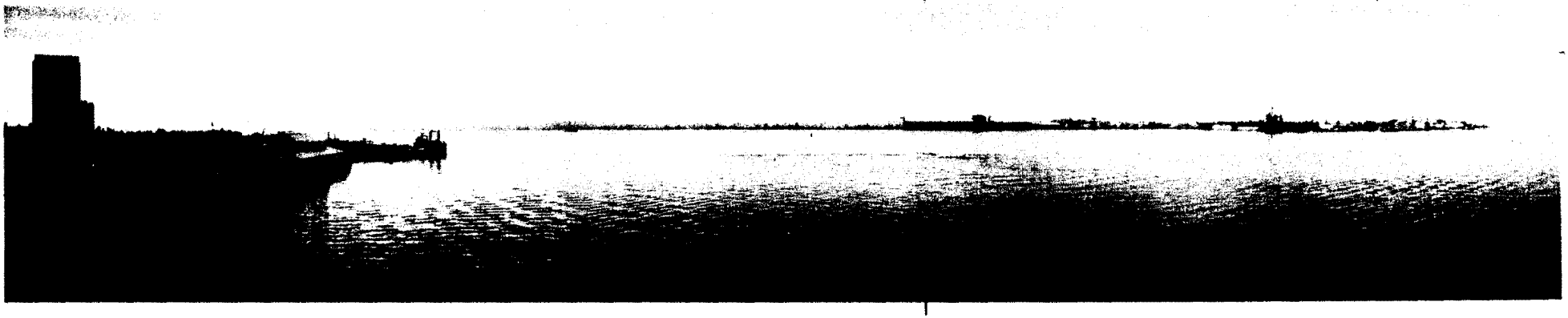


Midway Museum: Park/G Street Mole View Impact Study

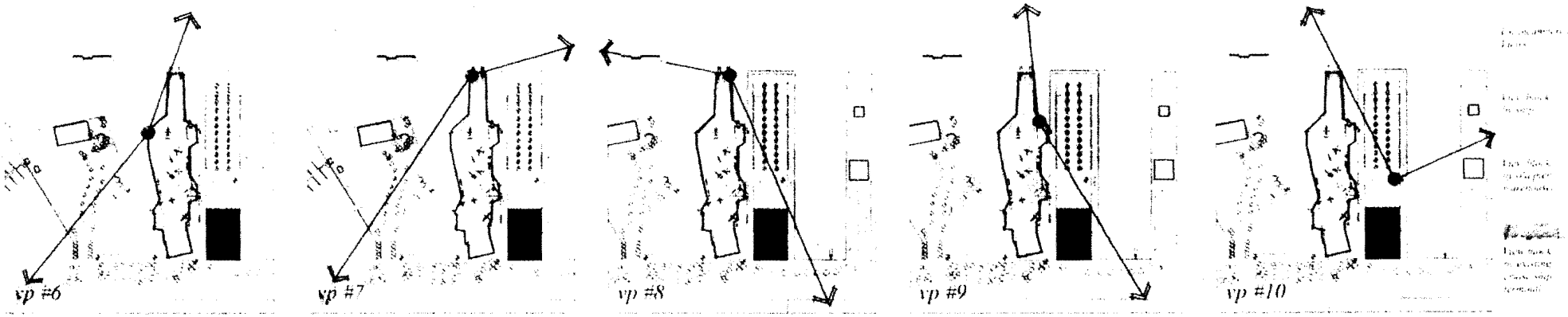
San Diego, California

January 5, 2001

Exhibit #13
PMPA #27
View Analysis Submitted
by Midway Museum
Page 1 of 4



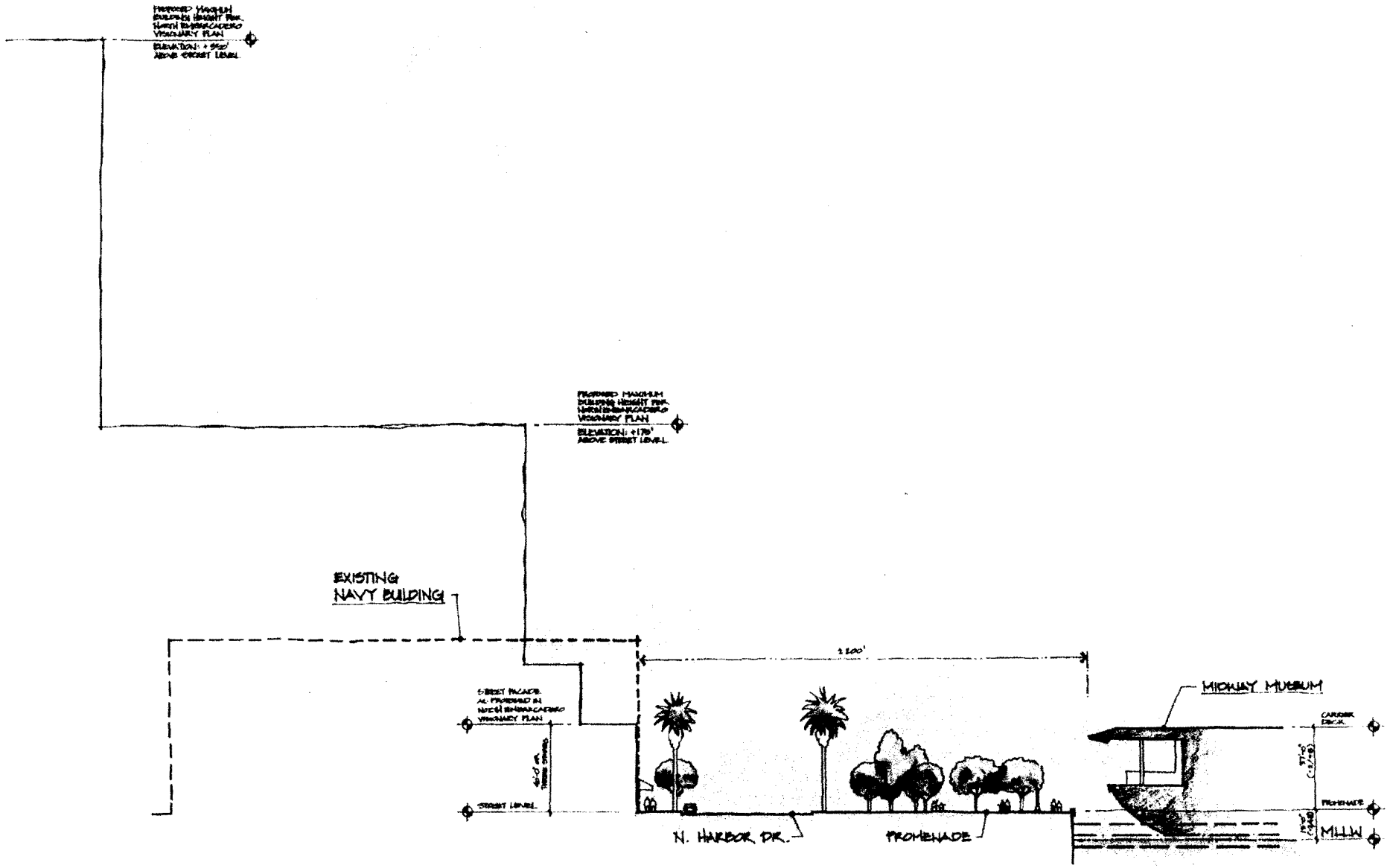




Midway Museum: Park/G Street Mole View Mitigation Study

San Diego, California

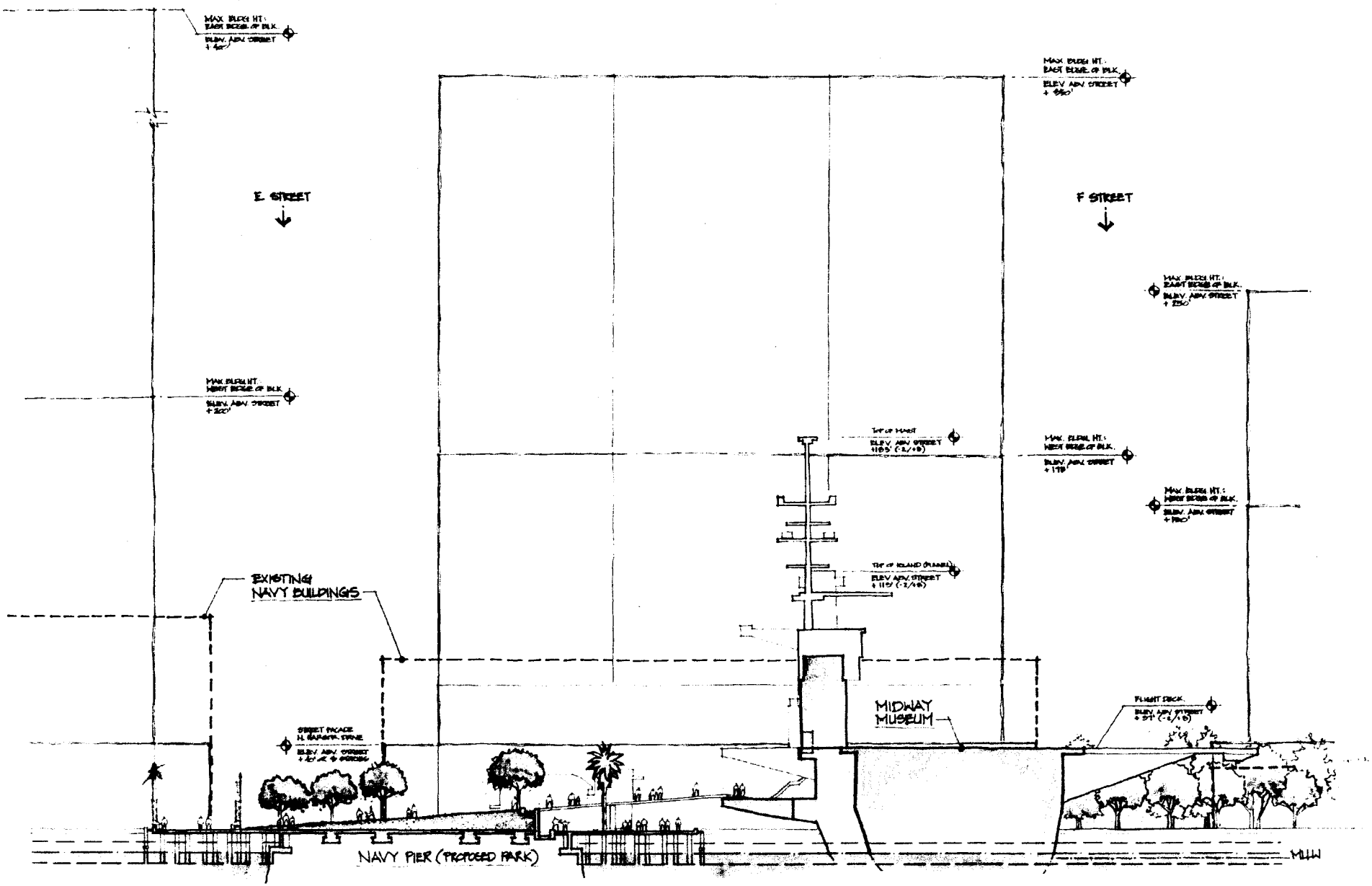
January 5, 2001



Midway Museum: Site Cross Sections

San Diego, California

January 5, 2001



Midway Museum: Site Cross Sections

San Diego, California

January 5, 2001

To: San Diego

STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94249-0001
(916) 319-2078
FAX (916) 319-2178

DISTRICT ADDRESS
1350 FRONT STREET, SUITE 6013
SAN DIEGO, CA 92101
(619) 234-7878
FAX (619) 233-0078

howard.wayne@assembly.ca.gov

Assembly
California Legislature

HOWARD WAYNE
ASSEMBLYMEMBER, 78TH DISTRICT

CHAIR:
NATURAL RESOURCES

MEMBER:
HEALTH
INSURANCE
WATER, PARKS AND WILDLIFE
VETERANS AFFAIRS

RECEIVED
JUN 2 6 2000
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

RECEIVED
JUN 14 2000
CALIFORNIA
COASTAL COMMISSION

June 14, 2000

Sara Wan
Chair, California Coastal Commission
46 Fremont Street #2000
San Francisco, CA 94105

Dear Ms. Wan:

It is my pleasure to support the San Diego Aircraft Carrier Museum's efforts to bring the USS Midway to San Diego as a permanent aircraft carrier museum. The United States Navy has made countless contributions to our San Diego community. The USS Midway Naval Aircraft Carrier Museum is an ideal and appropriate way for our community to recognize and pay tribute to its historic military presence.

The USS Midway is a ship rich with history and was in service from World War II to the Gulf War. The proposed complement of historic naval fighters, bombers, and interpretive exhibits will make the USS Midway a popular destination for San Diego's residents and visitors alike. The museum would serve also as an educational opportunity for San Diego's school children. Additionally, the museum has strong opportunities for financial success for use by social groups and convention receptions.

I respectfully request your close consideration of the San Diego Aircraft Carrier Museum's efforts to bring the USS Midway to San Diego as a permanent historic museum. This is an invaluable opportunity to celebrate San Diego's military history and I thank you for your consideration. If I may be of any assistance, please do not hesitate to call me at 619-234-7878.

Sincerely,

Howard Wayne

HOWARD WAYNE
Assemblymember
78th District

HW/gh

Exhibit #14
PMPA #27
Letters of Supp

Printed on Recycled Paper

MTDB
Metropolitan Transit Development Board
255 Imperial Avenue, Suite 1000
San Diego, CA 92101-7490
(619) 231-1466
FAX (619) 234-3407

September 28, 2000

RECEIVED
OCT 1 6 2000
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

AG 260, LEG 460 (PC 30100)

California Coastal Commission
3111 Camino Del Rio North, #200
San Diego, CA 92108

Dear Members of the California Coastal Commission:

Subject: NORTH EMBARCADERO ALLIANCE VISIONARY PLAN

The North Embarcadero Visionary Plan proposes to redevelop existing areas within the North Embarcadero with a variety of uses and amenities that will attract people to the downtown San Diego waterfront. Access to this redevelopment area is critical to the success of the project. There is currently a high level of public transit service, both bus and light rail, to the North Embarcadero area—and we envision more transit service as the area redevelops.

As a result, public transit can, and will have to, play a significant role in providing access to the North Embarcadero redevelopment plan. When the North Embarcadero Alliance Visionary Plan item comes before the Coastal Commission, we are requesting that the Commission endorse incorporation of transit facilities and services into the North Embarcadero Project.

The San Diego Metropolitan Transit Development Board (MTDB) has been working with the North Embarcadero Alliance to ensure that facilities for public transit, particularly bus terminal facilities within the plan area, are integrated into the North Embarcadero Visionary Plan. Currently, 23 bus routes, the San Diego Trolley, and the Coaster Commuter Rail directly serve the North Embarcadero Plan area. These services radiate out from the waterfront and travel throughout the region. Many of these routes serve outlying park-and-ride facilities that could be used as remote parking for Embarcadero redevelopment, negating the need for expansive parking facilities in the Embarcadero area. Since 18 of the 23 routes serving the area terminate there, full accommodation of bus terminal facilities (either on- or off-street) will need to be part of the Visionary Plan design.

Integration of transit into the plan and redevelopment project will provide a viable alternative to the automobile for access to the Embarcadero and can help address parking and traffic issues associated with the Plan. In the past, the Coastal Commission has shown an interest in promoting alternative modes of transportation to coastal areas to reduce traffic and parking impacts and to provide public access to the coastal resources. Ensuring and promoting public transit in the North Embarcadero redevelopment area will support the Coastal Commission's access and coastal preservation goals.

Member Agencies:
[illegible] Chula Vista, City of Coronado, City of El Cajon, City of Imperial Beach, City of La Mesa, City of Lemon Grove, City of National City, City of Poway, City of San Diego, [illegible] County of San Diego, State of California
[illegible] Metropolitan Transit Development Board is coordinator of the Metropolitan Transit System and the [illegible] Taxicab Administration
[illegible] Corporations: San Diego Transit Corporation, San Diego Trolley, Inc., and San Diego & Arizona Eastern Railway Company
[illegible] personal trip planning or route information, call 1-800-COMMUTE or visit our web site at sdcommute.com!

We are looking forward to working with the North Embarcadero Alliance to incorporate transit facilities into the Visionary Plan to support access to the area. We therefore seek Coastal Commission endorsement of transit as a viable and necessary component of the North Embarcadero Visionary Plan.

Sincerely,

Leon Williams
Chairman

BStoke
L-COASTALCOM.TBATES

cc: North Embarcadero Visionary Plan Alliance
Alexandria Elias, CCDC

17161 Alva Rd #74
San Diego, CA 92127
September 3, 2000

California Coastal Commission
San Diego District Office
7575 Metropole Dr., Suite 103
San Diego, CA 92108-4402

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SEP 07 2000
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Subject: Cruise Ship Emissions

Dear Commissioners,

This is an addendum to our July 9, 2000 comment letter on the North Embarcadero Visionary Plan.

We are concerned about emissions from large cruise ships that dock at the North Embarcadero.

The EPA has determined that the largest type of engine known as Category 3 engine contributes substantial levels of pollution.

Earth Justice's Spring 2000 newsletter states "Ships in San Diego emit 17 percent of the oxides of nitrogen (NO_x) on a summer day and yet they remain unregulated.

We urge you to consider the health of citizens in San Diego and prohibit Category 3 engine cruise ships from the Cruise Ship Terminal project in the North Embarcadero Visionary Plan.

Thank You for your attention.

Sincerely,

Cathy O'Leary / John Leary

December 1, 2000

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COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Gregory M. O'Brien, OS1(SW), USN, Ret.
3672 Voltaire Street
San Diego, CA 92106-1239
Tel: (619) 225-8804
E-mail: irishguy@home.com

Sara Wan, Chair
California Coastal Commission
22350 Carbon Mesa Road
Malibu, CA 92065

Madame Chair,

This letter is in support of the approval of the ***North Embarcadero Visionary Plan***, specifically, the inclusion of the proposed **USS Midway Museum Project**.

As a former crew member of this historic vessel, I confess to a certain bias in favor of the project, but I urge you to look at the overall plan, its aims, benefits, and the overwhelming support which has been evinced by the local community.

Please consider the following:

- The Midway Museum will provide a wonderful learning opportunity for school children, not just locally, but for groups touring from all over the country. This is attested to by the fact that all San Diego area school Administrations and teachers' organizations support the project.
- Independent surveys have shown that 8 out of 10 San Diegans approve of this project.
- The Midway Museum Project is financially sound, not only in regard to start-up costs, but for ongoing operations and maintenance. The Project's financial plan has been endorsed by the San Diego Taxpayers Association.
- This museum will be another monument to the sacrifices incurred by our veterans, helping to educate the public regarding the services and sacrifices these people have undergone and provided for our great nation.
- This project will provide a marvelous adjunct to the extant San Diego Aerospace Museum, enlarging on the role of Naval Aviation in the development of aviation and the defense of freedom
- Museums based on actual Naval vessels have proven their worth in many other cities. To name a few: New York, NY, Providence, RI, Charleston, SC. and Galveston, TX. There is no reason to believe that a Midway Museum in San Diego would not also provide a large boon to this already tourist-oriented city.

Apparently the deadline for submitting letters such as mine, in order to become a part of the public record is December 7, 2000. It is well known that, in the words of Franklin Delano Roosevelt, December 7, 1941, **was "a day which will live in infamy."** Please do not allow December 7, 2000 to become another such infamous date.

Decide in favor of the North Embarcadero Visionary Plan and the Midway Museum Project. Please!

Gregory M. O'Brien

cc: California Coastal Commission Staff
Scott McGaugh

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DEC 0 4 2000
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

30 November 2000

Ms. Sara Wan, Chair
California Coastal Commission
22350 Carbon Mesa Rd.
Malibu, CA 92065

Dear Ms. Wan,

I wish express my support for the Midway move to San Diego, and the establishment of the Midway Museum. As a San Diego Aerospace Museum volunteer, I cannot speak for that organization, but know that their management has spoken in favor of the addition of the Midway to cultural background of San Diego.

I believe that the Midway will be a positive addition to San Diego and its long and honorable aviation history. It will be an educational addition that will be difficult to beat. It is reported that the project is on sound financial footing and backed by the Taxpayers Association. It will be a real plus for San Diego.

Sincerely,

Glenn Lindeneau

Glenn D. Lindeneau
9022 Koonce Dr.
Spring Valley, CA 91977-2150
Ph/Fax (619) 466-5058

cc North Embarcadero Visionary Plan
c/o California Coastal commission Staff
7575 Metropolitan Dr., Suite 103
San Diego, CA 92108-4402

Neil V. Campbell
7009 Hector Road McLean, VA 22101-2112
Phone: (703) 356-2099 E-mail: campnv@erols.com

December 1, 2000

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COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Ms. Sara Wan, Chair
California Coastal Commission
22350 Carbon Mesa Rd.
Malibu, CA 92065

Dear Ms. Wan:

As a long time resident and now frequent visitor to San Diego, I am not only pleased, but thrilled, to know that we may soon have the USS Midway as a vibrant attraction at the Navy Pier. I hope that you and the Coastal Commission recognize the importance and significance of this project to the city of San Diego, its residents, and its visitors. Having been named after the battle which was the turning point of the war in the Pacific, in which San Diego made such important contributions, the Midway will serve as a great historical and educational tool.

I am sure that you know of the overwhelming support this project has from the people and organizations of San Diego. Also, people from all over the country, like myself, are in favor of this project and intend to visit as soon as it comes to fruition. Tom Brokaw's book brought the attention of the younger generations to the significance of WWII and Midway will provide an opportunity for Californians and tourists to obtain a first-hand look at Naval history from that period.

As a former Air Boss on Midway, I must admit some personal prejudice in this matter, but, in my frequent trips to San Diego, I have heard very widespread support of the project from many residents. I sincerely hope that the Coastal Commission appreciates this level of support and votes to approve the project.

Sincerely,

Neil Campbell

cc: North Embarcadero Visionary Plan, California Coastal Commission Staff
Executive Director, San Diego Aircraft Carrier Museum

8643 Lepus Road
San Diego CA 92126

November 30, 2000

Sara Wan
Chairman, California Coastal Commission
22350 Carbon Mesa Road
Malibu, CA 92065

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CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Dear Sara Wan,

I would like to take this opportunity to join several others in the community in voicing my whole-hearted support for the San Diego Aircraft Carrier Museum Project. In her day the USS Midway was one of the Navy's finest fighting ships of the line. She holds the name of the battle that turned the tide of World War Two. The history lessons and other educational opportunities, she will bring to life her in America's Finest City are infinite. This is an opportunity we should not allow to pass us by.

It is my understanding that the project is on sound financial footing, has been thoroughly researched and planned for. From my perspective, placing this symbol of America's might at Navy Pier will serve to enhance the mystique of Downtown San Diego and heighten the interest and tourist activity we need to bring that area of our city.

There have been several political speeches given this year about how our country educates our young and how it can be improved. I would submit, USS Midway could become a pivotal part of educating our youngsters here in San Diego and once word gets out for the entire southwestern portion of the United States. San Diego will be the winner if we choose to do this right.

Respectfully yours,

Thomas G. Sobieck

cc: North Embarcadero Visionary Plan
C/o California Coastal Commission Staff
7575 Metropolitan Drive, Suite 103
San Diego CA 92108-4402

San Diego
Armed
Services
YMCA

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Col. Thomas A. Caughlan, USMC
RADM Alberto Diaz, Jr.
CAPT Leendert R. Hering, Sr.
CAPT David Jones
VADM Ed Moore
CAPT David R. O'Brien
MGen. Henry P. Osman, USMC
RADM Frederic R. Ruehe, USN
RADM Kenneth D. Slaght, USN
CAPT Martin R. Stahl, CHC
Col. Richard H. Zales, USMC
EXECUTIVE DIRECTOR
CAPT Mike Reber, USN (Ret.)

December 1, 2000

Sara Wan, Chair
California Coastal Commission
22350 Carbo Mesa Road
Malibu, CA 92065

Dear Ms. Wan,

I am writing to you in support of locating the ex-USS Midway at the Navy Pier on the San Diego Embarcadero.

The San Diego Armed Services YMCA's mission is the support of military personnel and their family members. A mission which we have been carrying out in San Diego since 1920. A public appreciation of the contributions and sacrifices of our men and women in uniform is of the utmost importance. The Midway will make a significant contribution to that goal by highlighting the sacrifices and heroism of those who serve.

The significance of the U.S. Navy in the history of the San Diego community cannot be overstated. The presence of the Midway will make that history more tangible and understood.

We urge your support for bringing this magnificent symbol of our national pride and security to the San Diego Community, the USS Midway.

Sincerely,

Mike Reber
Executive Director
San Diego Armed Services YMCA

cc: California Coastal Commission Staff

1151 Naranca Ave.
El Cajon, CA 92021

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CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Sara Wan, Chair
California Coastal Commission
22350 Carbon Mesa Rd.
Malibu, CA 92065

I would like to add my voice to the list of those who want to see the U.S.S. Midway installed as a floating museum in the city of San Diego. Having served in the Navy for 30 years, from prior to WWII, to late 1970, I have many fond memories of San Diego as a city that was always good to the many servicemen who had occasion to visit her or to be stationed there.

I have talked to many retired servicemen in the area, and have also seen the various polls that have been taken, and it is a fact that the idea of a floating museum is a very popular one. And, since San Diego's North Island has been an important part of the history of Naval Aviation, an aircraft carrier is an ideal ship to be part of this museum.

All the public records that I have seen, lend credence to the fact that this project has a sound financial, operational and maintenance plan, which has been presented to you and has been endorsed by the San Diego Taxpayers Association and various other groups.

A museum such as this, will be a great help in teaching our children, and those of future generations, of the great history of our naval forces, and of the part that San Diego, and ALL of California, has played. It will also stress the many contributions that our men and women of the military services, have added to, and are still adding to, our countries well being. With the examples we have, even today, when we're supposedly at peace, of our armed forces serving around the world, with not much gratitude on the part of the average citizen. This is NOT that they don't care, but, rather, that they don't realize what our people are doing. This museum will help to educate them.

Lastly, I had the honor of serving on the Midway in the early 1950s, and, although this duty was in the Atlantic, I also served on a carrier out of San Diego, in the late 1950s., An aircraft carrier as a museum, will help strengthen the ties that we already have with our fleet and the fleet personnel.....

Please give this idea all the consideration it so richly deserves, as it will make a fitting memorial to our many Navy men, women, and dependants, from all over our country.

Respectfully,

Jacque E. Van Cleef

Copy to:
North Embarcadero Visionary Plan
Scott McGaugh

San Diego Aerospace Museum

2001 PAN AMERICAN PLAZA, BALBOA PARK, SAN DIEGO, CA 92101
(619) 234-8291 FAX: (619) 233-4526

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SAN DIEGO COAST DISTRICT

4615 Del Mar Ave.
San Diego, CA 92107
4 December 2000

Sara Wan, Chair
California Coastal Commission
22350 Carbon Mesa Rd.
Malibu, CA 90265

In re: Inclusion of Midway Magic in N. Embarcadero Visionary Plan

Dear Madam Chairwoman:

I would like to take this opportunity to express, on behalf of the Convair Alumni Association (CAA) Volunteers at the San Diego Aerospace Museum, positive support for bringing the Midway to San Diego, to be docked at Navy Pier and converted to a floating museum as part of the referenced visionary plan.

This project, we feel, will compliment the others museums in the area, be a strong tourist attraction and afford a fitting and much needed tribute to Naval Aviation which had its beginnings in the San Diego area. Several of our members are also Midway Magic volunteers who have been involved in planning efforts to bring much needed expertise to the project in restoring aircraft which have been offered up for display on the Midway for some time now. We hope that a "go ahead" is eminent, and solicit a favorable review by your commission.

Our volunteers, who are listed on the attachment to this memo, have authorized me to write to you in their behalf, expressing support for the referenced plan. We represent all facets of the aircraft industry...a cadre of people with unique talents that are slowly disappearing with the passage of time. While our primary loyalty is to the Aerospace Museum, we feel we could share our talent with the many other Midway Magic volunteers who have signed up to help.

Since ecological concerns have been appropriately addressed, as we understand it, we trust you will judge the merits of this plan on its potential overall significance to our area, the need to recognize the Navy's influence in San Diego's development, and the overwhelming positive support of a vast majority of our citizenry.

Thank you for your time & consideration,

Jim Redfield, CDR, USNR (Ret), GD Convair Procurement Chief (Ret)
San Diego Aerospace Museum & Midway Magic Aircraft Restoration Volunteer.

Attachment: Support List - San Diego Aerospace Museum Volunteers - CAA

cc: Northern Embarcadero Visionary Plan
c/o California Coastal Commission Staff
7575 Metropolitan Drive #103
San Diego, CA 92108-4402

COPY

Sara Wan, Chair
California Coastal Commission
22350 Carbon Mesa Rd.
Malibu, CA 90265

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COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

December 4, 2000

Dear Ms Wan:

My family and I are very excited about the prospect of having the USS Midway aircraft carrier here in San Diego. We have never been on board an aircraft carrier and look forward to the opening of the museum.

We have seen several letters in the San Diego paper complaining about the Midway's size, the lack of parking, and the possible lack of maintenance. So I took the time to call the Midway Museum to get the facts, and here is what we were told:

1. Yes, the Midway is 1,000 feet in length, the same as Navy Pier. But it will not extend into the channel to such a degree that it will hamper bay traffic.

2. The Midway has a lower profile than modern carriers, with the flight deck some 52 feet above the water. Even if it were higher, I'd rather view the Midway than a 1,000-foot row of pilings and a drab warehouse. For a real example of view blockage, take a look some time at the visiting cruise ships, some of which are as long as the Midway and are more than twice as high at 125 feet.

3. The Midway office said that they will be acquiring about 4 acres of land in San Diego Bay where they will establish a wildlife habitat equal to the shadow cast by the flight deck of the Midway. This really puzzled me; the Navy has been mooring ships for nearly 75 years at that site, and some of those ships were nearly as big as the Midway. So, why this extra burden?

4. I was pleasantly surprised to learn that the Midway Museum will provide parking on Navy Pier. What a great convenience! And what a view that will offer out over the bay!

5. A maintenance program costing nearly $1 million per year has been designed by a local company one of whose divisions designs such programs for world-wide use by the Navy. And, the people at the Midway office told me that the Navy will send an inspection team to San Diego every year to be sure that maintenance is being conducted properly.

6. The museum will serve as an outstanding educational venue to adults and students. We were told that about 40,000 San Diego high school students per year will be taken aboard the Midway free.

7. Finally, I was told that no taxpayer funds are being used to create this museum. Too bad the same thing can't be said about other downtown "attractions."

Given all these advantages for San Diegans and visitors to San Diego, I sincerely hope your commission will approve the North Embarcadero Visionary Plan and, especially, the inclusion of the Midway Museum.

Sincerely,

The Richard Warczak Family
Alpine, CA
Tel. 619-445-1905

Copy: North Embarcadero Visionary Plan
c/o California Coastal Commission Staff
7575 Metropolitan Dr. Suite 103
San Diego, CA 92108-4402

BAZAAR DEL MUNDO

2754 Calhoun Street
San Diego, California 92110
619/296-3161 • Fax 619/296-3113

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COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

December 4, 2000

Ms. Sara Wan, Chair
California Coastal Commission
22350 Carbon Mesa Rd.
Malibu CA 90265

Dear Ms. Wan:

We in San Diego strongly value our bays and beaches. Over the last two decades, one area of intense debate has been how the Embarcadero area would be used. After many meetings and much soul searching most in our city have reached a consensus which is detailed in the North Embarcadero Visionary Plan.

One key component of the plan is the porting of the aircraft carrier Midway at the Navy Pier. The Midway would be a permanent education and visitor center. But more than that it would be a magnet, drawing residents from across the region to downtown San Diego and adding to the growing vibrancy of the area. It would also be another major attraction for tourists.

We strongly encourage you to support the Midway Project as outlined in the North Embarcadero Visionary Plan. Thank you for your consideration.

Sincerely,

Mike McLaughlin
Director
Government Relations and Special Projects

cc: Sal Giametta

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DEC 5 2000
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

12/2/00

Dear Ms. Wan:

We strongly support approval of mooring ex USS Midway to the port side of Navy Pier in San Diego Bay.

Our entire family is thrilled by the possibility of going aboard this historic ship and enjoying the museum exhibits that are planned.

We have been briefed by a representative from the San Diego Aircraft Carrier Museum staff and so we know that the ship will serve as a wonderful tribute to the thousands of Navy personnel who have served in San Diego over the 75 years the Navy has been based there.

Midway will also place a great educational facility within reach of our school children and the many civilians who have never been on an aircraft carrier.

Please approve this project ASAP

Very truly yours, Mary Flohr

William F. Quarg
11949 Riverside Drive, #15
Lakeside, CA 92040-2319

December 4, 2000

Chairwoman Sara Wan
California Coastal Commission
22350 Carbon Mesa Road
Malibu, CA 90265

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COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Dear Chairwoman Wan,

I write to encourage favorable consideration of berthing the USS Midway at Navy Pier in San Diego.

The addition of Midway to the North Embarcadero Plan would provide another fine attraction for the thousands of visitors to San Diego each year. With a sound funding plan and the support of a vast majority of San Diegans, this fine tribute to our Navy is most appropriate. In light of the recent bombing of the USS Cole, Midway would serve as a reminder of the contributions and sacrifices made by our service personnel on a daily basis.

I urge favorable consideration of the Midway project.

Sincerely,

William F. Quarg

Copy:

North Embarcadero Visionary Plan
c/o California Coastal Commission Staff
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4402

COL. & MRS. JOHN F. SHEA 2127 Camino Cantera, Vista, CA 92084

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COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

3 December 2000

Sara Wan, Chair
California Coastal Commission
22350 Carbon Mesa Rd.
Malibu, CA 90265

Dear Ms. Wan:

We strongly endorse the efforts of the USS Midway Project to locate the ship here in San Diego.

It would be a marvelous addition to our city and would reflect our proud naval history. There's no doubt that many thousands of locals *and* tourists would enjoy visiting the ship at Navy Pier.

We are a military family and over the years have made special efforts to visit other military ships that have been memorialized and berthed in other parts of the country.

Our children have fond memories of visiting the USS North Carolina and other ships up and down the east coast. This year my wife made a special trip to see the USS Texas in Houston with her father, who'd served on the ship in World War II. It is long overdue that we have a ship here in San Diego.

The USS Midway is especially needed as a memorial <u>now</u>, as we live in a time when our youth need to be more familiar with our past naval history. This proud ship would serve San Diego well. The advantages of having her here are too numerous to mention.

Sincerely,

John F. Shea

John F. Shea
Colonel, USMC ret.

R.A. RAUCH
& ASSOCIATES
Hospitality Consulting

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CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

December 4, 2000

Ms. Sara Wan, Chair
California Coastal Commission
22350 Carbon Mesa Rd.
Malibu, CA 90265

Dear Ms. Wan:

As an independent hotel developer and owner, serving on the boards of the San Diego Convention & Visitors Bureau, the San Diego North Convention & Visitors Bureau, and the San Diego Hotel-Motel Association, and in my role as Director of the Hospitality and Tourism program at the University of California, San Diego, Extension, I wholeheartedly support the Midway project at Navy Pier in San Diego County.

This project will serve as a highly unique education center for national and international students here in San Diego. As a tourist attraction, it will pay tribute to the military for their contributions and sacrifices for our nation. In addition, the tourism industry creates jobs and this attraction will be a great addition to this destination.

Sincerely,

Robert A. Rauch

Robert A. Rauch, CHA, President
R.A. Rauch & Associates, Inc.
www.hotelguru.com

cc: Coastal Commission staff

12526 High Bluff Drive, Suite 300 San Diego, California 92130 Phone (858) 792-3530 Fax (858) 793-9232
Web Site: www.hotelguru.com Email: rauch@hotelguru.com

3 December 2000

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COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Ms Sara Wan, Chair
California Coastal Commission
22350 Carbon Mesa Rd.
Malibu, CA 92065

Dear Ms Wan,

I am writing to express my strong support for siting the USS Midway in San Diego as the San Diego Aircraft Carrier Museum. As a citizen of California for the past 49 years I know of no greater tribute to the city of San Diego, it's citizens, and it's heritage as a proud major seaport on the westcoast.

The USS Midway will serve in the vital role of displaying San Diego's heritage to all within the community as well as the thousands of yearly visitors to our city. Midway will function as a unique education center and accordingly has the support of all San Diego teacher organizations and school administrations.

Many contributions from local and distant loyal citizens have been made toward this hallmark project. It is appropriate and fitting that government organizations involved in approving this monument to so many, enthusiastically approve and support this venture. The untimely and tragic recent bombing of USS Cole point out the importance of the public fully appreciating the contributions and sacrifices made by those in service to our country. To date, the entire San Diego community has consistently voiced overwhelming support of the USS Midway being sited at our downtown Navy Pier.

The Midway project has a sound financial, operations and maintenance plan behind it, a plan endorsed by the San Diego Taxpayers Association and other independent organizations. This project is truly a win for San Diego, our citizens and visitors, and those who have served our country from this community.

Please do everything possible in your capacity to encourage, support, and approve the establishment of the USS Midway as the San Diego Carrier Museum in San Diego harbor.

Sincerely,

Thomas F. Leonard
13555 Willow Run Road
Poway, CA 92064

→ cc: California Coastal Commission Staff (North Embarcadero Visionary Plan)

ANTHONY'S
SEAFOOD GROUP

Corporate: 5232 Lovelock Street, San Diego, CA 921
tel: (619) 291-7254 fax: (619) 298-1212 web: www.gofishantho

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SAN DIEGO COAST DISTRICT

December 4, 2000

Ms. Sara Wan, Chair
California Coastal Commission
22350 Carbon Mesa Road
Malibu, CA 90265

Dear Ms. Wan:

As a long time business on the San Diego Embarcadero, we'd like to express our support for the permanent location of the USS Midway at Navy Pier. As a small portion of the millions of visitors to San Diego, more than 50,000 guests visit our waterfront restaurants each year. One of the comments they relate to us, is the fun of making a "day at the Embarcadero" with their families and friends.

The Midway will be a unique education center and has the support of the San Diego teacher organizations as well as school administrators. By touring the Midway, the public will fully appreciate the contributions and sacrifices made by those in uniform, especially in light of the recent USS Cole bombing. The Midway project will make a welcome addition to San Diego's visitor and convention industry, serving as an event site for visiting groups.

We urge you to join us in supporting this worth while project.

Sincerely,

Beverly Mascari
Co-owner, CAO

Cc: North Embarcadero Visionary Plan, Coastal Commission Staff
Salvatore Giametta, San Diego Convention & Visitors Bureau

CATELLUS

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CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

ls. Sara Wan, Chair
alifornia Coastal Commission
23450 Carbon Mesa Rd.
lalibu, CA 90265

e: USS Midway Museum
North Embarcadero Visionary Plan
San Diego, California

ear Ms. Wan:

atellus Development Corporation respectfully requests that the California Coastal ommission approve the North Embarcadero Visionary Plan and associated USS lidway Museum at Navy pier.

atellus is the largest private property owner in the plan area. We own five city blocks ithin the plan area, the historic Santa Fe Depot and more that one city block along the an's eastern boundary. Catellus actively participated in the development of the plan, id supported inclusion of the Midway Museum for the same reasons it enjoys wide-)read community support:

> San Diego has a long, historic, and very special relationship with the Navy. The Midway will both celebrate this relationship, and pay tribute to the thousands of current and former military personnel who reside or have served in San Diego.
>
> The Museum proposal is financially sound, with appropriate, comprehensive operating and maintenance plans to insure long term viability.
>
> The Midway Museum will provide a unique educational, cultural and entertainment resource for visitors and residents of the region.

hank you for considering our request. Please contact me at 619-231-2602 if I can ovide you with any additional information.

ery truly yours,

illiam B. Scott, Jr.
enior Vice-President
an Diego Development

c; Coastal Commission Staff, San Diego

401 West A Street, Suite 2125, San Diego, California 92101 (619) 231-3602 FAX (619) 696-90

12-3-00

To: Cal Coastal Commission
22350 Carbon Mesa Rd
Malibu, Ca 90265

Sara Wan, Chair

RECEIVED
DEC 0 6 2000
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Subj: Locating USS Midway as Historic Display in San Diego harbor.

I support moving and displaying the USS Midway in San Diego Harbor.

The plan has broad community support, adequate funding and would be a reminder of the role Naval Aviation has played in the Navy's role in National defense and San Diego's role as the largest West coast Navy facility.

Sincerely,
Tony Fragmin
US Navy Veteran
Viet Nam war

Corporate Headquarters
San Diego

2437 Morena Boulevard
San Diego
California 92110

619.275.0181
FAX 275.4012
800.444.3359
meeting@mmgr.com

Palm Springs /
Desert Communities

41-701 Corporate Way, #1
Palm Desert
California 92260

760.563.4997
FAX.568.3997
desert@mmgr.com

Orange County /
Los Angeles

26062 Merit Circle, #110
Laguna Hills
California 92653

949.348.1900
FAX 348.1955
orange@mmgr.com

RECEIVED
DEC 0 6 2000
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

December 5, 2000

Ms. Sara Wan, Chair
California Coastal Commission
22350 Carbon Mesa Road
Malibu, CA 90265

Dear Ms. Wan:

I am writing this letter in support of the effort to bring the USS Midway to San Diego. It is a fitting and over-due tribute to the Naval History in San Diego as well as a great educational opportunity for San Diego's citizens and visitors alike.

Representing the Hospitality industry in San Diego, our company, The Meeting Manager, is acutely aware of the absence of weather-safe venues in San Diego that can accommodate groups of 1000 or more. Specializing in the Corporate and Incentive Markets, we are routinely questioned by our clients about the availability of an Aircraft Carrier for special events. The Midway would provide not only a much needed venue for the Hospitality Industry but also a unique educational museum for all the citizens and visitors of San Diego to enjoy.

As a representative of the Hospitality Industry and as a concerned citizen of San Diego, I encourage you to support the Midway Project as part of the North Embarcadero Visionary Plan.

Respectfully,

William J. VanErt
Vice President, General Manager
The Meeting Manager

cc: Coastal Commission Staff

Lloyd L. Parthemer
3929 Bonita View Drive
Bonita, CA 91902-2617

RECEIVED
DEC 0 6 2000
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

December 5, 2000

Chairwoman Sara Wan
California Coastal Commission
22350 Carbon Mesa Road
Malibu, CA 90265

Dear Chairwoman Wan,

I write to add my name to the long list of supporters requesting approval of the San Diego North Embarcadero Visionary Plan, which includes berthing of Midway as a museum ship.

I have attended many planning committee meetings open to the public and the complete project has been thoroughly staffed with obvious public approval.

Midway, coupled with the planned onboard projects, will prove to be a great asset for the Harbor, City, Residents, Tourist and especially the Youth of San Diego.

I urge your strongest support and approval of this Plan

Sincerely,

Lloyd L. Parthemer

Copy:

North Embarcadero Visionary Plan
C/o California Coastal Commission Staff
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4402

NAVY LEAGUE OF THE UNITED STATES
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SAN DIEGO COUNCIL

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SAN DIEGO COAST DISTRICT

ecember 5, 2000

orth Embarcadero Visionary Plan
o Calfornia Coastal Commission Staff
575 Metropolitan Drive, Suite 103
un Diego, CA 92108-4402

o whom it may concern:

n behalf of the San Diego Council of the Navy League, we support the USS Midway at e Navy Pier in downtown San Diego. The project, we believe, has a sound financial, erations and maintenance plan behind it. It will be a unique education center and it has e sound support of all San Diego teacher organizations and school administrations.

ith the USS Cole bombing, it's all the more important that the public fully appreciate e contributions and sacrifices made every day by those men and women in uniform. e need this constant reminder. The Midway will serve that vital role.

e feel that the Midway is in the right place at the right time. While we remain timistic, we recognize this is the time for individuals and organizations to stand up and ice their support for the Midway Project. The Navy League in San Diego absolutely pports the Midway Project.

ncerely,

Jay Roth

ay Roth
esident, San Diego Council of the Navy League

3333 Sandrock Road, San Diego, CA 92123
(858) 569-6587 Fax (858) 569-6639

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DEC 0 6 2000
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

5 Dec 2000

Sara Wan
California Coastal Commission
22350 Carbon Mesa Rd
Malibu CA 90265

Dear Ms Wan

The purpose of this letter is to request your support for the inclusion of the USS MIDWAY in the visionary planned development of the embarcadero in the port of San Diego.

The project is financially supported, represents long standing superb relationship (over 6 decades) between the U. S. Navy and by the majority of San Diegans, and certainly provides a fitting facility for a museum, naval history research center and a wonderful opportunity for an ocean oriented educational center.

Sincerely,

Reid P. Carlton

NAVAL HELICOPTER HISTORICAL SOCIETY

P.O. Box 974, Bonita, CA 91908-0974, (619) 461-1840
Email: nhhs@home.com, **Web Site:** http://www.nhhs.org

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George E. Smith, Physical Plant
Hugh McLinden, Jr., Historian
Harold Nachlin, Artifacts
George F. Cagle, Curator
Reid P. Carleton, MIS Manager

Flag Officers Advisory Board:
VADM Don Jones, USN (Ret)
RADM "Jig Dog" Ramage, USN (Ret)
MGEN Victor A. Armstrong, USMC (Ret)
RADM Warren Aut, USN (Ret)
RADM Roger Rich, USN (Ret)
RADM "Scotty" Walker, USN (Ret)
RADM John Higginson, USN (Ret)
RADM Phil Duffy, USN (Ret)
RADM Bill Terry, USN (Ret)

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MCPO Noel N. Detloff, USN (Ret)
ADC Malone H. Farrar, USN (Ret)
AFCM Aaron Granderson, USN (Ret)
CPO Egon W. Ohlendorf, USN (Ret)
ADJC Joseph A. McKeller, USN (Ret)
MCPO Bob Selman, USN (Ret)
MCPO Raymond Welch, USN (Ret)
YNC Eddie F. Williamson, USN (Ret)

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COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Sara Wan, Chair
California Coastal Commission
22350 Carbon Mesa Rd.
Malibu, CA 92065

December 4, 2000

Dear Chairwoman Wan,

During the week of January 8, 2001, your Commission will consider the City of San Diego's North Embarcadero Visionary Plan. The siting of USS Midway at Navy Pier is part of that plan.

Approval of the plan will, I believe, enable Midway to make a significant contribution to the economic, cultural and social life of America's Finest City.

USS Midway will be a major attraction for the thousands of visitors who travel to San Diego each year and will also serve San Diegans as the center for a unique education complex.

The project plan is comprehensive and has been endorsed by a number of independent organizations, including the San Diego Taxpayers Association.

San Diego has long enjoyed a unique relationship with the Navy and the Midway Project is overwhelmingly supported by the City as well as the surrounding communities. With the large number of active duty and retired military personnel who currently or at some time in the past have called San Diego their homeport, it is fitting that they be honored by such a remarkable undertaking.

On behalf of the Board of Directors and the members of the Naval Helicopter Historical Society, I strongly urge favorable consideration of the North Embarcadero Visionary Plan, including the siting of USS Midway at Navy Pier.

Sincerely,

Charles B. Smiley
Captain, USN, Ret
Chairman, Naval Helicopter Historical Society

SP/FC

San Diego Office

2000

November 6, 2000

Ms. Sara Wan, Chairperson
California Coastal Commission
45 Fremont Street
San Francisco, CA 94104

Re: Port Plan Amendment 27 (North Embarcadero Redevelopment in San Diego)

Dear Ms. Wan and Coastal Commissioners:

We understand that the Commission will be hearing public comments in Los Angeles on 11/13 regarding the proposal to bring the carrier Midway to port in San Diego, and we wanted to be included.

San Diego has one of the most beautiful bay vistas in the state, if not the entire country. Some of us are doing all we can to preserve that unique feature because once one can no longer see the water easily, downtown San Diego looks like any other city, filled with tall buildings and cars. City fathers and mothers are already doing their best to fill the waterfront with convention centers, rental car parking lots, and hotels such that much of the views have been blocked already. Again, being a city on the water is a feature that few places can claim, and if we lose that view, we are like any other city. We cannot afford to jeopardize that feature.

Therefore, we are asking that you reject the proposal to bring the carrier Midway to port in San Diego. The above concerns notwithstanding, the substantial environmental impacts are further reasons to reject this idea. We believe there will be contamination potential, traffic and parking problems, as well as habitat disturbance or, worse, obliteration. A "tourist attraction" such as the Midway would bring more harm than good.

Additionally, we have to question how many people want to see a decommissioned aircraft carrier in the first place. Don't most visitors come to San Diego for our superb weather, beautiful ocean and bays, and myriad recreational and cultural activities? Perhaps if we didn't have all of these attractions (and more), a carrier would help. But we do have them. So, let's pass on this idea and let another, less bountiful city have the carrier.

We believe the Midway will have a very negative impact on our desirability as a tourist destination, and along with the environmental impacts this carrier would have on our area, it seems a terrible mistake to make. ***Please soundly reject this proposal.***

Thank you for your interest and hard work in preserving California's coast and in helping San Diego retain our unique waterside charm.

Sincerely,

Stephanie Strout Andrew Carrico

Stephanie Strout and Andrew Carrico
1819 Hidden Mesa Rd.
El Cajon, CA 92019 (619) 590-2949

17161 Alva Rd #711
San Diego, CA 92127
September 3, 2000

California Coastal Commission
San Diego District Office
7575 Metropole Dr., Suite 103
San Diego, CA 92108-4402

Subject: Cruise Ship Emissions

Dear Commissioners,

This is an addendum to our July 9, 2000 comment letter on the North Embarcadero Visionary Plan.

We are concerned about emissions from large cruise ships that dock at the North Embarcadero.

The EPA has determined that the largest type of engine known as Category 3 engine contributes substantial air pollution.

Coincidentally in their Spring 2000 newsletter states "Ships in San Diego emit 17 percent of the nitrogen (NO_x) on a summer day and yet they remain unregulated.

We urge you to consider the health of citizens in San Diego and prohibit Category 3 engine cruise ships from the Cruise Ship Terminal project in the North Embarcadero Visionary Plan.

Thank you for your attention.

Sincerely,

Cathy O'Leary / John Carey

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JUL 11 2000
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

17161 Alva Road, #711
San Diego, CA 92127
July 9, 2000

Mr. Bill Ponder, Staff
California Coastal Commission
San Diego District Office
7575 Metropole Dr. Suite 103
San Diego, Ca 92108-4402

Dear Mr. Ponder,

Enclosed is a copy of our letter to the California Coastal Commissioners regarding the North Embarcadero Visionary Plan.

It is our understanding that the North Embarcadero Visionary Plan is scheduled for the August agenda. We are hopeful that our comments will be received by the commissioners at the appropriate time.

Sincerely,

Cathy O'Leary John Carey

Cathy O'Leary, John Carey

17161 Alva Road, #711
San Diego, CA 92127
July 9, 2000

California Coastal Commission
San Diego District Office
7575 Metropole Dr. Suite 103
San Diego, Ca 92108-4402

Subject: The North Embarcadero Visionary Plan

Dear Commissioners,

We are pleased and impressed with the North Embarcadero Visionary Plan proposal to create public amenities while preserving views of the bay. We especially like the "City meets the bay" idea and the goal of keeping the open character of the bay, since most of the Embarcadero is walled off from us for commercial use.

Regarding the Cruise Ship Terminal:

The concept of public amenities and open views of the bay are being eroded by the expansion of the cruise ship terminal. This project is similar to the rejected "Super" terminal and promotes commercial and tourist use. The level of noise generated from crowds, vehicular traffic, commercial activity, truck movement, loading docks and operation of on site equipment will greatly interfere with public open space and the serenity of the waterfront promenade and Broadway Plaza, center pieces of the Plan.

This large scale use is out of character with the visionary plan. Mass shadowing and no open water views between B Street and Broadway negate the primary purpose of the visionary plan.

The second phase of this expansion would extend the project to Ash St. overwhelming our centerpiece Star of India, the Berkeley Maritime Museum and Anthony's. Such large scale use is grossly out of character with the visionary plan.

We urge the relocation of the cruise ship terminal. Tenth Avenue Marine Terminal would accommodate this project.

Regarding the Midway Museum:

Very similar objections are in order for the Midway Museum. The Midway Museum contributes to "the walling off of the Bay", has a commercial purpose and so far unmitigated open water habitat loss.

The Harbor Island location alternative was rejected because of view obstruction and significant deep water dredging.

This needs to be revisited. The attraction of tourism occurring at Harbor

Subject: The North Embacadero Visionary Plan

Island for the Midway Magic Plan and the potential economic benefit of a docking site which is a low use area for sensitive water birds, makes Harbor Island a better choice then the North Embarcadero.

Another venue could be one similar to the USS Arizona in Pearl Harbor where tourists are taken out by boat to visit the site.

Regarding Lane Field:

In regard to Lane Field, we oppose yet another hotel, when an Opera House or Cultural Center would be not only environmentally superior, but a much needed public benefit. This alternative would provide more available parking space during the day and generate less traffic, which continues to be a problem.

Regarding the County Administration Center (CAC):

We urge you to support the less developed plan the county supervisors prefer, either of the two alternative projects, an active open space alternative or the Maximum open space alternative.

The Active open space entails less intense development and is environmentally superior. Landscaping on the two parking lots and the creation of a plaza park like environment would complement public open space along the waterfront.

Maximum open space proposes a grand civic open space with outdoor plazas, landscaping, pedestrian walkways, and other amenities. Underground parking would be a real asset here for employees and visitors of CAC.

Regarding The Santa Fe Depot:

The Santa Fe Depot like the CAC is a historical landmark and should be enhanced as a showpiece. Buildings planned from 175 feet to 450 feet to the immediate west, will wall off and dwarf this unique structure diminishing its character.

We appreciate your attention to our comments and are hopeful that you will support the open view character of the North Embarcadero Visionary Plan the citizens of San Diego so rightly deserve.

Sincerely,

Cathy O'Leary John Carey

Cathy O'Leary, John Carey

12-7-00

Dear Sir

I have lived in San Diego for most of my life. When I heard the aircraft carrier Midway may be coming to our harbor I was very excited. I am a vet myself not from the Navy, but the Army. Every body I talk too is very supportive of this carrier Museum. It would be a noble Commemoration to thousands of service personal. Please follow in voting for this move to San Diego.

Thank you

David F Hahn JR

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SAN DIEGO COAST DISTRICT

IPMS

International Plastic Modelers' Society

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JUN 05 2000
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COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

May 26, 2000

CALIFORNIA COASTAL COMMISSION
3111 CAMINO DEL RIO NORTH
SUITE 200
SAN DIEGO CA 92108-1725

Dear Madam or Sir:

The members of the San Diego Chapter of the International Plastic Modelers' Society would like to make known their support for bringing the U.S.S. Midway and the San Diego Aircraft Carrier Museum to San Diego Bay. San Diego is long overdue for a museum of this nature.

With the strong Navy and Marine presence in San Diego County, and the rich history these two organizations have had in our community, we feel it is especially appropriate to honor the men and women who have served in the American Armed forces with a great landmark like The U.S.S. Midway.

Please accept the attached names and signatures of our membership as proof of our support for bringing the U.S.S. Midway to San Diego Bay as part of the revitalization of North Embarcadero.

Thank you,

Fred Fimbres
President

Fred Fimbres, President
IPMS, San Diego Chapter

11087 Caminito Alegra, San Diego CA 92131

CATAMARAN
RESORT HOTEL

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DEC 07 2000
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

December 4, 2000

Ms. Sara Wan
Chair
California Coastal Commission
22350 Carbon Mesa Road
Malibu, CA 90265

Dear Ms. Wan:

I would like to inform you of my support of the "Midway at Navy Pier" project, which will make the USS Midway a permanent part of Navy Pier.

San Diegans have voiced their overwhelming support of the Midway at Navy Pier, and I believe it will become a unique educational attraction for both teachers and San Diego visitors. Having the USS Midway become a permanent education center will also be a well deserved tribute, in a city with very close ties to the military.

I urge the California Coastal Commission to make the Midway project part of the North Embarcadero Visionary Plan.

Sincerely,

Luis C. Barrios
General Manager

LCB/md

cc: California Coastal Commission Staff
San Diego Convention & Visitor's Bureau

3999 Mission Boulevard
San Diego, California 92109
Telephone: 858-488-1081
FAX: 858-488-1619

NAVAL HELICOPTER HISTORICAL SOCIETY

P.O. Box 974, Bonita, CA 91908-0974, (619) 435-7795
Email: nhhs@home.com, Web Site: http://www.nhhs.org

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DEC 07 2000
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

December 6, 2000

Sara Wan, Chair
California Coastal Commission
22350 Carbon Mesa Road
Malibu, CA 90265

Dear Ms. Wan:

This letter is to encourage the prompt approval of the San Diego Aircraft Carrier Museum as a part of the North Embarcadero Visionary Plan.

Over the past few years two other Directors of the Naval Helicopter Historical Society and I attended several meetings of the Visionary Plan Committee as spectators. The various special interests competed for benefits with one major exception. All participants, merchants, planners, environmentalists, and governmental officials, unanimously supported conversion of USS MIDWAY to be the San Diego Aircraft Carrier Museum. They agreed that it would be a significant tourist attraction in the tradition of the San Diego Zoo and Sea World.

In addition to the economic advantages to be bestowed upon the local community, the San Diego Aircraft Carrier Museum promises to enrich its masses of visitors with an appreciation for Naval Aviation and an emotional patriotic experience.

Sincerely,

Donald J. Hayes
Commander, USN (Ret)

Copy to:
North Embarcadero Visionary Plan
San Diego Aircraft Carrier Museum

BOARD of DIRECTORS:
Charles B. Smiley, Chairman
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Walter B. Lester, Jr., SDAOM Liaison
George E. Smith, Physical Plant
Hugh McLinden, Jr., Historian
Harold Nachlin, Artifacts
George F. Cagle, Curator
Reid P. Carleton, MIS Manager

Flag Officers Advisory Board:
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RADM "Jig Dog" Ramage, USN (Ret)
MGEN Victor A. Armstrong, USMC (Ret)
RADM Warren Ault, USN (Ret)
RADM Roger Rich, USN (Ret)
RADM "Scotty" Walker, USN (Ret)
RADM John Higginson, USN (Ret)
RADM Phil Duffy, USN (Ret)
RADM Bill Terry, USN (Ret)

Senior Enlisted Advisory Board:
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ADC Malone H. Farrar, USN (Ret)
AFCM Aaron Granderson, USN (Ret)
CPO Egon W. Ohlendorf, USN (Ret)
ADJC Joseph A. McKeffer, USN (Ret)
MCPO Bob Selman, USN (Ret)
MCPO Raymond Welch, USN (Ret)
YNC Eddie F. Williamson, USN (Ret)

San Marcos, California • USA
92096-0001
(760) 750-4405
FAX (760) 750-3256

Al

Wednesday, December 06, 2000

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DEC 0 7 2000
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Sara Wan, Chair
California Coastal Commission
22350 Carbon Mesa Rd.
Malibu, CA 90265

Dear Commissioner Wan:
I respectfully request your support of the efforts to bring the USS MIDWAY to San Diego as a unique educational center. MIDWAY has the support of youth groups and educational institutions across San Diego County.

Located near the Aircraft Carrier Memorial Plaza and other historical monuments, Navy Pier is the ideal location for this great ship. This future berthing alongside San Diego's Navy Pier is a perfect venue for educators to share the story of San Diego's Navy history. In addition, as this will remain a Navy Pier, no deep water mooring for commercial shipping will be lost to the maritime industry.

I appreciate your time and attention to the matter. Hoping that your commission will realize the overwhelming support for this cornerstone to the North Embarcadero Redevelopment Plan.

Sincerely,

Theresa Randall
Vice President
CSUSM Alumni Council

CC:
North Embarcadero Visionary Plan
c/o California Coastal Commission Staff
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4402

The California State University
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COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

December 5, 2000

ACCESSIBLE SAN DIEGO

SERVICES

INFORMATION CENTER:
- Hotline
- Website
- Access Guide
- Reference Library
- Tour Arrangements

RESOURCE CENTER:
- ADA/Title 24 Reference Library
- Training & Sensitivity Awareness Program
- Construction Plan Review & Evaluation
- Structural Survey
- Interpretation of ADA Terminology
- Information Videos
- Local Referrals

Sara Wan, Chair
California Coastal Commission
22350 Carbon Mesa Rd.
Malibu, CA 90265

Greetings Sara Wan:

Accessible San Diego is a non-profit information and resource center for travelers with disabilities and in full support of the U. S. S. Midway Museum at the Navy Pier.

On a personal note, as a retired Navy veteran with a 100% service connected disability I am passionate about an aircraft carrier museum in San Diego. I personally spent 3 long years on the U. S. S. Saratoga which is now a floating aircraft carrier museum in Rhode Island. A little known fact is that San Diego is the birthplace of the modern aircraft carrier, initially designed and tested in the waters off Coronado. Since that time millions of U. S. sailors have traveled the world on aircraft carriers keeping the sea lanes safe for Democracy. San Diego is also the birthplace of Accessible San Diego, another "First" as America's first information center for travelers with disabilities, of which I am the president.
Accessible San Diego is proud of the strong commitment of an accessible Midway Museum for all persons including those with disabilities. This will not be an easy project due to the age of the Midway and the architectural design. However, an ongoing effort will transcend all design improvements so the basic areas of the gangway ramp to the main deck and the aircraft hangars will be accessible.

The Midway Museum is a major Win-Win for San Diego and I appreciate your consideration and support of this project.

Sincerely,

Wes Johnson
President
WJ:fmp

cc: California Coastal Commission Staff

A Non-Profit Information and Resource Center for Travelers with Disabilities
P.O. Box 124526, San Diego, California 92112-4526 • (858) 279-0704 • Fax (858) 279-5118 • w[illegible]ccessandiego.org

Jaycor

3394 Carmel Mountain Road
San Diego, CA 92121

December 6, 2000

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DEC 0 7 2000
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Sara Wan,
Chair California Coastal Commission
22350 Carbon Mesa Rd.
Malibu, CA 92065

Dear Ms Wan:

I want to offer my support for the USS Midway at the Navy Pier in downtown San Diego Project. This program will benefit the entire San Diego community. It will provide the public with first-hand exposure to a slice of the Navy mission and life neither often experienced nor appreciated by our citizens. The San Diego community has consistently voiced overwhelming support of the Midway Project. In independent surveys, more than 8 out of 10 San Diegans support the project. The project has a sound financial, operations and maintenance plan behind it, a plan endorsed by the San Diego Taxpayers Association and other independent organizations. The Midway will be a unique education center and has the support of all San Diego teacher organizations and school administrations. In light of the USS Cole bombing, it's all the more important that the public fully appreciate the contributions and sacrifices made by those in uniform. The Midway will serve that vital role. The Midway is in the right place at the right time. I cannot overstate my support for this project.

Sincerely,

Frederic G. Ludwig, Jr.
Program Manager

Cc: North Embarcadero Visionary Plan
c/o California Coastal Commission Staff

San Diego Aircraft Carrier Museum
Attn: Riley D. Mixson

From: Don Senda
4036 La Jolla Village Drive
La Jolla, CA 92037-1428

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DEC 0 7 2000
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

To: Sara Wan, Chair
California Coastal Commission
22350 Carbon Mesa Rd.
Malibu, CA 90265

CC: North Embarcadero Visionary Plan
c/o California Coastal Commission Staff
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4402

Date: December 4, 2000

Dear Ms. Wan:

I am an environmentalist. I am one who believes that actions must be taken to assure that wildlife have adequate habitat so that they are not placed in peril as a direct result of human encroachment. I also believe that humans should take care when engaging in any enterprise which could potentially upset the balance of nature.

I also strongly support bringing the USS Midway to the Port of San Diego as a memorial and museum.

Incompatible positions? Not at all. First, we are not talking about a potential major environmental catastrophe here. Ships come and go from San Diego Harbor every day; the Midway would be permanently berthed at an already-existing pier for Navy ships. It would not be a source of pollution any more than the active ships that transit the harbor on a daily basis. Second, I have not seen nor heard any compelling evidence that the marine avians which presently take up residence in that area would be adversely affected. Third, those who believe the view into the harbor would be spoiled by the Midway's presence are apparently unaware of the fact that naval vessels have always been part of the skyline in San Diego Harbor. If anything, I feel that its magnificent presence would be a major enhancement.

Finally, as one who respects the sacrifices made by the men and women of our armed forces, I think it only proper that a Navy town like San Diego have a world-class museum and memorial to those men and women. This would be a most fitting and appropriate venue not only for a military museum and war memorial, but also an incredible educational asset for teaching children and adults alike history, technology, and, yes, even concern for the environment. How easy it is for us to forget that our basic right to raise our voices for issues like the environment are only made possible by those who would lay down their lives in defense of that basic right.

The Midway should ... indeed, must ... come to San Diego. It has this San Diego environmentalist's full and enthusiastic support.

Don Senda

December 6, 2000

RECEIVED
DEC 07 2000
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Sara Wan, Chair
California Coastal Commission
22350 Carbon Mesa Rd.
Malibu, CA 90265

RE: USS Midway

Dear Ms. Wan:

This letter is to inform you of my support for the USS Midway Museum at Navy Pier as part of the San Diego Embarcadero plan.

The United States, as a result of our unique location between two oceans, is a maritime nation. Our trade and resources must move on the seas. Wars have been fought to protect the Freedom of the Seas and this country stands ready to enforce that Freedom today via the United States Navy.

San Diego has been and still is home to the Pacific Fleet and can rightly be called "A Navy Town". A carrier museum dedicated to that Naval history could not be located in a more apropos setting. An overwhelming majority of San Diegans support the museum. The educational and recreational opportunities that the museum will provide will enhance the quality of life in San Diego. In addition, a carrier museum will serve to educate the public about past, present and future Untied States and Naval history.

The San Diego Council of the Navy League of the United States along with the National headquarters of the Navy League and many other public minded organizations are in full support of bringing this fine project to fruition.

Finally, I believe that the USS Midway Museum is a worthy project and deserves to be part of the San Diego waterfront.

Thank you for your support and please feel free to contact me at 619-286-1983 if you have any questions.

Sincerely,

Charlie Conatser

Charlie Conatser

Weaver Pacific Publications
A Weaver Information Group Company

7825 Fay Avenue, Su
La Jolla, CA 92037
Phone (858) 456-352
Fax (858) 456-8066

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CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

December 4, 2000

Ms. Sara Wan, Chair
California Coastal Commission
22350 Carbon Mesa Road
Malibu, CA 90265

Dear Ms. Wan,

As the official publisher for the San Diego Convention & Visitors Bureau, I am writing in support of bringing the USS *Midway* to San Diego as the San Diego Aircraft Carrier Museum. I feel the project is worthy of your approval for many reasons:

The historical significance of naval operations to San Diego. In addition to the long-standing ties between San Diego and the U.S. Navy and Marine Corps, the city has played a crucial strategic role in our national defense. It is only appropriate that a museum honoring aircraft carriers be based here. The *Midway*, with its illustrious career from WWII to the Persian Gulf, aptly symbolizes the importance of the military's contributions to our nation and region.

The educational and cultural contributions of such a facility. With its planned research/historical memorabilia centers and displays, touring and permanent exhibits, facilities for community and educational events and support from local school organizations, the carrier museum will bring 85 years of naval aviation to life for this and succeeding generations.

The economic impact of the museum on tourism. San Diego's third largest industry stands to benefit greatly. The location at Navy Pier will add a vital component to the North Embarcadero, complementing the existing ships of the nearby Maritime Museum while bringing a new multi-dimensional destination to the waterfront. Not only will the Midway exist as an entertainment complex for individuals, it will also provide a unique group meeting space in proximity to the expanded Convention Center.

The financial and environmental viability of the project. The proposed plan has already passed muster before a number of interested parties: The Navy has conditionally awarded the *Midway* to project organizers; the Port of San Diego has given its unanimous approval to the plan; a berth at Navy Pier has been secured; environmental impact studies completed to date have reported no significant negative impacts; private funding and other financing has been arranged; the plan is endorsed by the San Diego County Taxpayers Association, and eight out of ten San Diegans support the *Midway* at Navy Pier.

The only support for the project still outstanding is yours. I urge you and the other commissioners to approve this plan, for the benefit of the entire region.

Sincerely,

Peter J. Koclanes
President and CEO

cc: Coastal Commission staff
Sal Giametta, San Diego ConVis

HUGH L. WEBSTER
11237 PABELLON COURT
SAN DIEGO, CA 92124

RECEIVED
DEC 07 2000
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

December 5, 2000

North Embarcadero Visionary Plan
c/o California Coastal Commission Staff
7575Metropolitan Drive, Suite 103
San Diego, CA 92108-4402

To whom it may concern:

I fully support the USS MIDWAY at the Navy Pier in downtown San Diego. The project has a sound financial operation and maintenance plan behind it. More importantly, it will be a unique education center and has the sound support of all San Diego teacher organizations and school administrations.

USS MIDWAY was in commission during my military career and was an inspiration. Contributions and sacrifices were made every day by men and women in uniform. As a dedicated museum, this ship will continue to remind the public of the MIDWAY and will serve that vital role.

I recognize that this is the time to stand up and voice my support for the MIDWAY project.

Sincerely,

Hugh L. Webster
National Director
Navy League of the United States

Monahan Group, Inc.
3511 Camino Del Rio So., Suite 307
San Diego, California 92108
(619) 283-3550

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COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

5 December 2000

Sara Wan, Chair
California Coastal Commission
22350 Carbon Mesa Rd.
Malibu, CA 90265

Dear Ms. Wan,

It is my understanding that the Coastal Commission will in the near future consider approval of the Midway project as part of the North Embarcadero Visionary Plan. I am writing in support of making the USS Midway available to the citizens of San Diego.

My reason for support is a very personal one. I am a retired carrier aviator and departed on a carrier from San Diego for service in the Western Pacific in WW II, again to the Korean Conflict, and twice more to Viet Nam. For those of us that chose San Diego as our retirement home, we want to see our years of service to our country recognized in our Navy home. I want my grandchildren and their grandchildren to be able to visit a living memorial to the role that the Navy has played in defending the country.

I know that there are literally thousands of San Diegans that have looked across the harbor and seen the carriers that rest there between their journeys to the many areas of the world. Most of them have never been able to actually board one of these magnificent ships and would love to have that opportunity now.

Many of the other forward looking cities in the country, desiring to remember the service the carrier navy has contributed to our country, have welcomed carriers to their harbors. I hope that San Diego joins that group and can enjoy the Midway in the city.

Very truly yours,

A. E. Monahan

Alfred E. Monahan
Capt USN ret
President

BRADLEY W. NEMETH
9645 GRANITE RIDGE DRIVE, SUITE #225
SAN DIEGO, CALIFORNIA 92123-2660
(858) 571-2929 FAX: (858) 571-6121
E-MAIL: BRAD@BWNEMETH.COM

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COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

December 6, 2000

Sara Wan, Chair
California Coastal Commission
22350 Carbon Mesa Rd.
Malibu, CA 90265

RE: USS Midway

Dear Ms. Wan:

I am an attorney in private practice and also serve as Chairman of the Board of Pacific Ship Repair and Fabrication, Inc. This letter is to inform you of my support for the USS Midway Museum at Navy Pier as part of the San Diego Embarcadero plan.

As you are aware, the United States is a maritime nation. Our trade and resources move on the seas. The United States has gone to war to enforce the Freedom of the Seas and continues to enforce that Freedom via the United States Navy.

San Diego is a Navy town. A museum to that Naval Heritage could not be located in a more fitting place. An overwhelming majority of San Diegans support the museum. The educational and recreational opportunities that the museum will provide will enhance the quality of life in San Diego.

The location of the USS Midway Museum at Navy Pier is in support of the California Coast Act as contained in the California Public Resources Code. Section 30213 of the Resources Code provides that "lower cost visitor and recreation shall be... encouraged." Due to the sound financial backing of the Museum and the non profit status of the Museum, the Midway will be an affordable destination.

The San Diego Taxpayers Association and numerous other civic organizations have reviewed the plan and has come out in support of the plan.

In summary, the Midway deserves to be part of the San Diego plan. It will not only serve to enhance the quality of the recreational and educational opportunities in San Diego, it will serve as a living monument to the men and women who sacrifice and go to sea in

our ships to ensure our freedom and way of life.

Thank you for your support and should you have any questions, please feel free to give me a call.

Sincerely,

Bradley W. Nemeth
ATTORNEY AT LAW

Jack C. Randall
3751 Linda Vista Drive
San Marcos, CA 92069
(760) 727-1865

Vednesday, December 06, 2000

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CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

ara Wan, Chair
alifornia Coastal Commission
2350 Carbon Mesa Rd.
lalibu, CA 90265

ear Commissioner Wan:

am asking for the support of the California Coastal Commission for the evelopment plans for San Diego's North Embarcadero. The San Diego ommunity has consistently voiced overwhelming support of the Midway at Navy ier. The project has a sound financial, operations and maintenance plan behind . a plan endorsed by the San Diego Taxpayers Association and other ndependent organizations.

s planned location alongside Navy Pier, which has berthed Navy ships since efore WW II is itself historic as hundreds of thousands of sailors embarked their hips from that very location throughout the years.

s this will remain a Navy Pier, no deep water berthing for commercial shipping ill be lost to the maritime industry. In a way is in the right place at the right time. appreciate your time and attention.

incerely,

ack C. Randall

C: North Embarcadero Visionary Plan
o California Coastal Commission Staff
575 Metropolitan Drive, Suite 103
an Diego, CA 92108-4402

NORTH ISLAND FEDERAL CREDIT UNION
San Diego's Own

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San Diego, CA 92186-5833
Call Center: 619/656-1600
Web Site: www.nifcu.org

Sara Wan
California Coastal Commission
22350 Carbon Mesa Rd.
Malibu, CA 92065

November 28, 2000

Dear Ms. Wan



North Island Federal Credit Union as well as 8 out of 10 San Diegans enthusiastically supports the San Diego Aircraft Museum's efforts to bring the USS Midway to San Diego as a museum and to dock at the Navy Pier.

This museum will be a unique education center for the schools and is supported by all San Diego teacher organizations and school administrations.



The project has sound financial, operations and maintenance plans that have been endorsed by many independent organizations.

This is going to be an outstanding tourist attraction/museum that will cherished by the millions of tourist that visit San Diego yearly, and will reflect most favorably on the military services, San Diego and California.



I ask you to please approve the San Diego Aircraft Museum efforts to bring the USS Midway to San Diego.

A copy of this letter has been sent to the Coastal Commission Staff.

Sincerely,

Roger McTighe
Senior Vice President

Thomas C. Elliott
401 E Avenue
Coronado, CA 92118

December 7, 2000

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COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

North Embarcadero Visionary Plan
C/o California Coastal Commission Staff
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4402

To whom it may concern,

In January 2001, the California Coastal Commission will be considering the North Embarcadero Visionary Plan, which includes establishing the USS Midway as a memorial and tribute to all of those who have served our country faithfully, as an education center, and as a visitor attraction.

You may have heard of Midway Magic. Most magic is illusion. Pulling a rabbit out of the hat, etc. Midway Magic is real magic. Midway Magic was born on September 10th, 1945. Midway Magic was nurtured in the hearts and souls of her crew. Determination and imagination characterize Midway Magic.

The community of San Diego has consistently voiced its support of having the Midway at Navy Pier. They have felt the Magic. The project has a sound environmental, financial, operational, and maintenance plan. The Corporate and individual supporters have felt the Magic.

Imagine a place where the children of San Diego can go to experience Naval History, utilize the archives, and attend classes at the education center. Imagine a place where the visitors to San Diego line up to experience history and view a collection of naval memorabilia second to none.

We have already imagined it and it is the right thing at the right time. We have the determination to see it through. There are no ticket guaranties involved. No empty lots where a ball field may stand one day. There IS a ship standing by to continue its place in history. Won't you please feel the "Magic"?

Respectfully,

Thomas C. Elliott

cc: Sara Wan, Chair
California Coastal Commission
22350 Carbon Mesa Road
Malibu, CA 90265

Professional Event SOLUTIONS

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SAN DIEGO COAST DISTRICT
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December 7, 2000

Ms. Sara Wan, Chair
California Coastal Commission
22350 Carbon Mesa Rd.
Malibu, CA 90265

RE: The USS Midway

Dear Ms. Wan,

I would like you to know that I support the efforts of the North Embarcadero Visionary Planners in bringing the USS Midway to San Diego's Navy Pier. I truly believe that the economic impact generated by her presence will have a profound affect on our city. As an active member in San Diego's special events industry I view the addition of the Midway not only as a major attraction for tourism, but also as a unique event site for the meetings and conventions industry.

My wife is a local schoolteacher who also understands and supports the Midway project. Together we believe this floating museum can act as an educational center and historical timepiece.

Finally, San Diego has a deep appreciation for the military and their contributions to our country and our great city. I support those who want to make this legendary vessel a tribute to all in uniform that have sacrificed.

Sincerely,

Pierre Charmasson, CMP

www.proeventsolutions.com
3487 Noell Street San Diego, CA 92110 phone (619) 881-0209 fax [redacted] 299-5997

CACI

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December 6, 2000

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SAN DIEGO COAST DISTRICT

Ms. Sara Wan
Chair
California Coastal Commission
22350 Carbon Mesa Road
Malibu, California 92065

Dear Ms. Wan:

I understand that during the week of 8 January 2001, the California Coastal Commission will consider the berthing of the USS Midway as part of the North Embarcadero Visionary Plan.

As a retired Marine who gave this country thirty faithful years of service, I would like to express my desires to see the USS Midway as part of the great city of San Diego. I believe that she will enhance the city's tour industry and serve as a permanent education center for those who will see her.

Since San Diego is a military town, with both active and retired families, I know the families would also appreciate seeing this historical symbol as a floating museum that served this country for five decades.

Thank you in advance for your consideration regarding the matter.

Sincerely,

Samuel Flores

Vice President
CACI, Field Services Pacific, Inc.

cc: San Diego Aircraft Carrier Museum
Attn: Riley D. Mixson
1355 North Harbor Drive
San Diego, California 92101

North Embarcadero Visionary Plan
C/O California Coastal Commission Staff
7575 Metropolitan Drive, Suite 103
San Diego, California 92108

Lockheed Martin Corporation
San Diego Office
501 West Broadway, Suite 260 San Diego, CA 92101
Telephone 619-557-9130 Facsimile 619-557-9135

LOCKHEED MARTIN

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CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

December 5, 2000

Sara Wan, Chair
California Coastal Commission
22350 Carbon Mesa Road
Malibu, CA 92065

Dear Ms. Wan,

On behalf of the Lockheed Martin Corporation, we support having USS Midway at the Navy Pier downtown San Diego. It will be a unique training and education center for the children of San Diego and all of the visitors to our fine city. We believe that the project has a sound financial, operations and maintenance plan behind it.

We think that the public needs to fully appreciate the contributions and sacrifices made every day by those men and women in uniform. We feel that the Midway would serve that role. While we remain optimistic, we recognize this is the time for individuals and organizations to stand up and voice their support for the Midway Project. We at Lockheed Martin absolutely support the Midway Project.

Sincerely,

Jack C Clark
Executive Manager

Captain J. C. Ensch, USN (Ret.)
3448 Villanova Avenue
San Diego, CA 92122

cember 6, 2000

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CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

a Wan, Chair
lifornia Coastal Commission
350 Carbon Mesa Rd.
libu, CA 90265

ar Ms. Wan,

n writing to express my strong support for the proposal to establish the ex-USS MIDWAY as ermanent education center, patriotic tribute and visitor attraction at the Navy Pier in San go as a part of the North Embarcadero Visionary Plan. San Diego is the "Birth Place of val Aviation." Therefore, it is most appropriate that an aircraft carrier named for the battle that ned the tide for victory in the Pacific during World War II should serve as a symbolic minder of the sacrifices and triumphs of the patriots who have deployed from San Diego to ure our nation's freedom.

e citizenry of San Diego has consistently expressed its support of the Midway being placed at vy Pier. The San Diego Taxpayers Association and other independent organizations have lorsed the project as having a sound financial, operations and maintenance plan. San Diego cher organizations and school administrations support the project as a unique education center portunity. Midway will become a popular visitor attraction in a city with a rich maritime, ation and U. S. Navy history and will provide appropriate synergism with the Navy mecoming Statue and the aircraft carrier and Naval task force monuments already in place ng the embarcadero. Since it will be located at the Navy Pier there will be no loss of deep ter berthing to the San Diego maritime industry.

nile I feel very strongly that the Midway will be a definite asset to San Diego and California, he spirit of full disclosure, I must also acknowledge a personal relationship with the Midway. vas from the flight deck of the USS MIDWAY in May of 1972 that I launched on a combat ssion, which culminated in a fierce dogfight with six MIGs over North Vietnam. My pilot and ot down two of the MIGs and were awarded the Navy Cross for our action. It was from that ne flight deck in August of 1972 that I launched on another combat mission during which I s shot down and became a POW in North Vietnam for the remainder of the war.

. Wan, I ask that you consider favorably supporting the Midway project as part of the North barcadero Visionary Plan for San Diego. Thank you.

Ensch
ptain, USN (Ret.)

py to: California Coastal Commission Staff

San Diego

CONVENTION & VISITORS BUREAU

December 6, 2000

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CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Ms. Sara Wan, Chair
California Coastal Commission
22350 Carbon Mesa Road
Malibu, CA 90265

Dear Ms. Wan:

On behalf of San Diego's dynamic visitor industry, I urge your approval of the USS Midway project as outlined in the North Embarcadero Visionary Plan. The Midway will make a welcome addition to our waterfront and provide a much-needed tribute to the thousands of former and current military personnel who reside or have served in San Diego over the years.

In addition, the carrier museum will add significantly to San Diego's glowing reputation as one of the world's most desirable visitor destinations. As you may know, tourism is our county's third largest industry, generating approximately $5 billion annually for our local economy and providing more than 150,000 jobs for San Diego area residents.

The project, which enjoys tremendous support among a broad cross section of San Diegans, as well as numerous civic, service and academic organizations, will include historical memorabilia, a research center and facilities for community and educational events. In sum, the Midway will bring 85 years of naval aviation history to life for the enjoyment of San Diego's visitors and residents alike.

Again, on behalf of the San Diego Convention & Visitors Bureau and our region's visitor industry, I urge your support and approval of the USS Midway project proposed for Navy Field. Should you or your staff have any questions regarding the financial or environmental viability of this unique project, please do not hesitate to contact me at (619) 557-2831.

Sincerely,

Reint Reinders, CHA
President & CEO

RR/SG/cm

401 B Street, Suite 1400, San Diego, CA 92101-4237 • Telephone (619) 232-3101 • Fax (619) 696-9371
Internet: http://www.sandiego.org • *E-Mail:* sunshine@sdcvb.org
FUNDING PROVIDED BY OUR MEMBERS AND THE CITY, COUNTY AND PORT OF SAN DIEGO

Ronald O. Brown
9964 Bourbon Court, San Diego, CA 92131-1801 858 578-3274 ronbrown@uscg.net

December 2, 2000

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COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

North Embarcadero Visionary Plan
c/o California Coastal Commission Staff
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4402

Dear Sir or Madame:

I am writing to you to voice my strong support for the (now decommissioned) USS Midway being permanently moored in San Diego at Navy Pier. I earnestly believe that this attraction will greatly benefit the citizens of San Diego, both as a tremendous tourist attraction and as a museum. Most of all, it will serve as a tribute to those who bravely defended America during WWII and subsequent conflicts. The Midway will be a unique education center and carries the support of all San Diego Teacher organizations and school administrators. In San Diego, the project has the backing of nearly 80% of those polled.

It is my understanding that those who are spear-heading this project have fulfilled all of the financial, operational and maintenance requirements needed to bring the Midway to San Diego. The plan is endorsed by the San Diego Taxpayers Association and many other independent organizations.

I am a thirty-three year resident of San Diego. I retired this year as a sergeant from the San Police Department with twenty-three years of service, and currently serve as a commander in the U.S. Coast Guard Reserve (four years active duty and twenty-six years reserve). I believe my experience and involvement in the community have given me a good perspective on issues concerning this wonderful city. The acquisition of the USS Midway is truly a unique opportunity for the San Diego and I urge you to approve the plan. If you have any questions, please do not hesitate to contact me at the phone number or address listed above.

Sincerely,

Ronald O. Brown

Copy: Sara Wan, Chair
California Coastal Commission
22350 Carbon Mesa Rd.
Malibu, CA 90265

UNITED

December 06, 2000

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DEC 0 5 2000
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Ms. Sara Wan, Chair
California Coastal Commission
22350 Carbon Mesa Rd.
Malibu, CA 90265

Dear Ms. Wan:

The San Diego community has consistently voiced overwhelming support of the Midway at Navy Pier. In independent surveys, 8 of 10 San Diegans support the Midway at Navy Pier.

The project has a sound financial, operations and maintenance plan behind it, a plan endorsed by the San Diego County Taxpayers Association and other independent organizations. The Midway will be a unique education center and has the support of San Diego teacher organizations and school administrators.

In light of the USS Cole bombing, it's all the more important that the public fully appreciate the contributions and sacrifices made by those in uniform. The Midway will serve that vital role.

In addition to serving as a tribute to the military, the Midway project will make a welcome addition to the San Diego's visitor and convention and meetings industry, serving not only as a major new attraction, but also as an event site for visiting convention groups.

Sincerely,

Mike Gallagher
City Manager

Cc: Coastal Commission Staff

CDR David W. Bullard
11483 Ash Creek Place
San Diego, CA 92131-3754

December 6, 2000

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CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Sara Wan, Chair
California Coastal Commission
22350 Carbon Mesa Rd.
Malibu, CA 90265

Dear Ms. Wan:

I am writing to solicit your support of the San Diego Aircraft Carrier Museum's siting plan for the USS MIDWAY at Navy Pier in San Diego. I can't think of a better tribute to San Diego's proud heritage as the west coast's premier Navy home port than having MIDWAY permanently home ported here. For the thousands of proud veterans who make their home in San Diego, this would be a fitting reward for dedicated service to their country and fellow citizens.

In addition to the tremendous educational benefit of having an aircraft carrier open to the public for tours and educational programs, the value to San Diego as a tourist attraction would be immeasurable. I also believe that the MIDWAY would serve exceptionally well for reunions and gatherings of professional organizations dedicated to the support of the U.S. Navy, such as the Navy League, Navy Sea Cadets, Navy ROTC training programs, to name a few.

San Diego has played an integral role in the history of the Pacific Fleet, and will continue to do so in the future. Siting the USS MIDWAY in San Diego as an aircraft carrier museum would greatly enhance San Diego's position as the cradle of the Pacific Fleet and would be a fitting tribute to San Diego's veterans and active duty military alike. Please give this worthwhile project your strongest consideration and support!

Gratefully,

David W. Bullard
CDR, USNR Retired

cc: North Embarcadero Visionary Plan
c/o California Coastal Commission Staff

12425 Rue Cheaumont
San Diego, CA 92131

December 7, 2000

RE: USS Midway

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CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Ms. Sara Wan, Chair
California Coastal Commission
22350 Carbon Mesa Rd.
Malibu, CA 90265

Dear Ms. Wan,

Please consider this letter a strong Yes vote for the USS Midway project.

As a long time San Diego resident, I recognize the past, present and future role the military has played in our community. I also understand the importance of the Tourism Industry to our economy.

The USS Midway project honors our military heritage while concurrently providing a driver for our tourism engine.

I'm told 8 out of 10 San Diegans endorse this project. If that many residents favor it, then surely the project will benefit not only our community members but also the important visitor's who fuel our economic engine without fouling our bay and waterfront.

Thank you for your consideration.

Cordially,

Scott E. Hermes, CMP

CC: California Coastal Commission Staff

SAN DIEGO'S MV MISSION VALLEY TOURISM COUNCIL

P.O. Box 85098 • San Diego, California 92186-5098

December 6, 2000

Ms. Sara Wan, Chair
California Coastal Commission
22350 Carbon Mesa Rd.
Malibu, CA 90265

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COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Dear Ms. Wan,

I write today on behalf of the Board of Directors of the Mission Valley Tourism Council, a non-profit, mutual benefit corporation dedicated to delivering a quality guest experience to visitors to Mission Valley and to the entire San Diego Region. Mission Valley Tourism Council represents 28 separate lodging establishments, with over 6,000 hotel rooms delivering over $14 million in Transient Occupancy Taxes annually to the City of San Diego.

The Board of Director of the Mission Valley Tourism Council unanimously supports the establishment of the USS Midway as a permanent education center, visitor attraction and military tribute on San Diego Bay. We concur with the vast majority of San Diegans in our support for the placement of the USS Midway at the Navy Pier.

There is no more fitting home for the USS Midway than San Diego, a community with a rich naval heritage. The freedom we enjoy today was defended and preserved by the officers and crew of the USS Midway and other ships like her. She will stand in tribute to our liberty, guaranteed by the significant sacrifice of many. And she will serve as a unique educational center and hands-on learning experience for the children of our community. The USS Midway project has the support of San Diego teacher organizations and numerous school administrators.

Of overriding importance to our organization is that the USS Midway will be an important new addition to the local visitor industry. As a new attraction, the USS Midway will serve individual travelers and families as well as meeting and convention groups. Whether called an attraction, education center, or lasting tribute, a facility such as the proposed USS Midway project is long overdue in the great Navy town of San Diego. We respectfully request the approval of this project as presented before the California Coastal Commission.

Sincerely,

Michael H. McDowell, Executive Director
Mission Valley Tourism Council
Mission Valley, San Diego, California

Cc: Mission Valley Tourism Council Board of Directors
San Diego Convention & Visitors Bureau
California Coastal Commission Staff

ENJOY CALIFORNIA ENTERPRISES

December 7, 2000

Ms. Sara Wan, Chair
CALIFORNIA COASTAL COMMISSION
22350 Carbon Mesa Road
Malibu, CA 92065

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CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Dear Ms. Wan,

Please add the support of Lex Lyon and Enjoy California Enterprises to the U.S.S. Midway Project. As a destination management company based in San Diego since 1977, I have seen few attractions that have elicited as much excitement as this retired aircraft carrier.

In San Diego, there are few venues that can be utilized for groups over 350 people, especially in our cold weather-wet months of November – April. The U.S.S. Midway will provide a covered site that is educational, informative and which is a tribute to the men and women who have served in the U.S. Navy.

The San Diego tourist community is not the only segment backing this project. It is our understanding that almost 8 out of 10 San Diegans support the project at Navy Pier. And why not, it adds another important facet to our community while having a sound financial plan supporting it.

We hope that you will give this plan the full consideration that it deserves.

Sincerely,

Lex Lyon
President

LL/gm

cc: North Embarcadero Visionary Plan
Scott McGaugh – Executive Vice President, U.S.S. Midway Project

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San Diego County Hispanic Chamber of Comme

December 7, 2000

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COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Ms. Sara Wan, Chair
California Coastal Commission
22350 Carbon Mesa Rd.
Malibu, CA 90265

Dear Ms. Wan:

The San Diego County Hispanic Chamber of Commerce (SDCHCC) supports establishing the USS-Midway as a permanent education center and tribute to the men and women who served their country.

As a business organization, we appreciate the project's sound fiscal and operational plan. Moreover, as the demographics of the entire military have changed, the Hispanic community plays a critical role in the defense of the country. It is appropriate that the USS-Midway be present as a center to honor the many Hispanics that have served, and will continue to serve, their country

If you have any questions, please feel free to call me at (619) 702-0790.

Sincerely,

Robert Villarreal
Executive Director

Cc: Coastal Commission Staff
SDCHCC Board of Directors

e Secretary

ectors:

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irector:

al

Avenue, Suite 550 San Diego, California 92101 • 619-702-0790 • Fax: 619-696-3282 • www.sdc

NAVY LEAGUE OF THE UNITED STATES
2300 WILSON BOULEVARD
ARLINGTON, VIRGINIA 22201

JACK H. MORSE
PAST NATIONAL PRESIDENT

9 Dec 2000

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DEC 1 1 2000
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Honorable Sara Wan
Chair, California Coastal Commission

As a long time member, Board of Directors, Midway aircraft carrier Museum, I strongly request your support for the North Embarcadero Visionary Plan — specifically the issue concerning the placement of the USS Midway adjacent to the Broadway pier.

This has been an eight year battle on our part — step by step — $ by $ — please don't let us down now!

I was born in San Diego — Navy Vet — aviation — WW II & Korea — & know what it means to have this carrier on our Broadway pier —

Sincerely
Jack H Morse

cc: CALIF COASTAL COMM. STAFF - SAN DIEGO —

6125 TERRYHILL DRIVE, LA JOLLA, CALIFORNIA 92037 (858) 454-4581

Copy

K. N. "Dutch" Rauch
Box 1730
Vienna, VA 22180
(W) 301-757-9646 (Cell) 703-627-7811

2 December 2000

ıra Wan
.lifornia Coastal Commission
2350 Carbon Mesa Rd
lalibu, CA 90265

reetings,

ıave recently learned you will soon consider establishing ex-USS MIDWAY in San Diego, where ıe will serve as both a permanent education and visitor attraction center and tribute to both the ship ıd the Navy. I am writing to provide my strongest possible endorsement for such an undertaking.

s a former MIDWAY sailor, a career Naval Aviator and former San Diego resident, I can think of no ıer project than one that will bring such a positive asset as ex-MIDAY to the public, especially in ın Diego. San Diego is a uniquely multi-cultural and multi-interest town – and it has always been a avy Town. This effort provides very fitting testimony to that vital Navy link.

ınow the support for this effort is strong, starting with sound fiscal and operations/maintenance ans, all endorsed by the San Diego Taxpayers Association and many other, independent ganizations. More, the local educational organizations and schools have all expressed their support, ıturally and especially for the educational aspects ex-MIDWAY will provide. Special interest groups ide, the San Diego Community as a whole have voiced overwhelming support, the latest expression ing more than 80% in favor.

ıis project also extends far beyond the inward-looking aspects of establishing ex-MIDWAY as an lucation and visitor attraction. Even more important, it will give a dignified home to a gallant arrior, which will forever honor its service, the countless thousands who have served in her and the hole of the Naval Service.

ıost strongly support the establishment of ex-MIDWAY in San Diego and hope to be one of her first sitors – I truly look forward to the opportunity to be aboard my old "home" next I am in San Diego.

I wish you the very best in this noble effort,

K. N. "Dutch" Rauch
Captain, US Navy (ret)

opy to: North Embarcadero
Visionary Plan

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CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

K. N. "Dutch" Rauch
Box 1730
Vienna, VA 22180
(W) 301-757-9646 (Cell) 703-627-7811

2 December 2000

North Embarcadero Visionary Plan
c/o California Coastal Commission Staff
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4402

Greetings,

I am pleased and proud to provide a copy of my letter to Sara Wan, which states my strongest possible endorsement for bringing ex-MIDWAY to San Diego.

This is a most worthy project and I wish you God speed in completing it.

Most sincerely,

K. N. "Dutch" Rauch
Captain, US Navy (ret)

Mesa
DISTRIBUTING CO., INC.

December 7, 2000

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CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Ms. Sara Wan, Chair
California Coastal Commission
22350 Carbon Mesa Road
Malibu, CA 90265

Dear Ms. Wan:

I am writing to you today to ask for your support to establish the ex-USS Midway as a permanent education center, tribute and visitor attraction in San Diego. As you may be aware, the San Diego community has consistently voiced overwhelming support of the USS Midway at Navy Pier, with 8 out of 10 San Diegans supporting the project.

The proposed San Diego Aircraft Carrier Museum will not produce significant environmental impacts that cannot be mitigated, according to the draft EIR for the entire North Embarcadero. In addition, the project has a sound financial, operations and maintenance plan behind it.

In light of the recent USS Cole bombing, it's all the more important that the public fully appreciates the contributions and sacrifices made by those in uniform. In addition to serving as a tribute to the military, the USS Midway project will make a welcome addition to San Diego's visitor, convention and meetings industry. The site will not only serve as a major new attraction, but also as an event site for visiting convention groups. The USS Midway will also serve as a unique education center, and has the support of San Diego teacher organizations and school administrators.

In closing, I encourage you to join the San Diego County Taxpayers Association and other independent organizations that have endorsed the USS Midway project as part of the North Embarcadero Visionary Plan.

Sincerely,

Dominique K. Alessio
Director of Community Relations

Cc: Coastal Commission Staff
San Diego Convention & Visitors Bureau

8870 LIQUID COURT • SAN DIEGO, CALIFORNIA 92121 • (619) 452-2300 • FAX (619) 45

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COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

EPISCOPAL COMMUNITY SERVICES

December 5, 2000

Ms. Sara Wan, Chair
California Coastal Commission
22350 Carbon Mesa Rd.
Malibu, CA 90265

Dear Ms. Wan,

On behalf of Episcopal Community Services (ECS), I wish to lend my support to the campaign to establish a permanent education and visitor center on the ex- USS Midway in San Diego.

This plan has the support of numerous independent organizations, as well as that of San Diego teachers' associations and school administrators. We at ECS believe that such a center will further enhance education in our city, and serve as a fitting tribute to the members of the armed forces who have been a vital part of our community throughout its history.

Sincerely yours,

Robert B. Morris
Vice President, Development

cc: California Coastal Commission Staff
San Diego Convention and Visitors Bureau

ECS Administrative Center ◆ 3565 Seventh Avenue
Post Office Box 33168 ◆ San Diego, California 92163-3168
TEL 619-260-8100 ◆ FAX 619-260-8101

SDSU
n Diego State University

Office of the Dean
College of Professional Studies and Fine Arts
San Diego State University
5500 Campanile Drive
San Diego CA 92182-4512
TEL: 619-594-5124
FAX: 619-594-6974

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DEC 11 2000
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

December 5, 2000

Ms. Sara Wan, Chair
California Coastal Commission
22350 Carbon Mesa Road
Malibu, CA 90265

Dear Ms. Wan:

I am writing in support of the ex-USS Midway as a permanent education center, tribute and visitor attraction in San Diego at Navy Pier. The Midway will be a unique education center and has the support of the San Diego teacher organizations and school administrators.

The Midway project will enhance the attractions in San Diego and benefit our local economy serving as a unique tool for our San Diego Convention & Visitors Bureau. It will not only serve as a major new attraction, but also as an event site for visiting convention groups.

Please include my vote of support in approving this worthwhile venture.

Sincerely,

Joyce Gattas

Joyce M. Gattas, Dean

JG:dm

Cc: California Coastal Commission Staff
Sal Giametta, Vice President of Community Relations,
San Diego Convention and Visitors Bureau

Ms. Sara Wan, Chair
California Coastal Commission
22350 Carbon Mesa Rd.
Malibu, Ca. 90265

RECEIVED
DEC 11 2000
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Re: USS Midway Museum

December 7, 2000

Dear Ms. Wan,

As a businessman who spent 25 years involved with the redevelopment of Downtown San Diego, as well as an ex-Naval Officer, I am excited with the prospect that your Commission will soon approve the Midway Museum at Navy Pier.

While my principal residence is in Los Angeles, I have for most of my adult life envied The coastal communities of San Francisco and San Diego. While at Berkeley, in the late 60's, I was concerned with the preservation of the bay, aware of the Navy's presence at Alameda, Hunter's Point, Treasure Island and Vallejo. What the Bay Cities and Navy have accomplished since then is remarkable. This includes a Carrier Museum at Alameda, such as ones in New York and Charleston.

Now, after much planning and community support, the City of San Diego is ready for their museum. It is very fitting for this "Navy Town" to have this remarkable opportunity; both because of the thousands of retired Naval Personnel here, but also because the U.S.S. Midway was stationed here.

Fifty-nine years ago today, my father was a ship's clerk in the U.S. Navy. Fifteen years later he had risen to become "Air Boss" on the Midway's sister ship U.S.S. Roosevelt. What a wonderful opportunity we have to pay tribute to all of the men, such as my father, who served their country in the United States Navy throughout it's glorious past.

Thank you for your time and consideration.

Sincerely,

Alan Kirkpatrick
cc. Coastal Commission Staff
San Diego Aircraft Carrier Museum

Mesa
DISTRIBUTING CO., INC.

December 7, 2000

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CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Ms. Sara Wan, Chair
California Coastal Commission
22350 Carbon Mesa Road
Malibu, CA 90265

Dear Ms. Wan:

I am writing to you today to ask for your support to establish the ex-USS Midway as a permanent education center, tribute and visitor attraction in San Diego.

As you may be aware, the San Diego community has consistently voiced overwhelming support of the USS Midway at Navy Pier, as part of the North Embarcadero Visionary Plan. Independent studies have shown that 8 out of 10 San Diegans support the USS Midway at Navy Pier.

The USS Midway will also serve as a unique education center, and has the support of San Diego teacher organizations and school administrators. In light of the recent USS Cole bombing, it's all the more important that the public fully appreciates the contributions and sacrifices made by those in uniform.

In addition to serving as a tribute to the military, the USS Midway project will make a welcome addition to San Diego's visitor, convention and meetings industry. The site will not only serve as a major new attraction, but also as an event site for visiting convention groups.

The proposed San Diego Aircraft Carrier Museum will not produce significant environmental impacts that cannot be mitigated, according to the draft EIR for the entire North Embarcadero. In addition, the project has a sound financial, operations and maintenance plan behind it.

In closing, I encourage you to join the San Diego County Taxpayers Association and other independent organizations that have endorsed the USS Midway project.

Sincerely,

Patrick Connors
Vice President, Marketing

Cc: Coastal Commission Staff
San Diego Convention & Visitors Bureau

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Liquid Investments Inc.

December 5, 2000

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COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Ms. Sara Wan, Chair
California Coastal Commission
22350 Carbon Mesa Road
Malibu, CA 90265

Dear Ms. Wan:

I am writing to you today to ask for your support to establish the ex-USS Midway as a permanent education center, tribute and visitor attraction in San Diego.

As you may be aware, the San Diego community has consistently voiced overwhelming support of the USS Midway at Navy Pier, as part of the North Embarcadero Visionary Plan. Independent studies have shown that 8 out of 10 San Diegans support the USS Midway at Navy Pier.

The USS Midway will also serve as a unique education center, and has the support of San Diego teacher organizations and school administrators. In light of the recent USS Cole bombing, it's all the more important that the public fully appreciates the contributions and sacrifices made by those in uniform.

In addition to serving as a tribute to the military, the USS Midway project will make a welcome addition to San Diego's visitor, convention and meetings industry. The site will not only serve as a major new attraction, but also as an event site for visiting convention groups.

The proposed San Diego Aircraft Carrier Museum will not produce significant environmental impacts that cannot be mitigated, according to the draft EIR for the entire North Embarcadero. In addition, the project has a sound financial, operations and maintenance plan behind it.

In closing, I encourage you to join the San Diego County Taxpayers Association and other independent organizations that have endorsed the USS Midway project.

Sincerely,

Ron Fowler
President / CEO

Cc: Coastal Commission Staff
San Diego Convention & Visitors Bureau

8870 Liquid Court • San Diego, California 92121 • (858) 452-2300 • Fax (858) 452-9043

1255 Imperial Avenue, Suite 1000
San Diego, CA 92101-7490
(619) 231-1466
FAX (619) 234-3407

September 28, 2000

RECEIVED
OCT 1 6 2000
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

AG 260, LEG 460 (PC 30100)

California Coastal Commission
3111 Camino Del Rio North, #200
San Diego, CA 92108

Dear Members of the California Coastal Commission:

Subject: NORTH EMBARCADERO ALLIANCE VISIONARY PLAN

The North Embarcadero Visionary Plan proposes to redevelop existing areas within the North Embarcadero with a variety of uses and amenities that will attract people to the downtown San Diego waterfront. Access to this redevelopment area is critical to the success of the project. There is currently a high level of public transit service, both bus and light rail, to the North Embarcadero area—and we envision more transit service as the area redevelops.

As a result, public transit can, and will have to, play a significant role in providing access to the North Embarcadero redevelopment plan. When the North Embarcadero Alliance Visionary Plan item comes before the Coastal Commission, we are requesting that the Commission endorse incorporation of transit facilities and services into the North Embarcadero Project.

The San Diego Metropolitan Transit Development Board (MTDB) has been working with the North Embarcadero Alliance to ensure that facilities for public transit, particularly bus terminal facilities within the plan area, are integrated into the North Embarcadero Visionary Plan. Currently, 23 bus routes, the San Diego Trolley, and the Coaster Commuter Rail directly serve the North Embarcadero Plan area. These services radiate out from the waterfront and travel throughout the region. Many of these routes serve outlying park-and-ride facilities that could be used as remote parking for Embarcadero redevelopment, negating the need for expansive parking facilities in the Embarcadero area. Since 18 of the 23 routes serving the area terminate there, full accommodation of bus terminal facilities (either on- or off-street) will need to be part of the Visionary Plan design.

Integration of transit into the plan and redevelopment project will provide a viable alternative to the automobile for access to the Embarcadero and can help address parking and traffic issues associated with the Plan. In the past, the Coastal Commission has shown an interest in promoting alternative modes of transportation to coastal areas to reduce traffic and parking impacts and to provide public access to the coastal resources. Ensuring and promoting public transit in the North Embarcadero redevelopment area will support the Coastal Commission's access and coastal preservation goals.

We are looking forward to working with the North Embarcadero Alliance to incorporate transit facilities into the Visionary Plan to support access to the area. We therefore seek Coastal Commission endorsement of transit as a viable and necessary component of the North Embarcadero Visionary Plan.

Sincerely,

Leon Williams
Chairman

BStoke
L-COASTALCOM.TBATES

cc: North Embarcadero Visionary Plan Alliance
Alexandria Elias, CCDC

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COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

December 6, 2000

Sara Wan, Chair
California Coastal Commission
22350 Carbon Mesa Road
Malibu, CA 90265

Re: Midway Project

Dear Ms Wan:

This letter is to indicate my support for the subject project.

The Midway will serve as an educational tool for students and public alike. It will remind those who tour her of the role San Diego played in supporting our military and the contributions and sacrifices made in the name of freedom.

It is a worthy project.

Thank you for your consideration.

Sincerely,

Dick Long

Dick Long
President

Cloud 9 Shuttle
SAN DIEGO'S SHUTTLE

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COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

December 10, 2000

Sara Wan, Chair
California Coastal Commission
22350 Carbon Mesa Rd.
Malibu, CA 90265

Dear Ms. Wan:

Several years ago the community of San Diego came together under the leadership of City, County, Port District and US Navy officials as well as San Diego's Center City Development Corporation, to forge a regional government solution for land use along San Diego's North Embarcadero. After rough, hard and long battles and negotiations, this multi-governmental body forged a vision consistent with what the Alliance found to represent the highest and best use of our land along the waterfront: creation of a maritime museum with the retired USS Midway was one of the cornerstones of that vision.

It is important to note that the land area surrounding the designated berth for the Aircraft Carrier Museum is currently a park/promenade dedicated solely to Naval history. There are currently three monuments in the tree lined park dedicated to this historic Navy area. One is a granite memorial to the Naval heroes involved in the Battle of Leyte Gulf; another is a wonderful depiction of a sailor's homecoming to Navy Pier with the sailor, his wife and children; and the third and last monument is an obelisk, dedicated as the Aircraft Carrier Memorial with a saluting sailor - how fitting that it sits immediately in front of the Navy pier agreed upon by the Alliance for the Aircraft Carrier Museum.

There are many reasons, of which you are no doubt aware, for keeping this first project of the visionary plan intact. It is very popular with the people of San Diego, 80% believe the view of a Navy ship at "Navy Pier" *IS* the view; the project is financially sound and will bring environmentally friendly commerce to the waterfront; and it will be an invaluable education venue for students and American families. But, in my opinion, the most significant reason to support the Aircraft Carrier Museum is its symbolism. ***It symbolizes freedom, patriotism and our cherished way of life.*** Sure it may deter the view a little, but, by the same token, so does the Statue of Liberty in New York harbor, the USS Constitution in Boston, the Liberty Bell in Philadelphia and the beautiful memorial monument overshadowing the USS Arizona in Honolulu. ***The view of "freedom" is important to all Americans - let's preserve it.***

Please support the San Diego North Embarcadero Visionary Plan - especially the Aircraft Carrier Museum embodied in the USS Midway.

Sincerely,

John S. Hawkins

John S. Hawkins
President

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1-877-4 MY BOSS (1-877-469-2677)
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PSC-TCP9512-P ICC-MC 276299-C

OLD TOWN TROLLEY TOURS

A Subsidiary of Historic Tours of America - *The Nation's Storyteller*.. www.historictours.com
2115 Kurtz Street • San Diego, CA 92110 • (619) 298-8687 • Fax: (619) 298-3404

December 12, 2000

COPY

RECEIVED
DEC 1 8 2000
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Ms. Sara Wan, Chair
California Coastal Commission
22350 Carbon Mesa Road
Malibu, CA 90265

Dear Commissioner Wan:

I am writing this letter to give full support to the San Diego Aircraft Museum and the proposal known as the North Embarcadero Visionary Plan.

Old Town Trolley Tours of San Diego is a subsidiary of Historic Tours of America, which is presently the largest privately owned operator of specialty vehicles in the nation. As exhibited with our Boston Tea Party Ship on Boston Harbor, our mission is to tell the nation's story from the perspective of each individual city we operate in. Since 1989, we have toured literally millions of guests on our historic trolley tours of San Diego since 1989. In addition, under an exclusive permit with the United States Navy, we presently operate Military Base Tours of *Naval Station San Diego, Naval Station Coronado*, and *Naval Station Point Loma*.

Today, San Diego is the Largest Military Complex in the world. San Diego is also the historic root of US Naval Aviation. The first American aircraft carrier, the U.S.S. Langley CV1, was stationed here in San Diego. In addition, the first American naval aviator, T.G. Ellison, was trained and certified right here on North Island Naval Air Station. Throughout modern history, a large percentage of our nation's naval personnel trained here in San Diego. For all of this historic significance, however, San Diego surprisingly does not have a living museum to give a suitable tribute to our City's most significant contribution to our country.

With this background, we can unequivocally say that San Diego is the right location for the Midway and its designated site on the North Embarcadero Visionary Plan is the ideal location for this treasure. For the last eight years the Midway Aircraft Carrier Group nad worked diligently to bring this museum here. They have interfaced with the North Embarcadero Visionary Plan. They have qualified in every requirement of the U.S. Navy. They have complied with all of the Federal, State and local environmental requirements. They have even received the unanimous endorsement of the San Diego Unified Port Commissioners. They have raised over $5 million in cash, pledges and loans, and have over 86% of San Diegan's support.

With the final milestone of the California Coastal Commission review approaching, we respectfully urge your approval of the Midway Aircraft Carrier Museum and the North Embarcadero Visionary Plan.

Sincerely,

Lorin Dai Ming Stewart
General Manager

The TULLAMORE Corporation

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DEC 1 8 2000
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

December 11, 2000

Ms. Sara Wan, Chair
California Coastal Commission
22350 Carbon Mesa Road
Malibu, CA 90265

Dear Ms. Wan,

I respectfully ask for your support in bringing The Midway to San Diego to serve as a Naval Aviation Museum.

With The Midway in San Diego a wondrous educational venue will be readily accessible to the children of California.

The North Embarcadero Visionary Plan should receive its final approval from your committee. It is my earnest prayer that you lead The Coastal Commission in giving its final approval to moor The Midway at the south side of Navy Pier.

Very respectfully,

Dr. Warren G. Cormier
Special Consultant

Cc: North Embarcadero Visionary Plan
C/o California Coastal Commission Staff
7575 Metropolitan Dr., Suite 103
San Diego, CA 92108

David Flohr
1852 Circo Del Cielo Drive
El Cajon, CA 92040

December 12, 2000

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DEC 13 2000
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

SARA WAN, CHAIRPERSON
CALIFORNIA COASTAL COMMISSION
22350 Carbon Mesa Road
Malibu, CA 90265

Dear Chairperson,

San Diego has been a "NAVY" town for almost one hundred years. Sadly, not at anytime in that period have Americans who came to San Diego been given an opportunity to touch and feel the ethos of the shipboard or carrier experience, as lived by millions of Americans in five international episodes. Where else but San Diego should this opportunity be made available? As a City greatly flavored by the Navy and Navy personell, huge local satisfaction will result. But there are millions of would be visitors to
San Diego who will come, visit and thereafter understand and be forever touched by their day aboard the MIDWAY. And their experience will touch thousands of others.

Please honor the Navy, those who have served and our great "NAVY" town by moving the Midwasy to Navy pier forthwith.

Respectfully,

James G. Knox

Marriott
HOTELS · RESORTS · SUITES
San Diego Marriott Hotel & Marina
333 West Harbor D
San Diego, CA 921

Ray Warren
General Manager
619/230-8900
619/230-8996 Fax

December 11, 2000

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DEC 13 2000
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Ms. Sara Wan, Chair
California Coastal Commission
22350 Carbon Mesa Rd.
Malibu, CA 90265

Dear Ms. Wan:

In January 2001 I understand the California Coastal Commission will be considering the USS Midway as part of the North Embarcadero Visionary Plan.

As General Manager of the San Diego Marriott Hotel & Marina I fully support this project at Navy Pier. It will be a unique attraction and education center for all of our guests to enjoy as well as the entire San Diego community.

Thank you for your consideration in bringing the ex-USS Midway to San Diego.

Cordially,

Ray Warren
General Manager

RW/peb

James W. Gavin

December 12, 2000

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DEC 13 2000
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Ms. Sara Wan, Chair
California Coastal Commission
22350 Carbon Mesa Road
Malibu, CA 90265

Madam Chairperson

The Gavin family would like to take this opportunity to express our support for the proposed USS Midway Museum in San Diego Bay.

What better way to recognize the many contributions of Naval Aviation to Southern California and San Diego than a carrier museum? Many generations of Californians have benefited from the military presence in our state and we feel that the USS Midway presents a wonderful opportunity to begin preserving some of that heritage for future generations.

I have had the opportunity to visit two existing carrier museums, the USS Intrepid in New York and the USS Lexington in Corpus Christi and have experienced first hand, the reactions of the visitors, young and old. There is something wonderful listing to the recollections of older generations being passed on to wide-eyed youngsters, or watching teen-agers from the inner city, fascinated, actually walking around, onboard, a real aircraft carrier complete with airplanes.

The carrier represents a real live exhibit, affordable, educational entertainment for the whole family. An exhibit where the visitor can actually feel the history that has taken place there. Unlike the sterile environment of most traditional museums, the carrier allows the individual visitor, young and old alike to vicariously participate in her history.

Having reviewed the proposed San Diego North Embarcadero Visionary Plan and the location of the USS Midway therein, we feel that is compatible and complimentary to the overall plan.

As a matter of record, neither my wife, or I, are present or former Naval Aviators, just concerned coastal inhabitants that would like to see a proper tribute to the contribution of the men and women past and present who have served their country.

Thank you for your consideration in this matter.

James W. Gavin
fac / California Coastal Commission Staff

PO Box 1529 ~ Rancho Santa Fe , Ca 92067 ~ 858-756-4645 phone/fax

Gaylord L. Stickney
2295-73 Needham Rd.
El Cajon, CA 92020-1344
619-448-9967

December 9, 2000

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DEC 13 2000
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Sara Wan, Chair
California Coastal Commission
22350 Carbon Mesa Rd.
Malibu, CA 90265

North Embarcadero Visionary Plan
C/O California Coastal Commission Staff
7575 Metropolitan Dr., Suite 103
San Diego, CA 92108-04402

Dear Sara Wan

I am a native of San Diego. This city has a naval history and the Midway at Navy Pier would honor this 75 years partnership.

My Lions Club sponsors a night aboard the Star of India, a historical clipper ship, which is a successful program for these fifth graders. It is my understanding that an educational opportunity free of charge will be offered to 40,000 San Diego area high school students.

The citizens of San Diego according to a recent survey gave overwhelming support to the Midway project. This museum will honor the many sailors who are or have served our country.

Your time and consideration is appreciated in bringing this project to completion.

Sincerely

Gaylord Stickney

Herbert Fulda
3633 Indiana St. #10
San Diego, CA 92103
12/12/2000

Embarcadero Visionary Plan
› California Coastal Commision
75 Metropolitan Dr. Suite#103
›n Diego, CA 92108 - 04402

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DEC 1 4 2000
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

› Whom It May Concern:

/ould like to make it known that I am very enthusiastically favor for the decommissioned aircraft carrier U.S. Midway ›ing brought to San Diego. The idea of the historical warship to be ›nverted to living museum is an excellent idea.
y dad, having both served in the Navy when there was iron men" and vooden" ships, took me as a boy to see the new aircraft carrier Saratoga hen it visited San Francisco Bay. I never forgot!
Oakland California can have a carrier serving as living museum, why ›n't San Diego?
housands of sevice people passed through San Diego during 5 wars uring the 20th Century and some lost their lives. The U.S.S. Midway ill commemerate their sacrifice.
he Midway will serve as a marvelous learning resource for both young nd old and will be another great reason for visiting San Diego.
gain, please approve the converting of the carrier Midway and allow it to e on site in San Diego.

Sincerely yours,

Herbert Fulda

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OSCAR PADILLA
MEXICAN INSURANCE

Celebrating 50 Years!

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COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

December 11, 2000

Ms. Sara Wan, Chair
California Coastal Commission
22350 Carbon Mesa Rd.
Malibu, CA 90265

Dear Ms. Wan:

Re: USS Midway Museum

The purpose of this letter is to respectfully request your approval of the USS Midway Museum for San Diego Bay when it comes before your august commission in January, 2001.

The museum will serve as a noble commemoration to the thousands of service personnel who sailed from San Diego to fight in five war's of the twentieth century for America's freedom.

The USS Midway Museum will provide a superb educational venue to about 40,000 San Diego High School students free of charge each year.

Your support will help to maintain the memory of the thousands of gallant men who went to sea to do battle to help preserve and maintain our American heritage.

Respectfully,

Oscar Padilla
OP/em

cc to: North Embarcadero Visionary Plan
c/o California Coastal Commission Staff
7575 Metropolitan Dr., Suite 103
San Diego, CA 92108-04402

Bcc to: Mr. David Flohr
Cmdr., U.S. Navy (Ret.)

OSCAR PADILLA MEXICAN INSURANCE SERVICES, INC.
120 Willow Road San Ysidro, CA 92173
(619) 428-3628 Fax (619) 428-8724

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December 12, 2000

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CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Ms Sara Wan, Chair
California Coastal Commission
22350 Carbon Mesa Rd.
Malibu, CA 90265

Dear Commissioner Wan:

We, the undersigned Directors of the San Diego Aircraft Carrier Museum, hereby unanimously and enthusiastically endorse the proposal known as the North Embarcadero Visionary Plan, with its cornerstone feature, the Midway Aircraft Carrier Museum.

We have worked hard during the last eight years to make real the vision of an aircraft carrier museum in San Diego. We have actively participated in creating the North Embarcadero Visionary Plan --- a four-year process. We have qualified in every respect with the U.S. Navy's requirements. We are also fully complying with all Federal, State, and local environmental requirements. And we have the unanimous endorsement of San Diego's Unified Port Commissioners.

The $5 million we have raised in cash, pledges, and loans is testimony of the enthusiastic support of San Diegans for the Midway Aircraft Carrier Museum --- shown by professional polls to be 86%.

We come now to the final milestone in this hard-fought effort: approval by the California Coastal Commission.

With whole-hearted sincerity and the utmost confidence in your sense of duty and responsibility to the citizens of San Diego, including both present and future generations, we respectfully ask for your approval of Midway Magic and all the wondrous features that term implies for San Diego's future.

Raymond Burk
United States Navy, Rear Admiral (Ret.)
San Diego Unified Port District, Port Commissioner Emeritus

Alan K. Uke
Underwater Kinetics, Chairman
SDACM, President & Founder
Boy Scouts Of America, San Diego County

1355 North Harbor Drive, San Diego, CA 92101, (619) 702-7700, Fax (619) 238-1200

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12/11/00

FROM: Donald D. Frankel, CAPT., USN (Ret.)

TO: Madam Chairperson, California Coastal Commission
22350 Carbon Mesa Road
Malibu, CA 90265

SUBJECT: USS MIDWAY MAGIC

When I was a Boy Scout, during WW-2, I waved "goodbye" to my older brother, as he headed out to the Pacific for about two years. He returned, but many of his fellow soldiers did not. There is no way I can fully describe our feelings as we prayed for that return and when we met him at the train station (1945).

In the following wars and hostilities, the same feelings came to those whose family or friends were involved in military operations; however, the much smaller numbers of military participants have changed the feelings of many Americans. The new generations, now, generally have little knowledge or appreciation of those who have served their country. (This problem has expanded into our governmental representatives, resulting in dangerous "down-sizing).

The establishment of the Midway Project will be a tremendous step toward the education of children and younger citizens, so that they will understand-appreciate what has happened and what could happen again. With the USS Midway alongside San Diego's Navy Pier, the younger citizens will be informed that they have just walked on the very same pier from which, hundreds at a time, Americans in the services departed to serve their country, many never to return.

There are many other reasons to locate the USS Midway at the Navy Pier. I urge the California Coastal Commission to approve the USS Midway Magic Project.

Respectfully,
Donald D. Frankel
Donald D. Frankel, CAPT., USN (Ret.)

cc: North Embarcadero Visionary Plan
California Coastal Commission Staff
7575 Metropolitan Dr., Ste. 103
San Diego, CA 92108-04402

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San Diego, Inc.
an Diego City & County
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19-234-9965

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19-234-6161

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SAN DIEGO COAST DISTRICT

December 12, 2000

Ms. Sara Wan, Chair
California Coastal Commission
22350 Carbon Mesa Road
Malibu, CA 90265

Dear Ms. Wan:

It is my understanding that the California Coastal Commission will meet in January 2001 to consider the Midway project as part of the North Embarcadero Visionary plan.

I believe establishing the ex-USS Midway as a permanent education center, tribute, and visitor attraction in San Diego would be good for San Diego's tourism industry. The facility would be beneficial used as a convention/meeting site. This would definitely benefit the transportation businesses, and truly be a tribute to our military since we are a military town and have such a large home fleet.

I encourage you to vote in favor of the Midway in San Diego.

Sincerely,

Susan L. Watson
Vice President/General Manager

SLW:oms

Cc: California Coastal Commission Staff

619-239-8061 • FAX: 619-234-3628 • 639 Thirteenth Street, San Diego CA 92101

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COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

RICHARD R. GRIDER
1827 CIRCO DEL CIELO DRIVE
EL CAJON, CA 92020

Sara Wan, Chair
California Coastal Commission
22350 Carbon Mesa Road
Malibu, CA 90265

As you review the North Embarcadero Visionary Plan and the Midway Museum please consider the impact of this wonderful memorial to the many men and women who have served our country so well.

As an educational site, the benefits for students and tourists alike would be outstanding.

I would be proud to share it with my grandchildren. It is so difficult for young people in these times to imagine the environment of fighting warships and what their ancestors experienced in the defense of our country and their valiant fight for freedom.

Sincerely yours,

Richard R. Grider
c.c. North Embarcadero Visionary Plan
c/o California Coastal Commission Staff
7575 Metropolitan Dr., Suite 103
San Diego, CA 92108 04402

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6 Dec 00

From: Deputy Chief of Naval Operations, (Plans, Policy and Operations) (N3/N5)
To: Sara Wan, Chair California Coastal Commission 22350 Carbon Mesa Road, Malibu, California 92065

Subj: SUPPORT IN THE CASE OF USS MIDWAY PROJECT

1. The USS MIDWAY Project has earned my total support and the strongest endorsement I can offer. The People of San Diego have demonstrated a tremendous amount of support for the USS MIDWAY to be pier-side at Navy Pier in San Diego. The USS MIDWAY Project has a sound financial, operations and maintenance plan behind it, a plan endorsed by the San Diego Taxpayers Association and other independent organizations.

2. It is imperative that the public fully appreciates the contributions and sacrifices made on a daily basis by the men and women in uniform. The USS MIDWAY will serve that vital role. Further more the USS MIDWAY is a very powerful historic and educational tool and has earned the support of all San Diego teachers' organizations, and school administrations.

3. Thank you for your time and consideration on this unique and essential project.

T. J. Keating
VADM USN

Copy to:
North Embarcadero Visionary Plan
C/o California Coastal Commission Staff
7575 Metropolitan Drive, Suite 103
San Diego, California 92108-4402

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SAN DIEGO COAST DISTRICT

HILLTOP HIGH SCHOOL
"A California Distinguished School"
555 Claire Avenue Chula Vista, CA 91910
Phone: (619) 691-5640 Fax: (619) 425-3284

December 10, 2000

Sara Wan, Chair
California Coastal Commission
22350 Carbon Mesa Road
Malibu, CA 90265

North Embarcadero Visionary Plan
% California Coastal Commission Staff
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4402

Dear Sir or Madam,

The undersigned staff of Hilltop High School would like to lend a strong measure of support for the worthy project that Riley D. Mixson, Rear Admiral, USN, Retired, has been chosen to coordinate, i. e., bringing the USS Midway to the San Diego Embarcadero as a permanent museum. The Midway will be a unique historic and interactive education center for all San Diego Country school children of all ages.

The Midway has been a renowned symbol of our nation's security as well as humanitarian missions for nearly five decades. I understand that the citizenry survey indicated more than 8 out of10 San Diegans support the Midway's addition to the Embarcadero area. The project has a sound financial, operations and maintenance plan behind it—a plan endorsed by the San Diego Taxpayers Association and other independent organizations. In light of the USS Cole bombing and the recent anniversary of the bombing of Pearl Harbor, it is all the more important that the public fully appreciate the contributions and sacrifices made by those in uniform. The Midway will serve that vital role.

Please honor the men and women who served aboard this vessel, the magnificence of its workings and the school children who will visit on educational field trips. The citizens of San Diego will be truly fortunate to have the USS Midway available in the harbor.

Sincerely,

Sharon A. Sybert,
Teacher/Program Coordinator

Hilltop Staff:
Charles Cole
W 2 Springston
Linda Perez
Elizabeth Johnson
Margaret Gundle
Stephen Byrne
Jerry Rice Perry, Principal

The Focus at Hilltop is Academics.

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SAN DIEGO COAST DISTRICT

Sara Wan, Chair
California Coastal Commission
22350 Carbon Mesa Rd.
Malibu, Ca. 92065

As a long time resident of the San Diego area, I support the project of bringing the aircraft carrier Midway to San Diego.

San Diego is a military town and its many tourists look San Diego to preserve the rich history of our fighting men. The aircraft carrier can do just that.

Please help in this project. You and your people can make this possible and at the same time protect our environment with reasonable and practical safeguards. Mankind would still be living in caves if the radical environmental element had existed and had their way from the early age of man.

Calvin Massee
1840 Circo Del Cielo
El Cajon, Ca. 92020

Cc; North Embarcadero Visionary Plan
C/o California Coastal Commission Staff
7575 Metropolitan Dr., Suite 103
San Diego, Ca. 9210804402

THE CITY OF
SAN DIEGO

VALERIE STALLINGS
COUNCILMEMBER
SIXTH DISTRICT

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SAN DIEGO COAST DISTRICT

May 19, 2000

Coastal Commission
3111 Camino Del Rio North #200
San Diego, CA 92108

Dear Coastal Commissioners:

I am writing to state my long-standing position regarding the plan to bring the aircraft carrier Midway to San Diego. I do not oppose the Midway Museum, but have never supported the proposed location.

Because a waterfront promenade along the bay will be a wonderful addition to the San Diego lifestyle, I support this concept in the North Embarcadero Visionary Plan. The plan emphasizes enhanced access to the Bay by providing pedestrian amenities that combine to promote human-scale activities. The addition of public access improvements proposed by the Visionary Plan would create a continuous stretch of public open space and pedestrian-oriented activities connected by a landscaped esplanade from Laurel Street to Market Street.

The Midway project is not compatible with the proposed Promenade because of the potential impacts to the existing public views of the bay related to the size and scale of the Midway (1,000 feet long with a control tower that is 190 feet tall measured from the waterline). Because the overriding urban design goal of the Port Master Plan and Centre City Community Plan is to preserve views to the Bay, I have not and will not support the proposed location for the Midway Museum.

Sincerely,

Valerie Stallings

Valerie Stallings
City Councilmember

cc: Port Commissioners

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SAN DIEGO COAST DISTRICT

Harry Mathis
5640 Sandburg Avenue
San Diego, CA 92122-4132
(858) 457-2508, FAX 2509
hmathis1@san.rr.com

January 2, 2001

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Chair Sara Wan and Members of the
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Re: USS Midway (Agenda item 9.b. January 10, 2001)

Dear Madam Chair and Commissioners:

I am former Deputy Mayor and Councilmember of the City of San Diego, and a retired Navy Captain with 28 years of service as a submarine officer. Nine of those years were spent operating in and out of the port of San Diego. I am a 33 year resident of the City of San Diego. I am writing to express my strong support for the proposal to site the USS Midway at Navy Pier in San Diego as part of the Port's North Embarcadero Master Plan. I had hoped to appear before you personally, but regrettably cannot because of a prior commitment.

Allow me to begin by addressing some relevant history. In 1943, at the height of the war in the Pacific, the Navy had commenced building a new class of super battleship to follow the Missouri class. It was to comprise three ships to be named USS Montana, Wyoming, and Kentucky. However, naval strategy had changed, and the ships were altered to be completed instead as a new class of aircraft carrier. They were christened USS Midway, Coral Sea, and Franklin D. Roosevelt. Their unusual and distinctly low silhouette reflects their genesis as battleships. These great ships were the pinnacle of our wartime naval construction.

I mention this because of concerns expressed by some people who believe the presence of USS Midway will overwhelm the landscape. Not so. The computer images clearly show this low riding battleship-turned-carrier will blend in with or be practically hidden by the adjacent structures. Further, the orientation of the ship perpendicular to the waterfront will not "wall off the harbor" as some have claimed. A location affording public awareness and convenience of access is critical to the success of USS Midway; and what more fitting site to place her than Navy pier, the historic mooring spot for countless capital warships over the years.

I suggest that contrary to hurting the view, this magnificent ship will be the view. In addition, the viewshed from her flightdeck will be a great enhanced view opportunity for the public of the surrounding area which is not possible at this location today. Piers are the interface between the land and the water designed to host great ships. A vacant pier is depressing in its emptiness and lack of interest.

While there may be concerns about parking, they should not be determinant because mitigating solutions can and will be found. There is excellent mass transit from both busses and trolleys in close proximity. A parking plan will be provided. We want to attract people to our waterfront so they can enjoy its ambiance in a variety of ways. Visitors to USS Midway and its proximity will gain an enhanced visual experience associated with our waterfront not possible today.

San Diego already has one of the most open and accessible harbors in the world with many miles of vistas and public walkways, but this short stretch of waterfront including Navy Pier is unique because it is marked by large commercial pier structures. It is the optimum location for this great ship because it is the best possible site which accommodates the ship's scale while providing accessibility to the public with the least intrusive visual impact on her surroundings. USS Midway will be a great addition to this commercial waterfront area, and will serve as a catalyst to bring about many public-serving amenities in the vicinity.

Why USS Midway? San Diego is literally, the Naval capital of the world. USS Midway's presence on our waterfront will be a powerful and appropriate symbol of that relationship. Her name is even more powerful as a symbolic reminder of the most crucial naval battle in America's history. The Battle of Midway was the turning point of the war in the Pacific when the prospects for ultimate victory literally hung in the balance. In a miraculous period of less than five minutes the outcome was decided with the successful destruction of three Japanese aircraft carriers followed shortly by the sinking of a fourth. From that moment, Japan went over to the defensive and never recovered the initiative.

Our people have intense pride in symbols of American greatness. I see it in their faces during a performance of the Blue Angels. I sense their awe when they gaze at a great warship, and their reverence for the great generations of Americans who manned such ships in battle. This same pride and awe will be felt by the people who visit USS Midway. Her presence will make her a tremendous educational tool as well as a great visitor attraction.

In closing, I ask you to join us in implementing a great vision here, and help us bring this part of our waterfront to life! Help us restore USS Midway to the place of honor she deserves, as a fitting symbol of American's greatness, the great generation who manned her, and San Diego's unique and historic relationship with the United States Navy.

Sincerely,

Harry Mathis

cc:
Ms. Deborah Lee
California Coastal Commission
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4402

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February 1, 2001

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SAN DIEGO COAST DISTRICT

Ms. Sara Wan, Chair
California Coastal Commission
22350 Carbon Mesa Road
Malibu, CA 90265

RE: San Diego Aircraft Carrier Museum

Dear Ms. Wan,

I write this letter in support of the USS Midway as part of the North Embarcadero Visionary Plan for San Diego. Our city has been honored to be home base to millions of America's service men and women who proudly served this nation. We would be equally honored to serve as home to a testament of their noble sacrifices. There is perhaps no finer way to remember our brave heroes than by a monument like the San Diego Aircraft Carrier Museum - a place where we can share our appreciation for these patriots, and they can share their tales of duty and honor with a grateful nation.

It is my hope that the California Coastal Commission will reconsider its decision regarding the placement of the USS Midway and the creation of this fitting tribute to our military personnel.

Sincerely,

Lynda Earnest, CMP
Director, Destinations by Marriott

cc: North Embarcadero Visionary Plan
California Coastal Commission Staff
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108

January 31, 2001

Gregory M. O'Brien, OS1(SW), USN, Ret.
3672 Voltaire Street
San Diego, CA 92106-1239
Tel: (619) 225-8804
E-mail: irishguy@home.com

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COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Sara Wan, Chair
California Coastal Commission
22350 Carbon Mesa Road
Malibu, CA 90265

Madame Chair,

I refer to my letter of December 1, 2000, in support of the approval of the ***North Embarcadero Visionary Plan***, specifically, the inclusion of the proposed **USS Midway Museum Project**.

My support for this project continues, unabated.

The points covered in my previous letter are as follows:

As a former crew member of this historic vessel, I confess to a certain bias in favor of the project, but I urge you to look at the overall plan, its aims, benefits, and the overwhelming support which has been evinced by the local community.

Please consider the following:

- The Midway Museum will provide a wonderful learning opportunity for school children, not just locally, but for groups touring from all over the country. This is attested to by the fact that all San Diego area school Administrations and teachers' organizations support the project.
- Independent surveys have shown that 8 out of 10 San Diegans approve of this project.
- The Midway Museum Project is financially sound, not only in regard to start-up costs, but for ongoing operations and maintenance. The Project's financial plan has been endorsed by the San Diego Taxpayers Association.
- This museum will be another monument to the sacrifices incurred by our veterans, helping to educate the public regarding the services and sacrifices these people have undergone and provided for our great nation.
- This project will provide a marvelous adjunct to the extant San Diego Aerospace Museum, enlarging on the role of Naval Aviation in the development of aviation and the defense of freedom
- Museums based on actual Naval vessels have proven their worth in many other cities. To name a few: New York, NY, Providence, RI, Charleston, SC. and Galveston, TX. There is no reason to believe that a Midway Museum in San Diego would not also provide a large boon to this already tourist-oriented city.

Additional information, as of the date of this letter, indicates that San Diego's "Downtown Ballpark" project is getting back on track. Common sense tell me that visitors to the downtown area will often "make a day of it". Whether these visitors are local or from far away, there will undoubtedly be a synergy created between the San Diego Aircraft Carrier Museum and the Ballpark, just as there will be between the Ballpark and other, established attractions, such as the Zoo and Sea World.

Environmental concerns, in my opinion, have been adequately addressed. Detractors like to point out that that the Midway will block views of North Island, but these same detractors pose no objections to cruise ships, which also block large portions of the view. Furthermore, by the simple expedient of visiting the Midway's flight deck or island, the view of North Island will be greatly enhanced.

Decide in favor of the North Embarcadero Visionary Plan and the San Diego Aircraft Carrier Museum Project. Please!

Gregory M. O'Brien

cc: California Coastal Commission Staff
Scott McGaugh

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CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

January 12, 2001

Dear Ms Wan,

My husband was a Carrier pilot in the Navy through the 2nd World War, Korea and Viet Nam. His service spanned 32 years.

During that time we lived in San Diego many times.

He departed by Carrier from San Diego in November of 1942 for Bougainville where his squadron joined other squadrons and land based Marines. For many months they bombed Rabaul and other targets in the area.

He was Captain, years later of the U.S.S. Bayfield, based in San Diego, that as an Attack Transport, took the "Tiger Troops" from Korea into Saigon for action in Viet Nam.

During 1966+67 he was Captain of the Carrier U.S.S. Oriskany. The ship with Air Group on board carried 5,000 men for service in Viet Nam.

He retired in 1972 in San Diego and died in June of 2000

He worked on the Board of the

Midway Museum for almost seven years.

During the last 75 years San Diego has been home to the Navy and their families. For those years they have contributed millions, yes, billions To the economy and growth of San Diego, and still do!

As a major port of the Navy in our country San Diego is an ideal city for a Carrier Museum.

Our young people need to know and be proud of our Military history and the caliber of the men who serve in it.

Certainly nothing beats seeing it at first hand and the Navy Pier is a natural setting for it.

We have an opportunity to achieve a major addition to the city of San Diego and an ongoing treasure of history and education that should not be denied!

Sincerely,

Grace K. Sarrobins

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FEB 15 2001

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COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

ry 13, 2001

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Carbon Mesa Road
CA 90265

hairwoman Wan:

stand that the final decision on docking the carrier, USS Midway by the Navy Pier as a critical the Port District's North Embarcadero Plan is scheduled by the California Coastal Commission eting in mid-March at the Bahia Hotel in San Diego.

e it, this is an exciting and worthwhile venture, and I will note below several reasons why:

- The majestic Midway will feature flight simulation virtual reality rides where visitors can experience an F-8J Crusader about to "land" on the flight deck, view interactive exhibits, which bring them on board the Midway's Vietnam deployment, and tour an historic naval aircraft "up close and personal."
- The Midway Magic plan will give San Diego an opportunity to attract thousands of visitors to the area to experience a part of our region's unique military history.
- The Museum will also provide an educational venue to about 40,000 San Diego students, free of charge, each year.
- It will give San Diegans and visitors alike, a new and unique opportunity to explore a U. S. Navy aircraft carrier.
- It will also allow us to pay tribute to the role of the armed services in San Diego as well as honor the more than 200,000 Americans who served aboard the Midway over the last 45 years.
- Truly rare, the non-profit, privately financed "Midway Magic" Museum won't cost San Diego taxpayers a dime. We understand that Navy is donating the now-mothballed carrier plus a selection of historic aircraft and the pier space. Private funds will pay for everything else.
- We have been advised of conservative estimates, the Midway Museum would generate $15 million a year for San Diego's tourism economy, produce $1 million annually in additional Port District revenue and attract 600,000 visitors yearly.

THE HANDLERY HOTEL & RESORT
950 HOTEL CIRCLE NORTH
SAN DIEGO, CALIFORNIA 92108
619-298-0511
FAX 619-298-9793
www.handlery.com

The Midway project boasts a who's-who list of endorsements: California's governor, both U.S. senators, Mayor Dick Murphy, every member of San Diego congressional delegation, the City Council and Board of Supervisors, the San Diego Regional Chamber of Commerce, Convention and Visitor's Bureau, the city's Economic Development Corp., Centre City Development Corp., the San Diego Port District, scores of respected civic leaders and, by poll, 87 percent of the public.

As a resident of San Diego County, a local business operator, member of the visitor industry and business community, I join those mentioned above and hereby express my full support of bringing the Midway Museum project to its fruition.

Sincerely,

Kirk Shearer
General Manager

KS:plt

January 23, 2001

Diana Lilly
Coastal Planner
San Diego District
California Coastal Commission
7575 Metropolitan Drive Ste 103
San Diego CA 92108-4402

RECEIVED
JAN 2 5 2001
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Ref: Midway Site and Civic Center Planning

Dear Ms. Lilly:

I have read the staff recommendations report dated December 21, 2000 and strongly agree with the conclusions that the U.S.S. Midway is too large for the bayfront and North Embarcadero. This is one of several pet projects that various organizations are trying to emplace at the most visible spot on our beautiful bay. Others include the commercial cruise ship terminal and a maritime museum. These blights, once in place, will forever block the view of the bay.

Over many years it has been found that piecemeal planning for any large area is probably the worst way to improve an area. There doesn't seem to be an overall, master plan for the San Diego Bay. This is unfortunate because it allows vested interests to push for inappropriate projects that depend on political clout to insinuate their presence.

The attached materials provide some thoughts on what the San Diego Bay area could look like in the not too distant future when the area will grow enormously, in a relatively short time. If comprehensive, long range planning is not begun, the vested interests will build monstrous hotels and other commercial buildings to completely block bay views. The position of future municipal buildings, museum locations and transportation/parking sites is not meant to be the only places these could occur but to suggest what might be done if planners use some imagination and forethought.

I would appreciate the opportunity to explain my suggestions to you and your staff, at your convenience.

Sincerely,

Don Connors

Don Connors, CPP
921 Begonia Court
Carlsbad CA 92009-4807

SAN DIEGO CIVIC CENTER PLANNING

SAN DIEGO in the 21st CENTURY

America's Finest City

Our sparkling San Diego Bay is the central focus of the greatest natural resource of the city and is enjoyed by millions of residents and visitors. Just look what Baltimore did with its world-class harbor redevelopment that is now their central city attraction. It draws multitudes of residents and visitors year 'round. While other cities have redeveloped some lesser waterfronts, San Diego has the opportunity to be the **BEST**.

The present "city hall" is a dreadful adaptation of aging commercial and retail space that is inadequate and difficult to access. The new(?) library may well be stuck near the docks or in back of the golf driving range. The historic county headquarters outgrew itself years ago and the maritime exhibits are an afterthought near the Navy and cruise boats. **Piecemeal planning,** never satisfactory, has led to the present mess.

The area presently occupied by the 1950's-size airport, USCG, and manufacturing could be the site of the greatest **CIVIC CENTER** development in the 21st century. What other cities with San Diego's future have these natural assets to develop into a fantastic civic center?

To meet the demands of an international 21st Century city, Lindbergh Field **must** be moved from the center of the city to the safer, Greater San Diego demographic **user** center at East Miramar. It is **NOT** news that modern cities are not building airports downtown anymore. Noisy USMC air operations around Miramar are proving to be a nuisance of growing proportions. Due to the size of the Miramar property, existing and future civil aircraft will not pose this noise problem. Maybe the millions of dollars to be spent moving the Marine air base to Miramar could be better spent by moving them to a more advantageous, out-of-town operations location and still save money! They could go to Camp Pendleton to support the Marine ground forces to which they are dedicated. A less satisfactory solution may be to share the civil and military airport.

MCRD should go to Pendleton to integrate **ALL** consecutive training. There is more than enough space. Greater training, operations advantages and economic benefits would be realized by consolidation of USMC West Coast ground and air resources. The Greater San Diego area would still realize their local spending benefits. The downsizing industry now at Lindbergh would eventually be relocated to more advantageous sites **not** downtown.

To open the Embarcadero to bay visitors, cruise ship docks would be located at the foot of Tenth Street area to provide a central embarkation/debarkation and departure point for any city/area movement of passengers. It would also eliminate traffic congestion and safety hazards along the North Embarcadero by thousands of passengers and dozens of supply/maintenance/service vehicles crossing pedestrian-friendly walkways. Public and private transportation in the forms of trolleys, buses, taxis, pedicabs, etc. to local entertainment venues and vistas hotels, etc. would be conveniently available.

Don Connors, CPP, 921 Begonia Court Carlsbad CA 92009-4807, 760 931-0200,
e-mail: primussystem@bwn.net

SPECIFICS

- Develop the only **premier,** remaining, fantastic bayside location in California, into the greatest **CIVIC CENTER** to be seen anywhere! These are big words but we must think big to become the reality we only boast about now.

1. Move MCRD to Pendleton, cost-effectively combining major West Coast USMC training/operations functions. BRAC should support the consolidation. Move Marine Corps Air Station San Diego to Pendleton to directly support their dedicated responsibilities. Some fixed wing and rotary wing could go to North Island.

2. Move Lindbergh to East Miramar for 21st century international personnel and cargo transportation and associated commercial/industrial growth. (See the multitude of *Union-Tribune* articles and www.MoveAirport.com). A less popular alternative would be to share the facility with USMC. Greater revenue would be realized than from the federal government.

3. Build our new **CIVIC CENTER** to include city hall and county headquarters on a spacious, landscaped, people-mall fronting the magnificent Bay. Place the library between them on the north side in the center of the grand plaza. An outdoor performing arts center could be located in the middle to the south of the plaza.

4. Move the USCG to the waterways between the former MCRD and NTC. Some historic buildings may also be moved.

5. Develop the Maritime Museum (a la Mystic, CT) on the waterways at the historic NTC. The USS Midway exhibit and other vessels may also locate in this area.

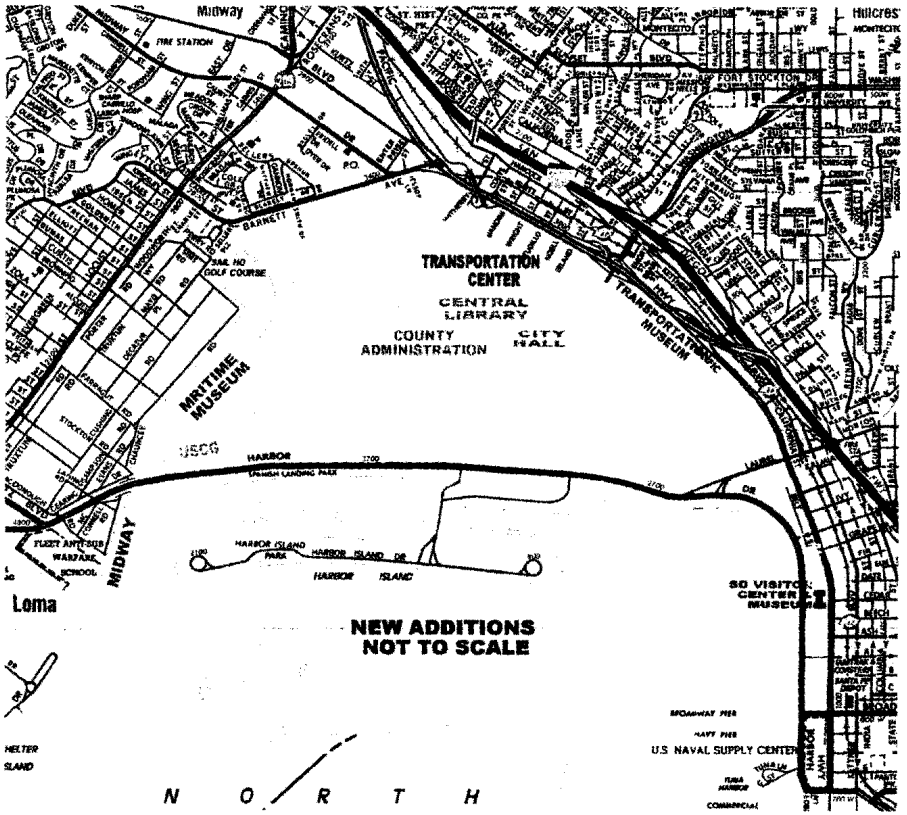
6. Develop the "foot of Broadway" into a great, scenic, tourist center. The historic county building would become the tourist center headquarters and city county historical museum. The G Street mole would continue as a fishing fleet harbor. Provide space for visiting capital vessels at the foot of Broadway. Depress visitor parking lots for continuous Bay visibility along the Embarcadero.

7. Provide a major transportation hub to include a projected high speed rail terminal, bus, local train and trolley stations including parking facilities on the north, east and west sides of the Civic Center complex, connected by "user friendly" pedestrian walkways and a shuttle tram if necessary. Footpaths, bike/inline skating paths would connect Point Loma with the convention center and North/South Embarcadero with outstanding vistas.

8. Considering the rich San Diego history, develop the former Convair site into a complete Transportation Museum to include ground, air and space exhibits, complimenting the nearby extensive, world-class maritime museums.

9. Relocate the cruise ship operations to the foot of Tenth Street area for safety and convenience.

10. Consider planning for a Venetian water-way to the north of the CIVIC CENTER. The San Antonio "Riverwalk" could be a model.



WILLIAM & JACQUELINE KEITH
727 E. Street, Apt. 515
San Diego, CA 92101
619-702-3478

Dec. 27, 2000

RECEIVED
JAN 02 2001
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Governor Gray Davis
State Capitol Building
Sacramento, CA 95814

Dear Governor Davis:

As a veteran of the U.S. Navy in World War II and now a member of the Project Area Committee (PAC), under the Centre City Development Corporation, I was very dissapointed in the enclosed news story in regard to the USS Midway and the potential of it becomming one of the most historical and educational venues for the present and future generations of U.S. citizens that either live or visit San Diego and California.

As stated in this news story, Navy Pier was used as the "Old Fleet Landing" and many of us from World War II remember it as that and there could be no greater memorial to the U.S. Navy Sailors and Aviators than placing the USS Midway next to the proposed Navy Museum.

The thinking of the Costal Commission Staff reminds me of the same thinking that some people have of the World War II Memorial on the Mall in Washington, D.C. That it will block the view! Doesn't the Costal Commission Staff and the Urban Design Committee of the local chapter of the American Institute of Architecs realize that if it wasn't for ships like the Midway and it's crews, they might not be free to make choices like this.

The enclosed story states that the Midway would tower 190 feet above the waterline. This is a very missleading figure, because the bulk of the hull and superstructure would only be 55 feet above the waterline and would not block the view like this story implys.

At the various meetings that I have attended in regard to the placing of the Midway at the Navy Pier, the opposition comes from a small group of wealthy condo residents of the Marina District. We didn't hear oppostion such as this, when their high rise condo buildings were built and blocked views of the Bay and now they want to deny the U.S. Navy it's well earned representatio at the same Bay.

As a veteran yourself, Governor Davis, I am quite sure that you will make an effort to influence the Costal Commission to endorse the Midway to be placed at Navy Pier, if for no other reasons than honoring the veterans of the U.S. Navy and the potential of educating our children of the importance of the Navy to defend this great country.

Sincerely,

William D. Keith

CC: Costal Commission
San Diego Unified Port District
Mayor Dick Murphy
Peter Hall CCDC
Dede Alpert
Howard Wayne
Susan Davis
Dianne Feinstein
Barbara Boxer
Byron Wear

Sheriff's team helps South Bay teachers prepare for crisis / B2

SAN DIEGO
CITY EDITION

Midway museum plan criticized

Ship would block view, says coast panel's staff

By Ronald W. Powell
STAFF WRITER

The staff of the state Coastal Commission is taking shots at the Midway.

The staff has released a report advising against a proposal to moor the decommissioned aircraft carrier at downtown San Diego's Navy Pier as a floating museum.

The report says the vessel would block public views, contributing to a walling off of San Diego Bay.

Additionally, the report frowns on a plan to use Navy Pier for Midway visitor parking, handling a projected 280 cars on weekdays and 330 on weekend days. The pier would be better used for public recreation, the report says.

The Midway proposal is part of a multifaceted plan for the waterfront, from Seaport Village to Lindbergh Field. Of the 13 proposed projects in the North Embarcadero Alliance Visionary Plan, the Midway is the only one the staff is recommending against.

The San Diego Unified Port District Commission has endorsed the North Embarcadero plan and is seeking permission from the Coastal Commission to start work on it.

Coastal commissioners are scheduled to discuss the project Jan. 10 in Los Angeles.

Port Commission Chairman Paul Speer said he was disappointed by the recommendation from the staff of the state commission. He backs the Midway as an icon that embodies San Diego's naval history.

"An aircraft carrier museum is an appropriate use for that site," said Speer, a retired admiral. "Historically, dating back to the 1930s, that site served as the old fleet landing. (The Midway) is something people expect to see when they come to San Diego."

SEE Midway, B3

MIDWAY
CONTINUED FROM PAGE 31

Museum plan is on agency's Jan. 10 agenda

Last summer, the Port Commission voted to include the Midway in its submission to the Coastal Commission. But port commissioners said they would be willing to defer consideration of the carrier museum by the state panel if it looked like that would interfere with approval of the rest of the North Embarcadero plan.

The plan calls for a hotel with up to 800 rooms; office, retail and parking facilities at the old Lane Field site; narrowing Harbor Drive to three lanes from four between Grape Street and Pacific Highway; a 25-foot-wide pedestrian esplanade along the water's edge at Harbor Drive; and a small commercial recreation facility on a new Grape Street Pier.

Speer said he still has hope that the Midway — which would offer tours for a fee — will be cleared for docking when the Coastal Commission meets next month.

The Midway proposal was launched by the San Diego Aircraft Carrier Museum group, which wants to operate it as a nonprofit attraction. Carrier museums now operate in New York City, Charleston, S.C., Corpus Christi, Texas, and Alameda.

Alan Uke, a San Diego businessman who heads the group, said he disagreed with the report.

He accused the Coastal Commission staff of an "ideological bias." He said it endorses changes to the cruise ship terminal that would increase its height by 50 feet, resulting in a greater obstruction than the Midway would cause.

Deborah N. Lee, south coast deputy director of the Coastal Commission and an author of the report, said the Midway plan was judged objectively.

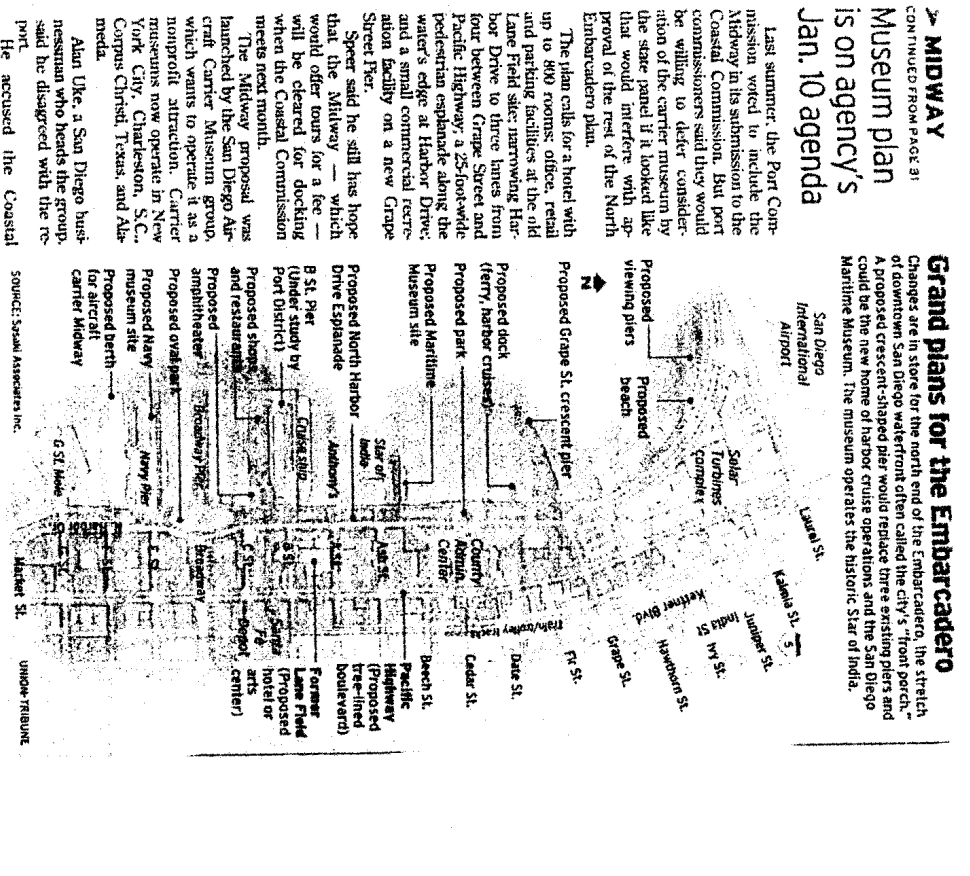
Uke said his group was given no choice regarding parking. A requirement of the North Embarcadero plan is that each project provide parking nearby, and Navy Pier is the closest site.

The 53,000-ton Midway is as long as three football fields and its highest point rises 190 feet above the waterline. It first took to sea in 1945 and was decommissioned in 1992.

A week ago, the Urban Design Committee of the local chapter of the American Institute of Architects voted 5-1 against the Midway plan. It said the vessel would block pedestrian views and would be out of scale with nearby structures.

But of the roughly 75 letters about the Midway received by the Coastal Commission, only a handful were in opposition.

The North Embarcadero plan would be paid for through contributions of $17.8 million from the city of San Diego, $22.7 million from the Port District, $7.6 million from county government and $5.9 million from the Centre City Development Corp., the city's downtown redevelopment arm.



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JAN 02 2001
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

(1)

12-9-00

Saturday.

Hello Sara VAN. CHAIR WOMAN.

My name is ~~Anthony~~ J. Perry I Recently got a E-mail, about the USS. midway going to San-Diego CA. I am writing this letter to voice my strong support for this major Project. I am a native of San-Diego ca, I call it home, I do think the USS midway not only rebuild help the Economy of San-Diego as a whole But, also make the military ties with the city of San-Diego, much stronger in the year 2001 and Beyond. My ten year navy career started on the USS midway CV 41 in YOKOSUKA Japan in oct of 1984, I have alot of good memorys with this Grand old lady of the Sea. when I was Station on-Board midway from 1984-1986, I met my Beatful wife, that I am still married to now. over.

(2)

I also think that USS. midway CV 41 would Be a Beatful addition to En Barka Daro area and for the tourist. I also would love to Bring my children and Grand-children to see this "Grand old lady of the Sea"; and show them what I did for living in my life. I Strongly Recommend that this Project Be approved and Bring USS midway CV. 41 to the city of San-Diego Ca. from a Crew member of midway.

Respectfully yours

Anthony J Perry.

E-MAIL- BOWGANGLES@YAHOO.COM.

January 22, 2001

COPY

Mr. Robert Kittle
Editor of the Editorial Page
San Diego Union-Tribune
350 Camino de la Reina
San Diego CA 92108

Re: New San Diego Civic Center and Harbor Planning

Dear Mr. Kittle:

Thank you for taking the time to review my attached thoughts on planning for a future Greater San Diego. You have undoubtedly seen many proposals on moving Lindbergh Field, the Midway site, the inadequacy of the present "city hall", cruise ship terminal expansion, city library and other reminders of a much earlier San Diego. As a native Californian I have seen our past and I will see an even better future.

The attached issues have one problem, they have generally been considered in "piecemeal planning". The North Embarcadero Plan contains many excellent concepts as well as some pet projects which will block many of the best views of our magnificent bay and harbor. Most of these major projects could be better placed elsewhere.

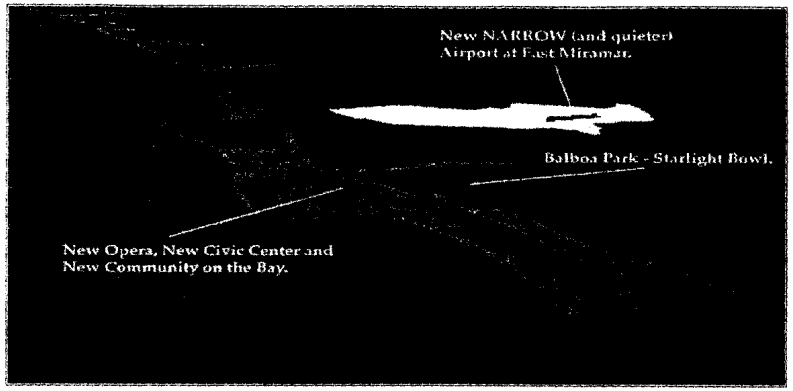
America's Finest City does **NOT** have a civic center to match our boast. The successful future of San Diego may depend on planning action now, while irreplaceable land could be available. This opportunity to build the finest Civic Center in the U.S. may be lost if preparing for our area population explosion and significant industrial buildup is squandered.

I urge the *San Diego Union-Tribune* to continue to arouse the citizens for long-term, comprehensive, coordinated planning for the future. A much-needed, model Civic Center is something that all citizens would endorse and support. I would appreciate the opportunity to explain my suggestions to you and your staff, at your convenience. I know that there are many others who are eager to participate in planning our future.

Sincerely,

/s/

Don Connors, CPP
921 Begonia Court
Carlsbad CA 92009-4807
Tel. 760 931-0200
primussystem@bwn.net



Elliott Airport

A. NEW AIRPORT BOOSTS ANNUAL ECONOMY $8 BILLION

B. RELOCATION RELEASES NORTH BAY FOR REDEVELOPMENT

Planned High Density Living for a half million people or more right in the heart of the city, on the waterfront and in the Midway Area. The present airport basin is the same size as Venice, Italy! Estimated $10 Billion private redevelopment of North Bay. This plan absorbs sprawl and respects the bay setting. Walk to downtown, ...SMART GROWTH.

C. NEW AIRPORT FUNDS HABITAT CONSERVATION

Revenues of the new airport would be committed to conservation as environmental mitigation. Such revenue sharing could lower the "first cost" of the new airport and would ease environmental concerns and obviate many legal challenges as so much money would accrue for environmental conservation over the years. Up to $5 million per month could be budgeted toward habitat conservation. ($600 million in ten years!) "Delay is habitat lost."

This is "East Miramar" identified by SANDAG in 1991 as subjecting a population of zero to 65 CNEL but modified from the former three runways to just two, thus further removing aircraft from homes. This narrow runway layout preserves an east-west wildlife migration corridor, saves more than $1 Billion in rough grading costs and allows for an additional mile of noise buffer as compared to the original SANDAG plan for East Miramar. Aircraft departing so far east are almost two miles high before they fly over private property!

Redevelopment of the beautiful north harbor would be privately financed so could happen "overnight" after relocation. In fact, politically speaking, the private redevelopment opportunities from Mission Bay to the waterfront downtown would probably drive the airport relocation effort once we commit to the plan.

No other airport option would: a.) contribute so much to the local economy; b.) allow redevelopment of the entire north bay; c.) provide funds for local habitat. Elliott Airport does all three for San Diego.

Noise shadow completely within base boundary.
Higher property values over a broad area.
Significantly increased tax increment.
Regional solution to rapid growth.
Restores quiet to Balboa Park.

"Delay is habitat lost."



No more low flights directly over homes and schools or structures of any kind anywhere in the county!

Please refer to: www.MoveAirport.com
www.StopMHNT.com

United Domestic Workers of America

Affiliated with AFSCME, AFL-CIO
State Office: 3737 Camino del Rio South • Suite 400 • San Diego, California 92108
Tel (619) 263-7254 • Fax (619) 263-7899

December 27, 2000

RECEIVED
DEC 2 8 2000
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Sent Via Overnight Mail

Ms. Sara Wan, Chair
California Coastal Commission
22350 Carbon Mesa Road
Malibu, California 90265

Re: Conversion of ex-USS Midway to Education and Visitor Center – Support

Dear Madam Chair and Members of the Commission:

United Domestic Workers of America/AFSCME, AFL-CIO is proud to join the growing list of organizations and individuals **in support** of establishing the ex-USS Midway as a permanent education center, military tribute and visitor attraction for the San Diego region. **We urge you and all Commissioners to approve this project at your January 2001 meeting.**

The military and visitor industry are part of the culture, tradition and economy of San Diego. Approving the use of the former USS Midway as a permanent center for local and out of town visitors would combine two of San Diego's greatest traditions in a manner that would promote local pride, encourage the educational development of future generations about the important role of the military in this region and provide the thousands of out of town visitors, meeting attendees and conventioneers who come to san Diego every month with an environmentally friendly, visually complementary and interesting addition to our local attractions.

Independent surveys have consistent shown that the Midway is supported overwhelmingly by the local community, with 8 out of 10 San Diegans registering their favor for this project. This project has also been endorsed by San Diego teacher organizations **and** the San Diego County Taxpayers Association, among many other diverse interests. The Midway project's sound financial and operational plans, along with the fact that it offers something for San Diegans as well as those visiting our region, have generated this unusually high level of support.

United Domestic Workers of America represents home care workers who provide a range of personal and domestic care services to the elderly and disabled. Our membership is statewide but **our base and home is San Diego where we represent over 4,000 of these individuals.** It is with great pride and enthusiasm that we speak on behalf of all our members in San Diego County, as well as those who come here from other parts of the state, when we support the Midway project and ask for the Commission's approval.

Sincerely,

Renari Jeffers
Secretary-Treasurer and General Counsel

rj/

YOURS FOR A BETTER LIFE THROUGH A POWERFUL UNION

The Rotary Club of Bonsall

P.O. Box 934 • Bonsall, California 92003

Daryl McFarland
President
5030 San Jacinto Circle
Fallbrook, CA 92028
(760) 731-7255

RECEIVED
DEC 3 1 2000
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

December 28, 2000

Sara Wan, Chair
California Coastal Commission
22350 Carbon Mesa Rd.
Malibu, CA 90265

Dear Ms. Wan;

The purpose of this letter is to voice our strong support of the San Diego Aircraft Carrier Museum proposed for the Navy Pier in San Diego. Rarely does an opportunity come along which enjoys such overwhelming support of the community at large. This self-supporting addition to the historical and educational assets of our community is welcomed and long overdue.

Our community stands to benefit from the hard work and years of planning by a dedicated group of visionaries. When completed this museum will offer a standing memorial to the countless citizens who have assured us freedom and, at the same time, will serve as an important educational resource for every high school student in San Diego County.

The community leaders who have worked to bring this museum to fruition have thought through every detail, from finding the perfect location to designing a museum and surrounds which will aesthetically enhance the waterfront.

We feel very fortunate to have this opportunity and urge your Commission to lend its support to this project.

Yours very truly,

Daryl McFarland

cc: North Embarcadero Visionary Plan
c/o California Coastal Commission Staff
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4402

San Diego Aircraft Carrier Museum
Attn: Riley D. Mixson
1355 North Harbor Drive
San Diego, CA 92101

Donald L. Brust DVM

2960 San Luis Rey Road
Oceanside, CA 92054

Phone 760 757-1571
Fax 760 757-1572

December 28, 2000

RECEIVED
DEC 3 1 2000
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Sara Wan, Chair
California Coastal Commission
22350 Carbon Mesa Road
Malibu, CA 90265

Dear Ms. Wan,

I urge you to actively support the Midway Historical Project in San Diego, CA. This would be a fitting tribute to our Navy servicemen who are serving and have served. As a Navy port of great significance, it is high time this recognition be acknowledged with this project.

Sincerely,

Dr Donald L Brust

Dr. Donald L. Brust

cc. Coastal Commission Staff
San Diego, Aircraft Carrier Museum

Donald L. Brust DVM

2960 San Luis Rey Road
Oceanside, CA 92054

Phone 760 757-1571
Fax 760 757-1572

December 28, 2000

RECEIVED
DEC 3 1 2000
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Sara Wan, Chair
California Coastal Commission
22350 Carbon Mesa Road
Malibu, CA 90265

Dear Ms. Wan,

I ask you to support the Midway Historical Project in San Diego, CA. What a wonderful tribute this would be to the Navy service personnel who served, past and present. San Diego is a Navy port of great significance. Not only would this be a lovely tribute, but would also be another tourist attraction to bring dollars into San Diego.

We should never overlook the opportunity to thank the men and women who have served our country.

Sincerely,

Kelly Backus

Kelly L. Backus

cc. Coastal Commission Staff
San Diego, Aircraft Carrier Museum

LYING MIDSHIPMEN ASSOCIATION



RECEIVED
JAN 0 2 2001
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

December 20, 2000

Sara Wan
Chair, California Coastal Commission
22350 Carbon Mesa Road
Malibu, CA 90265

Dear Sara Wan:

The Flying Midshipmen Association is strongly in support of the project to establish the ex-USS Midway as a permanent education center in San Diego. Our Association and the Aviation Midshipmen Association (A 501(C)(3) organization are energetically behind the Midway project since our members endorse and foster education of America's youth in aviation. Our organizations have and are continuing to teach summer aviation classes to hundreds of aviation minded teenagers.

Many of our members are residents in southern California and many have had a personal connection in flying from the carrier Midway. We have a good number of member volunteers teaching in the summer classes and others who would be active in contributing their time to personally participate in a Midway Educational Center.

As you will note from our letterhead and the enclosed Brief, we have many prominent aviators in our membership to attest to our recognition in the aviation community.

Thank you for your consideration of our request.

Sincerely,

Orton Rudd
Executive Director

cc: North Embarcadero Visionary Plan
Admiral G.E.R. Kinnear
Rear Admiral Paul H. Engel
Hon. Robert T.S. Colby
Rear Admiral Riley D. Mixon

FMA OFFICERS

PRESIDENTS EMERITI
Lawrence C. Day
Glenn L. Allen, Jr.
G. E. R. Kinnear, II
William A. Gureck

PRESIDENT
RADM Paul H. Engel

FIR VICE PRESIDENT
CAPT James B. Morin

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R. Orton Rudd

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VP-EDUCATION
Robert T. S. Colby

AVIATION TECHNOLOGY
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David B. Seeman
William G. Sizemore
Norman E. St.Louis
Walter "R" Thomas

P. O. Box 31 Merry Point, VA 22513-0031 Tele 804/462-6138, 800/964-5955, FAX 800/964-5956, (e) flyingmids@rivnet.net

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JAN 0 2 2001
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

FLYING MIDSHIPMEN ASSOCIATION
and
AVIATION MIDSHIPMEN FOUNDATION

Only those individuals who once held the rank of Aviation Midshipman (AVMIDN), USN, in the years 1946 through 1951 are eligible to be members of the FLYING MIDSHIPMEN ASSOCIATION. The membership numbers over 1,000 and is continuing to grow as former AVMIDN become aware of the organization. <There were approximately 3,000 males, ages 17 to 24, recruited into this Naval Aviation training program. This was part of the Holloway Program named for Rear Admiral (later VADM) James L. Holloway, Jr. who headed a group in 1946 to make recommendations for officer staffing of the U. S. Navy.>

The FMA was formed in 1969 by a few former Aviation Midshipmen who believed an inequity existed in not having active duty midshipman time considered in computing time in service for pay and retirement purposes -- particularly when compared with other naval aviation pilot trainees, i.e.: Aviation Cadets, Enlisted, Commissioned Officers and others.

This inequity was corrected, to a large extent, when Public Law 93-545 was enacted into law on December 26, 1974, through considerable encouragement and effort by the FMA Officers then serving. The law provided for Reserve retirement credit and longevity pay for those still on active duty at the time. No retroactive pay was allowed, nor expected, for those already retired or over 26 years of service.

The PURPOSE of the Association is to preserve and strengthen a spirit of comradeship among former members of the Armed Forces of the United States who served in the United States Navy as Aviation Midshipmen; to record and preserve for historical purposes, a memory of the era of Aviation Midshipmen during war and peace; to foster and perpetuate the role of aviation in the United States Navy; to give appropriate recognition to the memory of those who pioneered and contributed to its development; to help preserve for history for the benefit of future generations appropriate representative naval aircraft and related equipment and to promote naval aviation and the United States Navy.

The FMA has been active in 'gifting' to non-profit organizations/foundations to preserve the history of Naval Aviation and the commemoration of our particular group. <Plaques on walls of the National Museum of Naval Aviation in Pensacola are in recognition of FMA's significant monetary contributions.> Cash donations have also gone to the Smithsonian National Air & Space Museum, the Navy Memorial, the Association of Naval Aviation, the Center for Military Readiness and the Navy Museum in Washington, D. C.

In 1995, the AVIATION MIDSHIPMEN FOUNDATION was incorporated and was accorded a tax-exempt status by the IRS as a 501(c)(3) organization in 1996. The Foundation is the publisher of the *Aviation Midshipmen LOG*, a biannual newsletter plus Directories which are sent to all members. The FMA is currently sponsoring 'Youth in Aviation' training program in collaboration with the U.S. Navy League Sea Cadet Corps. The Association of Naval Aviation has joined in sponsoring this effort as well.

Both the FLYING MIDSHIPMEN ASSOCIATION and the AVIATION MIDSHIPMEN FOUNDATION operate on an all-volunteer basis; there are no paid employees and no rented office space except for a Post Office Box.

[A few of our 'select' group: Neil A. Armstrong (5-49), the first man on the moon; James A. Lovell (7-48), Apollo XIII Commander; Joe L. Akagi (5-49), the first nisei naval aviator; Jesse L. Brown (8-47), the first African American to complete naval aviation training; Ambassador Allen C. Davis (21-47); and 'four-star' Admiral G.E.R. "Gus" Kinnear, II (3-47). Eighteen Aviation Midshipmen rose to flag rank in military service and many others had notable careers as test pilots, commercial airline pilots, lawyers, doctors, engineers, dentists and company executives.]

GEORGE G. SHARP, INC.
635 SLATERS LANE, SUITE 200, ALEXANDRIA, VA 22314

20 December 2000

RECEIVED
DEC 2 6 2000
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

North Embarcadero Visionary Plan
c/o California Coastal Commission Staff
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4402

Greetings,

I am pleased and proud to provide a copy of my letter to Sara Wan, which states my strongest possible endorsement for bringing ex-MIDWAY to San Diego.

This is a most worthy project and I wish you God speed in completing it.

Most sincerely,

Michael B. Nordeen
Captain, US Navy (ret)

(703) 548-4400 www.georgesharp.com FAX (703) 548-4592

GEORGE G. SHARP, INC.
635 SLATERS LANE, SUITE 200, ALEXANDRIA, VA 22314

20 December 2000

RECEIVED
DEC 2 6 2000
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Sara Wan
California Coastal Commission
22350 Carbon Mesa Rd
Malibu, CA 90265

Dear Ms Wan:

I have recently learned you will soon consider establishing ex-USS MIDWAY in San Diego, where she will serve as both a permanent education and visitor attraction center and tribute to both the ship and the Navy. I am writing to provide my strongest possible endorsement for such an undertaking.

As a former MIDWAY sailor, a career Naval Aviator and frequent visitor to San Diego, I can think of no finer project than one that will bring such a positive asset as ex-MIDAY to the public, especially in San Diego. San Diego is a uniquely multi-cultural and multi-interest town – and it has always been a Navy Town. This effort provides very fitting testimony to that vital Navy link.

I know the support for this effort is strong, starting with sound fiscal and operations/maintenance plans, all endorsed by the San Diego Taxpayers Association and many other, independent organizations. More, the local educational organizations and schools have all expressed their support, naturally and especially for the educational aspects ex-MIDWAY will provide. Special interest groups aside, the San Diego Community as a whole have voiced overwhelming support, the latest expression being more than 80% in favor.

This project also extends far beyond the inward-looking aspects of establishing ex-MIDWAY as an education and visitor attraction. Even more important, it will give a dignified home to a gallant warrior, which will forever honor its service, the countless thousands who have served in her and the whole of the Naval Service.

I most strongly support the establishment of ex-MIDWAY in San Diego and hope to be one of her first visitors – I truly look forward to the opportunity to be aboard my old "home" when next I am in San Diego.

I wish you the very best in this noble effort,

Most sincerely,

Michael B. Nordeen
Captain, US Navy (ret)

(703) 548-4400 www.georgesharp.com FAX (703) 548-4592

COPY

RECEIVED
FEB 0 6 2001
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

1840 Circo del Cielo
El Cajon, CA. 92020
February 5, 2001

Sara Wan, Chair
California Coastal Commission
22350 Carbon Mesa Road
Malibu, CA 90265

Dear Sara Wan,

This letter symbolizes a strong **YES VOTE** for the North Embarcadero Visionary Plan bringing the Midway Museum to San Diego Bay.

San Diego with her 75 year association with naval history is the ideal home for the Midway Museum. It is appropriate that San Diego showcase the History of the United States Navy with this hands on educational exhibit.

I strongly disagree this magnificent ship will block view of San Diego Bay. The free access to all from the Midway's 500 ft bow will attract San Diegans and tourists alike.

The ground work is well laid. Help make Navy History a reality for residents, their children and visitors for generations to come. It is important we all visualize what it takes to ensure freedom for our country and the world.

Sincerely,
Ingrid Massee
Ingrid Massee

Roger & Emily Lynch
1711 Circo del Cielo Drive
El Cajon, California 92020

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CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

February 05, 2001

Sara Wan, Chair
California Coastal Commission
22350 Carbon Mesa Rd.
Malibu, CA, 90265

Dear Ms. Wan,

We urge you to take favorable action in approving the proposal to use the USS MIDWAY as an Aircraft Carrier Museum.

This letter is writen on behalf of the volunteer committee which has worked so hard to save the aircraft carrier USS MIDWAY for continued service to the greater San Diego region. I served in destroyer escorts for that fine ship during the Korean conflict. I have many memories of our role in protecting Midway and her pilots, some of whom were in distress returning from combat missions. I am certain that the ship would be properly maintained by a vast volunteer organization. It would serve many purposes for the community and would be a sought after tourist attraction.

Having USS MIDWAY on public display would be valuable to younger generations as a poignant reminder of the three Pacific wars fought by this country. It is my opinion that our young people have ever decreasing appreciation for even recent US history. A highly visual and readily accessible symbol, like USS MIDWAY, offers a serious reminder of what has gone before.

I have some experience with the restoration, rehabilitation and support of the SS LANE VICTORY which is the last surviving WWII Victory ship, located in Long Beach Harbor. The SS LANE VICTORY serves as an active maritime museum, is well supported by volunteers and supports many community activities. Groups have meetings on board, service groups take lunch on board, school children visit the ship on a regular basis and the whole project is self-sustaining.

San Francisco has the SS JEREMIAH O'BRIEN, a fully restored WWII liberty ship. The vessel is in such good shape that it participated in the 50th anniversary of the D-Day landings in France. Again, the project is completely supported by volunteers and is a huge success in all of the areas suggested by the San Diego Aircraft Carrier Museum Directors/Volunteers/Donors. Los Angeles and San Francisco are major commercial seaports. San Diego, while not a major commercial seaport, has a long and distinguished history of supporting a variety of US Navy activities. With this long tradition of support for the naval services comes a huge reservoir of sympathetic citizens who served active duty in naval air, aircraft carrier, submarine and surface ships. Based on the San Francisco and Los Angeles experience, there is no doubt the US MIDWAY would be well served in the new capacity by a grateful community and an enthusiastic volunteer corp. I am also sure that all safety and environmental requirements would be met fully, as they have been in other California locations.

Sincerely,

Roger C. Lynch Emily V. Lynch

Roger C. Lynch Emily V. Lynch

RECEIVED
FEB 0 8 2001
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

February 7, 2001

Sara Wan, Chair
California Coastal Commission
22350 Carbon Mesa Rd.
Malibu, CA 90265

Re: USS Midway Aircraft Carrier Museum-San Diego

Dear Ms. Wan,

As a native San Diegan, born in 1923 and presently retired, I and my wife support whole-heartedly plans to establish the "Midway Museum" in San Diego Bay. The mooring of the USS Midway in San Diego Bay is consistent with San Diego's history of naval aviation and compatible with the past and present day naval facilities and activities in our city.

Such a museum will serve to entertain and educate our many tourists in San Diego and our many school students of all ages. It will also serve as a commemoration to the thousands of service personnel who sailed from San Diego to overseas assignments in war and peace.

We feel confident it will always be a popular attraction for all to see and visit. Also, it will add millions of dollars to San Diego's economy. Local support for the Midway is in excess of 85% of our population.

We strongly recommend the California Coastal Commission approve the plan(s) for the USS Midway Aircraft Carrier Museum in San Diego.

Sincerely,

George S. Marinos

George S. Marinos

cc: California Coastal Commission Staff

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FEB 0 8 2001
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

February 5, 2001

Sara Wan, Chair.
Californis Coastal Commission
22350 Carbon Mesa Road
Malibu, Ca. 90265

Dear Ms. Wan,

I am writing tnis letter requesting that you and the California Coastal Cpmmission support locating the Aircraft Carrier Midway Museum at the Navy Pier, on Broadway, in downtown San Diego.

Navy Pier is a strategic location that will allow the maximum number of visitors, both local and out of town tourists, to visit this historic carrier.

The Midway Museum will be a tribute to all of the Navy personnel who departed from San Diego to fight in the wars and police actions beginning with World Warll.

Again, I urge you and the Coastal Commission to approve the Navy Pier location for the USS Midway Museum.

Sincerely,

Fred M. Mhoon

✓ Copy Sent To:
North Embarcadero Visionary Plan
c/o Calif. Coastal Commission Staff

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FEB 0 8 2001
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

February 5, 2001

Sara Wan, Chair
California Costal Commission
22350 Carbon Mesa Road
Malibu, Ca. 90265

Dear Ms. Wan:

I wanted to let you know my feelings in regards to the aircraft carrier USS Midway, being brought to San Diego as a museum.

I truly believe this would be a great idea. Our town is where the naval aviation saga started. Its been linked to the Navy for decades and the site for this kind of museum is perfect, let alone the revenue it would bring in for San Diego.

Voting in favor of this project would surely be very much appreciated by the people of San Diego.

Sincerely,

Samy Zaka
Lemon Grove, Calif. 91945

cc/ North Embarcadero Visionary Plan
c/o California Coastal Commission Staff, San Diego

1255 Rambling Road
Simi Valley, CA 93065-5725

RECEIVED
JAN - 8 2001
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

January 4, 2001

RE: San Diego Unified Port District Port Master Plan Amendment No. 27 (North Embarcadero)

California Coastal Commission
San Diego Area
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4402

Dear California Coastal Commission,

Subject: Approval of The Midway Aircraft Carrier Museum

I proudly served onboard the USS Midway (CVA-41) for two tours of duty during the Vietnam War (1971 & 1972) and was assigned to the catapult crew in V-2 Division. The Midway and its crew helped keep world peace for over 45 years from World War II until she was decommissioned after the Gulf War. She is a proud part of our American history and deserves to be preserved and shared with all Americans as **The Midway Aircraft Carrier Museum**.

I have anxiously followed the progress to bring the Midway to San Diego as a museum but I have been disappointed by the many delays. I just discovered that on the 10th there will be a hearing on this proposal and I have further read the summary of the Coastal Commission's Staff Recommendations. ***I strongly disagree with the Staff's recommendation to deny "the Midway Aircraft Carrier Museum portion of the amendment"!*** The Midway will be a source of great pride and accessible to the public as a reminder of all the military personnel who have sacrificed so much for our freedom. To deny this great warship it's place as a floating museum in San Diego would be dreadful mistake. The Midway is part of our American history and should not end up as scrap metal...and the Coastal Commission needs to do whatever possible to make The Midway Aircraft Carrier Museum become a reality.

I support protecting the California coast, and even have three Wyland Whale's Tail license plates in our family. From your web site, it appears that the contributions from these license plates add a significant amount to Coastal Commission programs. As you can see, I financially and theoretically support the California Coastal Commission, however I must **strongly disagree** with the Staff's recommendation to deny The Midway Aircraft Carrier Museum.

The developers of this Museum are proud Americans who will be lucky to break even on this Museum development and I am grateful for all of their hard work to get approval from all of the various governmental agencies involved with this development.

Please approve this worthy museum project that is being developed by private individuals in order to share a big piece of American history with all Americans for generations to come. ***Please*** do not deny this worthy usage of a small part of our California coast because in my opinion *the benefits far outweigh any perceived negative impact* of **The Midway Aircraft Carrier Museum**. Soon, I will hopefully be able to take my family to proudly share with them a great piece of American history where I proudly served our country... ***USS MIDWAY (CVA-41)***

Sincerely,

Frank Provenzano

Frank Provenzano

December 11, 2000

RECEIVED
DEC 2 8 2000
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Ms. Sara Wan
Chair
California Coastal Commission
22350 Carbon Mesa Road
Malibu, California 92065-5015

Dear Ms. Wan:

I am writing to request your support for berthing of the USS Midway as part of the North Embarcadero Visionary Plan., which I understand will be considered during the week of 8 January 2001 by the California Coastal Commission.

As a retired Naval officer who served aboard an aircraft carrier and as a San Diego County resident and taxpayer, I would like to see the USS Midway project become a reality. I believe that she will enhance the city's tourism industry, while serving as a permanent education center. available to the public.

San Diego has long been a military town, and is the home to many military families, both active and retired. These families will also appreciate having this historical symbol of sea power that has protected freedom around the world for five decades as a. floating museum. Just as the USS Intrepid has become a popular tourist attraction in New York City, I believe that the USS Midway Museum will be a resounding success in San Diego.

Thank you in advance for your consideration regarding the matter.

Sincerely,

Garry B. West

cc: San Diego Aircraft Carrier Museum
Attn: Riley D. Mixson
1355 North Harbor Drive
San Diego, California 92101

North Embarcadero Visionary Plan
C/O California Coastal Commission Staff
7575 Metropolitan Drive, Suite 103
San Diego, California 92108

Western Insulation Inc.

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January 9, 2001

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CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

California Coastal Commission
7575 Metropolitan Drive, #103
San Diego, CA 92108-4402

Subject: San Diego Port Amendment #27 - North Embarcadero Redevelopment

Commissioners:

I am in total agreement with this proposal **EXCEPT** for the docking of the U.S.S. Midway.

If you have seen that ugly monstrosity in Bremerton, Washington, you would not want it destroying our wonderful waterfront view.

This rusting tub does not belong in San Diego and representing this wonderful city. Do you want visitors remembering San Diego with this ship in mind or the beautiful city?

Vote no on U.S.S. Midway.

Sincerely yours,

Hal Moore

Hal Moore
Chairman and C.E.O.

HM/gv

cc: All Port of San Diego Commissioners
Mayor Dick Murphy

Arthur H. Noehren, C.P.A.
200 Horizon Hills Drive
El Cajon, California 92020
Tel and Fax (619) 334-5052

RECEIVED
FEB 06 2001
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

February 4, 2001

North Embarcadero Visionary Plan
C/O California Coastal Commission Staff
7575 Metropolitan Drive, Suite 103
San Diego, Ca 92108-04402

Re: Aircraft Carrier Midway Museum

Gentlemen/Ladies,

This letter is an appeal for the Commission to approve the proposed Midway museum, which I believe has overwhelming support by the citizens of San Diego. San Diego is a strong Navy town and warrants such a memorial for the many men and women who have served in the Navy over the years.

I believe it will also provide an interesting and unusual attraction for visitors, and an opportunity for people to understand the heritage and life aboard a Navy carrier.

Thank you for your consideration.

Very truly yours,

Arthur H. Noehren

February 6, 2001

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FEB 07 2001
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Sara Wan, Chair
California Costal Commission
22350 Carbon Mesa Road
Malibu, Ca. 90265

Dear Ms. Wan:

I am writing to you in reference to the aircraft carrier USS Midway, being brought to San Diego as a museum.

I truly believe this would be a wonderful idea. San Diego is a large military town and this would be a great way to honor the military. So many men have served on the USS Midway along with other ships to preserve our freedom.

This is also an excellent way for our children to become involved in the history of the United States. I traveled to Washington DC with my daughters school to visit and never realized how much this would impact me and the children I traveled with. We all have a better prespective on our government and how it works. I feel this would also be true of the history of our armed forces. Our children, along with the adults, need to have this first hand experience of viewing the USS Midway to fully appreciate our country and our freedom we are so blessed with.

The revenue that the ship would bring in as a tourist attraction for San Diego would be an added benefit to the project.

Please vote in favor of bringing the USS Midway to San Diego.

Sincerely,

Barbara Baxter

Barbara Baxter
8947 Lakeview Road
Lakeside, Ca. 92040

Copy sent to North Embarcadero Visionary Plan
c/o California Coastal Commission Staff, San Diego

Donald A. Vance, M.D.
Aviation Medicine - Senior FAA Examiner4201 Sweetwater Road
Bonita, California 91902-1415
(619) 479-9325 - Fax 479-6262

February 5, 2001

RECEIVED
FEB 0 7 2001
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Ms Sara Wan
Chair
California Coastal Commission
22350 Carbon Mesa Road
Malibu, CA 90265

Dear Ms. Wan:

I am writing in support of the project to establish the permanent USS Midway museum. As a naval reserve officer now with 34 years service you may understand my prejudice toward providing ships for the general public to experience. There are exhibits in a number of our cities which remain extremely popular and informative. It has long been recognized that as a Navy city, San Diego should have a similar facility and the Midway is an outstanding project.

I have followed this project with great interest, as I have been able to arrange tours of ships for family members over the years because of my duty status. I can assure you that the trip through a ship has been reported many times over the years as the high point of a trip to San Diego, despite all our other attractions in the area. A readily available ship tour which does not detract from the mission of the active duty personnel would be a welcome and appropriate San Diego attraction.

Sincerely,

Donald A. Vance, MD

Cc: Coastal Commission Staff

Feb 6, 2001

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COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Sara Wan, Chair
Calif. Costal Comm.
22350 Carbon Mesa, Rd.
Malibu, CA. 90265

Dear Ms. Wan,

To have the aircraft carrier Midway here in San Diego bay would be a a great boost for our town a Navy stronghold for more than 75 years. I certainly hope that you will vote in favor of this move.

Sincerely yours,

1818 Circo del Cielo Dr.
El Cajon, CA. 92020

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FEB 0 8 2001
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

February 6, 2001

Sara Wan, Chair
California Coastal Commission
22350 Carbon Mesa Rl.
Malibu, CA 90265

Dear Mrs. Wan,

I am writting to you in regards to the USS Midway. I feel that this conversion into a naval aviation museum is a benefit to San Diego, as well as California.
As you are aware San Diego is a navy based city in which an aircraft carrier museum would be a spectacular event for all.

San Diego needs this event for residents and their visitors.
This museum will provide a wonderful educational venue and memorial facility in honor for all who served in the force. Our future depends on our children and their childrens' children. Education is the key element and this is a prime opportunity for hands on experience for all ages.

Please take the time and consider this for all who served and lost their lives to earn our freedom.

Sincerely

Mishelle Barton

Mishelle Barton

CC:
california coastal commission staff

RECEIVED
FEB 0 8 2001
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Feb 7, 2001

Dear Sara Wan,

I am in Total Support of the Midway Air Craft Carrier Museum. I believe it would be a great educational opportunity for our school children. I have gone on many field trips with my Childrens school, and I know the Midway would be of Great interest. Please approve the Midway Museums plans.

Sandra Hicks

San Ysidro-Otay Rotary Club
P.O. Box 432250
San Ysidro, Ca 92143
Ph. (619) 662 4707
Quique Sanchez President

CREATE AWARENESS
TAKE ACTION

RECEIVED
FEB 1 4 2001
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Sara Wan, Chair
California Coastal Commission
22350 Carbon Mesa R.d
Malibu, Ca. 90265

Dear Ms. Wan

As the final phase on approving the mooring of the Midway in the Navy pier in our beautiful bay comes to an end, we at San Ysidro–Otay Rotary club would like to express our support for the Midway to be part of our city and appreciate your approval.

Not only this carrier will be used as a tourist attraction, but will serve as a tribute to thousands of sailors who sailed from San Diego to serve their country.

Most important of all is the opportunity that we in San Diego will have for our children to learn more about aircraft carriers and their involvement in time of wars and promoting peace in the world we live in.

The unique relationship that the Navy and our City has had for over 75 years will be forever sealed with the Midway making San Diego its home.

Respectfully;

Members
San Ysidro-Otaty Rotary Club
Enrique A Sanchez
President

cc: North Embarcadero Visionary Plan

500 HOTEL CIRCLE NORTH SAN DIEGO, CALIFORNIA 92108 TELEPHONE (619) 291-7131

Town and Country
RESORT & CONVENTION CENTER

February 12, 2001

RECEIVED
FEB 1 4 2001
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

The Honorable Sara Wan
Chairwoman
California Coastal Commission
22350 Carbon Mesa Road
Malibu, CA 90265

Dear Chairwoman Wan:

Let me take a moment to let you know how strongly I feel that Midway at Navy Pier will make a great memorial to honor the 75 years of partnership between the Navy and the City of San Diego. I feel this would serve as a wonderful tribute to the thousands of service person that sailed from San Diego to fight for America's freedom in numerous wars. Many of these great service people gave their lives for our freedom.

As you know, San Diegans have given overwhelming support to having Midway as a museum open to the public at Navy Pier. Opinion poll supported it by 86%!

This will also be a terrific, *free* educational venue for approximately 40,000 San Diego students. San Diegans and visitors to beautiful San Diego will be given a chance to see and explore the U.S. Navy's aircraft carrier, which has protected and promoted peace in the United States for more than half a century.

The Midway will provide San Diego with a wonderful new attraction to be enjoyed by all and provide a new and unique event venue to serve the growing convention/meetings and special events industries in San Diego.

Sincerely,

James L. Oddo
Vice President-Marketing
ATLAS HOTELS, INC.

JLO:btw

cc: California Coast Commission staff
Salvatore Giametta, Vice President of Community Relations - San Diego Conv. & Visitors Bureau

MRC Gold Key Award

Hilton
San Diego Mission Valley

HANALEI HOTEL

FROM THE OFFICE OF
JACK GIACOMINI, CHA
Vice President, Managing Director

February 12, 2001

RECEIVED
FEB 1 4 2001
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

The Honorable Sara Wan, Chairwoman
California Coastal Commission
22350 Carbon Mesa Road
Malibu, CA 90265

Dear Chairwoman Wan:

I am writing on behalf of our 500 employees to request your support of the USS Midway Project to be sited at San Diego Navy Pier.

Our city and the United States Navy have enjoyed a wonderful partnership for over 75 years. The USS Midway Project is a highly significant memorial to the thousands of service personnel who have shipped out from our harbor to fight five wars of the twentieth century for America's freedom.

The vast majority of San Diegans favor this tribute to honor those who have so honorably served out country from our shores.

We ask for your support of this project.

Sincerely,

Jack Giacomini
Vice President, Managing Director

JG/fr

2270 Hotel Circle North • San Diego, California 92108
Office (619) 297-1101 • Cell (619) 994-2028 • Fax (619) 291-4424

WOMEN'S UNIVERSITY CLUB OF SAN DIEGO
2557 3rd Ave, San Diego, Ca

RECEIVED
FEB 0 5 2001
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

8 February 2001

Ms Sara Wan, Chair
California Coastal Commission

Dear Ms Wan,

I am writing to support bringing the aircraft carrier Midway to San Diego,

Mr. Alan Uke came to the Women's University Club some time ago to present a program on bringing the "Midway", an historical Naval Aircraft Carrier, to San Diego. Since then we have been eagerly waiting it's arrival. It will be a great learning experience for our children and a feature tourist attraction, but most importantly it represents a partnership with the Navy in San Diego. I have lived here in San Diego since 1938. Most of the members of our Women's Club are long time residents and are very much in favor of having this historical Naval Museum in our harbor.

Sincerely,

Jane Clark

Jane Clark
Program Chairman
Women's University Club
9150 Larga Vista Ct.
Spring Valley, Ca 91977

Copy to:
North Embarcadero Visionary Plan
And Midway Magic Office

nt
larrard
'ola Court
ego CA 92110-1154
176-2560
19) 276-5715
Klarrard@aol.com

Vice Regent
Jenkins
inda Lane
ego CA 92120-3936
103-1155
bfjenk@cs.com

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a CA 91941-6208
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Madison Avenue
n CA 92021-6402
40-5353

Letitia Coxe Shelby Chapter, NSDAR

February 10, 2001

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FEB 1 4 2001
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Sara Wan, Chair
California Coastal Commission
22350 Carbon Mesa Road
Malibu, CA 90265

Dear Ms. Wan,

Last September Mr. Uke spoke to the Letitia Coxe Shelby Chapter of the DAR in La Mesa about the proposed Midway Museum. Our members were very excited and supportive of the Midway project.

San Diego is a Naval port and we need this memorial for our city. Ours is a Naval and Marine family.. It will provide an educational value to our students—both young and old—and a great opportunity to have first hand experience to explore and study the workings of an aircraft carrier.

The Museum will be a wonderful commemoration for the thousands of Naval personnel who have been in the service of America.

The Midway Museum will be a great place to hold special events for the people of San Diego and our visitors.

I sincerely hope the Midway Museum will happen!

Sincerely,

Bobbie F. Jenkins

Copy to: North Embarcadero Visionary Plan
c/o California Coastal Commission Staff
7575 Metropolitan Dr., Suite 103
San Diego, CA 92108-04402

Lawrence LeClaire
716 Inspiration Lane
Escondido, California 92025

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COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

14 February 2001

The Honorable Sara Wan
Chairwoman
California Coastal Commission
22350 Carbon Mesa Road
Malibu, California 90265

Re: USS Midway berth at San Diego Navy pier

Dear Chairwoman Wan:

It has come to my attention that you will be reviewing the berth of the USS Midway as a museum at San Diego's Navy pier in the near future. It is my sincere hope this outstanding memorial will be approved, especially for both San Diego and the Navy and Southern California.

The USS Midway serves as an admirable commemoration to the thousands of service personnel who sailed from San Diego to fight wars during the past 60 years and for which many gave their lives to keep our great nation's freedom. Just as important, the USS Midway provides an extraordinary memorial to respect and honor the 75 years of partnership between the U.S. Navy and the City of San Diego.

The museum will give both San Diegans and visitors from all parts of California and the nation an exceptional, firsthand opportunity to see and explore one of the U.S. Navy's most astonshing technological wonders. It will be a spectacular attraction to be enjoyed by all who visit our great city of Southern California and will provide a new and singular happening to serve the growing convention/meeting and special events industries in San Deigo. Most important, the Midway will provide an outstanding educational venue at no cost to thousands of San Diego students each year.

As you know, professional public opinion polls have shown that San Diegans overwhelmingly (86%) give their support to the USS Midway as a museum. A museum open to the public.

Finally, as a Korean War veteran, I believe this project will be one of our finest and deserves your commission's complete approval. Thank you.

Sincerely,

Lawrence LeClaire

√ cc: California Coastal Commission Staff
North Embarcadero Visionary Plan

William F. Quarg
11949 Riverside Drive, #15
Lakeside, CA 92040-2319

RECEIVED
FEB 15 2001
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

February 13, 2001

Chairwoman Sara Wan
California Coastal Commission
22350 Carbon Mesa Road
Malibu, CA 90265

Dear Chairwoman Wan,

I write to encourage favorable consideration of berthing the USS Midway at Navy Pier in San Diego as part of the North Embarcadero Visionary Plan.

The addition of Midway to the North Embarcadero Visionary Plan would provide another fine attraction for the thousands of visitors to San Diego each year. Further, it would provide an excellent educational venue for about 40,000 students each year. With a sound funding plan and the support of a vast majority of San Diegans, this fine tribute to our Navy is most appropriate. Midway would serve as a reminder of the contributions and sacrifices made by our service personnel on a daily basis onboard our ships of the line and would additionally serve as a memorial to honor the 75 years of partnership between the Navy and the City of San Diego.

I urge favorable consideration of the Midway project.

Sincerely,

William F. Quarg

Copy:

North Embarcadero Visionary Plan
c/o California Coastal Commission Staff
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4402

12 February 2001

RECEIVED
FEB 15 2001
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

The Honorable Sara Wan
Chairwoman
California Coastal Commission
22350 Carbon Mesa Road
Malibu, CA 90265

Dear Chairwoman Wan:

We have been following the news about bringing the Midway to San Diego and we are delighted. We think the Midway at Navy Pier will make a wonderful memorial honoring the 75 years of partnership between the Navy and the City of San Diego. It will serve as a noble commemoration to the thousands of service personnel who sailed from San Diego to fight in five wars for America's freedom. Many of them gave their lives to earn that freedom.

Based on two professional public opinion polls San Diegans have given overwhelming (86%) support to having Midway as a museum open to the public at Navy Pier. Midway will provide a superb equational venue to about 40,000 San Diego students free of charge each year.

The Midway will give San Diegans and visitors a rare, firsthand opportunity to see and explore a technological wonder, the US. Navy's aircraft carrier, which has enabled the United States to protect and promote peace throughout the world for more than half a century

The Midway will provide San Diego with a spectacular attraction to be enjoyed by visitors and residents alike. In addition, it will provide a new and unique event venue to serve the growing convention/meetings and special events industries in San Diego.

Please use your influence to expedite the location of the Midway.

Very truly yours,

Marlene and Bill Colvin
2383 Salisbury Drive
San Diego, CA 92123

Curtiss N. Stuart
3075 Sandburg Court
San Diego, CA 92122

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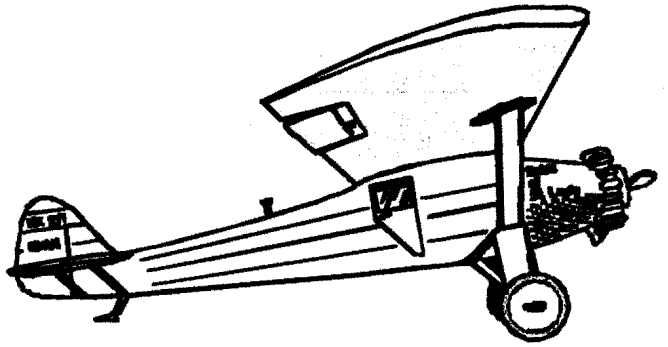
FEB 2 1 2001
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Sara Wan, Chair
California Coastal Commission
22350 Carbon Mesa Road
Malibu, California, 90265

Dear Madam Chair,

February 21, 2001



San Diego has its unique images:

The Navy is part of us here. We're connected!

My support for the Midway Museum project is quite strong and emotional. Please put me down on the YESSSS side of "Bring the Midway Here" and resolve the hurdles of approval.

Sincerely,

Curtiss N. Stuart

Curtiss N. Stuart,
San Diego private citizen

cc: San Diego Coastal Commission staff

Sheraton San Diego
HOTEL & MARINA

EXECUTIVE OFFICE

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COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

The Honorable Sara Wan
Chairwoman, California Coastal Commission
22350 Carbon Mesa Road
Malibu CA 90265

February 16, 2001

Dear Chairwoman Wan:

It has come to my attention that the California Coastal Commission is scheduled to take up the North Embarcadero Visionary Plan (NEVP), including the Midway Project in mid March.

Please allow me to point out the widespread support that exists throughout San Diego for this special project:

San Diegans have given overwhelming (86%) support to having The Midway as a museum open to the public at Navy Pier.

The Midway at Navy Pier will make a wonderful memorial to honor the 75 years of partnership between the Navy and the City of San Diego.

The Midway will give San Diegans and visitors to San Diego a rare, firsthand opportunity to see and explore a technological wonder, the US Navy's aircraft carrier.

The Midway will provide a superb educational venue to about 40,000 San Diego students free of charge each year.

The Midway will provide San Diego with a spectacular attraction to be enjoyed by visitors and residents alike. In addition, it will provide a new and unique event venue to serve the growing convention/meetings and special events industries in San Diego.

Our Sheraton in San Diego believed so strongly in the benefit of this for the local community, that it contributed $25,000 as one of the original Plan Owners.

Thank you for giving this project your very special attention and support.

Sincerely,

Joe Terzi
Vice President-Operations
Southern California
Starwood Hotels & Resorts Worldwide.Inc.

cc. Sal Giametta
cc: CCC staff

1380 HARBOR ISLAND DRIVE, SAN DIEGO, CA 92101, PHONE: (619) 291-2900, FAX: (619) 692-2337

LORRENCE (RUSS) PORTER
14 MEADOW FOX ROAD
NORTH HAMPTON, NH 03862

TEL. (603) 964-8400
E-MAIL - LRANDJMP@AOL.COM

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SAN DIEGO COAST DISTRICT

(COPY)

California Coastal Commission
22350 Carbon Mesa road
Malibu, CA 92065

Dear Sara Wan, Chairman,

I am writing in support of the USS MIDWAY to be moved to San Diego to become an aircraft carrier museum. I am sure the presence of the USS Midway will be a very rewarding attraction for San Diego and surrounding cities and towns and for the many visitors that I am sure would enjoy visiting this ship with such a great history.

I have been following the path of the Midway since I left the ship in Norfolk, Virginia on September of 1948. Myself being a former crewman from 1946-1948. I was a printer working in the Print Shop and we published a weekly newspaper plus the many shipboard printing jobs. I was aboard when the V-2 rocket was fired off the east coast of the United States in the summer of 1947, and it sure was an historical event. It ushered in the missile program of the US Navy. I was also aboard when we traveled to the Mediterranean Sea for 6 months. It was a period in history right after World War II when things were still questionable in the European area. We lost 12 shipmates during that cruise by accidents, they do happen aboard Navy ships, as we all know and continue to happen. I could go on and on, that's the life of the US serviceman. Pardon me for getting carried away.

In closing I do hope the plans of many are carried out and this event will come true at least in my lifetime. I look forward to being present on the opening day of the Midway as an Aircraft Carrier museum.

Sincerely,

Lorrence R. Porter

DV

SAN DIEGO COUNTY HOTEL–MOTEL ASSOCIATION

February 14, 2001

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COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

The Honorable Sara Wan
Chairwoman
California Coastal Commission
22350 Carbon Mesa Road
Malibu, CA 90265

Dear Chairwoman Wan:

I am writing to you to let you know that the San Diego County Hotel-Motel Association supports the North Embarcadero Visionary Plan (NEVP) including the Midway project which will make a wonderful memorial to honor the 75 years of partnership between the Navy and the City of San Diego.

Midway will also serve as a noble commemoration to the thousands of service personnel who sailed from San Diego to fight in five wars during the twentieth century for America's freedom. Many of them gave their lives to earn that freedom.

San Diegans (based on a public opinion poll) have given an overwhelming 86% support to having Midway as a museum open to the public at Navy Pier. It will also provide a superb educational venue to about 40,000 San Diego students free of charge each year.

The Midway will also offer San Diegans and visitors to a rare, firsthand opportunity to see and explore a U.S. Navy's aircraft carrier, which has enabled the United States to protect and promote peace throughout the world for more than half a century. In addition, it will provide a new and unique event venue to serve the growing convention and special events industries in San Diego.

We want the Coastal Commission to be aware of the widespread support that exists throughout San Diego County for this special project.

Sincerely,

Luis C. Barrios
President

LCB/dc

1945 Quivira Way • Suite #D5 • San Diego, California 92109 • (619) 224-2811 • FAX (619) 224-9314

Environmental Health Coalition

COALICION de SALUD AMBIENTAL

1717 Kettner Blvd., Suite 100 ◆ San Diego, CA 92101 ◆ (619) 235-0281 ◆ FAX: (619) 232-3670
ehc@environmentalhealth.org ◆ www.environmentalhealth.org

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SAN DIEGO COAST DISTRICT

Sept 7, 2000

Chairman Sara Wan and Coastal Commissioners
California Coastal Commission
45 Fremont Street
San Francisco, CA 94104

By Fax to District Office

RE: EHC opposition to approval of location of the USS Midway in San Diego Bay as part of the North Embarcadero Visionary Plan.

Dear Commissioners:

Environmental Health Coalition (EHC) wishes to communicate our strong opposition to the location of the USS Midway carrier in San Diego Bay as part of the North Embarcadero Visionary Plan. We request that this element of the project be removed prior to adoption for reasons listed below.

The USS Midway is "fill" of at least four more acres of San Diego Bay and impacts many more.

The Midway Museum satisfies the definition of "fill material" under both the regulations of the Corps and EPA. "Fill material" is material used for the primary purpose of replacing an aquatic area with dry land in the waters of the United States. 33 C.F.R. § 323.2(e), 40 C.F.R. 232.2. Without a doubt, San Diego Bay is a water of the United States and therefore falls within the scope of section 404 and its implementing regulations. The project's primary purpose is to replace a large acreage of the bay with the Midway carrier. The large acre deck will overhang and impact more bay area. Since the Midway Museum would be moored at the Navy Pier, it would become a permanent structure in the bay. The proposed museum does not fall within any of the exemptions under section 404(f) of the Clean Water Act. In addition, the museum is not a federal project and is therefore not exempted under section 404(r). It is being donated by the Navy to a private, nonprofit group and falls within section 404. It should also be viewed as fill by the Coastal Commission.

Exhibit #15
PMPA #27
Letters of Opposition

Printed on recycled paper with soybased inks.

The Midway is an unnecessary fill of San Diego Bay.

The amount of fill that has occurred in San Diego Bay in the last few years is alarming. Over 14 acres of San Diego Bay have been filled in the past 3 years due to construction of two nuclear carrier piers and additional proposals, (the National City Marine Terminal Improvements project and perhaps the Cruise Terminal pier to name just two), are pending to fill even more of the Bay for maritime uses. We understand that there is a concept for mitigation of this project, but the US Fish and Wildlife Service has indicated to us that they have not seen details on or approved a plan at this time. We would assume that it must include animal predator control funds for the life of the project and mitigation site as well as the restoration.

Overall, we support the development of comprehensive land use plans to guide redevelopment of areas around San Diego Bay. We particularly supports those projects which promote public open space, view corridors, pedestrian-oriented activities on the waterfront, and are designed to minimize impacts to habitat, air and water quality. This project does not meet those criteria. Instead, it results in a loss of more acres of open water and foraging area for birds, obstructed views of the bay, added cumulative traffic impacts, inadequate parking to accommodate its visitors, PCB and asbestos contamination threats, and additional losses of deep-water berthing.

As is well-known by the Commission, there are already three aircraft carriers to be located in San Diego Bay. This is enough. There is no need or justification for any more. The working carriers will allow visitations and public access on a regular basis. A Navy museum does not have to be in a facility that fills the Bay or adds additional traffic to an already very congested area.

Water quality impacts raised in the environmental review stage are not adequately addressed in the final EIR.

Unlike all of the other projects in the North Embarcadero Plan that will receive additional specific plan environmental review, this is the **final** environmental review level for the Midway museum. In spite of this, the Port approved a plan that in response to concerns of environmental groups about runoff in vague, non-committal terms. In response to concerns by the environmental community about polluted runoff impacts, the responses state "*Although no specific design has been completed to date, it is anticipated that "first flush" runoff from the pier will be collected and treated. The exact method of collection and treatment has yet to be determined....*" (Response #94). This is not acceptable and does not assuage us that this issue has been or will be properly dealt with. The Coastal Commission should not accept this non-plan as adequate to protect water quality from carrier and parking lot runoff. We would not let any other dischargers get away with this. The same standard of review should apply to the Midway developers.

The reliance on the Navy to "*...assess the adequacy and enforce the Stormwater*

Pollution Prevention Plan." should give you no comfort at all. Under what authority? The Navy is not a co-permittee under the municipal stormwater permit. If this is not a Navy project, as is often claimed, why is the Navy the top regulator according to this document? We restate and reaffirm our concerns listed in our comment letter regarding hazardous materials use, PCB and asbestos abatement, and polluted runoff here.

Project causes unmitigated, permanent loss of deep water berthing

San Diego Bay is a multi-use water resource. Maritime operations and an active cruise ship industry are important parts of that multi-use. This project causes additional losses of deep water berthing potential in San Diego Bay. This loss has a significant cumulative impact especially when combined with other losses in deep water berthing, most notably the deep water in front of Campbell's Shipyard, and should be avoided.

The fiscal impacts of this project should not be ignored.

The Coastal Commission should seek a guarantee that the Midway will be able to pay for itself, and its mitigation requirements, for the life of the project. The financial picture of operating a carrier museum is far more complex than the materials indicate. Generally the public will not come to see an "empty" vessel. Top class exhibits will have to be installed which can run into a very significant expense. Further, to generate adequate revenue and visitor ship the exhibits must be changed to encourage repeat visits–again at additional cost. We do not want to end up with a rusting, city-sized vessel in our Bay or an expensive money pit that draws funds from other institutions in our region. This issue was so significant at a recent City Council hearing that close to a majority of the Council voted that additional environmental and fiscal analysis should be done for this project.

We are very concerned that the Midway Museum will eventually become a financial burden on the public and could undermine existing institutions (such as the Maritime Museum), as well as environmental protection initiatives and mitigation requirements. We urge the Commission to demand evidence and agreements in-hand that full, committed funding with a renewing resource exists before this is approved. Please remember that the fiscal liability for the project relates to the developers ability to meet their mitigation requirements, maintenance, and long-term predator control. If money is short, the Coastal Commission should be concerned that the first thing to go will be funding for the mitigations requirements.

The Midway will cause unacceptable impacts to traffic and circulation.

Even if only partially successful, the Midway would contribute to a significant cumulative impact to I-15 and I-5 ramps, as well as significant parking increases, and these are unmitigated. This added traffic, congestion, and parking poses a potential increase in vehicle-related pollutants in areal fallout and runoff entering the Bay. Neither the areal fallout of PAHS from increased traffic nor the cumulative parking impacts (in addition to the parking impacts from just the Pier 11A parking facility) were adequately mitigated in the MEIR, despite the fact that the Bay is

impaired for PAHs and a TMDL is being developed for PAHs.

Impacts to Brown Pelican not addressed

The significant impact identified is the loss of approximately four acres of foraging habitat used by California least terns and brown pelicans at the Midway site. As we understand it, the proposed mitigation plan does nothing to mitigate impacts to Brown Pelicans.

Conclusion

California does not need a second carrier museum. The environmental impacts of the proposed Midway Museum outweigh any potential benefits of bringing the carrier to San Diego Bay. The tourists that will be attracted to this area by the North Embarcadero Alliance Visionary Plan can only benefit from an unobstructed view of San Diego Bay, a view that is not blocked by the carrier. San Diego Bay is small by most California bay standards. It already hosts one sixth of the U.S. Navy and will host three nuclear carriers. The Bay will suffer **significant** impacts from those operations as well. Please do not allow more of the Bay to be lost to this project. It is unnecessary, unmitigable, and unwanted.

Thank you for your consideration of our comments.

Sincerely,

Laura Hunter

Laura Hunter, Director
Clean Bay Campaign

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SAN DIEGO COAST DISTRICT

To: Chairperson Sara Wan and Coastal Commissioners,
California Coastal Commission

NO Thank You for the aircraft carrier parked on our Front Porch! Port Plan Amendment No. 27 is a BAD IDEA!

The "save the Midway" project is a mistake for San Diego and will create unneccesary negative impacts on our harbor.

Placing the aircraft carrier on the bay at the North Embarcadero will:

- obstruct views of the bay (already the entire South Embarcadero view is totally blocked)
- serious contamination threats are a real concern
- loss of deep water berthing
- replace an aquatic and foraging area for birds with at least four acres of "fill material" in our already small bay
- add cumulative traffic impacts, including traffic and parking congestion
- present a potential financial burden to the city due to maintenance and upkeep.

Yes the military is an important part of the San Diego economy and the idea of a carrier museum is very cool - BUT THIS IS NOT THE PLACE TO PUT IT! PLEASE don't allow sentimentality and political pressure to put a "right " idea in a VERY WRONG PLACE.

Please protect our bay, and our view of it, by rejecting this project.

Thank you for your consideration,
Marti E. Kranzberg
San Diego, CA

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URGENT MEMO November 8, 2000

FROM: Tom Holman, 35351st Ave, 3A
San Diego, CA 92103

TO: Sara Wan, Chairperson, and all
Coastal Commissioners

REF: Aircraft Carrier Midway: a museum for San Diego bay
Port Plan Amendment No. 27 (North Embarcadero Redevelopment)

This small bay is already overcrowded and will impact our harbor in many negative ways. Placing the carrier on the North Embarcadero will take away about four acres of aquatic and foraging area for birds, obstruct what little view there is left of the bay, impact an already over-crowded traffic area causing more dangerous congestion, place more financial burdens on the taxpayers, to say nothing of further limiting of deep water berthing, and more possibilities of contamination.

Please give these serious concerns your careful consideration at the November 13 meeting which I cannot attend, in San Francisco.

Dear Madam & Sirs
Re Port Plan Amendment 27 (North Embarcadero Redevelopment
Do not ruin our already small bay by approving the placement of the carrier there. Fill material will curtail the foraging area for birds. It will obstruct our view of the bay. Traffic will be potentially increased. We don't need "Midway magic". We need a peaceful bay.
Sincerely
Irene Kallen

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SAN DIEGO COAST DISTRICT

S. Sub
S.D.

7323 Rondel Court
San Diego, CA 92119
(619) 644-3000

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November 8, 2000

Re: Port Plan Amendment #27

Chairperson Sara Wan and Coastal
Commissioners, California Coastal Commission
45 Fremont Street
San Francisco, CA 94104

Dear Chairperson Wan & Coastal Commissioners,

We have learned that the San Diego Aircraft Carrier Museum wants to convert the 51,000-ton retired aircraft carrier Midway into the nation's newest floating museum and entertainment destination at the Navy Pier in San Diego Harbor, just south of the bottom of Broadway.

We believe this project is a mistake for San Diego in that it will create unnecessary impacts on our harbor. Among other things, placing the carrier on the North Embarcadero will: replace an aquatic and foraging area for birds with at least four acres of "fill material" in our already small bay; obstruct views of the bay; add contamination threats; add cumulative traffic impacts, including traffic and parking congestion; loss of deep water berthing; and is a potential financial burden to the city.

We feel that the kind of helter-skelter development of our fair city that we have seen in the past is no longer a viable option for us, nor our environment.

Best regards,

Patty Mooney

Mark Schulze

Larry Simon

To: Chairperson Sara Wan and Coastal Commissioners, California Coastal Commission

NO Thank You for the aircraft carrier parked on our Front Porch! Port Plan Amendment No. 27 is a BAD IDEA! The "Save the Midway" project is a mistake for San Diego and will create unnecessary negative impacts on our harbor. Placing the aircraft carrier on the bay at the North Embarcadero will:

- Obstruct views of the bay (already the entire South Embarcadero view is totally blocked)
- Pose potential serious contamination threats
- Cause a loss of deep water berthing
- Replace an aquatic and foraging area for birds with at least four acres of "fill material" in our already small bay
- Add cumulative traffic impacts, including traffic and parking congestion
- Present a potential financial burden to the city due to maintenance and upkeep

Yes the military is an important part of the San Diego economy and the idea of a carrier museum is a good one - BUT THIS IS NOT THE PLACE TO PUT IT! PLEASE don't allow sentimentality and political pressure to put a right idea in a VERY WRONG PLACE. Please protect our bay, and our view of it, by rejecting this project.

Thank you for your consideration,

Katherine B. Miner
1553 Reed Avenue
San Diego CA 92109

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SD/FO

Z KRIPKE, MD
8437 Sugarman Drive, La Jolla, CA 92037-2226
(858) 453-6427, fax 453-4433
ZDKripke@csi.com

November 8, 2000

Chairperson Sara Wan and
Coastal Commissioners
California Coastal Commission
45 Fremont Street
San Francisco, CA 94104

San Diego

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SAN DIEGO COAST DISTRICT

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Dear Ms Sara Wan and Commissioners,

I oppose the Port Plan Amendment No. 27 (North Embarcadero Redevelopment) to bring the retired aircraft carrier Midway to San Diego's harbor.

Parking the enormous carrier will result in the loss of over four acres of our natural bay shoreline. This area of the San Diego Harbor is already impacted with traffic and parking congestion; another 'attraction' is not needed. This project stands a good chance of becoming a financial burden on a city that is already staggering under the costs of recreational projects like the ballpark.

This is an ill advised project that takes away still more of our shoreline and that has had little discussion or support by our citizens. It should not go forward.

Sincerely,

Z Kripke

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SAN DIEGO COAST DISTRICT

November 8, 2000
134 2nd Ave.,
Chula Vista, CA 91910

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COASTAL COMMISSION

Chairperson Sara Wan
and Costal Commissioners
California Coastal Commission
45 Fremont St.
San Francisco, CA 94104

Dear Sara Wan,

This letter relates to Port Plan Amendment 27 (North Embarcadero Redevelopment) in San Diego. We are very much concerned about and opposed to the proposed conversion of the Midway Aircraft Carrier to a floating museum and entertainment center proposed for the Navy Pier in San Diego Harbor just south of the foot of Broadway.

The bay is already dominated by the Navy and its ships. Everywhere one looks are Navy vessels. Another overpowering, huge, permanent ship right at the foot of Broadway is pushing the Navy's presence in our faces and spaces in a very objectionable way.

As a person born in San Diego in 1918 and having grown up with a personal connection with the unique beauty of the San Diego harbor, and seeing the changes in the bay through the years, I feel that this project is not good for San Diego and will create unnecessary impacts on our harbor.

This development will take away from our already small bay, at least 4 acres of "fill material", replacing aquatic and foraging area for birds. It will be a huge obstruction to views of the bay, add contamination threats and add to the already critical traffic and parking congestion of the waterfront area. It will take away needed deep water berthing space and will be a potential financial burden to the city. There is more than enough domination of the bay by our Navy already.

We need to keep to enjoy unobstructed views of the bay and its aquatic activities - which have been one of our city's biggest assets through the years, and we need to keep from creating even much more traffic and parking congestion and frustration for our central area waterfront.

Please take these views into your considerations of this ill-advised project.

Sincerely yours,

David W. Neptune
Helen J. Neptune

David W. Neptune
Helen J. Neptune

The Environmental

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SAN DIEGO COAST DISTRICT

May 4, 2000

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Ms. Sara Wan, Chairman
California Coastal Commission
46 Fremont Street #2000
San Francisco, CA 94105

Dear Ms. Wan:

There is a great deal of publicity concerning the proposal before the California Coastal Commission to place the Midway aircraft carrier at the Navy's pier off Harbor Drive. I am aware that there is a certain level of controversy concerning this proposal with the Environmental Health Coalition and the Audubon Society in opposition.

I am quite certain, based on my years as a biologist with the U.S. Navy (now retired) that the U.S. Fish and Wildlife Service, National Marine Fisheries Service, U.S. Army Corps of Engineers and the California Department of Fish and Game are likely to consider this placement as equivalent to a fill. I have been involved in several projects for which the Navy has had to provide in-kind and in-place mitigation. I refer especially to the two nuclear carrier projects that have recently been accomplished or in the news. I do understand that a number of other projects have been required to provide similar mitigation.

As Chairman of the Technical Oversight Committee to the San Diego Bay Integrated Natural Resources Management Plan, I am opposed to any reduction in the surface area of San Diego Bay and assure you that the Committee in general and the Plan support the position that continued bay surface area reductions should not be allowed.

I request, therefore, that the California Coastal Commission require, at a minimum, that the project proponents provide an equivalent acreage of in-kind and, to the degree possible, in-place mitigation for the Midway project. I recall, for example, that the Navy had to create approximately 14 acres (planted with eelgrass) from upland fill at Naval Air Station North Island to mitigate for loss of a 14 acre water column as part of the first CVN carrier project (for the Stennis). There is no legitimate reason why the Midway proponents should be held to any lesser standard. It would be a benefit to the Bay for the Coastal Commission to require a mitigation ratio of more than 1:1. The Bay, which has been reduced by 1/3 over the last 100+ years, can only benefit from wisely planned mitigation that restores and enhances its sensitive habitats.

Sincerely,

Jerry R Boggs

JERRY R. BOGGS, Chairman
Technical Oversight Committee
San Diego Bay Integrated Natural
Resources Management Plan

Senior Natural Resources Program Manager
The Environmental Trust

Cc: Capt. R.L. Phillips
Naval Facilities Eng. Command

Eileen Maher
Port District of San Diego

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COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

ay 2, 2000

rt District Board of Commissioners
65 Pacific Highway
n Diego, CA 92101

bject: Midway Aircraft Carrier Museum

ommissioners:

m adamantly opposed to parking this 50-year old gray piece of junk on our terfront near the County Administration Building.

an Diego is a modern city and parking a 50-year old dinosaur where it will block e boardwalk and bay view will be disastrous. In no way will it promote the eauty of this city.

this the lasting impression San Diego wants to leave with tourists? I don't think o!

ote NO!

ncerely yours,

Hal Moore

al Moore
hairman and C.E.O.

M/gv

: Union Tribune
City Council Members
Mayor Golding
California Coastal Commission

RECEIVED
DEC 20 2000
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

December 6, 2000

Dear SARA WAN and Coastal Commissioners

I urge you to see what a dreadful mistake the Midway Project would be for San Diego. I do NOT want an aircraft carrier parked on San Diego's/my front porch! Port Plan Amendment No. 27 is Hasty and a BAD IDEA!!! This project will create many unnecessary negative impacts to our harbor and its surrounding area's. Equally, I do not favor an obstruction to our beautiful westward skyline. One such bad example, is the 1970's San Onofre Nuclear Power Plant today it is an "*eyesore,*" among other things. Too bad for us, residents of Southern California, that our welfare was not truly considered when it was built. Presently, San Onofre appears to have been more about immediate conquer and greed, NOT the continuous health and the well-being of all.

Please don't let BAD history repeat itself! Let us not make another mistake! Placing an aircraft carrier on the San Diego bay, at the North Embarcadero will:

1. Obstruct the view of the bay (the South Embarcadero view is now completely blocked)
2. Serious contamination threats
3. Loss of deep water berthing
4. Loss of an aquatic and foraging area for birds, due to fill material, our San Diego bay is already too small. Compare it to that of Seattle, WA.
5. Traffic impact: local and freeways, including parking congestion
6. A financial burden that will somehow be rolled on to San Diego taxpayers

True. Military is important to San Diego, and the idea of a museum is nice; however, this is not the place to put it. Please do not let sentimental and political pressure sway you to overlook the truth. Please, the truth is, *this is DEFINITELY not a favorable project for the San Diego bay*. Please note: only a handful of SD residents have been informed of this proposed museum, and its proposed location.

Similarly, a museum in San Diego clearly does not need to be on such a LARGE scale. As an alternative, the proposed military museum could be SUCCESSFULLY located in Balboa Park adjacent to the other important and popular museums of San Diego? Perhaps even near the Aerospace Museum. Therefore, if this sort of museum is needed in San Diego let it be at the *infamous tourist museum area* of Balboa Park!

Please protect our/my bay, by rejecting this project. Thank you very much! And thank you for your time and consideration!

Sincerely, Alycen Haynesworth

Alycen Haynesworth

THE CITY OF
SAN DIEGO

VALERIE STALLINGS
COUNCILMEMBER
SIXTH DISTRICT

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CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

May 19, 2000

Coastal Commission
3111 Camino Del Rio North #200
San Diego, CA 92108

Dear Coastal Commissioners:

I am writing to state my long-standing position regarding the plan to bring the aircraft carrier Midway to San Diego. I do not oppose the Midway Museum, but have never supported the proposed location.

Because a waterfront promenade along the bay will be a wonderful addition to the San Diego lifestyle, I support this concept in the North Embarcadero Visionary Plan. The plan emphasizes enhanced access to the Bay by providing pedestrian amenities that combine to promote human-scale activities. The addition of public access improvements proposed by the Visionary Plan would create a continuous stretch of public open space and pedestrian-oriented activities connected by a landscaped esplanade from Laurel Street to Market Street.

The Midway project is not compatible with the proposed Promenade because of the potential impacts to the existing public views of the bay related to the size and scale of the Midway (1,000 feet long with a control tower that is 190 feet tall measured from the waterline). Because the overriding urban design goal of the Port Master Plan and Centre City Community Plan is to preserve views to the Bay, I have not and will not support the proposed location for the Midway Museum.

Sincerely,

Valerie Stallings

Valerie Stallings
City Councilmember

cc: Port Commissioners

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SAN DIEGO COAST DISTRICT

January 6, 2001

Diana Lilly
California Coastal Commission San Diego Area Office
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4402

Ms. Lilly:

Please distribute the enclosed letter to all members of the California Coastal Commission in time for them to read it prior to the hearing to be held on January 10, 2001 in Los Angeles.

Thank You.

Don Wood DW

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COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

January 6, 2001

Chairperson and Members, California Coastal Commission
C/O San Diego Area Office
7575 Metropolitan Drive Suite 100
San Diego, CA. 92108-4402

Subject: Request by San Diego Unified Port Commission to amend the Certified Port Master Plan to allow for Development within the Waterfront Area known as North Embarcadero

I ask Commission members to deny the San Diego Unified Port Commission's request to allow new development along the North Embarcadero. The proposed amendment to the Port Master Plan (Amendment 27), along with the request by the City of San Diego for an amendment to its Local Coastal Program (Major Amendment 4-2000) represent a major first step toward the development of what is sure to become a wall of high rise structures separating downtown San Diego from its own bayfront. Taken together, the two amendment requests represent piece meal development at its worst, which violates state planning rules which require that the Coastal Commission understand the long term comprehensive impacts on a coastal region before approving piecemeal new development.

These two requests represent first steps in what will eventually lead to more high rise building massed along San Diego's western downtown waterfront than are currently contained in or planned for the downtown core. The Port and the City suggest that the Coastal Commission simply approve these preliminary developments at this time, without looking at what the long-term impact of these steps will lead to on San Diego's western bayfront.

Unfortunately, previous Coastal Commissions allowed this same type of piecemeal planning process to be pursued on downtown San Diego's Southwest waterfront, with disastrous long-term results.

First the original convention center was authorized, along with the original two Marriott Hotel towers. Through a separate planning process, the Marriott was later allowed to erect a third tower. Later, the Coastal Commission allowed a new Hyatt Hotel to go up. This was followed by authorization of a million square foot Convention Center addition.

Today, as a result of this piecemeal authorization process, the entire southwest waterfront of downtown San Diego is sealed off from its own bayfront by a concrete wall of buildings ranging from 3-4 stores to over 20 stories high.

One downtown visionary, standing on Harbor Drive in front of the original convention center, said one may as well be in Des Moines, Iowa, given the loss of physical and visual access from downtown to San Diego Bay.

The North Embarcadero plan represents a series of deals made between entities bent on stacking as much commercial high rise footage as possible along San Diego's downtown bayfront. While the creation of a new pier, and recapturing a strip along Harbor Drive for pedestrian use is laudable, most of the landscaping proposed is intended to attract developers and lenders who will erect high rise buildings on the City of San Diego's property along Pacific Highway.

The Port Districts price for supporting this proposal was its being allowed to develop a new high-rise 800 room hotel, double the height of the Cruise Ship Terminal, and erect new office buildings and retail structures along the bayfront. Many of these buildings would be constructed on an area called Lane Field, which joins Broadway, downtown's central thoroughfare to the waterfront. This area has been called downtown San Diego's "front yard". This landmark area is far too important to be buried by commercial hotels, office and retail structures. This site is also where the proposed Nolan Park would be developed. This waterfront park, proposed by San Diego County Supervisor Ron Roberts, and named after San Diego's most influential city planner, would provide an irreplaceable waterfront open space where San Diego citizens could gather to enjoy the city's placement along the Pacific shore. It should not be surrendered to piecemeal commercial development without first looking at its potential development as a key civic open space landmark.

In 1981, I served on the Bayfront Complex Coordinating Committee, a joint planning organization that explored the potential for the North Embarcadero as part of an updated of the downtown San Diego General Plan. Zoning recommendations put forward during committee deliberations were never subjected to a final vote. Instead, parties favoring increased bayfront development used a committee vote authorizing the recommendations to be distributed for public review as justification for short circuiting the planning process and moving forward with increased development schemes they supported.

The City of San Diego then up-zoned property near the old Santa Fe train depot to allow between six and ten highrise buildings to be developed on City controlled land just east of the Bayfront. While these buildings have not yet been built, due to financing limitations, the property owner continues to entertain proposals made by candidate development companies.

These structures, along with the new ones being proposed in these amendments, would create a mass of highrise commercial development along the western edge of downtown that exceed the total square footage of buildings in downtown's central core, and would permanently wall off downtown San Diego from its western waterfront.

I urge the Coastal Commission to defer approval of these plan amendments, and instead direct the city and the Port Authority to jointly develop a long range master plan for development of downtown's entire western waterfront, running from Lindbergh Field to the G Street Mole. This Western Bayfront Master Plan should preserve clear visual corridors between downtown and the bay, increase downtown residents and workers physical access to the waterfront, provide for a landmark civic gathering open space at the foot of Broadway, and results in City and Port District zoning that steps the height and bulk of buildings downward, as you move from the downtown core to the edge of the harbor.

Only after this joint master plan has been completed, with extensive public input, and carefully reviewed by the Coastal Commission, should any further development along San Diego's western bayfront be allowed.

The Commission should reject the proposed North Embarcadero redevelopment plan at this time, and direct the City and the Port to come back with a fully developed master plan which allows the Coastal Commission to see what western downtown and its bayfront would look like in 2020, before any more buildings are allowed to be built or enlarged in this coastal area.

Sincerely,

Don Wood

Don Wood
Former President, Citizen's Coordinate for Century 3
Former member, Bayfront Complex Coordinating Committee
Former Member, City of San Diego Land Use Advisory Committee
4539 Lee Avenue
La Mesa, CA 91941
619/463-9035

January 3, 2001

RECEIVED
JAN - 8 2001
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Coastal Commission
3111 Camino del Rio North
San Diego, CA 92108

Gentlemen:

In the articles and letters to the Editor that I have read regarding the Midway Museum, I was very disappointed to know that few people have written their objections to you regarding this matter.

I wrote to the Port Authority voicing my objections May 1, 2000. I think many people object to this ship permanently berthed in our harbor, but just don't take the time to write about it. All the persons I have talked to about this, feel as I do. Once it is there, there is no turning back. Please don't allow this ship to be berthed at the Navy pier. As someone stated in a letter to the Editor, "why not bring in a ship of that size and park it where they want the carrier museum? Let it sit for a while and then let's see what everyone has to say."

The Navy is very much aware that much has to be done to the Navy pier to make it safe.

Please do not bring the MIDWAY to our pier.

Sincerely yours,

LaVonne Weston

LaVonne Weston
4790½ Old Cliffs Road
San Diego, CA 92120-1141

RE: Item # 9 B
Wednesday, Jan. 10 Agenda

470 W. Laurel Street
San Diego, CA 92101-1338

January 8, 2001

RECEIVED
JAN - 8 2001
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

California Coastal Commission
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4402

Dear Members of the Commission:

The purpose of this letter is to voice our strong concern and objection to the proposed plan to moor the aircraft carrier Midway at the Navy Pier in San Diego.

We believe that mooring the Midway there would add to traffic congestion in the area. It would also diminish public access to waterfront recreational opportunities, further limit public views of the waterfront area, and add parking structures or lots in the area, which would also detract from public enjoyment of the waterfront. Finally, the proposed project would sacrifice the rights of the many to the interests of a few, however worthy the project might be.

We urge you to seek a solution that protects the interests of the public, whom you serve, and we thank you for your excellent staff work on this proposed project.

Thank you for your consideration.

Sincerely,

Donald J. Kapa

Monica B. Armstrong

Monica B. Armstrong

Commissioners
CCC
7575 Metropolitan Dr.

RECEIVED
JAN - 9 2001
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

The last thing S.D. Bay needs is another big ship to contribute paint chips and antifouling agents to bay waters.

Turn it away! It's too big.

DR Van Schalk
1842 Westminster Dr.
Cardiff CA 92007

RECEIVED
JAN 24 2001
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

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JAN 23 2001
CALIFORNIA
COASTAL COMMISSION

December 4, 2000

Dear: Coastal Commissioners

As a SD native, I urge you to see what a dreadful mistake the Midway Project would be for San Diego. I do NOT want an aircraft carrier parked on San Diego's/my front porch! Port Plan Amendment No. 27 is Hasty and a BAD IDEA!!! This project will create many unnecessary negative impacts to our harbor and its surrounding area's. Equally, I do not favor an obstruction to our beautiful westward skyline. One such bad example, is the 1970's San Onofre Nuclear Power Plant today it is an "*eyesore,*" among other things. Too bad for us, residents of Southern California, that our welfare was not truly considered when it was built. Presently, San Onofre appears to have been more about immediate conquer and greed, NOT the continuous health and the well-being of all.

Please don't let BAD history repeat itself! Let us not make another mistake! Placing an aircraft carrier on the San Diego bay, at the North Embarcadero will:

1. Obstruct the view of the bay (the South Embarcadero view is now completely blocked)
2. Serious contamination threats
3. Loss of deep water berthing
4. Loss of an aquatic and foraging area for birds, due to fill material, our San Diego bay is already too small. Compare it to that of Seattle, WA.
5. Traffic impact: local and freeways, including parking congestion
6. A financial burden that will somehow be rolled on to San Diego taxpayers

True. Military is important to San Diego, and the idea of a museum is nice; however, this is not the place to put it. Please do not let sentimental and political pressure sway you to overlook the truth. Please, from a SD native, the truth is, *this is DEFINITELY not a favorable project for the San Diego bay.* Please note: only a handful of SD residents have been informed of this proposed museum, and its proposed location.

Similarly, a museum in San Diego clearly does not need to be on such a LARGE scale. As an alternative, the proposed military museum could be SUCCESSFULLY located in Balboa Park adjacent to the other important and popular museums of San Diego? Perhaps even near the Aerospace Museum. Therefore, if this sort of museum is needed in San Diego let it be at the *infamous tourist museum area* of Balboa Park!

Please protect our/my bay, by rejecting this project. Thank you very much! And thank you for your time and consideration!

1/16/01

Sincerely,

Maria-Elena Ugalde

I apologize for the length of time it took me to send this letter. At the same time, this note does not reflect the importance of my letter.

I am a San Diego native, and I am the author of this letter. Please don't BAD history repeat itself. I look forward to your response!

Thank You,
M.E. Ugalde

RECEIVED
JAN 0 2 2001
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Kevin Andreen
5092 Lake Cuyuga Dr
San Diego CA 92119-3141

12-27-00

To: California Coastal
Commission

Please do not allow the
aircraft carrier Midway to
permanently dock at San
Diego Bay as a museum,
or anything else! It would
be dock or eyesore, and
is not needed here. There
are enough working Navy
ships in the Bay already.
Please say NO!

Kelina Andreen



1999 Member
The Humane Society of the United States

RECEIVED
DEC 3 1 2000
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Dear Coastal Commission,

At Last!!!, a voice of reason in a sea of insanity & hype regarding the Midway Museum. The article in today's San Diego Union/Tribune (12-27-00), has prompted this letter. I honestly hope that you decide NOT to approve the Midway as I have a gut feeling it's going to be a blight on the otherwise beautiful San Diego harbor. The traffic, trash and obscene invasion of this gray mass of rusting steel will do nothing to enhance the harbor. I ask that you disapprove this portion of the master plan.

As an alternative, I would like to suggest that the Midway people look to the south bay for their mooring point. That area is badly in need of a makeover and the Midway would be a great focal point to start the process.

Yours for a clear view of the bay and thank you.

Mike Wilson

Mike Wilson
341 Rosemont ST.
La Jolla, CA. 92037

RECEIVED
JAN 0 2 2001
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

December 28, 2000

San Diego Coastal Commission
7575 Metropolitan Drive
San Diego, CA 92108

Re: North Embarcadero Plan (The Midway)

As a citizen of San Diego, I object to the Midway being docked at Navy Pier.

It is totally out of scale and dwarfs anything near it. It's shape is a solid wall of gray steel up to the flight deck, which makes it ugly viewing when up close.

Another ship, such as a Destroyer or even a Battle Ship has multi lines and allows for a much more interesting and esthetically appealing appearance.

In talking to both the City Staffs and Port Commission Staffs, over the past years, I found they personally and professionally thought docking the Midway at Navy Pier was a bad idea, but they did not want to seem to be "anti Navy."

If you want to see how ugly the Midway would be, you can go see the Intrepid in New York. It is an eyesore, with not one redeeming feature.

You, the Coastal Commission are tasked with protecting our coastline from our government officials who are acting because they do not want to upset small but vocal activist pressure groups. The Midway would be ugly, and would not enhance our beautiful harbor.

Please reject the mooring of the Midway at Navy Pier. As an alternative,you could recommend a smaller ship to be representative of the Navy.

We could also encourage more ships stationed at 32nd street to offer open houses at Navy Pier. That way the active duty Navy could display their latest ships to the Public at no cost.

Robert Russell

Robert Russell
P.O. Box 80462
San Diego, CA 92138

Scott Mac Laggan
654 Catalina Blvd.
San Diego, CA 92106
619 223 4820

December 27, 2000

RECEIVED
JAN 0 2 2001
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

California Coastal Commission
San Diego Coast Office
7575 Metropolitan Dr.
San Diego, CA 92108-4402

Sir or Madam,

I am a 50 year plus native of Point Loma. I have worked my entire career along the waterfront. I have been against walling off the coastline of San Diego for many years. I was therefore pleased to read of your advising against the Midway proposal. I was prompted to write upon reading you have received "roughly 75 letters about the Midway - only a handful were in opposition."

Well here is another one. I am mildly in favor of the Midway Museum, but certainly not in this location. I can assure you many, many San Diegans feel the same way. A 1,000 ' long, 140' (ten story) high permanent gray wall on our Embarcadero waterfront is just obscene. There are more than enough tourist attractions in this area already - in fact it would probably drive a stake through the heart of our wonderful Maritime Museum. Perhaps National City could use this attraction.

In the 1850's William Cullen Bryant observed the following regarding the New York City bayfront:

> ***"Commerce is developing inch by inch the coast of the island. If we could rescue any part of it for health and recreation, it must be done now!"***

As San Diego Magazine wrote in the February 1997 issue: ***"The seven-story sea monster is just too big for the Embarcadero. Look somewhere else."***

If we are to rescue any part of San Diego from the Manchesterization of what remains of its bayfront, we must do it now! As I wrote in August of 1995 *"Future generations will look back and regret these walls closing off our civic front porch from view. I already do."*

Thank you for your consideration.

Sincerely,

Scott Mac Laggan

; CALIFORNIA COASTAL COMMISSION
M: OSCAR SAFFOLD
RESIDENT SAN DIEGO COUNTY
VISTA, CA. 1/4/01

EAR MEMBERS,

MY HAND IS WEAK SO THIS WILL BE BRIEF.
LEASE ALLOW THE MIDWAY CARRIER
ROJECT TO GO FORTH. REQUIRE WHATEVER
RKING CHANGES, ETC. BUT, PLEASE DO
T CAUSE THIS PROJECT TO CANCEL.
I AM NOT A MILITARY PERSON, BUT THIS
A MILITARY TOWN, AND WE SHOULD IN
HATEVER, ENVIROMENTALLY SAFE AND
ESPECTFUL WAY HAVE A RECOGNITION
THIS FACT.

U ALL DO A GREAT JOB IN PROTECTING
R COAST, BUT SO DID THE MIDWAY, AND
IS A SYMBOL OF ALL THE OTHER SHIPS,
AVES, AND MOST OF ALL PEOPLE WHO
OTECT US. THANK YOU, RESPECTFULLY
Oscar Saffold

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JAN 0 3 2001
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COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

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JAN - 2 2001
CALIFORNIA
COASTAL COMMISSION

December 29, 2000

California State Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, California 94105-2219

Commissioners:

With great enthusiasm I support your staff recommendation that the aircraft carrier *Midway* NOT be docked at the proposed site on the Embarcadero.

Even casual consideration of this proposed site shows negative impact on the area, including severe traffic and parking problems, misuse of the pier for parking, obstruction of views, and, in general, a failure to understand the importance of 'human scale' in the continued development of our treasured waterfront — where so much openness and attention to the needs of the individual has been evident in the splendid development to date.

I am a veteran, and I appreciate the importance of the *Midway*. I would welcome its presence in San Diego at a more appropriate spot, perhaps at North Island, but please, NOT as a part of the 'people' area downtown.

Thank you for the waterfront development to date. It has helped immeasurably to create a better San Diego.

Tom McManus

Tom McManus
701 Kettner Blvd., #33
San Diego CA 92101

LEASE GIVE TO MS. DIANA LILLY, PROMPTLY

o: Ms. Diana Lilly, Program Analyst, California Coastal
ommission (fax) 619-767-2384
rom: Robert Simmons, Executive Director, Progressive Action
Coalition (PAC)
e: North Embarcadero Project
ate: January 2, 2001

BY FAX

ear Ms. Lilly:

PAC is a California non-profit public interest corporation
ocated within the City of San Diego. One of our missions to to
reserve and protect San Diego Bay's ecology and natural beauty for
he maximum benefit of the public--both local and tourist.

I write to express my organization's opposition to the
roposed mooring of a decommissioned aircraft carrier at the
mbarcadero as a tourist attraction. We agree with the CCC's staff
ecommendation against approving this element of the North
mbarcadero Improvement Plan. Following are the three primary
easons for our opposition:

1. The carrier's enormous bulk will block public views
the Bay at its most important viewpoint. It will be tantamount
building a twenty-story office tower at this location.

2. This carrier obstruction contravenes the Commission's
nsistent policy of restricting the height and bulk of structures
Bay frontage to maximize public views and access.

3. The element of this plan that proposes to install a
rge parking lot on Harbor Drive--to accommodate carrier
istomers--is especially offensive. Staff is obviously correct in
s opposition.

PAC supports the remaining elements of the North Embarcadero
roject, but urges the Commission to reject the project as a whole
less the ill-conceived carrier component is withdrawn. Kindly
quaint the commissioners with the views expressed herein. Should
u or the Commission desire amplification of these opinions or
formation about PAC, please do not hesitate to contact me by
one, fax, or E mail.

Respectfully,

Robert L. Simmons
Executive Director

O. Box 19932

n Diego, CA 92159
19) 464-0325 (fax) same (E) rls@acusd.edu

RECEIVED
JAN 02 2001
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

December 28, 2000

Coastal Commission
Fax 619-767-2384

Re: Midway Museum

I agree with the staff recommendation concerning mooring the Midway. The proposed area is a beautiful harbor filled with birds, surrounded by a park, a wonderful quiet spot to enjoy.

The area is not conducive for the above stated reasons. Further, the area does not lend itself to extra traffic of cars or pedestrians.

Please approve the North Embarcadero Plan WITHOUT the Midway. Thank you for your consideration.

Very truly yours,

Sandra L. Simmons
611 W G #404
San Diego CA 92101

RECEIVED
DEC 28 2000
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

a Lilly

ect: FW: USS Midway

riginal Message-----
: Bill Gilchrist [mailto:A4driver@postoffice.pacbell.net]
Sunday, January 07, 2001 1:41 PM
oth@coastal.ca.gov; sswift@coastal.ca.gov
ct: USS Midway

cca and Susan - Please take a look at a computer generated image
hed by the San Diego Union Tribune on 07 January 2001 to see just
gly the USS Midway would look if you and your colleagues permit it
parked forever in the old Fleet Landing Inlet - and vote
dingly on 10 January. I am a former carrier aviator who spent most
naval career aboard carriers and I wholeheartedly support a
r museum for San Diego - but not in this location. This ship is
y too big to be located in the currently proposed location and
ruin a most beautiful part of the San Diego waterfront. William
christ, Rancho Pensaquitos, San Diego.

January 7, 2001

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JAN 17 2001
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

RECEIVED
JAN 19 2001
CALIFORNIA
COASTAL COMMISSION

Ms. Sara Wan, Chairperson
California Coastal Commission
45 Fremont Street
San Francisco, CA 94104

Re: Port Plan Amendment 27 (North Embarcadero Redevelopment in San Diego)

Dear Ms. Wan and Coastal Commissioners:

We understand that the Commission will be hearing public comments in Los Angeles this month regarding the proposal to bring the carrier Midway to port in San Diego, and we wanted to be included. We sent this letter in November, when we thought you were going to vote on the issue, but it sounds like that vote may have been posponed until now. So here is the letter again.

San Diego has one of the most beautiful bay vistas in the state, if not the entire country. Some of us are doing all we can to preserve that unique feature because once one can no longer see the water easily, downtown San Diego looks like any other city, filled with tall buildings and cars. City fathers and mothers are already doing their best to fill the waterfront with convention centers, rental car parking lots, and hotels such that much of the views have been blocked already. Again, being a city on the water is a feature that few places can claim, and if we lose that view, we are like any other city. We cannot afford to jeopardize that feature.

Therefore, we are asking that you reject the proposal to bring the carrier Midway to port in San Diego. The above concerns notwithstanding, the substantial environmental impacts are further reasons to reject this idea. We believe there will be contamination potential, traffic and parking problems, as well as habitat disturbance or, worse, obliteration. A "tourist attraction" such as the Midway would bring more harm than good.

Additionally, we have to question how many people want to see a decommissioned aircraft carrier in the first place. Don't most visitors come to San Diego for our superb weather, beautiful ocean and bays, and myriad recreational and cultural activities? Perhaps if we didn't have all of these attractions (and more), a carrier would help. But we do have them. So, let's pass on this idea and let another, less bountiful city have the carrier.

We believe the Midway will have a very negative impact on our desirability as a tourist destination, and along with the environmental impacts this carrier would have on our area, it seems a terrible mistake to make. ***Please soundly reject this proposal.*** If this is not possible, then at least ensure that the ship is docked at the south end of the South Embarcadero, **not at the Navy Pier**.

Thank you for your interest and hard work in preserving California's coast and in helping San Diego retain our unique waterside charm.

Sincerely,

Stephanie Strout Andy Carrico

Stephanie Strout and Andrew Carrico
1819 Hidden Mesa Rd.
El Cajon, CA 92019 (619) 590-2949

FAX: PAGES 14

KATHLEEN BLAVATT
Address: 4261 Montalvo Street, San Diego, CA 92107
Phone: 619.222.0057 • EMAIL: kblavatt@home.com

California Coastal Commission
7575 Metropolitan Dr., Suite 103
San Diego, CA 92108-4402
Ph: 619.767-2370 • Fax: 619.767-2384

C.C. California Coastal Commission Legislative Office
926 J St., Suite 416
Sacramento, CA 95814
Ph: 916.445-6067 • Fax: 916.324.6832

WRITTEN PUBLIC TESTIMONY

CALIFORNIA COASTAL COMMISSION MEETINGS
Jan. 9-10, 2001
The Westin - LAX, 5400 W. Century Blvd., Los Angeles, CA 90045

Topics :
Application No. 6-00-167
a. San Diego Amendment No. 4-200 (Centre City Embarcadero Overlay)
b. Port Master Plan Amendment No. 27 (N. Embarcadero Redevelopment)

JAN 0 4

JAN 0 4

KATHLEEN BLAVATT
Address: 4261 Montalvo Street, San Diego, CA 92107
Phone: 619.222.0057 • EMAIL: kblavatt@home.com

California Coastal Commission
7575 Metropolitan Dr., Suite 103
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C.C. California Coastal Commission Legislative Office
926 J St., Suite 416
Sacramento, CA 95814
Ph: 916.445-6067 • Fax: 916.324.6832

CALIFORNIA COASTAL COMMISSION MEETINGS
Jan. 9-10, 2001
The Westin - LAX, 5400 W. Century Blvd., Los Angeles, CA 90045
Topics :
Application No. 6-00-167
a. San Diego Amendment No. 4-200 (Centre City Embarcadero Overlay)
b. Port Master Plan Amendment No. 27 (N. Embarcadero Redevelopment)

January 4, 2001

Dear Coastal Commission,

This letter is in regards to the hotel and commercial development plans San Diego has for the public properties surrounding the San Diego Bay and Mission Bay. These **public lands** include parks, tidelands, military property rezoned for public use, and a variety of other public lands. The main areas of concern at present are the NTC, and the Embarcadero/Downtown waterfront. Soon to follow the Mission Bay Park Development Plan for five hotels and the SeaWorld expansion.

San Diegians are fed up with our local government representatives and San Diego Unified Port District that seem to only care about developers, special interests and ballparks. Their agenda seems to be at the expense of the citizens of San Diego. The future generations living here are going to pay a horrendous price for these self-serving fiascos.

These DEVELOPMENT PLANS threaten to cause:

- Major overload of the Lindbergh Field Airport ... causing safety, noise and environmental pollution in a highly populated area. The residents are already irate over the airport and this will only aggravate matters.
- GRIDLOCK traffic on every major thoroughfare... causing intense smog to the point of urban hotspots, also major parking problems in downtown and in communities surrounding the bays.
- Pollution of bay and ocean water. This city has done little to clean up its bays that flow into the ocean. Now they want to pollute more with developments and send tourist swimming and fishing in polluted waters.
- Overload of infrastructure... sewage, water and utilities are already feeling the strain of the current population... massive tourism will only compound the issue.
- Public lands that contain historical sites and native habitats are the citizens' property.

The San Diego City Government and Unified Port District are suppose to be working for the public, not developing and supporting hotels and ballparks projects, as evident in the all the proposed bayside plans. Please stop this feeding frenzy on San Diego's public lands. Ask the City to clean up its bays and parks, and promote its natural beauty and rich historical history.

In making your decision please read the San Diego Union-Tribune Article, 11/20/00 and the June 16, 1998 San Diego Grand Jury Report, "The San Diego Unified Port District: It's Time for Taxpayers and Citizens to have Direct Say." The situation with the San Diego Unified Port District seems to have even **worsened since that report**. Please protect our public lands and keep them public.

Thank you.

Sincerely,

Kathleen Blavatt
Representative of Ocean Beach Grassroots Organization, Member of Save Our Access and the San Diego Airport Task Force

WEDNESDAY
November 29, 2000 B
The San Diego Union-Tribune

Port board insists it should run the airport

Members comment on plan to establish regional agency

By Ronald W. Powell
STAFF WRITER

The day-to-day operations of Lindbergh Field should remain tucked under the wing of the San Diego Unified Port District, but a proposed regional transportation and planning agency should be responsible for finding a site for a new airport.

That was concluded yesterday by the Port Commission after it reviewed a report on the Regional Infrastructure and Transportation Act.

The act was sponsored by state Sen. Steve Peace, D-El Cajon, and would consolidate the Metropolitan Transit Development Board, the North County Transit District, the Air Pollution Control District, the Port District and the San Diego Association of Governments, the current regional planning agency.

Port commissioners favor a more limited consolidation, which would involve melding the transit boards with the association of governments. Under that scenario, the job of finding an airport site would go to the new agency. The responsibility currently resides with the association.

The Port District operates Lindbergh Field and "should until the day something better comes along," said Port Commissioner Jesse Van Deventer. "I don't see how the region would benefit from Lindbergh being taken away from the port's jurisdiction."

What shape the consolidation will take is yet to be determined, but passage of the act this year has local government leaders communicating with each other as never before.

The intent of the act is to bring efficiency and coordination to transportation and land-use planning from Oceanside to Sao Ysidro. Improving public transportation is a major goal.

One of the larger issues the regional entity would tackle would be whether to make more freeways to solve traffic congestion. Or

➤ PORT
CONTINUED FROM PAGE B1

Board reacts to planned regional consolidation

would a better solution be found on rails?

But by its very nature the act could be troublesome to cities that are used to having local land-use decisions in the hands of their elected officials.

In their comments on the proposed new agency, port commissioners recommended that it be vested with land-use authority.

"Anything less than that is an empty suit," said Commissioner Frank Urtasun.

The report reviewed by the Port Commission is the work of a joint committee composed of representatives from all agencies that would be affected by the act and elected officials from the county and several cities.

Key issues that the committee addressed include:

■ The group, called the Joint Agency Negotiation Team on Consolidation, met 12 times beginning in April. It examined the idea of governmental restructuring and sent some members to Portland, Ore., Minneapolis-St. Paul and Atlanta to study their forms of regional government.

The team listed several findings, including:

■ Restructuring of local government should only occur if it improves regional decision-making. Some of the critical areas to be considered are improving communications among jurisdictions, linking housing and transportation, resolving the region's airport issues, coordinating rail facilities among the various transportation agencies and improving public transportation.

■ Deliberations on a regional governing structure should be guided by key principles, among them that land-use and transportation decisions should be made by the same officials.

■ The issue of land-use control should receive high priority in creating a regional governmental entity.

Under the restructuring act, an 11-member Regional Government Efficiency Commission would be formed, including officials from the city and county governments, the Port District, the two transit agencies and the association of governments.

Beginning next year, the new commission will prepare two plans: one for consolidating several agencies, the second to improve cooperation among regional agencies. The commission is expected to complete its work by the summer and submit its recommendations to the Legislature.

If changes to existing local government are to be made, a countywide vote would take place in 2002, the act says. If approved, the regional government would become operational on Jan. 1, 2003.

New development near S.D. airport faces easements

UNION-TRIBUNE

People who build homes, apartments or condominiums near Lindbergh Field will be required to grant easements that essentially allow planes to fly over their property under a measure approved yesterday by the San Diego City Council.

The existence of such easements would be disclosed to buyers. The easements would help shield the San Diego Unified Port District, which operates the airport, from noise-related lawsuits.

The easements will be recorded against the properties and be binding on future owners. The new provision does not apply to additions or renovations to existing buildings.

The matter passed routinely without comment from the public or discussion among council members.

THE SAN DIEGO UNIFIED PORT DISTRICT: IT'S TIME FOR TAXPAYERS AND CITIZENS TO HAVE DIRECT SAY

A Report by the
San Diego County Grand Jury 1997-1998
June 16, 1998

Grand Jury

COUNTY OF SAN DIEGO
330 West Broadway, Suite 477
San Diego, CA 92101-3830
(619) 515-8707
(619) 515-8896 FAX

James F. Kelly, Jr., Foreman

June 16, 1998

Honorable Thomas J. Whelan
Presiding Judge of the Superior Court
State of California
220 West Broadway
San Diego, CA 92101

RE: **Grand Jury Report "The San Diego Unified Port District: It's Time for Taxpayers and Citizens to Have Direct Say"**

Dear Judge Whelan:

The San Diego County Grand Jury 1997-1998 submits the referenced report for filing with the County Clerk in accordance with the Penal Code of California §933 (a). The Jury's inquiry was conducted under Penal Code §925.

Sincerely,

SAN DIEGO COUNTY GRAND JURY 1997-1998

JAMES F. KELLY, JR.
Foreman

JFK:jml
Enc.

THE SAN DIEGO UNIFIED PORT DISTRICT: IT'S TIME FOR TAXPAYERS AND CITIZENS TO HAVE DIRECT SAY

Synopsis

The seven commissioners of the San Diego Unified Port District (PD) are appointed by the city councils of each of the five contiguous cities making up the Port District. The amount of money taken in and expended by the PD has nearly tripled in little over a decade. Capital expenditures have totaled over a half-billion dollars during the same period. Taxpayers and the general public directly or indirectly pay for the goods and services provided by Port District tenants including airlines services. The State of California charged the PD at its inception with responsibilities regarding six categories of bay usage. These emphases appear to have been skewed by the PD toward economic development and away from sufficient attention to environmental and non-commercial concerns. The PD Board of Commissioners are not formally required to report their activities even to the city councils which appointed them. They are viewed as operating with almost unlimited discretion regarding how they may spend money with minimal accountability. Commissioners are not required to gain approval for their actions from the voting public or even from the city councils which appoint them.

Background

San Diego Bay comprises 10,532 acres of water surrounded by 4,419 acres of tideland. When California entered the union in 1850 it acquired title to navigable waterways as trustee to protect the resources of public lands, streams, lakes, marshlands and tidelands. That means that the protection of these resources falls within the scope of the public trust doctrine.

The state may delegate its authority as trustee as it has done through formation of port districts. "The state may not alienate these lands or abrogate its duties as trustee, but it may delegate its duties as trustee to a political subdivision which then assumes the duties and limitations of the public trust." (City of Long Beach v. Lisenberg)

The State of California, by virtue of the Port District's enabling legislation, has delegated regulation and control of state-owned lands to the PD (Graf v. SDUPD, 1988; Graf v. PD, 1992). The structure of the PD was established by public approval of Proposition D on November 6, 1962 in an election authorized by California statute. The PD is a public, not private, corporation (Cal. Harbor & Navigation Code, App.1, 28). It is not a branch of state government but an autonomous local agency which provides services to a specific area. It is not a city or county government. The PD provides

a limited number of specialized services only. (Cal. State Legislature, Senate Local Government Committee, "What's So Special About Special Districts," 1991.)

The Final Report of the 1986-87 San Diego Grand Jury states, "The San Diego Unified Port District Act mandates the District's powers, duties and functions, and authorizes it to borrow money, issue bonds and raise revenue for district purposes. The Act also provides for the appointment of Port Commissioners, setting forth their qualifications and exercise of powers."

In a report prepared by the PD Environmental Management Department dated April 29, 1997 the District defined itself as "a governmental agency established by the state legislature to promote the beneficial uses of San Diego Bay and submerged tidelands for purposes of navigation, recreation, fisheries, commerce, aviation and wildlife habitat conservation." More specifically, the Port District has the power, authority and the responsibility to protect, preserve and enhance all of the following:

a) physical access to the bay,

b) natural resources of the bay, including plant and animal life and

c) quality of water in the bay (State of California, Harbors and Navigation Code #6233).

Issues

1. The PD is charged with responsibility to promote the beneficial uses of San Diego Bay and submerged tidelands for purposes of navigation, recreation, fisheries, commerce, aviation and wildlife conservation. There is public concern that Port Commissioners and staff may have skewed their priorities under the enabling act heavily towards economic projects and away from full protection and enhancement of the bay and tidelands. Former PD Board of Commissioners chair Susan Lew in the 1995 Annual Report stated, "The Board of Port Commissioners is dedicated to operating the Port as an efficient, powerful economic engine, generating benefits, jobs and new opportunities for the entire region." In the same report Executive Director Lawrence M. Killeen stated, "Our goal is to create the best possible maritime and airport gateway for the region."

2. Under the current appointment process the Port District commissioners have almost unlimited discretion to charge fees, float bond issues and spend money without accountability to taxpayers and the voting public at large.

3. The PD does not always address itself as well as it should to environmental concerns partly because it is somewhat self-regulating and self-certifying.

Investigation

Interviews were conducted with PD staff, county and city environmental officials, local environmentalists and the Coast Guard. Telephone interviews were held with representatives of the Registrar of Voters, ten other California Port Districts and with the five City Council offices making up the PD membership. Meetings were attended with SANDAG, the PD Board of Commissioners and the president of the Port District Tenants Association. The Grand Jury toured PD facilities and some leased facilities. Documents provided at these sources and by the state Regional Water Quality Control Board (RWQCB) were studied. The Harbors and Navigation Code was referenced as the source of enactments for Port Districts in California. Final reports from two previous grand juries were also studied.

Facts

1. The PD employs approximately 630 staff members. The Executive Director heads a staff divided into five divisions: Strategic Planning Services, Public Works/Chief Engineer, Aviation, Administrative Services/Treasurer and Trade Development & Marketing.

2. In fiscal 1986-87 the PD dealt with approximately $154 million in funds consisting of income, expenses and capital outlay. In fiscal 1996-97 the PD administered approximately $316 million in funds. The current fiscal year projections are approximately $401 million. Port District reports indicate further that over the last eleven years capital outlay alone totaled more than a half-billion dollars.

3. Income to the PD from airport fees, rents and levies is paid by the general public either directly or indirectly through goods and services purchased from approximately 600 port tenants.

4. According to a letter from the RWQCB Executive Officer to PD Executive Director dated June 18, 1997, the PD sent erroneous reports concerning status of pollutants in the bay. Specifically, in a letter to the Port Commissioners dated April 14, 1997 the Environmental Health Coalition (EHC) stated, "The Port submitted reports in which the summarized data listed some monitoring results as non-detect when, in fact, they were exceedences." (They were referring to pollutant levels.) In the same letter, the EHC refers to a Notice of Violation issued by the Regional Water Quality Control Board to the Port for effluent violations of metals during eleven quarters since October 1993.

5. In a letter addressed to this Grand Jury dated January 20, 1998 the EHC stated its desire for change of leadership at the Port's Environmental Management Department for twelve reasons. some of their allegations are listed below:

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5. In a letter addressed to this Grand Jury dated January 20, 1998 the EHC stated its desire for change of leadership at the Port's Environmental Management Department for twelve reasons. some of their allegations are listed below:

   a. Combative and non-cooperative relationship with regulatory agencies that undermines protection of the environment.

   b. Filing lawsuits against public interest and other organizations to prevent their active participation in the public process in lieu of working cooperatively and in good faith.

   c. Failure to provide adequate resources and take required actions to implement storm water requirements.

   d. Failure to sign perjury declarations on self-monitoring reports.

   e. Leading the effort to kill federal protection for remaining natural habitat areas in South San Diego Bay.

6. The 1986-87 San Diego County Grand Jury stated, "Accountability to the public, particularly as it pertains to the port budget, the budget process, financial disclosure and hearings, is perceived to be absent." While the Port conducts more public hearings now and does issue copies of general figures in its budgets, it is no more directly accountable to the voting public than before.

7. Under the Harbors and Navigation Code which established the PD, commissioners cannot be recalled by the voting public. Nor can they be removed by the city councils which appoint them without a four-fifths majority, and then only for cause.

8. While some of the Port District city councils have procedures for reports from their respective port commissioners, none have written policy directing them to make reports.

Findings

1. Recently, the PD expended more than $200 million for airport expansion. Discussion with the Port District Treasurer indicates a possible participation by the Port District in the Convention Center expansion financing for part of the $216 million currently forecast as the cost. Other parties are reported to be looking toward the PD as at least a partial financier of the proposed Centre City ballpark project even though it is not on PD land. Still others visualize use of PD land for this purpose.

2. The 1986-87 San Diego County Grand Jury in its final report stated that there appeared to be a pervasive negative public perception of the PD and how it operated. For all of the District's public relations efforts to improve its image, it is the Grand Jury's opinion that considerable negative perception remains.

3. The PD under its current appointment process allows the Port Commissioners and/or staff to make decisions affecting many county citizens both environmentally and financially. Yet, these same citizens have no direct way to effect removal of a commissioner.

4. Even if city council members who make the appointments to the Board of Port Commissioners are removed from office, there is no direct way in which citizens can impact or change those appointments because council members may not have concurrent terms with port commissioners. Two separate findings in 1984 and 1990 by the City Attorney for San Diego alluding to appointments by city councils to the PD Board of Commissioners specifically state that city councils may not remove appointees because of the way they vote (i.e., city councils may not control the votes of appointees).

5. At least three other California port districts, Humboldt, Santa Cruz and Port Hueneme, have direct election of their Boards of Commissioners. A fourth port district, Richmond, has a city council which acts as its own Board of Commissioners.

Conclusion

The Port District Commissioners currently are not directly accountable for their actions to anyone in this county. Furthermore, the Port District has not always been forthright in meeting all of its responsibilities to the environment. However, they appear to be making efforts to improve in this area.

Recommendations

98-49: In the interest of the general public they are charged to serve, the PD Board of Commissioners and staff should re-order priorities to fully meet their responsibility for environmental quality of the bay as well as using the bay as an engine for economic development.

98-50: The city councils of the member cities of the PD should create and implement formal policies requiring their port commissioner representatives to report regularly to their respective city councils in a formal manner concerning PD activities and decisions.

98-51: If the recommendations above are not implemented, the San Diego County Board of Supervisors and the City Councils of the five Port cities should urge county members of the Legislature to sponsor legislation to amend Harbors and Navigation Code § 6200 to permit direct election of Port District Commissioners by the voting public.

Requirements and Instructions

The Penal Code of California section 933 (c) requires comment on findings and recommendations in this report no later than 90 days from the date of filing. Comment to the Presiding Judge of the Superior Court in compliance with the Penal Code section 933.05 is required from the:

Board of Port Commissioners San Diego Unified Port District	**Recommendations 98-49**
City Councils of Member Cities	
Chula Vista	**Recommendations 98-50, 98-51**
Coronado	**Recommendations 98-50, 98-51**
Imperial Beach	**Recommendations 98-50, 98-51**
National City	**Recommendations 98-50, 98-51**
San Diego	**Recommendations 98-50, 98-51**
County Board of Supervisors	**Recommendation 98-51**

Grand Jury

COUNTY OF SAN DIEGO
330 West Broadway, Suite 477
San Diego, CA 92101-3830
(619) 515-8707
(619) 515-8698 FAX

James F. Kelly, Jr., Foreman

FOR IMMEDIATE RELEASE

Date: June 16, 1998
Contact: JAMES F. KELLY, JR., Foreman
(619) 515-8707 FAX: (619) 515-8698

GRAND JURY REPORT

SAN DIEGO, CA--The Port District Commissioners are too focused on economic development and not sufficiently attuned to environmental and non-commercial concerns according to a report just released by the County Grand Jury. The commissioners, moreover, are viewed as having almost unlimited discretion and minimal accountability regarding how they spend money, the report said.

Commissioners are not required to gain approval for their actions from the voting public or even from the city councils which appoint them, the report continues. While stopping short of recommending that commissioners be elected instead of appointed, the Grand Jury said that city councils of member cities should establish formal policies requiring their port commissioners to report regularly on port district activities and decisions. It further called upon the commissioners and staff of the port district to "fully meet their responsibility for environmental quality of the bay as well as using the bay as an engine for economic development." The report did acknowledge some recent improvement in meeting its environmental responsibilities.

If its recommendations are not implemented, the report concludes, the County Supervisors and the city councils of the five port cities should urge state legislators from the County to sponsor legislation to amend the State Harbors and Navigation Code to permit direct election of commissioners. The report noted that at least three other California port districts, including Humboldt, Santa Cruz and Port Hueneme, have direct elections to choose port commissioners.

The five cities which constitute the San Diego Unified Port District are Chula Vista, Coronado, Imperial Beach, National City and San Diego. Each appoints one commissioner except San Diego which appoints three. The Port District employs over 600 staff members headed by an Executive Director. In 1996-1997, the Port District administered over $300

million in funds, according to the report, with current year projections at about $400 million. Income is derived mainly from airport fees, rents and levies paid either directly or indirectly by the general public through goods and services purchased from the Port's approximately 600 tenants, the report said.

Under the current appointment process, the port commissioners have almost unlimited discretion to charge fees, float bond issues and spend money without accountability to taxpayers and the voting public, the report says.

The report is the thirteenth to be released by the current Grand Jury whose one-year term expires at the end of this month. Jury Foreman James F. Kelly, Jr. said that a final report, including previous reports and reports not previously filed, will be released at that time.

-30-

EXHIBIT C

STATE OF CALIFORNIA – THE RESOURCES AGENCY GRAY DAVIS, *Governor*

CALIFORNIA COASTAL COMMISSION
SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
N DIEGO, CA 92108-4402
) 767-2370

Wed 10b

RECORD PACKET COPY

June 28, 2001

TO: COMMISSIONERS AND INTERESTED PERSONS

FROM: DEBORAH N. LEE, SOUTH COAST DEPUTY DIRECTOR
SHERILYN SARB, DISTRICT MANAGER, SAN DIEGO DISTRICT
DIANA LILLY, COASTAL PLANNER, SAN DIEGO DISTRICT

SUBJECT: **Revised Findings on San Diego Unified Port District Port Master Plan Amendment No. 27 (North Embarcadero).** For Commission consideration and possible action at the Meeting of June 12-15, 2001)

SYNOPSIS

SUMMARY OF COMMISSION ACTION

At the Commission meeting of March 14, 2001, the Commission approved the Port of San Diego PMP Amendment #27 pertaining to the creation of a new "North Embarcadero Overlay District" within the existing Waterfront district. The staff recommendation had been to deny the portion of the amendment relating to the Midway Aircraft Carrier. At the hearing, the Port District made revisions to the amendment to address concerns regarding the impacts of the proposed Midway museum and the mitigation for those impacts. Specifically, the Port added five requirements to any coastal development permit issued for the Midway Aircraft Carrier, which include long-term funding for the proposed marsh restoration; predator, invasive species, and erosion and sedimentation management; and the provisions of environmental educational exhibits on the Midway (see page 21 of this staff report for the specific conditions). Additional changes made by the Port at the hearing include adding plan language acknowledging the conversion of Navy Pier as a project in the Port Master Plan, requiring environmental analysis of the park conversion prior to the Navy relinquishing ownership of the pier (see page 17 of this staff report for the specific text change), and an agreement to add a requirement to the coastal development permit for the Midway that the applicants set up a reserve account to be used to fund relocation of the Midway parking from Navy Pier (see page 19 for the details of this requirement).

COMMISSION VOTES

Port of San Diego PMPA #27, approve as submitted:

Commissioners Voting "Yes": Desser, Dettloff, Estolano, Hart, Kruer, McClain-Hill, McCoy, Nava, Potter, Reilly, Woolley, and Chairperson Wan

Commissioners Voting "No": None

SUMMARY OF AMENDMENT REQUEST AND CHANGES MADE BY THE PORT PRIOR TO COMMISSION ACTION:

The proposed amendment to the certified Port District Master Plan would allow for the following development within the area of San Diego's waterfront known as North Embarcadero: the construction of a 600-800 room hotel, office building, retail and parking facilities on the old Lane Field site; the narrowing of Harbor Drive from four lanes to three between Grape Street and Pacific Highway; the extension of B and C Streets between Pacific Highway and North Harbor Drive; construction of a new 25-foot wide pedestrian esplanade along the water's edge at Harbor Drive; the replacement of 3 existing industrial piers with one new public pier at Grape Street; construction of a small commercial recreation facility on the new Grape Street Pier; construction of a restaurant on the bayfront inland of the Grape Street Pier; modernization of the cruise ship terminal at the B Street Pier, including an increase of building height up to 50 feet; and docking the U.S.S. Midway Aircraft Carrier for use as a museum on the south side of Navy Pier.

The amendment also includes adoption of a Parking Management & Monitoring Program for the North Embarcadero to address the potential parking demand and impacts to traffic circulation through requiring the construction of additional surface parking lots and alternatives to on-site parking, including the promotion of mass transit and planning for shuttle stops in the area. The Port District has also adopted a Midway public access program. The public access program provides for free public access to the bayward side of the deck of the Midway, which would provide a prime viewing point for the public, and would partially offset the loss of views from surrounding areas.

In order to further mitigate for the visual impacts of the Midway, the proponents of the museum have indicated a long-term goal of creating a memorial park on the existing Navy Pier adjacent to the proposed Midway site. This proposal involves creating a free, visually attractive public open space area next to the Midway, where currently, the Pier is occupied by a two-story Navy building, and as proposed, would contain the parking required for the Midway museum. Further, the proponent of the Midway museum, San Diego Aircraft Carrier Museum (SDACM) has indicated they will set up a reserve account into which it will deposit $100,000 per year for the first five years, and $150,000 per year for the next five years to be used to relocate the parking from Navy Pier. In its letter of February 28, 2001, the Port acknowledged these commitments and indicates these provisions will be included as conditions of the coastal development permit and lease agreement with the Port (see attached Exhibit #10).

The Port will include language in the PMPA stating:

> "Parking for visitors to the Midway and its museum will be provided, on an interim basis, at the Navy Pier, pursuant to the museum's lease with the United States Navy. When and if the Navy determines that its use of the Navy Pier is no longer necessary, the Port will accept the proposal by the San Diego Aircraft Carrier

Museum to convert the Navy Pier into a "public park" use, thereby allowing the pier to be converted into a memorial park complementing the Midway and its museum, while affording additional public open space and bay vistas. Vehicle parking for museum visitors will then be shifted to nearby offsite locations. However, since the Navy Pier's future is uncertain and will be determined by decisions of the federal government, the conversion of a pier to a 5.7-acre memorial park is a specific planning goal of the Port, and environmental analysis for the park conversion will be conducted prior to the Navy relinquishing ownership and/or control of the Navy Pier such that construction of the park can occur as soon as feasible thereafter. The park conversion will be subject to all appropriate laws at the time the Navy Pier park is proposed."

Furthermore, the Port has proposed five biological mitigation conditions that must be placed on any coastal development permit issued for the Midway. These requirements are as follows:

1. Funds designated and provided for, in advance, in a dedicated account for full restoration of marsh mitigation. A minimum percentage of the Midway budget must be designated annually with regular increases for inflation to manage and protect the restored marsh area. In the event that the Midway is taken over by other or public management, such funds will be transferred to an appropriate wildlife management agency.

2. A separate annual adequate allocation or foundation must be designated for aggressive predator management and fencing to be implemented by the U.S. Fish and Wildlife Service (USFWS) or their designee agency.

3. A separate adequate allocation or foundation for an annual removal program for invasive species and status report to the Commission every five years on the status of invasive species in the marsh to be managed by the USFWS or their designee agency.

4. A report every 5 years to the Commission on the status of erosion and sedimentation and remedial action if necessary to meet and maintain restoration goals.

5. Environmental protection and educational exhibits will be offered as part of the program offered in the Midway museum.

The appropriate motions and resolutions can be found on Page **5**. The main findings for approval of the amendment begin on Page **5**.

Port Master Plan Amendment Procedure. California Code of Regulations, Title 14, Section 13636 calls for port master plan amendments to be certified in the same manner as provided in Section 30714 of the Coastal Act for certification of port master plans. Section 13628 of the Regulations states that, upon the determination of the Executive Director that the master plan amendment and accompanying materials required by Section 13628(a) are sufficient, the master plan amendment shall be deemed submitted to the Commission for purposes of Section 30714 of the Coastal Act. The subject amendment was deemed submitted on August 9, 2000. Within 90 days after this submittal date, the Commission, after public hearing, shall certify or reject the amendment, in whole or in part. If the Commission fails to take action on the amendment submittal within the 90-day period, the proposed amendment is deemed certified. However, on September 19, 2000, the Board of Port Commissioners waived the 90-day time period.

The City of San Diego has concurrently submitted a Local Coastal Program Amendment (LCPA) to the City of San Diego LCP for the redevelopment of the North Embarcadero. The LCPA would create a North Embarcadero Overlay District including design guidelines and parking requirements, etc, that covers much of the same area as the subject PMPA plus a small inland area within the City coastal permit jurisdiction. The City's LCPA is intended to be consistent with the Port Master Plan vision for the North Embarcadero region, and as such, the City's proposed LCPA is referenced several times within this document as it relates to possible prejudice of the Commission review of the LCPA. The LCPA has been scheduled for Commission review at the same hearing as the subject PMPA.

STAFF RECOMMENDATION:

Following a public hearing, staff recommends the Commission adopt the following resolutions and findings. The appropriate motion to introduce the resolution and a staff recommendation are provided just prior to each resolution.

I. **MOTION:** ***I move that the Commission adopt the revised findings in support of the Commission's action on March 14, 2001 concerning Port of San Diego PMPA #27.***

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote on the motion. Passage of this motion will result in the adoption of revised findings as set forth in this staff report. The motion requires a majority vote of the members from the prevailing side present at the March 14, 2001 hearing, with at least three of the prevailing members voting. Only those Commissioners on the prevailing side of the Commission's action are eligible to vote on the revised findings.

RESOLUTION TO ADOPT REVISED FINDINGS:

The Commission hereby adopts the findings set forth below for approval of the Port Master Plan Amendment as submitted on the ground that the findings support the Commission's decision made on March 14, 2001 and accurately reflect the reasons for it.

II. FINDINGS AND DECLARATIONS.

The Commission finds and declares as follows:

A. Previous Commission Action. The Commission certified the San Diego Unified Port District Master Plan on October 14, 1980. The Commission has reviewed twenty-six amendments since that date.

B. Contents of Port Master Plan Amendments. California Code of Regulations Title 14, Section 13656 calls for port master plan amendments to be certified in the same manner as port master plans. Section 30711 of the Coastal Act states, in part, that a port master plan shall include all 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 Section 30711 of the Coastal Act. The proposed changes in land uses and proposed projects are outlined in sufficient detail in the port master plan submittal for the Commission to make a determination of the proposed amendment's consistency with the Chapter 3 and Chapter 8 policies of the Coastal Act.

The proposed amendment was the subject of an Environmental Impact Report under the California Environmental Quality Act. The Environmental Impact Report associated with the plan amendment was subject to public review and hearing and was adopted by the Board of Port Commissioners on April 25, 2000 as Resolution #2000-82. A public hearing on the proposed master plan amendment was held and the amendment was adopted by the Board of Port Commissioners on April 25, 2000 as Resolution #2000-83.

C. Standard of Review. Section 30700 of the Coastal Act states that Chapter 8 shall govern those portions of the San Diego Unified Port District located within the coastal zone, excluding any wetland, estuary, or existing recreation area indicated in Part IV of the Coastal Plan. The entire water area under the jurisdiction of the Port of San Diego is covered by Chapter 3 policies because San Diego Bay is mapped as an estuary and wetland in Part IV of the Coastal Plan, and on the maps adopted by the Commission pursuant to Section 30710 of the Act. See 14 C.C.R. § 13610(b). The proposed amendment involves changes to both land use designations and water designations. Chapter 3 is the standard of review for the changes in water use designation. In addition, proposed projects listed as appealable in Section 30715 must be consistent with the policies of Chapter 3 of the Coastal Act. The amendment includes text changes and a new project list for several appealable developments including construction of a 600-800 room hotel, office building, retail and parking facilities at Lane Field; public improvements including a pedestrian esplanade; parks and plaza areas, narrowing Harbor Drive from 4 lanes to 3; the demolition and reconstruction of the Grape Street Piers, docks, wave attenuation structure and new restaurant; and linking B and C street between Pacific Highway and North Harbor Drive. Chapter 8 of the Coastal Act is the standard of review for the balance of the proposed amendment.

Preliminary plans indicate that a small portion of the Midway carrier may extend bayward of the pierhead line. This area is not within the tidelands granted to the San Diego Port District, and thus, is within the Commission's original permit jurisdiction. A lease from the State Lands Commission would also be required. Therefore, the Midway may be required to obtain a coastal development permit from the Commission as well as the Port District. If any portion of the project is within the Commission's permit jurisdiction, the standard of review would be Chapter 3 policies, not the Port Master Plan.

D. Description of Proposed Plan Amendment. The proposed master plan amendment involves changes to the text, land/water use map, and project list of Planning District 3 (Center City/Embarcadero) to allow for a number of new projects. The amendment is a result of a coordinated planning effort by the North Embarcadero Alliance, a planning body made up of officials from the Port District, City of San Diego, County of San Diego, Centre City Development Corporation, and U.S. Navy. The Alliance developed a Visionary Plan in 1998 to guide the development of the North Embarcadero area. The proposed Port Master Plan Amendment (PMPA) references the Visionary Plan's design concepts and goals in several instances; however, the Visionary Plan itself has not been incorporated into the Port Master Plan and is not the subject of this amendment or the standard of review for coastal development permits issued by the Port District. Only the projects contained in the proposed "Table 11: Project List" are part of this amendment; additional projects contained within the Visionary Plan will require additional review and approval by the Commission. The Port will use the Visionary Plan for planning guidance only.

As noted above, the proposed amendment includes a table listing the following appealable projects:

- Construction of a 600-800 room hotel, office building, retail and parking at Lane Field;
- Public improvements including a pedestrian esplanade; parks and plaza areas;
- Narrowing Harbor Drive from 4 lanes to 3;
- Demolition and reconstruction of the Grape Street Piers, new boat docks, wave attenuation structure and restaurant; and,
- Linking B and C Street between Pacific Highway and North Harbor Drive.

Non-appealable projects on the proposed project list include:

- Modernization and expansion of the cruise ship terminal
- Public vista points
- Infrastructure improvements to the Broadway Pier
- The Midway Aircraft Carrier Museum

A number of the improvements in the PMPA are designed to give the waterfront a more pedestrian orientation. Harbor Drive would be narrowed from four lanes to three to

accommodate construction of a new bayfront public esplanade along the water's edge at Harbor Drive. The esplanade would include a new 25-foot wide pedestrian promenade on its western edge, and is a part of a larger bayside open space network connecting Harbor Island to South Embarcadero. Plazas would generally be located where east-west streets terminate, and additional public amenities such as fountains and public art would be provided.

Three existing industrial piers west of the County Administration Center would be replaced with a new 30,000 sq.ft. public pier at Grape Street and an associated 12,000 sq.ft. public boat dock. A commercial recreation facility such as a bait shop or snack shop would be located on the new Grape Street Pier. An 800-foot long floating wave attenuation screen would be integrated into the new pier to protect the boat docks. A new two-story, maximum 10,000 sq.ft., 25-foot high restaurant may be located on a 5,000 sq.ft. parcel inland of the Grape Street Pier.

The PMPA provides for the extension of B and C Streets from their current terminus at Pacific Highway to North Harbor Drive through the Lane Field site. The existing plan envisions development of the old Lane Field site and Navy Engineering building into a new complex of buildings and open space. The proposed amendment specifies that primary consideration would be development of a 600-800 room hotel, office buildings, retail and parking facilities. The PMPA identifies a Floor Area Ratio for the site, setback and stepback requirements, heights that slope away from the Bay, and right-of-way corridors view and access corridors through the site.

The cruise ship terminal at the B Street Pier would be expanded and upgraded including increasing the height of the existing building to 50 feet (with appurtenant structures extending above 50 feet). The existing terminal is a converted warehouse and does not have adequate facilities to accommodate the size of modern cruise ships and the number of passengers on these ships. The upgrade will modernize the building to accommodate the larger ships and expand terminal facilities such as loading and customs.

The U.S.S. Midway Aircraft Carrier would be docked on the south side of Navy Pier for use as a museum. Submitted with the PMPA is a mitigation plan for impacts to 4 acres of open water in San Diego Bay involving the creation of 5.8 acres of new coastal salt marsh habitat in National City, south of the Sweetwater River Flood Control Channel. The mitigation is specifically required in the PMPA.

The plan also involves numerous changes to the existing land and water use designations in the Port Master Plan. The land use changes are designated largely to facilitate the proposed Embarcadero Promenade, the narrowing of Harbor Drive, and the extension of B and C Streets. The changes also reflect a more accurate accounting of the amount of land area than previously calculated, and thus, show an overall increase in land area. The revisions would result in an approximately 1.9-acre increase in the "Public Facility/Street" designation, a .6-acre decrease in "Commercial Recreation" area, a 2.9-acre increase in "Park/Plaza", and a .6-acre increase in "Promenade" area.

The plan also involve changes in water use designations, including redesignating approximately 21 acres of "Commercial Fishing Berthing" to "Specialized Berthing", "Park/Plaza" and "Commercial Recreation" to accommodate the new public recreational Grape Street Pier and docks, and redesignation of another 5.5 acres of "Commercial Fishing Berthing" to "Specialized Berthing" to allow mooring of the U.S.S. Midway. The bayward portion of the Midway location has been designated as Park/Plaza and as a Public Access point to indicate that the area will be open and available to the public. Although the plan includes a significant reduction in "Commercial Fishing Berthing," the replacement "Specialized Berthing" designation continues to allow commercial fishing berthing within the subject precise plan area, and language in the proposed PMPA specifically identifies commercial fishing as the highest priority use in this location.

The amendment also includes adoption of a Parking Management & Monitoring Program for the North Embarcadero. In general, new projects are required to provide adequate on-site parking to accommodate the particular project's demand. Several new projects, including the Grape Street Pier restaurant and new public improvements like the esplanade, would utilize only public parking. Thus, the Parking Management Program is required to address the parking needs of these projects, as well as the public parking needs overall in the North Embarcadero area. The plan requires individual Parking Management Plans prior to issuance of Coastal Development Permits for a particular project, to ensure that weekday and weekend day parking deficits are addressed. Projects in the PMPA will be phased over several years.

Section 13634 of the Code of Regulations allows for minor, immaterial changes to a Port Master Plan (Amendment) after submission of the plan. On December 12, 2000, the Board of Port Commissioners revised the amendment to remove a reference to a project west of the County Administration Center that is not intended to be implemented at this time, added two paragraphs on page 74 indicating that the deck of the Midway will be a 0.8 acre public viewing area, indicated that mitigation for the loss of 4.1 acres of open water habitat would be provided in the City of National City, and adopted by reference a U.S.S. Midway Public Access Program. The Midway Public Access Program requires that the bayward side of the Midway be open to free public access whenever the Midway is open and operating, and requires the provision of coastal access signs and interpretive signage. Other changes made prior to Commission action include adding five requirements to any coastal development permit issued for the Midway Aircraft Carrier for long-term funding for the proposed marsh restoration; predator, invasive species, and erosion and sedimentation management; and the provisions of environmental educational exhibits on the Midway; adding plan language acknowledging the conversion of Navy Pier as a project in the Port Master Plan; requiring environmental analysis of the park conversion prior to the Navy relinquishing ownership of the pier; and an agreement to add a requirement to the coastal development permit for the Midway that the applicants set up a reserve account to be used to fund relocation of the Midway parking from Navy Pier. These changes provide more specificity and increase protection of coastal resources, and are not considered a material amendment to the PMPA submittal.

E. Conformance with the Coastal Act. The proposed amendment would result in changes to land use categories and to the specific policies contained in Planning District 3. In order for the Commission to certify the proposed master plan amendment, the Commission must determine that the amendment conforms to the following applicable Chapter 3 and Chapter 8 policies of the Act:

1. Applicable Policies

Section 30210.

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

Section 30211.

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212.

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

(1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,

(2) adequate access exists nearby, or,

[...]

Section 30213.

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Section 30224

Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public

launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land for long-term commercial, recreational, scientific, and educational purposes.

Section 30230

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30233

(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:

(l) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

(3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained

as a biologically productive wetland. The size of the wetland area used for boating facilities, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, shall not exceed 25 percent of the degraded wetland.

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

(5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

(6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

(7) Restoration purposes.

(8) Nature study, aquaculture, or similar resource dependent activities.

(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable long shore current systems.

[...]

Section 30234

Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.

Section 30234.5

The economic, commercial, and recreational importance of fishing activities shall be recognized and protected.

Section 30235

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public

beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible.

Section 30251.

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas....

Section 30252.

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings.

Section 30708

All port-related developments shall be located, designed, and constructed so as to:

(a) Minimize substantial adverse environmental impacts.

(b) Minimize potential traffic conflicts between vessels.

(c) Give highest priority to the use of existing land space within harbors for port purposes, including, but not limited to, navigational facilities, shipping industries, and necessary support and access facilities.

(d) Provide for other beneficial uses consistent with the public trust, including, but not limited to, recreation and wildlife habitat uses, to the extent feasible.

(e) Encourage rail service to port areas and multicompany use of facilities.

Chapter 3 is the standard of review for all appealable projects, and all projects in the water and use designations applied to water. Chapter 8 is the standard of review for the remainder of the amendment.

2. Findings for Consistency with Chapter 3/Chapter 8 of the Coastal Act

A. U.S.S. Midway Aircraft Carrier.

The amendment would provide for the permanent docking of the Midway alongside the south side of Navy Pier (Pier 11A), at the southern end of North Harbor Drive. The Midway is a decommissioned aircraft carrier, which would be towed to San Diego Bay from its current station at Bremerton, Washington. The ship would be berthed against two new mooring platforms that would be constructed on the existing pier. The bow of the ship would point towards the bay. Parking for the Midway would be provided on the existing Navy Pier.

The Midway would be converted into an aircraft carrier museum. Navy Pier has historically been the departure place in San Diego for troops going to war, and the site is nearby several existing naval memorials including the Aircraft Carrier Memorial, the Homecoming Memorial, and the Presidential Unit Citation Memorial. Funding for the Midway museum comes from both private donations and loans; no public money has been involved.

1) **Visual Resources**. The Midway is approximately 1,000 feet long and 50 feet tall from the waterline to the flight deck. Above the flight deck, the control tower area would be approximately 190 feet tall, as measured from the waterline. Including the new mooring platforms on the north side of the ship, the width of the Midway would extend approximately 260 feet south of the existing Navy Pier.

The siting of the Midway raises concerns regarding both the compatibility of the bulk and scale of the structure with the surrounding community and the blocking of public views. The Midway would be located on the bayward side of North Harbor Drive, which parallels the shoreline and is the main coastal accessway in the downtown area. In general, the bayward side of North Harbor Drive in the North Embarcadero area consists of low-scale development such as the Harbor Excursion ticket booth, one and two-story restaurants, and the Maritime Museum historic ships including the Star of India, Berkeley, and others. The inland side of North Harbor Drive is more intensely developed with the County Administration Center, restaurants, and hotels.

The ship would be located between the existing Navy Pier to the north and the G Street Mole and Tuna Harbor Park to the south. Navy Pier currently has a 2-story Navy building on it which would remain. To the south, a two-story restaurant is located on the western terminus of the G Street Mole, while the remainder of the park is open grassy space, parking, or low-scale memorial structures.

The inland side of Harbor Drive east of the subject site is developed with a Naval Base and is under the jurisdiction of the U.S. Navy, and currently developed with multi-story structures. There are approvals on the site for a project known as the Navy Broadway Complex, which would consist of up to 2.5 million square feet of mixed commercial

office, hotel and retail uses. Although no construction on this project is anticipated at this time, this project would be up to 400 feet in height.

In general, the proposed PMPA would continue the pattern of more intense, higher development on the eastern side of Harbor Drive, such as the proposed Lane Field development. The amendment would allow construction of a new 25-foot high restaurant on the bayward side of Harbor Drive inland of the new Grape Street Pier. The PMPA would also allow improvements to the existing cruise ship terminal located approximately two blocks north of the proposed Midway site, which could result in an increase in the height of the terminal building to 50 feet, with some building appurtenances extending higher than 50 feet.

The Midway, which is 50 feet high to the flight deck and portions of which would extend up to 190 feet in height, would represent a departure from the existing scale of most development located bayward of Harbor Drive. Currently, there are no structures comparable to the Midway in height and bulk located bayward of North Harbor Drive, and the relatively low-scale of development in this area allows for a mostly open viewshed towards the shoreline and Coronado. The visual effect of the Midway would be comparable to at least a 5-story high structure that would cover essentially the entire water area from Navy Pier to Tuna Harbor Park. The presence of the Midway, combined with the high-rise structures existing and anticipated on the eastern side of Harbor Drive across the street from the Midway, would create a "tunnel" effect for pedestrians and vehicles on this portion of North Harbor Drive.

Public views provided along the North Embarcadero portion of North Harbor Drive are significantly greater in number and scope than those available from the rest of Harbor Drive. South of the project site, views of the water and the bayfront are almost entirely blocked by existing development. North of Laurel Street, bay views from Harbor Drive are extremely limited. But views of the water and Coronado are currently available to both north and southbound traffic from the majority of North Harbor Drive in the North Embarcadero Area, including at the subject site.

The Midway would have a significant impact on public views. The proposed project would eliminate views of the water, Point Loma and Coronado currently available approaching the project site from both the north and the south on Harbor Drive. Views to the north from the entire G Street Mole and Tuna Harbor Park would be obstructed. This is an existing Public Park, and a designated vista area in the Port Master Plan. The visual quality and character of the viewshed would be severely impacted by the Midway.

As mitigation for this impact, the Port District has proposed opening the bayside portion of the deck of the Midway to free public access. Given the proposed height and location of the ship, views from the deck would be quite expansive and would afford unparalleled views of the area. The viewing experience from the deck of the ship would be different than that from the existing park, but would be similar enough to help offset the loss of views from the park.

However, while opening the deck of the Midway would essentially replace the views lost from the G Street Mole, it would not mitigate for the bulk and scale of the ship as viewed from Harbor Drive and the surrounding inland area. And there would still be impacts to public views. The ship would be located west of, and across Harbor Drive from the terminus of F Street. This portion of F Street is within the Naval Base and is not currently open to the public. However, the Centre City Community Plan designates F Street as a view corridor to be implemented when the site is redeveloped as the Broadway Complex. (The City's currently pending LCPA for the North Embarcadero area would not change or remove this designation.) The Midway would prevent the opening of any views of the water or Coronado along this designated view corridor when the Naval site is redeveloped.

Of course, all of these views would be replaced by a view of the Midway museum, which would be a visitor-serving, coastal-dependent use. San Diego has a rich naval history and the Commission recognizes the importance of providing visitor attractions and destinations at the waterfront. Nevertheless, the North Embarcadero area is, unfortunately, one of the few areas downtown where there is a strong visual connection to the waterfront, and each new development that blocks off another significant portion of the public's view has an adverse impact. As noted above, the current plan has provisions for increasing the height of the cruise ship terminal to as high as 50 feet. The expansion is necessary to accommodate the larger size of modern cruise ships. The terminal is located approximately ¼ mile north of Navy Pier, and will further contribute to the bulk and scale of development in the area of the Midway. Although portions of the existing Navy buildings on Navy Pier were recently demolished, the existing two-story structure on Navy Pier is proposed to remain, and will contribute to the walling-off effect in the area. As valuable as opening the deck of the Midway to the public would be, it could not totally mitigate for the overall bulk of the ship and the adverse impact it will have to the area.

There are a number of alternatives to the proposed project that could lessen or avoid the visual impact of the project. For example, a carrier could potentially be sited at or adjacent to existing naval facilities on Coronado, the 10th Avenue Marine Terminal or the Naval stations further south in the Bay in San Diego or National City. These sites were not examined in the Environmental Impact Report associated with the proposed amendment as the Navy has not to this date expressed interest in housing a permanent museum facility. However, the Midway would most likely not present any adverse visual impact in these locations, and a partnership with the Navy should not be dismissed as a potential opportunity. In addition, the Campbell Shipyard site, which is located northwest of the 10th Avenue Marine Terminal could potentially accommodate the Midway. The bayward side of Harbor Drive is already heavily developed in this area, and an aircraft carrier would likely not have as significant of an impact on public views. Although the Port has expressed interest in constructing a hotel at the Campbell site, the recent discovery of significant amounts of contaminants at the site suggests an alternative project like the Midway may be suitable at this location.

However, if the proposed location remains the only desirable location to the Port District and the project proponents, another potential alternative to the proposed project has been raised by representatives of the Midway museum, for future build-out of the site. A conceptual plan has been developed to site the Midway south of Navy Pier, as proposed, but to also demolish the existing Navy building on the Pier, and redevelop the Pier as a pedestrian-oriented memorial park with plazas, grassy lawns, benches promenades, design features, and even a Navy wives club and chapel for small social functions and public food service. Under this "conceptual plan," parking for the Midway would be located nearby in a new parking structure on the inland side of Harbor Drive. As long as the park was developed as a free, public, visually unobstructed park/plaza, this would be very effective in offsetting the impacts of the Midway.

In contrast, under the current amendment, Navy Pier would be used for parking for visitors to the Midway. While parking is clearly necessary to accommodate the use, providing public parking is not the best use of a water-oriented structure, and would have an adverse impact on the visual quality of the area. It appears that a plan like this conceptual plan would open up the area and improve the visual quality of the North Embarcadero area in a manner that could potentially offset the adverse visual impacts of the ship. In addition, removal of the existing buildings on Navy Pier would allow for opening up the proposed view corridor along E Street in the future when the Broadway Complex area is redeveloped, to replace the one along F Street which would be blocked by the Midway.

The EIR for the proposed amendment did not evaluate the construction of a park on Navy Pier, and no off-site parking facility has been identified or funded. However, the Port District has agreed to add language in the plan as follows:

> Parking for visitors to the Midway and its museum will be provided, on an interim basis, at the Navy Pier, pursuant to the museum's lease with the United States Navy. When and if the Navy determines that its use of the Navy Pier is no longer necessary, the Port will accept the proposal by the San Diego Aircraft Carrier Museum to convert the Navy Pier into a "public park" use, thereby allowing the pier to be converted into a memorial park complementing the Midway and its museum, while affording additional public open space and bay vistas. Vehicle parking for museum visitors will then be shifted to nearby offsite locations. However, since the Navy Pier's future is uncertain and will be determined by decisions of the federal government, the conversion of a pier to a 5.7-acre memorial park is a specific planning goal of the Port, and environmental analysis for the park conversion will be conducted prior to the Navy relinquishing ownership and/or control of the Navy Pier such that construction of the park can occur as soon as feasible thereafter. The park conversion will be subject to all appropriate laws at the time the Navy Pier park is proposed.

There is, of course, no guarantee that the Navy will ever relinquish the pier. In fact, the Navy has indicated that it is premature to make any commitments on the disposition of Navy Pier because they have not made a final decision on it operational needs (see letter dated 1/8/01 Buchanan). However, as revised, the Port Master Plan would at least have clear policy language that conversion of the pier to a park is a goal that will be pursued when and if the pier becomes available. In addition, policy language has been added that ensures the necessary environmental review required for construction of the park will take place prior to the Navy actually relinquishing the pier, such that the construction of the park will be able to be undertaken as soon as feasible. Relocation of the parking can occur at any time independent of actions by the Navy or as part of redevelopment of the Navy Broadway Complex.

Another project alternative that has been suggested involves lowering the Midway approximately 10 feet by dredging the bay at the proposed site; however, potential environmental impacts of dredging have not been examined, and a 10-foot difference in height would not substantially alter the visual impact of the project. Given the expense that would likely be associated with dredging, allocation of the money towards implementation of the conceptual plan would likely be a more effective means of mitigating the visual impact of the Midway.

In summary, the Midway Aircraft Carrier Museum portion of the proposed PMPA would have a significant adverse visual impact in its proposed location. However, a conceptual site plan has been developed that demonstrates that there is a long-term project involving creation of a public park on Navy Pier that would open up the viewshed and improve the visual quality of the North Embarcadero area, thereby mitigating the adverse visual impacts of the carrier. The amendment as revised by the Port District would include this plan as a goal in the proposed PMPA. In lieu of a promise from the Navy that the park conversion *will* take place, policy language has been added to the PMP that ensures the Port District will undertake all necessary procedures within its control in order to allow construction of the park to proceed as quickly as feasible. Therefore, the Midway portion of the plan can be found consistent with the visual protection policies of Chapter 3 and Chapter 8 of the Coastal Act.

2) **Parking/Public Access**. Currently, Navy Pier is restricted to authorized military and civilian personnel. No public parking is available on the pier, except during Summer Pops concerts. The EIR for the project determined that the peak parking demand for the Midway will be approximately 348 spaces on a weekend and 279 spaces on a weekday. The parking for Midway would be provided on the adjacent Navy Pier. Because some parking spaces would still be required for the Navy facility to remain on the pier, the required 348 spaces would be available on the weekends, but only 200 spaces would be available on weekdays, 79 spaces short of the weekday requirement. The EIR requires that 79 additional off-site parking spaces be provided, if not on Navy Pier, then at a nearby location. Thus, adequate parking to accommodate the demand generated by the Midway will be provided.

As noted above, the Commission supports the development of visitor-serving attractions along the waterfront. Typically, on-site parking is preferred to off-site parking, because it provides the most convenient access for the public. But in the long-term, a pier is not the appropriate place to be developing new permanent parking facilities. The parking lot will not be a visually attractive development and will not provide the type of pedestrian recreational opportunities that should be available on the waterfront. Converting a pier into a permanent parking area would not have a positive impact on the visual quality of the North Embarcadero area, or on the public access and recreational opportunities.

However, the proposed amendment, as revised, contains a long-term goal to convert Navy Pier into a park, which would require that the parking for the Midway from the Navy Pier be relocated into an off-site satellite lot(s). Further, the proponent of the Midway museum, San Diego Aircraft Carrier Museum (SDACM) has indicated they will set up a reserve account into which it will deposit $100,000 per year for the first five years, and $150,000 per year for the next five years to be used to relocate the parking from Navy Pier. The Port has indicated these provisions will be included as conditions of the coastal development permit and lease agreement with the Port. Thus, there will be the means to implement and fund a long-term alternative parking and transportation program to offset visitor parking deficits rather than maintaining parking on Navy Pier.

Therefore, the Commission finds the Midway portion of the project consistent with the public access and recreation policies of the Coastal Act.

3) **Biological Resources**. Approximately 350 parking spaces would be located on Navy Pier to serve visitors to the Midway museum. This would create the potential for petroleum hydrocarbons, grease, etc. associated with vehicles to enter San Diego Bay through direct leakage and stormwater runoff. A Storm Water Pollution Prevention Plan (SWPPP) is required for the project that must contain Best Management Practices (BMPs) to address contaminants through such means as grease/oil separators. The Port Master Plan does not specifically require the adoption of BMP programs for the Midway; however, the Plan does require lease agreements that ensure tenants do not contribute to water pollution.

The ship's hull would be protected with a cathoditic system, in an effort to minimize hull maintenance requirements. Maintenance activities such as painting other parts of the ship are required to occur in conformance with state and federal regulations, as outlined in an Environmental Protection Plan which has been prepared for the Midway, although this plan has not been specifically incorporated into the PMP. The ship would be moved to dry-dock about every 20 years where major maintenance activities would occur. The Port District has indicated that if the Midway museum did not succeed financially, the Navy would take the ship back, so it would not remain in place indefinitely. The Port has stated that the Midway's lease agreement and coastal development permit will require guarantees in the form of a bond or other financial means that will ensure that the ship will be removed from San Diego Bay should it go bankrupt.

The Midway would not actually rest on the ocean floor; rather it would occupy approximately 28 feet of the water column, with approximately 12 feet between the bottom of the hull and the ocean floor. Mooring the carrier would result in approximately 4.1 acres of impact to open water habitat, which is valuable habitat for fish and foraging birds. The hull of the Midway touching the water would cover approximately 2 acres of the Bay, the overhang of the flight deck would shadow up to an additional 2 acres of open water, and the mooring platform structures would result in 0.1 acres of impact.

As part of the proposed PMPA submittal and at the request of Commission staff, the Port has submitted a mitigation plan for the 4 acres of open water impacts. The proposed mitigation involves expansion of an existing degraded marsh east of south San Diego Bay in the City of National City. The site is known as Lovett Marsh, a tidal channel surrounded by development south of the Sweetwater River Flood Control Channel. The plan involves excavating sediment from surrounding uplands in order to create new tidal wetland habitat, grading existing upland slopes and seeding them with Maritime Succulent Scrub vegetation, and planting coastal salt marsh vegetation in the newly created wetland area. The mitigation would itself impact 0.89 acres of existing "disturbed" coastal salt marsh and 0.74 acres of mule fat scrub, but result in the creation of approximately 5.8 acres of new coastal salt marsh as mitigation for loss of 4.1 acres of open water habitat.

The proposed mitigation raises several concerns. First, the Commission typically requires that mitigation be "in-kind," that is, the mitigation should replace the same kind of habitat that is impacted, as close to the impact area as possible. In the case of the proposed project, the salt marsh mitigation site is several miles south and inland of the open water impact site. The Port District has indicated that there are a limited number of sites in San Diego Bay under the control of the District where a restoration project could create new open water habitat. However, the District did not consider these sites as potential mitigation sites for the Midway, as they are intended to serve as mitigation sites for future Port projects. Given the amount of build-out in San Diego Bay, opportunities for open water mitigation sites in the Bay are very limited, which suggests that additional impacts to Bay habitat may be inappropriate.

Nevertheless, in this particular case, the mitigation plan has been reviewed by the Commission staff ecologist, National Marine Fisheries and the U.S. Fish and Wildlife Service. The Commission has in the past approved saltmarsh restoration as mitigation for open water impacts, although in most cases, the mitigation has a strong open-water component. The creation of salt marsh habitat as proposed has been given preliminary approval as adequate to offset the biological impacts of the project.

Specific language in the text of the amendment requires that mitigation for the Midway be provided in the form of the creation of approximately 5.8 acres of new coastal salt marsh. In addition, the Port District has agreed to incorporate additional biological mitigation into the conditions placed on the coastal development permit for the Midway. These requirements are as follows:

1. Funds designated and provided for, in advance, in a dedicated account for full restoration of marsh mitigation. A minimum percentage of the Midway budget must be designated annually with regular increases for inflation to manage and protect the restored marsh area. In the event that the Midway is taken over by other or public management, such funds will be transferred to an appropriate wildlife management agency.

2. A separate annual adequate allocation or foundation must be designated for aggressive predator management and fencing to be implemented by the U.S. Fish and Wildlife Service (USFWS) or their designee agency.

3. A separate adequate allocation or foundation for an annual removal program for invasive species and status report to the Commission every five years on the status of invasive species in the marsh to be managed by the USFWS or their designee agency.

4. A report every 5 years to the Commission on the status of erosion and sedimentation and remedial action if necessary to meet and maintain restoration goals.

5. Environmental protection and educational exhibits will be offered as part of the program offered in the Midway museum.

These conditions will further ensure that the Midway does not result in significant, unmitigatable impacts to sensitive coastal resources. Therefore, the biological impacts associated with the Midway can be found consistent with the resource protection policies of Chapter 3 and Chapter 8 of the Coastal Act.

B. North Embarcadero Redevelopment.

As described above, the amendment includes public improvements along Harbor Drive, narrowing Harbor Drive from four lanes to three between Grape Street and Pacific Highway, replacing three existing industrial piers west of the County Administration Center with a new public pier at Grape Street, a new 25-foot high restaurant inland of the Grape Street Pier, the extension of B and C Streets, development of the old Lane Field site and Navy Engineering building with a 600-800 room hotel, office building, retail and parking facilities in a new complex of buildings and open space, and expansion of the cruise ship terminal at the B Street Pier would be expanded to up to 50 feet in height.

1) **Visual Resources**. The plan contains provisions for the establishment of view corridors and a 60 foot height limit in the Laurel Street corridor, landscape and streetscape improvements along the proposed esplanade on North Harbor Drive, and public viewing/vista points along the Crescent shoreline from Laurel Street to Market

Street. Language in the plan states that the wharf side of the esplanade is to remain clear of objects or furnishings that would block bay views.

The extension of B and C Streets from their current terminus at Pacific Highway through to North Harbor Drive would create new view corridors and increase public access to the waterfront from downtown. The City of San Diego's pending LCP also provides for the extension of these streets and designates them as view corridors.

The plan sets an FAR of 7.0 and 6.5 for the Lane Field parcel, while establishing building height limits on the site ranging from 200 feet to 400 feet sloping back from the Bay. The plan also sets setbacks and stepbacks along the Broadway side of this parcel. These criteria are consistent with those proposed in the City's pending LCP.

The plan establishes a 12 foot high building height limit in the area of the proposed esplanade, with the exception of a 25-foot high height limit for the parcel at Harbor Drive inland of the Grape Street Pier to allow for construction of a new restaurant. The construction of a new two-story structure in this area raises concerns about view blockage and bulk and scale. As discussed above, the majority of North Harbor Drive is characterized by low-scale development and open views towards the water, and any new construction on the bayward side of Harbor Drive has the potential to adversely impact public views.

However, in this particular case, the second-story of the restaurant would be offset from the Grape Street View corridor, and thus, wouldn't block any existing views down this street. Additionally, Grape Street is a one-way street with traffic heading away from the Bay, so existing views from this street are limited. View blockage from Harbor Drive remains a concern, but with the exception of this parcel, structures on the bayward side at this portion of North Harbor Drive are limited to 12 feet in height, such that the impact of this one structure will be limited and can be found consistent with the resource protection policies of the Coastal Act. However, the Commission will continue to review new projects in this area with the visual impact to pedestrians and vehicles on Harbor Drive in mind.

The amendment also includes expansion of the cruise ship terminal to a maximum of 50 feet in height. Some building appurtenances would extend above 50 feet. The existing building was a warehouse that was converted to a cruise ship terminal many years ago. The cruise ship industry has changed considerably in the last two decades, and ships are far larger than they were previously. At the existing terminal, moving cargo and people is difficult and inefficient, and compromises the effectiveness of the terminal operation. The structure is also too small to reasonably accommodate the number of people boarding and disembarking the ships, going through customs, etc. The expansion would modernize the terminal to accommodate present-day cruise ships and traffic intensity (vessels and people). Although the height increase would contribute incrementally to a walling off of the bay, a cruise ship terminal is a coastal-dependent, high-priority use under the Coastal Act. The height increase would contribute to the bulk and scale of

development on the bayfront, but not actually block any existing views. The project would not require any expansion of the existing pier or filling of the bay. The expansion would follow the design guidelines of the North Embarcadero Visionary Plan, such that the building would have stepbacks and architectural features to minimize its visual impact.

In summary, the plan includes numerous features designed to protect and enhance views to and along the waterfront. No significant impacts to views or community character will result from the amendment. Therefore, this portion of the proposed Port Master Plan Amendment can be found consistent with the visual protection policies of Chapter 3 policies and Chapter 8 policies of the Coastal Act.

2) **Public Access/Parking**. As noted above, numerous Coastal Act policies pertain to the provision of adequate public access to the shoreline. The plan contains provisions for many public access improvements including the replacement of the Grape Street industrial piers with a new public pier, the extension of B and C Streets, the Harbor Drive esplanade and parks, and streetscape improvements to Broadway Pier. The Lane Field parcel will have access corridors a minimum of 80-feet wide to enhance physical and visual access to the waterfront. A north-south pedestrian link, if practical, is also proposed through this parcel.

When development does not provide adequate parking facilities, or alternative means of access such as public transit, the general public can be precluded from accessing the shoreline. The Parking Management & Monitoring Program submitted as a component of the proposed amendment is intended to ensure that the proposed development will maintain and enhance public access to the coast consistent with the public access and recreation policies of the Coastal Act.

The EIR analyzed the projected parking demand for the proposed PMPA. In general, new projects are required to self-park; that is, provide adequate parking to accommodate the particular project's demand, and would not compete for public parking. However, several new projects, including the Grape Street Pier restaurant and new public improvements like the esplanade, would utilize public parking. The parking analysis determined that on weekdays, adequate public parking to serve the area Thus, the Parking Management Program is required to address the parking needs of these projects, as well as the public parking needs overall in the North Embarcadero area. The plan requires individual Parking Management Plans prior to issuance of Coastal Development Permits a for particular project, to ensure that weekday and weekend day parking deficits are addressed.

Projects in the PMPA will be phased over several years. An annual monitoring program tied to actual "parking utilization" will begin after completion of the first project under the Plan. Additional parking construction will begin when utilization thresholds exceed 90% capacity, that is, when monitoring determines existing parking has reached 90% of capacity, new parking facilities will be required. Implementation of the monitoring and

construction of new parking facilities will be required as conditions of new coastal development permits.

The narrowing of North Harbor Drive and the increase in traffic generated by the redevelopment in the proposed amendment could have an adverse impact on public access by restricting the flow of traffic. North Harbor currently provides six lanes of traffic north of Grape Street, four lanes between Grape Street and Broadway and two lanes south of Broadway to Pacific Highway. The proposed amendment includes re-striping North Harbor Drive between Grape Street and Pacific Highway to a three-lane roadway (two lanes southbound and one lane northbound). A traffic analysis performed for the amendment analyzed 22 key signalized intersections and 40 street segments in the plan area. The analysis determined that in the near-term, traffic conditions at only 6 intersections and 3 street segments would worsen as a result of implementation the amendment, and these impacts were determined to be less than significant, because the delay increases are small and in no case did Levels of Service (LOS) fall below LOS D. (Two street segments currently at LOS E would continue to operate at LOS E.) Level of Service E is considered "significant" under City of San Diego standards for the Centre City area.

The only significant impacts identified were cumulative impacts to portions of Interstate 5 and several freeway on-ramps and off-ramps. These impacts are considered unmitigatible at the current time, although an I-5 freeway corridor study currently being prepared by the San Diego Association of Governments (SANDAG) will address deficiencies on the freeway and its ramps and recommend traffic improvements. These impacts occur outside of the Coastal Zone and are the result of region-wide growth and development. The proposed amendment will not result in traffic impacts that will adversely impact public access or recreation in the Coastal Zone.

It is important to note that the long-range (2020) traffic projections done for the North Embarcadero redevelopment assumed that the airport expansion "Concept F" would be constructed by the year 2020. That is, that direct airport access would be available to I-5 at a point between Washington Street and Old Town Avenue. Without this assumption, the volumes along Laurel Street, Grape Street, Hawthorn Street and North Harbor Drive would be much greater. The short-term traffic projections are not affected by this assumption. If this airport connection is not approved, the Port District and the City of San Diego will have to revisit traffic and circulation issues in the North Embarcadero area. With the proposed narrowing of Harbor Drive, Pacific Highway will become the most attractive commuter alternative between downtown and the airport, not Harbor Drive, which is appropriate and consistent with the Chapter 3 policies of the Coastal Act, regardless of the airport access to I-5.

One of the stated goals of the Parking Program is both reducing the parking demand and increasing the parking supply, in order to achieve a balance between the supply and demand of parking in the area. The Parking Program has measures designed to promote the use of transit and pedestrian use of the area, including promoting subsidized transit

passes for employees of area businesses, providing information to downtown hotel guests regarding the availability of transit uses, plans for shuttle stops at two locations on Harbor Drive within the North Embarcadero area, promoting pedi-cab use and providing areas for pick-up and drop-off, and providing bicycle racks and lockers within the area. In addition, the Program calls for providing "trailblazing measures", that is, providing signs showing directions to the North Embarcadero area from downtown and transit locations, directions on local kiosks and transit/shuttle stops. The Parking Program would require that as a condition of approval for future coastal development permits, use of mass transit be encouraged and supported.

Traffic improvements that will improve public access are planned for the North Embarcadero area, including additional traffic signals and controlled intersections to improve pedestrian access, and a separate 10-foot wide bicycle path to run parallel to the promenade. The bicycle path will accommodate both bicycles and pedi-cabs. As proposed, the North Embarcadero portion of amendment provides public access amenities and will not result in adverse impacts to public access. Therefore, this portion of the amendment can be found consistent with the public access and recreation policies of Chapter 3 and Chapter 8 of the Coastal Act.

3) **Biological Resources**. The plan involves the construction of a new 30,000 sq.ft. public recreational pier at Grape Street. Although the project involves the placement of new pilings, the pier will replace three existing piers that together total approximately 30,000 sq.ft. in area, thus, there will be no change in the amount of water area shaded by pier structures. The EIR for the proposed amendment determined that there is no eelgrass in the amendment area.

The proposed Grape Street Pier also includes construction of a wave attenuation structure. The Port District has clarified that this structure will be a floating concrete structure or similar structure that does not involve any fill, and that the structure will be the minimum necessary to reduce wave force on the propose pier and recreational docks. The placement of structural pilings for public recreational piers that provide public access and recreational opportunities, such as those proposed in the PMPA, is a permitted use under Section 30233 of the Coastal Act.

Therefore, the Commission finds that this portion of the proposed Port Master Plan Amendment can be found consistent with the Chapter 3 and Chapter 8 policies of the Coastal Act regarding the protection of biological resources.

C. Centre City LCPA.

Staff is currently reviewing an application by the City of San Diego to amend its certified LCP to create a North Embarcadero Overlay District including design guidelines and parking requirements. The City's LCPA is does not proposed any changes in land use, but is largely intended to ensure that the existing community plans and Planned District Ordinances governing the North Embarcadero region (Centre City and Marina Districts)

are updated consistent with the vision for the North Embarcadero region as proposed in the Port Master Plan and in the Visionary Plan (although the Visionary Plan is not proposed to be incorporated into the LCPA). Although the majority of the North Embarcadero region is within the Port District's coastal development permit jurisdiction, the Centre City community plan and PDO contain graphics and planning goals for the North Embarcadero shoreline to help ensure consistent planning for the region as a whole.

Suggested modifications for the City's LCPA have been provided with the findings for the City's submittal. Approval of the North Embarcadero portion of the PMPA will not prejudice the Commission's review of the City's LCPA.

D. Consistency with the California Environmental Quality Act (CEQA). As described above, the proposed amendment does not have the potential to result in damage to visual and biological resources in the form of either individual or cumulative impacts. The proposed amendment was the subject of an Environmental Impact Report under CEQA. The EIR was subject to public review and hearing and was adopted by the Board of Port Commissioners. The amendment has been found consistent with the visual, biological, and public access and recreation policies of the Coastal Act, and will not cause significant adverse impacts to the environment. Specifically, the amendment has been found consistent with the public access and recreation, visual resource and biological protection policies of the Coastal Act. There are no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact which the amendment might have on the environment. Therefore, the Commission finds that the amendment is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

Re Amendment of Port District]
]
Master Plan - North Embarcadero]
]
Alliance Visionary Plan . . . . .]
]

RESOLUTION 2000-83

WHEREAS, the San Diego Unified Port District (Port District) has an adopted Port Master Plan which has been certified by the California Coastal Commission; and

WHEREAS, said Plan was prepared, adopted and certified pursuant to the Port District Act, the California Coastal Act and other applicable laws; and

WHEREAS, a proposed Plan Amendment for the North Embarcadero Alliance Visionary Plan has been prepared and processed; and

WHEREAS, a Final Master Environmental Impact Report pursuant to the California Environmental Quality Act, State CEQA Guidelines, and Port District procedures relative to said Amendment has been prepared, considered and certified, NOW, THEREFORE,

BE IT RESOLVED by the Board of Port Commissioners of the San Diego Unified Port District, as follows:

That the Master Plan of the Port District is amended by incorporating therein the Master Plan Amendment, on file in the office of the Port District Clerk as Document No. 40550, pertaining to said North Embarcadero Visionary Plan.

BE IT FURTHER RESOLVED that the Executive Director or his designated representative is hereby authorized and directed to transmit said Master Plan Amendment, together with all relevant factual information, the certified Final Environmental Impact Report, and the Coastal Act consistency analysis to the California Coastal Commission for its review, approval and certification pursuant to the California Coastal Act, and that said

Exhibit #1
Port Master Plan Amendment
Resolution

Amendment will take effect automatically and be deemed fully certified upon Coastal Commission approval pursuant to Public Resources Code Section 30714. This action by the Board of Port Commissioners constitutes formal adoption of the Coastal Commission's certification of the referenced Amendment.

ADOPTED this 25th day of April, 2000.

sw
4/25/00

RECEIVED
DEC 13 2000
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

San Diego Unified Port District
Proposed Master Plan Amendment

North Embarcadero

Existing/Proposed Plan Text
and
Proposed Plan Graphics

December 12, 2000

Note: Text to be deleted shown ~~stricken~~ and text to be added shown underlined.

Exhibit #2
PMPA #27
Proposed Amendment

CENTRE CITY EMBARCADERO: Planning District 3

The Embarcadero of San Diego is the downtown waterfront area for an urban region of over 2.7 million people. The pierside maritime activities of commercial fishing boats, merchant ships, Navy vessels and pleasure craft contribute to the fabric of the Embarcadero. Planning District 3 covers all of the Port District waterfront from the U.S. Coast Guard Air Station to the Tenth Avenue Marine Terminal. From Laurel Street to Market, Port land boundaries follow parallel to the shoreline and extend easterly to Pacific Highway, except for two major land blocks; the five-block-long property of the County of San Diego's Administrative Center and the four-block-long property of the U.S. Navy's Commander, Naval Base San Diego and Naval Supply Center. The owners of both of these properties have proposed extensive renovation and redevelopment plans which include commercial recreation, county governments administration, and U.S. Navy uses.

In order to coordinate the redevelopment of this area and adjoining agency properties, an alliance was formed to develop a single, comprehensive plan. The North Embarcadero Alliance includes the Port District, City of San Diego, County of San Diego, Centre City Development Corporation, and the U.S. Navy. The Alliance developed a Visionary Plan in 1998 to guide the redevelopment of the contiguous properties. The specific recommendations of the Visionary Plan that pertain to Port District land and water areas within the Planning District 3 Precise Plan area are incorporated into the Master Plan. All other recommendations of the Visionary Plan guide development within Planning District 3.

Precise Plan Concept

The basic concept of the redevelopment of the Embarcadero is to create a unified waterfront, both visually and physically, which creates an overall sense of place. In this concept, the Embarcadero becomes a pedestrian spine along which commercial and recreational activities are located. In order to emphasize the pedestrian oriented waterfront experience, through traffic is routed to Pacific Highway, and considerable effort is directed toward improving the amenities and people spaces of the public thoroughfare along ~~Harbor Drive~~ North Harbor Drive. Industrial uses adjacent to the airport are renovated and retained as important employment centers and as airport buffer land use activities. The renovation of marine terminal facilities will retain the active use of deep draft berthing and continue carefully selected functions of a working port. The commercial fishing industry is given a major focus at several locations with the development of new piers and a mooring basin. A major hotel and commercial complex with recreational facilities is proposed to connect and enhance nearby portions of downtown.

The Embarcadero is intensively used by many people. With the mixture of activities going on here, it is important to emphasize that several activities may occur at the same location, depending on a scheduling overlap to accommodate all of them. For example, Broadway Pier may be used at different times for tuna fleet berthing, cruise ship berthing, excursion or ferry boat berthing, public access, passive recreation, and commercial recreation. The redefined Specialized Berthing designation applies to this precise plan area only, and may include marine-related uses such as transient and general berthing of small boats, historic ship berthing, ferry or excursion boat berthing, and commercial fishing boat berthing as the highest priority use. The designation carried on the Precise Plan indicates the primary use, but secondary uses may occur. This is particularly true of water areas and of public access which may be available at other sites than those mentioned.

Land and Water Use Allocations

The Precise Plan allocates a balanced distribution of commercial, industrial, public recreation and public facility uses in this 4334- acre planning area. More detailed allocations are indicated in the Land and Water Use Table, and use areas are graphically portrayed on the Plan Map.

Centre City Embarcadero Planning Subareas

The Planning District has been divided into six subareas. as ~~An explanation of the Precise Plan is covered in the following text, organized to the geographic locations of the subareas~~ shown in Figure 12.

The North Embarcadero Alliance "Visionary Plan" area includes all of Subareas 31, 32, 33, and part of Subarea 34. The Visionary Plan proposes to revitalize San Diego's downtown waterfront through a concept for public improvements and by guiding development to optimize property values, public access opportunities and priority waterfront and water-dependent uses. The Plan recommends a substantial linear esplanade park on the urban waterfront with public art, street furniture, public spaces, expansive Bay views and public parking. The Plan proposes two major parks and plazas at the County Building and the foot of Broadway, and includes recreational piers and associated public facilities, harbor excursion landings and water-related commercial uses on Port tidelands. General commercial, residential, and commuter traffic would utilize an enhanced Pacific Highway grand boulevard, while North Harbor Drive would serve waterfront public access, water-dependent, and Embarcadero commercial recreational uses. An extension of the downtown San Diego small-block street grid across the railroad right-of-way, off Port lands, to the Bay would enhance public views and pedestrian access opportunities from upland areas (See Visionary Plan Figure 3.1 for illustrative plan of the area). Above-ground parking structures which are visible at the perimeter of a development should be limited to a maximum of six levels of parking or 60 feet above grade. (See Visionary Plan- p.79) North Harbor Drive, Broadway, Ash Street, and Grape Street are envisioned as active pedestrian linkages to the Bay from upland areas. Building frontage adjacent to these streets shall be developed with uses that promote pedestrian activity and public oriented uses. On other streets, ground-level facades shall maximize the sense of contact between indoor and outdoor activities. (See Visionary Plan – pp. 67,68.)

Revised 12/12/00

TABLE 10

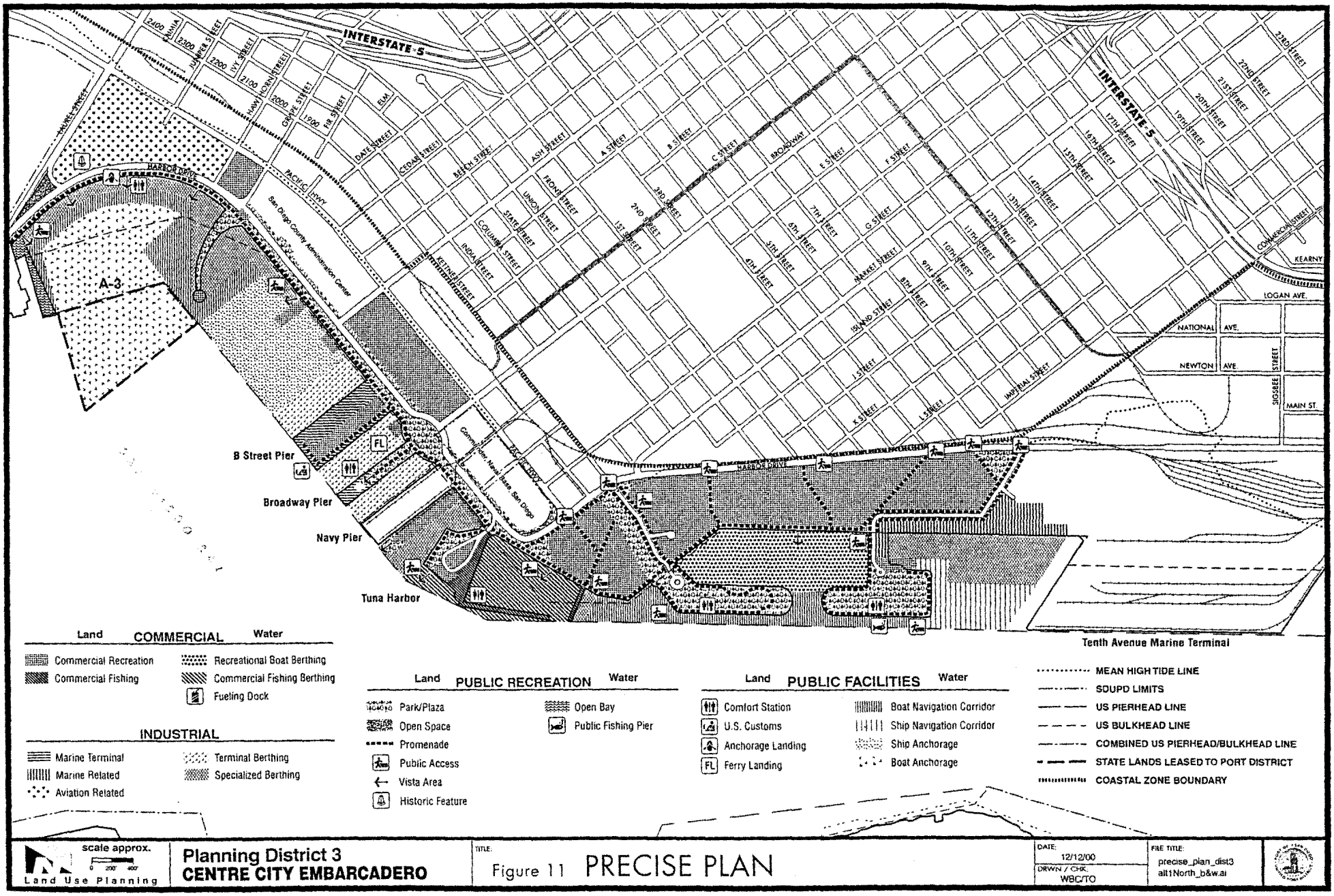
CENTRE CITY EMBARCADERO: PLANNING DISTRICT 3
PRECISE PLAN LAND AND WATER USE ALLOCATION

LAND USE	ACRES	WATER USE	ACRES	TOTAL ACRE	% OF TOTAL
COMMERCIAL	~~97.3~~ 96.7		~~65.3~~ 34.3	~~162.6~~ 131.8	~~37%~~ 30%
Commercial Fishing	4.7	Commercial Fishing Berthing	~~44.3~~ 13.3		
Commercial Recreation	~~92.6~~ 92.0	Recreational Boat Berthing	21.0		
INDUSTRIAL	42.1		~~38.1~~ 64.9	~~80.2~~ 107.0	~~19%~~ 25%
Aviation Related Industrial	22.3				
Marine Related Industrial	12.9	Specialized Berthing	~~15.5~~ 46.7		
Marine Terminal	6.9	Terminal Berthing	~~22.6~~ 18.2		
PUBLIC RECREATION	~~49.3~~ 52.8		4.7	~~45.1~~ 56.7	~~12%~~ 13
Open Space	0.5	Open Bay/Water	4.7		
Park/Plaza	~~42.8~~ 45.7				
Promenade	~~6.0~~ 6.6				
PUBLIC FACILITIES	~~44.8~~ 46.7		~~92.8~~ 92.2	~~137.6~~ 138.9	32%
Streets	~~44.8~~ 46.7	Boat Navigation Corridor	~~18.2~~ 29.6		
		Boat Anchorage	25.0		
		Ship Navigation Corridor	~~24.8~~ 13.4		
		Ship Anchorage	~~24.8~~ 24.2		
TOTAL LAND AREA	~~233.5~~ **238.3**	**TOTAL WATER AREA**	~~200.9~~ **196.1**		
PRECISE PLAN LAND AND WATER ACREAGE TOTAL				**434.4**	**100%**

Note: Does not include:
State Submerged Tidelands 22.6 acres

Existing Acreage:
SAN DIEGO CONVENTION CENTER EXPANSION PMPA CCC January 12,1996

Revised Acreage:
*South Embarcadero Redevelopment draft PMPA 04/24/96



Land COMMERCIAL Water

- Commercial Recreation
- Commercial Fishing
- Recreational Boat Berthing
- Commercial Fishing Berthing
- Fueling Dock

INDUSTRIAL

- Marine Terminal
- Marine Related
- Aviation Related
- Terminal Berthing
- Specialized Berthing

Land PUBLIC RECREATION Water

- Park/Plaza
- Open Space
- Promenade
- Public Access
- Vista Area
- Historic Feature
- Open Bay
- Public Fishing Pier

Land PUBLIC FACILITIES Water

- Comfort Station
- U.S. Customs
- Anchorage Landing
- Ferry Landing
- Boat Navigation Corridor
- Ship Navigation Corridor
- Ship Anchorage
- Boat Anchorage

- MEAN HIGH TIDE LINE
- SDUPD LIMITS
- US PIERHEAD LINE
- US BULKHEAD LINE
- COMBINED US PIERHEAD/BULKHEAD LINE
- STATE LANDS LEASED TO PORT DISTRICT
- COASTAL ZONE BOUNDARY

scale approx. 0 200' 400'

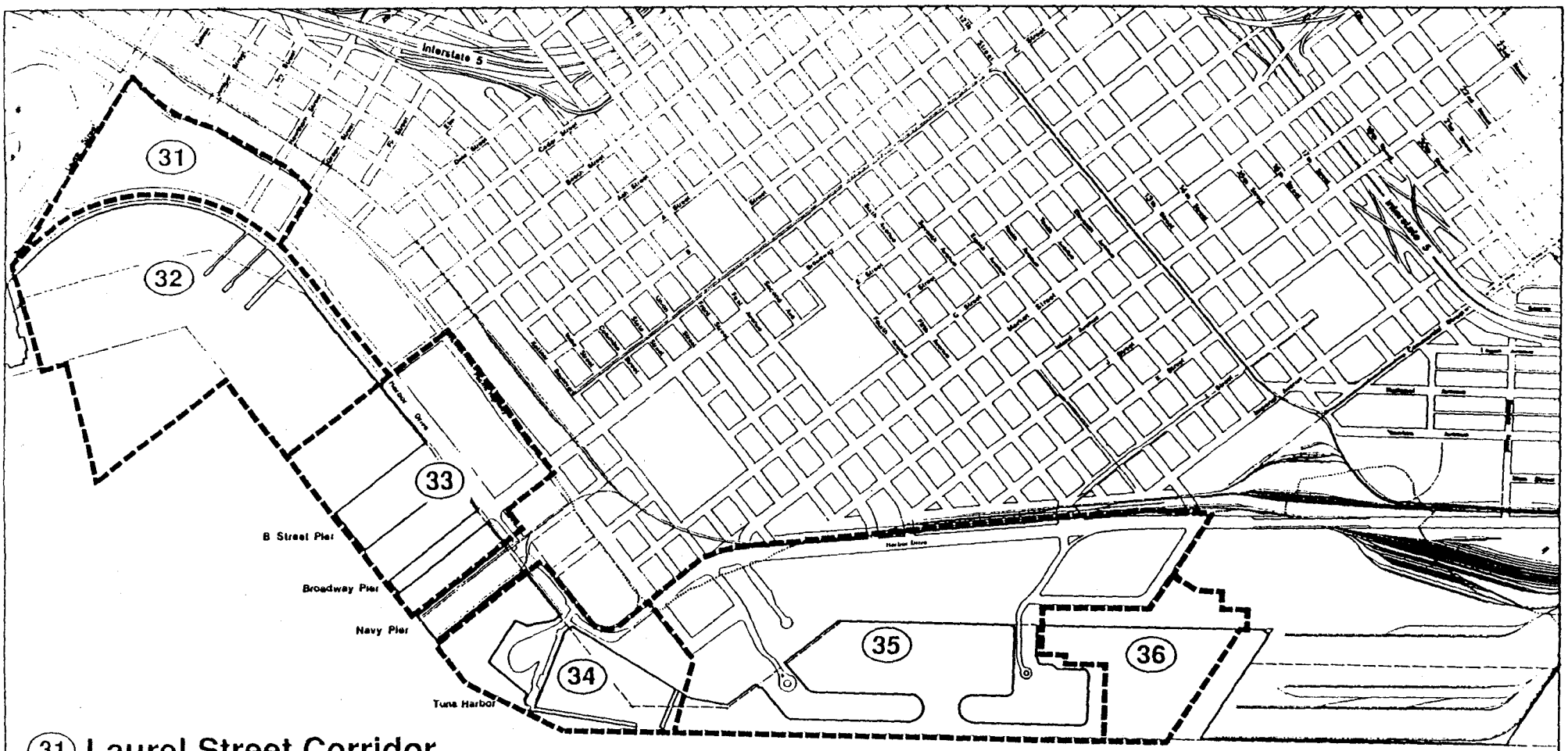
Land Use Planning

Planning District 3
CENTRE CITY EMBARCADERO

TITLE: Figure 11 PRECISE PLAN

DATE: 12/12/00
DRWN / CHK: WBC/TO

FILE TITLE: precise_plan_dist3 alt1North_b&w.ai



(31) Laurel Street Corridor
(32) Crescent Zone
(33) Civic Zone
(34) Tuna Harbor
(35) Marina Zone
(36) Bayfront Industries

scale approx

planning department

Planning District 3
CENTRE CITY EMBARCADERO

Planning Subareas

Figure12

Master Plan

Laurel Street Corridor

The established aviation related industrial use in this subarea, subsequent to renovation and beautification of the physical plant, is anticipated to continue in operation; however, if such use is discontinued, the Visionary Plan proposes the extension of vehicle and pedestrian access, parking, service access, and view corridors along extensions of Kalmia, Juniper, and Ivy streets through this parcel to North Harbor Drive. ~~for the duration of the planning period.~~ Building height limits of 60 feet are proposed for this area; however, this height limit would be superseded by any more-stringent FAA runway approach zone restrictions. (See Visionary Plan Figures 4.5, 4.10, 4.11, and 4.12.) Grape and Hawthorn Streets, Pacific Highway and North Harbor Drive from Laurel Street to Hawthorn Street will be modified to accommodate traffic flow and with streetscape improvements to match the balance of the streets through Subareas 31-34. Geometric improvements to direct traffic flow from North Harbor Drive to Pacific Highway will be made at the Grape Street intersections with these roadways. The block between Hawthorne, Grape, Pacific Highway and ~~Harbor Drive~~ North Harbor Drive (2.3 acres) will remain in commercial recreation use with some landscape improvements or possible parking facility development. The landscaped triangle at Laurel and ~~Harbor Drive~~ North Harbor Drive is shown on the Plan as open space.

Crescent Zone

The most important element influencing design in the Crescent Zone is the curvilinear form of the waterfront. Dramatic panoramic views can be realized at either vehicular or pedestrian speeds. The Port Master Plan capitalizes on this attribute to establish a grand pedestrian-oriented esplanade (no less than 100 feet wide) ~~promenade~~ and major entryway into the Centre City district from Grape Street to Broadway. The promenade connects with the ~~Harbor Drive~~ North Harbor Drive bicycle path to provide a continuous pedestrian/bicycle path from Navy Estuary to Fifth Avenue, a distance of four miles. Pacific Highway streetscape improvements would continue through this subarea. An esplanade at least 25-feet wide, bayward of Harbor Drive, will be added from Laurel Street to Grape Street.. ~~Where Harbor Drive~~ North Harbor Drive will be ~~has been~~ narrowed to three lanes to ~~restrict~~ reduce through traffic. The unused right-of-way will be ~~has been~~ developed with landscaped promenades, parks and plazas. Along the water's edge the concrete pathway will continue its present use as both pedestrian promenade and service area for commercial fishing boats tied up along the Crescent Zone bulkhead. Four public viewing/vista points would be spaced along the Crescent shoreline.

The waterfront between Grape Street and Ash Street will be used for Ship Anchorage, Boat Navigation Corridor, and Specialized Berthing. The three existing piers no longer function or are needed as commercial fishing berthing or fuel pier; therefore they will be replaced with a 30,000 square-foot curvilinear pier at Grape Street, with a 12,000 square-foot public boat dock designated as Park Plaza. The waterside termination of this pier is designated as Commercial Recreation to allow possible development of a commercial facility. Wave attenuation structures would protect the boat docks. A 5,000 square-foot parcel with a maximum 10,000-square-foot floor area designated as Commercial Recreation will provide for a major restaurant or other commercial recreation use on the esplanade at the foot of the Grape Street Pier. Development density with a Floor Area Ratio (FAR) of 3.0 and a building height limit of 12 feet is prescribed for this area, with the exceptions of the proposed commercial recreation parcel where a 13-foot high second story would be allowed. Building stepbacks along the inland side of North Harbor Drive for upper stories shall be 25-foot minimum at 50 feet along the inland side of North Harbor Drive and 15-foot on east-west streets. (See Visionary Plan Figures 4.4, 4.5 and 4.8) ~~the fuel docks and Anthony's Restaurant will continue to be used as a tie-up and net mending area for tuna seiners. This activity is encouraged as part of the working port identity.~~ Commercial Ffishing Bberthing has been allocated to the Crescent water interface (18.6 acres) as the highest priority use; however, this water is also used for transient berthing and occasional general berthing for small boats. The boat channel area just offshore is also used for temporary anchorage for small boats~~.~~; therefore, the designation is changed to Specialized Berthing, which

includes these uses within this precise plan area only. The boat channel area just offshore is also used for temporary anchorage for small boats.

Anchorage A-3, Laurel Street Roadstead Anchorage, is sheltered from the open sea but is located in both the most visible and the widest part of northern San Diego Bay. Approximately 20.6 acres of water area is allocated to accommodate about 50 vessels on swing point mooring buoys. Onshore, a public rest room, three dinghy floats and connecting shore ramps provide for the landing needs of the anchorage user. As a federally designated anchorage, the boundaries are shown on coastal charts and identified on site by boundary markers. Administration of the anchorage is exercised by the Port District, pursuant to local ordinance. Thirty to forty percent of the moorings are to be set aside for short-term use by cruising or transient vessels. Section III, Water Based Transportation system, contains information on the baywide small craft anchoring system.

Civic Zone

The zone of highest activity is the Civic Zone from Ash Street to Broadway. This zone reflects its waterfront orientation, with operating piers extending into the bay, Navy facilities, commercial fishing activity, and historic sailing vessels. Its physical relationship to Centre City attracts large numbers of people and the future development of both areas is integrated by the Visionary Plan. ~~being carefully integrated by mutual planning.~~

Significant redevelopment is recommended for the Civic Zone. The landscaped esplanade and streetscape improvements ~~promenade~~ mentioned in the Crescent Zone will be continued along ~~Harbor Drive~~ North Harbor Drive and Pacific Highway through the Civic Zone. ~~Harbor Drive~~ North Harbor Drive will be ~~restricted to traffic accessing the abutting properties~~ reduced by narrowing to three ~~two~~ lanes. Parking areas along the street will be interspersed with landscaping, vertical elements used to frame and enhance views, and lawn areas. (See Visionary Plan Fig. 5.3)

The esplanade ~~promenades~~ expands into plazas at Beech and Ash Streets, B Street Pier, and Broadway Pier. These plazas will be designed to provide open space, sitting and strolling areas for tourists and nearby workers, and to increase the sense of destination for Embarcadero ~~v~~Visitors.

Passive green spaces (parks) are proposed between the plazas on the esplanade, providing recreational opportunities and places for people to relax, play, and enjoy Bay views. The promenade is a continuous 25-foot-wide paved area adjacent to the water's edge. The wharf side remains clear of objects or furnishings that would block Bay views. A delicate string of lights, a planting area with tall palms, and a 10-foot-wide bike path border the landward side of the promenade (See Figure 5.3 of the Visionary Plan).

The most important element in this zone is the conversion of the old Lane Field site and Navy Engineering building into a new complex of buildings and open spaces. Primary consideration is a 600-to-800-room hotel. The intent of the plan is to retain flexibility for considering a wide array of development options. The concept includes possible multiple utilization of activities that could provide for commercial recreation; international trade, travel and cultural complexes; commercial and office space for maritime business; support facilities related to the Port; and, subject to negotiation with the U.S. Navy, the provision of equal or better building space for the relocation of the Naval Facilities Engineering Command. The FAR for Lane Field parcel is 7.0 and 6.5, while building height limits range from 400 feet to 200 feet sloping toward the Bay. Special setback requirements along the Broadway side of this parcel range from 55 feet to 65 feet, widening toward the Bay (See Figure 4.7 of the Visionary Plan, which also illustrates the special radius setback on North Harbor Drive/ Broadway SW corner). Stepbacks for upper stories are 25-feet minimum at 50-feet building height except for the B Street side of the parcel and on other east-west streets where they are 15 feet. There are no stepback requirements along Pacific Highway.

(See Visionary Plan Figures 4.5, 4.6, 4.7 and 4.8.)

The Visionary Plan proposes public right-of-ways aligned with existing downtown streets through development parcels, including Lane Field. These right-of-ways include pedestrian and vehicle traffic, view corridors, parking and service access. The right-of-ways shall be a minimum of 80-feet-wide with the character of a public street, and would enhance the physical and visual access to the Bay. The C Street segment through Lane Field may vary in alignment with existing street up to 20 feet north or south, and it may or may not accommodate vehicular circulation. A north-south pedestrian link, if practical, is also proposed through this parcel. (See Visionary Plan Figures 4.10, 4.11, 4.12, and 6.1).

B Street Pier is scheduled for substantial redevelopment of the apron wharf and the structures on the pier. The south shed will be removed or redesigned to create space for parking and a promenade. The western end of the pier will be converted for specialized commercial uses such as a shopping bazaar, and foods and services reflecting the maritime character of the Embarcadero and which will be compatible with ~~occasional~~ cruise ship berthing. The Cruise Ship Terminal will be expanded and ~~shipping sheds on the north side~~ both sides of the pier will ~~will continue, with both sides of the pier~~ accommodate~~ing~~ ship berthing. Cruise ships may ~~will be encouraged to~~ tie up at both the B Street and Broadway Piers. ~~Ultimately, t~~The shopping bazaar could be expanded into the terminal building ~~north shed~~ and the existing Maritime Museum could be provided with land-based support area, storage and work area, and possibly a living museum of nautical craftsmen ~~on the pier~~; however, loading, off-loading, and storage capabilities for general cargo will be retained as needed. Alternatively, the Maritime Museum may be relocated to another location along the Embarcadero, such as the curvilinear pier at Grape Street. A FAR of 2.0 applies to the B Street and Broadway piers. The bulding height limit for the B Street Pier is 50 feet; however, an expanded cruise ship terminal, now under study, may require (for functional reasons) building(s) in excess of 50 feet in height. Pursuant to the Port's cruise ship terminal study, alternative height restrictions and other guidelines affecting B Street Pier may be appropriate and acceptable, and they should be considered by the Alliance. (See Visionary Plan Figs. 4.4, 4.5 and pp. 63, 64.)

Broadway Pier will continue to provide recreational space on its plaza and viewing platform, as well as accommodatinge commercial shipping and miscellaneous vessel berthing, including day cruisers. Improvements to the pier will include paving, plantings, lighting, and furniture. The harbor excursion and ferry boat water lease north of Broadway Pier may ~~will~~ also remain as part of the recreational experience along the waterfront or move to another location along the Embarcadero.

Tuna Harbor

This subarea consists of the Tuna Harbor, the harbor formed by its pier, the Harbor Seafood Mart, and adjacent areas.

Tuna Harbor and the shoreline area between it and Navy Pier are planned to provide space for commercial fishing and commercial recreation activities. The plan concept is to create a physical and visual linkage along ~~Harbor Drive~~ North Harbor Drive by tying together Broadway Pier and the Harbor Seafood Mart with Tuna Harbor.

The aircraft carrier Midway is proposed to be docked on the south side of the Navy Pier. The Terminal Berthing designation would be changed to Commercial Recreation and Park/Plaza for the proposed 0.8 acre public viewing area with a designated vista point on the bow deck of the ship. The Commercial Fishing Berthing designations in this water area would be replaced with Specialized Berthing to accommodate multiple uses. Landscaping and streetscape improvements on North Harbor Drive would continue through this area.

Mitigation for the loss of 4.1 acres of open water habitat resulting from the placement of the aircraft carrier Midway and its mooring platform structures would be provided by an expansion of an existing degraded marsh, known as Lovett Marsh, east of south San Diego Bay in the City of National City, resulting in the creation of approximately 9.2 acres of new coastal salt marsh.

A small waterfront plaza, fishing technology displays, restaurants, marine related office and retail space is planned on the periphery of the mole. Tourist traffic on the public areas will be encouraged, consistent with safety.~~, and~~

~~the~~ The Embarcadero pedestrian path loops through the area.

A substantial portion of Tuna Harbor is ~~scheduled to be~~ devoted to commercial fishing use. It is anticipated that offices for the tuna and fresh fish fleet will locate here, as well as ancillary uses such as small seafood processors, fish markets, marine instrument and equipment sales, fishing and ocean technology displays, and automobile parking. The northern side of the mole has been renovated by stabilizing the existing concrete slab wall with rock revetment. The south face of the mole has been renovated with rock revetment for shore protection. Floating docks will provide 50- and 60-foot berths for commercial fishing boats. Low level lighting is provided for the berths. Landside support services, auto parking, and truck access are included. Approximately 100 commercial fishing berths are provided alongside the floating docks.

To shelter Tuna Harbor from the south, a concrete breakwater pier approximately 400 feet long has been built from the land lying between the Harbor Seafood Mart and Seaport Village. It provides additional berthing for tuna seiners and large market fishing boats, and allows public access to the water, and accommodates water taxi service.

Retain the existing 20,000 square-foot building area to continue the existing fish processing and sales company in its existing location and maintain the existing fish unloading dock. A maritime theme retail complex of 80,000 to 130,000 square feet will be developed at the Harbor Seafood Mart site. The existing open space plaza will be retained as a pleasant rest area and viewing place along the Embarcadero promenade for event gatherings and public activities.

Marina Zone

The Marina Zone, located along Harbor Drive from Market Street to Fifth Avenue, is planned to be intensively developed as a major public and commercial recreational complex. Major projects, including the 22-acre Embarcadero Marina Park; the restaurant and specialty retail center of Seaport Village; a regional convention center, and convention hotels and marina, have started the transformation of this waterfront area into an attractive commercial and recreational resource. The plan concept calls for an expansion of the regional convention center, partially depressing a new parking lot entrance from Harbor Drive, appropriate parking structures, and the redevelopment of the vacated police station site for entertainment and specialty retail shopping. Marina Zone projects will provide the southerly anchor for the Embarcadero development and the six-mile long promenade that extends north to Spanish Landing Park along the waterfront. Pedestrian linkages from the upland areas will provide access to this lively activity center for residents and visitors alike.

The plan envisions creation of the approximately 4.1 acre Central Park, between California Street and Kettner Blvd., Harbor Drive and North Embarcadero Park, as the first phase of redevelopment the Seaport Village project, to provide open space, family-oriented recreation, and supporting facilities consistent with the Public Access and Recreation land use designation. The existing Harbor House Restaurant will be allowed to remain at the edge of the park until its lease expires in 2018, or an economically feasible alternative location within Subarea 35 becomes available. A specialty retail and entertainment complex of 45,000 to 70,000 square feet on the old police station site and public and commercial parking in an underground facility. The complex may include performing arts/movie theater, restaurant, lounge, cabaret dining, food court, retail, and associated storage, food preparation and management office space with a general height of structures not to exceed two stories with some exterior architectural elements not exceeding 40 feet. Certain buildings specifically identified in the site expansion plan (April 13, 1998) may extend up to 65 feet. The extensive pedestrian and bicyclist access to and along the shoreline provided by the existing Seaport Village will be extended along the access and visual corridors of Pacific Highway, California Street, realigned Kettner Boulevard, Pier Walk, Central Park and other public accessways, as shown in the South Embarcadero Public Access Program (April, 1998), which is included in this plan by reference.

The regional convention center is supported by major hotel complexes; a convention hotel that contains twin 25-story towers

accommodating 1400 hotel rooms and a 450-slip marina; and an existing hotel of 875 rooms. Ancillary uses in this area include banquet, meeting, restaurant, hotel guest-oriented retail space, court game areas, and automobile parking.

A proposed 750 – 810-room second hotel tower, with a minimum 100-foot set back from Harbor Drive, and a maximum height of 62 feet for the lobby galleria/ballroom structure connecting the second tower to the existing tower, including meeting space, 34,000 square feet of exhibit space, 30,000 square feet of ballroom space, a minimum 35,000 square-foot public plaza-park at the intersection of Harbor Drive and Kettner Boulevard shall be developed. The public sidewalk along Harbor Drive and the Marina Walk public access, view corridor, and public plaza shall be developed and maintained, and that part of the existing restaurant located in Marina Walk shall be redesigned, relocated or elevated to achieve its public purposes.

Between the existing Marriott and Hyatt Hotels, an access way is proposed consistent with the Public Access Program. Bayward of the hotels, a continuous pedestrian promenade links the two Embarcadero Marina Park peninsulas and assures public access along the shoreline. Pedestrian linkage to the uplands is proposed around and over the expanded convention center. An existing accessway between the Marriott Hotel and the convention center will be improved to provide functional, safe, and environmentally educational passage to the waterfront, as provided in the Public Access Program. The convention center expansion includes another public accessway with a minimum width of 20 feet over the convention center connecting Harbor Drive and the Embarcadero Promenade. An elevated walkway on the Convention Center's observation deck level will parallel Convention Way. At the intersection of Eighth Avenue and Harbor Drive, the promenade connects with the adjacent Gaslamp Quarter pedestrian and trolley facilities. The public accessway extends from the south end of the convention center expansion and along both sides of Eighth Avenue. The District, in conjunction with the City of San Diego, will implement a public access program of signage, pavement markings, amenities and public information to inform and invite the public to and along the Embarcadero, as is more specifically shown in the District's "Public Access Program" (November, 1995) and the "South Embarcadero Public Access Program" (April, 1998), which are incorporated into the plan by reference.

Seaport Village, a 100,000 square-foot specialty retail and restaurant complex, was constructed in 1979. An expanded specialty retail center is proposed on the former City police headquarters site. This project includes the relocation of Pacific Highway and Harbor Drive, as well as the vacation of a five-foot strip along Kettner Boulevard. These street modifications are in accord with street right-of-way abandonment and dedication agreements between the City of San Diego and the Port District. The vacated street area is redeveloped in compliance with the adjacent land use designation which is commercial recreation. Additional automobile parking for specialty retail and hotel uses is planned in structures in the vicinity of Kettner Boulevard and Harbor Drive.

New commercial development in the Marina Zone shall participate in the implementation of the Parking Management and Monitoring Plan to achieve maximum feasible reduction in automotive traffic, facilitate the extension and utilization of mass transit to serve the Marina Zone, provide and support means of non-automobile circulation to employees and guests, provide maximum feasible on-site or proximate parking facilities on Port lands, and participate in the tiered, legally available, off-site parking program to address peak individual and cumulative demand, which shall be monitored and reported annually to the Port and California Coastal Commission for the economic life of the development.

An 11-acre site, fronting onto Harbor Drive and Fifth Avenue, has been developed into a regional convention center. Floor area is allocated for display and exhibit area, meeting rooms, and support space, such as lobbies, storage, food service, and parking. The plan concept proposes an extension of the convention center into a 13-acre site connected to the south end of the center and occupying the area bounded by Harbor Drive, Eighth Avenue, and Convention Way. The USO is to be relocated. Fifth Avenue, an undedicated street, was closed as part of the development of the original center. Harbor Drive is proposed to be partially depressed to provide an alternate access to an existing underground parking lot system and to

enhance the urban design character at the convention center. The expansion will add approximately one million gross feet of floor area to the convention center. The convention center operator will be required to implement the Parking Management Plan and Monitoring Program (November, 1995, which is incorporated by reference into the master plan) to meet the needs of the convention center visitors and support functions, as well as the public seeking access to the Embarcadero Marina Park South.

Bayfront Industries

South of the Fifth Avenue extension is an area currently leased by Campbell Industries for shipbuilding and repair. The Master Plan calls for its continuance. A parcel on the south side of the park entry road is reserved for marine contractors. Bayside improvements to this area include remedial dredging to the depth of minus 20 feet MLLW, the installation of a 400-foot-long concrete deck finger pier or apron wharf, and the placement of about 550 linear feet of rock revetment to stabilize the shore and prevent shoaling in the basin. Development controls will be enforced over both of these projects to ensure compatibility with hotel and park uses. Landscaped buffers and employee parking will be used at the interface between hotels and industries.

Preservation and renovation efforts, including possible relocation, are currently underway for the dilapidated structure formerly occupied by the San Diego Rowing Club. If these efforts are not imminently successful, portions of the structure may be salvaged and the rest demolished.

TABLE 11: Project List
CENTRE CITY/EMBARCADERO: PLANNING DISTRICT 3

	SUBAREA ↓	DEVELOPER ↓	APPEALABLE ↓	FISCAL YEAR
~~1. INDUSTRIAL SITE RENOVATION: Renovate structures; landscape~~	~~31~~	~~T~~	~~N~~	~~1993-94~~
~~2.~~1. NORTH HARBOR DRIVE, ~~ASH~~ GRAPE TO BROADWAY: Reduce traffic lanes; install landscaping, irrigation; develop ~~promenade,~~ bike path	33	P	~~N~~ Y	~~1996-97~~ 2000-04
~~3. HOTEL COMPLEX, B STREET: Remove incompatible buildings; construct hotel, restaurant, coffee shop~~	~~33~~	~~T~~	~~Y~~	~~1994-95~~
~~4. LANE FIELD COMPLEX: Demolish existing buildings; construct facilities and open spaces; landscape~~	~~33~~	~~T~~	~~N~~	~~1993-94~~
~~5. B STREET PIER: Modify existing superstructure to accommodate cruise ship berthing and clearance activity; provide for shops, food, service, lighting and pedestrian amenities; reconstruct apron wharf~~	~~33~~	~~P~~	~~N~~	~~1992-93~~
~~6. TUNA HARBOR: Renovate parking; construct marine displays and maritime plaza~~	~~34~~	~~P~~	~~Y~~	~~1995-96~~
~~7.~~2. SPECIALTY RETAIL/ENTERTAINMENT COMPLEX: Renovate or reconstruct buildings; landscape improvements; parking; ancillary structures, including parking structure; pedestrian access routes to the bay	34, 35	T	Y	1999-2001
~~8.~~ 3. CONVENTION CENTER PHASE II: Construct regional center; infrastructure, not including groundwater treatment, and landscape improvements; Parking Management Plan and Monitoring Program; public access program, construct public plaza	35	T	N	1999-2001
~~9.~~ 4. HARBOR DRIVE: Convention Center; Subgrade alignment	35	T	N	1999-2001
~~10.~~ 5. HARBOR DRIVE AND EIGHTH AVENUE INTERSECTION: Construct intersection for cross traffic and turning movements	35	P	N	1999-2001
~~11.~~ 6. STORM DRAIN AND SEWER LINE: Relocation and new construction	36	T	N	1999-2001
~~12.~~ 7. PUBLIC ACCESS: Pedestrian access improvements to waterfront and promenade	35	T	N	2000-02
~~13.~~ 8. HOTEL TOWER: Construct hotel tower, lobby and galleria; pedestrian access to the waterfront walkway; remove Market Place and construct new cul-de-sac driveway	35	T	Y	1999-2000
~~14.~~ 9. PARK: Remove old City Police Station, construct park including landscape improvements, artwork and pedestrian plazas	35	P	Y	1999-2000
~~15.~~10. WIDEN NORTH HARBOR DRIVE to 4 lanes between Broadway and Pacific Highway.	34	T	Y	1999-2000
11. LANE FIELD DEVELOPMENT: 600-to-800-room hotel, office building, retail, and parking	33	T	Y	2001-05
12. NORTH EMBARCADERO REDEVELOPMENT: (a)Visionary Plan public improvements, (b) esplanade, (c) street improvements, (d) vista points, (e) Grape Street piers replacement and restaurant, (f) park and plaza areas, (g) Broadway Pier infrastructure improvements, (h) B and C Street linkages between Pacific Highway and North Harbor Drive.	31-34	P	Y*	2001-05
13. USS MIDWAY: Aircraft Carrier Museum located on the south side of Navy Pier 11A	34	T	N	2000-02
14. PASSENGER TERMINAL AT B STREET PIER: Cruise Ship Terminal Modernization	33	P	N	2001-05

P- Port District N- No *"Vista Points" and Broadway Pier infrastructure improvements
T- Tenant Y- Yes are non-appealable projects.

Revised 12/12/00

TABLE 4
PORT MASTER PLAN
LAND AND WATER USE ALLOCATION SUMMARY

LAND USE	ACRES	WATER USE	ACRES	TOTAL ACRES	% OF TOTAL
COMMERCIAL	~~353.8~~ 353.2		~~414.0~~ 383.0	~~767.8~~ 737.0	~~15%~~ 14%
Marine Sales and Services	26.2	Marine Services Berthing	23.1		
Airport Related Commercial	38.0				
Commercial Fishing	7.6	Commercial Fishing Berthing	~~50.0~~ 19.0		
Commercial Recreation	~~278.3~~ 277.7	Recreational Boat Berthing	330.6		
Sportfishing	3.7	Sportfishing Berthing	10.3		
INDUSTRIAL	1165.3		~~193.3~~ 220.1	~~1358.6~~ 1385.4	26%
Aviation Related Industrial	152.9				
Industrial Business Park	113.7				
Marine Related Industrial	332.8	Specialized Berthing	~~141.7~~ 172.9		
Marine Terminal	149.6	Terminal Berthing	~~51.6~~ 47.2		
International Airport	416.3				
PUBLIC RECREATION	~~264.0~~ 267.5		278.1	~~542.1~~ 544.8	10%
Open Space	19.1				
Park/Plaza	~~134.9~~ 137.8	Open Bay/Water	278.1		
Golf Course	98.2				
Promenade	~~11.8~~ 12.4				
CONSERVATION	394.7		1053.6	1448.3	27%
Wetlands	304.9	Estuary	1053.6		
Habitat Replacement	89.8				
PUBLIC FACILITIES	~~223.7~~ 225.6		~~392.9~~ 392.3	~~616.6~~ 617.9	12%
Harbor Services	4.9	Harbor Services	10.5		
City Pump Station	0.4	Boat Navigation Corridor	~~272.0~~ 283.4		
		Boat Anchorage	25.0		
Fire Station	0.4	Ship Navigation Corridor	~~60.6~~ 49.2		
Streets	~~218.0~~ 219.9	Ship Anchorage	~~24.8~~ 24.2		
MILITARY	25.9		125.6	151.5	3%
Navy Fleet School	25.9	Navy Small Craft Berthing	6.2		
		Navy Ship Berthing	119.4		
AREA UNDER STUDY			402.8	402.8	~~7%~~ 8%
TOTAL LAND AREA	~~2427.4~~ 2432.2	TOTAL WATER AREA	~~2860.3~~ 2855.5		
MASTER PLAN LAND AND WATER ACREAGE TOTAL				5287.7	100%

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San Diego Unified Port District

U.S.S. MIDWAY PUBLIC ACCESS PROGRAM

A Supplemental Document to the North Embarcadero Port Master Plan Amendment

Approved by the Board of Port Commissioners
on December 12, 2000

Exhibit #3
PMPA #27
Public Access Program

This Public Access Program is a supplemental document to the Port Master Plan Amendment for the North Embarcadero Alliance Visionary Plan. The Program identifies the existing and proposed geographic areas proposed for accommodating maximum and direct public physical access to the shoreline and observation deck of the USS Midway Aircraft Carrier Museum. This Public Access Program is a segment of a larger, comprehensive system of public access for District lands on San Diego Bay. The accessways established in the Program are consistent with public safety needs and guidelines of the Americans with Disabilities Act (ADA). Access provisions have been coordinated with the carrying capacity of coastal resources and public improvements to avoid overuse and overcrowding, while providing adequate public access and public parking.

The foundation of the access program on the deck of the proposed USS Midway Aircraft Carrier Museum area begins with the identification of the nearest public road to the shoreline, Harbor Drive. This street provides vehicular and pedestrian access to the shoreline and the Navy Pier. The existing promenade will link to the deck of the USS Midway that will provide scenic vantage points for viewing the coastline and maritime activities on San Diego Bay. The use of these accessways will be promoted and enhanced by the conspicuous posting of coastal (Bay) access signs as well as informational and locational signs; placement of seats, benches, trash receptacles, and other pedestrian access amenities; and the distribution of visitor brochures and media information services, consistent with the North Embarcadero Alliance Visionary Plan.

The conversion of the Navy Pier to a memorial Park as envisioned by the USS Midway Museum is consistent with the planning goals contained in the Visionary Plan as adopted by the North Embarcadero Alliance.

The Embarcadero Promenade

Harbor Drive is linked, for public access purposes, by a 25-foot-wide pedestrian and bicycle access easement developed and used by the public as a shoreline promenade. This promenade maintains its shoreside location for six miles from the Convention Center to Spanish Landing Park. Ultimately, the promenade terminates along the shoreline of Shelter Island. The entire route is accessible under the provisions of the ADA. It is lighted for evening use. The promenade would be linked to the deck of the USS Midway by a 20-foot wide pedestrian path running along the south side of the Navy Pier. The deck of the USS Midway would be open and available at no charge to the public at all times while the museum is open for business. The hours of operation are expected to be 9:00 a.m. to 6:00 p.m. seven days a week. However, the public viewing deck will be open to the public during all regular and expanded hours of business for the Midway Museum.

The entire route will be accessible under the Americans with Disabilities Act (ADA). The USS Midway project would provide 900 linear feet of additional public access pathways on the deck and 690 additional linear feet of public access pathways on the Navy Pier. Three designated vista points and 0.8 acres of public plaza area would be provided on the bow of the ship. Under the program, coastal access signs will be installed. Lighting is provided by street lights and ambient lighting. New lights and street furniture will be installed with the North Embarcadero esplanade improvements. This route on the Navy Pier and deck of the Midway will be maintained by the San Diego Aircraft Carrier Museum.

Linkage to Public Transit

Links to public transit also form an important element in encouraging people to use the coastal access routes. The San Diego Trolley runs along railroad tracks just north of Harbor Drive. The Seaport Village trolley

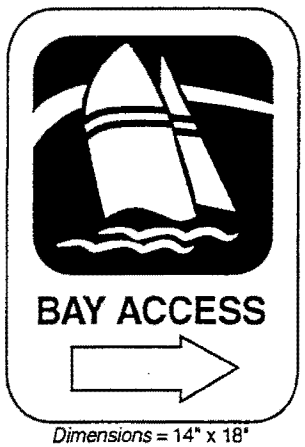
station is located at Harbor Drive and Pacific Highway. Public transit buses run along Harbor Drive as well as the Old Town trolley, pedicabs, and horse-drawn carriages.

On the Embarcadero Promenade, pedestrians have several recreational options. One is to stroll along the deck of the USS Midway, enjoying views of the sailboats in the marina, activities on the G Street Mole, and the Bay. Another is to walk to the north or south end of the waterfront promenade and enter either the north or south arms of Marina Park. Here are landscaped picnic areas, basketball courts, a public fishing pier, and wide lawn areas. At the south end is Seaport Village, a popular specialty shopping area.

Based on the kinds of uses arrayed along the Embarcadero Promenade, it is estimated that coastal access path users would be composed of residents of nearby downtown housing, conventioneers, patrons, downtown workers, tourists and employees of the hotels, restaurants and marina along the walk.

Coastal Access Signs

The Standard "Coastal (Bay) Access" signs used in San Diego will be installed in clear view at the entrance to the Navy Pier, visible from both directions on the promenade.



Dimensions = 14" x 18"

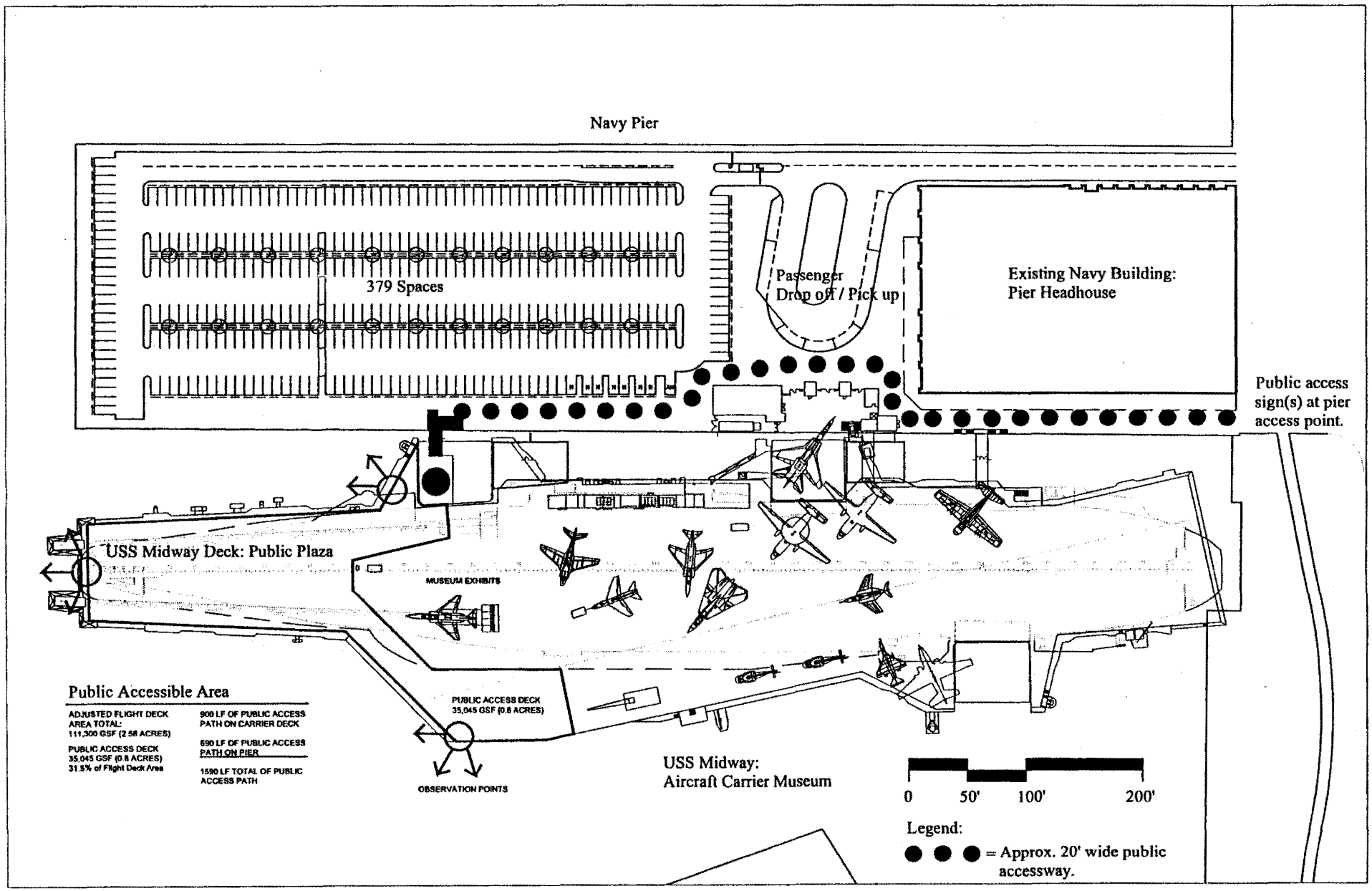
Public Access to USS Midway Viewing Deck FREE TO PUBLIC during all hours of Business, Open Seven Days a Week

Guide Displays

The Port District has erected a number of "You Are Here" displays and interpretive signs around the Bay, to help visitors identify their location and obtain directions to desired destinations. The coastal access routes will be added to the displays in appropriate locations, consistent with the North Embarcadero Alliance Visionary Plan.

Compliance with Coastal Act Policies

This Public Access Program supplements the Port Master Plan Amendment for the North Embarcadero Plan, in which it is included by reference. The Amendment is governed by the California Coastal Act, Chapter 8, Ports, which provides that all port-related development, such as the Convention Center Expansion, shall be located, designed, and constructed so as to provide for other beneficial uses consistent with the public trust, including recreational uses, to the extent feasible. (Section 30708(d).) The proposed Amendment is consistent with that Section because it implements the Coastal Act public access standards and objectives.



Midway Museum: Public Access Plan for Carrier Deck

San Diego, California

December 5, 2000

CARRIER JOHNSON

Port of San Diego

North Embarcadero Parking Monitoring and Management Program

INTRODUCTION

The parking analysis presented in this document assesses the adequacy of parking proposed in the North Embarcadero Alliance Visionary Plan (Visionary Plan) area within the jurisdiction of the San Diego Unified Port District and describes actions to ensure that sufficient parking is available in the future.

This Parking Monitoring and Management Program is based on the Parking Analysis of the Master EIR for the proposed North Embarcadero Alliance Visionary Plan, certified by the Board of Port Commissioners on April 25, 2000. The Parking Management Plans described herein will be implemented in accordance with the Mitigation Monitoring and Reporting Program required by the California Environmental Quality Act (CEQA).

PARKING MANAGEMENT PLAN

Separate Parking Management Plans are required prior to issuance of Coastal Development Permits to accommodate weekday and weekend day deficits. This is because the supply of parking is much greater on weekend days due to the assumed availability of private office-related lots, i.e., County Administration Center (CAC) North Lot and Lane Field. Both Parking Management Plans assume 1,100 parking spaces would be provided on the streets within the study area. The following Parking Management Plans achieve a balance between the demand of parking and supply availability in the study area. Projects that provide adequate off-street parking for their own use would not be required to participate in the Parking Management Program.

Projects in the Visionary Plan area will be phased over several years. An annual monitoring program tied to actual parking utilization will begin after completion of the first project under the Visionary Plan. Additional parking construction will begin when utilization thresholds exceed 90% capacity.

Exhibit #4
PMPA #27
Parking Program

The following Parking Management Plan would mitigate the anticipated parking shortfall:

1. Weekday Parking Management Plan:

   - In Parking Area 2, build a 50-space surface lot or provide 50 spaces dedicated for public use in the CAC Parking Lots. Designate 10 spaces for carpool/vanpool employee use only, with the balance designated for public use only with longer than 3-hour parking allowed.
   - In Parking Area 3, build a 150-space surface lot or provide 150 spaces dedicated for public use at Lane Field or in a future parking structure at Lane Field or 1220 Pacific Highway. Designate 20 spaces for carpool/vanpool employee use only, with the balance designated for public use only with longer than 3-hour parking allowed.
   - Dedicate 92 spaces in an existing parking location south of Broadway (Parking Area 4) available for public use.
   - Promote subsidized transit pass for employees of study area businesses.
   - Provide information to downtown hotel guests regarding the location of the North Embarcadero area and the availability of transit usage.
   - Plan for shuttle stops at two locations on Harbor Drive within the Plan area, such as at Ash Street and at Broadway.
   - Promote pedi-cab use and provide areas for pick-up and drop-off.
   - Provide bicycle racks and lockers within the study area.
   - Provide trailblazing (i.e., signs showing directions to the North Embarcadero area from downtown and transit locations), directions on local kiosks, and transit/shuttle stops.

2. Weekend Parking Management Plan:

   - Same as Weekday Parking Management Plan with the addition of:

     Make available 300 spaces within the Lane Field office parking structure to be used by the public and/or employees of waterfront uses on weekday evenings and weekend days.

The individual weekday and weekend day parking demand and supply mitigation requirements are shown in Table A. Since there is a calculated parking surplus in Area 4 (222 spaces), a portion of this Area 4 surplus (the northern spaces) could be used to mitigate the calculated deficit in Area 3. This is because the parking demand within Area 3 is in the southern portion and part of the available Area 4 supply is in the northern portion of Area 4. Since a portion of the Area 4 surplus is

located far south within Area 4, the entire Area 4 surplus can be utilized to mitigate Area 3 deficits. The 242-parking-space Area 3 deficit will be mitigated by providing 150 additional off-street public spaces and "borrowing" 92 surplus spaces from Area 4, as outlined in Table A.

Area 2 shows a calculated 5-space deficit. This deficit should not be mitigated by borrowing from Area 1, since a large portion of the Area 1 surplus is located in the northern section of Area 1. Furthermore, an off-street weekday public parking area will be needed in Area 2 such that not all parking within the project area is metered, on-street short-term (2-3 hours) parking. For these reasons, the Area 2 deficit will be mitigated by providing 50 additional off-street public spaces within Area 2, as outlined in Table A.

CONCLUSION

The North Embarcadero parking supply and demand was analyzed under existing and future conditions. The existing parking conditions were determined to be adequate. The future weekday peak parking condition (between 8 a.m. and 5 p.m.) was calculated to be adequate for the overall North Embarcadero area; however, when analyzed by smaller areas, there were deficits in Areas 2 and 3. The future weekday parking condition after 5 p.m. or a weekend day was calculated to have a deficit of 276 parking spaces for the overall North Embarcadero area. These deficits will be eliminated through the implementation of a Parking Management Plan, which includes providing additional supply.

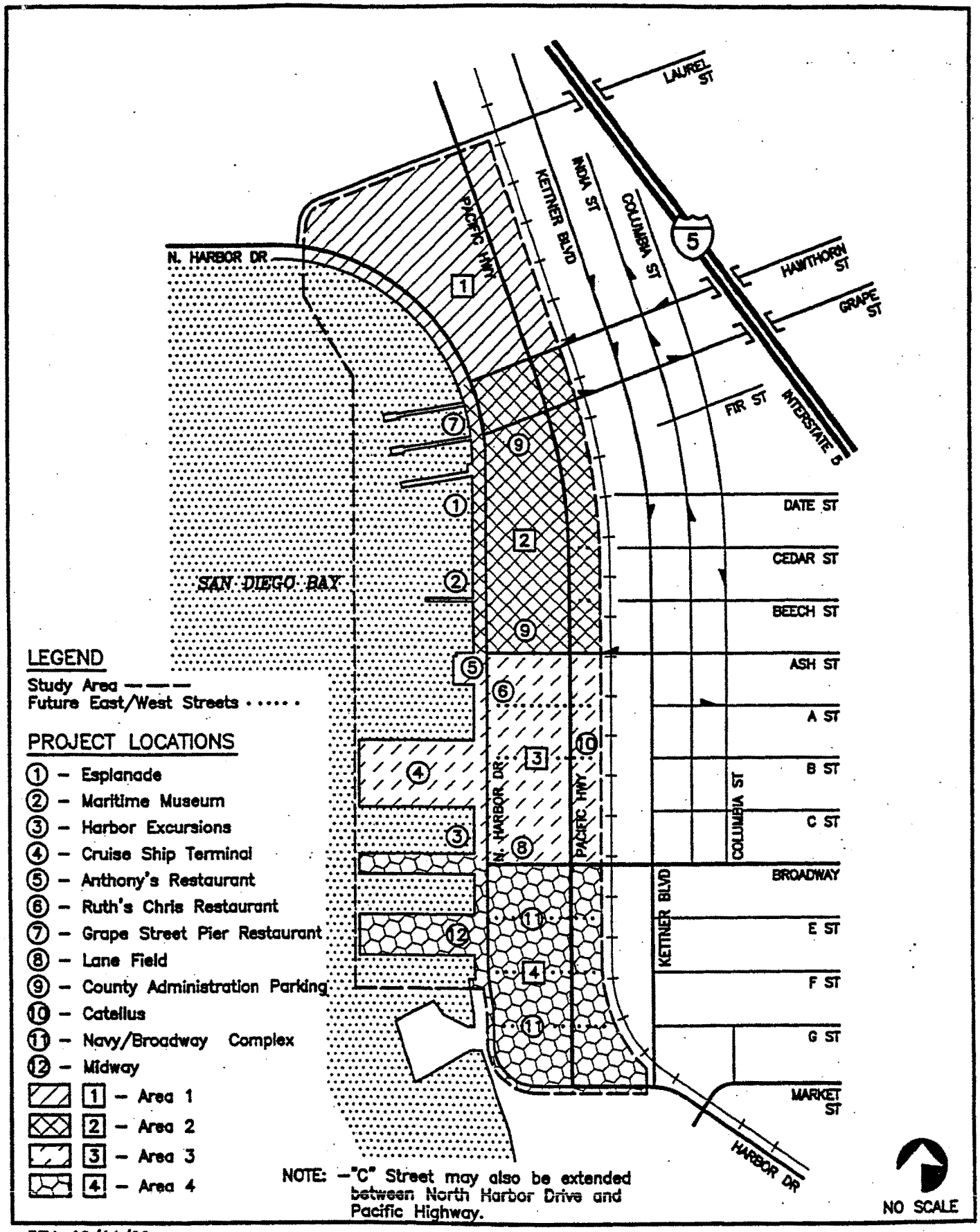
Weekday and weekend day parking management plans were developed specifically for the North Embarcadero area. The parking management plans incorporated the guiding principles and strategies both of reducing the parking demand and increasing the parking supply to achieve a balance between the supply and demand of parking availability in the study area.

An annual monitoring program tied to actual parking utilization will be implemented such that planning for additional construction begins when certain utilization thresholds are met.

TABLE 4
FUTURE PARKING DEMAND WITH MITIGATION

Parking Supply and Demand	Weekday Peak (Between 8AM-5PM)	Weekday after 5PM or a Weekend Day
Area 1		
Future Surplus within Area 1	120 [1]	96 [1]
Surplus within Area 1	***120***	***96***
Area 2		
Future Deficit within Area 2	(5) [1]	(41) [1]
Mitigation of building 50 Space Parking Lot or providing 50 dedicated Public Spaces in CAC Parking Lot or future CAC Parking Structure.	50	50
Surplus within Area 2	***45***	***9***
Area 3		
Future Deficit within Area 3	(242) [1]	(529) [1]
Mitigation of using Lane Field Office Parking (Weekend Only)	0	300
Mitigation of building 150 Space Parking Lot or providing 150 dedicated Public Spaces at Lane Field or in future Parking Structure on Lane Field.	150	150
Mitigation of using 92 Spaces from Area 4	92	92
Surplus within Area 3	***0***	***13***
Area 4		
Future Surplus within Area 4	222 [1]	198 [1]
Mitigation for Area 3 of using 92 Spaces from Area 4	(92)	(92)
Surplus within Area 4	***130***	***106***
Summary		
Total Surplus/(Deficit)	95 [1]	(276) [1]
Total Mitigation	200	500
TOTAL PARKING SURPLUS WITH MITIGATION	**295**	**224**

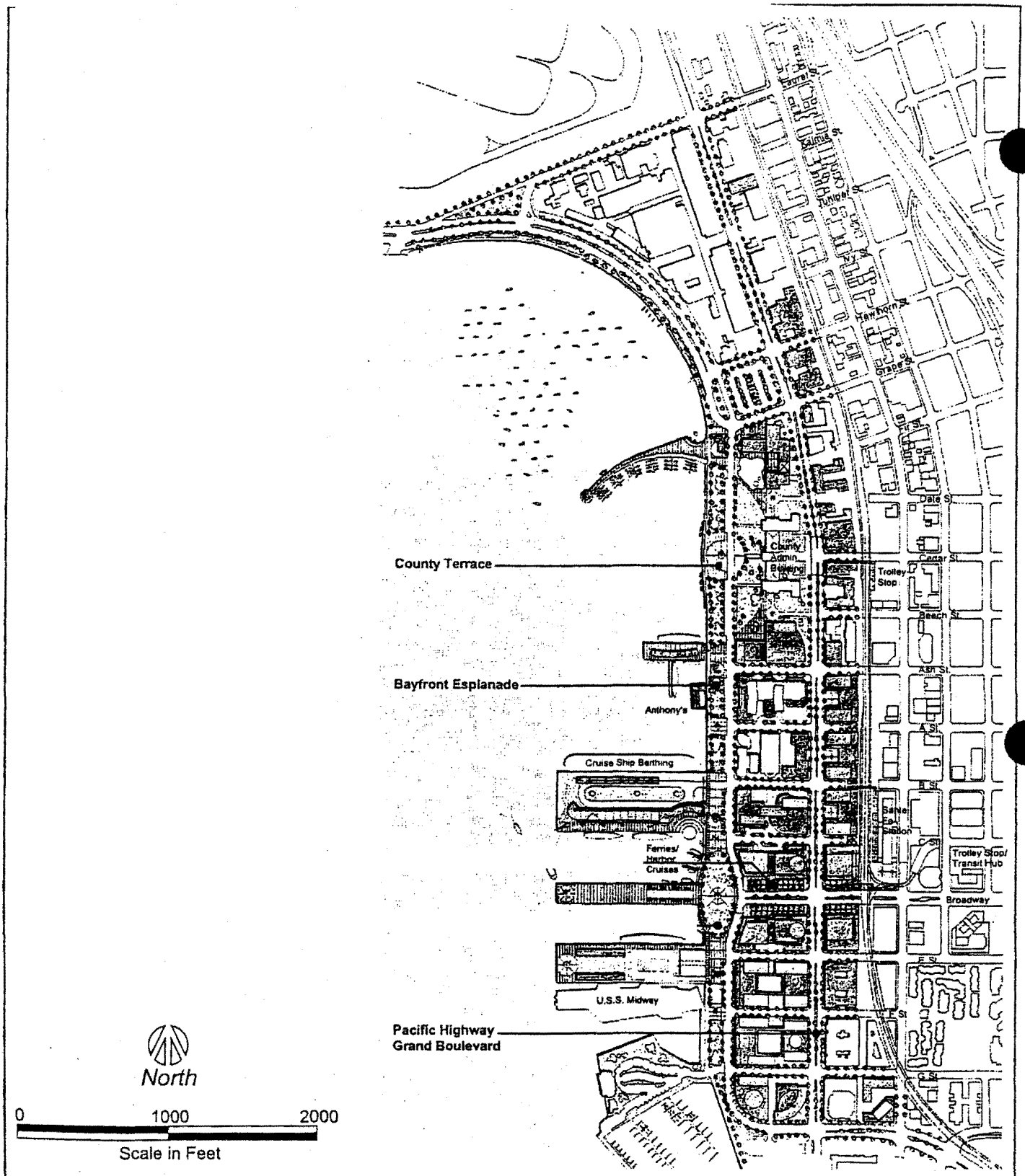
Source: LLG Engineers, 1999. [1]From Table 3.



REV. 10/14/99
898PARK.DWG

Figure 1

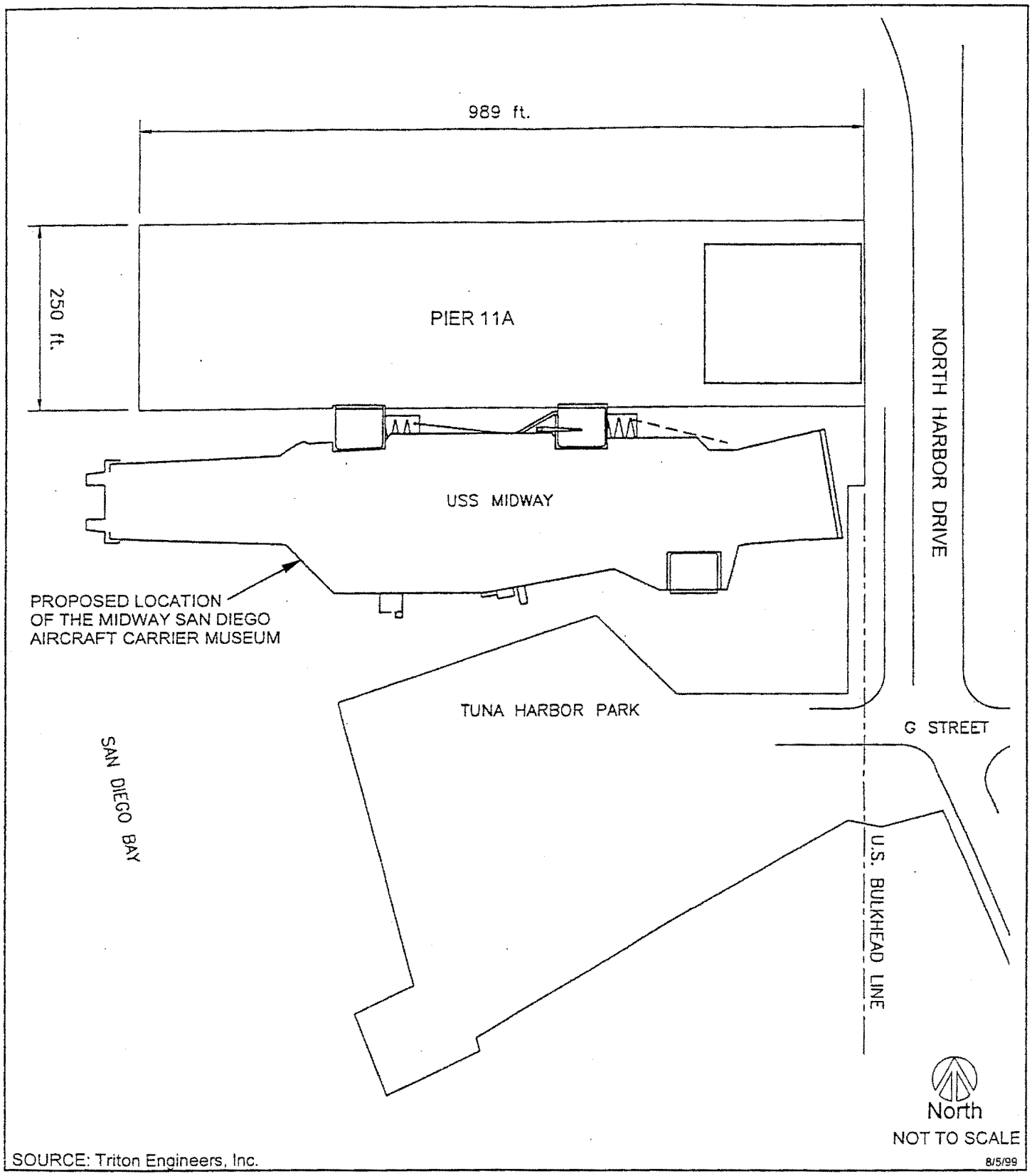
STUDY AREA AND PROJECT LOCATIONS



SOURCE: Sasaki Associates, 1999.

11/02/99

Exhibit #5
PMPA #27
Concept Plan



SOURCE: Triton Engineers, Inc.

8/5/99

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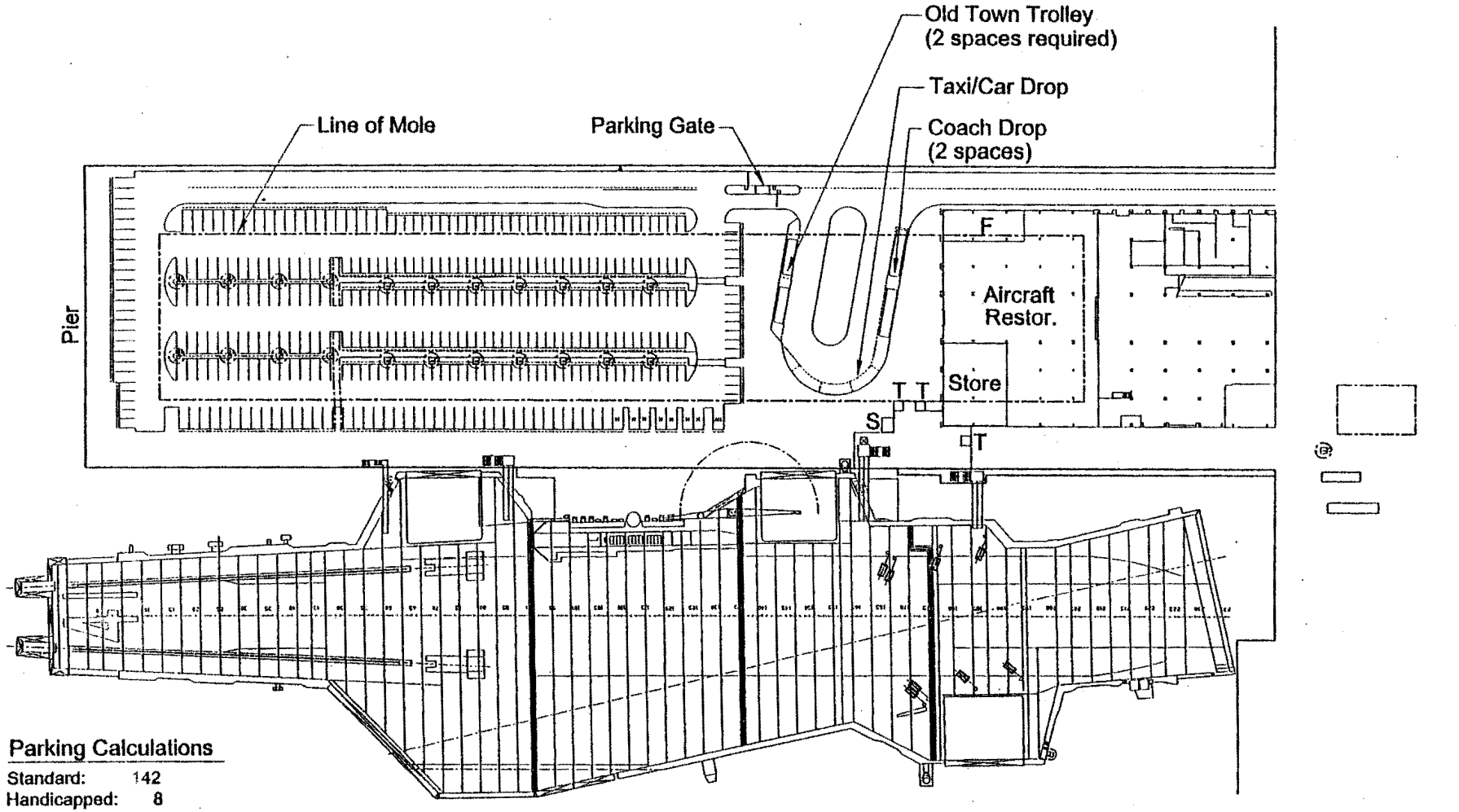
North Embarcadero Alliance Visionary Plan MEIR

The Midway Location Map

FIGURE 3.3-5

Exhibit #6
PMPA #27
Midway Location



SOURCE: Hinkel, Whitaker Architects, 9/1/99.

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North Embarcadero Alliance Visionary Plan MEIR

Midway and Parking Lot Layout

FIGURE 3.3-6

Exhibit #7
PMPA #27
Midway Parking

LEGEND

1 San Diego International Airport

2 Solar Turbines

3 Grape Street Piers

4 County Administration Building

5 Maritime Museum

6 Anthony's Fish Grotto

7 Holiday Inn

8 B Street Pier

9 Broadway Pier

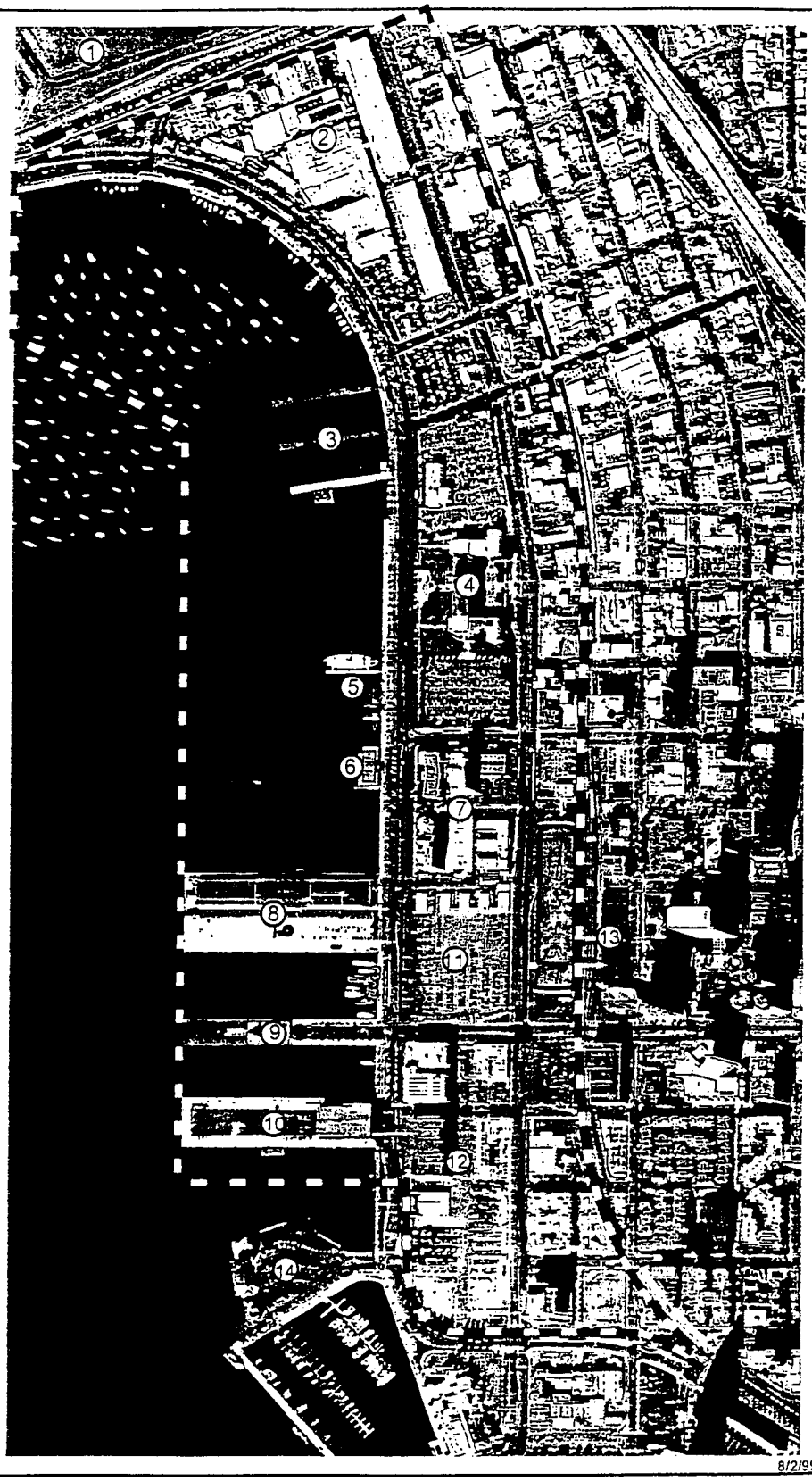
10 Pier 11A

11 Lane Field

12 U.S. Navy

13 Santa Fe Depot

14 G Street Mole



North

NO SCALE

SOURCE: BRG Consulting, Inc., 1999.
BASE PHOTO: Aerial Fotobank, Inc., 1/4/99.

8/2/99

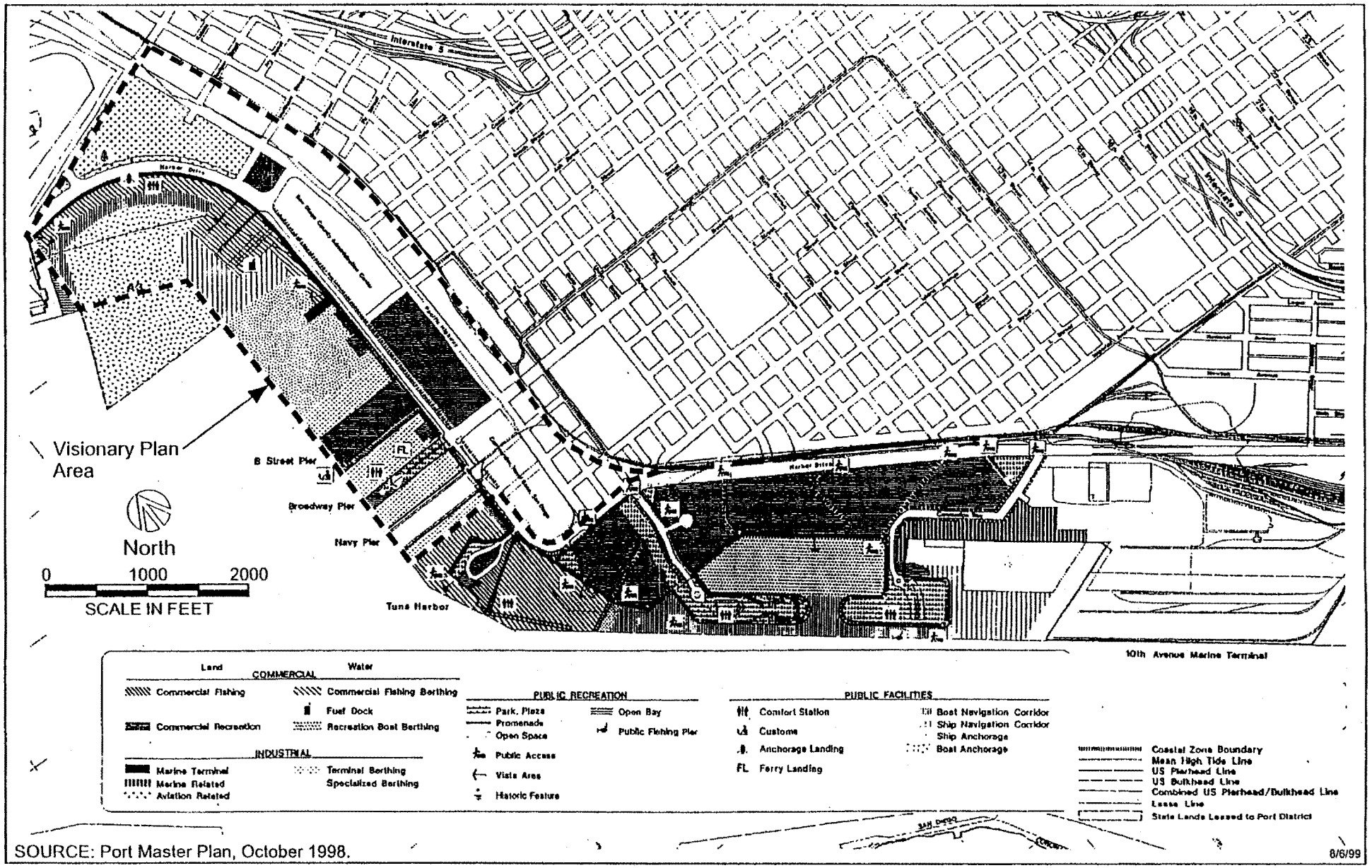
BRG CONSULTING, INC.

North Embarcadero Alliance Visionary Plan MEIR

Existing Surrounding Land Uses

FIGURE 4.3-2

Exhibit #8
PMPA #27
Existing Land Uses



SOURCE: Port Master Plan, October 1998.

8/6/99

Exhibit #9
PMPA #27
Existing Plan

BRG CONSULTING, INC.

North Embarcadero Alliance Visionary Plan MEIR

Centre City Embarcadero Precise Plan (Planning District 3)

FIGURE 4.3-3

Port of San Diego
and Lindbergh Field Air Terminal
(619) 686-6200 • P.O. Box 120488, San Diego, California 92112-0488
www.portofsandiego.org

February 28, 2001

Ms. Diana Lilly
California Coastal Commission
San Diego District
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4402

Dear Ms. Lilly:

As we discussed, attached is a letter from the U.S.S. Midway Aircraft Carrier Museum (Midway), wherein its president offers to establish a ten-year special account into which it will contribute $100,000 per year for the first five years and $150,000 per year for the second five years. The purpose of the funds in the account will be to secure upland parking for the Midway, thereby allowing the parking on the pier to be removed and the pier converted to a memorial park. The account will be auditable or accessible to the Coastal Commission staff and Port staff annually to verify that the funds are present. Additionally, the Port would make the establishment of such an account a condition of the Coastal Development Permit issued in conjunction with the Midway (following an assumed positive action by the Coastal Commission on the Master Plan amendment). Furthermore, establishing and maintaining such an account would also be a lease condition with the penalty of non-compliance being forfeiture of the lease.

It is my impression from your positive comments in our telephone conversation that the above proposal would provide a great deal more than a minimal degree of assurance that the proposed parking on the Navy Pier will be removed and replaced with a park. If the Coastal Commission staff is so inclined to alter its recommendation on the Midway component of the Port Master Plan Amendment, may I suggest that an addendum to the existing staff report be issued.

Please telephone me if you have any questions. Thank you for your assistance.

Very truly yours,

Dan E. Wilkens
Senior Director
Strategic & Policy Planning

Attachment

Exhibit #10
Letter from Port on Midway Parking Relocation Fund

[redacted]

February 25, 2001

Mr. Dan Wilkens
Deputy Director
San Diego Unified Port District
P.O. Box 488
San Diego, California 92112

Re: Midway Museum Parking Plan

As you are aware from previous submittals, by letter of February 2, 2000, the US Navy advised the San Diego Aircraft Carrier Museum (SDACM) that the Navy would make available on Pier 11A up to 350 vehicle parking spaces on weekends and 280 spaces on weekdays. This is more than sufficient to meet the peak/peak parking requirements for the Midway Museum.

The California Coastal Commission staff has taken the position that using the pier for a permanent parking structure is not a good use of coastal resources and has asked for a plan that would eventually relocate the parking for the museum to some upland location. Despite our best efforts, and with only short notice, at this time the SDACM is unable to identify specific parking spaces off the pier.

All interested parties should recognize that the US Navy owns the pier, has used the pier for parking both military and employee vehicles for a number of years, and may continue to do so even after parking for Midway related activities is removed. Nevertheless, to provide some assurances that the pier will not become the permanent solution for Museum parking, the SDACM is willing to create an special account into which it will deposit funds that will be earmarked for obtaining a parking structure that will eliminate parking by patrons and employees of the Midway Museum on Pier 11A. For the first five years of museum operation the SDACM would agree to deposit $100,000 per year into the account. Thereafter, if an upland parking structure has not been obtained, SDACM would deposit a sum of $150,000 per year until parking for patrons and employees is relocated off the pier. These funds would be maintained in this account and could not be used for other purposes until such time as such parking is eliminated from the pier. Provision for this account could be made a part of the lease agreement between the Port of San Diego and the SDACM.

The SDACM appreciates the Port staff's leadership with regard to the North Embarcadero Visionary Plan and requests that you convey this representation to the Coastal staff at your earliest convenience.

Very truly yours,

Alan Uke
President

1355 North Harbor Drive, San Diego, CA 92101, (619) 702-7700, Fax (619) 238-1210

EXHIBIT D

PORT of SAN DIEGO











PORT MASTER PLAN

PRINT AUGUST 2017

Port Master Plan

SAN DIEGO UNIFIED PORT DISTRICT

PORT of SAN DIEGO

Board of Port Commissioners - 2017

Robert “Dukie” Valderrama	National City	Chairman
Rafael Castellanos	San Diego	Vice Chairman
Garry J. Bonelli	Coronado	Secretary
Dan Malcolm	Imperial	Commissioner
Marshall Merrifield	San Diego	Commissioner
Ann Moore	Chula Vista	Commissioner
Michael Zucchet	San Diego	Commissioner

Includes all Port Master Plan Amendments through 2016

The 1980 Port Master Plan was certified by vote of the California Coastal Commission (CCC) on January 21, 1981. Subsequent amendments, all of which have been incorporated into this copy, are listed below:

Amendment Title	BPC Res. No.	CCC Certification Date
Coronado Tidelands	83-133	12 Apr 1984
Convention Center and Option Site Hotel	84-290	14 Mar 1985
Bay Mooring and Anchorage Management Plan	84-304	25 Apr 1985
Chula Vista Bayside Park Extension	84-379	27 Aug 1985
Crosby Street Site	86-365	27 Feb 1987
Shelter Island Roadstead	88-212	15 Nov 1988
Coronado Boatyard/The Wharf	89-383	11 Apr 1990
East Harbor Island Hotel	90-170	14 Sep 1990
Seaport Village Street Relocation	92-74	11 Jun 1992
NASSCO Ways Modification	92-118	11 Jun 1992
Solar Turbines Incorporated	92-190	13 Oct 1992
Lindbergh Field Immediate Action Program	92-406	13 Apr 1993
Driscoll Boatyard Expansion	93-033	14 May 1993
National City Marina	94-152	11 Aug 1994
Design Refinements to IAP	95-223	15 Dec 1995
San Diego Convention Center Expansion	95-389	12 Jan 1996
A-9 Cruiser Anchorage	95-266	11 Apr 1996
Convair Lagoon	96-135	12 Nov 1996
Imperial Beach Oceanfront	97-187	10 Dec 1997
Chula Vista Industrial Business Park Expansion	97-227	10 Mar 1998
South Embarcadero Redevelopment Program 1	98-136	15 Oct 1998
North Embarcadero Alliance Visionary Plan	2000-83	14 Mar 2001
Former Naval Training Center Land Transfer	2000-166	12 Jun 2001
D Street Fill Mitigation Site	2001-86	11 Sep 2001
South Embarcadero Redevelopment Program 2	2001-72	12 Dec 2001
National Distribution Center, National City	2001-99	12 Dec 2001
South Bay Boat Yard, Chula Vista	2001-190	12 Dec 2001
Glorietta Bay Redevelopment	2001-65	05 Feb 2003
America's Cup Harbor	2002-120	12 Jun 2003
Fifth Avenue Landing Spinnaker Hotel	2004-66	12 Aug 2004
Old Police Headquarters	2006-29	10 Aug 2006
National City Aquatic Center	2006-162	15 Feb 2007
Broadway Pier Cruise Ship Terminal	2009-37	08 Apr 2009
Chula Vista Bayfront Master Plan	2010-79	09 Aug 2012
San Diego Marriott Marquis & Marina Facilities Improvement	2011-179	15 Nov 2012
San Diego Convention Center Phase III Expansion & Expansion Hotel	2012-136	10 Oct 2013
Glorietta Bay Marina/Boat Launch Facility Improvements	2015-116	14 Jan 2016
Shelter Island Boat Launch Facility Improvements	2016-08	08 Jun 2016

PORT MASTER PLAN
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Re Adoption of Master Plan]
_____]

RESOLUTION 80-74

BE IT RESOLVED by the Board of Port Commissioners of the San Diego Unified Port District, as follows:

That the Master Plan of the Port District, as modified, and on file in the office of the District Clerk as Document No. 12704, is hereby adopted; provided, however, that the parcel of tide and submerged lands bounded by the mean high tide line on the northeast, Crosby Street and its extension into the Bay on the southeast, the pierhead line on the southwest, and a line parallel to and northwesterly of Beardsley Street on the northwest is hereby excluded from the action adopting the Master Plan. Said Plan is subject to the requirements of Resolution 80-73, adopted on March 18, 1980.

BE IT FURTHER RESOLVED that said Master Plan shall be submitted to the State Coastal Zone Commission for certification.

ADOPTED this 18th day of March, 1980.

Presented By: DON L. NAY, Port Director

By: _____
ASSISTANT PORT DIRECTOR

Approved: JOSEPH D. PATELLO, Port Attorney

_____

sw
3/13/80

Rev. 3/28/80

NOTICE

This report and the information contained herein does not constitute, nor shall it be construed as a waiver of any right, title or interest, including sovereign interest, in any lands owned by or under the jurisdiction of the State of California, or any of its agencies, or any grantee in trust of sovereign lands, including but not limited to political corporations or subdivisions of the State.

"Tidelands," properly speaking, are lands between the lines of mean high tide and mean low tide, whereas "submerged lands" are those seaward of mean low tide and not uncovered in the ordinary ebb and flow of the tide. For literary convenience the term "tidelands" will refer to both types of property in the report.

Many terms in the report including tidelands, submerged lands, and granted lands are used in a non-technical nature and should not be construed as determination of the legal character of the lands involved.

The maps included in the report are for illustrative purposes only and are not intended to depict accurately ownership boundaries.

NOTICE OF PLAN MODIFICATION

The Port Master Plan for the San Diego Unified Port District has been prepared and adopted by the District's Board of Port Commissioners in accordance with the provisions of the California Coastal Act. As required by Section 30714 of the Act, The California Coastal Commission has certified the majority of the plan. Certain parts of the plan, however, were not certified and specific modifications were required of other parts. The Board agreed to the modifications suggested by the Coastal Commission, with some slight changes, and the Coastal Commission certified the Port Master Plan, as modified, on January 21, 1981.

The Board of Port Commissioners is now authorized to grant coastal development permits with two exceptions: any projects on the 5.4 acre Crosby Street site in Planning District 4, and commercial recreational development projects on the Coronado tidelands in Planning District 6 require a permit from the State Coastal Commission.

The map and text contained in this document reflect the Port Master Plan as originally submitted for certification. Readers are referred to Appendix C, attached to the back of this document, for the modifications mentioned above. Where the changes are not clearly evident, interpretation may be provided by the Planning Department of the Port District.

(Readers are referred to subsequent amendments as outlined on page "ii," which have been certified by the California Coastal Commission dealing with matters discussed above.)

(Rev. 3/9/99)

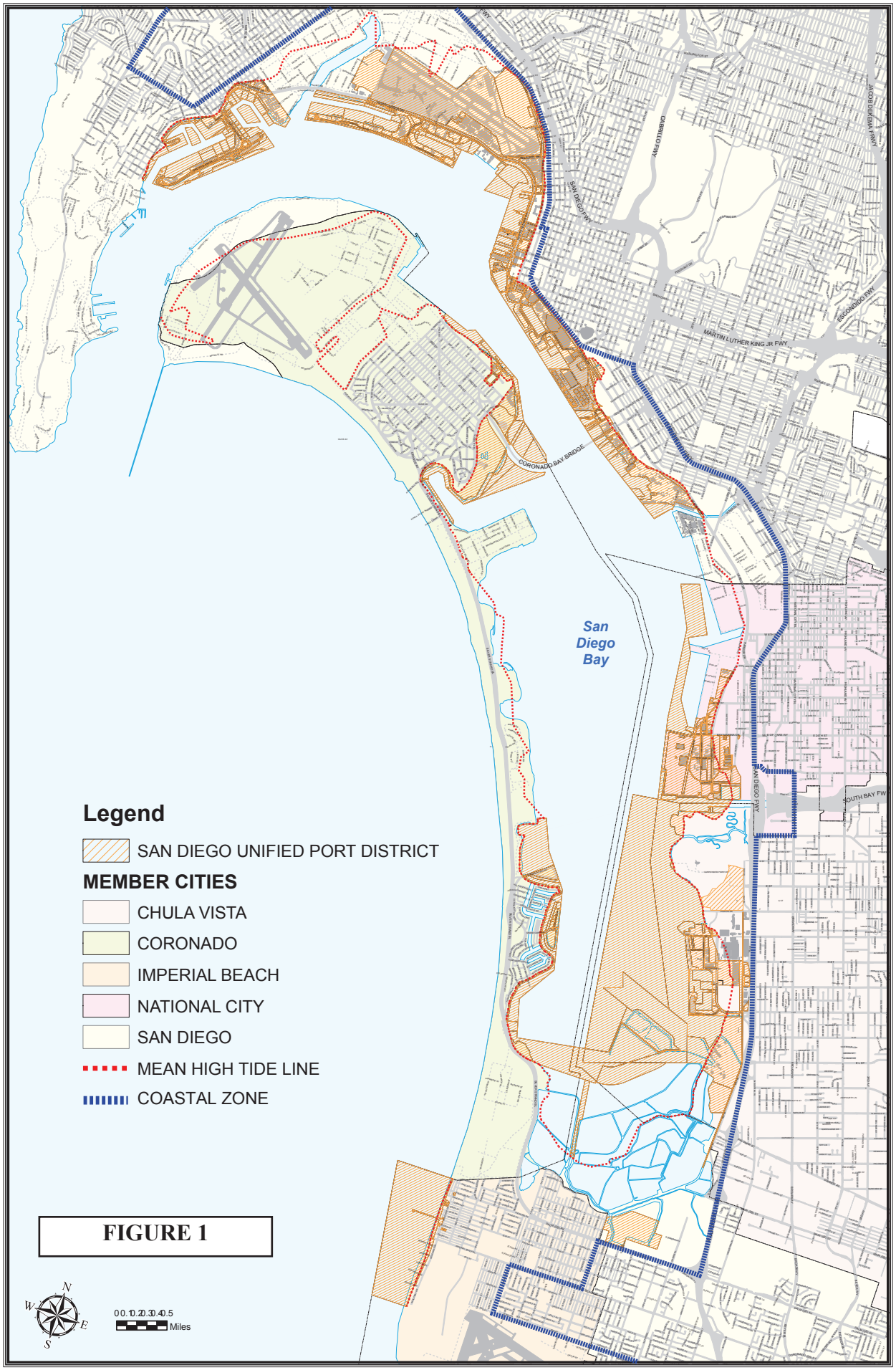

San Diego Bay
CORONADO BAY BRIDGE
SAN DIEGO FWY
CABRILLO FWY
MARTIN LUTHER KING JR FWY
ESCONDIDO FWY
JACOB DEKEMA FWY
SOUTH BAY FWY
Legend
SAN DIEGO UNIFIED PORT DISTRICT
MEMBER CITIES
CHULA VISTA
CORONADO
IMPERIAL BEACH
NATIONAL CITY
SAN DIEGO
MEAN HIGH TIDE LINE
COASTAL ZONE
N
W
E
S
0 0.1 0.2 0.3 0.4 0.5
Miles

FIGURE 1

SECTION I
INTRODUCTION



State Enabling Legislation, which provided for the creation of the San Diego Unified Port District, contains, in Section 19, the provision that:

> *The Board (Board of Port Commissioners) shall draft a master plan for harbor and port improvement and for the use of all tidelands and submerged lands, which shall be conveyed to the district pursuant to the provisions of this act… The board may from time to time modify the master plan…*

In the case of the Port District Master Plan, guidelines pertaining to the plan's content are indicated in the enabling legislation establishing the Port District. Section 2 expresses State policy as being "to develop the harbors and ports of this state for multiple purpose use for the benefit of the people." Section 19 states that the Master Plan shall be a "… plan for harbor and port improvement and for the use of all of the tidelands and submerged lands…"

Section 4 provides definition to the purpose of the District and to the Master Plan contents:

> *"A port district for the acquisition, construction, maintenance, operation, development, and regulation of harbor works and improvements, including rail, water, and air terminal facilities, for the development, operation, maintenance, control, regulation, and management of the Harbor of San Diego upon the tidelands and lands lying under the inland navigable waters of San Diego Bay, and for the promotion of commerce, navigation, fisheries, and recreation thereon…"*

Additional explanation on the utilization of tide and submerged lands can be found in Section 87 of the Act.

Adoption of the Master Plan by the Board of Port Commissioners occurred in January of 1964. A rather extensive master plan revision program was culminated in 1972 with the adoption of a new planning document. Updates of the plan also occurred in 1975 and 1976. The California Coastal Act of 1976 provided further incentive for bringing the plan into conformance with the appropriate provisions of that Act.

Purpose of The Master Plan

This document is intended to provide the official planning policies, consistent with a general statewide purpose, for the physical development of the tide and submerged lands conveyed and granted in trust to the San Diego Unified Port District. The planning policies are expressed graphically on the official Master Plan and Precise Plan Maps and in written form in this document. Eleven plan maps are included: a map of the bay illustrating Land and Water Use allocations containing provisions for utilizing land and water areas for commercial, industrial, recreation, public facilities, conservation, and military; a bay map showing Circulation and Navigation systems involving highways, regionally significant arterials, belt-line railroads, bridges, ship navigation corridor and terminals, and air terminal facilities; and nine maps pertaining to subareas of the bay illustrating Land and Water Use allocations that are planned for each area. Specific planning policies for the subareas have been provided in those sections of this document that deal with each of the nine Planning Districts.

The Port's Planning Jurisdiction, illustrated in ***Figure 1***, consists of tidelands which the State Legislature has conveyed to the Port District to act as trustee for administration, and upon which the Port District has regulatory duties and proprietary

rights. While the Master Plan study area includes all of the bay and its hinterland, the actual plan area addresses only the 5,480 acres of Port tidelands.

The **Usefulness of the Plan** relates directly to its status as an official statement of public policy adopted by the Board of Port Commissioners. It serves a number of useful purposes, which include use by the Port Board as a reference indicating needed policy changes and as a guide for policy decisions; by the Port staff as a basis for capital improvements programming and for rendering services; by other governmental agencies as necessary information leading to coordinated efforts; and to individuals as an accurate source of information, as an indication of new opportunities for private action and investment, and as a basis for protecting existing development.

Plan Certification and Appeals

The Port District Master Plan is to be submitted to the California Coastal Commission for review and certification as to conformance with the Coastal Act. After plan certification, either in its entirety or in part, coastal development permit authority for projects occurring within the San Diego Unified Port District's jurisdiction resides with the Board of Port Commissioners. For those portions of the plan not certified, the uncertified areas will remain under the permit authority of the California Coastal Commission.

Coastal Act Port Master Plans are to be prepared and adopted by the port governing body. The county and the port member cities are to incorporate the certified Port Master Plan into their own local coastal programs. Port Master Plans are to contain the following plan elements: 1) land and water use; 2) port facilities; 3) environmental inventory, impact analysis and mitigation; 4) a listing of appealable projects; and 5) provision for public hearings and public participation in port planning and development decisions.

All Port District tidelands are covered by the Coastal Act; some are regulated by the provisions of Chapter 8 (Ports) and some by Chapter 3 (Coastal Resources Planning and Management Policies). Areas excluded from Chapter 8 are wetlands, estuaries and existing recreation areas, which have been delineated by the Coastal Commission on maps derived from the original Coastal Plan prepared in 1976. Certain developments, which would normally be located in port developments, are specifically designated by the Act as appealable, the appeal being based on whether the development is in conformance with applicable policies of Chapter 3. If these projects are appealed by anyone, final review of the project is returned to the California Coastal Commission. A substantial portion of the Port District Master Plan deals with appealable developments. A listing of development projects, covering both appealable and non-appealable categories, is provided in the discussion for each of the nine Planning Districts.

Public Hearings and Public Participation

The public planning process is concerned with finding solutions for problems that have arisen or may arise from land use situations. The process of seeking solutions to public problems on a general, long range and comprehensive basis involved public hearings and public participation in Port District planning and development decisions.

The Port District, due to its basic purpose and organizational structure as a special district, utilizes governmental processes and hearings, and citizen participation and involvement in a little different manner than the more familiar general purpose form of government, such as a city or county. This difference is noteworthy in the activities related to the Board of Port Commissioners.

Board of Port Commissioners serves as the policy making body of the District and gives overall direction to the District's operational and administrative staffs in accordance with the multi-faceted interests of the overall District and each city. The Commissioners serve without pay. They are appointed to a four-year term by the City Councils of the cities included in the District - San Diego, National City, Chula Vista, Imperial Beach, and Coronado. The Commissioners, representative of the cities, are selected in an appointive process conducted in a public forum, involving public hearings and citizen participation. Commissioners are representative of the positions the City Councils select in appointment. The Commissioners report back to the City Councils and, in some instances, the Commissioners' reports are scheduled at the public meetings of the City Councils. These meetings with local officials and

citizens provide opportunities for communication that can be integrated into Port programs by the Commissioners. The Port District has the potential benefit of drawing on governmental planning resources from five separate city governments, including their political leaders, their expert staffs, and their functioning citizen committees on localized planning issues. Commissioners, as part of their typical activities, interact with citizen groups when functioning as speakers at luncheons, meetings and panel discussions.

The Board of Port Commissioners conducts regularly scheduled public meetings to conduct Port District business. Agendas are prepared for each meeting and copies are provided prior to the meeting to the press and to others interested. There are at least five reporters regularly assigned by the local news media to cover Port District functions. The public meetings are open to public participation. Public testimony is accepted on specific items at the time the item is considered by the Board.

When the Board of Port Commissioners determines that a public hearing is required on a particular project or matter, public notice of the meeting is placed in a newspaper of local circulation and notices are mailed to known interested parties. Minutes of the Board of Port Commissioners' meetings provide a public record of discussions, staff reports and actions taken. Minutes are made available to the interested public and agencies upon request.

On-Going Public Information Programs dealing on a daily basis with District activities and projects are conducted through the Port District staff. The Community and Government Affairs Department informs local citizens through several programs: an annual report including a newspaper insert of several hundred thousand copies published and distributed throughout the County; talks, movies and slide shows involving at least 150 individual presentations each year; publishing a monthly newsletter; tours of Port facilities for elementary and secondary school students; responses to inquires about the District by annual distribution of about 125 special response kits and specific responses to letters and telephone inquiries originating with students doing papers, citizens and graduate level academic research institutions; and cooperative activities with the news media providing information, data and notification of pending plans and hearings.

Other Port District departments are also involved in providing lectures on Port and related matters at the college level, and for programs of continuing education and professional development; representation to the regional planning agency's citizen advisory committees involved in matters relating to land use planning, transportation, energy, air quality and water quality; advisory roles to community planning groups involved in preparing plans for areas adjacent to the Port's areas; and working members of community festivals and historic associations.

The District's Planning Program contributes to public information, informed citizen participation and public hearings by providing reports and findings at the conclusion of certain planning sequences. Informational documents available for public review and comment include at least four publications: Background Report, Alternative Plans, Preliminary Plan, and Environmental Assessment or Environmental Impact Report.

Background Reports provide factual information about the physical, social, economic, and governmental circumstances of the San Diego area, and documents many of the assumptions, conclusions and analyses made during the fact-finding phase of the planning process. These include the fourteen studies earlier conducted to prepare the Port Master Plan and at least three additional reports for specific Planning Districts, as well as some updating of information. These reports have been made available to interested parties.

Alternative Plan reports set forth several alternative land and water use plans that are developed from the information collected in the background reports and studies. The plans illustrate the range of choice and varying degrees of flexibility available for the development of the plan area. The alternative plans are submitted to the Board of Port Commissioners; to individual tenants and tenant associations; to civic groups, the general public, developers, governmental agencies, and to the Port District staff for review and evaluation. As a result of this review and after thoughtful consideration, a Preliminary Plan is prepared.

The Preliminary Plan is submitted to the Board of Port Commissioners for consideration and public review. Plan adoption requires public notice, public

hearing, and a two-thirds vote of the Board of Port Commissioners. Copies of the planning documents are made available to the public in a number of locations, including the Port Administration Building, local libraries, and at city planning departments of the District's member cities. In addition to the presentations made to the Board, informal presentations are made by staff in response to requests by interested groups. Adoption of the final plan must be preceded by an Environmental Assessment or an Environmental Impact Report (E.I.R.).

The California Environmental Quality Act of 1970 established the requirement that all but trivial development projects undertaken by public or private parties are to be evaluated and reported upon as to the environmental effects. The Act sets out guidelines for the environmental impact evaluation which calls for, among other things, a description of the proposed project and the environmental setting, an environmental analysis indicating impact and mitigation measures, alternative to the project, a description of irreversible environmental changes, growth inducing impacts, a listing of agencies and individuals consulted in the preparation of the report, and a public review of the draft E.I.R. Before taking action on a project, the responsible public agency that has jurisdiction over the area in which the project is located is required to certify the E.I.R. as an accurate statement of environmental circumstances and implications.

The basic process involved in processing plans and projects through the provision established in the California Environmental Quality Act involves substantial opportunities for public agency and citizen participation, a lengthy period of review, and public hearings. Since this process has been under way in California for a number of years, a discussion of the various notifications, disclosures and hearings will not be provided in this document; however, the process followed by the Port District is documented in Board of Port Commissioners Resolution 78-102.

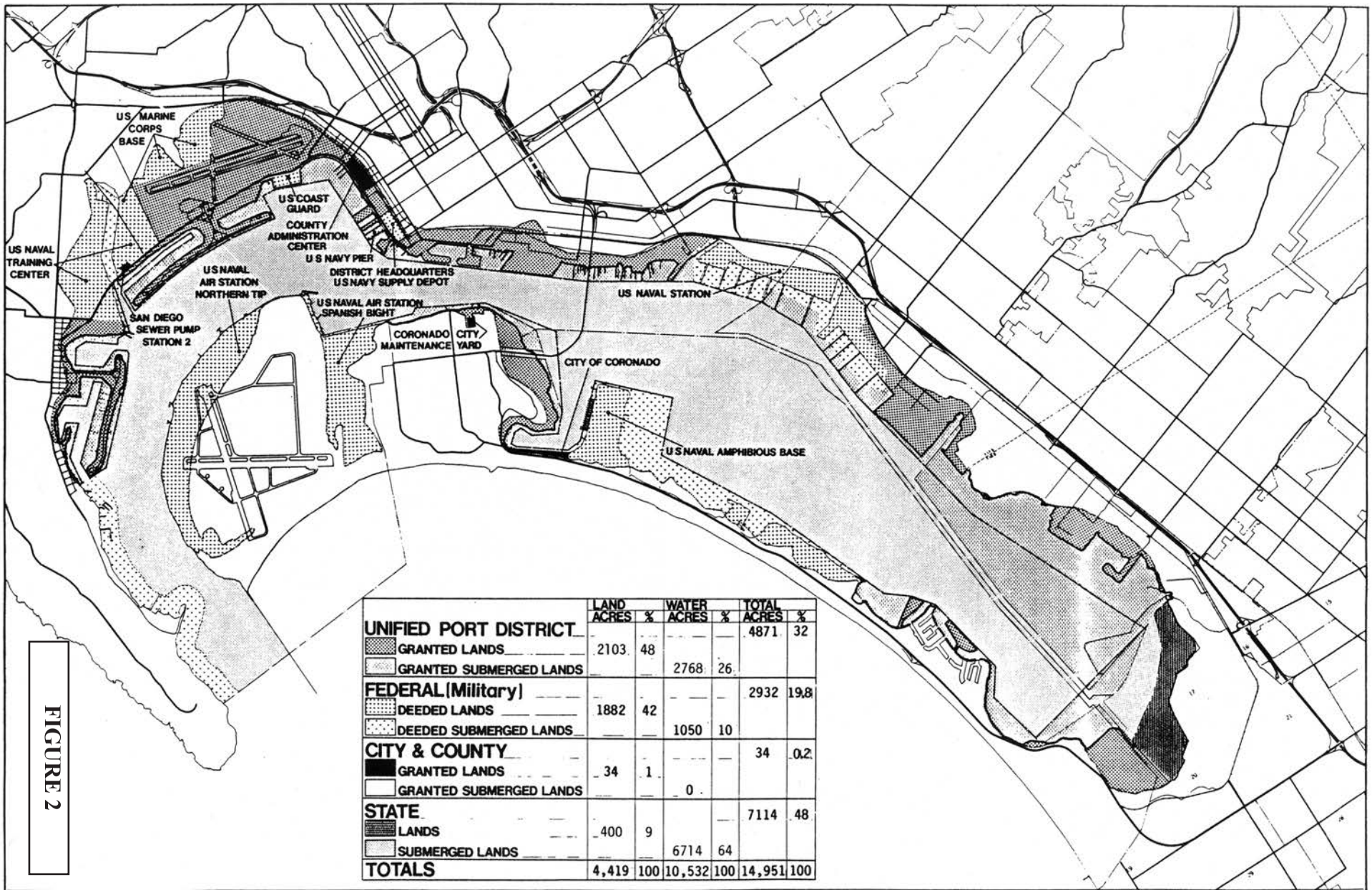
The Existing Port Master Plan has been subjected to the public notice and public hearing procedures required by the provisions of Section 30713 of the California Coastal Act. Public commentary on the plan and on the appropriate scope of the Environmental Impact Report has been received by the Port District and analyzed by the staff. Workshops have been conducted for the Planning Directors of the member cities. Documentation of public meetings, public hearings and other

TABLE 1: SAN DIEGO BAY TIDELANDS BY OWNERSHIP

	LAND		*WATER*		*TOTAL*	
	Acres	***%***	***Acres***	***%***	***Acres***	***%***
Federal (military)	1,882	43.0	1,050	10.0	2,932	19.8
State of California	12	0.3	6,490	61.0	6,502	43.0
County and City	34	0.7	0	0	34	0.2
Unified Port District	2,491	56.0	2,992	29.0	5,483	37.0
Totals	**4,419**	**100**	**10,532**	**100**	**14,951**	**100**

TABLE 2: SAN DIEGO BAY SHORELINE BY OWNER

	SHORELINE LENGTH	
	Miles	***Percentages***
State Department of Parks and Recreation	00.45	00.8
City of Coronado (granted tidelands)	00.48	00.9
Federal Government - Military (deeded)	19.98	36.9
San Diego Unified Port District (granted tidelands)	33.10	61.3
Total	**54.01**	**100.0**



	LAND ACRES	%	WATER ACRES	%	TOTAL ACRES	%
UNIFIED PORT DISTRICT					4871	32
GRANTED LANDS	2103	48				
GRANTED SUBMERGED LANDS			2768	26		
FEDERAL (Military)					2932	19.8
DEEDED LANDS	1882	42				
DEEDED SUBMERGED LANDS			1050	10		
CITY & COUNTY					34	0.2
GRANTED LANDS	34	1				
GRANTED SUBMERGED LANDS			0			
STATE					7114	48
LANDS	400	9				
SUBMERGED LANDS			6714	64		
TOTALS	4,419	100	10,532	100	14,951	100

FIGURE 2

scale 0 1000 2000'

planning department

SAN DIEGO BAY TIDELANDS OWNERSHIP

FIGURE A

MASTER PLAN REVISION

provisions for public participation in port planning, development and conservation decision have been documented in Appendix A. Information provided in Appendix A includes discussions of the Board of Port Commissioners; public hearings; correspondence between the Port District and the public; meetings with and presentations to community groups; public comments on the Master Plan; list of persons who received copies of the plan; newspaper reports, and other pertinent items. Some involvement, such as telephone calls, visits, and informal contacts were not recorded, yet added substantially to the decision making process. Although the Port Master Plan was prepared prior to the establishment of the Coastal Zone Conservation Commission in 1972 and before the provisions of California's Act of 1976, a close comparison of the plan and the Coastal Act has revealed coincidence in numerous goals and intentions.

Documentation of staff work in this area has been presented in Appendix B. Information contained in Appendix B includes a note of explanation on the history of Port District planning activities; an explanatory narrative on the Port District, its member cities and operating divisions and functions, and an analysis of the Port Master Plan and its conformance with the Coastal Act. Appropriate modifications have been incorporated into the updated Port Master Plan to bring it into conformity with the State Act. Public notice, hearings, and public participation have been conducted in accordance with Section 30712 of the Act for this revised plan.

The Geographic Scope of the Study Area

The study area addressed in the Port District's Master Plan reflects several scales of planning orientation; a broad planning scale closely associated with national and statewide concerns when planning a seaport and an international airport; the regional concern of the Port District and its five member cities; the localized community planning areas; and the Port District tideland planning core. The Port District is one of several governmental agencies that have proprietary interest in the land and water of San Diego Bay.

San Diego Bay Tidelands Ownership is indicated in Figure 2. The area of San Diego Bay encompassed by the historic mean high tide line amounts to about 14,951 acres of filled and submerged lands and an existing shoreline around the bay of approximately 54.01 miles in length. As indicated in **Table 1,** the historic tideland areas are owned or controlled by the Federal Government, the State of California, the County of San Diego, the cities of San Diego and Coronado, and the San Diego Unified Port District. **Table 2** indicates the proprietary interest controlling the shoreline as the City of Coronado, the State Department of Parks and Recreation, the Federal Government and the Port District.

The Federal Government (military) holds deeds to 2,932 acres or about 19% of the total tideland area, which contains a shoreline of 19.98 miles, or 36.9 percent of the total bay shoreline. Federal areas around the bay are shown on the Circulation and Navigation Element Map by shading and facility name. All of these areas are military bases involving research, training, cargo handling, storage and other uses related to a national defense purpose. The facilities include the U.S.N. Training Center, U.S. Marine Corps Recruit Depot, and the U.S. Coast Guard Air Station adjacent to Lindbergh Field; the U.S.N. Supply Center and Eleventh Naval District Headquarters on Pacific Highway at Broadway; the U.S. Naval Station at 32nd Street; the U.S.N. Radio Station, Imperial Beach; the U.S.N. Amphibious Base on the Silver Strand; and the U.S. Naval Air Station North Island. Generally speaking, public access to the shoreline through military bases is not consistent with the needs of military security. However, the Navy has leased land to the county as a wildlife preserve in the South Bay adjacent to the U.S.N. Radio Station, Imperial Beach, where public access is limited to that needed to protect the natural resource value of the preserve.

The Port District has no regulatory authority over the land deeded to the Federal Government; however, the Port and the military commands have established lines of communication regarding activities relating to their respective planning areas. Land and water areas granted to the Port District but

under long-term leases to the Navy are discussed in the section of the Port Master Plan which deals with Military Uses *(page 24).* These leased areas were not included in the inventory for Federal Government presented in **Table 1.** Proposed projects in the Port Master Plan which involve properties currently under the control of the Department of Defense will require further study and negotiation with the Marine Corps and the Navy. Pursuant to the Federal Coastal Zone Management Act of 1972, land on which use is by law subject solely to the discretion of or which is held in trust by the Federal Government, its officers or agents, is excluded from California's Coastal Zone Management Program.

The State of California retains direct control over 6,502 acres or about 43 percent of the total tideland area. The State controls about one-half mile of shoreline in the bayside portion of the Silver Strand State Park and the San Diego-Coronado Bridge corridors. Public use of the improved public beach area is subject to user fee and State Park regulations. Of the four governmental groups indicated in **Table 1**, the State controls more of the total tideland area than any other. State agencies managing these tidelands include the State Lands Commission, the State Toll Bridge Authority, and the Department of Parks and Recreation. In 1984, at the termination of an existing lease, an additional 612 acres of open bay and salt ponds will be transferred from the Port District tidelands inventory back to the State, probably the Department of Fish and Game. When the transfer occurs, the State-controlled tideland area will increase to about 48 percent of the total area.

The County and Cities of San Diego and Coronado control a total of 3.4 acres or 0.2 percent of the total tideland area. These tidelands are occupied by the County of San Diego Administration Center on Pacific Highway; the City of San Diego Central Police Station located on Market and Pacific Highway, and the City Sewerage Pump Station on Harbor Drive near Lindbergh Field; the City of Coronado's 3.4-acre public works yard and ballfield occupies the block bordered by First and Second Streets, and A and B Avenues, and an 11.3-acre site fronting on Strand Way and Glorietta Bay which is used for a marina building, automobile parking, vacant building, Playhouse, private club, City Administration, boat launch and swimming pool. About one-half mile of shoreline is controlled by the City.

San Diego Unified Port District

The has been granted an approximate total of 5,483 acres or about 37 percent of the total tidelands on San Diego Bay. The shoreline frontage approaches 33 miles, which is equivalent to 61 percent of the total bay shoreline. A more detailed discussion of public access to the shoreline is presented on *page 13*. The existing and proposed land and water uses for the 5,483 acres under Port District control are graphically indicated on the Land and Water Use Element Map and discussed in this planning document. At the current time, over 50 percent of the filled tidelands have been granted to the Port District, and over 60 percent of the submerged lands of the bay have been retained by the State of California. Some areas adjacent to the tidelands that are of interest because of their natural resource value and frequently but erroneously thought by some to lie within the historic tideland area are in fact privately owned. These areas include the 108-acre Sweetwater River marsh and the southernmost portion of the salt ponds in the South Bay.

SECTION II
PLANNING GOALS

The goals that are set forth herein are intended to be realized by implementing the policies set forth in the Master Plan.

GOALS:

I. PROVIDE FOR THE PRESENT USE AND ENJOYMENT OF THE BAY AND TIDELANDS IN SUCH A WAY AS TO MAINTAIN OPTIONS AND OPPORTUNITIES FOR FUTURE USE AND ENJOYMENT.

II. THE PORT DISTRICT, AS TRUSTEE FOR THE PEOPLE OF THE STATE OF CALIFORNIA, WILL ADMINISTER THE TIDELANDS SO AS TO PROVIDE THE GREATEST ECONOMIC, SOCIAL, AND AESTHETIC BENEFITS TO PRESENT AND FUTURE GENERATIONS.

· Consider the entire San Diego Bay as a complete system when promoting the multi-purpose development of the Port District.

III. THE PORT DISTRICT WILL ASSUME LEADERSHIP AND INITIATIVE IN DETERMINING AND REGULATING THE USE OF THE BAY AND TIDELANDS.

· Encourage industry and employment generating activities which will enhance the diversity and stability of the economic base.

· Encourage private enterprise to operate those necessary activities with both high and low margins of economic return.

· Encourage quasi-public organizations to engage in activities which enhance public benefits

· Undertake where necessary an acquisition program to gain key land parcels to protect and enhance existing developments and to provide for planned projects.

IV. THE PORT DISTRICT, IN RECOGNITION OF THE POSSIBILITY THAT ITS ACTIONS MAY INADVERTENTLY TEND TO SUBSIDIZE OR ENHANCE CERTAIN OTHER ACTIVITIES, WILL EMPHASIZE THE GENERAL WELFARE OF STATE-WIDE CONSIDERATIONS OVER MORE LOCAL ONES AND PUBLIC BENEFITS OVER PRIVATE ONES.

· Develop the multiple purpose use of the tidelands for the benefit of all the people while giving due consideration to the unique problems presented by this area, including several separate cities and unincorporated populated areas, and the facts and circumstances related to the development of tideland and port facilities.

· Foster and encourage the development of commerce, navigation, fisheries and recreation by the expenditure of public moneys for the preservation of lands in their natural state, the reclamation of tidelands, the construction of facilities, and the promotion of its use.

· Encourage non-exclusory uses on tidelands.

V. THE PORT DISTRICT WILL TAKE PARTICULAR INTEREST IN AND EXERCISE EXTRA CAUTION IN THOSE USES OR MODIFICATIONS OF THE BAY AND TIDELANDS, WHICH CONSTITUTE IRREVERSIBLE ACTION OF LOSS OF CONTROL.

· Bay fills, dredging and the granting of long-term leases will be taken only when substantial public benefit is derived.

VI. THE PORT DISTRICT WILL INTEGRATE THE TIDELANDS INTO A FUNCTIONAL REGIONAL TRANSPORTATION NETWORK.

· Encouraging development of improved major rail, water and air systems linking the San Diego region with the rest of the nation.

- Improved automobile linkages, parking programs and facilities, so as to minimize the use of waterfront for parking purposes.

- Providing pedestrian linkages.

- Encouraging development of non-automobile linkage systems to bridge the gap between pedestrian and major mass systems.

VII. THE PORT DISTRICT WILL REMAIN SENSITIVE TO THE NEEDS, AND COOPERATE WITH ADJACENT COMMUNITIES AND OTHER APPROPRIATE GOVERNMENTAL AGENCIES IN BAY AND TIDELAND DEVELOPMENT.

- The Port District will at all times attempt to relate tidelands to the uplands.

- The Port District will cooperate, when appropriate, with other local governmental agencies in comprehensive studies of existing financing methods and sources which relate to the physical development of the tidelands and adjacent uplands.

- The Port District will attempt to avoid disproportionate impact on adjacent jurisdictions both in benefits and any possible liabilities, which might accrue through bay and tideland activities.

VIII. THE PORT DISTRICT WILL ENHANCE AND MAINTAIN THE BAY AND TIDELANDS AS AN ATTRACTIVE PHYSICAL AND BIOLOGICAL ENTITY.

- Each activity, development and construction should be designed to best facilitate its particular function, which function should be integrated with and related to the site and surroundings of that activity.

- Views should be enhanced through view corridors, the preservation of panoramas, accentuation of vistas, and shielding of the incongruous and inconsistent.

- Establish guidelines and standards facilitating the retention and development of an aesthetically pleasing tideland environment free of noxious odors, excessive noise, and hazards to the health and welfare of the people of California.

- Establish and foster an artworks program to promote, enhance, and enliven the waterfront experience through the public and private placement of works of art.

IX. THE PORT DISTRICT WILL INSURE PHYSICAL ACCESS TO THE BAY EXCEPT AS NECESSARY TO PROVIDE FOR THE SAFETY AND SECURITY, OR TO AVOID INTERFERENCE WITH WATERFRONT ACTIVITIES.

- Provide "windows to the water" at frequent and convenient locations around the entire periphery of the bay with public right-of-way, automobile parking and other appropriate facilities.

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

X. THE QUALITY OF WATER IN SAN DIEGO BAY WILL BE MAINTAINED AT SUCH A LEVEL AS WILL PERMIT HUMAN WATER CONTACT ACTIVITIES.

- Maintain a program of flotsam and debris cleanup.

- Insure through lease agreements that Port District tenants do not contribute to water pollution.

- Cooperate with the Regional Water Quality Control Board, the County Health Department, and other public agencies in a continual program of monitoring water quality and identifying source of any pollutant.

- Adopt ordinances, and take other legal and remedial action to eliminate sources of pollution.

XI. THE PORT DISTRICT WILL PROTECT, PRESERVE, AND ENHANCE NATURAL RESOURCES, INCLUDING NATURAL PLANT AND ANIMAL LIFE IN THE BAY AS A DESIRABLE AMENITY, AN ECOLOGICAL NECESSITY, AND A VALUABLE AND USABLE RESOURCE.

- Promote and advance public knowledge of natural resources through environmental educational materials.
-

  Identify existing and potential assets.

- Keep appraised of the growing body of knowledge on ecological balance and interrelationships.

- Encourage research, pilot programs, and development in aquaculture as long as it is consistent with this goal.

- Administer the natural resources so that impacts upon natural resource values remain compatible with the preservation requirements of the public trust.

XII. THE PORT DISTRICT WILL CONDUCT ITS OWN OPERATIONS ON AN EQUAL OPPORTUNITY BASIS.

- Engage in "affirmative action" programs in hiring, promotion and tenant relationships.

- Encourage Port District tenants to also engage in "affirmative action" programs.

XIII. THE PORT DISTRICT WILL MAINTAIN ITS MASTER PLAN CURRENT, RELEVANT, AND WORKABLE, IN TUNE WITH CIRCUMSTANCES, TECHNOLOGY, AND INTEREST OF THE PEOPLE OF CALIFORNIA.

- Provide a continual program of sequential and orderly growth while maintaining the natural resource values.

- Pursue the development of its own unique assets and potentials.

- Provide for the multiple purpose use of land and water to promote the advantageous development of the Port District.

- Curb the misuse of land so that it will not injuriously affect the people of the State of California through the prevention of substandard construction or unnecessarily add inappropriate developments.

- Prevent the abuse of land by curtailing abortive development and unfounded pollution contributors.

- Regulate the non-use or disuse of land by clearing unmarketable titles, withholding land from premature development, and restraining activities that would lead to discontinued use.

- Guide the reuse of land for more appropriate purposes by the clearance and redevelopment of the obsolete.

XIV. THIS STATEMENT OF GOALS AND THE MASTER PLAN SHALL BE REVIEWED ANNUALLY PRIOR TO ADOPTION OF THE BUDGET.

- To measure progress of Port District growth and development.

- To modify goals, objectives, and the Master Plan in light of current conditions, needs, and forecasts for the future.

- To communicate all proposed changes with the member cities for comment prior to adoption.

SECTION III
MASTER PLAN INTERPRETATION

The Port District Master Plan is unlike the typical city or county master plan, which has two broad categories of policies for guiding and coordinating development; one category dealing with publicly owned land and another category for privately owned land. The Port District Master Plan deals primarily with land, which the State Legislature has conveyed to the Port District to act as trustee for administration, and upon which the Port District has regulatory duties and proprietary responsibilities.

The extent of the tidelands conveyed to the Port District is indicated in **Table 3**. These tidelands, totaling approximately 5,483 acres, are the area to which the Master Plan relates. A summary, in tabular form, of the proposed land and water use allocations is indicated in **Table 4**.

Development and Conservation Strategy

The basic direction of development and conservation efforts in the coastal zone is, where feasible, to protect, maintain, enhance, and restore the overall quality of the man-made and natural coastal zone environment. Port development seeks to minimize substantial adverse environmental impacts; minimize potential traffic conflicts between vessels in the port; give highest priority to the use of existing land space within harbors for port purposes; and provide for a full array of beneficial activities including recreation and wildlife habitat uses. A balanced approach also takes into account the social and economic needs of the people of the State.

It may be necessary to locate in the coastal zone developments that may have significant adverse effects on coastal resources in order to insure that inland as well as coastal resources are preserved and that orderly economic development proceeds within the State.

The effective mechanism for producing improvements on Port tidelands is felt to lie in the expenditure of public money by the Port District on capital improvements for those fundamental improvements which are essential for balanced development of the tidelands, and which do not appeal to private investors. Direct Port District involvement will be of the type tending to stimulate the private sector into the inducement of private investments on tidelands in a manner that conforms to Port District plans.

Dredging, Filling and Shoreline Protection

Bay and shoreline modifications have played and will continue to play a significant role in the utilization and maintenance of San Diego Bay. All of the State tidelands now under Port District trusteeship were at one time submerged lands. The State of California has laid claim to almost all of the submerged lands in the State and, as a matter of planning policy for Port District tidelands, has encouraged the development of these tidelands for the purposes of commerce, navigation, fisheries and recreation. The tidelands that exist today as land or navigable waters do so as a result of dredging and filling activities rather than as a result of a natural process.

TABLE 3: EXISTING TIDELANDS AND SUBMERGED LANDS CONVEYED OR GRANTED TO THE SAN DIEGO UNIFIED PORT DISTRICT

	SAN DIEGO	*NATIONAL CITY*	*CHULA VISTA*	*CORONADO*	*TOTALS*
Shoreline (in miles)	16.6	2.8	4.8	8.9	33.1
Tidelands * (in acres)	1,550.8	396.0	209.7	313.2	2,469.7
Submerged Lands (in acres)	868.0	286.1	1,479.8	379.4	3,013.3
Total (in acres)	**2,418.8**	**682.1**	**1,689.5**	**692.6**	**5,483.0**

** Includes 421.3 acres of salt ponds.*

Tideland development takes place in an aquatic environment, subject to the rigors of ocean water, wind, wave and tidal action. Although San Diego Bay is offered a degree of protection from the ocean by land barriers, conditions within the bay caused by both weather and ship activity create needs for protective boat basins and shoreline erosion controls.

A comprehensive program for shoreline erosion protection and enhancement has been integrated into the Master Plan. The shoreline protection program's aims are to stabilize filled areas, maintain navigable channels and berthing areas, protect and reestablish wildlife habitat, protect coastal facilities and property values, retain and maximize the use of

TABLE 4: PORT MASTER PLAN LAND AND WATER USE ALLOCATION SUMMARY

LAND USE	*ACRES*	*WATER USE*	*TOTAL ACRES*	*ACRES*	*% of TOTAL*
COMMERCIAL	**457.9**	**COMMERCIAL**	**388.8**	**846.7**	**15%**
Marine Sales and Services	9.1	Marine Services Berthing	17.7		
Airport Related Commercial	38.0				
Commercial Fishing	8.3	Commercial Fishing Berthing	18.8		
Commercial Recreation	398.2	Recreational Boat Berthing	341.2		
Sportfishing	4.3	Sportfishing Berthing	11.1		
INDUSTRIAL	**1158.7**	**INDUSTRIAL**	**212.0**	**1370.7**	**24%**
Aviation Related Industrial	152.9	Specialized Berthing	164.8		
Industrial Business Park	69.5	Terminal Berthing	47.2		
Marine Related Industrial	318.6				
Marine Terminal	149.6				
International Airport	468.1				
PUBLIC RECREATION	**407.5 [413.7*]**	**PUBLIC RECREATION**	**681.1**	**1088.6 [1094.8*]**	**19%**
Open Space	66.9	Open Bay/Water	681.1		
Park/Plaza	211.0 [217.2*]				
Golf Course	97.8				
Promenade	31.8				
CONSERVATION	**485.3**	**CONSERVATION**	**1084.6**	**1569.9**	**28%**
Wetlands	375.8	Estuary	1084.6		
Habitat Replacement	109.5				
PUBLIC FACILITIES	**241.4**	**PUBLIC FACILITIES**	**387.9**	**629.3**	**11%**
Harbor Services	2.6	Harbor Services	10.5		
City Pump Station	0.4	Boat Navigation Corridor	274.3		
Streets	238.4	Boat Anchorage	25.0		
		Ship Navigation Corridor	53.9		
		Ship Anchorage	24.2		
MILITARY	**25.9**	**MILITARY**	**125.6**	**151.5**	**3%**
Navy Fleet School	25.9	Navy Small Craft Berthing	6.2		
		Navy Ship Berthing	119.4		
TOTAL LAND AREA	**2776.7**	**TOTAL WATER AREA**	**2880.0**		
MASTER PLAN LAND AND WATER ACREAGE TOTAL				**5656.7****	**100%**

**Includes 6.3 acres of rooftop park/plaza & inclined walkway*
*** Does not include 6.3 acres of rooftop park/plaza & inclined walkway*

shoreline recreational areas, and enhance options for revenue producing activities. Modernization of storm drains may include incidental minor dredging and filling, which will avoid or mitigate any potential adverse effects. Dredging, filling and shoreline protection projects are discussed in the plan text and are specifically identified in the project list for each Planning District.

Planning Policies for Site Selection

The short supply of developable waterfront sites and the increasing competitive demand has served to stimulate the development of evaluation techniques for assessing a potential user's need for a waterfront location. The determination of need is a major criterion in arriving at a decision on site leasing. In descending order of need, the following categories are established.

Water Dependent Uses require waterside sites and direct access to the water to function. For such uses, the land activity is directly related to a water activity and requires navigable channels and specialized facilities at the land-water interface. Examples of these include boat and ship building and repair, marinas, marine terminals, fishing piers, swimming beaches, and commercial fishing and sportfishing berthing and tending areas. Also included in the water dependent use category are conservation activities which require wildlife habitat consisting of waterside sites, wetlands, and shallow water that is needed to maintain the ecosystem including commercially valuable and scientifically rare and endangered plant and animal species.

Water Linked Uses do not require a waterside site but must be located in close proximity to the water to capitalize on the benefits derived as a result of reduced material handling cost, reduced on-site storage requirements, faster deliveries, a reduction of industrial or other unusual types of traffic on public roads, and special service to water dependent uses. Uses of this type that might be cited as examples include boat sales, sailmaking, fish markets, canneries, fishing tackle sales, and marine hardware sales.

Waterfront Enhancing Uses do not require waterfront sites but can, with special effort, lend enhancement to the waterfront. Such uses draw from the water dependent and water linked use activities as well as from other activities. Examples include restaurants, hotels and public recreation areas providing facilities for golf, field sports and passive recreation.

TABLE 5: PORT DISTRICT SHORELINE BY ACCESS CLASSIFICATION

	SHORELINE LENGTH	
	Miles	***Percentage***
Class I	10.22	30.88
Class II	8.26	24.95
Class III	8.61	26.01
Class IV	6.01	18.16
TOTAL	**33.10**	**100.00**

Public Access to the Shoreline

The total existing shoreline around San Diego Bay, starting and ending at the City of San Diego boundary across the harbor entrance, approximates 54.01 miles in length. The proprietary interests controlling the entire bay shoreline have been identified in the Introduction *(see Table 2)*.

The San Diego Unified Port District has been granted tidelands with a shoreline frontage approaching 33.1 miles, a length equivalent to 61.3 percent of the total bay shoreline. This Master Plan makes provision for differing degrees of physical and visual access to the shoreline in a manner that is consistent with the activities being conducted on the land and water areas involved, and the proprietary interests of the private land owners, lessees, and public rights and needs. Maximum access to the shoreline is encouraged except where security or public safety factors would negate. The location and size of public accessways are guided by considerations for the availability of other recreational areas and support facilities, the proximity to users, the size and physical characteristics of the site and the potential impact the accessway has on the nature, intensity and ownership of existing and planned uses, both on site and in adjacent developments. Major visual access points and physical accessways to public recreational areas are indicated by symbol on the plan maps. In order to pursue the development of physical accessways, the following access categories are established *(see Table 5)*.

Class I applies to shoreline areas proposed for or developed by the Port District for public recreational purposes, including the provision for on-site parking. Public use in this category occurs on property that is unleased, user fees are not involved, and planning policy maximizes direct physical access to and along the shoreline and to public recreational areas. Class I areas usually involve those use categories shown on the Land and Water Use Maps of the Precise Plans as public park, promenade, boat launching ramps, fishing piers, and bicycle corridors. About 10.22 miles or 30.88 percent of the total shoreline under the jurisdiction of the Port District is in Class I.

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 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 or 24.95 percent is in Class II.

Class III involves leased, developed shoreline areas upon which private or public investment has constructed commercial recreational facilities. The lessee promotes recreational related uses to the user-fee paying public and public access is best controlled by the management of the development. On the maps of the Precise Plans, Class III applies to those shoreline areas shown as sportfishing, recreational boat berthing, specialty shopping, golf course, and commercial recreation. The Commercial Recreation category includes restaurants, which draw substantial numbers in all age groups involved in dining for pleasure; hotels, marinas, and yacht clubs. Approximately 8.61 miles or 26.01 percent of the total shoreline under the jurisdiction of the Port District is in Class III.

Class IV applies to non-recreational areas developed with public or private funds to accommodate industrial activities, military bases, and sea or air transportation facilities. General public access is prohibitive due to security and public safety reasons although, when possible, visual access is encouraged for viewing the more interesting aspects of industrial or transportation activities, which contribute to the image of a working port. Class IV areas are shown on the Precise Plan maps as marine terminal, marine related industrial, aviation-related industrial, and Navy Fleet School. Of the total shoreline over which the Port District has jurisdiction, approximately 6.01 miles or only 18.16 percent is allocated to Class IV.

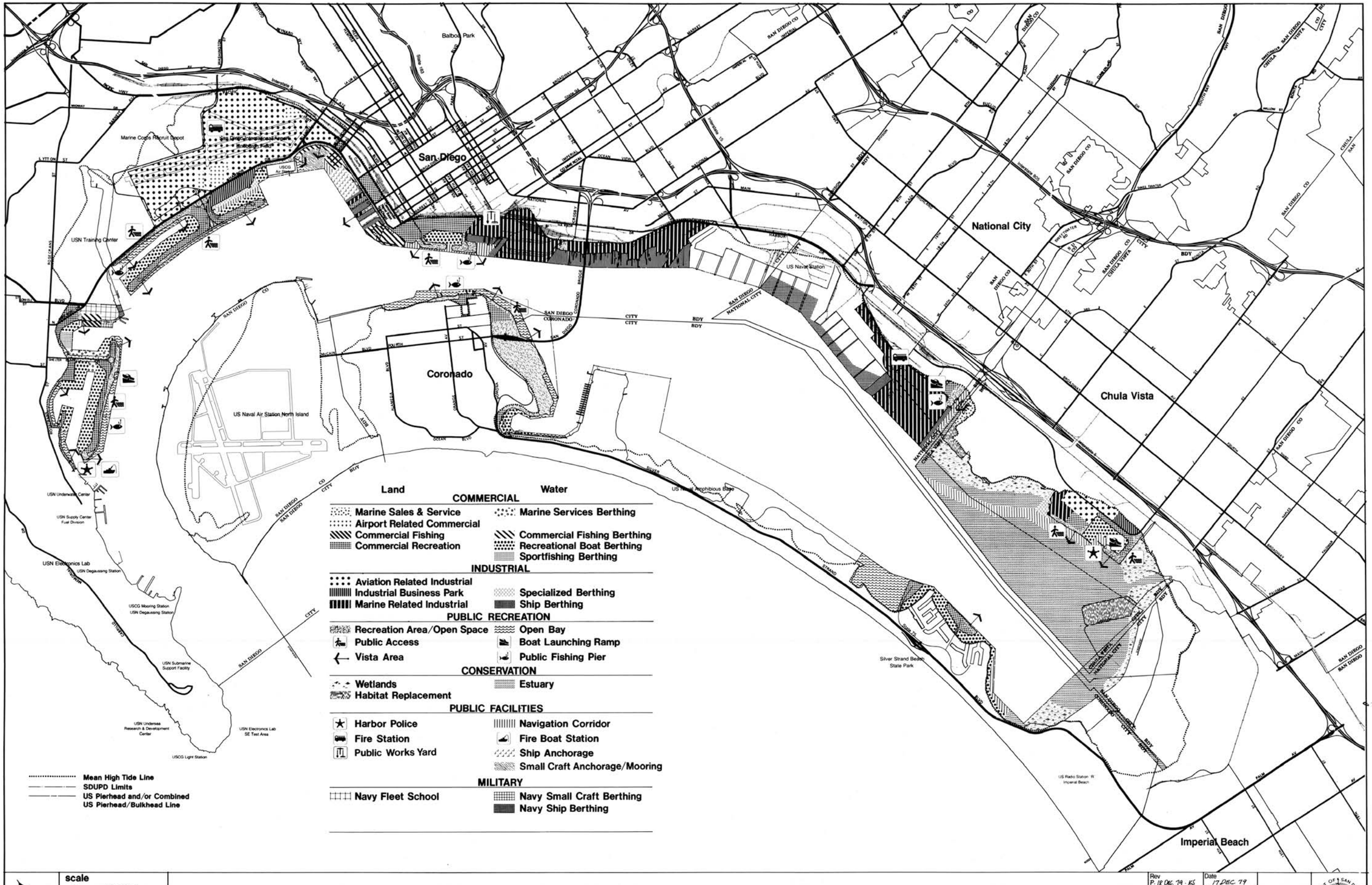
Artwork and environmental educational materials along the accessways to the Bay shoreline are encouraged as enhancements to the waterfront experience, consistent with maintaining the functionalities of the accessways.

In addition to the many miles of public access to San Diego Bay, citizens of our metropolitan area and tourists enjoy 70 miles of public ocean beaches and 26 miles of public park shoreline in Mission Bay. This area has public access to the shoreline which is unique in the world.

Permitted Uses

Permitted uses for all Port District tidelands are identified in terms of the land and water use designations, which are defined in this Master Plan document. Although specific uses have been listed, the intent is to indicate compatible use groups. Specific uses that are currently not listed may be included in a use group if similar in character and compatible. The plan making process has been based on a definitive sequence of studies and activities that consider the physical, environmental, social, economic, and political determinants of land use. The proposed land and water use allocations set forth in the plan reflect a balanced distribution of activities for the entire bay, evolved after considerable consideration of many factors and issues.

Works of art and environmental educational materials in permanent or temporary placements are a permitted use in all terrestrial public and leased Port District planning sub-areas excluding wetlands and other environmentally sensitive habitats, and provided the art and educational materials are consistent with maintaining the functionalities of the accessways.


San Diego
Coronado
National City
Chula Vista
Imperial Beach
Balboa Park
Marine Corps Recruit Depot
San Diego International Airport
Lindbergh Field
USCG Air Station
USN Training Center
US Naval Station
US Naval Air Station North Island
USN Undersea Center
USN Supply Center Fuel Division
USN Electronics Lab
USN Degaussing Station
USCG Mooring Station
USN Degaussing Station
USN Submarine Support Facility
USN Undersea Research & Development Center
USN Electronics Lab SE Test Area
USCG Light Station
US Naval Amphibious Base
Silver Strand Beach State Park
US Radio Station "R" Imperial Beach
Land
Water
COMMERCIAL
Marine Sales & Service
Airport Related Commercial
Commercial Fishing
Commercial Recreation
Marine Services Berthing
Commercial Fishing Berthing
Recreational Boat Berthing
Sportfishing Berthing
INDUSTRIAL
Aviation Related Industrial
Industrial Business Park
Marine Related Industrial
Specialized Berthing
Ship Berthing
PUBLIC RECREATION
Recreation Area/Open Space
Public Access
Vista Area
Open Bay
Boat Launching Ramp
Public Fishing Pier
CONSERVATION
Wetlands
Habitat Replacement
Estuary
PUBLIC FACILITIES
Harbor Police
Fire Station
Public Works Yard
Navigation Corridor
Fire Boat Station
Ship Anchorage
Small Craft Anchorage/Mooring
MILITARY
Navy Fleet School
Navy Small Craft Berthing
Navy Ship Berthing
Mean High Tide Line
SDUPD Limits
US Pierhead and/or Combined
US Pierhead/Bulkhead Line
scale
0 2000 feet
0 500m 1km
Planning Department
LAND AND WATER USE ELEMENT
Rev
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P. 17 July 95: KS
P. 12 AUG. 96 IMAN
Date
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Base
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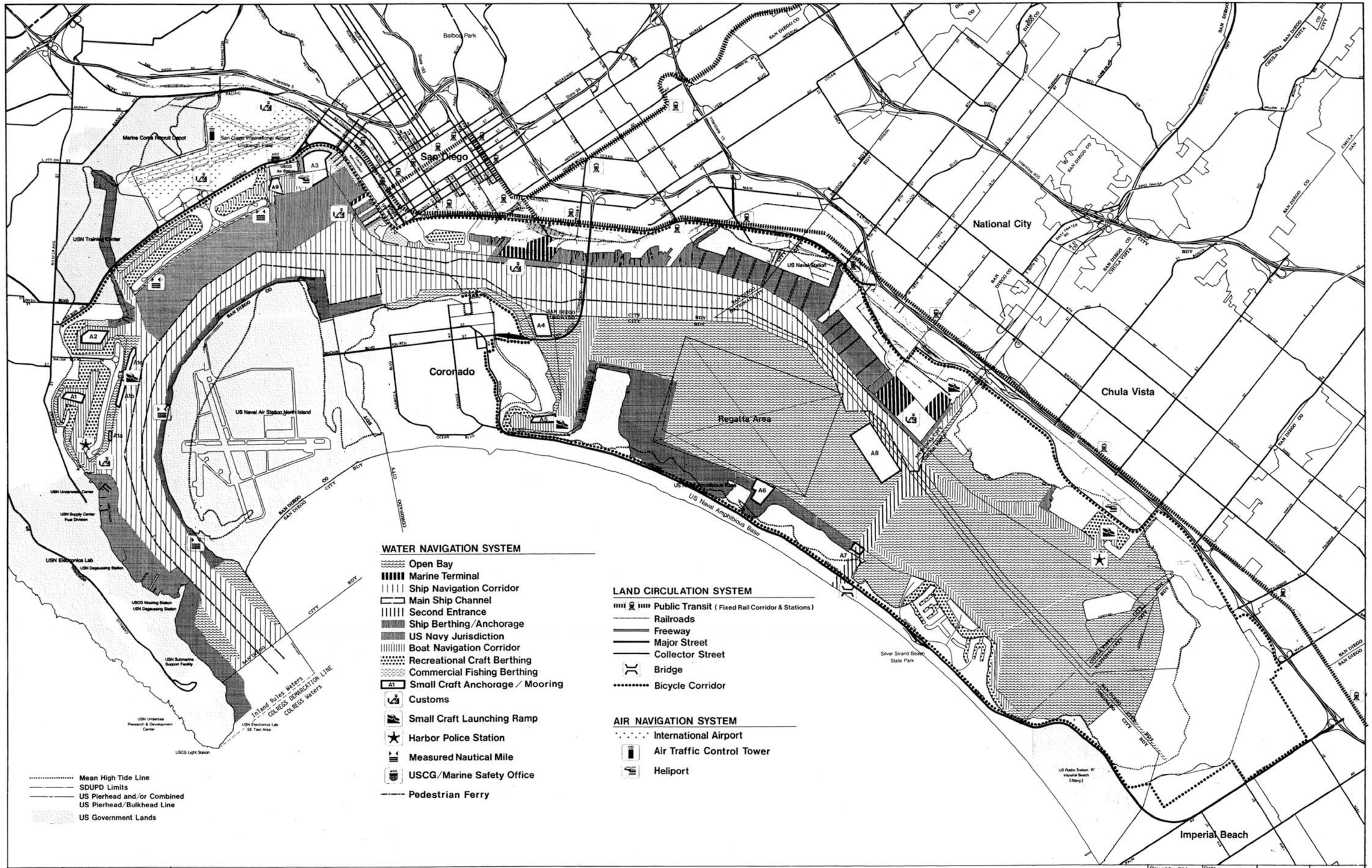
Master Plan
PORT OF SAN DIEGO UNIFIED PORT DISTRICT

Figure 2a



Balboa Park
San Diego
Marine Corps Recruit Depot
San Diego International Airport Lindbergh Field
USN Training Center
National City
Chula Vista
Coronado
US Naval Air Station North Island
Regatta Area
US Naval Station
US Naval Amphibious Base
Silver Strand Beach State Park
Imperial Beach
USN Undersea Center
USN Supply Center Fuel Division
USN Electronics Lab
USN Degaussing Station
USCG Mooring Station
USN Degaussing Station
USN Submarine Support Facility
USN Undersea Research & Development Center
USN Electronics Lab SE Test Area
USCG Light Station
Inland Rules Waters
COLREGS DEMARCATION LINE
COLREGS Waters
A1
A2
A3
A4
A5
A6
A7
A8
A9
WATER NAVIGATION SYSTEM
Open Bay
Marine Terminal
Ship Navigation Corridor
Main Ship Channel
Second Entrance
Ship Berthing/Anchorage
US Navy Jurisdiction
Boat Navigation Corridor
Recreational Craft Berthing
Commercial Fishing Berthing
Small Craft Anchorage / Mooring
Customs
Small Craft Launching Ramp
Harbor Police Station
Measured Nautical Mile
USCG/Marine Safety Office
Pedestrian Ferry
LAND CIRCULATION SYSTEM
Public Transit (Fixed Rail Corridor & Stations)
Railroads
Freeway
Major Street
Collector Street
Bridge
Bicycle Corridor
AIR NAVIGATION SYSTEM
International Airport
Air Traffic Control Tower
Heliport
Mean High Tide Line
SDUPD Limits
US Pierhead and/or Combined US Pierhead/Bulkhead Line
US Government Lands
scale
0 2000 feet
0 500m 1km
Planning Department
CIRCULATION/NAVIGATION ELEMENT
Master Plan

Figure 2b

Commercial



Land Use Objectives & Criteria

Each commercial area on District lands should have:

- convenient access from major arterials or transportation terminals and ample on-site parking for patrons.
- a unifying design theme enhancing the overall aesthetical qualities of the site and insuring compatible land and water uses benefiting the unique aspect of commercial activities at bayside locations.
- a minimization of the competitive hazard to existing or potential business in the general vicinity.
- a clustering of commercial activities enhancing cumulative attraction wherein complementary and similar units have high incidence of customer interchange and draw more business by being together.

Master Plan Interpretation

Commercial areas, occupying approximately 360 acres of land and 415 acres of water, have been designated in the **Land and Water Use Master Plan Map** in a total of seven major land and water use classifications. These classifications and map delineations include land area for airport oriented commercial activities; land area for commercial fishery operations along with commercial fishing fleet berthing in water areas; land based commercial-recreation areas; water areas for sportfishing berthing and recreational marinas including boat repair facilities. Existing and proposed commercial areas are delineated on the Map to define the general location of commercial areas. More definitive delineations of the exact limits of commercial areas are provided on Planning District maps.



The **Airport Related Commercial** area delineated on the Land and Water Use Element Map is easily accessible to the Interstate freeway system, established airport related firms, and to the airport terminal complex. This category of land use is linked to Lindbergh Field, which is discussed under the heading of aviation-based transportation systems, and to aviation related industrial uses discussed on *page 21*.

Part of this commercial area, located on Pacific Highway between Sassafras and Laurel Streets, is close to but removed from the major flow of traffic to the airport terminal. Thus some traffic associated with airport related commercial uses can be routed away from the terminal. While this use area is exposed to aircraft noise, the proposed land uses are dependent upon the airport, and should have better tolerance of this annoyance.

Established airport related commercial activities in the area provide the nucleus for further clustering and expansion. Activities typically associated with this use category include travel service; airline ticket offices; airline administration; aviation service leasing, training and sales; travel insurance; air freight; flight food preparation; restaurants; lounges; customs broker; weather information service; pilot briefing information services; and automobile rentals.



The **Commercial Fishing** area is intended to meet the needs of the bona fide commercial fishing fleet for: marinas, berthing and moorings, net mending and the minor repair of fishing equipment; the loading of stores and provisions; fish unloading and transshipment; and fresh fish market operations involving restaurants, retail and wholesale operations, including some limited accessory fresh fish processing activities that are not associated with

visual, odor and water pollution. Fish cannery and fish reduction activities are considered as marine oriented industrial uses and are excluded from this commercial classification, although it is recognized that the uses are functionally linked. Other uses associated with the commercial fishing developments include marine management and advisory services, marine custom brokerage, fueling docks, fishing consultants, and fishing organization offices.

In the San Diego region, there are approximately 40 species of fish, crustaceans and mollusks in the California waters market fishery. The most significant proportion of San Diego landings taken from California waters is currently centered around Pacific bonito, albacore, sea urchin, rockfish, white sea bass, shark, yellowtail and swordfish. Abalone and spiny lobster are also significant fisheries but have been declining in annual catch. Some fishermen suggest a growth potential in San Diego for wet fish processing involving hake, squid, anchovy and mackerel. Fish landings from waters south of the state have shown significant irregularities but steady decline year-to-year in both species of fish and total catch. The long-range tuna seiners, many of which use San Diego as homeport, follow the worldwide migration of the fish and the fish landings are also widely scattered. None of the tuna catch is shipped to San Diego for processing.

The number of commercially licensed fishermen in California went through a marked decline in the 1950's; a slow, small increase in the 1960's; and an increase in the 1970's so that by 1976, the statewide total had returned to the levels of the early 1950's. Despite this turnaround, there are fewer commercial fishermen per capita than in 1950. The licensed commercial fishing population in San Diego County, which numbered 2044 in 1978, represents less than 15 percent of the statewide commercial fishing population and is growing at half the rate of the statewide total. Unlike the statewide figure, the San Diego total has not returned to the level of the early 1950's.

The composition of the California commercial fishing fleet shows several changes since the 1950's. Statewide, commercial fishing vessels under 25 feet in length have made the most dramatic increase and comprised about 40 percent of the statewide fleet in 1975. These smaller vessels fall into a trailerable classification and, locally, the most sizable portion of the lobster and crab fleet vessels are about 18 to 22 feet in length. Many are launched at public launching ramps during the fishing season, and in off-season are dry stored. Statewide, over one-third of the total licensed commercial fishing fleet ranges in length from 26 to 40 feet, and about one-fifth are 41 to 65 feet in length. That portion of the statewide fleet over 66 feet in length has decreased from nine percent in 1950 to just over four percent in 1975. Unlike the statewide fleet, the portion of the San Diego fishing fleet that is in the over 66 feet length range, since 1950, made up approximately 25 percent of the local total. This unusual grouping in the longer length category is primarily due to the purse seiner fleet.

Locally, vessels licensed for commercial fishing include charter sportfishing and recreational craft without commercial fishing equipment, as well as commercial fishing vessels. Approximately one-third of the vessels licensed locally for commercial fishing and used exclusively in commercial fishing are granted a preferential property tax assessment rate, although this number still includes some sportfishing and research vessels. It is noted that during a four year period prior to 1978, an annual total of under 230 locally licensed commercial fishing vessels, exclusive of research, party sportfishing and tuna seiners, have been found to be exclusively used in commercial fishing and granted a preferential tax assessment rate.

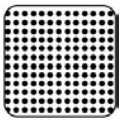
Berthing areas exclusively set aside for the market fishing boats, including baitboats, need to be: protected from wave and wake action, be accessible over low rise piers or floats; located within convenient proximity to fuel and ice supply; provided with dockside fresh water, electricity, trash containers, gear working areas, unloading areas, and hoist; supported with shoreside facilities for marina management, restrooms, equipment storage facilities, pumpout and disposal facilities for waste oil, and automobile parking; and gated and lighted for security. Transshipment areas provide space for fish bucket storage, weighing facilities, inspection area and loading of motor transport for distant canneries. Berthing and offloading areas for transshipment purposes that go beyond that currently provided can be adequately accommodated at the marine terminals. Berthing needs for the tuna seiners include 25-foot-deep water and pier structures strong enough

to support fire trucks and salt delivery trucks. Net tending areas with a minimum-size smooth surface of 50 to 175 feet located parallel to the seiner berths are considered desirable.

It is the intent of this Plan to encourage the development of the local fish market fishery. Facilities for the commercial fishing industry are not to be reduced or eliminated unless the demand for the facilities no longer exists or adequate alternative space has been provided. Berthing, fresh market fish unloading, and net mending activities are encouraged to be exposed to public view and to be a part of the working port identity.

The commercial fishing areas delineated on the Master Plan's Land and Water Use Map, and given more precise location and explanation in the Precise Plans, encourage the efficient use of coastal waterfront space by identifying sites best suited to meet the needs of the short-range market fishing boats, the deep draft vessels of the long-range tuna seiners, the preservability of fish products, and the high cost of preserving and transporting unprocessed fresh fish.

The commercial fishing activity is provided for in the Master Plan, with an allocation of about 61 acres of water and 14 acres of land. Sites provided include, in Planning District 1, the Shelter Island Commercial Basin; in Planning District 3, berthing along the seawall in the crescent area adjacent to Harbor Drive and around the "G" Street Mole where breakwater piers provide a protected fishing boat basin for 98 slips.



The **Commercial Recreation** area. Land use demand forecasts have established a basis for anticipating continued demand for commercial recreational type facilities due to trends drawn from the convergence of numerous factors, of which the most significant are expendable income, paid holidays, leisure time, population, education, travel habits, and new modes of transportation. All of these are increasing while the average number of working hours is decreasing. It seems likely that activities associated with water-based pursuits will continue to be among the most popular. The trends are almost certain to have considerable repercussions on the full range of leisure services. Tourism in the San Diego Bay region is a significant economic base activity, and at the national level, it figures highly in maintaining the balance of payment.

Activities associated with commercial recreation contribute to the economic base of the region with full-time jobs, secondary employment for part-time help, and spin-off employment opportunities in construction, warehousing, trucking, custodial, and personal services. It is the intent of this Master Plan to create attractive destinations in carefully selected locations around the bay to serve the needs of recreationalists for lodging, food, transportation services, and entertainment. Site amenities are to be enhanced and over-commercialization is to be avoided by the balanced development of commercial and public recreational facilities.

Commercial recreation allocations of the Land and Water Use Map include approximately 400 acres of land and about 352 acres of water area, including sportfishing and recreational craft berthing. The Commercial Recreation category includes hotels, restaurants, convention center, recreational vehicle parks, specialty shopping, pleasure craft marinas, water dependent educational and recreational program facilities and activities, dock and dine facilities (public boat docks located in proximity to a restaurant or other retail use where boaters may tie up and disembark for a short period of time to dine, shop, or enjoy other recreational activities), and sportfishing, which are discussed or illustrated in the various District Plans.

Hotels and Restaurants located on San Diego Bay cater to markets involving leisure recreation, tourism, business travel and specialized conference facilities accommodating conventions, training, seminars and meetings. Of growing importance are the attractions or amenities of the restaurant, which caters to the varied age groups dining for pleasure, and the hotel as a provider of more than just rooms. Overnight accommodations should be provided for a range of incomes.

Hotels constitute a significant part of the local recreation industry and, as generators of ancillary business such as restaurants and specialty shops,

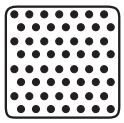
have an important influence on land use. Uses typically associated with hotels, frequently in the same building or on the same site, include lodging; coffee shop; cocktail lounge and restaurant; specialty shops for gifts, sundries, cigarettes, candy, liquor, clothing and sporting goods; tourist information and travel services; auto service station; personal services such as dry cleaning, barber and beauty shop; convention, banquet and conference rooms; and recreational facilities such as swimming pools, cabanas, game rooms, tennis courts, putting green, boat and bicycle rental or charter, and theatrical entertainment. In addition to the man-made structures and organized sports facilities, hotel locations on the bay feature waterfront locations with easy access to beaches, scuba diving and snorkeling, deep sea fishing, sailing, water skiing, boat rides, and "whale watching" during the whale migration season. New hotel locations are allocated in Planning Districts 2, 3, 6, 7 and possibly 8.

Specialty Shopping involves the planned assembly of stores, frequently operating within a unified building complex, designed to give patrons a varied selection of retail goods, personal services, and entertainment facilities. Activities typically found in specialty shopping areas include restaurants and the retail sale of ice cream, dessert items, beverages and sandwiches; artisan activities associated with the production and sale of hand-crafted gift items, and original works of art; professional office space; retail shops handling gifts, novelties, clothing, jewelry, and home furnishings; wholesale and retail fish sales, fish and seafood processing, and unloading docks for vessels and trucks. Characteristic of shopping centers, the specialty shopping developments allocated on tidelands are usually managed and operated as a unit. Shopping areas will feature a major open space format, separate pedestrian traffic from vehicular movement by emphasizing pedestrian mall and plaza developments improved with landscaping, sitting areas, fountains and sculpture. Specialty shopping areas are allocated in Precise Plans for Planning Districts 3, 6, and 7.

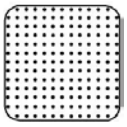
Pleasure Craft Marinas are encouraged to provide a variety of services for boats and boat owners. Services could possibly include in-season wet and dry berthing and dock lockers; boat rentals, charter and sales; sailing schools and membership sailing clubs; fueling docks; launching for transients; automobile parking; dockside electricity; fresh water and telephones; holding tank pumpout stations and disposal facilities for waste oil and hazardous substances; restrooms and showers; repairs; maintenance; off-season storage; ice and fuel. Accessory facilities provided as part of a full-service marina or in the commercial recreational areas and within close proximity to the marinas should include shopping areas for groceries, medicine and clothing; restaurants; shoreside living and recreational accommodations for boatmen; marine supplies; boating equipment; navigation instruments; marine electronics; and sailmaking. Users requiring water frontage are given preference because it is desirable to maintain a dynamic waterfront in recreational areas, which is functionally sound and capable of providing essential services to the operation of a small craft harbor. Proposed recreational boating facilities, to the extent feasible, are to be designed and located so as not to interfere with the needs of the commercial fishing industry.



Recreational Vehicle / Camping parks provide low cost, visitor serving recreational opportunities for enjoying scenic and commercial amenities on the Bay. Such parks may contain ancillary facilities such as offices, pool/spas, snack bars, general stores, meeting spaces, game rooms, laundry rooms, associated parking spaces, and playground equipment. Recreational Vehicle/Camping park designated areas are found in Planning District 7.



Recreational Boat Berthing. Water area used primarily for recreational craft storage, refueling, boat brokerage storage area, sailing school docking, water taxi, excursion ferry and charter craft operations, guest docking, boat launching, sewage pump out, water craft rental, boat navigation corridors, breakwaters for recreational craft protection, navigation facilities, aids to navigation, floats, docks, piers, breakwaters, wave attenuation structures, seawalls, shoreline protection, and any other necessary or essential facilities for providing water-side docking refuge to recreational marine craft and commercial passenger vessels.



Sportfishing. Deep-sea sportfishing is big business in California and San Diego enjoys a major share of that activity. The local fleet takes a large portion of the State's total sportfishing catch of the larger sport fish – yellowtail, yellowfin, albacore, and giant sea bass. Sportfishing brings new revenue into the region from customers heavily drawn from the Los Angeles metropolitan area, and from a small but important segment of out of state fishermen.

The intensity of sportfishing activities reflects the cyclical nature of the sportfishing operations (half day and full day), and the seasonal nature of sportfishing for certain fish species that produces a winter slack season. The size of the local sportfishing fleet also increases two to three times during the peak period from April to September. Operating schedules for most boats provide for pre-dawn departures and return near or after sunset, which forces odd hour maintenance, refueling and store replenishment times. Sportfishers must unload catch, receive major repairs and spare parts, and on-load provisions in the short turn-around time between trips. Activities linked to sportfishing include fishing tackle rental and sales, fueling docks; bait barge facilities; catch processing and exchange; taxidermy services; lodging and transportation services; restaurant, food and beverage sales; and automobile parking.

Sportfishing boats in San Diego Bay, estimated at over 80 part time and full time vessels in 1978, have been centered in the Commercial Basin of Shelter Island. The typical sportfishing boat in San Diego Bay is over 65 feet in length with a beam of approximately 20 feet, a draft of about six feet or less, and a weight of approximately 60 gross tons. Fishermen capacity averages around 30 passengers per trip. All such vessels are inspected and certified by the U.S. Coast Guard as to their seaworthiness and their capacity. Capacity, although considering rail space, deck area and fixed seating, is ultimately based on the stability calculations of the vessel.

The bulk of the local fleet is open party or charter day and half-day boats, although long-range trips are available. Marketing efforts are being made to extend use of the boats throughout the entire year with diving trips, local whale watching excursions, and natural history expeditions into Baja California. The longer and more specialized trips of from five to 16 days are becoming increasingly important. Current trends, stimulated by growth in the sportfishing industry and a desire to reach better fisheries farther off shore, are toward larger boats, more luxurious amenities, installation of better electronic support equipment, and improvements in propulsion systems. Vessels reaching sizes in excess of 100 gross tons will probably be discouraged by the U. S. Coast Guard regulations that are more stringent in terms of material inspection and certification, and in the qualifying of skippers, than for vessels under 100 gross tons. Uncertainties as to possible growth and even stability in the sportfishing operations have been affected by Mexican laws governing offshore fishing grounds and by the growing interest in reserving national fishery rights within a 200-mile limit.



Marine Sales and Services include activities such as ship chandleries; marine hardware and electronic sales; sailmaking and repair; boat covers; marine fueling stations; marine engine repair; boat building and repair; boat sales and rentals; sailing schools; temporary facilities supporting transient boats and regattas; diving and limited salvage operations; marine sign carving; nautical artifacts, and professional services such as marine architecture and marine engineering. Ancillary uses, when specifically provided for in the property lease, include fish transshipment and no more than 10% of the site may be used for walkup window-type food and beverage services with limited outdoor table seating provided such uses do not materially interfere with the function and operation of the primary Marine Sales and Services use. Considerable linkages exist between commercial and recreational boating activities and those services which supply, repair, outfit and provision them. Several of these activities have small space needs and if clustered together, can increase their attraction for marine service purchasers. Three major use categories in this division include boat sales, boat building and repair, and marine services berthing.

Boat Sales and rental activities involve primarily the dry storage and display of boats and yachts. The display of boats adds significantly to the nautical

atmosphere of the planning area and should be situated in such a manner to add to the visual character of the area without appearing cluttered. Boat display areas should be clearly designated as such, and landscaped and otherwise treated with screening and other design features to achieve a well ordered display area. Boat display areas should not be permitted to usurp on-site parking space, not to encroach upon sidewalks or parking strips. Land uses in this category include on-site parking, boat display areas, boat loading and unloading areas, and demonstration space. Related uses such as insurance agencies and financing facilities may be permitted but are encouraged to cluster with similar services in designated marine service complexes.

Boat Building and Repair facilities normally provide for small craft (under 65 feet) to differentiate them from heavy industrial shipyards. Boatyards can provide points of interest to passersby if their locations are evaluated with such objectives in mind. Screening and viewing treatments of the various boatyards should be an integral part of each boatyard design. Acceptable land uses associated with boatyards are: boat lift and marine railroad; yacht brokerage; the construction, maintenance, repair, painting and mooring of boats; sale and installation of marine engines, supplies, equipment, machinery and accessories on boats; sailmaking and canvas boat covers; assembly and repair areas; delivery areas and material storage areas; on-site parking; and administrative areas. Ancillary uses include marine service stations, the storage of oil and filters, and offices for fuel sales. Special use, frequently non-exclusive to the site, may involve fish off-loading by commercial fishing boats and fish sales offices when specifically provided for in the property lease. Painting, sanding and grinding areas should be located and screened to prevent the airborne distribution of particles to adjacent land and water areas. Boat repair activities are encouraged to be limited to craft of 65 feet or under to maintain the low profile and scale of the structures in the area.





Marine Services Berthing provides slips used to temporarily berth boats being serviced at boat building and repair yards, boat sales and rentals, fueling docks, and marine accessory sales.

When specifically provided for in lease permits, fish off-loading can occur. These berthing areas should be provided with navigable water to accommodate the largest recreational and commercial vessels. Natural flushing action, especially in the vicinity of the boat building and repair yards, is desirable. Pier structures should be built to accommodate larger vessels, and to provide sufficient access for delivery of parts and repair equipment. Leasing for the purposes of residential living afloat is prohibited by the Port District Act. Marine services berthing should be located adjacent to its associated land use wherever possible. The location of the land and water areas allocated to marine sales and services is illustrated on Land and Water Use Element Map and the Precise Plans for Districts 1, 6, and 7.

Industrial

Land Use Objectives & Criteria

Industrial activities on tidelands should:

- be located in convenient proximity to other industrial areas and to living areas from which there are interconnecting transit and thoroughfare routes.
- provide, under single ownership, a variety of reasonably level, well-drained sites on land that is either vacant or on developed lands that can be phased out economically for redevelopment.
- provide sites that are economical to develop and adequate for main buildings, accessory storage, off-street loading, off-street parking, and buffer strips.
- be designed to meet performance standards adequate to avoid nuisances, thereby insuring compatibility with surrounding uses.
- be limited to industrial uses which have a definite need for the availability of utilities, direct access to railroads and major thoroughfares, and the proximity of either airport or water frontage.
- provide substantial benefits to both local economic needs and to the regional hinterland.

Master Plan Interpretation

Industrial areas have been designated on the overall **Master Plan Land and Water Use Element Map** in four classifications; land area for Marine Related Industry, and corresponding water areas for Specialized Berthing; land areas for Aviation Related Industrial activities; and land area for Industrial-Business Park development. Marine Terminals, as a distinct use classification has been delineated in the Precise Plans; however, in the overall plan, terminals are grouped into the Marine Related Industry category. The Land and Water Use Element Map illustrates the allocation of industrial areas consisting of approximately 186 acres of water and 1,181 acres of land.

Marine Related Industry requires sites within close proximity to water bodies due to functional dependencies on the industrial activity for direct access or for linkages to waterborne products, processes, raw materials or large volumes of water. Prime waterfront industrial sites are in relatively short supply and it is the intent of this Plan to reserve these sites for Marine Related Industry.



The primary users of marine related industrial areas are dependent upon large ships, deep water and specialized loading and unloading facilities, typically associated with shipbuilding and repair, processing plants and marine terminal operations. Industries linked to these primary industrial activities can be clustered together to capitalize on the benefits of reduced material handling costs, reduced on-site storage requirements, faster deliveries, and a reduction of industrial traffic on public roads.

Existing, established marine-oriented industrial areas that have been devoted to transportation, commerce, industry and manufacturing are encouraged to modernize and to construct necessary facilities within these established areas in order to minimize or eliminate the necessity for future dredging and filling in new areas. However, expansion into new areas can be accommodated if existing sites

are pre-empted by other uses, alternative locations are infeasible, and a curtailment of the project would adversely affect the public welfare.

Activities suitable for the marine related industrial area include, but are not limited to, marine terminals, passenger terminals; railroad switching and spur tracks; cargo handling equipment such as bulkloader and container crane; berthing facilities; warehouses, silos, fueling facilities; bulk liquid storage tanks and pipelines; shipping offices and custom facilities; power generation plants; ship building, repair and conversion yards; marine rails, lifts and graving docks; steel fabrication and foundry; storage, repair and maintenance of marine machinery and construction equipment; kelp and seafood processing, canning and packaging; aquaculture; and marine related support and transportation facilities.

Although commercial mariculture uses relating to seafood production are not presently established on the bay, research and experimentation, which has been conducted in the region as well as on the bay, indicates that warm water stimulates the growth rate of certain marine organisms, such shrimp and lobster. Assuming that economic viability of mariculture will be achieved, future sites for mariculture activities could be located within close proximity to the existing thermal discharge areas of power generation plants to take advantage of the available warm water. There seems to be some likelihood that future aquaculture activities could be conducted in man-made tanks located in enclosed buildings and in converted salt ponds. Areas of the bay designated on the Master Plan Map as Estuary and Salt Ponds also include aquaculture and resource-dependent uses.

Due to the fact that public access to the bay is necessarily limited in established industrial sectors, it is the intent of this Plan that, whenever feasible, industrial land and water users are encouraged to invite the public to view their operations and to share with the public that shoreline area not actually used for industrial purposes by permitting visual access to the bay. The development and redevelopment of marine related industrial areas requires careful consideration involving a balancing of the peculiar needs of the development with the concurrent need for shoreline access.

Specialized Berthing. Water area devoted to marine commercial and industrial uses including ship building and repair, water taxi, excursion and ferry craft, commercial fishing boat berthing as a priority use, cruise ship berthing, maritime museum exhibits and historic craft replicas, water intake and discharge, industrial and commercial launching, vessel loading and unloading, marine contractors, rigged vessels, barges, tugs/tow boats, breakwater, launch ramps and lifts, seawall margin wharves, and any other facility supporting the marine craft engaged in commercial and industrial uses. Specialized waterside structures, some of a temporary nature, are required to satisfy the special requirements of marine projects and marine-related industrial processes and activities. Typical specialized berthing includes dry docks, graving docks, heavy lift equipment, barge cranes, mooring dolphins, pile supported platforms, steel hatch decking, margin wharves, ship berths for a variety of cargo, such as roll on/roll off containers, bulk loading, and break bulk.



Marine Terminals and the harbor constitute one of the State's primary economic and coastal resources, functions as an essential element of the national maritime industry, and serves as a strategic facility

in the national defense system of the United States. This Southern California harbor is located ten miles northwest of the United States-Mexico border, and approximately 95 and 455 nautical miles southeast of Los Angeles and San Francisco, California, respectively. The Port's location, latitude 32°41'58" north and longitude 117°13'22" west, positions it to be the first and the last major port of call on the Pacific Coast for ships in the intercoastal, South and Central America and around-the-world trade routes.

The Port is charged with the responsibility for providing the facilities for handling, marshalling and unloading/loading cargo. Cargo storage space includes long and short-term dry storage, warehouses, silos, cooler and freezer space, and open public storage areas. Warehouses have railroad connections and all are easily accessible to arterial highways. The Port provides railroad hopper car unloading facilities, a traveling bulk shiploader with conveyor boom, and a 40 long-ton, electric traveling container handling crane with hinged cantilevered boom.

San Diego is a landlord port rather that an operating port. Port, tug and port pilot, and terminal and stevedore services are provided by private companies. Diversified handling equipment is maintained by the operators, and special services are provided including packing and crating, forwarding, pool car distribution, carloading, weighing, stamping, marking and drayage. Port of San Diego operators enjoy a number of existing favorable conditions such as long experience and expertise in distribution, lack of congestion, negligible pilferage, low insurance rates, ample warehousing, and a climate which is ideal for year-round all weather operations. A more detailed description of the marine terminals is provided in Planning Districts 3, 4 and 5.

The continued increase in the worldwide demand for basic minerals and the potential depletion of land based supplies could stimulate more interest in ocean floor mining beyond that currently under way or that being considered for offshore oil and natural gas. The development of marine mining technology is well under way, although questions as to economic feasibility and national or political jurisdictions are unresolved. The ocean floor contains substantial deposits of manganese, copper, cobalt, nickel, precious metals, and phosphate which, if mined, will need the land base support facilities of ports for the transportation, handling, storage, and stockpiling of materials on the way to processing. Planned marine terminal facilities are discussed in the Precise Plans for Planning Districts 3, 4 and 5.

Marine terminal facilities must respond to a number of design criteria, all related to the type of cargo being handled, the minimization of ship in-port time, and the accessibility of other transportation linkages. Two facets of maritime demand are especially pertinent to land and water allocation: ship's characteristics and ship's cargo. Ship's characteristics dictate the location of berthing and terminal facilities. Ship's cargo governs terminal size, design and spatial arrangements.



Aviation Related Industry is to be maintained around Lindbergh Field. Aerospace manufacturing has been a leading contributor to manufacturing activities in San Diego for several decades. Aviation related industrial activities are those closely linked to the airport due to the shipping of large quantities or highly specialized types of air cargo, and the servicing of aircraft. Activities include the manufacture and sale of aircraft, engines, parts, motors, machines, turbines and metal articles. Ancillary uses include training facilities, related meeting and class rooms, various offices, parking facilities, and storage areas. Aviation related industrial uses are influenced by several factors due to their proximity to the airport. These factors include direct and efficient access to high quality, high capacity highways; flat terrain; existing utilities; the availability of commercial, air cargo and privately owned business aircraft, and the convenience associated with proximity to major airport facilities. Also included in the aviation related industrial category are those manufacturing, industrial and warehousing activities that buffer the airport from adjacent areas and have compatibility with the airport through the use of noise attenuation techniques in buildings or operational procedures. Compatibility factors to consider include, but are not limited to, noise, vibration and electrical disturbances, as well as height limitations imposed on structures because of aircraft operations. For many industrial operations, the average noise level in the area is such that indoor manufacturing activities may be carried out with essentially no interference from aircraft noise.

Continuing efforts are needed to protect the function of the airport by controlling obstructions into the aircraft approach zones. Regulation and control is made more difficult since most of these areas are outside the Port District's jurisdiction. An additional thoroughfare to enhance access to the airport terminal is proposed around the northwest end of the airport runway.

The proposed aviation related industrial area delineated on the Land and Water Use Element Map occupies approximately 570 acres of land, and is composed primarily of the existing airport and aviation related industrial activities. Sites for this industrial use are located in Planning Districts 2 and 3.



Industrial-Business Park is a land use category that permits a wide range of industrial and business uses sited in development that emphasizes clustering of buildings, extensive landscaping, and shared open space.

Coastal dependent developments, including, but not limited to, Marine Related Industrial or Commercial uses, shall have priority over other developments on or near the shoreline. The development of industrial-business parks can be an asset to the bay region because of the stimulating effect such developments usually have on the local economy by attracting new businesses as well as retaining existing firms that might otherwise leave the area. The industrial-business park area is reserved for the types of industrial activities associated with the manufacture, assembling, processing, testing, servicing, repairing, storing or distribution of products; wholesale sales; retail sales that are incidental to permitted uses; transportation and communication uses; parking; industrial, construction, government and business services; and research and development. The Industrial-Business Park classification will also integrate other land uses within the industrial environment. Such integration is prompted by recognition of the fact that the traditional industrial park, while carefully providing for efficient operation for industrial purposes, typically has ignored many community, employee and tenant needs. This use group would allow industrial, commercial, professional, business service, and recreation uses and facilities.

Hotel, restaurant, integrated meeting and conference space, cultural (museums and similar), specialized retail store, and business-professional office uses would be allowed in a campus setting. Permitted recreational uses include, but are not limited to, landscaped areas, promenades, public walkways, parks, picnic areas, and active sports facilities (where associated with a business park campus and intended for employees). A 1000-foot separation shall be maintained between any childcare facility and any facility using or storing hazardous materials, whichever facility is developed first.

Public Recreation

Land Use Objectives & Criteria

Parks, plazas, public accessways, vista points and recreational activities on Port lands and tidelands should:

- provide a variety of public access and carefully selected active and passive recreational facilities suitable for all age groups including families with children throughout all seasons of the year.
- enhance the marine, natural resource, and human recreational assets of San Diego Bay and its shoreline for all members of the public.
- provide for clear and continuous multi-lingual information throughout Port lands and facilities to and about public accessways and recreational areas.

Master Plan Interpretation

A growing population, greater discretionary incomes and more leisure time all contribute significantly to the increasing demand for both active and passive outdoor recreational opportunities. The public recreation opportunities developed on tidelands by the Port District along with the commercial recreation opportunities developed by private investment provide a balanced recreation resource for San Diego Bay. When thoughtfully planned, both public recreational developments and commercial recreational developments benefit from each other as off-site improvements, although as a matter of planning policy, commercial activities within public recreation areas will be limited. Recreational areas must be of the appropriate type and size to be efficiently developed, administered and maintained by the Port District at a reasonable cost. This Plan places primary emphasis on the development of public facilities for marine oriented recreational activities for the purposes of fishing, boating, beach use, walking and driving for pleasure, nature observation, picnicking, children's playing, bicycling and viewing.

Recreation Area/Open Space is a category illustrated on the Land and Water Use Element Map to portray a wide array of active and passive recreational areas allocated around the bay. More specific information on public recreational areas is provided at the Planning District level under the following use categories.



Park/Plaza is a use category designating landscaped urban type recreational developments and amenities. Users are generally drawn from the region so that access to the site needs to link with regional and statewide roadways, regional bicycle ways, and regional mass transit, and provide adequate traffic facilities to handle large volumes of traffic and peak use demands. Parks and plazas encourage and accommodate public access to and along the interface zone of land and water. Recreational facilities frequently associated with parks include public fishing piers, boat launching ramps, beaches, historic and environmentally interpretive features, public art, cultural uses, vista areas, scenic roads, bicycle and pedestrian ways, water dependent educational and recreational program facilities and activities, small food and beverage vending, and other park-activating uses that are ancillary to the public uses. Maintenance of park and other landscaped areas shall be provided through integrated pest management and Best Management Practices to avoid or minimize the application of chemicals to such areas.



Promenade Promenade indicates the shoreline public pedestrian promenade-bicycle route system that is improved with landscaping, lighting, directional and informational signage and other street fixtures, works of art, and seating. Many short trips, especially recreation related, can involve walking or bicycling rather than motorized transportation. There are many assumed benefits of walking and bicycling; it is inexpensive, exerts no adverse impact on the environment, contributes to the physical well-being of the individual, and affords an unfettered opportunity to enjoy the amenities of San Diego Bay. Where feasible, Class I bikeways should be provided consistent with SANDAG's regional Bayshore Bikeway system. A Class I bikeway shall include a minimum paved width of 8 feet separated from vehicular roadways.



Pedestrian and bicycle facilities located on tidelands should: insure physical access to the water's edge unless

safety, security or compatibility reasons negate; be accessible to parking and mass transit facilities; and link appropriate portions of the waterfront for continuous longitudinal access. A variety of route locations is encouraged to extend the pedestrian and bike environment through parks, commercial development and by the working port areas. Special provision for persons with disabilities shall conform to applicable Law.



Open Space provides amenities contributing to a more satisfying and stimulating environment. These areas include landscaped traffic inter-change and median strips, and isolated narrow and irregular shoreline areas where use and development potential is severely limited and where publicly placed works of art can enhance and enliven the waterfront setting. The Open Space designation may also include limited use and/or transitional zones from biologically significant resources deserving protection and preservation.

Public access within open space setback areas is limited to passive uses, such as outlooks, picnic areas, and/or spur-trails. Such uses should include interpretive and educational opportunities while allowing coastal access in a manner that will ensure the protection and preservation of sensitive habitat areas.



Golf Course is used in Planning District 6 to illustrate this 98-acre land allocation. The continuation of this use is anticipated for the duration of the planning period.



Open Bay a category allocated to water areas adjoining shoreline recreational areas, the boat launching ramp, fishing pier, vista areas and other public recreational facilities where the need for open water is related to the proper function of the shoreside activity. Multiple use of open bay water areas for recreational and for natural habitat purposes is possible under this use category designation.



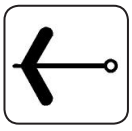
Boat Launching Ramp indicated by symbols on the Planning Maps, provides facilities for launching thousands of trailerable pleasure craft throughout the year for purposes of boating, fishing, regattas, and water skiing. The requirements for new or expanded launching ramps need to be carefully considered since boat access areas and parking areas for both car and boat trailer consume large land areas. While existing boat launching ramps are to continue operation during the planning period, alternatives other than providing new launching areas should be considered due to the high land consumption involved. Dry stack storage, which accommodates trailerable size boats, is proposed in Planning District 6.



Public Fishing Pier areas include the pier structures, necessary land support area adequate for parking and access, and the surrounding water area. Boating activities near the pier, which may interfere with fishing, are discouraged. Commercial activities relating to food and beverage, and bait and tackle sales and rental are generally associated with the activity. While pier site selections should be based on a number of criteria, including fish species surveys, fish habitat or artificial reef-like improvements are frequently desirable. Three existing piers are used by fishermen at all hours of the day and night currently. Three more piers are recommended in Planning Districts 2, 3 and 6. Fishing piers are indicated by symbol on the Land and Water Use Maps.



Public Access has been highlighted by symbol on the Plan maps for public recrea- tional areas. The development of these physical accessways is only one of the four access categories established in this Plan and discussed in Section III of this document.



Vista Areas include points of natural visual beauty, photo vantage points, and other panoramas. It is the intent of this Plan to guide the arrangement of development on those sites to preserve and enhance such vista points. Major vista areas are indicated by symbol on the Plan maps.

Conservation

Land Use Objectives & Criteria

Natural marine resource utilization activities on tidelands should:

- be planned and located so as to present minimum conflicts with existing and proposed incompatible uses.
- promote the multiple utilization of the unique plant, shellfish, fish and wildlife resources of the bay.
- encourage the protection and restoration of functional areas which have a high ecological value.
- be accessible to the public for non-appropriative uses consistent with nature interpretive functions.
- enhance the open space character of San Diego Bay.

Master Plan Interpretation

Areas included in the conservation group are scheduled for little or no development. The intent is to preserve, maintain and enhance natural habitat areas so that biological productivity will be sustained.

Areas of extraordinary biological significance are identified and given special protection under four categories of use: wetlands, estuary, salt ponds and habitat replacement. Much of the shallow water areas located in the South Bay are considered to have great potential for restoration.



Wetlands Wetland areas are undeveloped lands having high biological productivity that are alternately covered with water and exposed to air. Wetland delineations are conceptual in nature and may fluctuate with changing natural cycles.

Wetlands may house unique forms of life, some species of which are considered rare or endangered. In any case, they are recognized in the plan as important natural habitat for microscopic plant and animal life which form basic food for larger fish. They also provide breeding and nesting sites for migratory or native birds.

Wetlands are to be preserved, protected and, where feasible, restored. Development shall be limited to restoration, nature study or similar resource-dependent activities. Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Any diking, filling or dredging occurring in these areas shall maintain or enhance functional capacity of the wetlands.

The Wetlands designation may include required wetland buffers from delineated wetland areas. Where new development is proposed near an identified wetland, a buffer of at least 100 feet in width from the upland edge of wetlands and at least 50-feet in width from the upland edge of riparian wetlands habitat must be provided. Buffers should take into account and adapt for rises in sea level by incorporating wetland migration areas or other sea level rise adaptation strategies as appropriate. The CDFG and USFWS must be consulted in such buffer determinations and in some cases the required buffer, especially for salt marsh wetlands, could be greater than 100 feet. Development within wetland buffers is limited to minor passive recreational uses, such as outlooks, and/or spur-trails, with fencing, or other improvements deemed necessary to protect the habitat, to be located in the upper (upland) half of the buffer area. Such improvements should include interpretive and educational opportunities while allowing coastal access in a manner that will ensure the protection and preservation of these sensitive habitat areas.

This land use designation may include areas designated for mitigation, or areas that have been identified for potential wetland enhancement, restoration and/or creation opportunities. Such mitigation would be implemented in conjunction with development projects, or could be implemented and banked for use as mitigation for future development projects.



An **Estuary** is the confluence of a river with the ocean, especially an area of the sea at the lower end of a river. In the Master Plan, estuaries comprise the shallow, sub-merged areas of South San Diego Bay and are valuable in much the same way as are wetlands. The warm shallow water nurtures microscopic plants that are eaten by the small fish inhabiting the estuary.

The Otay River, historically the source of the South Bay estuary, now contributes little fresh water to the area; however, natural tidal fluctuations provide some salt-water exchange. The northerly extent of the estuary area occurs where development in the form of dredging has deepened the water to a point where the productivity and its biological importance is significantly reduced. Estuary designation is found in Planning Districts 7, 8 and 9.

Development in estuaries is limited to new or expanded boating facilities (including entrance channels), intake and outfall lines, restoration work, nature study, aquaculture, and resource-dependent activities. Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats, and water circulation. Diking, filling or dredging in existing estuaries shall maintain or enhance the functional capacity of the wetland or estuary.

Use of the water surface for boating, fishing and similar water oriented recreational uses is also permitted; however, efforts should be made to reduce potential environmental damage.



Salt Ponds occupy the extreme southerly end of San Diego Bay (Planning District 9). The shallow, diked ponds are used to produce salt by solar evaporation. The ponds and dikes have proved to be suitable habitat for many bird species, providing nesting, resting and specialized feeding areas for local and migratory aquatic birds.

A continuation of salt production is proposed in the South Bay. This activity provides for salt production, maintains bird habitat, and provides open space and vistas, which enhance the appearance of the South Bay. Reutilization of some salt ponds for mariculture uses has potential for development. See Planning District 9 description for further information.



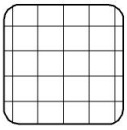
Habitat Replacement is delineated in Planning District 7 for the creation of a marsh island to be used to replace wildlife habitat removed during other development around the bay. Habitat replacement refers to the concept of recreating, as closely as possible, the type of environment conducive to the maintenance, protection and growth of wildlife species deemed important. This might include endangered species as well as environmentally significant wildlife.

Uses which conflict with the above objective would be prohibited in habitat replacement areas. After creation of the area by diking, dredging and filling, the only activities which would be permitted would be nature study, academic research and instruction related to the area, and similar resource dependent activities. It is not anticipated that public access would be provided or allowed unless detrimental environmental conflicts could be avoided.

Military

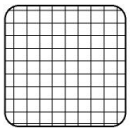
The utilization of urban land around San Diego Bay for military activities makes a substantial contribution to the function of national defense, to the associated economic base of the region, and in some instances toward the desirable objective of maintaining open space in the metropolitan area. There are 18 major naval installations in the metropolitan area. The military presence on San Diego Bay rates as the largest naval complex in the United States in that almost one-third of the total U. S. Navy fleet is home-ported here. Most of the military lands are owned by the Federal Government and only a small amount is leased tidelands, pursuant to long-term leases. It must be recognized, however, that significant changes in the characteristics of metropolitan urbanization and the corresponding needs of the civilian sector have prompted a reevaluation of those tideland areas currently owned by or leased to the Federal Government for military purposes. The military use on long term tidelands leases will continue and is shown on the Master Plan map in the following general use categories.

The Port District's Precise Land and Water Use Map shows only that portion of the military base located on leased tidelands. The Circulation/Navigation Map indicates the location of military lands around San Diego Bay and additional information is provided about military facilities on the bay in Section I of this document.

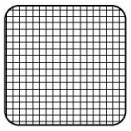


Navy Fleet School is delineated for the U. S. Navy held long-term lease area located in Planning District 1. The land area provides school facilities for the Fleet Anti-Submarine Warfare Training Center Pacific (FLEASWTRACENPAC), which is the Navy's west coast center for training personnel in the operation, maintenance and tactical use of sonar and other anti-submarine weaponry.

Plans for the long term renovation of the entire Fleet Anti-Submarine Warfare Training Center, including tidelands, are contained in the Navy prepared ASW San Diego Master Plan.



Navy Small Craft Berthing is shown adjacent to the land parcel. If use of this water area were abandoned by the U.S. Navy, it would easily accommodate an expansion of berthing facilities for the commercial fishing fleet.



Navy Ship Berthing is shown in navigable water adjacent to the land parcel. No additional military land use or berthing areas on leased tidelands are planned.

Two military facility relocations are proposed in the Master Plan, both located in Planning District 3 and subject to negotiation with the U. S. Navy. These include 1) the Navy's Engineering Facilities Command Office located between Harbor Drive and Pacific Highway, and 2) Navy Field. Redevelopment of these sites is discussed in the Precise Plan.

Public Facilities

Land Use Objectives & Criteria

Public facilities on tidelands should:

- be located so as to not adversely affect adjacent properties and be designed so that the architectural theme is in harmony with the design theme of the Planning District.
- be provided for in advance of need.
- provide efficient and economical locations for emergency services along with up-to-date equipment and well trained personnel adequate to provide protection of life and property.
- contribute to a coordinated system of functional streets necessary for the safe, efficient and economical movement of people and goods within and through the tidelands.

Master Plan Interpretation

Public facilities are provided in response to those community needs that are related to factors of public health, safety and general welfare. As used in the Port Master Plan, the public facilities category includes both services and physical plant developments. The legends of the two Master Plan Maps and the nine Precise Plan Maps contain allocations of land and water, generally indicated by symbols, to portray numerous public facilities.



Harbor Services is a use category of the Precise Plan Map that identifies land and water areas devoted to maritime services and harbor regulatory activities of the Port District including remediation and monitoring.



Port Administration is proposed to continue at the present location on Pacific Highway and Sassafras Street. Additional space in the building which is in excess of Port District needs could be utilized by municipal public service agencies having limited public contacts, or for offices and perhaps as a computer center for air-oriented commercial uses. Some Port District management functions will continue at the airport, the marine terminals and on Shelter Island.



Harbor Police stations, indicated by symbols, are located so as to provide key sites for rendering assistance as required in San Diego Bay and for monitoring the bay entrances, waterborne circulation corridors, anchorages and berthing areas. Harbor Police Officers patrol assigned harbor or portland areas by boat, vehicle and foot for: the preservation of order;



enforcement of laws and ordinances; detection and prevention of crime; fire suppression and the protection of life and property; traffic control and law enforcement support for airport screening procedures; provision of information and assistance to the public; and such other duties as may be assigned. In the course of these duties, the officer is empowered to issue citations, make arrests, and appear in court. The existing station is to remain at the tip of Shelter Island, and a new Harbor Police station is proposed to be located so as to provide an overview of the proposed second entrance and most of the open water areas in the South Bay, if and when such a project is built by the Federal Government. Stations are allocated in Planning Districts 1 and 7.



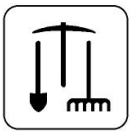
Fireboat Stations, manned by Harbor Police, provide bases for waterborne fire fighting capabilities and routine police

patrols centrally located to provide quick response travel time to the vessels and berthing areas located in San Diego Bay.

Station locations are illustrated by symbol on the Master Plan Land and Water Use Map and given more detailed locations in the Precise Plans. Stations are allocated in the northern, middle and southern portions of the bay.



Fire Stations are shown on the maps at their existing locations on portlands. These services are generally administered by local government units other than the Port District. No new use allocations are proposed for tidelands.



Maintenance Yard, an existing Port District facility located near the Tenth Avenue Marine Terminal, is seen as adequate during the planning period.



Comfort Stations are allocated throughout the bay area, located in public use areas primarily consisting of parks, promenades and plazas. In total numbers, comfort stations may be the most frequently built structures for public use on Port District tidelands. Comfort stations call for attention to location and to a design responding to heavy public use and, unfortunately, accompanying vandalism problems. The structures need to be easy to identify, pleasing in appearance, reflect compatibility with surrounding architectural features, safe, well lighted, easy to maintain and keep sanitary. Many comfort stations provide small storage and maintenance-related space to better accommodate ground keeping and maintenance functions. More precise locations are shown on the Precise Plan Maps.



The **U. S. Customs** and immigration facilities, although not functions administered by the Port District, are shown on the Master Plan Circulation Navigation Map and on the Precise Plan Maps due to their public service nature and usual association with international transportation terminals. Customs areas are allocated at the air terminal, the general aviation facilities, and at marine terminals for cargo inspection and cruise ship movements. Customs services are available on call at several locations around the bay. It is anticipated that another U.S. Custom's facility may be needed in the South Bay if and when a second entrance is completed.



The **U. S. Coast Guard** designates federal activities for three Coast Guard mission areas centered on the U.S. Government owned land at the station on Harbor Drive, each of which performs different functions in the Port. The U.S. Coast Guard Captain of the Port and the Officer-in-Charge of Marine Inspection are co-located at the Marine Safety Office. This branch of the service works closely with many facets of the marine community. The Officer-in-Charge of Inspection is charged with the duties of vessel inspection and certification, documentation, casualty investigation and licensing of marine industry personnel. The Captain of the Port is responsible for assuring overall safety and security in the Port and promoting marine environmental quality, through enforcement of applicable federal laws and regulations. Facilities which handle certain materials designated as dangerous cargoes by federal regulations must meet strict standards enforced by the U.S. Coast Guard and undergo periodic inspections. The U.S. Coast Guard is directly involved in improvement projects relating to navigable waters, particularly as regards aids to navigation, dredging and ocean dumping.

The Coast Guard Group/Air Station is a separate command, located adjacent to the Marine Safety Office. This unit is primarily responsible for the mission areas of Search and Rescue, Enforcement of Laws and Treaties, and Aid to Navigation. The Air Station helicopter pad is restricted to use by government aircraft.

In addition to the three mentioned Coast Guard functions, there is also a Boating Safety Detachment located on land leased from the Port District in Planning District 1.

Circulation and Navigation System

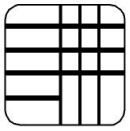
The Circulation/Navigation Element Map graphically indicates the inter-dependence of three major modes of transportation dealing with movement on land, on water, and in the air. The provision of adequate access to and circulation within the San Diego Bay area is a key element in the success of economic activities, of the viability of public services and amenities, and the preservation of the area's environmental setting. The various modes of transport must be coordinated not only to the various land and water uses they support, but to each other to avoid incompatibilities, congestion, hazardous movements and unnecessary expenditures.

Land-Based Transportation System

The railroads and the regional highway system provide the land-based transportation network for the movement of people and goods in the region, and to the tidelands. Railroads, freeways, expressways, regionally significant arterials, local streets, and pathways provide travel modes for pedestrians, bicyclists, automobiles, fixed rail transit, bus transit, and the local and interregional trucking industry involved in work and recreation related trips. Current efforts directed toward maintaining the region's air quality and conserving energy promote an efficient movement of people and goods on a safe, complete and uncongested regional highway and rail system. The Circulation and Navigation Element Map illustrates a coordinated land-based transportation system that will continue to involve the Port District, the cities, and the regional transportation planning agency.



Regionally Significant Arterials connect tideland areas with interstate, state and local transportation networks. The most direct involvement of the Port District in roadway development is in the provision and maintenance of bridges, arterial roads, collector streets, local streets, and the provision of adequate parking facilities to tideland developments. Proposed extension, relocation or modification to regionally significant arterials which are located on tidelands include: the modification of Harbor Drive between Hawthorn and Market and the relocation of Harbor Drive between Market and Fifth Avenue, both in San Diego; and a new entrance to the airport, subject to negotiation with the U. S. Navy, linking Washington Street and the Lindbergh Field terminal. Expenditure of Port District monies is anticipated in the construction of a bridge to extend Tidelands Avenue over the Sweetwater Flood Control Channel at some as yet undetermined future time. The proposed second entrance bridge is the responsibility of the State Highway Department and the U. S. Army Corps of Engineers.



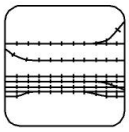
Local Streets and Parking becomes a primary control of land use in the single mode circulation system, such as in the case of the automobile in Southern California. The location, type and amount of parking has a significant effect upon the planning area. Provision must be made to accommodate nighttime storage and daytime space demands appropriate to the size and type of traffic generators, shopping customs, habits of parking, and rate of turnover. Preliminary planning activities dealing with the possible expansion of public facilities or the renewal, extension, or modification of private lease agreements are to contain provision for automobile storage.

It is the intent of this Plan to seek a reduction in the total amount of land devoted to under-utilized parking lots. Emphasis is to be placed on the development of additional public parking facilities where there is a current deficiency. When the cyclical nature of an economic activity or a public recreational activity creates peak demands at different times, the joint use of the available leased parking space is encouraged among tenants.

Additional public parking lots within close proximity to the shoreline are to be considered suitable activities for waterside locations only if the use of the site will, in addition to providing needed parking space, (1) assist in maintaining vistas, and (2) will provide public access to the bay in an appropriately landscaped setting. Parking structures are not generally considered appropriate for waterside sites.

Roadway improvements will continue the maintenance of on-street parking standards at an eight-foot width for commercial areas and ten-foot

width for industrial streets. Traffic lanes at 12- and 15-foot widths for commercial and industrial streets, respectively, are to be continued. Parking facilities in sufficient quantity and located within close proximity to the activity they serve are stressed. As a guideline, parking ratios of one stall for every three seats for restaurants and other eating and drinking establishments, and five stalls for every 1,000 square feet of general commercial activity is encouraged. Parking need for multiple use complexes need evaluation on a case-by-case basis.



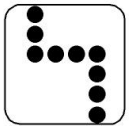
Railroad service is necessary for port and port related operations and development. Depending on the type of port and industrial operation, there should be ample nearby rail storage facilities, easy access for switching rail cars to and from the marine terminal or industrial area, and suitable rail trackage within the area to interface the movement of cargoes between ship and land carriers.

The port and marine related industrial developments on San Diego Bay are served by a transcontinental rail carrier, the Atchison Topeka and Santa Fe Railway (AT&SF). The AT&SF links San Diego to Los Angeles with freight and AMTRAK passenger service. A line haul carrier, the San Diego and Arizona Eastern Railway (SD&AE), a subsidiary of the Southern Pacific Company, has temporarily stopped service to the east along its line pending repairs to portions of the track damaged by a hurricane associated storm in 1976. The Metropolitan Transit Development Board (MTDB) has recently acquired a portion of the SD&AE rail line, and freight service is to be reinstated by a private operator under contract to MTDB. Reestablishment of this second rail link to the east, and the maintenance and improvement of rail freight service and facilities is essential in providing a well-balanced rail service to the port area.

Rail spurs serving the National City Terminal require expansion in a small area of the container yard. Rail service needs will require monitoring and evaluation in the future. Increased use at the Tenth Avenue Marine Terminal has necessitated that the switching yard adjacent to the bulkloader be expanded, particularly to handle "unit trains" for loading that could reach 40,000 tons per vessel. Consideration in planning transportation should also be given to the continued increased size of railroad cars and truck trailers.



Public Transit, consisting of the proposed bus transit system and the proposed fixed rail transit corridor with station locations, is delineated on the Circulation Navigation Element Map. In the San Diego Region, the planning, construction and operation of the proposed fixed rail line is under the direction of the Metropolitan Transit Development Board (MTDB). The planning and coordination of the bus service involves the Comprehensive Planning Organization and bus operations involve North County, San Diego, National City and Chula Vista transit operators. Interregional, frequently scheduled bus service is provided for most of the tideland areas, including buses with bicycle racks for trans-bay access. It is the intent of this Plan to encourage the provision or extension of the public transit system into the industrial, commercial and public recreational areas of the tidelands; and, where feasible, to encourage public transit service as a substitute for parking at tideland facilities. Joint utilization of the San Diego and Arizona Eastern Railway right-of-way for both public transit and freight service has been endorsed by the Board of Port Commissioners.



Pedestrian and Bicycle Routes are given a high development priority in this Plan. More specific information is provided in the Public Recreation section. The Bay Bicycle Route, which carries out regional planning policies emphasizing the commuter-work trip, involves the five cities around the bay, the Port District, and CALTRANS. The route is illustrated on the Circulation/Navigation Element Map. It is the intent of the Port District to work with other jurisdictions to complete the perimeter route. Bicycle facilities linking the Bay Route onto tidelands are encouraged to emphasize the recreation-related type trip.

Aviation-Based Transportation System



Lindbergh Field is one of the airport systems incorporated into the aviation element of the Regional Transportation Plan. The Port District is the operator of Lindbergh Field, San Diego's "downtown" international airport, which is convenient, accessible, and has a wide array of commercial and charter flights.

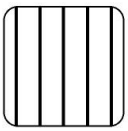
Following an exhaustive study and hearing process by CPO relative to the subject of airport relocation,

Lindbergh Field has been designated as the site most suitable to serve the commercial air transportation needs of the region through 1995. It is anticipated that some minor modifications will be made in the taxiways and parking aprons, lighting systems, rehabilitation to the East Terminal and blast fence, but that the main runway will probable remain substantially unchanged. This Plan proposes the development of improved access to the terminals from the east which involves improvements to the local arterial system, localized improvements to the Interstate highway system, improved access within the airport boundaries, and negotiation for property controlled by the military.



Heliport designations are indicated on the Circulation- Navigation Element Map; one at the Coast Guard facility and the other in the general vicinity of the Rohr plant in Chula Vista. Additional heliports should be considered in waterfront locations if sufficient public necessity is demonstrated in the future. The heliports require small areas, which frequently can benefit from being located close to major work centers. A location on the waterfront can help alleviate some of the noise problems by avoiding developed areas and by using a more desirable approach over the water.

Water-Based Transportation System



Ship Navigation Corridor illustrated with its functional linkages to anchorages and berthings on the **Circulation-Navigation Element Map**, provides adequate draft for ship maneuverability, safe transit and access to marine terminals, marine related industrial areas and military bases. Ship corridors must be maintained at adequate widths and depths to eliminate hazardous conditions in the harbor among ships, small craft and structures; to prohibit lost time and delays from groundings and to avoid environmental damage caused by maritime related accidents.

Incompatible aquatic activities, such as to swim, bathe, water ski, or use a surfboard or paddleboard in marked ship and boat channels is prohibited (UPD Code 8.27).

The Harbor and Channel Improvements project, first undertaken by the United States in San Diego Harbor, was authorized by the River and Harbor Act of 30 August 1852. Subsequent improvements were authorized by a succession of acts dating from March 3, 1875, to October 17, 1940, and March 2, 1945.

The Federal project has provided for the protection of the harbor entrance with the 7,500-foot-long rubble mound Zuniga jetty, a major entrance channel 42-feet-deep, a central bay channel to a depth of 40 feet, a South Bay channel depth of 35 feet, and anchorage and turning basins ranging between 42 and 35 feet in depth. Since channel dredging operations require a substantial expenditure of public funds, it is the intent of this Plan to maintain deep draft berthing and marine related industrial sites immediately adjacent to the ship navigation channel. Marine related industrial sites, including marine terminals, are dependent upon this deep water.



Main Ship Channel, recently improved, provides a range of depths and widths for ship movement. The channel provides a depth of 42 feet mean lower low water (M.L.L.W.) and a width varying from 600 feet to 2000 feet, from the entrance to the U.S. Navy Aircraft Carrier Berth; then a 40-foot MLLW depth and varying widths from 600 feet to 1900 feet to the Tenth Avenue Marine Terminal; and continues at a depth of 35 feet and a width varying form 600 feet to 1350 feet down the bay to the National City Marine Terminal. Naval vessels of sizes up to cruisers and Essex class carriers (unloaded) can sail as far south as the Naval Station (NAVSTA) San Diego. The Coronado Bridge has three major spans over the bay, affecting navigation. Two of the spans are over the navigation channel, each with a vertical clearance of 195 feet M.H.W. and a clear width of 600 feet. The last span located at the pierhead line, provides vertical clearance of 175 feet at M.H.W. and a clear width of 500 feet. Only minor maintenance dredging has been needed in the past.

While existing ship channel depths and widths appear adequate for the foreseeable planning period, growing ship size is expected to continue placing greater demand on the need for deeper channels and expanded terminal areas in the long term future. As the draft of vessels using the National City Marine Terminal increases, there may be a requirement to provide a minimum channel depth of 40 feet all the way to the Sweetwater Channel and a renewed interest in a second entrance. Ship channels are navigable

waters of national interest, in which improvements generally involve the administrative functions of the U.S. Army Corps of Engineers, Congressional approval and Federal funding.



Second Entrance to San Diego Bay is a project with a long history of public debate and interest, some of which goes back to the 1930's.

In 1963, the U.S. Army Corps of Engineers, Los Angeles District, made a reconnaissance study of a second entrance to San Diego Bay. One plan was based on constructing a ship channel from the bay southerly to the Tia Juana River Valley and thence westerly to the ocean. Another plan called for the entrance to be cut through the Silver Strand.

Based on federal criteria, the Tia Juana River Valley route proved to be economically not justified. The Silver Strand alternative, however, appeared to have a more favorable benefit versus cost ratio and warranted further study.

In 1966, further studies for an entrance through the Silver Strand including a model study were authorized. Model tests completed in 1968 at the Waterways Experiment Station showed that flushing characteristics of the bay would be improved with a second entrance. The model was of the fixed-bed type and did not lend itself to the study of littoral sand movement resulting from wave and current action. Again a number of alternate plans were considered, all based on commercial navigation and some Navy requirements. The most favorable turned out to be a 35-foot channel, 400 feet wide, crossed by a four-lane bridge with 154 feet of vertical clearance above Mean High Tide. This plan, however, also did not generate a favorable benefit versus cost ratio based on commercial and Navy benefits, primarily due to the substantial costs involved in the construction of the high bridge and its long approaches.

Subsequently, another alternative was suggested which would provide an entrance with a greatly diminished channel and reduced overhead bridge clearance. It was intended to accommodate principally recreational craft, the smaller Naval vessels, tuna boats and sportfishing vessels. Cursory examinations indicated that a favorable benefit versus cost ratio might be developed. Where recreational benefits are considered in a project, local interests are required to pay a correspondingly greater share of the total cost. If the second entrance were totally dependent on recreational benefits, local participation may be anticipated to amount to 50% of the cost of all navigation improvements and possibly all of the bridge costs. Owing to environmental unknowns, this Federal project is quiescent at present.



Ship Anchorage area for ocean-going ships is primarily the area north of "B" Street Pier but does include all the navigable waters of the harbor except designated channels, cable and pipeland areas, the special anchorages, and the Naval Restricted Areas.

Vessels anchoring in portions of the harbor, other than the areas excepted in the above paragraph, shall leave a free passage for other craft and shall not unreasonably obstruct the approaches to the wharves in the harbor.

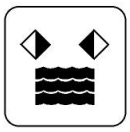
Vessels are to comply with marine sanitation requirements and when anchored in undesignated anchorage areas, are to observe anchor lighting requirements.

The safety and security of any vessel berthed or at anchor within San Diego Bay is the responsibility of the owner or operator. Every owner or operator of a vessel has a responsibility to apprise themselves of weather conditions and storm warnings, and to take the necessary precautions to insure the safety of their vessel in the event of unusual tide and weather conditions.

(1) Special Anchorage for U.S. Government Vessels - Shoreward of a line extending from Ballast Point Light approximately 351°30' to the shore end of the Quarantine Dock. This anchorage is reserved exclusively for vessels of the U.S. Government and for authorized harbor pilot boats. No other vessels may anchor in this area except by special permission obtained in advance from the Commandant, Eleventh Naval District, San Diego, California.

(2) Nonanchorage Area - A lane between San Diego and Coronado bounded on the east by a line extending southerly from a point 410 feet west of United States Bulkhead Line Station 458 on the San Diego side of the bay to a point 350 feet west

of United States Bulkhead Line Station 522 on the Coronado side of the bay, and on the west by a line extending due north from the intersections of the west side of "E" Avenue with the south side of First Street, Coronado, and a line extending 225° from the intersection of the west side of Pacific Highway with the north side of Harbor Drive, San Diego. This area has submerged pipelines, power and communications cables. Vessels are not permitted to anchor in the area at any time.



Nautical Mile Markers, while occupying little area, are of some importance to the water navigation system and are shown on the Master Plan Circulation/Navigation Element Map. The Navy maintains markers on North Island for its ships. Markers installed and maintained by the Port District are located on Harbor Island.



Boat Navigation Corridors are those water areas delineated by navigational channel markers or by conventional waterborne traffic movements.

Boat corridors are designated by their predominant traffic and their general physical characteristics (these channels are usually too shallow and too narrow to accommodate larger ships). Boat channels will be kept clear of encroaching water or land uses, which would deter waterborne circulation. These channels serve the navigation system in a manner similar to that provided by streets in a land-based circulation system. Boat corridors in 1978 provided for a fleet of more than 4000 pleasure craft permanently moored on the waters of the bay and provided corridors from the public launching ramps that launched thousands of pleasure craft out of almost 33,000 registered boats in San Diego County. New boat navigation corridors will be required to serve new marina developments. Maintenance dredging and improvements to existing channels, as required, are to be conducted.



Small Craft Mooring and Anchorage Areas have been planned to facilitate the retention and orderly management and development of a variety of functional, aesthetically pleasing facilities in carefully selected sites. The intent of the plan is to prohibit long term permanent or semi-permanent indiscriminate anchoring throughout the Bay in a manner so as not to interfere with short term uses of the bay for fishing, sailing, and other social and recreational activity, including the rafting of vessels. Long term anchoring and mooring shall be limited to designated anchorages under local control of the jurisdictional authority of the Port District, U. S. Navy, and the State Department of Parks and Recreation. Long term users are encouraged to use marinas where there are secure moorings and shoreside support facilities which have been provided by private investors. Changes to Federal regulations pertaining to anchorages can be accomplished by complying with the established procedure, which permits the new regulations to go into effect after publication in the Federal Register.

The use or development of the proposed anchorages shall be at the discretion of the U.S. Navy (A-6), the State Department of Parks and Recreation (A-7), and the Port District (A-1 to A-5 and A-8). In the Port District's anchorages, the actual operation of the anchorage shall be conducted by the Port District or under a lease agreement to other governmental agency or to a private operator. Port funds or possibly private development monies are to be expended for the planning, construction and regulation of anchorages and moorings for use by vessels which are solely or primarily used for commerce, navigation, fisheries and recreation. The use of bay water areas for residential use, involving living aboard vessels as a primary place of residence, is discouraged as a matter of policy in accordance with state law.

Improvements and the level of service in anchorages are functional but greatly reduced from those provided in marinas. Anchorages are not a secure as marinas for keeping vessels at mooring station, require more water area per vessel stored, and do not have dockside utilities and access. Shoreside facilities for anchorages range widely, from natural shoreline to dinghy float, and may or may not include: dock and ramp; night lighting; potable water supply; disposal stations for trash, petroleum products and sewage; public telephone; limited automobile parking, and restrooms. The safety and security of vessels at anchor remain the responsibility of the vessel owner or operator who must keep apprised of weather conditions and storm warnings and take the necessary precautions to insure the safety of their vessels, other craft, and harbor improvements. The lower level of service and facilities in anchorages is frequently reflected in lower user fees and sometimes public subsidies.

In the Port District's jurisdiction, the primary basis for the management and regulation of intensively used anchorages will be by the establishment of a lease relationship with user fees and permits which specify duration of stay. Anchorages are to be made available to seaworthy, self-propelled vessels which are subject to periodic inspection that insures proper moorings, adequate fire fighting equipment, approved marine sanitation devices, and registration or documentation of vessel ownership. The management of anchorages is also to be conducted so as to maintain a program of flotsam and debris clean-up, regularly monitored water quality, and controls on overboard discharges.

The general locations of planned small craft anchorages are illustrated on the Circulation/Navigation Element Map and are identified in the following:

Anchorage A-1, the Shelter Island Yacht Basin Anchorage, contains about nine acres of water area. Approximately 20 vessels at single point anchoring can be accommodated. Use is by permit of Harbor Police for a period of less than 72 hours, within any seven-day period, for vessels participating in marine events. Nor shore landing is proposed for this low intensity of use anchorage. Additional information about this anchorage is presented in Section IV, the Shelter Island Planning District.

Anchorage A-1a, A-1b, and A-1c, collectively referred to as the Shelter Island Roadstead Mooring, is proposed to be developed with about 46 single swing point moorings grouped in three different locations bayward of Shelter Island. The total water area allocated for the anchorage is approximately 12.8 acres. The designated support facilities include a dinghy landing on the northeast corner of the existing beach and the restroom located at the small craft launching ramp. Section IV, Shelter Island Planning District, contains more information on this anchorage.

Anchorage A-2, the Shelter Island Commercial Basin Anchorage, is proposed to be redeveloped with fore and aft moorings to provide for about 170 vessels in the 15 acre area. The redevelopment effort will strive to accommodate in A-2 all existing vessels there that meet the anchorage regulations. New shoreside support facilities of about 34,000 square feet are planned on the northeastern side of the shoreline. Section IV, Shelter Island Planning District, contains more information on this anchorage.

Anchorage A-3, Laurel Street Roadstead, discussed in more detail in Section IV, Centre City Embarcadero Planning District, provides about 20 acres of water area for 50 vessels at anchor on single mooring buoys. Shoreside support facilities are provided by the floats, ramps, and restrooms at the Embarcadero Crescent.

Anchorage A-4, Bay Bridge Roadstead Anchorage, contains two 24-acre water areas to provide for phased development. At completion, single point mooring buoys will provide space for about 70 vessels. The anchorage landing is to be developed as part of the Tidelands Park project. More information on the proposed anchorage is found in Section IV, Coronado Bayfront Planning District.

Anchorage A-5, Glorietta Bay, is a 3.8-acre federally designated anchorage. With fore and aft anchoring by vessels ground tackle, about 20 vessels can be accommodated. All of the moorings in the anchorage are reserved for short-term use by cruising vessels. Anchorage use is by permit of Harbor Police for a period of time up to 72 hours, within any seven-day period. Section IV, Coronado Bayfront Planning District, contains more information about this anchorage.

Anchorage A-6, the Naval Amphibious Base (NAB) Anchorage, is proposed for an eight-acre water area adjoining the NAB Marina. The Commanding Officer, NAB, Coronado, through his authorized representative, the NAB Marina Manager, shall have sole authority to assign, control and limit use of the area. Only small craft belonging to U.S. Navy personnel on active duty and retired service members shall be authorized to use the area. The landing site is at NAB Marina.

Anchorage A-7, Crown Cove Anchorage, is a 4.4-acre water area proposed to be developed with fore and aft moorings for approximately 30 vessels. Control over this anchorage and adjacent park area will be exercised by the California Department of Parks and Recreation under a lease agreement with the U.S. Navy and the United Port District, as a normal part of the Department's administration of Silver Strand State Beach. A dinghy-landing site will be designated on the adjacent State Beach and will have those shoreside facilities provided by the State Beach.

Anchorage A-8, Sweetwater Anchorage, contains 200 acres of water area and can provide for about 250 vessels, depending on size, at single swing point anchorage with vessels ground tackle. Anchoring use, however, shall be incremental, the first phase to provide for up to 100 vessels, with any additional 100 vessel increments to be subject to further public hearings and consultation with District member cities. The landing and shoreside support services for the anchorage will be at the existing National City Small Craft Launch Ramp. Section IV, National City Bayfront Precise Plan, contains more information about this anchorage.

Anchorage A-9, Cruiser Anchorage, is a nine-acre water area which can accommodate approximately 30 transient craft using vessels ground tackle. The anchorage is to ultimately be marked with area boundary markers. It is located south of the United States Coast Guard Air Station near the East Harbor Island Basin. A small boat landing facility is located nearby on North Harbor Drive east of the Coast Guard Air Station. Public landside support facilities include rest rooms, public telephone, parking and a San Diego Transit bus stop. Section IV Precise Plans, Harbor Island / Lindbergh Field: Planning District 2, contains additional information about the use of this anchorage area. The use of this anchorage will be controlled by duly enacted regulations of the Board of Port Commissioners.



Derelict Craft Storage provides space for holding abandoned or drifting small craft that become hazards to navigation in the bay. Disposal of impounded vessels is governed by State Law. Sites are provided within close proximity to berthing concentrations for the north bay and proposed as part of a potential boating development in the south portion of the bay.

Pollution Contingency Plans

The Federal Water Pollution Control Act (section 311 [c] [2]) provides for the preparation, publication, revision and amendment of a National Contingency Plan to protect the environment from the unplanned, sudden and usually accidental discharge of oil or hazardous substances that pose a threat to the public health or welfare. The National Plan calls for the establishment of a nationwide net of regional contingency plans within its framework. The San Diego Bay area is provided for in the O.S.C. Area Contingency Plan prepared and maintained by the U.S. Coast Guard, Office of the Captain of the Port, San Diego. This area includes the geographic area of San Diego County, San Clemente Island, and their coastal waters.

The main objective of the National Plan is to provide for a coordinated federal response capability at the scene of the discharge. The plan provides for a pattern of coordinated and integrated responses by departments and agencies of the Federal Government, promotes the coordination and direction of Federal and State response systems, and encourages the development of local governmental and private capabilities to handle such discharges. The State Operating Authority for oil spill cleanup is the California Department of Fish and Game, which is to have a spill contingency plan, intended to aid the Federal O.S.C. in cleanup operations. Although Federal law has preempted State or Local jurisdiction in some areas of pollution, State and local coordination and involvement in cleanup operations is encouraged by the Area Contingency Plan.

The Environmental Protection Agency has designated San Diego Bay waters less than 30 feet deep at mean low water as "no discharge" areas for sanitary waste. Discharge in areas with a depth greater than 30 feet is authorized only after treatment by an approved marine sanitation device.

While not part of the Federal plan, the Port of San Diego is involved in harbor maintenance, and removing navigation hazards and floating debris. The Port maintenance program includes the operation of a trash recovery vessel, nick-named the "Alligator", which skims up floating debris from the harbor; and boat and car patrols by Harbor Police.

SECTION IV
PRECISE PLANS



Introduction

The tidelands around San Diego Bay have been divided into nine subareas, identified as Planning Districts in ***Figure 3***, to facilitate the preparation of specific area plans. The districts have been delineated in a manner which groups together tideland properties into identifiable and functional units which conform closely with the boundaries of established data gathering units, such as Census Tracts, and frequently fall easily into city community planning areas.

Each Planning District reflects a significant change in the scale of planning involvement from that previously undertaken in the preparation of the overall Port District Master Plan. The Master Plan was developed to be sufficiently comprehensive, to deal with a long range, 20-year time frame, and to be general in scale so as to deal with over 5,400 acres of tidelands distributed around the bay in four different cities. The Precise Plan is more precise and detailed than the overall Master Plan in that it is oriented toward projects that can be achieved in a short period of time, ranging from the present to the next five or possibly ten years, and covers a small area of about several hundred acres located in one city. When a District Plan is adopted by the Board of Port Commissioners, the Precise Plan becomes a refinement of the general principles and policies of the Master Plan.

Purpose of the Precise Plan

Each of the Planning Districts' Precise Plans is intended to provide planning policies, consistent with a general statewide purpose, for holding

in trust and for the preservation and physical development of the tide and submerged lands conveyed or granted to the San Diego Unified Port District. The Precise Plan is geared to the flexible, short-term and precise budgeting and scheduling needs that arise in the plan implementation.

The adoption of the Precise Plan is not intended to create an inflexible, static, unmanageable set of guidelines for development, nor is it desirable to stifle individual initiative and creativity. A major purpose of this detailed program is to serve as a short-term management tool. As such, the plans and programs are, by necessity, flexible and subject to modifications to meet the circumstances and problems involved in plan implementation. For this short term planning period, continued review of the development program and modifications to the plan are anticipated to occur rather frequently due to the immediate and precise scale of planning involvement, and due to the decisions made in an effort to solve the ever-occurring problems of plan implementation. Pending changes are, of course, subject to environmental assessment and to public hearings and public comment.

Precise Plan Interpretation

The Precise Plan planning principles, policies and objectives are expressed graphically on plan maps, illustrations, and in written form in this document and subsequent amendments.

Several illustrations, diagrams, and a map have been prepared to assist in conveying the intent and purpose of each Precise Plan. The figures contained herein are for illustrative purposes only and are subject to change. The Precise Plan Land and Water Use Element Map is a part of each plan. The level of detail indicated in each land or water use on the map is scaled to parcel lines. About a dozen land or water use activities occupy a very small area but are still of enough significance to merit illustration, and are done by symbols. The level of locational detail for symbols portrayed on the map is to within the general area indicated. An explanation of the legend of these maps has already been covered in the earlier discussions about general land and water use categories that appear in this document. More specifics about the applicable planning policies can be found in the discussion for each Planning District.

Each Precise Plan section contains an introductory description of the planning area, a statement of the major problems and an exposition of the plan concept. The introductory comments are followed by a narrative description of the plan by planning subareas, a table on proposed land and water use allocation and a project list describing each project, its location, its developer as either Port District or tenant, its appealable classification and an estimate of its starting date.

The project list, a rather detailed commentary, has been included in order to comply with the Coastal Act guideline for content of port master plans. The guideline calls for a listing of proposed projects in sufficient detail to judge the plan's consistency with the Coastal Act. The project list is not intended to be an exclusive listing, rather it describes major projects or smaller projects that are well defined at the time of writing. Some future projects, not specifically listed at this time but consistent with the land use classification grouping indicated in the Plan maps and identified in the Plan narrative, are anticipated to be added, just as some projects will need to be modified to respond to future changing environmental, financial and other conditions. The estimated construction dates are also subject to change and have been included in this document primarily as a management tool, rather than as an inflexible capital improvement program. Finally, change is anticipated in the appealable/non-appealable classifications as new projects are better defined and redevelopment opportunities are identified. For example, a project in the appealable classification could change to non-appealable by simply changing the merchandise in a retail activity without any physical modification to the outside of a structure. Where project dates are not listed, it is because they cannot be estimated at this time.



San Diego Bay

PLANNING DISTRICTS KEY MAP

DATE: 01/20/10
FILE TITLE: SD Bay Small Craft Mooring and Anchorage Areas.ai
LOCATION: S:\GRPHCS_LOGOs_PIXS_PPTs\GIS District Land and Dedicated Streets

SHELTER ISLAND:
PLANNING DISTRICT 1



The Precise Plan Concept

Shelter Island has strong historic functional ties to the boating community of the San Diego region. Public discussions and evaluations made in the planning process have highlighted the following matters as being of paramount importance.

While there is general satisfaction with the present land use allocations, some improvement can be obtained by extensive renovation of older facilities as necessary or at the termination of leases. Additional people oriented spaces, providing vistas and accessibility to the water and waterside activities, are felt appropriate. In some subareas, the visual clutter of a proliferation of signs; disorganized automobile parking in side yards and setbacks; and a lack of continuity in architecture give evidence of deterioration in some portions of Shelter Island.

The basic concept of the Shelter Island Precise Plan is found in preserving and retaining flexibility in improving upon the best aspects of this man-made environment, which has been developed over the past 50 years.

The character of existing development is to be enhanced by a redevelopment program that emphasizes the continued provision of adequate public service, employment and investment opportunities.

Overall, the planned land and water uses for the Shelter Island area remain essentially unchanged from existing uses. The major emphasis of the development program is directed toward the renovation of obsolete structures, improvement in the quality of landscape, and visual and physical access to the bayfront.

Land and Water Use Allocations

Roughly 350 acres in the Shelter Island Planning District are tidelands under the jurisdiction of the Unified Port District. A summary, in tabular form, of the planned land and water use allocations is indicated in **Table 6**.

The following text explains and gives definition to the legend of the **Land and Water Use Element Map of the Precise Plan**. The map graphically portrays 20 different land or water use designations organized under four major headings—Commercial, Public Recreation, Public Facilities, and Military.

Shelter Island Planning Subareas

In the following narrative, the Planning District has been divided into seven subareas *(Figure 5)* to focus attention upon and give expression to the plan concepts that are suggested for the entire Planning District but with an emphasis on the relationship of precise planning proposals and specific sites.

Beach Corridor

This planning subarea includes a narrow band of shoreline extending from the Port District jurisdictional line bordering the US Navy facility on Point Loma to Canon Street. Two small beach areas, Kellogg and La Playa beaches, are illustrated as open space on the Land and Water Use Map, and are interspersed with two yacht clubs. Limited access to the beaches is to be maintained consistent with the existing isolated and low intensity recreational use orientation, which is geared to serve the immediate neighborhood. Kellogg Beach, subject to erosion, is to be restored by State, Port and City action. The Kellogg Beach replenishment is intended to control excessive

TABLE 6: Precise Plan Land and Water Use Allocation
SHELTER ISLAND: PLANNING DISTRICT 1

LAND USE	*ACRES*	*WATER USE*	*ACRES*	*TOTAL ACRES*	*% of TOTAL*
COMMERCIAL	64.9	COMMERCIAL	135.4	200.3	57%
Marine Sales and Services	9.1	Marine Services Berthing	17.7		
Commercial Fishing	2.9	Commercial Fishing Berthing	5.7		
Commercial Recreation	48.6	Recreational Boat Berthing	101.7		
Sportfishing	4.3	Sportfishing Berthing	10.3		
PUBLIC RECREATION	30.5	PUBLIC RECREATION	51.0	81.5	23%
Open Space	9.6	Open Bay / Water	51.0		
Park/Plaza	18.7				
Promenade	2.2				
PUBLIC FACILITIES	24.0	PUBLIC FACILITIES	10.7	34.7	10%
Harbor Services	1.2	Harbor Services	5.2		
Streets	22.8	Boat Navigation Corridor	5.5		
MILITARY	25.9	MILITARY	8.9	34.8	10%
Navy Fleet School	25.9	Navy Small Craft Berthing	6.2		
		Navy Ship Berthing	2.7		
TOTAL LAND AREA	**145.3**	**TOTAL WATER AREA**	**206.0**		
PRECISE PLAN LAND AND WATER ACREAGE TOTAL				**351.3**	**100%**

Note: Table 6 does not include Precise Plan designated water acreage leased from or under State Lands Commission jurisdiction:

Area	**Acreage**	**Use Designation**
Anchorage A-1	9.6	Boat Anchorage
Shelter Island Yacht Basin Boat Channel	73.1	Boat Navigation Corridor
Anchorage A-1a,b,c	25.1	Boat Anchorage
Anchorage A-2	15.0	Boat Anchorage
America's Cup Harbor Basin Boat Channel	29.4	Boat Navigation Corridor

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shoreline erosion and to preserve a public beach, street termination and adjacent private property. A quarry rock groin in conjunction with sand backfill will be on a replenishment basis at Kellogg Beach.

It is recommended that sometime in the future, the beach area be served by a pedestrian promenade and bike route to delineate the tideland/upland boundary and to provide access to the beach. Streets that stop at or on tidelands in the area provide excellent points of public access and vista. Whenever compatible with local community plan goals and traffic circulation and safety, appropriate street endings are to be enhanced by providing landscaped sitting and viewing areas, and rest stops for bicyclists and pedestrians using the trail system. The design of the street ending should be in conformance with any dominant architectural or natural theme of the surrounding area, and be preferably limited to accommodate passive public recreational activities.

More intensive modes of boating recreation and social activities occur at yacht clubs, shown on the Land and Water Use map under the category of Commercial Recreation, and the associated water

use, Recreational Boat Berthing. The land-based activities of these quasi-public centers will continue to be confined to each parcel.

Anchorage A-1, Yacht Basin anchorage, is a special anchorage designated on Bay Charts. Single swing point anchoring will continue to be by vessel ground tackle. The water area allocated for the anchorage occupies approximately 9.4 acres and can accommodate up to about 20 vessels, depending upon their size. A-1 has a low intensity use orientation, and a landing site adjacent to an expanded park area at Anchorage Lane is proposed. Use is by permit of the Harbor Master. Control over the anchoring of vessels will continue to be exercised by the Port District pursuant to local ordinances. Anchorage A-1 is one of several small craft facilities discussed in Section III, Water Based Transportation System.

Shelter Island Point

The southwestern tip of Shelter Island is planned to continue as a center for maritime services and harbor regulatory activities including Harbor Police patrol and fire services, Customs inspection, pilot boat berthing, and limited Coast Guard functions. On the Land and Water Use Map, these public facilities that relate to the public's safety and general welfare are shown by symbol and by the Harbor Services designation.

The Harbor Police Station includes fire boat and patrol boat facilities. It occupies a strategic location on Shelter Island from which to monitor waterborne traffic and to render assistance as required in San Diego Bay. Activities and uses to be retained in the landscaped park and open space around the structures on the point include the Friendship Bell monument, public accessibility to the bay and access to the spectacular vista site overlooking the entrance to San Diego Bay.

Harbor Services is a category used on the Map to indicate the transient berthing space provided by the Port for coastal cruising. The transient berthing is used by vessels under permit of the Harbor Master (i.e., Senior Harbor Police Duty Officer).

The Pumpout Station is a public convenience provided for the drainage of wastes from holding tanks aboard vessels. The service, essential to water quality improvements, is expected to undergo increasing use and the upgrading of service is planned from time to time.

Customs services are provided to boaters, upon request, at the Harbor Master Pier. No expansion of this activity is anticipated.

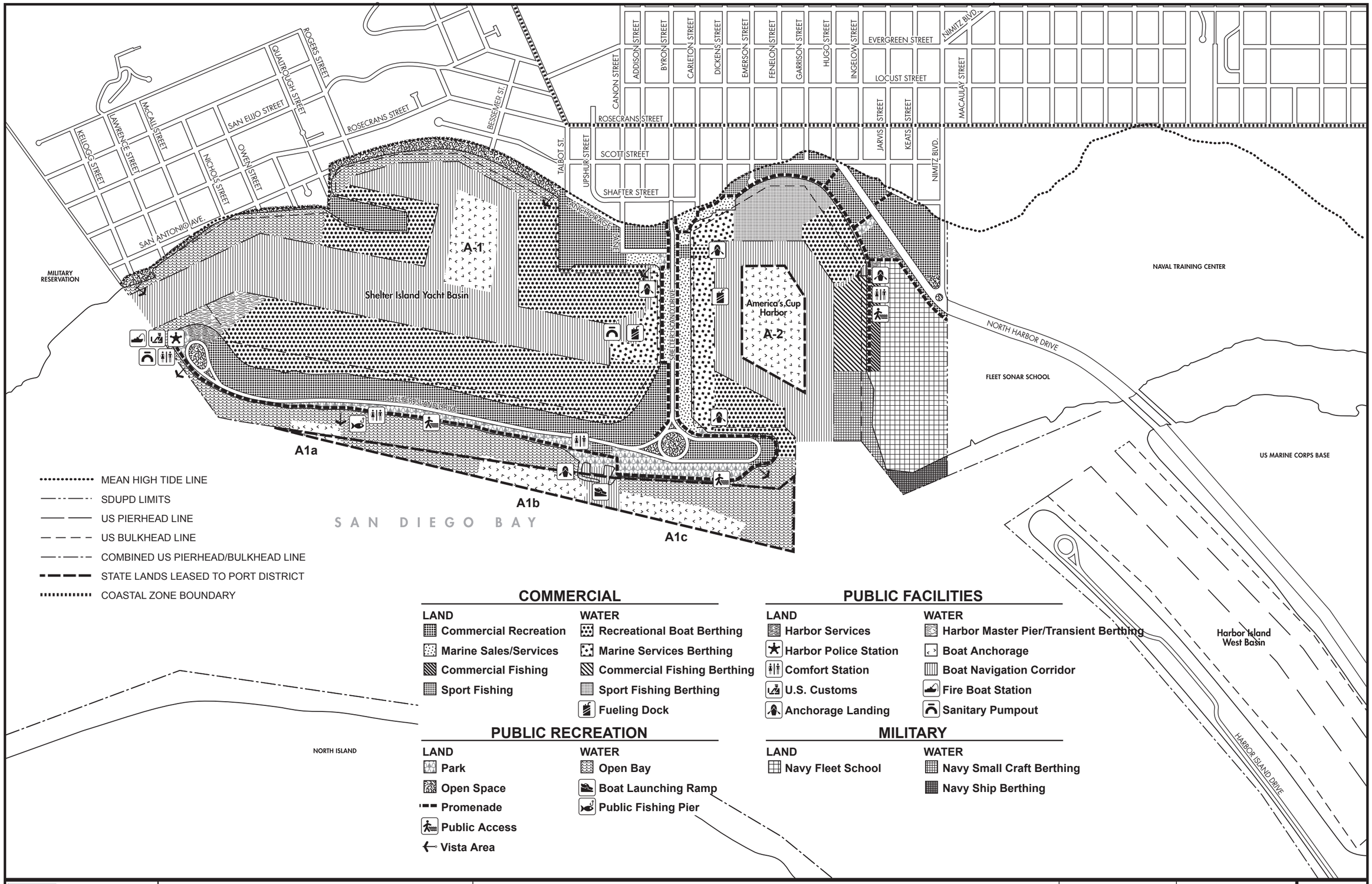
Bay Corridor

This subarea deals with the land mass that separates the open bay from the protected yacht harbor, and is the largest developed subarea in the Planning District. The mixed use developments shown as Commercial Recreation and Recreational Boat Berthing on the Land and Water Use Map include hotels, marinas, restaurants and yacht clubs, balanced by public recreational facilities—park and beach, boat launching ramp, fishing pier, and people oriented spaces—set a standard to be emulated in other areas.

Suggested improvements in this subarea include street tree and landscape programs along Shelter Island Drive, in the Bayside Park, and the erection of impressive civic art features in the traffic circle. A low-cost food restaurant is proposed near the boat-launching ramp and a landing dock with pumpout facilities north of the traffic circle is under consideration in the long-term future.

A portion of the shoreline trailer-in-tow parking lot will be transformed into a waterfront park with children's playground and an open gathering area. The existing gazebo may be relocated. Redevelopment of the existing shoreline parking area will increase pedestrian access to and along the shoreline and provide passive shoreline recreational areas where none now exist. The parking lot area may be reconfigured to replace all of the existing trailer-in-tow parking spaces. All of the trailer-in-tow spaces will be retained if the parking area is reconfigured.

The Shelter Island Boat Launch Facility, constructed in 1956 and upgraded in 1975, is proposed to be renovated to improve launching efficiency and maneuverability, safety, public access to the water, and public recreation on the water. Renovation of the boat launch facility will include removal and replacement of the 10-lane boat launch ramp; partial removal of the rip rap mound jetties and replacement with vertical sheet pile bulkhead walls; installation of publicly accessible walking platforms with viewing areas atop the bulkhead walls; removal of the floating docks and replacement with interior perimeter floating docks; installation of new ramps to the floating docks; improvements to the kayak launching area; and minor re-grading of the beach area just west of the boat launch facility. A 10-lane launch ramp will continue to serve the boat launch facility after renovation. The renovated boat launch



COMMERCIAL

LAND	WATER
Commercial Recreation	Recreational Boat Berthing
Marine Sales/Services	Marine Services Berthing
Commercial Fishing	Commercial Fishing Berthing
Sport Fishing	Sport Fishing Berthing
	Fueling Dock

PUBLIC RECREATION

LAND	WATER
Park	Open Bay
Open Space	Boat Launching Ramp
Promenade	Public Fishing Pier
Public Access	
Vista Area	

PUBLIC FACILITIES

LAND	WATER
Harbor Services	Harbor Master Pier/Transient Berthing
Harbor Police Station	Boat Anchorage
Comfort Station	Boat Navigation Corridor
U.S. Customs	Fire Boat Station
Anchorage Landing	Sanitary Pumpout

MILITARY

LAND	WATER
Navy Fleet School	Navy Small Craft Berthing
	Navy Ship Berthing

scale 0 200' 400'

Land Use Planning

Planning District 1
SHELTER ISLAND/LA PLAYA

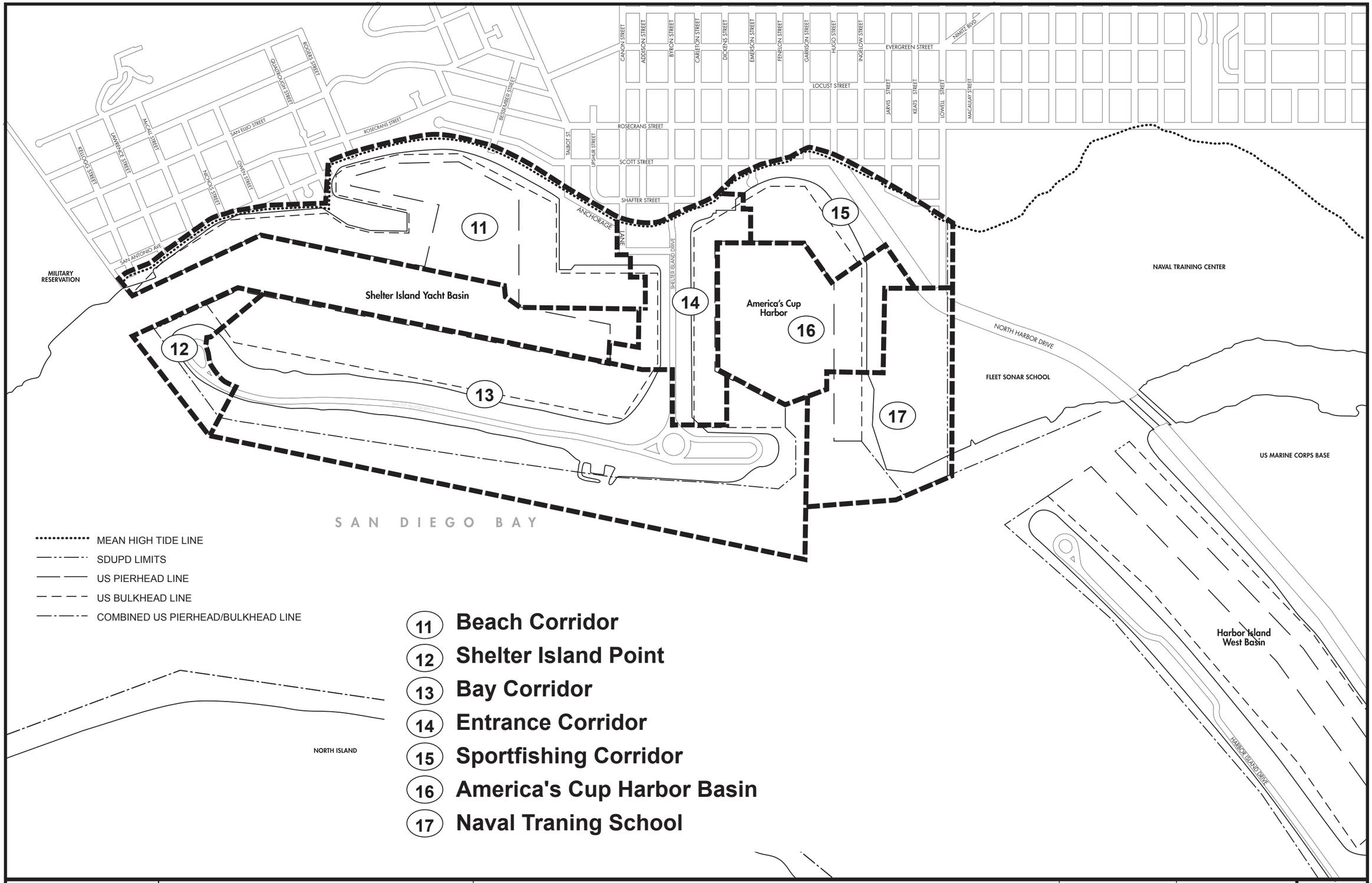
PRECISE PLAN

FIGURE 4

DATE: 6/12/03

DRWN / CHK:

FILE TITLE/LOCATION:



11 **Beach Corridor**

12 **Shelter Island Point**

13 **Bay Corridor**

14 **Entrance Corridor**

15 **Sportfishing Corridor**

16 **America's Cup Harbor Basin**

17 **Naval Traning School**

scale 0 200' 400'

Land Use Planning

Planning District 1
SHELTER ISLAND/LA PLAYA

Planning Subareas

FIGURE 5

DATE: 06/12/03

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FILE TITLE/LOCATION:
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- TWorking/PrecisePlan

facility will address safety concerns related to boat maneuverability in the basin, reduce congestion and delays within the basin, reduce queuing outside of the basin, and continue to provide public access to the water. Continued heavy use of this public recreation area is anticipated for recreational boating and pedestrian access.

The Shelter Island Roadstead contains 46 swing moorings. The moorings occupy about 12.8 acres of water in three sites, identified as Special Anchorages A-1a, A-1b, and A-1c. The mooring area has been designated to resolve conflicts between anchored vessels and activities on the ship channel, public fishing pier, small craft launching ramp, and submerged pipeline. Although protected from the open areas, the moorings are exposed to the wakes of vessels using the ship channel. It is proposed that mooring users be the larger ocean-cruising and transient vessels for short periods of time. The boundaries of the mooring areas should be marked by lighted buoys. Shoreside facilities are limited to a beach dinghy landing and adjacent restroom and trash receptacles. Control over the mooring area will be exercised by the Port District.

Entrance Corridor

This area extends along Shelter Island Drive from the mean high tide line to the traffic circle. The narrow land form is a constraint on development options and by necessity has resulted in numerous smaller parcels, but overall they are economically viable and well balanced in marine oriented uses. A portion of the proposed renovation is focused here. Permanent view obstructions will not be constructed in the view corridor extensions of Carleton and Dickens Streets and a promenade extension will link the Sportfish Landing walkway to Shelter Island Drive.

Land and water uses for this subarea, which are indicated on the Precise Plan map, include Commercial Recreation and Recreational Boat Berthing, both categories that have been discussed earlier in the overall plan, and the new category of Marine Sales and Services and associated berthing. Opportunities for private investment in this subarea include the continuous renovation of leaseholds as lease terms expire, and a new development for marine service center buildings, located on the yacht basin side of corridor. The plan concept for this facility involves the clustering together of several small marine related services in a centralized complex in an effort to increase their attraction for marine service purchasers.

Some of the small marine sales and service type uses could be relocated from the central portion of the entrance corridor to be closer to the large parking lot at Anchorage Lane and Shelter Island Drive. Relocation of the smaller tenants would facilitate the reutilization of their vacated sites by incorporation into adjacent leases to provide larger sites in the corridor and provide additional area for parking. Direct Port District involvement is proposed to renovate the street area, create a pedestrian promenade, construct a shoreline park, and establish a discernible demarcation between the uplands and tidelands by following a street design that emphasized a sense of entry.

The necessity for marine oriented uses to remain economically viable has moved development trends toward the consolidation of small parcels and mixed-use developments. Uses with long dormant periods and short seasonal peaks, such as fish off-loading, have been consolidated with fuel operations and boat repair, to the detriment of none. Major regattas, such as the International America's Cup Class World Championship and the America's Cup competitions, have stimulated renovations and updated marine services and skills to deal with new vessel designs and materials in the boatyards.

Sportfishing Corridor

This subarea corridor abuts both sides of Scott Street and goes landward to the mean high tide line within an area bounded approximately by Lowell Street, Carleton Street and the bay. Redevelopment of the sportfishing area, begun several years ago, has proceeded with the renovation of the sportfishing services area by removal of obsolete structures, the consolidation of supportive services into new buildings, the reorganization of the parking area into a manageable efficient parking facility, and expansion of the pedestrian oriented shoreline promenade and sitting area. A 100-foot-wide view corridor is proposed from North Harbor Drive to the harbor basin in the proposed marina green. Lodging facilities, restaurants, fresh fish market, cannery and fishing equipment uses are to continue in this dynamic waterfront setting. The renovations of the leaseholds are anticipated projects.

America's Cup Harbor Basin

America's Cup Harbor Special Anchorage A-2, the former Commercial Basin Anchorage, occupies a total water area of about 15 acres. The Port District has a long-term lease on the submerged lands under the anchorage from the State Lands Commission, which prohibits use by any structures that are primarily used for residential purposes. The boundaries of this federally designated Special Anchorage are to continue to be shown on bay charts and marked on site by pole mounted day markers. Control over the anchorage use is exercised by the Port District.

Mooring facilities are marked fore and aft buoys to accommodate about 170 vessels. Twenty to thirty percent of the moorings are to be set aside for short-term use by cruising or transient vessels. Shoreside facilities include pier and float, paved accessways, automobile parking, landscaping, trash receptacles and restrooms.

Approximately 1,000 linear feet of rock revetment is to be placed on the shoreline of the Commercial Fishing Marina in order to protect the adjacent parking lot, prevent shoaling of the adjacent commercial fishing berthing, and to improve the appearance of the area. The proposed top-of-bank alignment will follow the existing top-of-bank. Construction activities will be essentially the same as those described for the shoreline protection in the Bay Corridor of Shelter Island. Tenant conducted renovation of the commercial fishing facility is proposed.

Naval Training School

This subarea adjoins the Naval Fleet Anti-Submarine Warfare Training Center. The Anti-Submarine Warfare Center (A.S.W.) is the Navy's West Coast center for training personnel in the operation, maintenance and tactical use of sonar and other anti-submarine weaponry. Although A.S.W. occupies Port District tidelands, for practical purposes the terms of the lease have excluded the area from Port District jurisdiction. Use of the leased land and water would revert back to the Port District at the Navy's vacating of the premises. Shoreline access initiatives in this area will be pursued in partnership with the Navy.

Development Guidelines

The height of all buildings, except for the triangle-shaped area located on the north side of North Harbor Drive in subarea 15, is limited to 41 feet above mean lower low water (approximately 26 feet above ground level). The low-profile building silhouettes maintain an inviting pedestrian scale. The location of all structures on the site should enhance the waterfront by accenting the land-water interface.

Parking spaces are encouraged on each site; employee parking is suggested to be concentrated to the public parking area at either end of the corridor; and a two-hour parking limit is recommended for most on-street parking. Implementation of competitive market parking rates will promote a more efficient use of parking on the state tidelands. A parking management program has been prepared and will be updated periodically.

All new development shall provide adequate parking to meet its own parking demand. Relocation and full replacement of the 185 public parking spaces at the Westy's Lot will be provided prior to closing the Westy's Lot for public parking use. Potential hotel development up to 130 rooms at the former Westy's Lumber Yard site is proposed at the same height and scale as the two existing hotels adjacent to the site, an additional 80 hotel rooms or other commercial uses may be developed on the existing Chevron gas station lot. Installation of (1) an access corridor through the former lumber yard and (2) a pedestrian-activated crossing of North Harbor Drive will facilitate access to the waterfront from the uplands residential area and tideland hotels. The Port District will continue to work with Metropolitan Transit Development Board (MTDB) to explore options for extending a bus line route or shuttle service out to the Shelter Island traffic circle. The Port District will work with the Port Tenants Association and the City of San Diego Redevelopment Agency to explore constructing a parking structure or acquiring a parking lot to address long-term parking needs.

The transportation demand management (TDM) recommendations in the parking management program will be implemented to reduce the number of solo drivers by promoting walking, bicycling, carpooling, vanpooling, public transportation and other alternative modes of transportation. All new development shall comply with the San Diego Unified Port District Tidelands Parking Guidelines.

Any increase in water coverage from that which previously exists shall be subject to further environmental review and mitigation as required.

To facilitate the mitigation of any new public access impacts, all new development shall prepare subsequent traffic and parking studies and, in compliance with the Coastal Act and CEQA and its guidelines, shall provide adequate parking to meet its parking demand on-site to the greatest extent feasible, or where not feasible, shall provide convenient and accessible off-site parking without diminishing the supply of existing public parking. New development and redevelopment shall assure public access to the shoreline is maintained and improved, when possible.

The Project List deals with development proposals for the entire Planning District. Both Port District and known tenant projects have been listed and a determination as to whether the project is in an appealable category has been indicated.

TABLE 7: PROJECT LIST

SHELTER ISLAND: PLANNING DISTRICT 1

	SUBAREA	DEVELOPER	APPEALABLE	FISCAL YEAR
1. BEACH STABILIZATION AND REPLENISHMENT: (Kellogg Beach) Construct rock groin, backfill with sand	11	P	N	2003-20
2. SHORELINE PROTECTION: Channel side of peninsula; maintain revetment	13	P	N	2003-20
3. SHELTER ISLAND DRIVE: Modify street, curb and gutter; install landscaping, street trees, irrigation, street furnishings, sculpture	14	P	N	2003-05
4. PUBLIC SHORESIDE PARK: Shelter Island Drive at Anchorage Lane; remove paving; install landscaping, irrigation, promenade, park furnishings	14	P	N	2003-05
5. MARINE EQUIPMENT BUILDING: Remove, replace and relocate building and landscaping	14	T	N	2003-05
6. BOAT BUILDING AND REPAIR: Renovate and upgrade facilities	14	T	N	2003-05
7. BOAT SALES: Remove, replace and relocate structures and piers	14	T	N	2003-05
8. MARINE SERVICE CENTER: Remove existing building and construct new building for marine related services	14	T	N	2003-05
9. BOAT YARD: Renovate/replace building, piers and facilities	14	T	N	2003-05
10. SHORELINE PROTECTION: Break up and embed existing rubble; install filter blanket and rock revetment	16	P	N	2003-05
11. SHORELINE PARK: Reconfigure trailer-in-tow parking, construct park lawn area, relocate/renovate pavilion building	13	P	N	2005-07
12. KETTENBURG BOATYARD: Remove and replace obsolete structures and construct walk-up food plaza including through connecting pedestrian/bicycle access to Sportfish Landing promenade and Shelter Island Drive	15	P	N	2003-04
13. NO. HARBOR DRIVE: Partial street vacation, roadway realignment, landscaping, traffic calming, parking and pedestrian/bicycle access improvements	15	P	Y	2003-05
14. HOTEL EXPANSION: Add rooms, pedestrian/bicycle accessway and renovate structures, install landscaping and parking improvements	15	T	Y	2004-06
15. BAY CITY/SUN HARBOR REDEVELOPMENT: New restaurant, retail and marina services, public improvements including view corridors, pedestrian/bicycle access, open marina green park area with water taxi recreational boat access and new 50-slip marina.	15	T	Y	2004-06
16. SHELTER ISLAND BOAT LAUNCH FACILITY IMPROVEMENTS: Remove and replace 10-lane boat launch ramp, partially remove jetties and replace with vertical sheet pile bulkhead walls, install public walking platforms with viewing areas on bulkhead walls, remove floating docks and replace with interior perimeter floating docks, install new ramps to the floating docks, improve kayak launching area, and re-grade beach. Continue to maintain facility, as needed.	13	P	Y	2015-16

P- Port District T- Tenant N- No Y- Yes

HARBOR ISLAND:
PLANNING DISTRICT 2



Precise Plan Concept

Planning District 2 embraces two different activities - the transportation hub of San Diego International Airport (Lindbergh Field) with its ancillary commercial and industrial activities, and Harbor Island with its public parks and tourist commercial orientation. Each serves an important function in the regional economy and, in some ways, they are associated together. Both have been intensely developed and are recognized as being stabilized for the future envisioned in the Master Plan.

Lindbergh Field is included in the Comprehensive Planning Organization's Regional Transportation Plan with the statement that it is "the site most suitable for serving the commercial air transportation needs of the San Diego region through 1995." The Master Plan retains Lindbergh Field in its present configuration, adding to the passenger terminal and making improvements in parking and access. Aviation related industries and commerce will also be retained.

Development of unleased parcels on Harbor Island is expected to be completed with the construction of the hotel on the east basin. Along Harbor Drive, from the Navy Estuary to the Coast Guard facility, planning concepts focus on providing a sense of entry into downtown San Diego for travelers coming via Lindbergh Field and Point Loma, with activities and landscape features that strengthen the image of San Diego as a pleasant place to visit. Considerable attention must be paid to improvements in the general appearance of existing industrial uses and the planned expansion of these uses. Public park, pedestrian promenade and open space are reserved on the bayside and in the circulation gateway of Harbor Island. Coastal access is enhanced by a shoreline park with leisure facilities, including restroom, and a 1.3 mile bayside public pathway.

Land and Water Use Allocations

The Harbor Island/Lindbergh Field Planning District contains an approximate total of 996 acres, consisting of about 816 acres of tidelands and 180 acres of submerged tidelands. **Table 8** summarizes the land and water use allocations proposed in the Precise Plan. As in the Shelter Island Planning District, a significant portion of the area is already developed and is under long term lease commitment. The east end of the Harbor Island peninsula is vacant and thus offers development potential uncomplicated by the presence of structures or lease interest. A balanced allocation of use activities is provided within the major use categories of commercial, industrial, public recreation, and public facilities.

The use allocation table, the **Precise Plan Map**, and the following text supplement the general plan guideline presented in the preceding part of this document.

Harbor Island/Lindbergh Field Planning Subareas

Planning District 2 has been divided into nine subareas ***(Figure 10)*** to provide a more specific explanation of the intent of the Plan.

Spanish Landing Park

Spanish Landing Park, subarea 21, extends along the north bank of the Harbor Island West Basin and occupies 11.2 acres of land. Another 1.3 acres is designated for promenade in the form of a bicycle and pedestrian path. This area is completely developed except for the possibility of a fishing pier near the west end. Approximately one mile of public access to the shore is provided by this park. Historic markers located in the park commemorate Juan Rodriguez Cabrillo's discovery of San Diego Bay in 1542, and the exploratory party of Gaspar de Portola in 1769-70.

West Harbor Island

West Harbor Island, subarea 22, has been completely developed with commercial recreational uses such as hotels, restaurants, marinas, and marine related commercial business. No changes to this 37.7-acre commercial recreation area are anticipated.

East Harbor Island

The east end of Harbor Island, subarea 23, has been the last subarea to complete phased development. The last project, a high quality hotel of approximately 500 rooms, is sited to be responsive to views of San Diego Bay, the airport, and the downtown San Diego skyline. Maximum building heights establish consistency with aircraft approach paths. The hotel complex includes restaurant, cocktail lounge, meeting and conference space, recreational facilities, including piers, and ancillary uses. A marina of approximately 550 slips is located adjacent to the hotel and occupies most of the basin. The eastern end of the peninsula is anchored by restaurants, which are uniquely sited on the water's edge.

A public promenade parallels the active ship channel of the bay and insures pedestrian and bicycle coastal access. Landscaped open space on Harbor Drive is retained with the street design of an upgraded and modified "T" inter-section. Utility capacity is expanded to meet increased service needs.

Anchorage A-9, Cruiser Anchorage, is a 9.2 acre anchorage area located south of the United States Coast Guard Air Station near the East Harbor Island Basin. The boundaries of the anchorage are

TABLE 8: Precise Plan Land and Water Use Allocation
HARBOR ISLAND/LINDBERGH FIELD: PLANNING DISTRICT 2

LAND USE	*ACRES*	*WATER USE*	*ACRES*	*TOTAL ACRES*	*% of TOTAL*
COMMERCIAL	90.6	COMMERCIAL	105.8	196.4	20%
Airport Related Commercial	38.0	Recreational Boat Berthing	105.8		
Commercial Recreation	52.6				
INDUSTRIAL	631.8	INDUSTRIAL	11.2	643.0	65%
Aviation Related Industrial	130.6	Specialized Berthing	11.2		
Industrial Business Park	33.1				
International Airport	468.1				
PUBLIC RECREATION	26.2	PUBLIC RECREATION	45.0	71.2	7%
Open Space	7.5	Open Bay/Water	45.0		
Park	16.4				
Promenade	2.3				
PUBLIC FACILITIES	66.8	PUBLIC FACILITIES	18.0	84.8	8%
Harbor Services	1.3	Harbor Services	5.3		
Streets	65.5	Boat Navigation Corridor	12.7		
TOTAL LAND AREA	**815.4**	**TOTAL WATER AREA**	**180.0**		
PRECISE PLAN LAND AND WATER ACREAGE TOTAL				**995.4**	**100%**

Note: Table 8 Does not include:

Leased Federal Land	*22.5 acres*
State Submerged Tidelands	*41.3 acres*
Leased Uplands	*4.1 acres*

to be delineated with perimeter markers. Landside support for this anchorage is located just east of the Coast Guard Air Station at a small boat landing facility that includes rest rooms, public telephone, parking and a public transit bus stop. For this facility a cruiser is defined as a traveling vessel that is not registered to an address in San Diego County or whose owner/operator is not a resident of San Diego County. The cruiser anchorage is reserved for cruisers that will use vessels ground tackle to anchor for a maximum of 90 days within any 365-day period. Anchorage permits for A-9 may be obtained by application to the office of the Chief of the San Diego Harbor Police. At the District's sole discretion, permits for the cruiser anchorage may be granted to non-cruisers for a maximum period of 72 hours. The permit procedure includes vessel and owner documentation, equipment verification, and is subject to space available and compliance with District regulations. The use of this anchorage will be controlled by duly enacted regulations of the Board of Port Commissioners.



East Basin Industrial

East of Harbor Island, subarea 24, is a tract of land leased by General Dynamics Corporation and Lockheed Ocean Laboratory for aerospace and oceanographic research and development. These sites are recommended for eventual redevelopment into a light, marine related industrial/business park to include such activities as scientific laboratories, office space, marine oriented businesses and light manufacturing plants, with some ancillary storage and warehousing where necessary to the conduct of primary industrial activities.

The bicycle path extends along Harbor Drive north of the industrial site for about one mile, where it connects with the Embarcadero path. A small half-acre land parcel between General Dynamics and the U.S. Coast Guard Station will be used for Harbor Services in association with the Convair Lagoon sediment remediation and monitoring.

Aviation Related Industrial

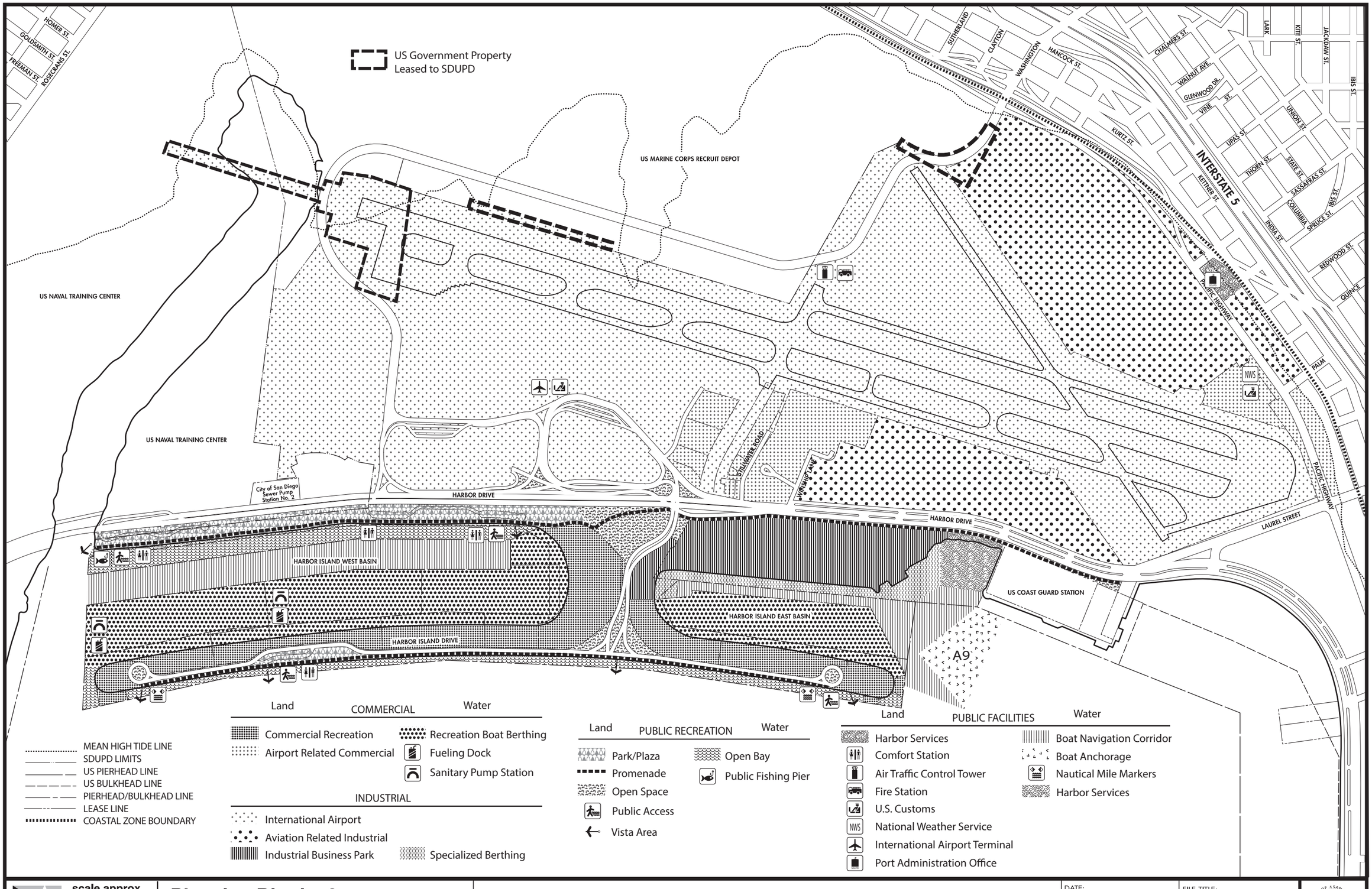
Subareas 25 and 28 have long-term commitments to the existing aviation related industrial uses. Present activities include the manufacture and assembly of aircraft components, and employee parking for a turbine plant located in Planning District 3. These aviation-related industrial uses will continue. The employee parking is being given consideration for relocation to the vicinity of Pacific Highway and Palm Street, upon the widening of Laurel Street.

Lindbergh Field

The Lindbergh Field subareas, 26 and 27, include the airport, runways, taxiways, aircraft parking aprons, control tower, passenger terminals, and public parking. It has been designated International Airport in the Master Plan and the primary uses would include the aforementioned. In addition, the uses typically included inside the terminals such as ticket sales, car rentals, air taxi, restaurants, and gift shop, would be permitted. Approximately 52 acres of former Naval Training Center property west of Lindbergh Field has been transferred to the Port and will be used for parking and future airport expansion.

The Port District is committed to maintaining Lindbergh Field as San Diego's regional airport until an alternative is found. An Airport Development Study was undertaken to provide a long-range development plan for Lindbergh Field in view of the continued increase in air traffic and the increased frequency of congestion in the passenger terminals, terminal roads, auto parking lots and the main access roads linking the airport to the City. As a first step, the District has adopted an Immediate Action Program. The Immediate Program has the following elements: (1) addition of an air terminal concourse, and associated aircraft apron areas; (2) modification of existing parking and airport roadway improvements; (3) modifications to the Harbor Drive interchange at Harbor Island Drive; (4) expansion of the airport fuel farm, and (5) regional access improvements including widening of Laurel Street.

The Master Plan proposes a new access road be constructed from Washington Street, along the north periphery of the airport, to the west side of the new West Terminal. Most of the road is located on land



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Land Use Planning

Planning District 2
HARBOR ISLAND/LINDBERGH FIELD

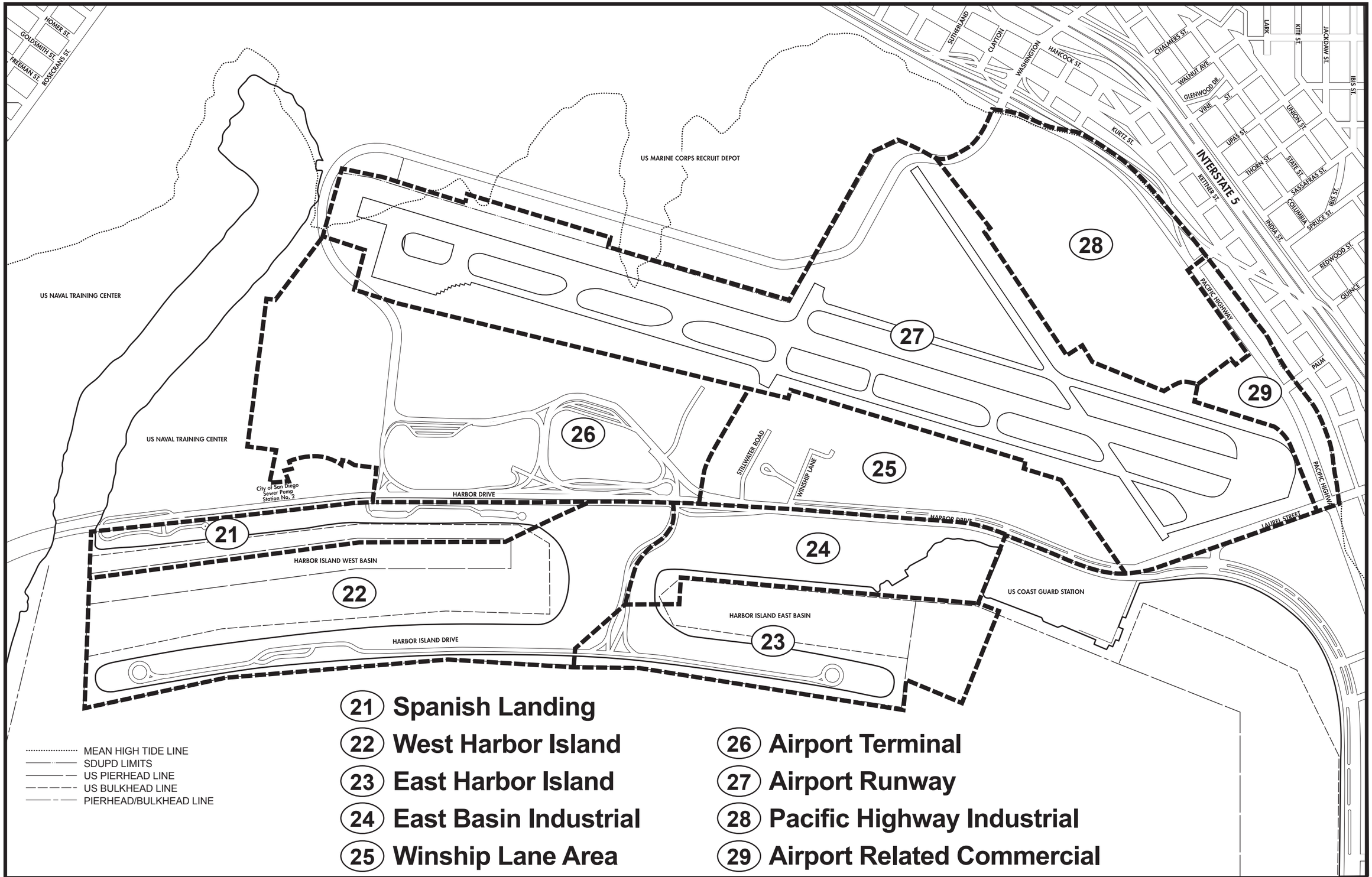
PRECISE PLAN

FIGURE 9

DATE: June 12 2001
DRWN / CHK: T.O. - 10/17/01

FILE TITLE: PPdist2_ntc_pmpa_current_4_02

PORT OF SAN DIEGO UNITED PORT DISTRICT



MEAN HIGH TIDE LINE
SDUPD LIMITS
US PIERHEAD LINE
US BULKHEAD LINE
PIERHEAD/BULKHEAD LINE

21 Spanish Landing
22 West Harbor Island
23 East Harbor Island
24 East Basin Industrial
25 Winship Lane Area
26 Airport Terminal
27 Airport Runway
28 Pacific Highway Industrial
29 Airport Related Commercial

scale approx. 0 200' 400'
Land Use Planning

Planning District 2
HARBOR ISLAND/LINDBERGH FIELD

Planning Subareas

FIGURE 10

June 12 2001
DRWN / CHK: T.O. - 10/17/01

FILE TITLE: planning subareas dist2

PORT OF SAN DIEGO · UNIFIED PORT DISTRICT

occupied by the U.S. Marine Corps Recruit Depot; however, the exact location, design and ownership will be decided at a later date, and is subject to negotiation with the U.S. Navy. It is not intended to serve as a shortcut or bypass between Point Loma and Hillcrest, so it has been narrowed as it enters Harbor Drive.

Airport Related Commercial

Commercial uses associated with the airport have been delineated on the Precise Plan. They include a cluster of uses along Pacific Highway near Laurel Street. While individual leases may change from time to time, it is intended to continue these existing areas in airport related commercial use. Other uses included are car rental, offices, private general aviation services, restaurants, government offices, service stations, flight food preparation, aircraft maintenance, and similar uses. The total area now shown in this category is 38.0 acres.

The existing Port District Administration Building at Sassafras Street will continue to serve the District.

TABLE 9: PROJECT LIST

HARBOR ISLAND/LINDBERGH FIELD: PLANNING DISTRICT 2	SUBAREA	DEVELOPER	APPEALABLE	FISCAL YEAR
1. HOTEL COMPLEX: up to 500 rooms, restaurant, cocktail lounge, meeting and conference space; parking; landscape	23	T	Y	1993-94
2. PORT ADMINISTRATION BUILDING RENOVATION: Renovate building; Construct parking structure; install landscaping	29	P	N	1993-95
3. AIRPORT ACCESS ROAD: Construct	27	P	Y	1995-96
4. FUEL FACILITY: Expansion to north side of airport	25	P	N	1992-93
5. ACCESS ROADS: Revise airport internal road system	26	P	N	1993-94
6. LAUREL STREET: Widen between Harbor Drive and Pacific Highway	27	P	Y	1994-95
7. NEW AIRPORT TERMINAL: Construct facility; apron; taxiway	26	P	N	1993-95
8. ANCHORAGE FACILITY: Install perimeter marker buoys at Anchorage A-9	23	P	Y	1995-96
9. CONVAIR LAGOON: Sediment remediation	24	T	N	1996-97
10. INTERIM EMPLOYEE PARKING LOT: Construct airport employee parking lot and staging area for taxis, shuttle vans and charter buses; replace storm drain	26	P	N	2001-03

P- Port District T- Tenant N- No Y- Yes

CENTRE CITY EMBARCADERO:
PLANNING DISTRICT 3

Introduction

The Embarcadero of San Diego is the downtown waterfront area for an urban region of over 2.7 million people. The pierside maritime activities of commercial fishing boats, merchant ships, Navy vessels and pleasure craft contribute to the fabric of the Embarcadero. Planning District 3 covers all of the Port District waterfront from the U.S. Coast Guard Air Station to the Tenth Avenue Marine Terminal. From Laurel Street to Market, Port land boundaries follow parallel to the shoreline and extend easterly to Pacific Highway, except for two major land blocks; the five-block-long property of the County of San Diego's Administrative Center and the four-block-long property of the U.S. Navy's Commander, Naval Base San Diego and Naval Supply Center. The owners of both of these properties have proposed extensive renovation and redevelopment plans, which include commercial recreation, county government's administration, and U.S. Navy uses.

In order to coordinate the redevelopment of this area and adjoining agency properties, an alliance was formed to develop a single, comprehensive plan. The North Embarcadero Alliance includes the Port District, City of San Diego, County of San Diego, Centre City Development Corporation, and the U.S. Navy. The Alliance developed a Visionary Plan in 1998 to guide the redevelopment of the contiguous properties. The specific recommendations of the Visionary Plan that pertain to Port District land and water areas within the Planning District 3 Precise Plan area are incorporated into the Master Plan. All other recommendations of the Visionary Plan guide development within Planning District 3.

Precise Plan Concept

The basic concept of the redevelopment of the Embarcadero is to create a unified waterfront, both visually and physically, which creates an overall sense of place. In this concept, the Embarcadero becomes a pedestrian spine along which commercial and recreational activities are located. In order to emphasize the pedestrian oriented waterfront experience, through traffic is routed to Pacific Highway, and considerable effort is directed toward improving the amenities and people spaces of the public thoroughfare along North Harbor Drive. Industrial uses adjacent to the airport are renovated and retained as important employment centers and as airport buffer land use activities. The renovation of marine terminal facilities will retain the active use of deep draft berthing and continue carefully selected functions of a working port. The commercial fishing industry is given a major focus at several locations with the development of new piers and a mooring basin. A major hotel and commercial complex with recreational facilities is proposed to connect and enhance nearby portions of downtown.

The Embarcadero is intensively used by many people. With the mixture of activities going on here, it is important to emphasize that several activities may occur at the same location, depending on a scheduling overlap to accommodate all of them. For example, Broadway Pier may be used at different times for tuna fleet berthing, cruise ship berthing, excursion or ferry boat berthing, public access, passive recreation, and commercial recreation. The redefined Specialized Berthing designation applies to this precise plan area only, and may include marine-related uses such as transient and general berthing of small boats, historic ship berthing, ferry or excursion boat berthing, and commercial fishing boat berthing as the highest priority use. The designation carried on the Precise Plan indicates the primary use but secondary uses may occur. This is particularly true of water areas and of public access, which may be available at other sites than those mentioned.

Land and Water Use Allocations

The Precise Plan allocates a balanced distribution of commercial, industrial, public recreation and public facility uses in this 434- acre planning area. More detailed allocations are indicated in the Land and Water Use **Table 10**, and use areas are graphically portrayed on the **Precise Plan Map**.

Centre City Embarcadero Planning Subareas

The Planning District has been divided into six subareas as shown in ***Figure 12***.

The North Embarcadero Alliance Visionary Plan area includes all of Subareas 31, 32, 33, and part of Subarea 34. The Visionary Plan proposes to revitalize San Diego's downtown waterfront through a concept for public improvements and by guiding development to optimize property values, public access opportunities and priority waterfront and water-dependent uses. The Plan recommends a substantial linear esplanade park on the urban waterfront with public art, street furniture, public spaces, expansive Bay views and public parking. The Plan proposes two major parks and plazas at the County Building and the foot of Broadway, and includes recreational piers and associated public facilities, harbor excursion landings and water-related commercial uses on Port tidelands. General commercial, residential, and commuter traffic would utilize an enhanced Pacific Highway grand boulevard, while North Harbor Drive would serve waterfront public access, water-dependent, and Embarcadero commercial recreational uses. An extension of the downtown San Diego small-block street grid across the railroad right-of-way, off Port lands, to the Bay would enhance public views and pedestrian access opportunities from upland areas *(See Visionary Plan Figure 3.1 for illustrative plan of the area)*. Aboveground parking structures which are visible at the perimeter of a development should be limited to a maximum of six levels of parking or 60 feet above grade. *(See Visionary Plan - p.79)* North Harbor Drive, Broadway, Ash Street, and Grape Street are envisioned as active pedestrian linkages to the Bay from upland areas. Building frontage adjacent to these streets shall be developed with uses that promote pedestrian activity and public oriented uses. On other streets, ground-level facades shall maximize the sense of contact between indoor and outdoor activities. *(See Visionary Plan - pp.67, 68.)*

Laurel Street Corridor

The established aviation related industrial use in this subarea, subsequent to renovation and beautification of the physical plant, is anticipated to continue in

TABLE 10: Precise Plan Land and Water Use Allocation
CENTRE CITY EMBARCADERO: PLANNING DISTRICT 3

LAND USE	*ACRES*	*WATER USE*	*ACRES*	*TOTAL ACRES*	*% OF TOTAL*
COMMERCIAL	111.1	COMMERCIAL	35.8	146.9	33%
Commercial Fishing	5.4	Commercial Fishing Berthing	13.1		
Commercial Recreation	105.7	Recreational Boat Berthing	22.7		
INDUSTRIAL	29.2	INDUSTRIAL	61.5	90.7	21%
Aviation Related Industrial	22.3	Specialized Berthing	43.3		
Marine Terminal	6.9	Terminal Berthing	18.2		
PUBLIC RECREATION	58.2 [64.4*]	PUBLIC RECREATION	4.7	62.9 [69.1*]	14%
Open Space	0.7	Open Bay/Water	4.7		
Park/Plaza	49.9 [56.1*]				
Promenade	7.6				
PUBLIC FACILITIES	46.8	PUBLIC FACILITIES	93.9	140.7	32%
Streets	46.8	Boat Navigation Corridor	29.6		
		Boat Anchorage	25.0		
		Ship Navigation Corridor	15.1		
		Ship Anchorage	24.2		
TOTAL LAND AREA	**245.3**	**TOTAL WATER AREA**	**195.9**		
PRECISE PLAN LAND AND WATER ACREAGE TOTAL				**441.2****	**100%**

Note: Does not include: State Submerged Tidelands 22.6 acres

** Includes 6.3 acres of rooftop park/plaza & inclined walkway* *** Does not include 6.3 acres of rooftop park/plaza & inclined walkway*

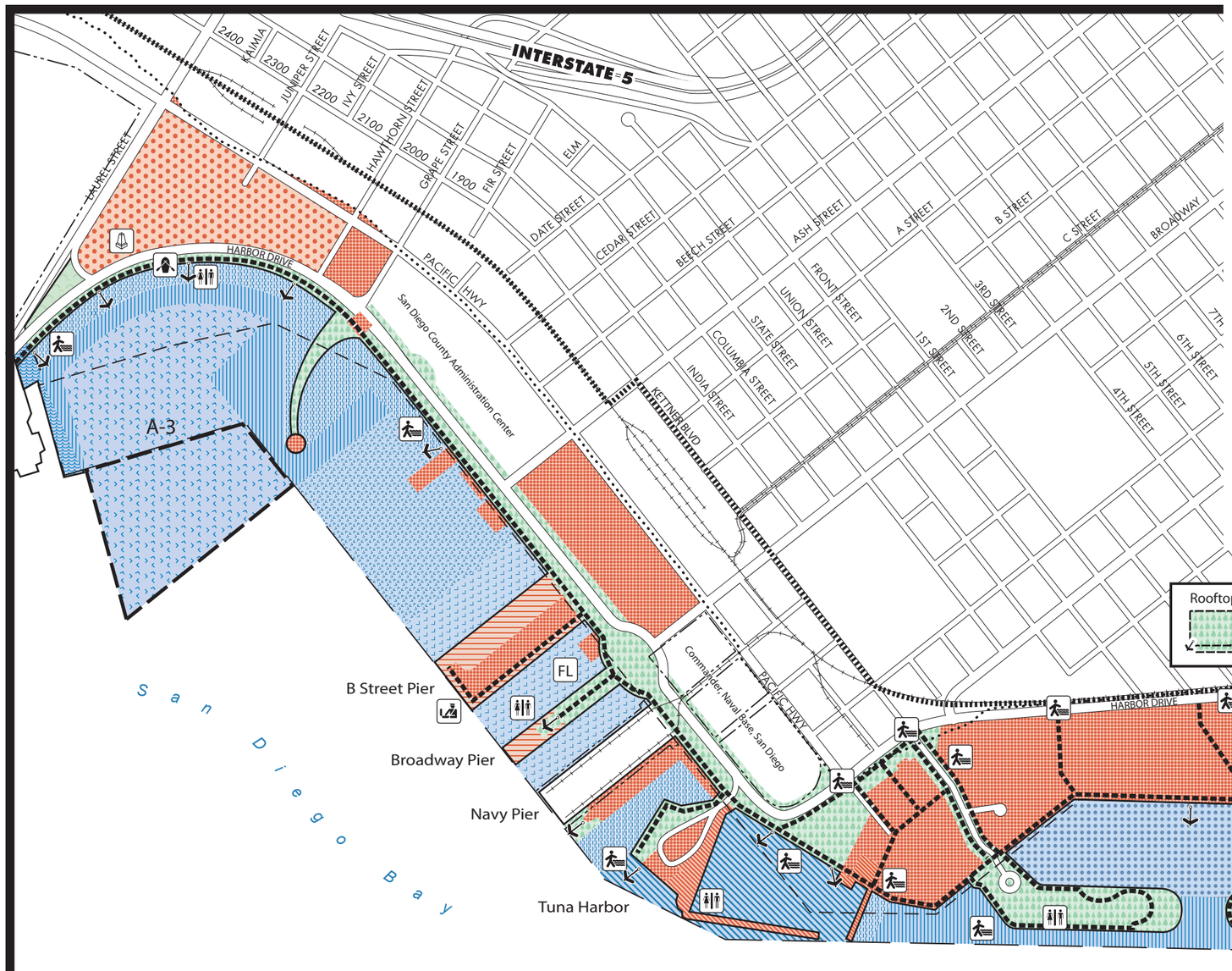
operation: however, if such use is discontinued, the Visionary Plan proposes the extension of vehicle and pedestrian access, parking, service access, and view corridors along extensions of Kalmia, Juniper, and Ivy streets through this parcel to North Harbor Drive. Building height limits of 60 feet are proposed for this area; however, this height limit would be superseded by any more-stringent FAA runway approach zone restrictions. *(See Visionary Plan Figures 4.5, 4.10, 4.11, and 4.12.)* Grape and Hawthorn Streets, Pacific Highway and North Harbor Drive from Laurel Street to Hawthorn Street will be modified to accommodate traffic flow and with streetscape improvements to match the balance of the streets through Subareas 31-34. Geometric improvements to direct traffic flow from North Harbor Drive to Pacific Highway will be made at the Grape Street intersections with these roadways. The block between Hawthorn, Grape, Pacific Highway and North Harbor Drive (2.3 acres) will remain in commercial recreation use with some landscape improvements or possible parking facility development. The landscaped triangle at Laurel and North Harbor Drive is shown on the Plan as Open Space.

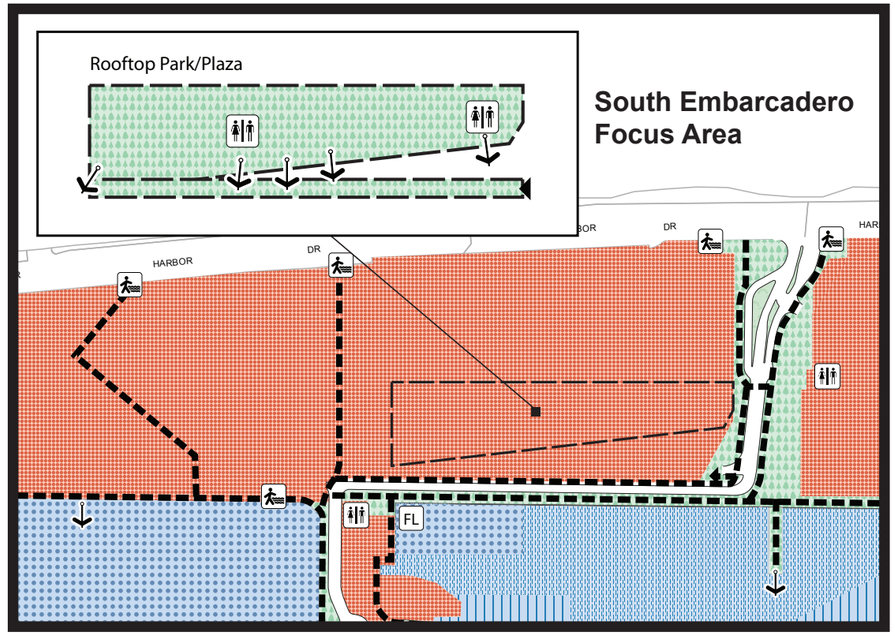
Crescent Zone

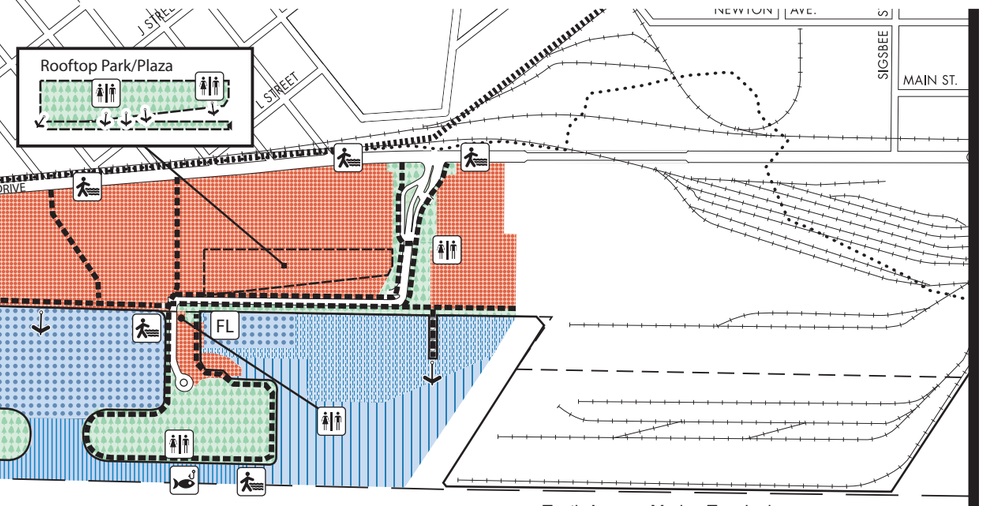
The most important element influencing design in the Crescent Zone is the curvilinear form of the waterfront. Dramatic panoramic views can be realized at either vehicular or pedestrian speeds. The Port Master Plan capitalizes on this attribute to establish a grand pedestrian-oriented esplanade (no less than 100-feet wide) and major entryway into the Centre City district from Grape Street to Broadway. The promenade connects with the North Harbor Drive bicycle path to provide a continuous pedestrian/ bicycle path from Navy Estuary to Fifth Avenue, a distance of four miles. Pacific Highway streetscape improvements would continue through this subarea. An esplanade at least 25-feet wide, bayward of Harbor Drive, will be added from Laurel Street to Grape Street. North Harbor Drive will be narrowed to three lanes to reduce through traffic. The unused right-of-way will be developed with landscaped promenades, parks and plazas. Along the water's edge the concrete pathway will continue its present use as both pedestrian promenade and service area for commercial fishing boats tied up along the Crescent Zone bulkhead. Four public viewing/vista points would be spaced along the Crescent shoreline.

The waterfront between Grape Street and Ash Street will be used for Ship Anchorage, Boat Navigation Corridor, and Specialized Berthing. The three existing piers no longer function or are needed as commercial fishing berthing or fuel pier; therefore they will be replaced with a 30,000 square-foot curvilinear pier at Grape Street, with a 12,000-square-foot public boat dock designated as Park Plaza. The waterside termination of this pier is designated as Commercial Recreation to allow possible development of a commercial facility. Wave attenuation structures would protect the boat docks. A 5,000-square-foot parcel with a maximum 10,000-square-foot floor area designated as Commercial Recreation will provide for a major restaurant or other commercial recreation use on the esplanade at the foot of the Grape Street Pier. Development density with a Floor Area Ratio (FAR) of 3.0 and a building height limit of 12 feet is prescribed for this area, with the exceptions of the proposed commercial recreation parcel where a 13-foot high second story would be allowed. Building stepbacks along the inland side of North Harbor Drive for upper stories shall be 25-foot minimum at 50 feet along the inland side of North Harbor Drive and 15-foot on east-west streets. *(See Visionary Plan Figures 4.4, 4.5 and 4.8)* Commercial Fishing Berthing has been allocated to the Crescent water interface (18.6 acres) as the highest priority use; however, this water is also used for transient berthing and occasional general berthing for small boats. The boat channel area just offshore is also used for temporary anchorage for small boats; therefore, the designation is changed to Specialized Berthing, which includes these uses within this precise plan area only.

Anchorage A-3, Laurel Street Roadstead Anchorage, is sheltered from the open sea but is located in both the most visible and the widest part of northern San Diego Bay. Approximately 20.6 acres of water area is allocated to accommodate about 50 vessels on swing point mooring buoys. Onshore, a public rest room, three dinghy floats and connecting shore ramps provide for the landing needs of the anchorage user. As a federally designated anchorage, the boundaries are shown on coastal charts and identified on site by boundary markers. Administration of the anchorage is exercised by the Port District, pursuant to local ordinance. Thirty to forty percent of the moorings are to be set aside for short-term use by cruising or transient vessels. Section III, Water Based Transportation system, contains information on the baywide small craft anchoring system.







Land COMMERCIAL Water

- Commercial Recreation
- Commercial Fishing
- Recreational Boat Berthing
- Commercial Fishing Berthing
- Fueling Dock

INDUSTRIAL

- Marine Terminal
- Aviation Related
- Terminal Berthing
- Specialized Berthing

Land PUBLIC RECREATION Water

- Park/Plaza
- Open Space
- Promenade
- Public Access
- Vista Area
- Historic Feature
- Open Bay
- Public Fishing Pier

Land PUBLIC FACILITIES Water

- Comfort Station
- U.S. Customs
- Anchorage Landing
- FL Ferry Landing
- Boat Navigation Corridor
- Ship Navigation Corridor
- Ship Anchorage
- Boat Anchorage

- MEAN HIGH TIDE LINE
- SDUPD LIMITS
- US PIERHEAD LINE
- US BULKHEAD LINE
- COMBINED US PIERHEAD/BULKHEAD LINE
- STATE LANDS LEASED TO PORT DISTRICT
- COASTAL ZONE BOUNDARY

scale approx. 0 200' 400'

Land Use Planning

Planning District 3
CENTRE CITY EMBARCADERO

TITLE: **PRECISE PLAN**

FIGURE 11

DATE: 12/14

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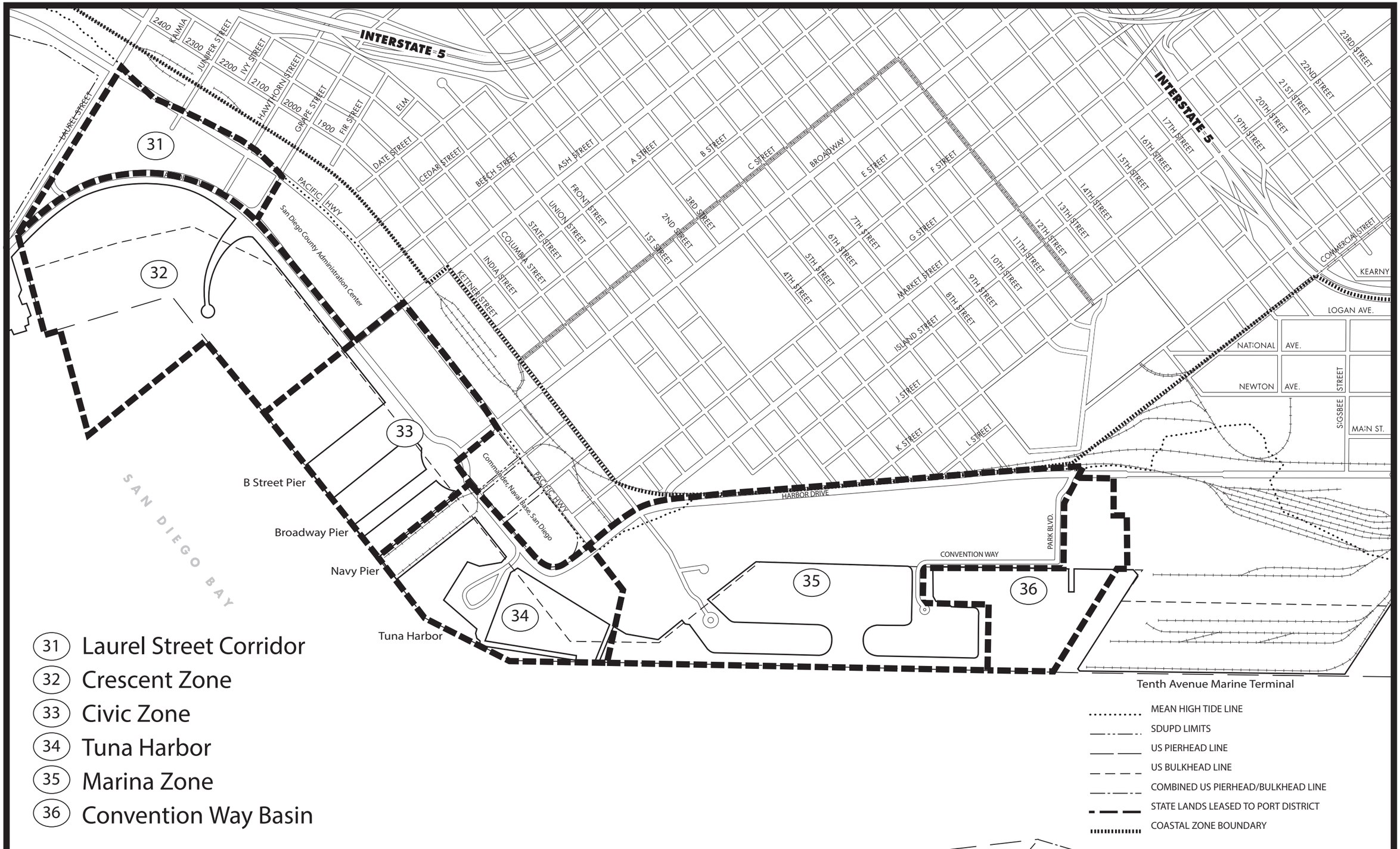
PORT OF SAN DIEGO UNIFIED PORT DISTRICT



31 Laurel Street Corridor
32 Crescent Zone
33 Civic Zone
34 Tuna Harbor
35 Marina Zone
36 Convention Way Basin

MEAN HIGH TIDE LINE
SDUPD LIMITS
US PIERHEAD LINE
US BULKHEAD LINE
COMBINED US PIERHEAD/BULKHEAD LINE
STATE LANDS LEASED TO PORT DISTRICT
COASTAL ZONE BOUNDARY

scale approx. 0 200' 400'
Land Use Planning

Planning District 3
CENTRE CITY EMBARCADERO

TITLE: Planning Subareas

FIGURE 12

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Civic Zone

The zone of highest activity is the Civic Zone from Ash Street to Broadway. This zone reflects its waterfront orientation, with operating piers extending into the bay, Navy facilities, commercial fishing activity, and historic sailing vessels. Its physical relationship to Centre City attracts large numbers of people and the future development of both areas is integrated by the Visionary Plan.

Significant redevelopment is recommended for the Civic Zone. The landscaped esplanade and streetscape improvements mentioned in the Crescent Zone will be continued along North Harbor Drive and Pacific Highway through the Civic Zone. North Harbor Drive will be reduced by narrowing to three lanes. Parking areas along the street will be interspersed with landscaping, vertical elements used to frame and enhance views, and lawn areas. *(See Visionary Plan Fig. 5.3)*

The esplanade expands into plazas at Beech and Ash Streets, B Street Pier, and Broadway Pier. These plazas will be designed to provide open space, sitting and strolling areas for tourists and nearby workers, and to increase the sense of destination for Embarcadero visitors.

Passive green spaces (parks) are proposed between the plazas on the esplanade, providing recreational opportunities and places for people to relax, play, and enjoy Bay views. The promenade is a continuous 25-foot-wide paved area adjacent to the water's edge. The wharf side remains clear of objects or furnishings that would block Bay views. A delicate string of lights, a planting area with tall palms, and a 10-foot-wide bike path border the landward side of the promenade *(See Figure 5.3 of the Visionary Plan)*.

The most important element in this zone is the conversion of the old Lane Field site and Navy Engineering building into a new complex of buildings and open spaces. Primary consideration is a 600-to-800-room hotel. The intent of the plan is to retain flexibility for considering a wide array of development options. The concept includes possible multiple utilization of activities that could provide for commercial recreation; international trade, travel and cultural complexes; commercial and office space for maritime business; support facilities related to the Port; and subject to negotiation with the U.S. Navy, the provision of equal or better building space for the relocation of the Naval Facilities Engineering Command. The FAR for Lane Field parcel is 7.0 and 6.5, while building height limits range from 400 feet to 200 feet sloping toward the Bay. Special setback requirements along the Broadway side of this parcel range from 55 feet to 65 feet, widening toward the Bay (See Figure 4.7 of the Visionary Plan, which also illustrates the special radius setback on North Harbor Drive/ Broadway SW corner). Stepbacks for upper stories are 25-feet minimum at 50-feet building height except for the B Street side of the parcel and on other east-west streets where they are 15 feet. There are no stepback requirements along Pacific Highway. *(See Visionary Plan Figures 4.5, 4.6, 4.7 and 4.8)*

The Visionary Plan proposes public right-of-ways aligned with existing downtown streets through development parcels, including Lane Field. These right-of-ways include pedestrian and vehicle traffic, view corridors, parking and service access. The right-of-ways shall be a minimum of 80-feet-wide with the character of a public street, and would enhance the physical and visual access to the Bay. The C Street segment through Lane Field may vary in alignment with existing street up to 20 feet north or south, and it may or may not accommodate vehicular circulation. A north-south pedestrian link, if practical, is also proposed through this parcel. *(See Visionary Plan Figures 4.10, 4.11, 4.12, and 6.1)*.

B Street Pier is scheduled for substantial redevelopment of the apron wharf and the structures on the pier. The south shed will be removed or redesigned to create space for parking and a promenade. The western end of the pier will be converted for specialized commercial uses such as a shopping bazaar, and foods and services reflecting the maritime character of the Embarcadero and which will be compatible with cruise ship berthing. The Cruise Ship Terminal will be expanded and both sides of the pier will accommodate ship berthing. Cruise ships may tie up at both the B Street and Broadway Piers. The shopping bazaar could be expanded into the terminal building and the existing Maritime Museum could be provided with land-based support area, storage and work area, and possibly a living museum of nautical craftsmen; however, loading, off-loading, and storage capabilities for general cargo will be retained as needed. Alternatively, the Maritime Museum may be relocated to another location along the Embarcadero, such as the curvilinear pier at Grape Street. A FAR of 2.0 applies to the B Street and Broadway piers. The building height limit for the B Street Pier is 50 feet; however, an expanded cruise ship terminal, now under study, may require (for functional reasons) building(s) in excess of 50 feet in height. Pursuant to the Port's cruise ship terminal study, alternative height restrictions and other guidelines affecting B Street Pier

may be appropriate and acceptable, and they should be considered by the Alliance. *(See Visionary Plan Figs. 4.4, 4.5 and pp. 63, 64)*

Broadway Pier will continue to provide recreational space on its plaza and viewing platform, as well as accommodating commercial shipping and miscellaneous vessel berthing, including day cruisers. Improvements to the pier will include paving, plantings, lighting, and furniture. The harbor excursion and ferryboat water lease north of Broadway Pier may also remain as part of the recreational experience along the waterfront or move to another location along the Embarcadero.

Tuna Harbor

This subarea consists of the Tuna Harbor, the harbor formed by its pier, the proposed new bayfront public park, the new Pier Walk building with commercial recreation and commercial fishing uses, parking, and adjacent areas.

Tuna Harbor and the shoreline area between it and Navy Pier are planned to provide space for commercial fishing and commercial recreation activities. The plan concept is to create a physical and visual linkage along North Harbor Drive by tying together Broadway Pier and the Tuna Harbor area.

The aircraft carrier Midway is docked on the south side of the Navy Pier. The Terminal Berthing designation would be changed to Commercial Recreation and Park/ Plaza for the proposed 0.8-acre public viewing area with a designated vista point on the bow deck of the ship. The Commercial Fishing Berthing designations in this water area would be replaced with Specialized Berthing to accommodate multiple uses. Landscaping and streetscape improvements on North Harbor Drive would continue through this area.

Parking for visitors to the Midway and its museum will be provided, on an interim basis, at the Navy Pier, pursuant to the museum's lease with the United States Navy. When and if the Navy determines that its use of the Navy Pier is no longer necessary, the Port will accept the proposal by the San Diego Aircraft Carrier Museum to convert the Navy Pier into a "public park" use, thereby allowing the pier to be converted into a memorial park complementing the Midway and its museum, while affording additional public open space and bay vistas. Vehicle parking for museum visitors will then be shifted to nearby offsite locations. However, since the Navy Pier's future is uncertain and will be determined by decisions of the federal government, the conversion of the pier to a 5.7-acre memorial park is a specific planning goal of the Port, and environmental analysis for the park conversion will be conducted prior to the Navy relinquishing ownership and/or control of the Navy Pier such that construction of the park can occur as soon as feasible thereafter. The park conversion will be subject to all appropriate laws at the time the Navy Pier Park is proposed.

Mitigation for the loss of 4.1 acres of open water habitat resulting from the placement of the aircraft carrier Midway and its mooring platform structures has been provided by an expansion of an existing degraded marsh, known as Lovett Marsh, east of south San Diego Bay, in the City of National City, resulting in the creation of approximately 5.8 acres of new coastal salt marsh.

A small waterfront plaza, fishing technology displays, restaurants, marine related office and retail space is planned on the periphery of the mole. Tourist traffic on the public areas will be encouraged, consistent with safety. The Embarcadero pedestrian path loops through the area.

A substantial portion of Tuna Harbor is devoted to commercial fishing use. It is anticipated that offices for the tuna and fresh fish fleet will locate here, as well as ancillary uses such as small seafood processors, fish markets, marine instrument and equipment sales, fishing and ocean technology displays, and automobile parking. The northern side of the mole has been renovated by stabilizing the existing concrete slab wall with rock revetment. The south face of the mole has been renovated with rock revetment for shore protection. Floating docks will provide 50- and 60-foot berths for commercial fishing boats. Low level lighting is provided for the berths. Landside support services, auto parking, and truck access are included. Approximately 100 commercial fishing berths are provided alongside the floating docks.

To shelter Tuna Harbor from the south, a concrete breakwater pier approximately 400 feet long has been built from the land lying between the former Harbor Seafood Mart area and Seaport Village. The pier provides additional berthing for tuna seiners and large market fishing boats, allows public access to the water, and accommodates water taxi service. The entrance to this joint use pier will be enhanced to provide a strong pedestrian linkage from waterfront viewing areas to the reconfigured commercial fishing and retail area (formerly occupied by the Harbor Seafood Mart

building). This pier walk will connect to the new bayfront public park to the north, as well as the entrance to Seaport Village and the south side of the redeveloped Old Police Headquarters (OPH) building.

The Harbor Seafood Mart building is planned to be demolished and the site redeveloped with a new Pier Walk building of comparable size and use allocation, which will consist of an improved fish processing facility with sufficient parking and loading/unloading spaces to support the operation, as well as ancillary retail and restaurant uses related to and supportive of the commercial fish processing uses in the building. The development will be designed so that the commercial fishing use will be able to continue to utilize and maintain the existing fish unloading dock, with direct, unrestricted access to joint use of the pier/dockside facilities. The new facility will be large enough to support both the current capacity requirements of the fishing industry, and allow for the expansion of services for seafood processing. The Precise Plan underlying the portion of the new Pier Walk building nearest the unloading dock will have a land use designation of Commercial Fishing to provide for the retention of valued commercial fishing activities. The facility will be integrated with the surrounding public walkways and plazas with opportunities for public viewing and access opportunities.

In conjunction with the reconfiguration of the fishing facility, the Precise Plan will also be designated as Park/Plaza to allow for the construction of a new three-acre bayfront public park on the north end of the site. The open space provided by the new bayfront park will enhance pedestrian and visual access to the Bay, as well as create a pleasant rest area and viewing place along the Embarcadero promenade for event gatherings and public activities. Adjoining parking areas will also be reconfigured and enhanced with landscaping and pedestrian linkages to the surrounding uses. The parking areas are intended to serve the public park, commercial fishing and recreation uses, reactivated Old Police Headquarters building, as well as Seaport Village.

Marina Zone

The Marina Zone, located along Harbor Drive from Pacific Highway to Park Boulevard, is planned to be intensively developed as a major public and commercial recreational complex. Major projects, including the 22-acre Embarcadero Marina Park; the restaurant and specialty retail center of Seaport Village; a regional convention center and, convention hotels and marina, have started the transformation of this waterfront area into an attractive commercial and recreational resource. Marina Zone projects will provide the southerly anchor for the Embarcadero development and the six-mile long promenade that extends north to Spanish Landing Park along the waterfront. Pedestrian linkages from the upland areas will provide access to this lively activity center for residents and visitors alike.

The plan concept is to rehabilitate and reactivate the historically designated, and presently vacant, Old Police Headquarters building with restaurant, specialty retail, indoor/outdoor public market, and entertainment uses. On the district Precise Plan, this area will be designated as Commercial Recreation. The north side of the site along Harbor Drive will be designated as Park/Plaza and will be redeveloped into an urban park and plaza area of approximately one acre in size with enhanced landscaping and pedestrian features. The new urban park will create visual and physical linkages from the OPH to the new bayfront park across Pacific Highway, as well as link to enhanced pedestrian connections to and along the Embarcadero through Seaport Village and along Kettner Boulevard. A small portion of the site on the north side of OPH will retain the Commercial Recreation land use designation in order to allow for associated outdoor commercial, or activating, uses. The parking areas surrounding the OPH and Seaport Village will be reconfigured to accommodate vehicles more efficiently, as well as allow for valet parking and loading areas.

Across from the hotel development, the west side of Kettner Boulevard from Harbor Drive to Seaport Village will be developed with landscaping and pedestrian features to provide improved connectivity between tideland uses, as well as increase activating uses.

Between the existing Marriott and Hyatt Hotels, an accessway known as “Marina Walk” is proposed consistent with the South Embarcadero Public Access Program, as amended. Marina Walk will improve public pedestrian connectivity between Harbor Drive and the Embarcadero shoreline promenade and enhance public views towards the Bay through removal of existing landscaping and surface parking, leveling of the existing grade, relocation of the large cooling towers, and construction of a joint, cohesive public accessway spanning both the Marriott and Hyatt leaseholds. Approximately one half of the Marina Walk length will be a total of 50 feet wide and will contain a 40-foot-wide public pedestrian access corridor, and a 10-foot-wide landscape buffer to help screen the adjacent Hyatt parking structure. The 40-foot-wide public access corridor will include a 33.5-foot-wide

dedicated pedestrian walkway, a 2-foot width for intermittent benches and lighting, and a 4.5-foot-wide landscape buffer with low-level, drought-resistant shrubs and groundcover that shall not exceed 3 feet in height. Adjacent to the existing approximately 10-foot-wide mechanical equipment enclosure on the Hyatt leasehold, the public access corridor may narrow to approximately 32 feet wide to allow for construction of a low-scale retaining wall and vine plantings to screen the enclosure. Marina Walk will contain amenities such as decorative paving, signage, public art features, low-level lighting, bicycle racks, benches, trash receptacles, a wheelchair accessible ramp, and restrooms open to the public during daylight hours. Marina Walk will widen to 80 feet as it approaches the Embarcadero promenade, and will widen to 145 feet at the Harbor Drive gateway to Marina Walk. At the project level, minor adjustments and revisions to the corridor, parking areas, and driveway may be made to increase the width of the walkway and improve connectivity between Marina Walk, Marina Terrace, and the Embarcadero promenade. Adjacent to this gateway, removal of the existing parking booths/gates and substantial narrowing of the entry drive (from 78 feet to 40 feet in width) will create a more inviting entrance and will encourage a more pedestrian-oriented environment. The Harbor Drive gateway area will be kept clear of physical barriers, signage, or visual obstructions that would discourage public use of Marina Walk.

Bayward of the Marriott and Hyatt hotels, a continuous pedestrian promenade links the two Embarcadero Marina Park peninsulas and assures public access along the shoreline. Pedestrian linkage to the uplands is provided around and over the expanded Convention Center. An existing accessway between the Marriott Hotel and the Convention Center has been improved to provide functional, safe, and environmentally educational passage to the waterfront, as provided in the Public Access Program. The Convention Center includes another public accessway with a minimum width of 20 feet over the Convention Center connecting Harbor Drive and the Embarcadero Promenade. The public accessway will continue to be open and publicly accessible via stairs and the funicular on the Harbor Drive side of the Convention Center. At the intersection of Park Boulevard (formerly Eighth Avenue) and Harbor Drive, the promenade connects with the adjacent Gaslamp Quarter pedestrian and trolley facilities. The public accessway extends from the south end of the Convention Center expansion and along both sides of Park Boulevard. A pedestrian bridge spans Harbor Drive at the Park Boulevard and Harbor Drive intersection and provides a contiguous link from the waterfront to downtown and the ballpark. The expansion to the Hilton San Diego Bayfront will provide an elevated public pedestrian accessway that will link the existing pedestrian bridge with the waterfront promenade. The elevated pedestrian accessway will culminate with a new staircase from the existing porte-cochere to ground-level adjacent to the waterfront promenade.

The District, in conjunction with the City of San Diego, has implemented a public access program of signage, pavement markings, amenities and public information to inform and invite the public to and along the Embarcadero, as is more specifically shown in the Convention Center's "Public Access Program" (as revised) and the "South Embarcadero Public Access Program" (as amended), which are incorporated into the plan by reference.

It is recognized that providing all required parking on-site can result in a significant amount of waterfront land being dedicated to parking lots and structures, thereby limiting the ability to provide visitor-serving uses such as parks and commercial development. New commercial development in the Marina Zone shall participate in the implementation of the Parking Management and Monitoring Plan (PMMP), as amended. Such participation is intended to achieve maximum feasible reduction in automotive traffic, facilitate the extension and utilization of mass transit to serve the Marina Zone, provide and support means of non-automobile circulation to employees and guests, make more efficient use of existing parking lots and structures, and help avoid significant effects associated with a lack of parking for waterfront projects. Additionally, the PMMP requires new commercial development to provide maximum feasible on-site or proximate parking facilities on Port and nearby City lands, and participate in the tiered, legally available, off-site parking program to address peak individual and cumulative demand. Required participation in the PMMP shall be monitored and reported annually to the Port and California Coastal Commission for the economic life of the development. Throughout the South Embarcadero (G Street mole to the Hilton San Diego Bayfront Hotel and Expansion Hotel), commercial development is also required to participate in and contribute a fair share to the Port District's implementation of a permanent bayside shuttle system that would serve and connect tideland uses along the waterfront, such as the Convention Center Hotel Public Parking Facility, hotels, Seaport Village, and other waterfront destinations. Although outside the South Embarcadero, the bayside shuttle

should also provide service to the Midway. In addition, this bayside shuttle system should include linkages to public roadside shuttle systems serving downtown San Diego, the airport, and MTS transportation hubs. Port District implementation of the bayside shuttle system is intended to serve visitors as part of an integrated waterfront access and parking program that the Port District shall pursue in conjunction with the City of San Diego, CCDC and MTS. The Port District will fund the bayside shuttle system at its cost and may seek cost recovery and financial participation consistent with its policies and practices and applicable laws. Cost recovery and financial participation may include: collection of fares, grants, advertising, voluntary tenant participation, mandatory tenant participation at the time of issuance of coastal development permits for Port District tenant projects within the South Embarcadero, and other sources as may be identified by the Port District. If rider fares are collected, fares will be kept at a low cost as compared to comparable transportation services within the region. The District will prepare a bayside shuttle system program and operational plan prior to the shuttle system commencing operations. The bayside shuttle system will be operational in accordance with the conditions of approval for the North Embarcadero Visionary Plan (NEVP) Phase 1 project.

The regional Convention Center is supported by major hotel complexes: Marriott Hotel and Hyatt Hotel. The Marriott Hotel is located immediately adjacent to the northwest of the Convention Center and contains twin 25-story towers accommodating 1,400 hotel rooms and a 450-slip marina. The Hyatt Hotel is located north of the Marriott Hotel and contains two hotel towers, one with 875 rooms and the other with 750 rooms. The 750-room second hotel tower was constructed with a minimum 100-foot set back from Harbor Drive, and a maximum height of 62 feet for the lobby galleria/ballroom structure connecting the second tower to the first tower. The second tower includes meeting space, 34,000 square feet of exhibit space, and 30,000 square feet of ballroom space. Ancillary uses in this area include banquet, meeting, restaurant, hotel guest-oriented retail space, court game areas, and automobile parking.

The Marriott Hotel proposes a renovation/ expansion of its Marriott Hall meeting space to include approximately 44,000 square feet of additional ballroom and exhibit space. The aesthetics and visual accessibility of the area will be enhanced through the contemporary, transparent architectural features and siting of the new Marriott Hall building, which will be reoriented such that its public side faces Harbor Drive. The maximum height of the new Marriott Hall shall not exceed 68 feet, including rooftop equipment and parapet wall, and the distance between the new Marriott Hall building and Hyatt parking structure shall be a minimum of 120.5 feet. Removal of underutilized hotel parking will allow for construction of the new meeting space and Marina Walk public access improvements, which will enhance physical and visual access to the Bay, and encourage a more pedestrian-oriented environment.

To further enhance and activate public access in the South Embarcadero, the Marriott proposes a 25,000-square-foot paved, flexible outdoor space at the bayward terminus of Marina Walk, adjacent to the Embarcadero promenade, known as “Marina Terrace.” Marina Terrace will be used for hotel events such as mixers, cocktail parties, luncheons, and receptions, and occasionally may be increased to a maximum size of 35,000 square feet. When not in use for outdoor hotel events, Marina Terrace will be accessible for use by the public as an open gathering and activity space (see South Embarcadero Public Access Program, as amended). During the times when Marina Terrace will be publicly accessible, approximately 85% of the year, the Marriott will provide and/or facilitate the provision of public pedestrian-activating amenities on Marina Terrace such as seasonal events/festivals, temporary visitor-serving retail such as food carts and vendors, and placement of movable modular street furniture for public use on Marina Terrace. This modular furniture will include public benches, chairs, tables, and outside shade structures. At a minimum, the Marriott will ensure that permanent public seating is provided along the bayward perimeter of Marina Terrace. Six-foot-wide paved pathways through the existing landscape buffer will ensure vertical pedestrian linkages between Marina Terrace and the Embarcadero promenade. Public pedestrian use of the Marina Terrace space will be further encouraged with consistent paving and low-level vegetation to help attract visitors along Marina Walk and the Embarcadero promenade. To encourage interaction between the public spaces on Marina Terrace, Marina Walk, and the Embarcadero promenade, the Marriott will promote and inform the public about various activities and pedestrian-serving amenities available at Marina Terrace through use of interchangeable signage and other methods of advertisement. In addition, Marriott will provide fixed picnic-type tables between Marina Terrace and the Embarcadero promenade on a permanent basis. The 35-space parking lot between Marina Walk and Marina Terrace shall be signed and designated for marina use (30 spaces) and public use (5 spaces).

Marriott's proposed improvements trigger its mandatory participation in the Port District's implementation of the permanent bayside shuttle system. The bayside shuttle system will be operational prior to the opening of the Marriott Hall expansion, and Marriott's participation in the shuttle system will be a condition precedent to issuance of a certificate of occupancy for the proposed Marriott Hall expansion.

Situated within the eastern portion of the Marina Zone is an 11-acre site, fronting onto Harbor Drive and Fifth Avenue, which has been developed into a regional Convention Center that opened in 1989. Floor area is allocated for display and exhibit area, meeting rooms, and support space, such as lobbies, storage, food service, and parking.

Phase II of the Convention Center, completed in 2001, expanded the facility into a contiguous 13-acre site southeast of the facility, occupying the area bounded by Harbor Drive, Park Boulevard, and Convention Way. Fifth Avenue, an undedicated street south of Harbor Drive, was closed as part of the development of the original Convention Center. Harbor Drive is partially depressed to provide an alternate access to an existing underground parking garage and to enhance the urban design character at the Convention Center. Phase II added approximately one million gross feet of floor area to the Convention Center. A Phase III expansion to the Convention Center is proposed to add approximately 400,000 square feet of exhibit area, meeting rooms, and ballrooms, and approximately 560,000 square feet of support spaces. Approximately 15,000 square feet of visitor-serving uses (i.e., retail, museum, art gallery, vitrines, or other activating uses) is planned along the southwesterly facing (bayside) façade of the Phase III expansion. Convention Way will be shifted closer to the waterfront to accommodate the Phase III expansion. The south side of the Convention Center will expand onto the Fifth Avenue Landing site and into a parcel (site originally proposed for a 250-room hotel) on the south side of the park entry road. The Embarcadero Promenade will not be affected by the Phase III expansion. A pedestrian accessway immediately adjacent to, and inland of, the realigned Convention Way will be constructed to improve pedestrian circulation inland of Convention Way and provide access to the visitor-serving uses proposed along the southwesterly façade of the Phase III expansion. At least three crosswalks will be provided at regular intervals along Convention Way to provide access between the waterfront promenade and the visitor-serving uses on the inland side of Convention Way.

Public access from Harbor Drive to San Diego Bay, the waterfront promenade, and Embarcadero Marina Park South will be improved through the addition of the following new permanent physical enhancements. Amenity stations, with street furniture such as benches and pedestrian lighting, will be located at periodic intervals on Harbor Drive along Phases II and III of the Convention Center to allow pedestrians the opportunity to stop and rest and enjoy downtown views while walking southeast to the Park Boulevard/Harbor Drive intersection. Wayfinding signage will be installed at the public access elevators and escalators, at the amenity stations along Harbor Drive, and along Park Boulevard, to guide pedestrians to their destination.

An integrated wayfinding program that will recognize the partnership with the Port, City of San Diego, and Coastal Commission shall be developed prior to issuance of a Coastal Development Permit for the Convention Center Expansion; the wayfinding program will be prepared by Permittee. The comprehensive signage package will address size, location and placement of public access signage, including directional signage to/from the bay and city. The program may include replacement of existing signage to better facilitate a comprehensive wayfinding system.

The Park Boulevard corridor will serve to orient visitors, whether by vehicle or by foot, and draw them to the waterfront. The corridor will consist of open lawn, landscaped areas (including low scale shrubbery), artwork, enhanced concrete paving, pedestrian scale lighting, and furnishings that provides a visual and physical linkage to the bay. Treatments in corridor will also provide a linkage to both the Convention Center and Hilton Hotel. The Park Boulevard view corridor will be preserved. This space will also feature a landscaped area adjacent to the hotel amenities. Along Park Boulevard, treatment of the exposed exterior of the parking garage structure and ramp to the Hilton Hotel will be treated with public art (i.e., mosaics) and/or decorative vertical landscaping to enhance the pedestrian experience between Harbor Drive and the Hilton access route. The waterside promenade will maintain its 35-foot width. Shade trees will be located, as appropriate, within the 35-foot wide waterside promenade.

An approximately five acre public park/plaza will be constructed on the rooftop of the Phase III expansion. This public realm space, which will vary between approximately 50 to 100 feet above grade, will be accessible from at least six access points, including:

the grand stairs and funicular at Harbor Drive, the grand stairs and elevator at the southwest corner of the rooftop park/plaza, elevators at the south midpoint of the rooftop park/plaza, the landscaped inclined walkway, and the elevator along Park Boulevard, as well as one access point from within the Convention Center. The rooftop park/plaza will include a mix of hardscape and landscape, including lawns, grasses, wildflowers, shrubs, trees, wetland plants; and pavilions and formal and non-formal gardens with lighted paths and fixed and movable furnishings. Observation vistas will be placed at opportune locations throughout the rooftop park/plaza to provide views to the Bay and uplands skyline. Support facilities such as restrooms, park maintenance and mechanical facilities, and power and water service will also be provided.

There are 15 distinct rooftop park/plaza spaces including: Spine, Grove, Great Lawn, Pavilion, Coastal Chaparral, Gathering Place, Bluff Gardens, Living Room, Reading Room, Summit Plaza, Mesa, Lower Plaza, Overlooks, Ascent, and Non-Accessible Green Roof Areas.

The Spine would be a paved walkway that features furnishings to allow people to move freely between the spaces. The Spine serves as a transect through the various garden environments, offering rhythm and cadence to the experience of ascending to the park's high point as well as descending to the lower vistas in the park.

The Grove would be a flexible and adaptable-use space with large canopy trees in planters and paving and movable site furnishings. This space would offer power and water sources for events, services, and pedestrian lighting.

The Great Lawn would be a sculpted and sloping lawn plane. The Great Lawn would serve a wide range of passive and active recreational needs of the community such as, but not limited to, performance/event space, picnicking, and other lawn oriented activities.

The Pavilion would be an overhead open air shade structure. This environment would offer visitors shade for seating and events and a grand scale architectural feature that gives a focus to the Grove and the Great Lawn.

The Coastal Chaparral vegetation would consist of native coastal shrubs, ground covers and coastal trees. The character of the Coastal Chaparral is inspired by the beauty and simplicity of the native coastal bluff landscapes of southern California. The intent of this landscape is to offer users interesting and intimate gardens for interaction, strolling, and relaxation.

The Gathering Place would be a hardscape plaza environment designed to accommodate a wide range of events and activity. There would be both fixed and movable furnishings and paving, pavilions with power and water service, restrooms, pedestrian lighting, and vegetation.

The Bluff Gardens would be similar to the Coastal Chaparral with the addition of paved areas and additional planting, lighting, and furnishing that would give park visitors additional places to picnic and host small gatherings.

The Living Room would be a primary destination for shade and relaxation embedded within the heart of the public park/plaza. The space would feature a grand scale canopy supported by an informally organized glade of support columns that create an atmosphere of being in a tree glade. The canopy area would be furnished with hanging porch swings, movable tables and chairs, pedestrian lighting and power/water sources for event staging. Cornering the space would be a water feature that would be designed to engage both children and adults.

The Reading Room would be a contemplative garden destination immersed within the vegetation of the Coastal Chaparral. The Reading Room would consist of walkways, furnishings, sculpted lawn forms, and plantings that give the space an internal focus with an emphasis of orienting the experience to the San Diego skyline.

The Summit Plaza would be a mixed environment of plaza paving and structured event turf that would serve as a destination gathering space for public events, weddings, and ceremonies. This space would feature both power and water sources for event use.

The Mesa would be a sculpted grass landform set at the high point of the green roof's ascent. The Mesa would provide a grand scale viewing perch that would offer users sweeping views of the San Diego Bay and the surrounding San Diego skyline. The grass slope would allow for small performances and group gatherings while the bleacher-like steps offer casual seating and views to the park's gardens and spaces. Restrooms, park maintenance and mechanical

facilities would be constructed below the Mesa's surface with a convenient adjacency to the Summit Plaza event space.

The Lower Plaza would be a predominantly paved environment with trees in planters, pedestrian lights, and paving. This space would offer both power and water sources for special events.

The Overlooks would be viewing areas along the southerly edge of the rooftop park/plaza that would offer intimate spaces that are discovered and provide views to the horizon. Several of the overlooks may be cantilevered over the Ascent.

The Ascent would be a 1,200-foot walkway leading from Convention Way to the base of the rooftop park/plaza on the southwestern corner. The grade of the ascent would be 5% and the width would be approximately 30 feet. As the Ascent proceeds westerly from its base, landscape and hardscape features would be designed to create a sense of compression and release.

Some portions of the rooftop park/plaza would be inaccessible due to weight limits and difficult access. These Non-Accessible Green Roof sections would be planted with small scale plants and would create a visual foreground to bay views from the rooftop.

The rooftop park/plaza would feature both native and exotic plants to the southern California coast, with the intent of capturing the character and feel of a coastal bluff landscape. Irrigation of the vegetation will be accomplished via subsurface drip using the existing brackish groundwater pumped daily using the de-watering system for the subterranean parking facility beneath Phase I of the Convention Center. The brackish groundwater will be blended with potable water to maintain low concentrations of salt that would be suitable for landscape application.

The rooftop park/plaza will be publicly accessible 85 percent of the year. Completion of the rooftop park/plaza will be required prior to the issuance of a final Certificate of Occupancy for the Phase III expansion. The rooftop park/plaza will be open to the public and managed for public access during hours similar to that of other Port parks.

Upon completion and opening of the Phase III Convention Center Expansion rooftop park/plaza, written quarterly reports will be provided to the California Coastal Commission by the appropriate entity having responsibility for such matters on the following:

- Utilization of the rooftop park/plaza and promenade for all public and private events during the prior quarter;
- Information on park programming and activities implemented to invite the public to access the rooftop park/plaza, promenade and coast;
- Marketing activities and signage to enhance way-finding and public usage of the rooftop park/plaza, promenade, and coastal access.

Responsibility for the above described items will be addressed in the subsequent coastal development permit issued by the Port to the City of San Diego and other agreements entered into by the parties.

Quarterly public meetings will be called by the Port subject to the Ralph M. Brown Act (Government Code Section 54950, et seq.) at the San Diego Convention Center to pursue strategies and funding to encourage public utilization of the rooftop park/plaza, promenade, and coastal access. Those invited to participate in these quarterly meetings shall include, but not be limited to, elected officials or officers representing the City of San Diego, San Diego Convention Center Corporation or any successor corporation or public agency, and the State Assembly Member and State Senator representing the Public Trust Land on which the convention center is located. Notice for and minutes of these meetings will be sent to the California Coastal Commission in accordance with provisions of the Ralph M. Brown Act.

No later than five years following completion and opening of the Phase III Convention Center Expansion, a report will be provided to the California Coastal Commission on the roof top park, promenade and coastal access utilization and potential opportunities that may be pursued by the appropriate entities that could enhance public access to the roof top park and waterfront promenade including possible additional access points and related infrastructure. This report will be an informational item and does not subject any of the entities involved in this Project, including the Port and the City of San Diego, to commitments regarding financing any such infrastructure or improvements.

Further, in order to ensure public access to the rooftop park/plaza, the subsequent coastal development permit issued by the Port to the City of San Diego will require the City of San Diego to reprioritize $500,000 of the City's construction budget in consultation with the Executive Director of the California Coastal Commission to implement alternative access measures to activate

the rooftop park/plaza. In prioritizing the use of these funds, consideration will be given to enhancements to the existing stairways and skywalk (including paving treatments, public art, etc.).

The Convention Center operator is required to implement the Parking Management Plan and Monitoring Program (November 1995, as amended and is incorporated by reference into the master plan) to meet the needs of the Convention Center visitors and support functions, as well as the public seeking access to the Embarcadero Marina Park South.

Convention Way Basin

A southward shift of Convention Way is planned to accommodate Phase III of the Convention Center. The earth mounds located near the end of Park Boulevard will be removed as part of the realignment of Convention Way.

A water transit center for harbor excursion boats, water taxis and ferries is located adjacent to the promenade along Convention Way. Water taxi and ferry service to the Convention Center hotels and to other San Diego Bay locations is provided at the water transit center, which will be relocated west onto the former Spinnaker Hotel site. The "transient oriented" marina can also accommodate up to 20-30 large yacht slips. A public plaza (minimum 1,900 sq. ft.) will be located east of the relocated water transit center building. Adjacent to the relocated water transit center will be a public parking lot with at least 12 short-term public parking spaces.

Bayside improvements to this area include the continued extension of the pedestrian promenade along the waterfront, including extending the waterside promenade south (towards Embarcadero Marina Park South) to connect to the existing promenade adjacent to the over-water restaurant. This would provide for a continued waterside promenade from the Embarcadero Promenade to Embarcadero Marina Park South. Park/Plaza areas, which include the public plaza to be constructed adjacent to the relocated water transit center building, and the shoreline promenade will maintain views to the waterfront from Convention Way. The promenade is extended into the Embarcadero Marina Park South on the east side (restaurant side) of the park entry. The continuous promenade extends along the water's edge of the entire Fifth Avenue Landing and Hilton San Diego Bayfront (former Campbell Shipyard) sites, and connects to Harbor Drive for complete public pedestrian access throughout the public park/plaza areas in the vicinity of the Convention Center and Hilton Hotel. The Park Boulevard pedestrian corridor between Harbor Drive and the shoreline promenade ranges in width from 10-25 feet and includes landscaping, benches, and public art.

The former shipyard area is redeveloped with a 1200-room Convention Hotel (Hilton San Diego Bayfront) and support facilities including restaurant, retail, meeting space, ballroom, and an up to 2000-car public parking facility. The 1200-room hotel has a 20-foot building height for buildings along the promenade, stepping back to 50-feet in height in the development area to create a pedestrian-scaled public environment. The approximately 375-foot high hotel tower and parking structure are located outside and southeast of the Park Boulevard view corridor to maintain public views to the Bay from Harbor Drive. The Hilton may be expanded with a second hotel tower located adjacent to the parking structure. The expansion hotel may include up to 500 rooms, a lobby, approximately 55,000 net square feet of ballroom/meeting space, and other ancillary uses. To utilize the close proximity to the existing hotel and to reduce redundancy of facilities, the expansion hotel may share some support facilities with the existing hotel. In order for the expansion hotel to remain outside of the Park Boulevard view corridor, a portion of the hotel may cantilever over the existing parking garage and the ramp to the existing hotel. As such, the expansion hotel shall not encroach into the Park Boulevard view corridor. The height of the expansion hotel shall not exceed the height of the existing hotel. All rooftop equipment shall be screened from public view and shall be designed to be visually attractive from all public viewing areas. The existing public parking facility accommodates parking for the hotel, hotel expansion and public waterfront access.

The Hilton San Diego Bayfront Expansion Hotel will add up to 500 additional rooms within walking distance of the San Diego Convention Center and bayfront. With its adjacent location to the convention center and its participation in the South Embarcadero Public Access Program, as amended, the Hilton San Diego Bayfront Expansion Hotel creates synergy with the San Diego Convention Center and provides needed accommodations to users of the bayfront and convention center. As a special condition of the Coastal Development Permit for the hotel expansion, the Permittee for the Hilton San Diego Bayfront Expansion Hotel will develop or designate its fair-share of on-site or off-site lower cost visitor accommodations or pay an in-lieu fee based on a study conducted by the District.

The Hilton operator is required to implement the Parking Management Plan and Monitoring Program (May 2012) which is incorporated by reference into the master plan to meet the needs of the Hilton guests and support functions.

The Hilton San Diego Bayfront Hotel and Expansion Hotel shall maintain pedestrian access along two major corridors, Park Boulevard and the Embarcadero promenade. Landscaped setbacks and/or street-front retail must be provided along these access ways. Pedestrian-oriented uses compatible with the Commercial Recreation land use designation, such as visitor serving retail shops and restaurants, which may include outdoor seating, are provided in the Hilton San Diego Bayfront Hotel to activate the pedestrian access ways. Shoreline promenade and landscape improvements are included in the 35-foot minimum setback of the hotel from the water's edge. The first 26 feet of promenade adjacent to the water's edge shall remain open and unobstructed for public pedestrian use.

A public access pier (adjacent to Hilton San Diego Bayfront) is set back a distance sufficient to preserve the continued use of the Tenth Avenue Marine Terminal Berths 1 and 2 for commercial cargoes. Perimeter railings and seating will be extended onto the public access pier, which will also be made ADA accessible. State-of-the-art best management practices will be used in the marina to reduce spills, reduce or prohibit toxic bottom paints, and mandate new pump-out stations.

Specific implementation proposals will be evaluated by the San Diego Water Quality Control Board for compliance with all applicable regulations and will include the best management practices required by the Port District Urban Runoff Action Plan and Stormwater Management Ordinance.

The amount of water coverage in Subarea 36, Convention Way Basin, resulting from redevelopment of the bulkhead and pier structure shall be minimized and necessary to construct the public promenade, water transit center, public access pier, and recreational marina. Any increase in water coverage from that which previously existed when the leaseholds were developed with the Campbell shipyard and R.E. Staite marine construction yard shall be subject to further environmental review and mitigation.

The public promenade, public access pier and Embarcadero Marina Park South will be open to general public use at all times. Any temporary special events held in these areas must obtain a special event permit from the San Diego Unified Port District, according to the Port District Special Event Procedures and Guidelines. The pier will be publicly accessible 85 percent of the year. At no time will the public access to the sidewalk promenade be fenced, screened or blocked off by any structure. Completion of the improvements to the public access pier will be required prior to the issuance of a final Certificate of Occupancy for the expansion to the Hilton San Diego Bayfront.

TABLE 11: Project List

CENTRE CITY/EMBARCADERO: PLANNING DISTRICT 3

		SUBAREA	DEVELOPER	APPEALABLE	FISCAL YEAR
1.	NORTH HARBOR DRIVE, GRAPE TO BROADWAY: Reduce traffic lanes; install landscaping, irrigation; develop bike path	33	P	Y	2005-20
2.	PUBLIC ACCESS: Pedestrian access improvements to waterfront and promenade	35	T	N	2007-08
3.	LANE FIELD DEVELOPMENT: 600-to-800-room hotel, office building, retail, and parking	33	T	Y	2005-10
4.	NORTH EMBARCADERO REDEVELOPMENT: (a) Visionary Plan public improvements, (b) esplanade, (c) street improvements, (d) vista points, (e) Grape Street piers replacement + restaurant, (f) park and plaza areas, (g) Broadway Pier cruise ship terminal (approximately 60,000 sq. ft., maximum 50-foot building height) to cover no more than 50 percent of the pier, public events space, 15,000 sq. ft. public recreation and viewing area, a 25-foot wide public access corridor along the southern side of the pier, and infrastructure improvements, (h) B and C Street linkages between Pacific Highway and North Harbor Drive.	31-34	P	Y*	2005-20
5.	PASSENGER TERMINAL AT B STREET PIER: Cruise Ship Terminal Modernization.	33	P	N	2006-10

(Table 11 cont'd on page 73)

TABLE 11: Project List *(cont'd from page 72)*

CENTRE CITY/EMBARCADERO: PLANNING DISTRICT 3

		SUBAREA	DEVELOPER	APPEALABLE	FISCAL YEAR
6.	WATER TRANSIT CENTER AND MARINA: Relocate buildings (including ticket offices, marina offices, and public restrooms) and parking (of which at least 12 will be dedicated for short-term public parking) to the west on former Spinnaker Hotel site, maintain pedestrian access and extend continuous (minimum 25'-wide) waterside promenade to connect to south towards Embarcadero Marina Park South; add public plaza (minimum 1,900 sf) east of the relocated water transit center building; maintain landscape improvements to and along the San Diego Bay shoreline; accommodate water-based transportation including a ferry landing, water taxi access, transient-oriented berthing (including yachts), and public boat access.	36	T	N**	2015-2018
7.	HILTON SAN DIEGO BAYFRONT: Construct hotel tower with up to 1200 rooms, a lobby, ballroom, meeting rooms, retail shops, restaurants, other ancillary uses, above-grade parking structure, public access pier, ground-level and elevated pedestrian access to the waterfront, plaza, and landscape improvements; expand hotel with second hotel (not to exceed height of existing hotel tower) adjacent to and on top of parking garage (and outside of Park Boulevard view corridor) with up to 500 rooms, a lobby, up to 55,000 net sq. ft. of ballroom/meeting rooms, up to 2,500 sq. ft. retail space, other ancillary uses, and landscape improvements.	36	T	Y	2006-18
8.	CONVENTION CENTER PHASE III: Construct third phase of regional convention center to provide contiguous expansion, including adding up to 400,000 sq. ft. of exhibit area, meeting rooms, and ballrooms, 560,000 sq. ft. of support spaces, and approximately 15,000 sq. ft. of visitor-serving uses, infrastructure upgrades, landscape improvements, realign Convention Way to the south (bayward), add 5-acre public rooftop park/plaza on top of expansion.	35	T	N	2015-18
9.	PEDESTRIAN BRIDGE OVER HARBOR DRIVE: Self-anchored suspension bridge over Harbor Drive connecting to public parking garage to Eighth Avenue.	35	T	N	2006-08
10.	EIGHTH AVENUE PEDESTRIAN CROSSING: At grade pedestrian crossing to be completed with pedestrian bridge over Harbor Drive.	35	T	N	2006-10
11.	OLD POLICE HEADQUARTERS REHABILITATION: Rehabilitation and adaptive reuse of historically designated Old Police Headquarters building with a mix of specialty retail, entertainment and restaurant uses; reconfiguration of surrounding parking areas; and, pedestrian access, plaza and landscape improvements.	34,35	T	Y	2007-08
12.	PIER WALK BUILDING: Remove existing Harbor Seafood Mart building and construct new Pier Walk building to accommodate existing commercial fish processing operations, as well as associated retail, restaurant and other services/support uses.	34	T	Y	2008-09
13.	BAYFRONT PARK: Construct new bayfront public park along the southern edge of Harbor Drive, between the waterfront and Pacific Highway, including lawn and landscaped areas, walkways, as well as other park/plaza features.	34	P	N	2009-10
14.	MARRIOTT HOTEL MEETING SPACE EXPANSION: Demolish and reconstruct Marriott Hall; create new outdoor hotel/public space ("Marina Terrace"); construct improved and widened Marina Walk walkway; improve public amenities, including public views towards the bay and pedestrian access; modify parking configuration; install landscape and hardscape improvements.	35	T	Y	2013-14

P- Port District T- Tenant N- No Y- Yes

* "Vista Points" and Broadway Pier infrastructure improvements are non-appealable projects.
** Any modifications to the marina for "recreational small craft marina related facilities" is an appealable project.

TENTH AVENUE MARINE TERMINAL:
PLANNING DISTRICT 4



Introduction

The Tenth Avenue Marine Terminal Planning District is a developed, marine related industrial area of great importance to the region's economic base. Currently, over 50,000 jobs are provided on the tidelands and uplands of this industrial area. More important, this is the only area in the entire San Diego region providing established waterfront industrial sites with railroad service, close freeway access, commercial port related support functions, and deep water berthing. With a water depth of 40 feet near the marine terminal and 35 feet in the industrial area, it can accommodate all standard cargo ships. Such deep water berthing cannot easily be created or replaced, so the value of this waterfront industrial land in inestimable.

Policies of the nearby Barrio Logan Community Plan and L.C.P. threaten the port related tideland uses with encroachment of residential, public park and commercial uses in an area almost totally industrial. The basic incompatibility of these uses places more of a burden on the industrial uses to reduce potential environmental impacts. The Port Master Plan seeks to preserve and protect this unique coastal resource by limiting uses to strictly marine oriented industrial ones.

Precise Plan Concept

The area adjacent to the Port tidelands has been zoned for manufacturing since the 1930's and older industrial activities now dominate. On the tidelands, the identifiable land use problems stem from a critical shortage of space into which existing port- related industries can expand and new marine-related industries can be accom- modated, a need for more automobile parking areas, demands by upland residents for replacing port related industrial sites with park use, and complications arising from efforts to clear and redevelop incompatible uses.

The Precise Plan continues the existing marine oriented industrial uses and supports the development of available vacant lands with similar uses, in order to provide a homogenous industrial climate with an assured, reasonable long term growth potential.

Land and Water Use Allocations

The Planning District consists of 257 acres of land and 114 acres of submerged land for an overall total of 371 acres. The thrust of the use allocations is to retain and continue marine related, water dependent industrial uses. Use allocations are in **Table 12**, graphically shown on the **Precise Plan Map**, and discussed in the text.

Tenth Avenue Marine Terminal Planning District Subareas

To facilitate description of the existing and proposed uses, the Planning District has been divided into planning subareas ***(see Figure 14)***.

Marine Terminal

This subarea contains the various industries that relate to the marine terminal. It also is the location of a large amount of transportation related uses such as streets and railroad switching yards. The Master Plan calls for continuing the marine oriented industrial activities, including railroads. The Harbor Services maintenance yard will be removed and the remaining acreage in Planning District 4 will revert to Marine Related Industrial use.

The Tenth Avenue Marine Terminal, completed in 1958, is a paved landfill with concrete bulkheads and rubber or timber fenders along each berth face. There are 4,348 feet of lighted usable berthing space at the terminal, 387,528 square feet of cargo space in two transit sheds, and 475,000 square feet of

storage space in one warehouse and ancillary sheds. Access to the terminal is from Harbor Drive onto a newly constructed entry road called Crosby Road. Railroad tracks provide access on Berths 3 through 8, all transit sheds, and the warehouses. Stevedore equipment is available as needed.

Berths 1 and 2, located on the north side of the complex, contain 1,118 feet of usable berthing space alongside a water depth of 30 feet MLLW. Fuel, water, and electricity are available. These berths are used not only for general trade items but also for cargoes of fish, molasses (in steel storage tanks having a 2,468,000 gallon capacity), and the receipt of petroleum products. Oil handling and oil bunkering storage tanks have a capacity of 165,000 barrels.

Berths 3, 4, 4A, 5 and 6, located on the west side of the terminal, provide 2,580 feet of usable berthing space at an alongside water depth of 36 feet MLLW. These berths are used for general cargo. A chemical fertilizer bulk storage and bagging plant occupies the north section shed adjacent to Berth 3.

Berths 7 and 8, located on the south side of the terminal, provide 650 feet of usable berthing space with an alongside water depth in some areas of 36 feet MLLW. Berths 7 and 8 are used primarily for the loading of bulk export cargoes utilizing the Port's bulkloader. This elevated conveyor system extends from a rail car unloading building which houses rail car bottom dump and rotary dump facilities. Also connected to the bulkloader is a 15,000 short ton bulk storage silo complex, completely automated, for the storage and handling of either grains or chemicals. It is provided with an inert gas explosion protection system. A bagging plant equipped with an under-track railroad car pit and two bagging machines is used for bagging chemicals and other commodities. In this vicinity, a second privately owned molasses handling and storage facility is located close to Berths 7 and 8.

Rail facilities serving the Tenth Avenue Marine Terminal will be expanded to meet current operation needs. The Santa Fe rail storage yard adjacent to the terminal is capable of storing a total of 285 rail cars, adequate to service the loading and unloading of shipments up to 18,000 tons per vessel. Depending on operational considerations, the Santa Fe Railroad utilizes storage yards in other locations to handle shipments up to at least 30,000 tons per vessel. The rail car capacities of these yards are: Carlsbad (100), Oceanside (120), Sorrento Valley (80), and National City (189). All transit sheds and warehouses at the Tenth Avenue Marine Terminal are served by rail spurs.

The present bulk loading facility was constructed in 1962. It consists of a rail car unloading building, 42-inch-wide belt conveyors, a shiploader alongside the

TABLE 12: Precise Plan Land and Water Use Allocation
TENTH AVENUE MARINE TERMINAL: PLANNING DISTRICT 4

LAND USE	ACRES	WATER USE	ACRES	TOTAL ACRES	% of TOTAL
INDUSTRIAL	228.7	INDUSTRIAL	113.9	342.6	94%
Marine Terminal	58.7	Terminal Berthing	15.3		
Marine Related Industrial	170.0	Specialized Berthing	98.6		
PUBLIC RECREATION	3.5			3.5	1%
Park/Plaza	3.5				
PUBLIC FACILITIES	17.6			17.6	5%
Streets	17.6				
TOTAL LAND AREA	**249.8**	**TOTAL WATER AREA**	**113.9**		
PRECISE PLAN LAND AND WATER ACREAGE TOTAL				**363.7**	**100%**

southeast face of the terminal, a rail car marshalling yard, and miscellaneous ancillary structures and equipment. Use of the bulkloader is still increasing. Waterfront cargo equipment such as this has a high maintenance factor; also, it appears likely that periodic modifications must be made to comply with changing air quality regulations.

Bulk cargo, particularly fertilizer and other chemicals, constitutes the largest export item of the Port of San Diego. In recent years, increasingly larger bulk vessels with drafts greater than 36 feet have made appearances at the port and there is every indication that the trend toward greater capacity in bulk vessels will continue. Similarly, greater depth will become necessary at some of the general cargo berths.

The Master Plan foresees continuation and intensification of the cargo operations at the Tenth Avenue Marine Terminal. Expansion of land area is not considered imminent but may be accommodated in the future by utilizing nearby leased parcels. Physical improvements to the terminal are detailed in the Project List.



Crosby Street Corridor

To provide for public access to the waterfront, the development concept proposes to redivide a 5.4-acre site to facilitate the construction of a 3.2-acre public recreational area adjacent to the bay and a 2.2-acre deepwater channel-related industrial facility.

The public area will offer active and passive recreational opportunities in a landscaped setting. Proposed facilities may include a kiosk, entry arbor, restrooms, concession stand, benches, picnic tables and barbecues, lawn expanse, and a recreational pier. On-site parking for the area is proposed. The public area will be shielded from the adjacent industrial site by landscaping and a masonry wall, and from the street by landscaping and fencing.

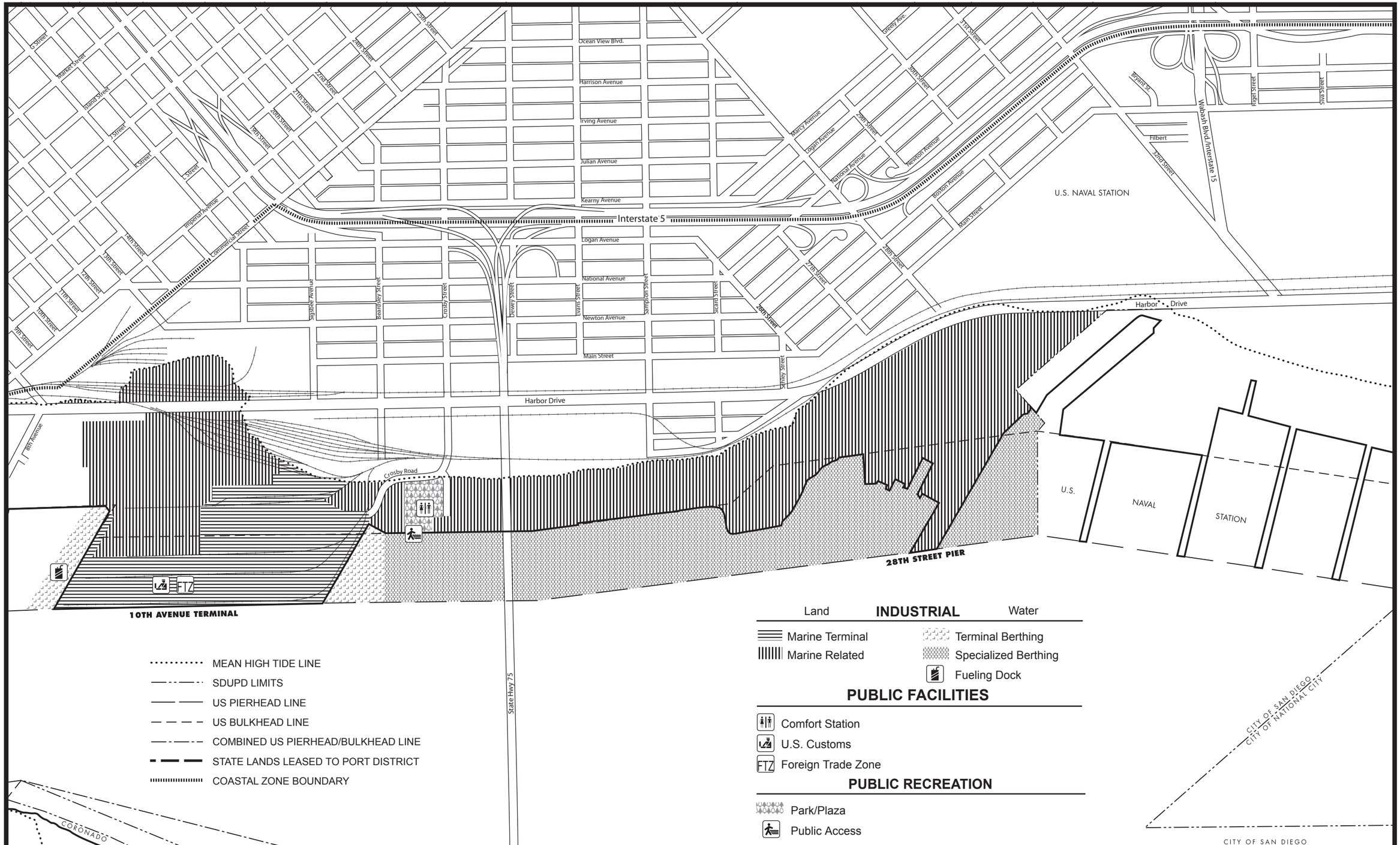
The marine related industrial portion of the site will be preserved to take advantage of adjacent deep water access for a multi-purpose facility for repair, servicing, berthing, and cargo handling of fishing, commercial and military vessels. It is advantageous, for Navy security reasons, that this facility is north of the San Diego-Coronado Bay Bridge; that it is available to the majority of deep draft vessels using the Bay's main channel; that the site has superior truck and rail access; and that it is well located with respect to a multitude of industrial and commercial support facilities in the near vicinity.

Among the facilities which may be provided for at the marine industrial site may be a pier to allow maritime servicing and repair. The pier may have boat fenders, fresh water, and security lighting. No marine railways or other devices to lift boats from the water are planned. Remedial dredging to minus 30 feet MLLW will allow adequate water depth for the above variety of uses, including ship repair.

Ship refitting and repair work will be performed while the boats are tied to the pier and all exterior work will be performed above the water line in accordance with the air and water quality standards. Support activities and on-site parking will be located on the land portion of the site. Space for storage of construction materials and equipment is provided in some buildings and on the land. Specific implementation proposals will be evaluated by the San Diego Air Pollution Control District, the San Diego Water Quality Control Board, and the San Diego Noise Abatement Office for compliance with all applicable regulations.

Belt Street Industrial

This heavy industrial district, south of the Tenth Avenue Marine Terminal, consists of several well-established and highly important marine-related manufacturing, processing, and servicing establishments. All of the area is developed and leased to marine related industrial businesses except for a small, partly vacant parcel west of Crosby Road. This parcel was assembled in the mid-1970's for the express purpose of consolidating a viable land



MEAN HIGH TIDE LINE
SDUPD LIMITS
US PIERHEAD LINE
US BULKHEAD LINE
COMBINED US PIERHEAD/BULKHEAD LINE
STATE LANDS LEASED TO PORT DISTRICT
COASTAL ZONE BOUNDARY

Land **INDUSTRIAL** Water

- Marine Terminal
- Marine Related
- Terminal Berthing
- Specialized Berthing
- Fueling Dock

PUBLIC FACILITIES

- Comfort Station
- U.S. Customs
- Foreign Trade Zone

PUBLIC RECREATION

- Park/Plaza
- Public Access

scale approx. 0 200' 400'

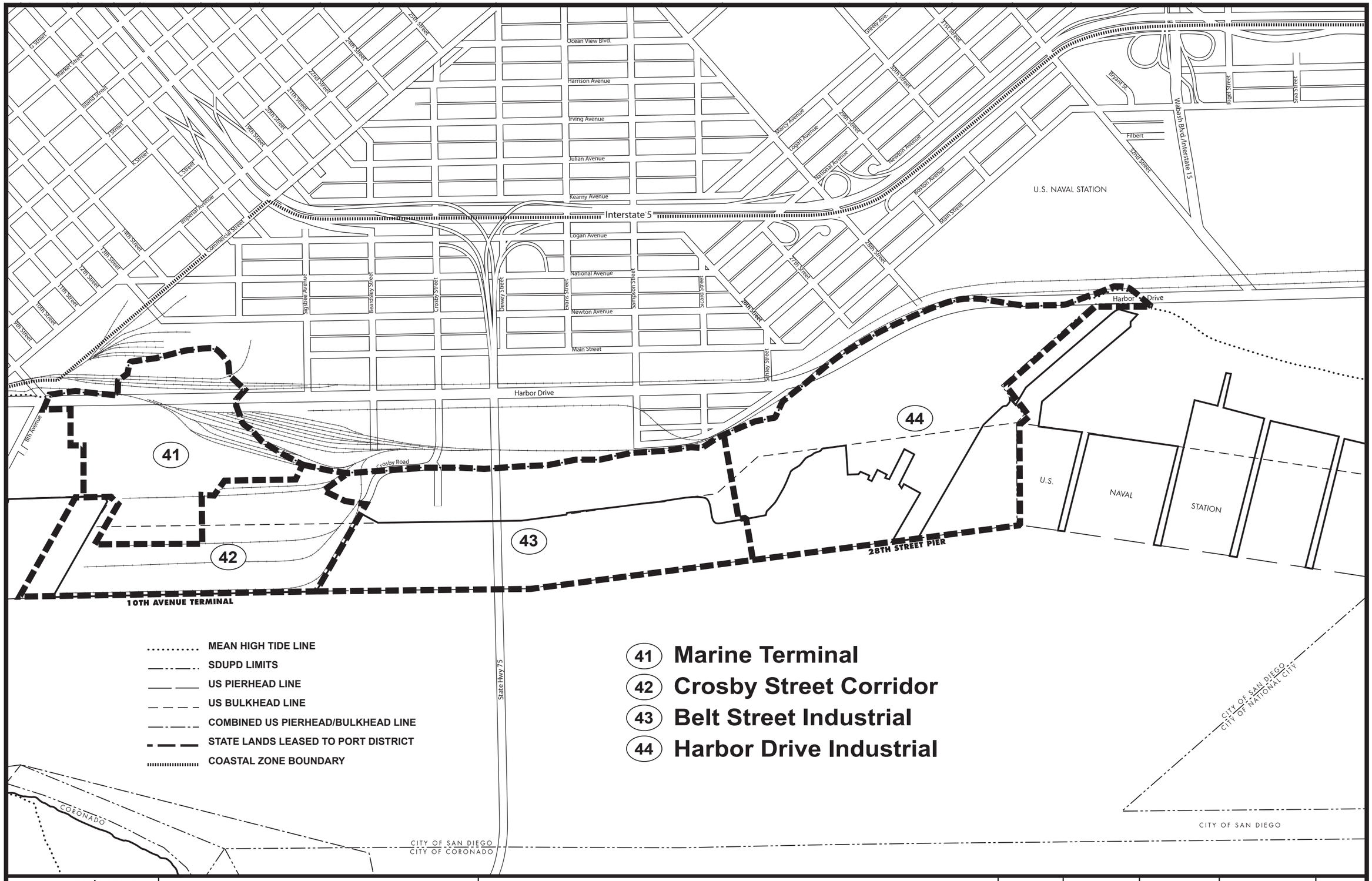
Land Use Planning

Planning District 4
TENTH AVENUE MARINE TERMINAL

PRECISE PLAN

FIGURE 13

DATE	DWG NO.	DRWN / CHK	BASE NO.
4/11/03			



MEAN HIGH TIDE LINE
SDUPD LIMITS
US PIERHEAD LINE
US BULKHEAD LINE
COMBINED US PIERHEAD/BULKHEAD LINE
STATE LANDS LEASED TO PORT DISTRICT
COASTAL ZONE BOUNDARY

41 **Marine Terminal**
42 **Crosby Street Corridor**
43 **Belt Street Industrial**
44 **Harbor Drive Industrial**

Land Use Planning
scale approx. 0 200' 400'

Planning District 4
TENTH AVENUE MARINE TERMINAL

PLANNING SUBAREAS

FIGURE 14

DATE	DWG NO.	DRWN / CHK	BASE NO.
4/26/02			

area proximate to the existing deep water navigation channel, and return it to marine-related industrial water dependent use, as called for in the 1972 Master Plan. As the industrial leases on the individual parcels expired, they were deliberately not renewed, phasing out non-marine uses such as an animal rendering plant and a marble cutting plant.

The Precise Plan calls for the continued operation of the existing marine related industries. Consideration should be given to expansion into the adjacent upland areas, should it be necessary. Renovation and redevelopment of existing facilities will continue as industries respond to market demands and changes in the maritime industrial climate.

Some of the existing or proposed activities which are appropriate in the Marine Related Industrial areas of this and other subareas in Planning District 4 are: tugboat services, general ship and boat building and repairing, steel fabrication and general metal manufacturing, sale of marine parts and equipment, mooring of marine construction equipment, receipt and distribution of bulk liquids and similar non-inflammable products, receipt and storage of petroleum products, delivery of bunker fuels to vessels, kelp and seafood processing, canning and packaging, aquaculture, and marine related support and transportation facilities.

Harbor Drive Industrial

This subarea consists entirely of one major shipbuilding plant, National Steel and Shipbuilding Company. In terms of employment and economic impact, it is one of the most important industries in San Diego County, and the Master Plan supports its continuing viability. The Master Plan also supports the concept of a bicycle path, part of the Bay Bikeway project, running on Harbor Drive; however, the design must accommodate the parking needs of NASSCO insofar as it is possible.

TABLE 13: Project List

TENTH AVENUE MARINE TERMINAL: PLANNING DISTRICT 4	SUBAREA	DEVELOPER	APPEALABLE	FISCAL YEAR
1. RAILROAD STORAGE TRACKS: Adds tracks for grain handling at terminal	42	P	N	1980-81
2. BERTHS 7 and 8: Increase water depths for bulk vessels	42	P	N	1980-81
3. STORAGE SILOS: Construct structures; pave; repair conveyors, unloading pit, weigh scale	42	P	N	1982-83
4. BULK COMMODITY UNLOADER: Install conveyors and machinery	42	P	N	1981-82
5. BULKLOADER: Install dust evacuating system at car unloading building; reconstruct and modify bulkloader	42	P	N	1980-81
6. BOATYARD: Construct boat building and repair yard	43	T	N	1980-81
7. PUBLIC VISTA OR ACCESS SITE: Construct promenade, structures, park furnishings, and landscaping	43	P	N	1980-81

P- Port District T- Tenant N- No Y- Yes

NATIONAL CITY BAYFRONT:
PLANNING DISTRICT 5



Precise Plan Concept

The National City Bayfront is an established and developed marine industrial area. Continued use and intensification of the marine related use is anticipated for the duration of the planning period. Substantial areas are currently used for lumber storage, wood products and vehicle storage, manufacturing and distribution, which are dependent on close proximity to the Port's deep-water wharves. The plan proposes improvements to the Port related road transportation network. In addition, new public access and water-oriented recreational, educational and commercial uses are focused on the development of a pleasure craft marina of approximately 250 slips.

Land and Water Use Allocations

The National City Bayfront planning area contains a total of roughly 420 acres, consisting of 250 acres of land and 170 acres of water **(Table 14)**. The Master Plan assigns most of the land to Marine Related Industrial and Marine Terminal use, with Commercial Recreation, Park and Recreational Boat Berthing located north of the Sweetwater Channel.

National City Bayfront Planning Subareas

The subareas are listed on ***Figure 16***.

Northern Industrial Area

The Northern Industrial area is isolated from the water by the San Diego (32nd Street) Naval Station, which occupies all of the adjacent waterfront and forms the western and northern boundary of this subarea. The subarea contains a ship repair and lumber transport/ storage yard. These uses, or similar ones, are expected to occupy this land into the foreseeable future.

Due to its distance from the water, its remoteness and its relatively small size, this subarea will remain a backup storage area for the marine terminal and other marine industries occupying water frontage. Permitted uses under the marine industrial designation might also include manufacturing, storage, transportation and distribution.

A new street section connecting Harbor Drive to Tidelands Avenue is proposed just north of this planning subarea. This street improvement will more directly link Harbor Drive with Tidelands Avenue; creating a north-south street to serve traffic in the National City waterfront area west of the I-5 freeway and enhancing access to the Civic Center freeway interchange.

Twenty Fourth Street Corridor

Just south of the northern industrial area is another small subarea, differing only in the type of development. It is dominated by a large shipbuilding yard, which has a narrow water access corridor. The two remaining uses are a fuel distribution yard and an office center for the vehicle importer.

The Master Plan considers this area for marine oriented industrial use, with which the present uses are compatible. Other activities appropriate for the area are mentioned in the Lumber Yard subarea.

National Distribution Center

The Port acquired 22.1 acres of property located at 1000-1022 Bay Marina Drive, formerly known as West 24th Street. This property is currently known as the National Distribution Center and will be used for Marine Related Industrial purposes.

Navy Berthing

The Port District has jurisdiction over a large amount of water west of the Naval Station which is

now being used for military ship berthing. The Master Plan foresees continuing this use under the Navy Ship Berthing designation. No other use is considered appropriate under present circumstances.

Container Terminal

The National City Marine Terminal is one of only two marine terminals identified on the Master Plan Circulation/Navigation Element, and is the only one capable of significant expansion. At present, about 2,400 linear feet of berthing space is available, 1,400 feet along the north wharf and 1,000 feet along the west wharf. Water depth alongside the terminal is a minimum 35 feet at MLLW.

The north wharf is used for ship repair and the receipt of petroleum products, including fuel oil for the San Diego Gas and Electric Company. General cargo can also be handled; a 40,320 square-foot transit shed is available for covered cargo space.

The southerly half of the west wharf is presently a container and bulk-handling terminal. A high-speed container crane, having a capacity of 40 long tons and capable of handling 30 containers per hour, runs along this wharf. The 17-acre container handling and storage yard is serviced by a 33-ton rubber-tired bridge crane. Other facilities include a 32,500-square-foot stuffing and stripping space, paved storage for 2,280 containers (including electrical outlets for refrigerated containers), a steam container cleaning facility, maintenance shops, and scales. Two warehouses; one just over 100,000 square feet and another just under 200,000 square feet are accessible from either the north or west wharves.

The Master Plan proposes to extend the west apron wharf 2,400 feet to the south, then 1,000 feet east to connect to the existing Sweetwater Wharf. (Most of this development will occur in Subarea 56, the Southwest Corner.) Total wharf space at the National City Marine Terminal would then be about 7,800 linear feet.

The wharf design would fill out the bulkhead almost to the U.S. Combined Pierhead and Bulkhead Line, adding about 12 acres of land to the marine terminal. Future dredging would increase the present 35-foot depth to 42 feet MLLW along the west wharf and 37 feet along the Sweetwater Wharf. Construction activities involve excavation, driving of concrete support piles, the placement of rock revetment, and construction of wharf dock and fender systems.

TABLE 14: Precise Plan Land and Water Use Allocation
NATIONAL CITY: PLANNING DISTRICT 5

LAND USE	*ACRES*	*WATER USE*	*ACRES*	*TOTAL ACRES*	*% of TOTAL*
COMMERCIAL	7.9	COMMERCIAL	14.6	22.5	5%
Commercial Recreation	7.9	Recreational Boat Berthing	14.6		
INDUSTRIAL	232.6	INDUSTRIAL	21.6	254.2	58%
Marine Related Industrial	148.6	Specialized Berthing	7.9		
Marine Terminal	84.0	Terminal Berthing	13.7		
PUBLIC RECREATION	4.2	PUBLIC RECREATION	2.2	6.4	1%
Park	4.2	Open Bay / Water	2.2		
PUBLIC FACILITIES	28.5	PUBLIC FACILITIES	11.9	40.4	9%
Streets	28.5	Boat Navigation Corridor	7.0		
		Ship Navigation Corridor	4.9		
		MILITARY	116.7	116.7	27%
		Navy Ship Berthing	116.7		
TOTAL LAND AREA	**273.2**	**TOTAL WATER AREA**	**167.0**		
PRECISE PLAN LAND AND WATER ACREAGE TOTAL				**440.2**	**100%**

Other improvements contemplated include the installation of a second container crane, additional railroad siding, and paving of the remaining backup area. As a general cargo terminal, this facility could handle almost any commodity; however, it is anticipated that it would handle petroleum on the north wharf, and vehicles, containers, lumber, and other heavy cargo on the west wharf.

Improved highway access to the marine terminal is needed. An additional industrial accessway to Interstate 5 for north and south movements is recommended.

Lumber Yards

At present the area back of the National City Marine Terminal is used almost exclusively for storage, assembly and handling of lumber and wood products. A fuel oil storage farm and a food cold storage locker are the only other uses. These uses display the benefits of water linkage with the marine terminal and require a considerable amount of space. Other activities appropriate for this area, as well as Subareas 51 and 52, include wood preserving, manufacturing of wood products, wholesaling of building supplies, ice manufacture, food processing, petroleum storage, freight distribution and associated or similar uses. Industrial performance standards are encouraged, especially landscaping and appearance treatments along Tidelands Avenue; however, such standards for development must be consistent with the functional needs of the industrial area and individual operations.

If additional backup cargo storage area is required because of expansion of the marine terminal, this area could be utilized for this purpose.

Southwest Corner

South of the present marine terminal is a fill area reserved on the Master Plan for Marine Related Industrial use. Current use is about half for industrial production and about half vacant.

As mentioned in the description of the Container Terminal subarea, the Master Plan envisions the extension of the apron wharf from the container crane along the Pierhead/Bulkhead Line to the Sweetwater Channel where it would follow the Bulkhead Line to the present Sweetwater Wharf.

Future use of the western parcel is envisioned as a shipyard or other marine industrial use. The eastern parcel could also be used for similar purposes. In any case, planning for this area favors large industries or activities which can utilize its unique attributes of deep water berthing, railroad and highway access, distance from residential neighborhoods, and ample space.

Sweetwater Wharf

Sweetwater Wharf designates that part of the National City Marine Terminal located on the Sweetwater Channel. It is linked administratively to the container terminal (Subarea 54). It has a 1,400-foot-long wharf and is used almost exclusively for landing shipments of lumber and vehicles. This use is planned to continue into the future with a possibility of other products being shipped through the Sweetwater Wharf.

Launching Ramp

This public recreation area includes a park lawn area, a public fishing pier, a boat launch ramp and a parking area serving the entire site. The park provides picnic tables, a shoreline promenade with seating, open and shaded lawn areas and walkways leading to the fishing pier. The boat launch has 8 lanes for boating access, a restroom and a dock facility on the Sweetwater Channel. An aquatic center facility including restrooms, locker rooms, offices, classrooms, watercraft storage, paved exterior activity areas, security walls, fencing, lighting, and landscape improvements is proposed in the location of the existing restrooms. The existing restrooms will be replaced in a location accessible to the Pepper Park, launch ramp, and landing users. The aquatic center will be primarily for public programs, events, and organized activities. Continued heavy use of this public recreation area is anticipated for active yachting, instructional turf play and the more passive activities of fishing, picnicking and sightseeing.

Anchorage A-8, the Sweetwater Small Craft Anchorage, occupies a water area of approximately 200 acres. Although sheltered from the waves of the open ocean by the Silver Strand, the anchorage is exposed to long fetches inside the harbor. Approximately 250 vessels at single swing point anchorage using vessel ground tackle can be accommodated; however, use shall be incremental, the first phase to provide for up to 100 vessels, with any additional 100 increments to be subject to further public hearings and consultations with District member cities. About 30 percent of the spaces are to be reserved for short-term use by transient ocean

DALBERGIA
MAIN STREET
8TH STREET
9TH STREET
10TH STREET
11TH STREET
12TH STREET
13TH STREET
14TH STREET
15TH STREET
HOOVER AVE.
COOLIDGE AVE.
HARDING AVE.
WILSON AVE.
16TH STREET
17TH STREET
18TH STREET
30TH STREET
33RD STREET
INTERSTATE 5
McKINLEY AVE.
PARADISE CREEK
HARBOR DRIVE
15TH STREET
16TH STREET
17TH STREET
CLEVELAND AVE.
20TH STREET
21ST STREET
22ND STREET
23RD STREET
HARRISON ST.
19TH STREET
HAFFLEY AVE.
24TH STREET
TIDELANDS AVENUE
CHULA VISTA
32ND STREET
QUAY AVENUE
28TH STREET
TERMINAL AVENUE
NATIONAL CITY
SWEETWATER CHANNEL
U.S. NAVAL STATION
SAN DIEGO BAY
24TH STREET MARINE TERMINAL
SAN DIEGO
NATIONAL CITY
CITY OF NATIONAL CITY
CITY OF SAN DIEGO
CITY OF CORONADO
A8

Land **COMMERCIAL** Water

- Commercial Recreation
- Recreational Boat Berthing

INDUSTRIAL

- Marine Terminal
- Marine Related
- Terminal Berthing
- Specialized Berthing

PUBLIC RECREATION

- Park/Plaza
- Open Space
- Public Access
- Vista Area
- Promenade
- Open Bay
- Public Fishing Pier
- Boat Launching Ramp

Land **PUBLIC FACILITIES** Water

- Comfort Station
- Anchorage Landing
- Boat Navigation Corridor
- Ship Navigation Corridor
- Boat Anchorage

MILITARY Water

- Navy Ship Berthing

- City Boundaries
- Mean High Tide Line
- US Pierhead Line
- US Bulkhead Line
- Combined US Pierhead/Bulkhead Line
- S.D.U.P.D. Limits
- Lease Line
- Railroad
- Coastal Zone Boundaries

N
Land Use Planning

scale approx.
0 200' 400'

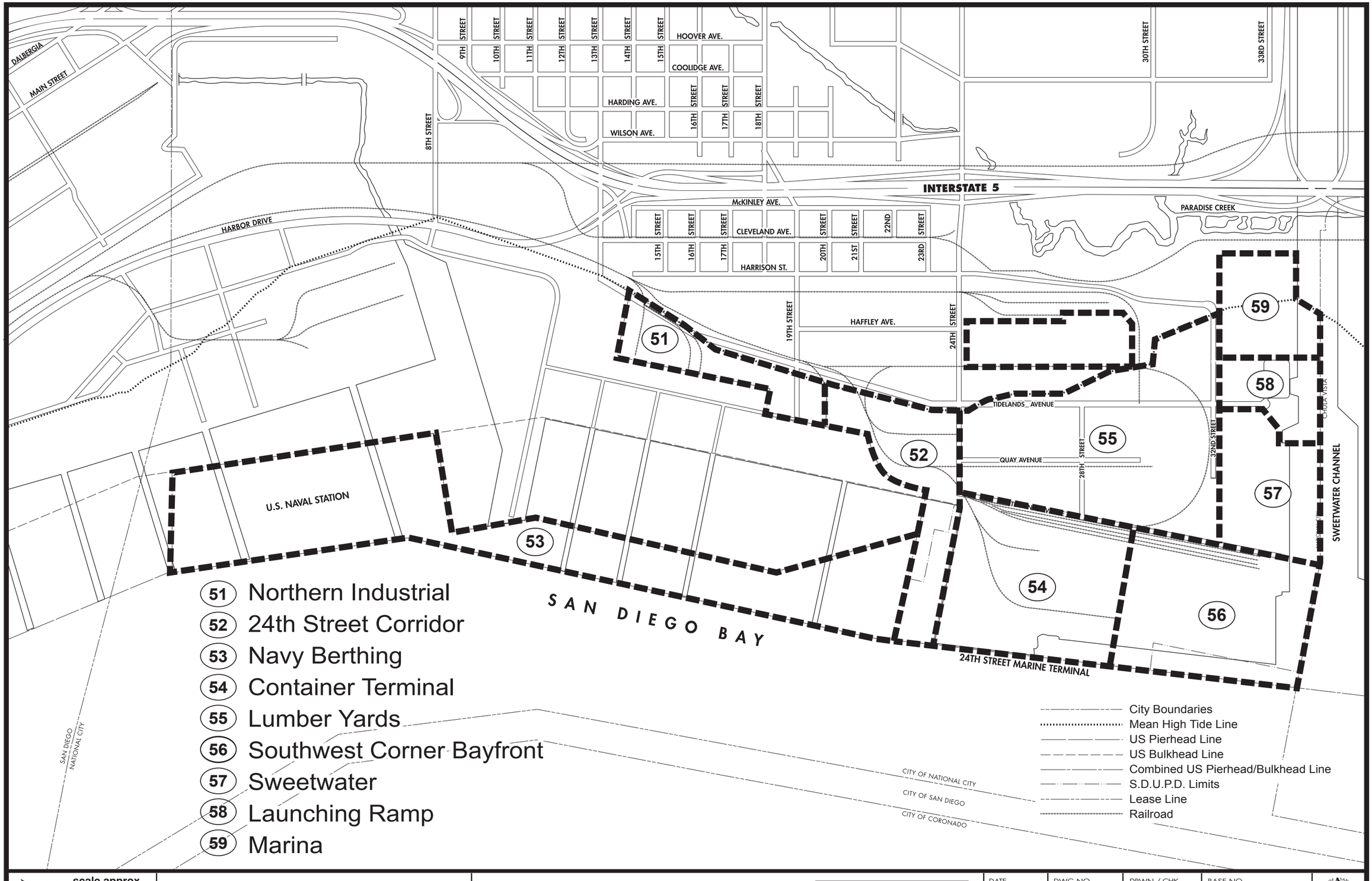
Planning District 5
NATIONAL CITY BAYFRONT

PRECISE PLAN

FIGURE 15

DATE	DWG NO.	DRWN / CHK	BASE NO.

PORT OF SAN DIEGO
UNIFIED PORT DISTRICT



51 Northern Industrial
52 24th Street Corridor
53 Navy Berthing
54 Container Terminal
55 Lumber Yards
56 Southwest Corner Bayfront
57 Sweetwater
58 Launching Ramp
59 Marina

N Land Use Planning

scale approx. 0 200' 400'

Planning District 5
NATIONAL CITY BAYFRONT

Planning Subareas

FIGURE 16

DATE	DWG NO.	DRWN / CHK	BASE NO.

cruising vessels. The boundaries of the anchorage are proposed to be identified by marker buoys and shown on bay charts. Control over the anchorage is to be exercised by the Port District. The existing National City small craft-launching ramp provides landing and shoreside support services consisting of automobile parking, restrooms, public telephone, drinking water, trash disposal, and docking facilities.

Marina

This commercial recreation area shown on the Planning District Map is designed to accommodate the needs of workers in the nearby industrial area, people enjoying the nearby recreational park, and the adjacent marina and attendant commercial facilities. Uses could include a restaurant or coffee shop, convenience store, bait and tackle shop, boat slips and dry storage, lodging and other business activities consistent with public demand. Activities associated with the boat launch ramp, such as the sale and repair of trailered boats, boating equipment sales, water ski gear, and selected marine hardware, are appropriate uses.

The location and design of the commercial area, and possibly even its market feasibility, is dependent on improved access to Interstate 5. The additional traffic and increased activity in this presently isolated property would greatly enhance its attractiveness for commercial enterprise.

TABLE 15: Project List

NATIONAL CITY BAYFRONT: PLANNING DISTRICT 5

	SUBAREA	DEVELOPER	APPEALABLE	FISCAL YEAR
1. CONTAINER WHARF: Extend rock revetment and apron wharf 1,000 feet. Excavate, drive support piles, place rock, construct wharf.	54	P	N	1988-99
2. COMPLETION OF TERMINAL WHARF: Extend rock revetment and apron wharf an additional 2,400 feet, to Sweetwater Wharf. Construct as above.	56	P	N	1998-99
3. SECOND CONTAINER CRANE: Install second container crane, miscellaneous equipment. Pave backup area.	54	P	N	1998-99
4. CONTAINER TRACK EXTENSION: Convert 500 feet of Berth 3 to a container wharf.	54	P	N	1998-99
5. MECHANICAL BULKLOADER: Install bulkloader, paving, railroad siding, conveyors, unloading pit.	54	P	N	1997-98
6. SHIPYARD: Construct shipyard facilities, buildings, cranes, dry-dock.	56	T	N	1993-94
7. COMMERCIAL SUPPORT AREA: Construct buildings, parking, landscape.	58	T	Y	1995-96
8. MECHANICAL UNLOADER: Erect cargo handling equipment.	54	P	N	1995-96
9. CONNECTING STREET: Linking Harbor Drive to Tidelands Avenue north of the Civic Center Drive.	51	P	N	1993-97
10. PEPPER PARK PUBLIC RESTROOMS: Demolish and remove existing structure, drinking fountain, public pay phone, and landscape materials. Construct new ADA compliant restroom facility, drinking fountain, public pay phone, walkways and landscape improvements.	58	P	N	2006-08
11. RECREATIONAL MARINA: Install marina docks, utility services, shoreside structures, walkways, landscape improvements and parking area.	59	T	Y	1994-95
12. AQUATIC CENTER: Construct restrooms, locker rooms, offices, classrooms, watercraft storage, paved exterior activity areas, security walls, fencing, lighting, and landscape improvements. Remove temporary classroom and storage facility and return pavement area to parking use.	58	T	Y	2006-08

P- Port District T- Tenant N- No Y- Yes

CORONADO BAYFRONT:
PLANNING DISTRICT 6



Introduction

Port lands in Planning District 6 are bounded on the northern edge by the U.S. Naval Air Station, North Island, and on the southern edge by the U.S. Navy Amphibious Base. Off shore of Port District lands, vessel activity is controlled by comprehensive marine operation regulations. The right-of-way of the State Toll Bridge Authority for the San Diego-Coronado Bridge interrupts and serves to divide the Port lands into two major areas, south and north.

In the southern section of the Planning District, the Port lands are under long-term commitments for a marina and yacht club on Glorietta Bay, and a 98 acre golf course. Off shore the water is somewhat protected from storms, and adequate in depth for use by small vessels.

In the northern section of the Planning District, the existing uses include a developed shoreline promenade and bicycle path that loops under the Coronado Bridge, a regional park, hotel site, specialty retail complex, city sewer pump station, public fishing pier, ferry boat dock, vessel slips and mooring areas. Off shore lies the boundary of the City of San Diego and the narrowest portion of San Diego Bay with relatively deep water close into shore and a shoreline exposed to wave and wake actions from weather and ship activity within the Bay. Landward, abutting Port lands, is an affluent community undergoing declining student population and redevelopment of both private and public lands to higher residential densities. Community development policies have been resistant to marine-oriented industrial and commercial developments.

Land Use Plan Concept

The Land Use Plan concept seeks to select from several development guidelines a plan that provides the greatest consistency with the Coastal Act; provides a traffic circulation and parking plan aimed at minimizing impacts on adjacent residential streets; provides for a contiguous 20-acre park development with an additional 2.5-acre automobile parking area; makes provision for a loop road; maintains view corridors down Second and Third Streets, and provides for a continuous bicycle/pedestrian system, linking Orange Avenue and Glorietta Bay. It is the intent of the plan to have parks, hotel and commercial complex developed concurrently. If the proposed location of the shoreside path is determined to be contrary to public safety needs or is economically infeasible in some areas, then the system is to be continued inland around these areas. Approximately seventy (70) percent of the Port's land and water areas in this planning district have been allocated to community park, shoreline path, golf course, beach, open bay and other open space. Urban design guidelines encourage a comprehensive, integrated development of commercial and public areas in a heavily landscaped setting, limited building height, and the maintenance of vista corridors.

Land and Water Use Allocations

The planning area of the Coronado Bayfront Planning District includes a total area of 383 acres of Port District controlled lands, consisting of 162 acres of land and 221 acres of water. Long-term use commitments to open space, such as the golf course and the Tidelands Park, absorb seventy-three (73) percent of the total land in the planning area. The remaining commercially productive and developed area consists of a total of 46.43 acres, divided into 26.63 acres of land and 19.8 acres of water.

The following text, use allocations table and Plan Diagram ***(Figure 17)*** give definition to the Land Use Plan. A tabular summary of the proposed land and water use allocations is indicated in **Table 16**. The map graphically portrays three major use headings, Commercial, Public Recreation, and Public Facilities.

Coronado Bayfront Planning Subareas

The relationship of planning proposals and specific sites is discussed in the following text.

The Planning District has been divided into six subareas to better facilitate the explanation. ***(See Figure 18.)***

First Street Shoreline

Port lands located between Alameda Boulevard and Orange Avenue are scattered, isolated, and in many instances the shoreline and the Port District boundary line generally coincide. Shore protection along this strip includes rubble and bulkheading, the latter usually installed by adjacent residential owners to arrest the eroding shoreline. The development potential of the tidelands appears minimal as parcel size, shape and access problems are substantial.

The plan proposes an open space use, continuing the current undeveloped shoreline, maintaining the aquatic habitat and retaining the open bay for the adjoining water use. The sandy beach, located just north of the foot of Orange Avenue, is planned for limited access consistent with the existing isolated and low intensity recreational use. Although about one acre of Port land is involved, access is across privately held land and the largest portion of the beach lies on private property. The coordination of beach use by the city is advised.

Orange Avenue Area

This subarea is located between Orange Avenue-the former site of the Coronado Ferry Landing-and the multiple-story Oakwood Garden Apartments. Existing uses include a shoreline park and promenade, the city sewer pump station, automobile parking areas, retail complex, and a combined public fishing and bicycle/pedestrian ferryboat docking pier at the foot of B Avenue. The ferry landing site is in close proximity to the historic setting of previous bay ferry operations.

Access to the shoreline promenade utilizes the public corridor, which follows along Orange Avenue extended through the proposed residential development. This cone-shaped access and vista corridor widens toward the bay from First Street, along Orange Avenue extended, and crosses Port land to serve the bayfront bicycle/pedestrian system, connecting the shoreline path's terminus to a major city street. View corridors are maintained along extensions of Orange, B and C Avenues.

Throughout the Port land subarea, and along the shoreline where feasible, a corridor of not less than

TABLE 16: Precise Plan Land and Water Use Allocation
CORONADO BAYFRONT: PLANNING DISTRICT 6

LAND USE	*ACRES*	*WATER USE*	*ACRES*	*TOTAL ACRES*	*% of TOTAL*
COMMERCIAL	25.7	COMMERCIAL	20.0	45.7	17%
Commercial Recreation	25.7	Recreational Boat Berthing	20.0		
PUBLIC RECREATION	126.1	PUBLIC RECREATION	83.0	209.1	79%
Open Space	1.4	Open Bay / Water	83.0		
Park/Plaza	24.5				
Golf Course	97.8				
Promenade	2.4				
PUBLIC FACILITIES	10.1	PUBLIC FACILITIES		10.1	4%
City Pump Station	0.4				
Streets	9.7				
TOTAL LAND AREA	**161.9**	**TOTAL WATER AREA**	**103.0**		
PRECISE PLAN LAND AND WATER ACREAGE TOTAL				**264.9**	**100%**

Note: Table 16 does not include state tidelands leases of 117.8 acres

30 feet in width is designated for landscaping and public shoreline access. Located within the corridor is a bicycle and pedestrian path, designed for consistency along its entire length, having a paved width averaging 14 feet, with some popular areas wider. The land remaining in the shoreline accessway after provision of the bicycle/pedestrian path may be developed in several ways. In areas abutting park development, it may be integrated with park design; in areas abutting commercial development, it may be integrated with the landscaped design of the commercial use as long as it is available for public use.

The City trans-bay sewer pump station is retained, but enhancement of the facility is encouraged in the plan. The sewer pump station is managed by the City of Coronado on an easement from the Port District. Security considerations require isolation of above-ground structures from public activities; however, some design modifications of the site should be studied in an effort to reduce the negative impact of this city development on the surrounding Port lands. It may be possible to combine the pump station access vault and numerous air vents into a single low profile sculptured structure, which would provide the needed security and improve the appearance of the facility. The view corridor of B Avenue passes over the pump station.

A public park of about one acre has been developed on the shoreline between Orange and B Avenues. The park provides open space and landscaping, benches and tables, and is designed primarily for leisure recreation such as picnicking, sunning, strolling, and viewing. Within this subarea, and extending into the bay, the District has developed a public fishing pier. Parking for these uses is proposed within easy access to the park and pier.

The plan proposes the development of private investment of a major restaurant (200 - 400 seats), recreational shopping and marine service complex (25,000 - 30,000 square feet of building floor area), and limited waterside development, such as one or two piers with boat slips. The development is anticipated to provide space for small marine-oriented or visitor-oriented businesses and other specialty shops typically found in the commercial recreational and marine sales and service use groups. The structures would not be higher than 40 feet, and be of a high quality design reflecting concern for the surrounding area. Parking is to be provided within the lease area.

The existing four-acre boatyard will be replaced with a shoreline public accessway and a specialty retail shopping center of not more than 75,000 square feet of floor area. Parking will be provided on site for the projected uses. Sensitivity to nearby residents should be a major concern of the design.

Second Street Shoreline

The bulk of this subarea is allocated to commercial recreation uses, anticipated to provide area for a hotel of not more than 300 rooms, and accessory commercial uses, such as a coffee shop, restaurant, cocktail lounge, meeting rooms, ballrooms, gift shop, beauty shop and additional retail uses. On-site recreational facilities could include swimming pool, tennis courts, and other recreation features. The hotel is planned as a small but high quality tourist and conference facility. Landscape design of the site will integrate with the waterfront path and the adjacent public park. Public access to the shoreline is planned throughout the entire commercial area. Maximum building height is 40 feet. View corridors are to be maintained down extensions of Second and Third Streets. Off-street parking for patrons and employees is to be provided on site. The proposed loop road will provide ingress and egress from the site without placing traffic on adjacent residential streets by providing a direct linkage with the Coronado Bridge.

The shoreline accessway will pass through this subarea, ensuring continuous pedestrian and bicycle movement along the public shoreline corridor. The design guidelines discussed for the First Street subarea also apply.

Tidelands Park

The plan has allocated 20 contiguous acres for a public park and 2.5 acres for automobile parking. The park will include four baseball layouts, which can be converted to football or soccer in the appropriate season. A portion of the shoreline is proposed to be developed as a swimming beach; the remainder will become an extension of the bayfront bicycle/pedestrian path. Picnic areas will be located between the shoreline and the active play areas. A meandering bicycle path in a landscaped corridor is proposed to form the northern boundary of the park, separating it from the hotel site. Parking will be located off the loop road adjacent to the bridge. An accessory building is proposed to include a snack bar, restrooms, and equipment storage room. The view down Third Street will be maintained and all storage areas will be screened from view ***(See Figure 17a.)***

San Diego Bay

CITY OF SAN DIEGO
CITY OF CORONADO

- Mean High Tide Line
- US Pierhead Line
- US Bulkhead Line
- Combined US Pierhead/Bulkhead Line
- S.D.U.P.D. Limits
- Lease Lines
- State Lands Leased to Port District

A4

A4

A5

Golf Course

Bridge Toll Plaza

U.S. Naval Amphibious Base

U.S. Naval Air Station

Glorietta Bay

First Street
Second Street
Third Street
Fourth Street
Fifth Street
Sixth Street
Eighth Street
Ninth Street
Tenth Street

A Avenue
B Avenue
C Avenue
D Avenue
E Avenue
F Avenue
G Avenue

Soledad Pl.
Prospect Pl.
Escondido Ln.
Glorietta Place
Adelia Lane
Adelia Ln.
Adelia Ave.
Maria Pl.
San Luis Rey
Jacinto Pl.
Calon Pl.
Manzanita Ave.
Bay Circle
Guadalupe Avenue
Miguel Ave.
Pendleton Rd.
Glorietta Blvd.
Margarita Avenue
Palm Avenue
Orange Avenue
Park Pl.
Loma Ave.
Loma Ln.
Flora Ave.
Isabella Avenue
Ocean Blvd.
R.H. Dana Pl.
Ynez Pl.
Tolita
Alameda Blvd.
Glorietta Blvd.
Strand Way (Hwy 75)
Avenida Del Sol
Avenida De Las Arenas
Avenida Lunz

FL

LAND — COMMERCIAL — WATER

- Commercial Recreation
- Recreational Boat Berthing

PUBLIC RECREATION

- Park/Plaza
- Open Space/Beach
- Golf Course
- Promenade
- Public Access
- Vista Area
- Open Bay
- Public Fishing Pier

PUBLIC FACILITIES

- City Pump Station
- Comfort Station
- Loop Road
- Anchorage Landing
- Boat Anchorage
- FL Bicycle/Pedestrian Ferry Landing

N

scale approx. 0 200' 400'

Planning Department

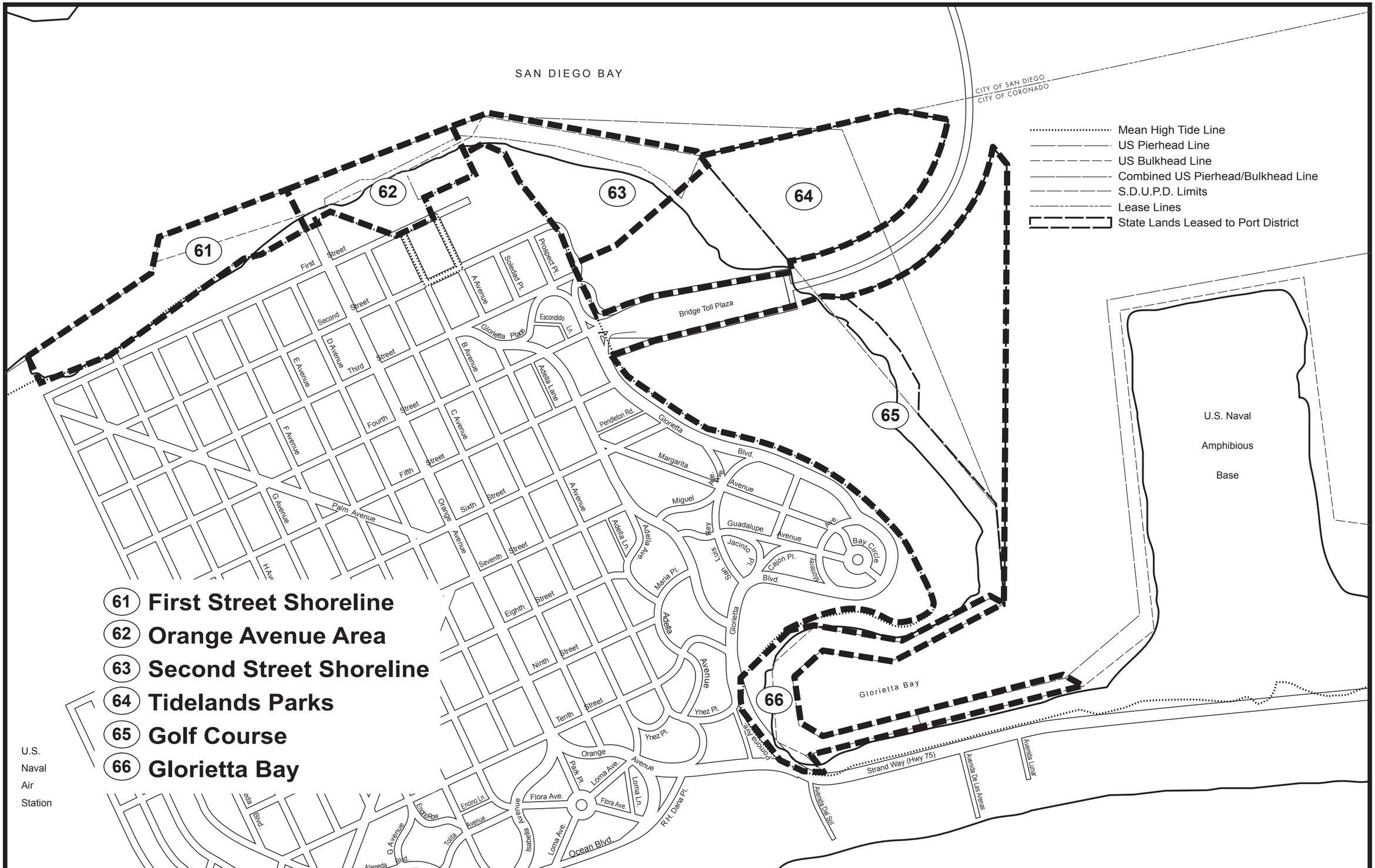
Planning District 6
CORONADO BAYFRONT

PRECISE PLAN

Figure 17

DATE	DWG NO.	DRWN / CHK	BASE NO.
1/14/16			A-1

PORT OF SAN DIEGO UNIFIED PORT DISTRICT



N scale approx. 0 200' 400' Planning Department	Planning District 6 CORONADO BAYFRONT	**Planning Subareas**	FIGURE 18	DATE 3/18/03	DWG NO.	DRWN / CHK T.O./G.L.	BASE NO. A-1

To provide access to and from Port lands from the Coronado Bridge, the plan delineates a loop road passing under the bridge, in effect connecting Second Street to Glorietta Boulevard near Fifth Street. Traffic leaving the bridge to visit the subareas would turn north and enter the loop road at Third Street; traffic leaving the tideland area to return to San Diego would proceed south under the bridge and enter it at the current Glorietta Boulevard on-ramp. Traffic could also use the loop road to pass between the north and south parts of Coronado instead of using Orange Avenue.

The loop road would serve all land development in both the Second Street and the Tidelands Park subareas. The proposed right-of-way for the loop road involves some bay fill to get around and under the San Diego Bay Bridge.

The Bay Bridge Roadstead Anchorage (A-4) is sheltered by the land masses occupied by the Coronado Golf Course and the U. S. Navy Amphibious Base. The plan proposes an initial anchorage area, to the north of the Bay Bridge, of 23 acres, and an expansion area to the south of 21.5 acres. As a special anchorage, boundaries are to be shown on coastal charts and by on-site markers. Single point mooring buoys for about 70 vessels will facilitate administrative control by the Port District. Shoreside support facilities are proposed to be developed as part of the Tidelands Park project and will involve dinghy float, automobile parking, public restrooms, lighting, landscaping and park furniture.

Golf Course

The golf course and adjacent open bay area are considered long-term commitments and will be continued. A small portion of the golf course will be taken for the loop road, requiring redesign of a few course features. The golf course involves other than Port lands, but occupies 98 acres, or 60 percent of the total Port District land area in Planning District 6, and constitutes the most significant open space in Coronado. The proposed shoreline system, if determined to be contrary to public safety needs, may be continued inland around this facility. The potential hazards of errant golf balls and automobiles, bicyclists and pedestrians must be addressed by fencing or other means in additional evaluations.

Glorietta Bay

The leased areas of land and water utilized by the yacht club and marina in Glorietta Bay, together with the remaining unleased open bay uses, are to continue. Renovation and full development of leased areas for marine-related uses are encouraged. Planned improvements to the Glorietta Bay Marina and City boat launch facility are designed to enhance recreational boating in Glorietta Bay. Marina improvements include a minor expansion of the dock area, and reconstruction and reconfiguration of the Dock C boat slips. Boat launch facility improvements include reconstruction and modification of the boat launch ramp boarding dock, which would include a free public dock for temporary side-tie berthing of small to medium sized motorized boats and sail boats. The public dock would also include a low freeboard floating dock extension for kayaks, paddleboards, and rowing shells.

The Port District is working cooperatively with the City of Coronado in implementing its Glorietta Bay Master Plan. The goal of the plan is to enhance public access, recreational, and civic opportunities along the bayfront, and to better integrate the Glorietta Bay area with the surrounding community. Several components of the plan involve areas under Port District jurisdiction. A small, passive use public park will be constructed just south of the yacht club. A portion of Strand Way will be vacated to allow for reconfiguration of the adjacent yacht club leasehold and public right-of-way improvements. The remaining portion of Strand Way will be realigned and will allow for construction of an approximately 15-foot-wide public shoreline promenade. Approximately 600 linear feet of existing riprap along the crescent-shaped shoreline area will be repaired.

The Glorietta Bay Anchorage (A-5) is a 3.8- acre federally designated anchorage with a capacity to accommodate about 20 vessels at fore and aft anchoring with vessel ground tackle. Administrative control over the use of the anchorage will continue to be exercised by the Port District. The plan proposes to retain the low intensity of use of the anchorage by reserving the anchorage for use by transient cruising vessels and short durations of stay.

Anchorage use is by permit of Harbor Police for a period of time up to 72 hours within any seven-day period. Although no formal landing site is designated, users could land at the public launching ramp across the channel. The placement of boundary market buoys, coordinated with the City of Coronado, is proposed on site, subject to State approval.

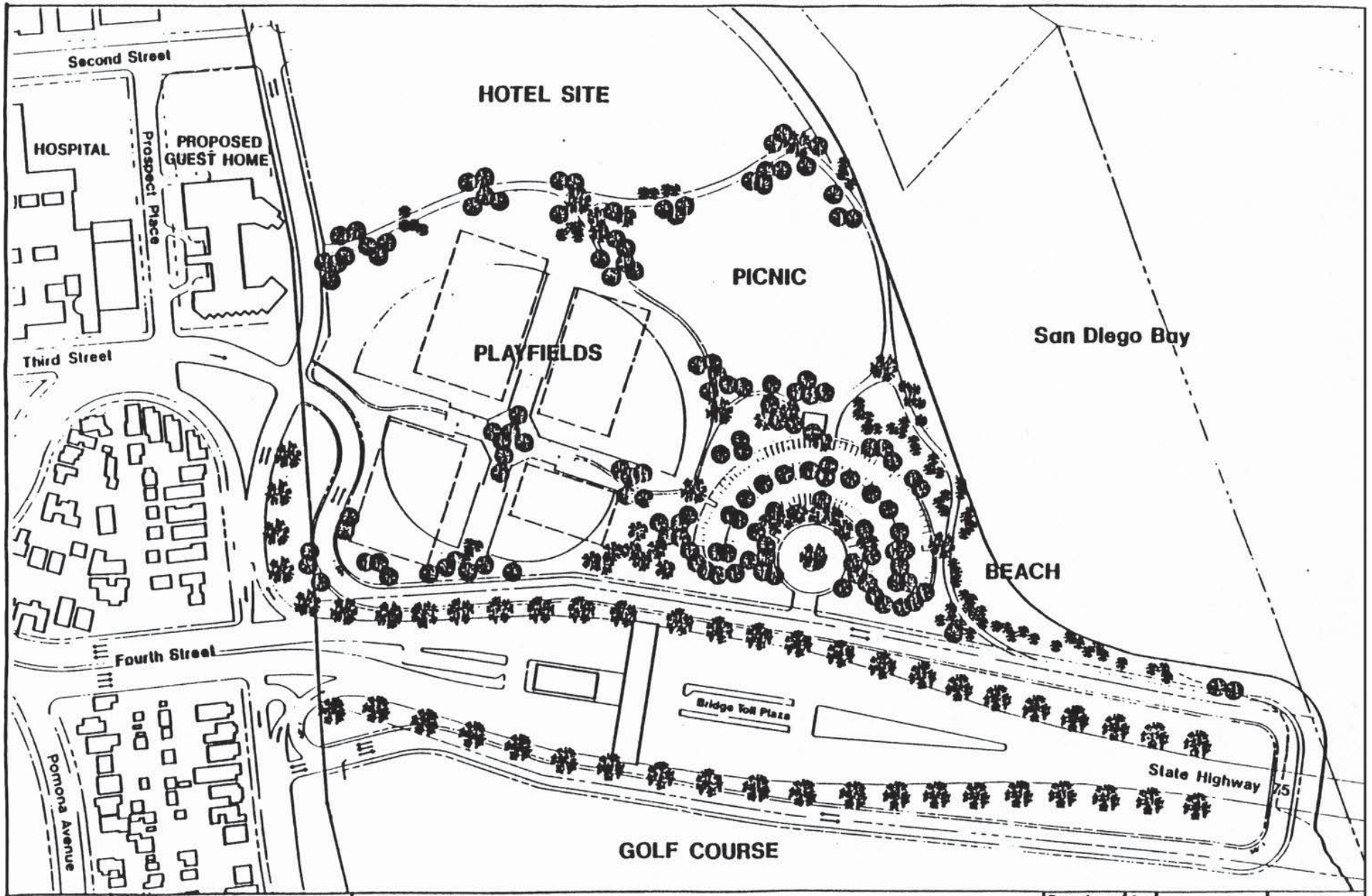

Second Street
HOTEL SITE
HOSPITAL
Prospect Place
PROPOSED GUEST HOME
PICNIC
PLAYFIELDS
San Diego Bay
Third Street
BEACH
Fourth Street
Bridge Toll Plaza
State Highway 75
Pomona Avenue
GOLF COURSE
0
200'
Planning Department
Figure 17a
Loop Road and Community Park
Date 4/28/83
Drawn
Check
Base
No.

Table 17: Project List

CORONADO BAYFRONT: PLANNING DISTRICT 6

		SUBAREA	DEVELOPER	APPEALABLE	FISCAL YEAR
1.	ORANGE AVENUE PARK AND FERRY LANDING: Construct park, ferry dock and passenger waiting shelter, accessways	61-61	P	N	1987-88
2.	FIRST STREET COMMERCIAL AREA: Construct restaurant, commercial buildings, parking and landscaping, pier and slips	62	T	Y	1984-85
3.	PUBLIC FISHING PIER: Construct pier, restroom, bait and tackle shop, parking and accessways	62	P	N	1984-85
4.	SHORELINE ACCESSWAY: Fill or bridge over bay water, install landscaping, bicycle/pedestrian path	61-64	P	N	1983-84
5.	LOOP ROAD: Bay fill, install paving, curb, gutters, utilities, streettrees	63-64	P	Y	1983-84
6.	HOTEL COMPLEX: Construct hotel, accessory uses, parking, landscaping, recreational facilities	63	T	Y	1984-85
7.	TIDELANDS PARK: Install landscaping, play fields, park furnishings	64	P	N	1984-85
8.	SHORELINE PROTECTION: Install stone revetment, other protection	Various	P	N	1983-84
9.	BAY BRIDGE ROADSTEAD ANCHORAGE: Install boundary markers and mooring buoys, dinghy float and ramp, and lighting	64	P	Y	1984-85
10.	GLORIETTA BAY ANCHORAGE: Install boundary markers	66	P	Y	1984-85
11.	STRAND WAY RECONFIGURATION: Vacate portion of street; construct sidewalk; enhance bike path; install landscaping. Narrowwidth of remaining street portion; construct shoreline promenade; installlandscaping, benches, and lighting	66	P	Y	2003-05
12.	POCKET PARK: Remove paving; construct passive use park lawnarea; install public art	66	P	N	2003-05
13.	SHORELINE STABILIZATION: Remove existing riprap; replace withnew riprap; construct seawall	66	P	N	2003-05
14.	GLORIETTA BAY MARINA/BOAT LAUNCH FACILITY IMPROVEMENTS: Reconstruct/reconfigure marina boat slips; reconstruct/modify City boat launch facility to include free public dock for temporary side-tie boat berthing	66	T	Y	2016-17

P- Port District T- Tenant N- No Y- Yes

CHULA VISTA BAYFRONT:
PLANNING DISTRICT 7



Introduction

Planning District 7 includes all Port District lands within the City of Chula Vista. As shown on the Precise Plan map (Figure 19), these District lands extend beyond the U.S. Pierhead Line (the usual Port District boundary) to the city limits.

Historically, harbor development in the South Bay has lagged behind the North Bay because of shallow water, distance from the harbor entrance, environmental concerns, and other factors. However, by about 1990, Port land on the Chula Vista Bayfront had been developed into public parks, excursion pier, boat launching ramp, recreational vehicle (RV) park, marinas, boatyards, warehouses, and a recreated wildlife habitat island. Police and emergency waterborne services are provided to the South Bay from the Harbor Police substation near the boat launching ramp. The Chula Vista Bayside Park Pier provides public fishing and large vessel berthing, and the Marina Parkway Pier provides berthing and landside automobile parking for users. The major development on the Chula Vista Bayfront was an aircraft parts manufacturing plant, which occupied both District lands and uplands, that has consolidated its operations north of H Street and now occupies only uplands.

Marine and biological resources are abundant throughout the entire planning district, primarily due to its proximity to San Diego Bay and the estimated 3,940-acre South San Diego Bay National Wildlife Refuge.

Over recent years, the Port has acquired approximately 291 acres of uplands in this planning district, including the former Goodrich South Campus, park area, and properties at the south end of the planning district containing the existing switchyard and power plant. Most recently, as part of the Chula Vista Bayfront Master Plan (CVBMP) and in an effort to improve land use compatibility at the north and middle portions of the planning district, the Port completed a land exchange with a private entity. The exchange enables residential and non-trust related retail and office development to occur on approximately 35 acres of former Port properties now under the City of Chula Vista's (City) jurisdiction, and places approximately 97 acres of land at the north end of the planning district, formerly under the City's jurisdiction, within the Port's trusteeship and jurisdiction. In addition, the City has acquired from the Port a vacant parcel for a proposed fire station. Planned uses for the acquired land areas are further described in each of the planning subareas.

Precise Plan Concept

With the goal of transforming the planning district into a world-class bayfront, the Port developed the Chula Vista Bayfront Master Plan (CVBMP or plan) in 2005. The CVBMP resulted from a cooperative planning effort with the City of Chula Vista, which involved extensive public outreach and community participation.

The CVBMP is intended to guide the development of approximately 556 acres of the Chula Vista Bayfront over the next 24- year period. The plan proposes a multifaceted land use allocation within this planning district, including environmental conservation and development of public park and commercial recreational uses. Proposed development emphasizes public waterfront amenities to enhance the bayfront's natural and economic resources. The plan increases public access opportunities while restoring and protecting natural resources, serving to attract visitors from outside the region as well as local residents to use the marine related recreational facilities and public areas. Additionally, the plan strengthens the bayfront's connection to the Chula Vista urban core and neighborhoods to the east by

TABLE 18: Precise Plan Land and Water Use Allocation
CHULA VISTA BAYFRONT: PLANNING DISTRICT 7

LAND USE	ACRES	WATER USE	ACRES	TOTAL ACRES	% of TOTAL
COMMERCIAL	130.2	COMMERCIAL	39.6	169.8	8%
Commercial Recreation	130.2	Recreational Boat Berthing	39.6		
INDUSTRIAL	36.4	INDUSTRIAL	3.8	40.2	2%
Industrial Business Park	36.4	Specialized Berthing	3.8		
PUBLIC RECREATION	152.9	PUBLIC RECREATION	1.2	154.1	8%
Park/Plaza	87.9	Open Bay/Water	1.2		
Promenade	17.3				
Open Space	47.7				
CONSERVATION	413.4	CONSERVATION	967.2	1380.6	70%
Wetlands	303.9	Estuary	967.2		
Habitat Replacement	109.5				
PUBLIC FACILITIES	42.5	PUBLIC FACILITIES	190.4	232.9	12%
Streets	42.5	Boat Navigation Corridor	156.5		
		Ship Navigation Corridor	33.9		
TOTAL LAND AREA	**775.4**	**TOTAL WATER AREA**	**1,202.2**		
PRECISE PLAN LAND AND WATER ACREAGE TOTAL				**1,977.6**	**100%**

extending the City's traditional street grid to ensure pedestrian, vehicular, bicycle, transit, and water linkages.

Although planning policy encourages marine-related industrial uses, the plan provides the flexibility to attract new industrial, business-commercial, and commercial recreational development to this planning district. To accomplish this goal, the plan allocates a large amount of land in the Chula Vista Bayfront Planning District for Commercial Recreation, and some area for Industrial-Business Park use. Much of the land is currently vacant or underutilized. As the South Bay regional economy expands in the future, the Commercial Recreation and Industrial-Business Park designations will both stimulate and accommodate appropriate industrial and commercial redevelopment, thereby enabling the Chula Vista Bayfront to realize its full potential.

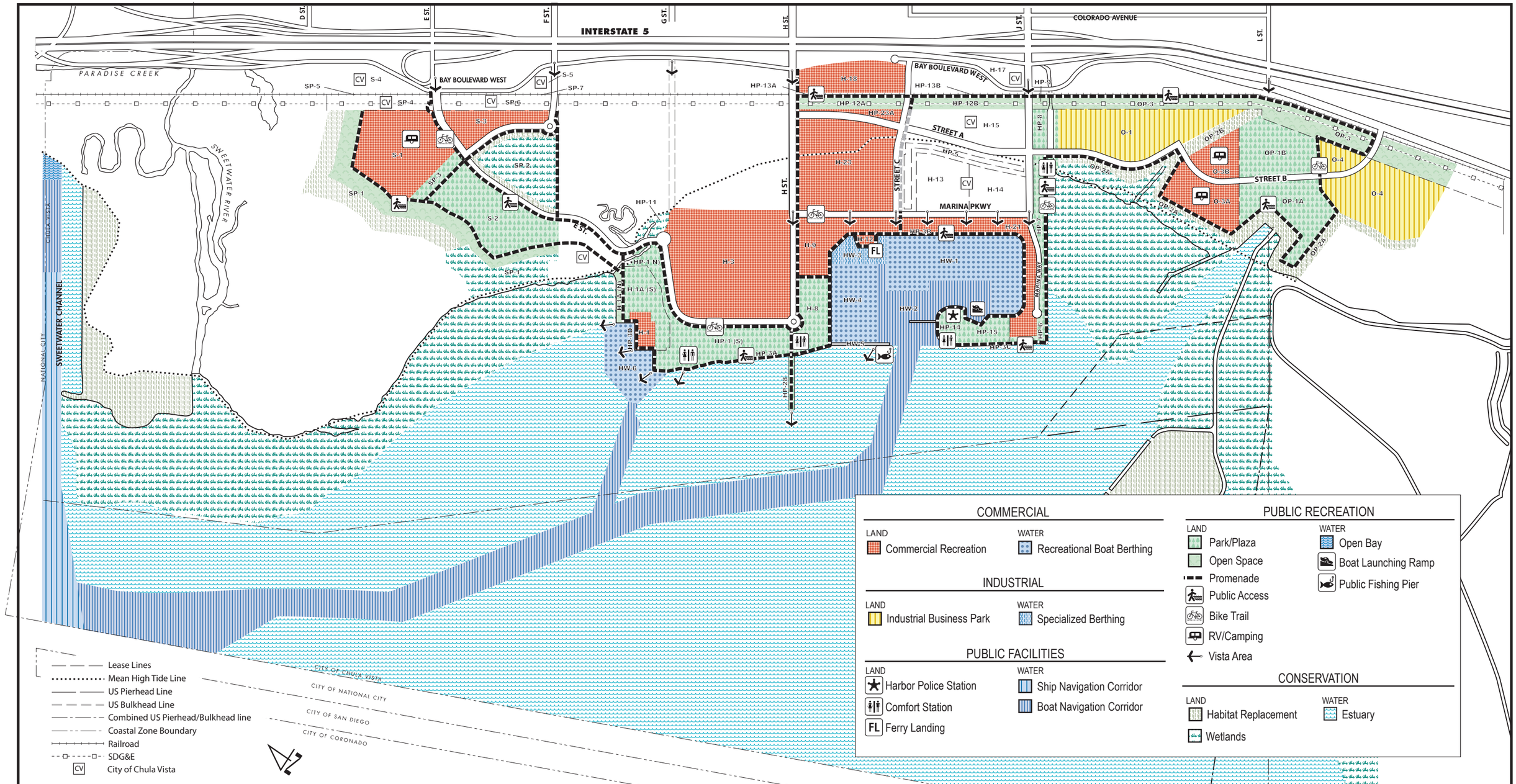
The plan proposes to redevelop underutilized and vacant areas with a mix of land uses, along with a new roadway and infrastructure system throughout the planning district. A variety of public amenities are proposed, including: a signature park and other open space areas, buffers, cultural uses, piers, a new commercial harbor and reconfiguration of marina slips, a community boating center, a ferry terminal, navigation channel improvements, an RV park, a continuous and comprehensive pedestrian pathway system, bicycle paths, ample parking areas, and public art. Proposed development includes hotel and conference facilities, retail/entertainment, cultural (museums and similar uses), and marine related office. A maximum of 2,850 hotel rooms are allowed within the boundaries of the CVBMP.

There are a multitude of existing and proposed recreational opportunities within the planning district. Recreation boating marinas have been developed to meet part of the increasing regional demand for recreational boating and wet storage marinas. An RV park provides short-term parking spaces for visitors to enjoy the Chula Vista Bayfront. Other public recreational opportunities can be found at the large Bayside Park that includes a public fishing pier, the Chula Vista Bayfront Park with its public boat launching ramp, and Marina View Park. Planned recreational improvements include two new large parks, enhancements to existing park areas, a new pier, as well as a continuous open space system that is fully accessible to the public and seamlessly connects the bayfront to the region. This open space system will create a comprehensive greenbelt linkage throughout the entire planning district with a continuous pedestrian walkway, or "baywalk", and a bicycle path that would tie into the regional Bayshore Bikeway system. Where appropriate, Class I bicycle paths, including 8-foot minimum paved widths separated from vehicular roadways, will be provided. The CVBMP emphasizes an active commercial harbor with public spaces at the water's edge as well as enhanced existing and newly created visual corridors to the bay.

The plan also includes buffers adjacent to environmentally sensitive resources in order to ensure such habitat areas are protected and preserved. Best management practices and natural retention basins will be implemented throughout the planning area to prevent degradation to sensitive areas and to curb storm water pollution to the bay. Additional measures for the protection of natural resources and the environment, including specific planning, design, education, implementation and management elements have been incorporated into the CVBMP.

To ensure adequate coastal access is provided for the public, the CVBMP requires appropriately allocated on-site parking spaces to be developed with bayfront commercial and recreational uses. Additionally, commercial development throughout the planning district is required to participate in and contribute a fair share to the implementation of an employee shuttle system that connects users to a collector parking structure located near Interstate 5, thereby ensuring the availability of bayfront parking for the public. In the Harbor District, typical parking requirement standards for high intensity uses may be reduced if it can be demonstrated that the use will be adequately served by alternative transit.

In addition, the Chula Vista Bayfront Shuttle service will be phased concurrent with development. At a minimum, service will be provided upon the issuance of Certificate of Occupancy for either the H-3 resort conference center hotel or the 500th residential unit in the City CVBMP area. Implementation of the shuttle is anticipated to include participation by commercial development within the plan area.



*Not to scale

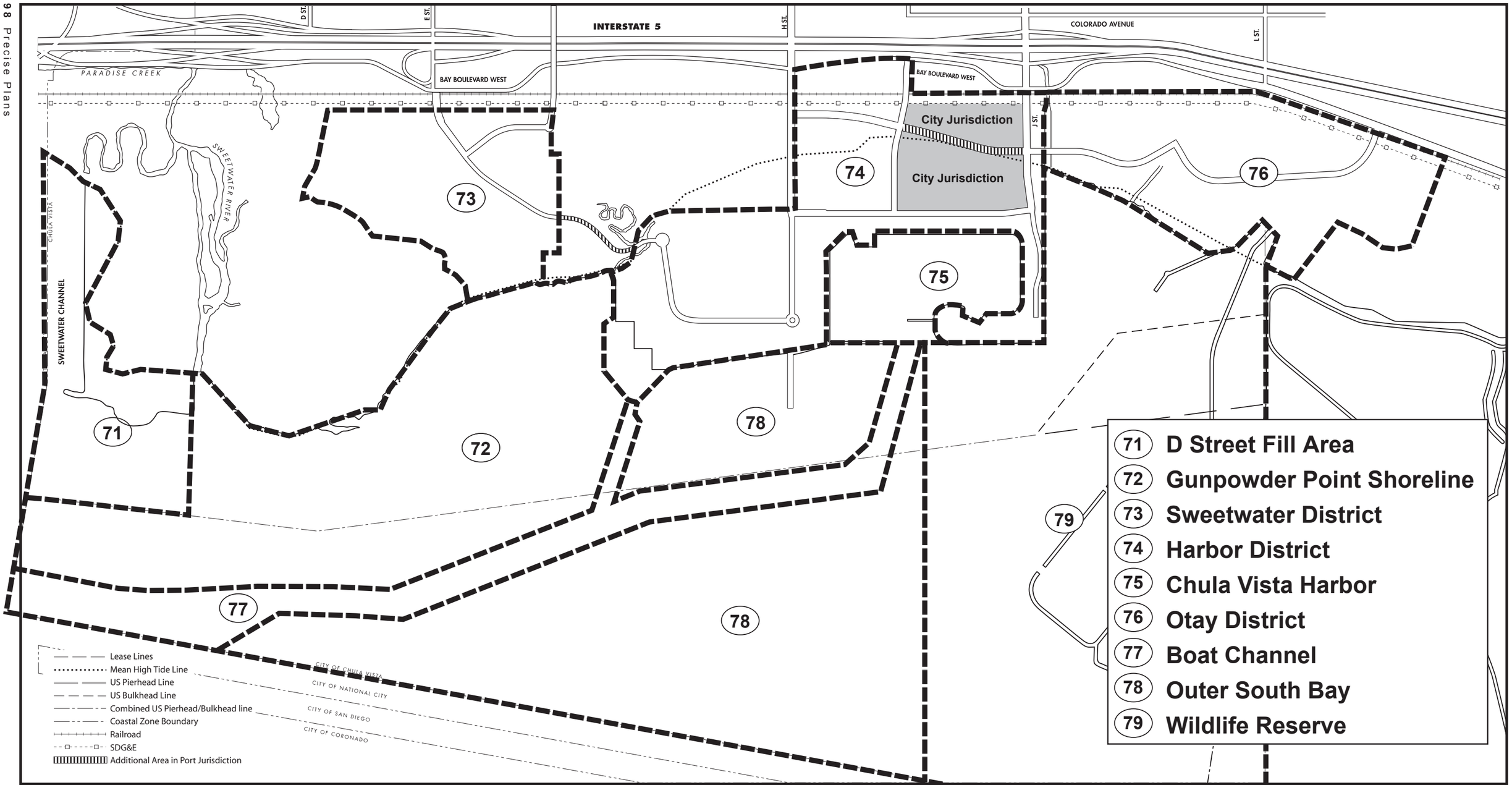
ENVIRONMENTAL AND LAND USE MANAGEMENT

PLANNING DISTRICT 7 - CHULA VISTA BAYFRONT

TITLE: **PRECISE PLAN**

DATE	DWG NO.	DRWN / CHK	BASE NO.
080912	FIGURE 19	TO/LNB	

PORT OF SAN DIEGO · UNIFIED PORT DISTRICT



scale approx. 0 200' 400'

LAND USE PLANNING

Planning District 7
CHULA VISTA BAYFRONT

TITLE: **Planning Subareas**

Figure 20

DATE	DWG NO.	DRWN / CHK	BASE NO.
080912			

Implementation of the CVBMP is envisioned to occur in four phases over the next 24 years, and will be contingent upon and subject to many factors, such as availability and timing of public financing and construction of public improvements, terms of existing long-term leases, actual market demand for and private financing of proposed development, lease negotiations, approvals for and demolition and/or relocation of existing uses, approvals for new uses, and other approvals.

Redevelopment of the Chula Vista Bayfront is guided by the "Chula Vista Bayfront Development Policies" document, which is incorporated into this document by reference. The "Chula Vista Bayfront Development Policies" document contains policies from adopted and approved plans, certified environmental documents, required mitigation measures, enforceable settlement agreements, and conditions included in the approval process. All development projects must comply with these policies and standards. Implementation of the "Chula Vista Bayfront Master Plan Public Access Program", which is also incorporated into this document by reference, must occur as redevelopment takes place.

Land and Water Use Allocations

A total of 1,978 acres of Chula Vista Bayfront are allocated to commercial, industrial, public recreation, conservation, and public facilities activities **(Table 18).**

Chula Vista Bayfront Planning Subareas

Nine planning subareas have been delineated ***(see Figure 20)*** to facilitate a description of the planning district.

D Street Area

The D Street Area includes approximately 63 acres of land and water area designated for Habitat Replacement, Estuary, Open Bay, Boat Navigation Corridor, and Ship Navigation Corridor uses. A 33.2-acre portion of the northwest corner of the City of Chula Vista lies within Port District jurisdiction. Under the plan, tidelands have been reserved for uses which would take advantage of the deep water channel in the Sweetwater Flood Control Channel, and for Habitat Replacement.

It is intended that the tideland uses will not only utilize the valuable deep water to a high potential and provide the income to develop public recreation areas, but will establish a buffer zone between the National City Marine Terminal (with its associated industrial uses) and the ultimate use of the uplands. The D Street Fill area adjacent to the Sweetwater Flood Control Channel, designated as Estuary, mitigates the loss of intertidal and shallow sub-tidal habitat resulting from the National City Marine Terminal Wharf Extension project.

Gunpowder Point Shoreline

Between the D Street Area and G Street lies a very small sliver of land (2 acres) and a broad intertidal mud flat. This area will be preserved as wetlands and has been designated as such, as discussed in Section III under the Conservation category. This subarea totals approximately 223 acres and includes mostly land area designated for Wetlands use, along with some water areas designated as Estuary. To provide for the long-term protection and management of the sensitive habitat known as the Sweetwater Tidal Flats (running north from the boatyard to the Sweetwater River Channel), the Port will enter into a cooperative agreement with the US Fish and Wildlife Service that will address the placement of educational and enforcement signage, long-term maintenance, and additional protection measures such as increased monitoring and enforcement. The cooperative agreement will be executed prior to development commencement in the Sweetwater or Harbor districts.

Chula Vista Bayfront Master Plan

The CVBMP planning area consists of the northern Sweetwater District, the middle Harbor District, the southern Otay District, Chula Vista Harbor, and Boat Channel subareas. The Sweetwater District proposes the lowest intensity development and focuses on lower scale, environmentally sensitive and ecologically themed uses. In contrast, the Harbor District is intended to provide a significant link from the City to the bayfront and includes the highest intensity development. Lastly, the Otay District proposes moderate intensity mixed-use development. Each of the districts contain substantial amounts of open space and public amenities, and

are seamlessly connected by greenbelt linkages that include pathways for pedestrians and bicyclists. A maximum of 2,850 hotel rooms are allowed within the boundaries of the CVBMP. Each CVBMP district, or planning subarea, is further described below.

Sweetwater District

The Sweetwater District, acquired by the Port as part of the aforementioned land exchange, is approximately 97 acres in size and is generally undeveloped and consists predominantly of fallow fields.

Public spaces and development planned for this subarea focus on lower scale, environmentally sensitive and environmentally themed uses. Land use designations include Open Space, Habitat Replacement, Wetlands, Park/Plaza, Commercial Recreation, and Promenade.



Undeveloped land along the northern and western boundaries of the district will be established as a 400-foot-wide buffer/setback area. The buffer/setback is intended to preserve and protect the adjacent Sweetwater Marsh Wildlife Refuge from planned development and to provide a gradual transition from undeveloped native landscape to developed areas. From west to east, the buffer/setback area consists of a 200-foot-wide “no-touch” zone, a 100-foot-wide “limited use” zone, and a 100-foot-wide “transitional use” zone. The no-touch zone primarily consists of wetland and upland habitat. To prohibit access by the public and nuisance predators into the sensitive habitat areas, the eastern boundary of the no-touch zone will include six-foot-high vinyl-coated chain link fencing. Fence installation shall include land contouring to minimize visual impacts of the fence. The limited use zone will contain outlook stations, open space areas, and a meandering trail system. The transitional use zone will accommodate increased recreational uses such as picnic areas and trails, and consists of revegetated open space. The southwestern portion of the buffer, which is designated as Wetlands, consists of lands identified for potential enhancement, restoration or creation of wetland mitigation areas. The outlook stations, which will be connected by meandering trails designated as Promenade, will provide viewing areas of the bay and wildlife, and will include educational elements such as kiosks, sculptures, or interpretive signs.

In addition, a 21-acre signature park is proposed with greenbelt linkages to park areas in the Harbor District. The park is envisioned as a passive use, meadow-type open space with amenities such as: landscaping, lighting, restrooms, drinking fountains, bicycle racks, children play areas, picnic areas, benches, trash receptacles, interpretive signage, landscaped berms, public art, decomposed granite paving, and parking. The park is to be passive in nature, be low-impact and contain minimal structures. Allowed structures include restrooms, picnic tables, shade structures and overlooks, and are limited to single-story heights. No athletic field amenities or unattended food vending will be allowed. The park will utilize low water-use ground cover alternatives where possible and trails will not be paved. Due to the immediate adjacency to sensitive habitat areas, amplified sound equipment and issuance of park use permits for group events will be prohibited. The signature park parcel is assigned the Park/Plaza land use designation.

At the northern end of the district, planned development includes: a low-scale, low profile, lower-cost overnight accommodations, such as a campground and/or RV park and limited meeting space, food service, and retail shops associated with the development. Other uses include a parking area and access road for the Chula Vista Nature Center and a low-intensity mixed use commercial recreation/marine related office development of approximately 60,000 to 120,000 square feet in size.

Building heights in the Sweetwater District range from one-story on the north side of the E Street extension to 45 feet on the south side of E Street. An approximately 100-foot-wide buffer will separate the existing seasonal wetland, located between E and F Streets, from adjacent development.

Roadway improvements planned include the extension of E Street into the Harbor District, and re-routing of the terminus of F Street to connect to the E Street extension. A trail connection west of the F Street terminus will be limited to emergency vehicles and pedestrian and bicycle access. Each of the new roadways, as well as the connecting trail, include the Promenade land use designation to indicate pedestrian and bicycle connections to the rest of the planning district.

Harbor District

The Harbor District includes a total of approximately 223 acres of land area, of which approximately 191 acres lie within District jurisdiction. As a result of the land exchange previously described, an interior portion of this subarea falls under the City's jurisdiction and is intended for private residential, general office, retail and hotel development – all of which has been planned in conjunction with the CVBMP.



The Harbor District encompasses the greatest diversity of existing uses, including the majority of the planning district's developed commercial uses and areas accessible by the public. Existing uses include a boat yard, yacht club, marinas, restaurants, RV park, former industrial and supporting parking facilities, and waterfront parks.

Proposed development in the Harbor District is the highest intensity of the plan and encourages an active, vibrant mix of uses and public spaces. Land use designations within this subarea include Open Space, Wetlands, Park/Plaza, Commercial Recreation, and Promenade. Up to 2,850 hotel rooms are proposed in the Harbor District at two separate sites. The exact number of rooms may be allocated among either site, up to the 2,850 room maximum for the Harbor District.

Public amenities in this subarea include Park/Plaza-designated land areas, which include the existing Bayside Park that will be improved as a 25-acre extension of the signature park with similar amenities, such as lighting, sculptures, restrooms, interactive fountains, plaza areas, drinking fountains, bicycle racks, tot lots, picnic areas, benches, trash bins, interpretive signage, a sculpture garden, landscaped berms, public art, decomposed granite paving, and open lawn area. The park area could also include cultural uses; small food and beverage vending; and other park-activating ancillary uses. Allowed structures include restrooms, picnic tables, shade structures and overlooks, and are limited to single-story heights. Other public spaces to remain in the subarea include the existing Marina View and Chula Vista Bayfront Parks, both designated as Park/Plaza, and the existing fishing pier. The existing boat launch ramp, restrooms, and Harbor Police facility within Chula Vista Bayfront Park will remain. In contrast to the passive use emphasis of the Sweetwater District park areas, parks within the Harbor District are planned to accommodate flexible spaces and programmable elements that allow for more active uses or events.

Shoreline erosion protection is provided by stone rip-rap. Both the beach and the rip-rap require periodic maintenance. The park terminates at the Chula Vista Bayside Park Pier, which provides protective wave attenuation for the marina, berthing for vessels, and access for fishing.

The land lying north of E Street South is designated for Commercial Recreation, Park/Plaza, Open Space, and Wetlands. The 100-foot-wide Open Space designation north of the expanded park area

abutting the area designated Commercial Recreation (the site of an existing boatyard) would serve as a buffer between future commercial development and the adjacent habitat. The extent of buffer coverage will depend upon future resource conditions and will be reevaluated as new development proposals are submitted. The parcels formerly designated as Marine Related Industrial are envisioned to be part of a future redevelopment project which is planned to be compatible with the surrounding conservation land uses. The public promenade will be extended along the entire water frontage of the Commercial Recreation site. The existing boatyard use may continue to operate until the site is redeveloped to a conforming Commercial Recreation use. Prior to redevelopment, additional boat repair capacity will be identified. The shoreline south of G Street has been developed as an extension of the Chula Vista Bayside Park, with promenade, restrooms, parking, landscaping, lawn areas, and picnic facilities. The Bayside Park shoreline promenade will be extended along the Chula Vista Harbor to connect with the promenade on the Marina Way arm.

The anchor component of the district is a large resort conference center proposed just east of Bayside Park. The resort conference center will be a destination attracting visitors from, and providing public amenities to, the region. The resort conference center will include a portion of the allowed 2,850 rooms in the Harbor District, approximately 100,000 square feet of restaurant space, approximately 20,000 square feet of retail, a conference center with up to approximately 415,000 square feet of meeting space (with a maximum of 200,000 square feet of contiguous exhibit and flex space in a single enclosed room), expansive open space areas, and other ancillary uses. The maximum heights for the resort conference center components are 240 feet for the hotel and 120 feet for the convention center. The bayward half of this site will be developed with public open space upland of E Street, and a specialty retail shopping village consisting of low-scale commercial retail buildings interspersed with plazas, landscaping, public art and other pedestrian oriented public amenities. Any proposal to construct more than 1,600 rooms as part of the resort conference center will require evaluation of the impacts areas needing additional analysis and the need for additional mitigation measures to reduce significant impacts, if any, associated with any increase in rooms. Development of the resort conference center site will require the relocation of the existing RV park. None of the existing RV sites will be removed until an equivalent number of RV sites are constructed and operating within the planning district. The replacement RV park will be located on either parcel O-3 or S-1. In the event the replacement park cannot be opened to visitors prior to closing the existing RV Park, an interim site with an equivalent number of RV sites will be established and opened elsewhere in the CVBMP at parcels S-1, H-23, or in the Otay District.

South of H Street, the plan allows for a hotel with conference room, retail, and open space, and other ancillary hotel uses. The hotel will include a portion of the allowed 2,850 rooms in the Harbor District. An additional 200,000 square feet of cultural/retail uses and integrated open space would be developed on the site. East of this site, the plan includes approximately 100,000 square feet of mixed-use commercial recreation/marine related office uses wrapped around a 1,100- to 3,000-space collector parking garage. The garage is intended to function as remote employee and/or visitor parking to supplement on-site parking needs for bayfront businesses. The garage site may be utilized as an interim surface parking lot with approximately 1,100 spaces during Phase I. Heights in the Harbor District will not exceed 25 feet (30 feet with architectural or mechanical features) immediately adjacent to the water, with a maximum height of 300 feet away from the shoreline.

A new ferry terminal/restaurant is proposed on the harbor that will provide water transportation linkages to the central portion of the bay. New visitor-serving retail and marina support uses totaling approximately 25,000 to 50,000 square feet will be established around the northern periphery of the harbor. An additional approximately 75,000 to 150,000 square feet of retail and marina support uses and parking are planned around the south end of the harbor. Marina support uses may include: offices, restrooms, showers, lockers, ship chandlery, boat/bicycle rentals, bait and tackle sales, delicatessens, and snack bars. Only water dependent uses such as docks can be constructed in or over the water; retail and restaurant uses must be located on land. The waterside components of the marinas are further described as part of the Chula Vista Harbor subarea.

Roadway improvements include the extension of

H Street that will connect to the E Street extension in the Sweetwater and Harbor districts. The H Street extension, which will end with a pedestrian connection and a new pier, will provide a significant link from eastern Chula Vista to the waterfront. Modifications to Marina Parkway and new access roads are also proposed throughout the Harbor District.

Construction of a new, approximately 60-foot-wide, 36,000-square-foot pier is proposed at the terminus of the extended H Street corridor above existing open water area. The 600-linear-foot pier would connect downtown Chula Vista to the Bay via H Street, and would enhance pedestrian and visual access to the water and offer picturesque views of San Diego Bay. Approximately half (300 linear feet) of the H Street Pier would be developed in Phase II at a length just short of the existing navigation channel. The remainder of the H Street Pier would be constructed in Phase IV, following realignment of the existing navigation channel. Development and uses on the pier may include small scale amenities such as a bait shop or snack bar.

A minimum 25-foot-wide shoreline pedestrian promenade or “baywalk” is planned to wrap around the perimeter of the park and harbor front businesses, connecting the pedestrian and bicycle greenbelt linkage to the other subareas, while maximizing public visual and physical access to the water. The baywalk will contain public amenities such as pedestrian-scale landscaping, lighting, and furniture, providing public seating and gathering spaces while offering views of the harbor. Private uses shall not encroach into the public walkway, and view corridors through the site towards the bay will be incorporated into the project design.

The eastern areas of the district within existing right-of-way/easement areas are planned for landscaping and pedestrian/bicycle trails as part of the greenbelt system that will link to the rest of the City.

Chula Vista Harbor

The Chula Vista harbor basin includes approximately 50 acres of water area and is protected by two structures: a 300-foot-long rock breakwater extending north from the Marina Way arm and a 650-foot-long wave attenuation pier extending south from Bayside Park. They are separated by about 200 feet of channel. The harbor is currently occupied by two marinas totaling approximately 900 boat slips. The existing Chula Vista Boat Launch has been upgraded with additional shore protection.



An essential component of the CVBMP is the creation of an active commercial harbor that encourages public access to the water and activity on the water. To facilitate the development of this activated harbor, the existing marina boat slips will be reconfigured to create an approximately 4-acre open water area. Of the existing 900 marina slips, 700 slips would be reconfigured within the existing harbor at HW-1 and HW-4, and 200 slips would be relocated to HW-6. The new open water area will enhance boating activity on the water and is envisioned to be utilized for ferry loading and unloading, water taxis, dinner boats, harbor cruises, visiting historic vessels, and boat rentals. The reduction in boat slips may only occur if replacement slips are provided elsewhere within the CVBMP.

Prior to approval of any changes in the slip size or distribution, the Port will undertake an updated comprehensive boater use, slip size, and slip distribution study which is no more than five years old for each dock redevelopment project that affects slip size and distribution of slips, to assess current boater facility needs within the individual project and the Bay as a whole. The Port will continue to provide a mix of small, medium and large boat slips based on updated information from the comprehensive study with priority given to boats less than 25 feet in length and a goal of no net loss in number of slips within the CVBMP. Should future projects propose reducing the number or proportion of small slips for boats 25 feet or less within the Chula Vista marina, a Port Master Plan amendment will be required.

Landside improvements around the harbor, including commercial development and public amenities, are further described above in the Harbor District subarea.

The water areas within the Harbor have been designated as Recreational Boat Berthing, Specialized Berthing, and Boat Navigation Channel.

Otay District

The Otay District is approximately 124 acres in size and includes recently acquired upland areas. This subarea was characterized by industrial uses, including the existing SDG&E electrical switchyard and South Bay Power Plant. Uses within this district will be designed in consideration of the adjacent sensitive habitat areas.



The proposed development for the Otay District consists of a mix of uses, including industrial and low-cost visitor serving recreational uses. The extreme northern and southern parcels are designated for Industrial Business Park use. The southern Industrial Business Park parcel could include industrial distribution and related facilities, or other uses allowed under the Industrial Business Park designation. Land use designations for this subarea include Open Space, Park/Plaza, Habitat Replacement, Wetlands, Industrial Business Park, Commercial Recreation, and Promenade.

A new approximately 24-acre passive South Park is proposed and will include amenities such as: pedestrian trails, landscaping, berms, lighting, restrooms, drinking fountains, benches, picnic areas, outlook areas, trash receptacles, public art, filtration basins, and parking. The park is to be passive in nature, be low-impact and contain minimal structures. Allowed structures include restrooms, picnic tables, shade structures and overlooks, and are limited to single-story heights. No athletic field amenities or unattended food vending will be allowed. The park will utilize low water-use ground cover alternatives where possible and trails will not be paved. Due to the immediate adjacency to sensitive habitat areas, amplified sound equipment and issuance of park use permits for group events will be prohibited.

Abutting the north side of this park area is Commercial Recreation-designated property that is intended to provide low-cost visitor serving recreational uses. This area may be developed as an RV park that will include approximately 237 RV parking spaces and ancillary uses such as offices, pool/spa, snack bar, general store, meeting space, game room, laundry facilities, and playground equipment. Both parcels could allow for camping activities. The existing concrete Telegraph Canyon Creek channel is proposed to be replaced with a more natural vegetated channel. Efforts to naturalize and vegetate the creek will be maximized as is consistent with its function as a storm water conveyance.

A buffer/setback area will be provided along the western boundary of the district between J Street and the RV park. The buffer/setback area will consist of a 100 to 200-foot-wide no-touch zone, within which public access is prohibited, to protect the adjacent J Street Marsh and wildlife reserve from proposed development. The buffer/setback area, which is designated as Habitat Replacement and Wetlands, will be utilized for wetland and upland habitat mitigation and will prohibit public access. To prohibit access by the public and nuisance predators into the sensitive habitat areas, the eastern boundary of the no-touch zone will include six-foot-high vinyl-coated chain link fencing. Fence installation shall include land contouring to minimize visual impacts of the fence.

The construction of the northern Industrial Business Park parcel, South Park, and RV park in this district is subject to demolition of the existing power plant, and demolition and relocation of the existing switchyard.

New roadways will be constructed throughout the Otay District to serve new uses. A new bike path is

proposed alongside the new roadways. A shoreline pedestrian trail is proposed in the Otay District, and its design will ensure protection of the adjacent sensitive habitat areas. Like the Harbor District subarea, the eastern portion of this subarea within existing right-of-way/easement areas are planned for landscaping and pedestrian/bicycle trails that will connect to the shoreline pedestrian and bike trail in the Otay District. This district will also contain parking areas. The pedestrian/bicycle trail in the Otay District will be part of the greenbelt system that will link the CVBMP area together, and link it to the rest of the City greenbelt.

Boat Channel

The water area directly west of the Chula Vista Bayfront is occupied by the main boat channel providing access to the harbor, which is designated Boat Navigation Corridor on the Precise Plan. Areas outside the channel will remain in the Estuary category.

The CVBMP proposes to realign and straighten the existing navigation channel in order to increase accessibility to the harbor. The realignment will utilize an existing abandoned access channel and remove the “dog leg” portion of the current channel, thereby enhancing boat access between the Chula Vista Harbor and the northern portions of San Diego Bay. In addition, the new channel will be located farther away from sensitive resources located along the shoreline west of the Sweetwater District.

Outer South Bay

The remaining water area in Chula Vista is scheduled to stay designated as Estuary. Limited surface water use for boating and fishing, for example, will be permitted but other uses will be discouraged.

Wildlife Reserve

South of the Chula Vista Harbor lies a large tidal mud flat, the San Diego Gas and Electric Company (SDG&E) dike, and the South Bay Wildlife Reserve, a 55-acre island which was built from dredged material and where native habitat has been established. The Master Plan has three designations for this subarea: Wetlands, Estuary, and Habitat Replacement.

The Wetlands (refer to the Master Plan Interpretation section on Wetlands), includes the area known as the J Street Marsh and is roughly the mud flat and marsh area exposed to air during low tide. It is undeveloped, except for a small channel that was used as a water intake trough for the SDG&E thermal power plant. Other than potential habitat restoration activities, no alterations to the existing intake/discharge channel area are proposed; however, it is the intent of this plan to preserve the surrounding wetlands in their natural state. To provide for the long-term protection and management of the J Street Marsh sensitive habitat area, the Port will enter into a cooperative agreement with the US Fish and Wildlife Service that will address the placement of educational and enforcement signage, long-term maintenance, and additional protection measures such as increased monitoring and enforcement. The cooperative agreement will be executed prior to the redevelopment of the Otay District.

Estuary refers to the shallow water outward of the wetlands which is not exposed at low tide. This area will not be developed; however, limited surface water activities such as boating and fishing would be permitted. Efforts should be made to avoid or reduce potential environmental damage.

The Habitat Replacement concept involves engineering, dredging, planting and developing a valuable supratidal salt marsh habitat as part of a master-planned complex. Unauthorized access by humans and predators will be greatly discouraged by fencing the SDG&E dike, although controlled access will be provided for nature instruction and research. Its location reduces conflicts between development and preservation activities, and its size enables other shoreline projects to be completed by substituting the inferior habitats at the project sites for a carefully nurtured and highly productive habitat.

The Port District provides continual protection and management, as part of a comprehensive South Bay wildlife preserve program.

A narrow strip of District-owned land, designated Wetlands, is currently leased to the existing power plant operator, but upon demolition of the existing power plant, is intended for mitigation and/or restoration area that will include a buffer between existing and created wetland areas and upland use.

TABLE 19: Project List

CHULA VISTA BAYFRONT: PLANNING DISTRICT 7

	SUBAREA	DEVELOPER	APPEALABLE	FISCAL YEAR
GENERAL				
1. STORM DRAINS: Construct, enhance, and maintain storm drains.	73/74		N	ONGOING
SWEETWATER DISTRICT				
2. SWEETWATER PARK (S-2): Development of 21-acre signature park in Sweetwater District, including associated public amenities, promenades, and parking areas as detailed in Planning District text.	73	P	N	Phase I
3. NATURE CENTER PARKING AREA (SP-3): Construct new 100-space parking area and access road for Chula Vista Nature Center.	73	T	N	Phase I
4. SWEETWATER DISTRICT LODGING (S-1): Construct a low-scale, low profile, lower-cost overnight accommodations such as a campground and/or RV park; associated meeting rooms, retail stores and food service are limited to one story within a maximum height of 25 feet.	73	T	Y	Phase I
5. SWEETWATER DISTRICT ROADWAY AND INFRASTRUCTURE IMPROVEMENTS: Reconfiguration of existing (F Street) and construction of new interior (E Street) roadways, as well as necessary utility improvements and pedestrian/bicycle connections to support planned projects. E and F Streets are appealable category developments.	73	P	Y	Phase I – IV
6. SWEETWATER DISTRICT WETLAND AND UPLAND HABITAT ENHANCEMENT (SP-1 / SP-2): Creation, restoration, and enhancement of identified wetland and upland habitat areas, as well as the establishment of buffers; these areas may also be utilized for mitigation opportunities as CVBMP development impacts occur.	73	P	N	Phase I – IV
7. F STREET TERMINATION: Termination of F Street segment/Lagoon Drive and construction of new roadway connection to E Street, as well as pedestrian/bike trail connection on former F Street segment.	73	P	Y	Phase II / IV
8. MIXED-USE COMMERCIAL RECREATION/MARINE RELATED OFFICE DEVELOPMENT (S-3): Construct low-intensity mixed-use marine commercial recreation/marine related office development of up to 60,000 to 120,000 square feet in size, along with associated on-site landscaping and parking improvements; maximum building height is limited to 45 feet.	73	T	Y	Phase IV
HARBOR DISTRICT				
9. SHORELINE MAINTENANCE (HP-1/H-8): Maintain stone revetment and replenish Beach at Bayside Park.	74	P	N	ONGOING

TABLE 19: Project List (cont'd)

	SUBAREA	DEVELOPER	APPEALABLE	FISCAL YEAR
10. H STREET EXTENSION: Extend H Street to Marina Parkway.	74	P	Y	UNDERWAY
11. RESORT CONFERENCE CENTER (H-3): Construct resort conference center, including a portion of the allowed 2,850 hotel rooms in the Harbor District, up to 100,000 square feet of restaurant, up to 20,000 square feet of retail, up to 415,000 square feet of net meeting space, and other associated ancillary uses. The bayward portion of this site will be developed with a 150-foot wide public open space esplanade inland of E Street, and a specialty retail shopping village consisting of buildings no more than 35 feet in height with commercial retail on the ground floor, and hotel/conference center uses above. The special shopping area shall be interspersed with plazas, landscaping, public art and other pedestrian oriented public amenities. Maximum heights are limited to 240 feet for the hotel and 120 feet for the conference center.	74	T	Y	Phase I
12. INTERIM SURFACE PARKING LOT (H-18): Construction of approximately 1,100 surface parking spaces for use as collector and off-site parking lot.	74	T/P	N	Phase I
13. SIGNATURE PARK EXTENSION (HP-1N, HP-1S, H-1AS, H-8): A 25-acre extension of Sweetwater Signature Park into Harbor District, including improvements to existing Bayside Park as detailed in Planning District text.	74	P	N	Phase I / IV
14. HARBOR DISTRICT ROADWAY AND INFRASTRUCTURE IMPROVEMENTS: Reconfiguration of existing (H Street, J Street and Marina Parkway) and construction of new interior (E Street, Street A and C) roadways, as well as necessary utility improvements and pedestrian/bicycle connections to support planned projects. All new streets are appealable category developments.	74	P	Y	Phase I - III
15. HARBOR DISTRICT BAYWALK (HP-3): Development of new Baywalk promenade along the shoreline.	74	P	N	Phase I - IV
16. H STREET PIER (FIRST HALF) (HP-28): Construct new 60-foot wide, 300-lineal-foot pier at terminus of extended H Street corridor above existing open water area (only portion eastward of existing navigation channel; second half of total 600-linear-foot pier totaling 36,000 square feet to be constructed in Phase IV following realignment of navigation channel).	74	P	Y	Phase II
17. HARBOR RESORT HOTEL AND CULTURAL/RETAIL (H-23): Construct hotel with portion of allowed 2,850 rooms in Harbor District, associated conference room, retail, and ancillary uses, along with up to 200,000 square feet of cultural/retail uses and integrated open space; maximum heights are limited to 300 feet for the hotel and 65 feet for the cultural/retail uses.	74	T	Y	Phase II

TABLE 19: Project List (cont'd)

	SUBAREA	DEVELOPER	APPEALABLE	FISCAL YEAR
18. NORTH HARBOR RETAIL AND MARINA SUPPORT (H-9): Construct visitor-serving retail and marina support uses totaling up to 25,000 to 50,000 square feet within maximum building heights of 25 feet (30 feet with architectural or mechanical features) around northern periphery of Chula Vista Harbor.	74	T	Y	Phase II
19. MARINA WAY RECONFIGURATION: Reconfiguration of Marina Way, including modifications to Marina View Park (HP-7, HP-8) and parking areas (HP-6) to accommodate reconfigured J Street/Marina Parkway, including construction of pedestrian promenade (HP-3) with minimum 25-foot width.	74	P	N	Phase III
20. CHULA VISTA BAYFRONT PARK IMPROVEMENTS (HP-14): Reconfiguration of existing boat trailer parking lot and modifications to park area to accommodate installation of minimum 25-foot wide shoreline promenade. No change in number of parking spaces.	74	P	N	Phase III
21. OPEN SPACE IMPROVEMENTS (HP-12, HP-13, OP-3): Construct greenbelt improvements, such as landscaping and trails for pedestrians and bicyclists, along SDG&E and Coronado Branch Railroad rights-of-way.	74/76	P	N	Phase III
22. SOUTH HARBOR RETAIL AND MARINA SUPPORT (H-21): Construct up to 75,000 to 150,000 square feet with maximum building heights of 25 feet (30 feet with architectural or mechanical features) of visitor-serving retail, marina support, and parking uses around southern periphery of Chula Vista Harbor.	74	T	Y	Phase III
23. CHULA VISTA HARBOR RECONFIGURATION AND MARINA SUPPORT (HW-1, HW-2, HW-3, HW-4): Reconfiguration of existing marina slips to create new open water commercial harbor (HW-2 and HW-3), and development of landside marina support facilities; of the existing 900 marina slips, 700 slips would be reconfigured within the existing harbor at HW-1 and HW-4.	75	P	Y	Phase IV
24. BOAT CHANNEL REALIGNMENT: Realign and straighten existing boat navigation channel.	77	P	N	Phase IV
25. H STREET PIER (SECOND HALF) (HP-28): Construct second phase of new 60-foot wide, 600-lineal-foot pier totaling up to 36,000 square feet at terminus of extended H Street corridor (extension into former navigation channel).	74	P	Y	Phase IV
26. MIXED-USE OFFICE/COMMERCIAL RECREATION AND COLLECTOR PARKING GARAGE (H-18): Construct approximately 100,000 square feet of mixed-use marine-related office/commercial recreation and a 1,100 to 3,000-space collector parking garage; maximum building heights is 155 feet (10 stories).	74	T/P	Y	Phase IV

TABLE 19: Project List (cont'd)

	SUBAREA	DEVELOPER	APPEALABLE	FISCAL YEAR
27. FERRY TERMINAL (H-12): Construct ferry terminal with second story restaurant/retail totaling up to 10,000 to 25,000 square feet of building area; building height is limited to 25 feet (30 feet with architectural or mechanical features).	74	T	Y	Phase IV
OTAY DISTRICT				
28. RECREATIONAL VEHICLE PARK (O-3A, O-3B): Construct replacement recreational vehicle park with minimum 237 spaces, along with supporting ancillary uses with building heights limited to 25 feet (30 feet with architectural or mechanical features).	76	T	Y	Phase I
29. OTAY DISTRICT ROADWAY AND INFRASTRUCTURE IMPROVEMENTS: Reconfiguration of existing and construction of new interior roadways (Street B), as well as necessary utility improvements and pedestrian/bicycle connections to support planned projects.	76	P	Y	Phase III
30. OTAY DISTRICT WETLAND AND UPLAND HABITAT MITIGATION (OP-2A, OP-2B): Creation, restoration, and enhancement of identified wetland and upland habitat areas, as well as the establishment of buffers; replacement of existing concrete Telegraph Canyon Creek channel with wider, naturally vegetated channel.	76	P	N	Phase III
31. SOUTH PARK (OP-1A, OP-1B): Development of 24-acre park in Otay District, including associated public amenities, promenades, and parking areas as detailed in Planning District text.	76	P	N	Phase III

P- Port District T- Tenant N- No Y- Yes

Phase I refers to the time period of approximately 1-7 years after PMPA certification
Phase II refers to the time period of approximately 4-10 years after PMPA certification
Phase III refers to the time period of approximately 11-17 years after PMPA certification
Phase IV refers to the time period of approximately 18-24 years after PMPA certification

SILVER STRAND SOUTH:
PLANNING DISTRICT 8



Precise Plan Concept

Planning District 8 is located in the southwest corner of San Diego Bay, approximately thirteen miles from the entrance to San Diego Bay. The planning area is effectively separated from central Coronado by the U.S. Navy Amphibious Base and from Imperial Beach by the salt ponds. The Coronado Cays residential marina development, an exclusive high-value community, occupies the uplands to the west of Port tidelands. The Precise Plan development concept seeks to provide opportunities for recreational boating, public access, shoreline parks, and other water related facilities at a level of intensity that is suitable with the surroundings.

Land and Water Use Allocations

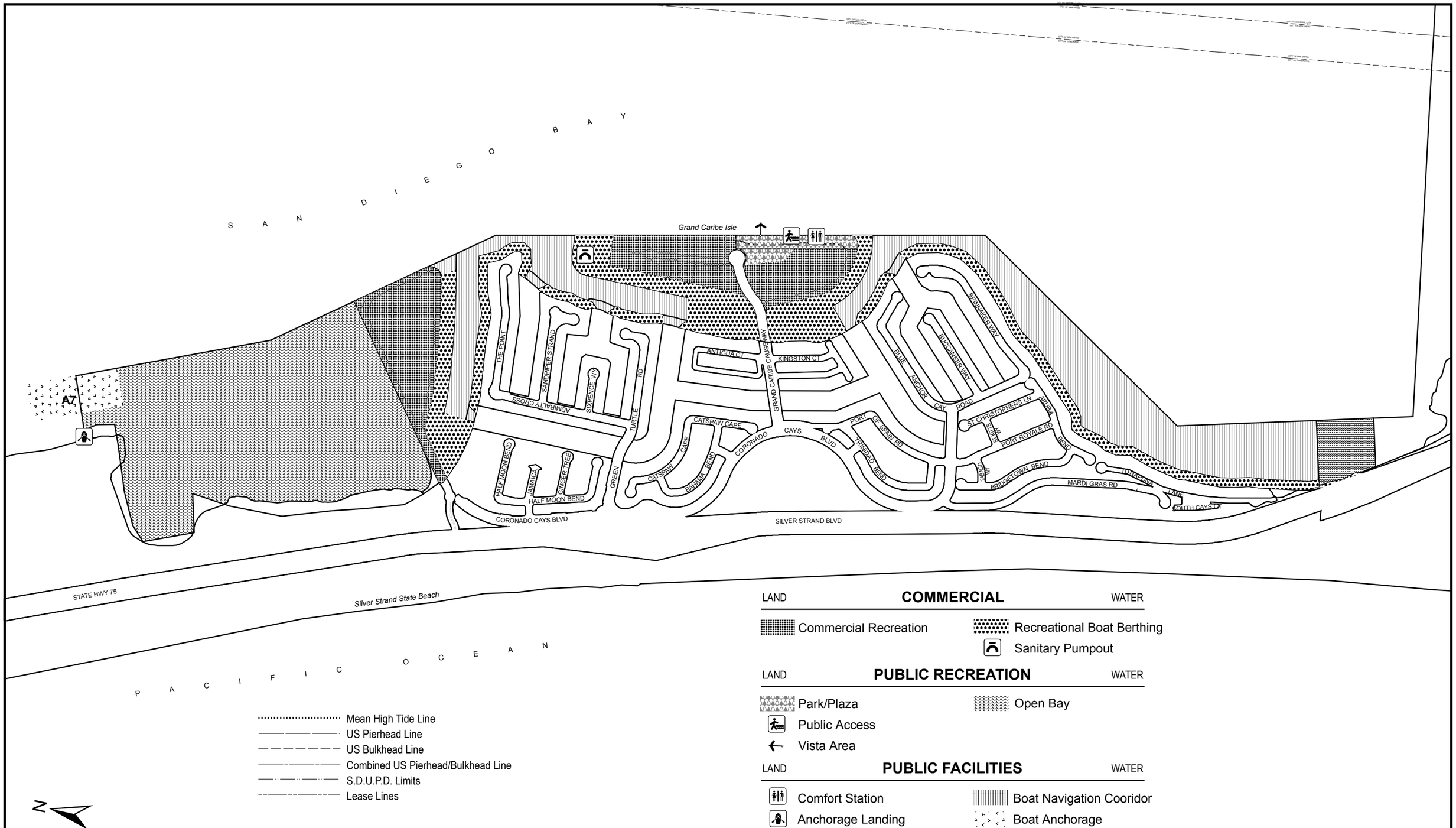
The Silver Strand South Planning District contains a total of about 227 acres, consisting of 31 acres of land and 196 acres of submerged tidelands. Two man-made peninsulas, Crown Isle and Grand Caribe Isle, represent all of the Port District administered land area in this planning area. Over half of the total area or over sixty percent of only the land area is currently leased to Coronado Cays Company. Planned use categories include commercial recreation, public recreation, public facilities and conservation. Water areas adjacent to the island are set aside for recreational boat berthing. Boat navigation corridors run out to the main channel extending from Coronado Cays to the central bay. **Table 20** summarizes the land and water use allocations proposed in the Precise Plan. The use allocation table, the **Precise Plan Map**, and the following text supplement the general plan guideline presented earlier in this document.

Silver Strand South Planning Subareas

An explanation of the Precise Plan is organized around the five geographic locations shown in ***Figure 22***.

TABLE 20: Precise Plan Land and Water Use Allocation
SILVER STRAND SOUTH: PLANNING DISTRICT 8

LAND USE	*ACRES*	*WATER USE*	*ACRES*	*TOTAL ACRES*	*% of TOTAL*
COMMERCIAL	26.1	COMMERCIAL	37.0	63.1	27%
Commercial Recreation	26.1	Recreational Boat Berthing	37.0		
PUBLIC RECREATION	3.2	PUBLIC RECREATION	92.0	95.2	42%
Park	3.2	Open Bay / Water	92.0		
PUBLIC FACILITIES	1.9	PUBLIC FACILITIES	63.0	64.9	29%
Streets	1.9	Boat Navigation Corridor	63.0		
		CONSERVATION	4.0	4.0	2%
		Estuary	4.0		
TOTAL LAND AREA	**31.2**	**TOTAL WATER AREA**	**196.0**		
PRECISE PLAN LAND AND WATER ACREAGE TOTAL				**227.2**	**100%**



Mean High Tide Line
US Pierhead Line
US Bulkhead Line
Combined US Pierhead/Bulkhead Line
S.D.U.P.D. Limits
Lease Lines

N

LAND	COMMERCIAL	WATER
Commercial Recreation		Recreational Boat Berthing
		Sanitary Pumpout

LAND	PUBLIC RECREATION	WATER
Park/Plaza		Open Bay
Public Access		
Vista Area		

LAND	PUBLIC FACILITIES	WATER
Comfort Station		Boat Navigation Cooridor
Anchorage Landing		Boat Anchorage

0 125 250 500 750 1,000 Feet

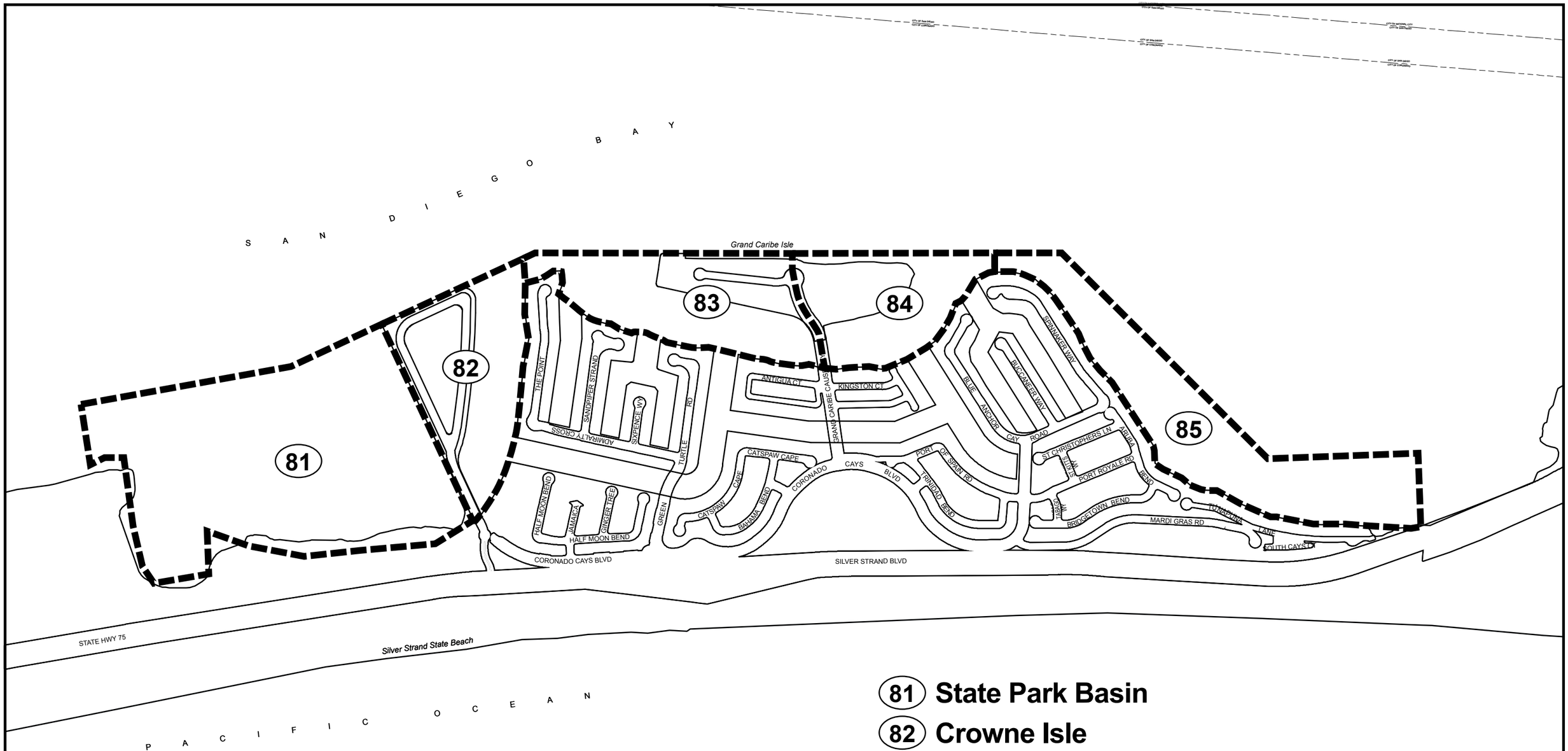
Planning District 8
SILVER STRAND SOUTH

PRECISE PLAN

FIGURE 21

DATE: 082887
DRWN / CHK:

FILE TITLE/LOCATION:



Mean High Tide Line
US Pierhead Line
US Bulkhead Line
Combined US Pierhead/Bulkhead Line
S.D.U.P.D. Limits
Lease Lines

N

81 State Park Basin
82 Crowne Isle
83 Grand Caribe Isle-North
84 Grand Caribe Isle-South
85 South Cays Shoreline

0 125 250 500 750 1,000 Feet

Planning District 8
SILVER STRAND SOUTH

Planning Subareas Map

FIGURE 22

DATE: 082887
DRWN / CHK:

FILE TITLE/LOCATION:

State Park Basin

The water area in the northern part of the Planning District will remain essentially undeveloped except as a feature of Silver Strand State Beach, which occupies the shoreline of this planning subarea. Public recreation uses and access, subject to controls and user fees imposed by the State park system, could include swimming, boating, fishing and water skiing.

The Crown Cove Anchorage (A-7) is proposed to be developed by the State Department of Parks and Recreation as an extension of the Silver Strand State Beach. This 4.4-acre anchorage area will provide fore and aft moorings for about 30 vessels. A dinghy landing will be provided at the adjacent State Beach. Control over the park and anchorage will be exercised by the California Department of Parks and Recreation under a lease agreement with the U.S. Navy and the San Diego Unified Port District, as a normal part of the Department's administration of Silver Strand State Beach.

Mention should be made of the proposed second entrance channel to San Diego Bay. It is planned to be constructed on Naval Amphibious Base land just north of this Planning District, and thus is not included in the Land and Water Use Element of the Master Plan. The Port District endorses and supports the second entrance, but recognizes that it is a Federal project and that the likelihood of its construction in the near future is remote. If it is built, it will result in few alterations of the plan for Silver Strand South.

Crown Isle

Crown Isle (also referred to as North Island) has a land area of 11.4 acres, all of which is designated for commercial recreation uses, which include docks and wharfage facilities, small craft harbor, marina with a marina administration building and recreational area, refueling docks, supply and ships stores, group activities, outdoor court areas, hotels, motels and cabanas, stores, shops, theaters and offices. All of the subarea is already leased to Coronado Cays Company; however, the company has not prepared a master plan for the development of this land. The water area is proposed for boat docks and navigational purposes.

Grand Caribe Isle-North

All of this subarea is also under long-term lease and is proposed for development for commercial recreation, boat docks and navigational corridors. Specific land use plans for this area have been developed, and have been reviewed and approved by City and State agencies.

Grand Caribe Isle-South

The southern one-third of Grand Caribe Isle (also referred to as East Island) is unleased. Proposed land use allocations are about three acres for a public shoreline park and the remainder for commercial recreation. The development could include one or more of the following: a hotel, restaurant, marina, fuel dock, sanitary pumpout, local food store, recreational center, or boat sales.

South Cays Shoreline

Port tidelands involved in this planning subarea are limited to submerged lands. The area is leased and is scheduled for development as boat docks and navigation corridors. Immediately to the south of the South Cays Shoreline planning subarea is an unleased strip of water that will not be developed or dredged. The plan proposed to retain the area as bay estuary or wildlife habitat, open space for the community, and open vistas to the bay from State Highway 75.

A listing of possible projects and appealable classification is shown in **Table 21**.

TABLE 21: PROJECT LIST

SILVER STRAND SOUTH: PLANNING DISTRICT 8

	SUBAREA	DEVELOPER	APPEALABLE	FISCAL YEAR
1. SHORE PROTECTION: East Island, south end	84	P	N	1979-80
2. MARINA: Install buildings, slips	84	T	Y	1983-84
3. SHORELINE PARK	84	P	Y	1984-85
4. CROWN COVE ANCHORAGE: Install boundary markers, fore and aft moorings, and landing structures	81	T	Y	1984-85

P- Port District T- Tenant N- No Y- Yes

SOUTH BAY SALT LANDS:
PLANNING DISTRICT 9



Precise Plan Concept

Planning District 9 comprises the land and water areas at the extreme southerly end of San Diego Bay. The land is uniformly flat except for the slight elevations of the salt pond dike network. The water is very shallow. Because of an unusual annexation history, parts of three cities - San Diego, National City and Coronado - occupy this Planning District and the political boundaries of two other cities - Chula Vista and Imperial Beach - form mutual borders with the outside edges of the Planning District.

Identified concerns in land use planning include: the compatibility and routing of access corridors for pedestrian and bike path extensions around the bay; a localized desire for a public launching and marina facility, befitting the amenities and resources of a small coastal city which currently has no marina facilities; and the possible transition of land use from the industrial production of salt to mariculture, or a return of the area to a natural bay for wildlife preservation. The Plan Concept proposes the utilization of the area for habitat conservation and to retain the open space character of South San Diego Bay.

Land and Water Use Allocations

A total of approximately 798 acres of Port District tidelands is included in this Planning District. Use allocations proposed include wetlands, estuary and salt ponds, and follow the basic use guidelines discussed in Section III of the Master Plan under the Conservation category.

South Bay Salt Lands Planning Subareas

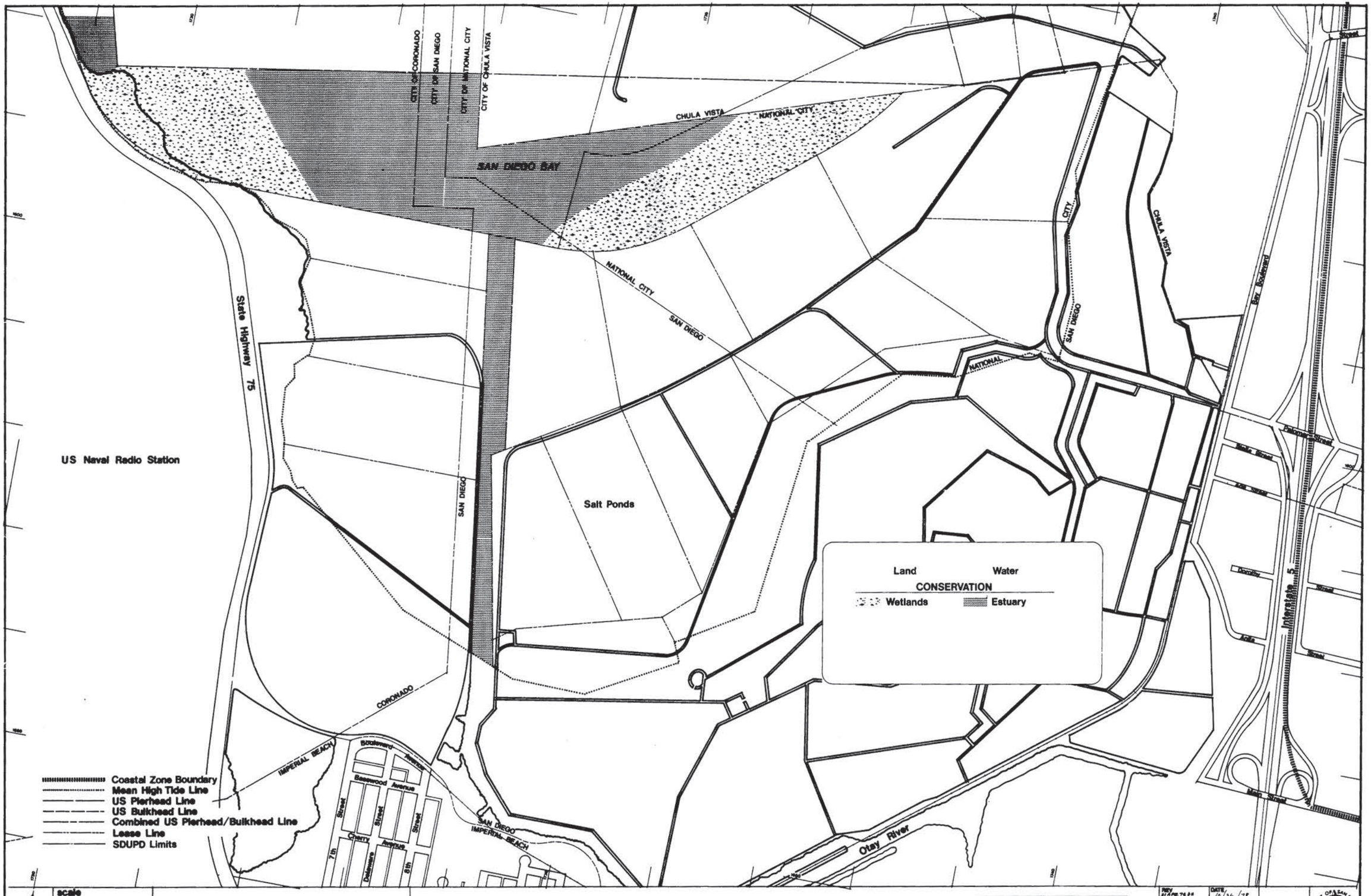
In the following narrative, the Planning District has been divided into four subareas ***(Figure 24)***, to focus attention upon conditions and plan concepts for small areas.

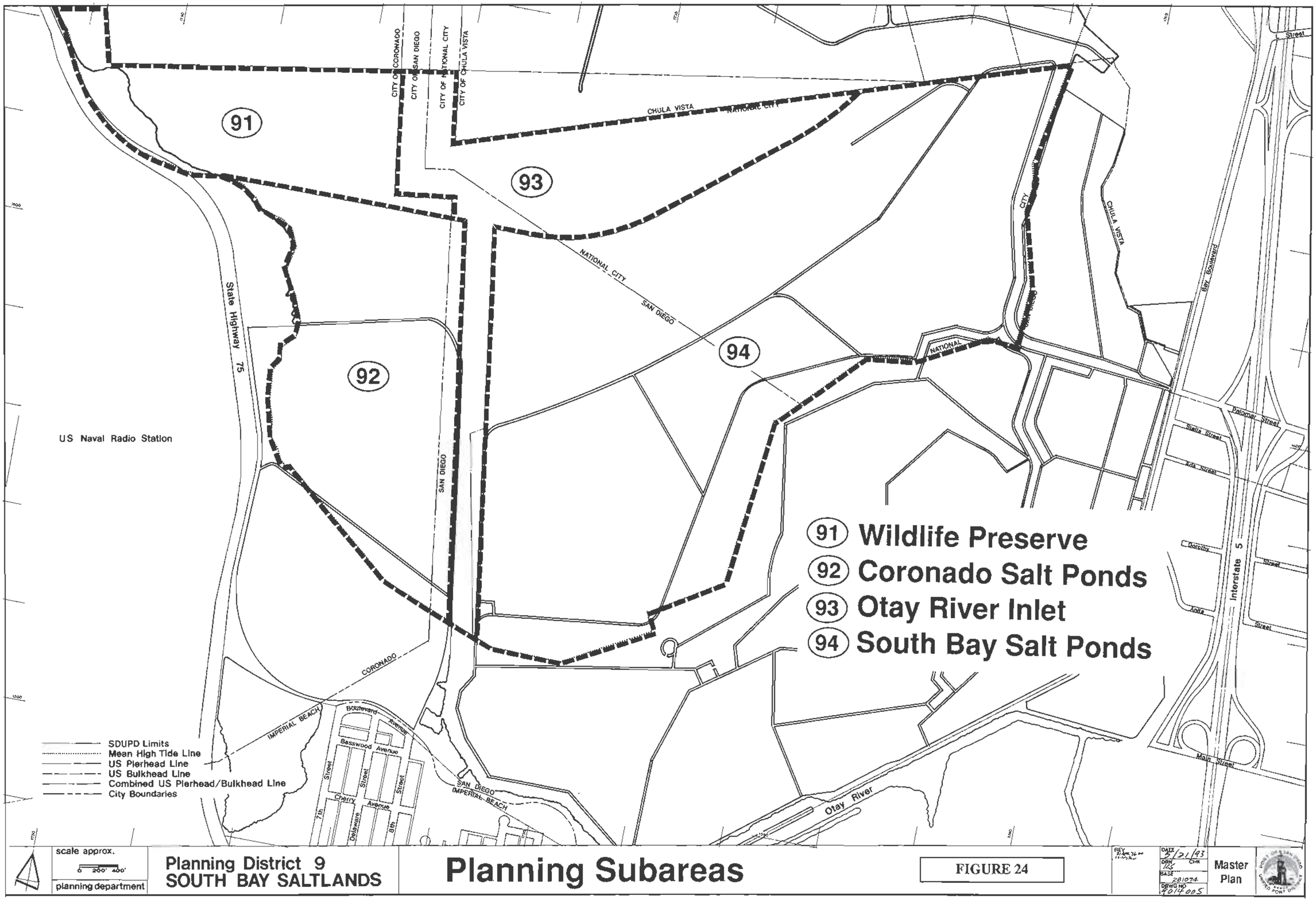
Wildlife Preserve

This subarea is unleased and is proposed to be set aside and possibly enhanced for conservation purposes. The subarea is primarily shallow water, although an 8.5-acre parcel of vacant land, located at the northwest corner of the Planning District and adjacent to State Highway 75, is included. Immediately to the south of the parcel, on uplands, is an area managed by the County of San Diego as a wildlife preserve and nature interpretive area. The plan allocation would add to this conservation area.

Coronado Salt Ponds and South Bay Salt Ponds

Most of Planning District 9 was leased prior to the formulation of the Port District directly from the State of California by Western Salt Company for the production of salt through evaporation. The leased areas comprise these two planning subareas. Existing State law provides that the 612.23-acre lease of water and salt ponds will revert to State control in 1984. As was mentioned in Section I *(page 6)*, the transfer will increase State controlled tidelands in San Diego Bay to about 48 percent of the total. The Department of Fish and Game will be given management responsibility and will need to address the multiple demands in the area for a continuation of salt production, a reversion to a natural bay, the potential for mariculture, and whether marina facilities for Imperial Beach are possible. Until that time, the Master Plan recommends continuation of the current environment. When the management plan for the


CITY OF CORONADO
CITY OF SAN DIEGO
CITY OF NATIONAL CITY
CITY OF CHULA VISTA
CHULA VISTA
NATIONAL CITY
SAN DIEGO BAY
NATIONAL CITY
SAN DIEGO
State Highway 75
US Naval Radio Station
SAN DIEGO
Salt Ponds
CORONADO
IMPERIAL BEACH
Boulevard
Avenue
Basswood Avenue
Street
Street
Street
Cherry Avenue
7th
Delaware
8th
SAN DIEGO
IMPERIAL BEACH
Otay River
NATIONAL
CITY
SAN DIEGO
CHULA VISTA
Bay Boulevard
Palomar Street
Main Street
Interstate 5
Land
Water
CONSERVATION
Wetlands
Estuary
Coastal Zone Boundary
Mean High Tide Line
US Pierhead Line
US Bulkhead Line
Combined US Pierhead/Bulkhead Line
Lease Line
SDUPD Limits
scale
planning department
Planning District 9
SOUTH BAY SALTLANDS
PRECISE PLAN
FIGURE 23
DATE 10/26/78
DRN BB/KS
CHK
SCALE 311074
DRWG NO 9025 001
MASTER PLAN REVISION
PORT OF SAN DIEGO
UNIFIED PORT DISTRICT



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planning department

Planning District 9
SOUTH BAY SALTLANDS

Planning Subareas

FIGURE 24

DATE 5/21/93
DRN. RLS
BASE 281074
DRWG NO 9014005

Master Plan

area is designed by the State Department of Fish and Game, the Port District should be advised so that nearby developments will be coordinated.

South Bay Salt Ponds

This subarea includes both leased and unleased areas. A parcel is leased to San Diego Gas and Electric Company for a warm water outlet and dispersal area as part of the South Bay Power Generating Plant operation. The remaining area is submerged bay tidelands, including the terminus channel of the Otay River. The water area remaining under Port District control is included in the Estuary classification.

TABLE 22: Precise Plan Land and Water Use Allocation

SOUTH BAY SALT LANDS: PLANNING DISTRICT 9

This subarea is predominantly submerged bay tidelands, including the terminus channel of the Otay River. The water area remaining under Port District control is included in the Estuary classification.

LAND USE	ACRES	WATER USE	ACRES	TOTAL ACRES	% of TOTAL
CONSERVATION	192.0	CONSERVATION	605.5	797.5	100%
Wetlands	192.0	Estuary	185.3		
		Salt Ponds	420.2		
TOTAL LAND AREA	**192.0**	**TOTAL WATER AREA**	**605.5**		
PRECISE PLAN LAND AND WATER ACREAGE TOTAL				**797.5**	**100%**

Project List

No specific projects are identified, although it is anticipated that some environmental enhancement or mitigation project may be identified later as plans are implemented around the bay.

IMPERIAL BEACH:
PLANNING DISTRICT



Precise Plan Concept

The plan concept recognizes the city's shoreline as a focal point for recreational and associated commercial activities. To some extent, the future success of economic enterprises and community events is dependent on improvements and maintenance activities that enhance and strengthen a positive image along the waterfront. The plan concept proposes to: maintain existing view corridors to the water; improve public access to the shoreline; develop, rehabilitate and increase the size of public facilities and areas; enhance the amenities of public areas; and promote opportunities for appropriate visitor-serving commercial uses that makes the oceanfront an attractive place.

Land and Water Use Allocation

The Imperial Beach Oceanfront planning area comprises a total of roughly 410 acres, consisting of about 7 acres of land and 403 acres of water. The Land and Water Use plan proposes developments in the major use categories of commercial, public recreation, and public facilities. Acreage allocations are indicated in **Table 23**. All of the planned land and water use categories are shown on the Precise Plan map, ***Figure 25***.

The District's plan area in Imperial Beach does not have the homogeneity of property entitlements found in the other Planning Districts. The District's property interest in Imperial Beach consists of land grants, leases, easements, and land purchases. In all cases, the Port Master Plan addresses land and water use and management intent consistent with the overall District purposes of promoting commerce, navigation, fisheries, and recreation as well as applicable Coastal Act policies.

The District has been granted, by the state of California, about 402.8 acres of Pacific Ocean tide and submerged lands. The granted lands are bounded by the historic mean high tide line for about 1.4 miles along the shoreline and extend westerly into the Pacific Ocean approximately 1,950 feet on the south end of the granted area and about 3,000 feet on the north end at the City boundary line. Proposed uses on granted lands include open space, open ocean, specialized berthing, and on the Pier structure, a small amount of commercial recreation.

The District also holds leases from the City for Dunes Park and Pier Plaza. These areas are indicated on the precise plan map as Park with some Commercial Recreation use for concessions at Pier Plaza.

The District proposes to obtain easements to facilitate improvements within the public right-of-way of thirteen streets that terminate at the beach. Approximately 3 acres are involved in easements. The plan indicates the use of these properties as streets and coastal accessways. Proposed shoreline protections at the street ends will not extend into the beach beyond the toe of the existing shore protection structures.

In several instances, a finding has been made that adequate area is not available for District purposes within existing land holdings so property purchases have been undertaken or are planned. The District plan involves purchased property to be used for the expansion of Dunes Park, expansion of Pier Plaza, additional parking areas, possibly a public service facility or other uses allowed under the Port Master Plan. These acquisitions are undertaken to promote the development of an enlivened and attractive oceanfront area that will be a desirable place to enjoy recreational activities.

Imperial Beach Oceanfront Planning Subareas

The following narrative organizes the Imperial Beach Oceanfront Planning District into a series of subareas for the purpose of discussing the plan. The geographic subareas are essentially project oriented and consist of the following areas; Ocean Beach, the Pier, Pier Plaza, Dunes Park, street endings, and automobile parking facilities.

Ocean Beach

The sandy ocean beach is probably the most important natural physical asset in the area. Existing beach activities planned to continue include beach volleyball, jogging, sunbathing, wading, bird watching, fishing, swimming, surfing, community beach festivals and special events, such as the International Sandcastle Competition. The District provides financial support for lifeguard, police, animal control, and beach and pier maintenance services. As a matter of preferred practice, portable lifeguard towers will continue to provide flexibility for responding to the shifting beach sand and beach user activities. The area is shown as open space on the Precise Plan illustration ***(Figure 25)***.

Other than the municipal pier and a jetty, the beaches located within the Port's legislative tidelands grant are free of structures. On the northern edge of the City's beach, there are two stone jetties. One jetty is located on Navy land and one is on the extension of Palm Avenue. The jetties were installed as part of a four-jetty plan to control beach sand erosion. These structures have not functioned as anticipated, and plans for the two remaining jetties were dropped.

The most challenging long term problem for the Ocean Beach area has to do with sand depletion and international sewage pollution. The deterioration of the beach can have a corresponding negative impact on the community's tourist generated income, on the recreational amenities available to the population, and flooding damage to adjacent properties. The width of the beach and its annual erosion rate have a direct bearing on recreational accommodations and erosion control measures necessary for upland properties. The ultimate solution probably involves actions that reduce sand loss, re-supply and redistribute sand along the Silver Strand littoral cell to counter the general northward movement of sand. A continuing effort is desirable to replenish the beach sand lost by natural erosion through the use of opportunistic sand sources, provided the material is suitable for beach use and cost factors are feasible.

Material produced from U.S. Navy dredging projects is proposed for near term use. Under the City's leadership, additional reconnaissance and feasibility studies are being pursued to address

TABLE 23: Precise Plan Land and Water Use Allocation
IMPERIAL BEACH OCEANFRONT: PLANNING DISTRICT

LAND	Acres	WATER	Acres
COMMERCIAL		COMMERCIAL	
Commercial Recreation	1.2	Sportfishing Berthing	0.8
PUBLIC RECREATION		PUBLIC RECREATION	
Park/plaza	2.7	Open Ocean	402.0
	*		
PUBLIC FACILITIES			
Public Service Facility	0.1		
Street	3.1		
TOTAL LAND AREA	**7.1**	**TOTAL WATER AREA**	**402.8**

PRECISE PLAN LAND AND WATER ACREAGE TOTAL 409.9

* *The Ocean Lane paper street sand area has been removed from the acreage table.*

shoreline problems. Regional and bi-national programs and projects are underway outside the District's responsibility and jurisdiction to address and resolve the international sewage pollution of the Imperial Beach shoreline.

Imperial Beach Municipal Pier

The Ocean Pier is the major structure on the Imperial Beach beachfront. The pier is 24 feet wide and about 1,500 feet long, terminating in the Pacific Ocean at a depth of approximately 20 feet. The wooden pier deck varies at heights of between 22 feet to 32 feet above Mean Lower Low Water. A 150-foot wide safety zone has been established on either side of the pier to separate swimmers, surfers, and water craft from the potential hazards of submerged obstructions, collisions with pier pilings and entanglement with fishing hooks and lines. Facilities on the public pier include fish cleaning basins, fresh water, and restrooms. At the western end of the pier, a building of about 1,500 square feet floor area provides commercial space for fishing supplies, food, beverages, cold storage, and other concessions. Commercial activities are illustrated as Commercial Recreation on the plan map *(Figure 25)*. Close by the building is a retrievable ladder and gangway that provides access for a boat landing. The landing is exposed to the open ocean and so has limited usability; however, it can be used by sportfishing, charter, or towing boats. The landing is shown on the Precise Plan as recreational sportfishing berthing. Activities on the pier include pole and line fishing, bow and arrow fishing, strolling, viewing, and related visitor-serving concessions.

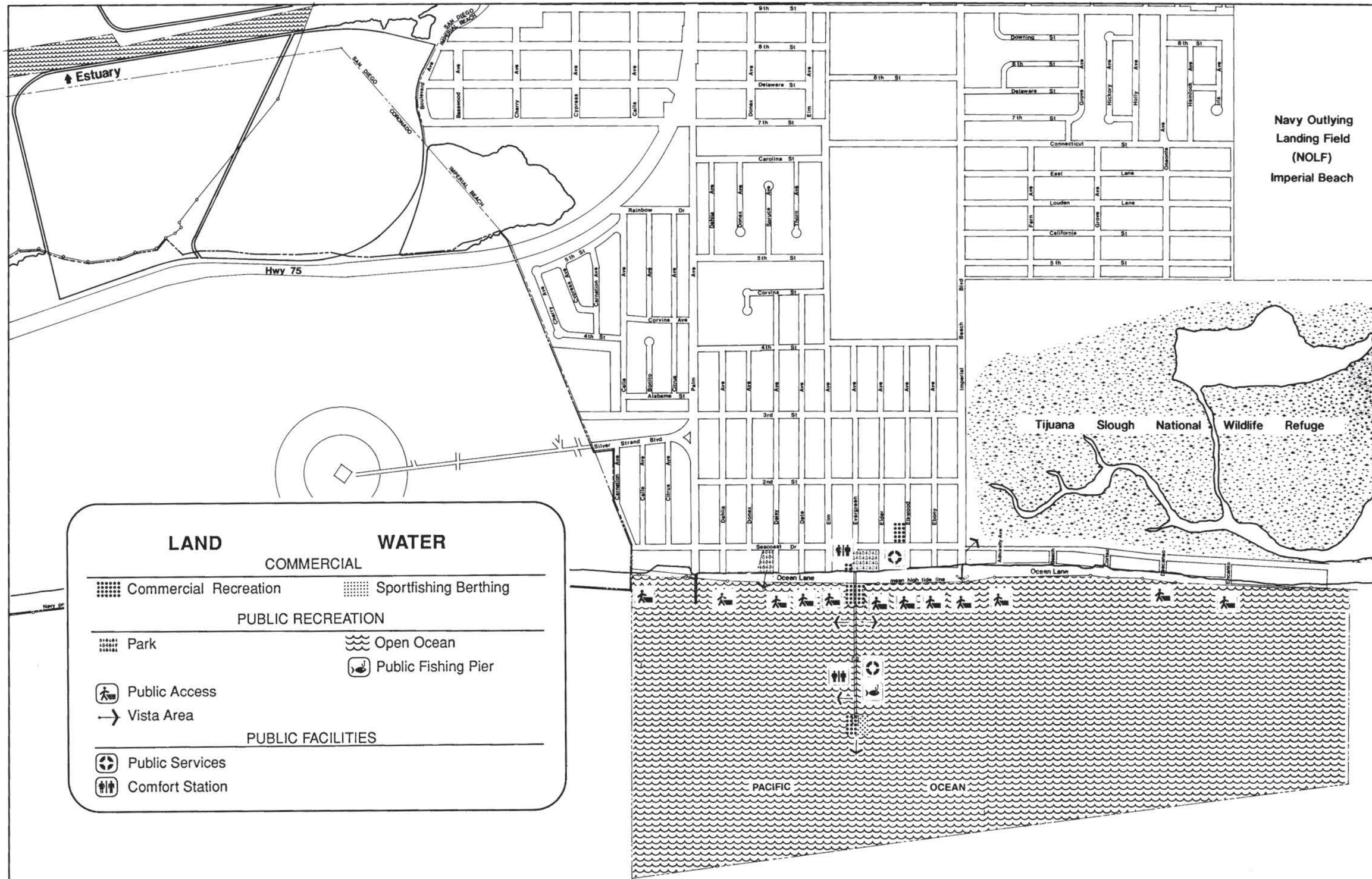
Future development plans place more intensive development on the pier within close proximity of the surf line to take advantage of views of the interesting ocean dynamics. The construction of a pier saddle and platform is proposed to attract a tenant and to promote opportunities for appropriate visitor-serving commercial uses. The saddle will be constructed out over the water beyond the surf line and may require the installation of additional pier pilings. The pier saddle will offer additional public pier access around the restaurant site and access to the end of the pier will not be restricted by the saddle improvements.

When market conditions provide justification, it is proposed to construct a restaurant of approximately 4,000 - 7,000 square feet on the saddle. Proposals for a pier saddle restaurant will be subject to additional environmental evaluation and review including assurance that functional public accessways are provided around the restaurant site on the pier saddle. Additional space may be constructed for associated retail space. Opportunities for businesses oriented to tourism and beach visitors would be given priority. Small retail merchants using pushcarts and temporary, seasonal stands might include the sale of ice cream, soft drinks, bathing and beach accessories, charcoal, souvenirs, novelties, and the rental of surfboards, beach chairs, umbrellas, and swim equipment. The Plan map indicates those areas as commercial recreation. The restaurant could encourage development of Imperial Beach's waterfront and pier area. Public parking is available on the streets in the Seacoast Drive area and commercially generated parking demands will be met in parking lots. The proposed pier redevelopment is meant to stimulate improvements in the area, with uses that promote recreational activities and attracts visitors to the oceanfront.



Pier Plaza

The District plans extensive renovation and expansion of the 1.5-acre Pier Plaza, which is shown as Park and Commercial Recreation use on the Precise Plan illustration. The area was leased to the District in 1993, on a long- term lease from the city, for park and parking lot use. Concessions that promote business opportunities oriented to tourist and beach uses would be given priority. The intent of the Plaza enhancement is to retain the best features of the existing plaza, especially the open space, expansive views, and public access across the plaza to the ocean. The plan proposes to relocate automobile parking primarily to the easterly side of Seacoast Drive. The existing Pier Plaza paved parking area will



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Planning Department

Planning District
IMPERIAL BEACH OCEANFRONT

Figure 25
PRECISE PLAN

FIGURE 25

Rev

Date 2-26-97
Dm Chk
Base 081590
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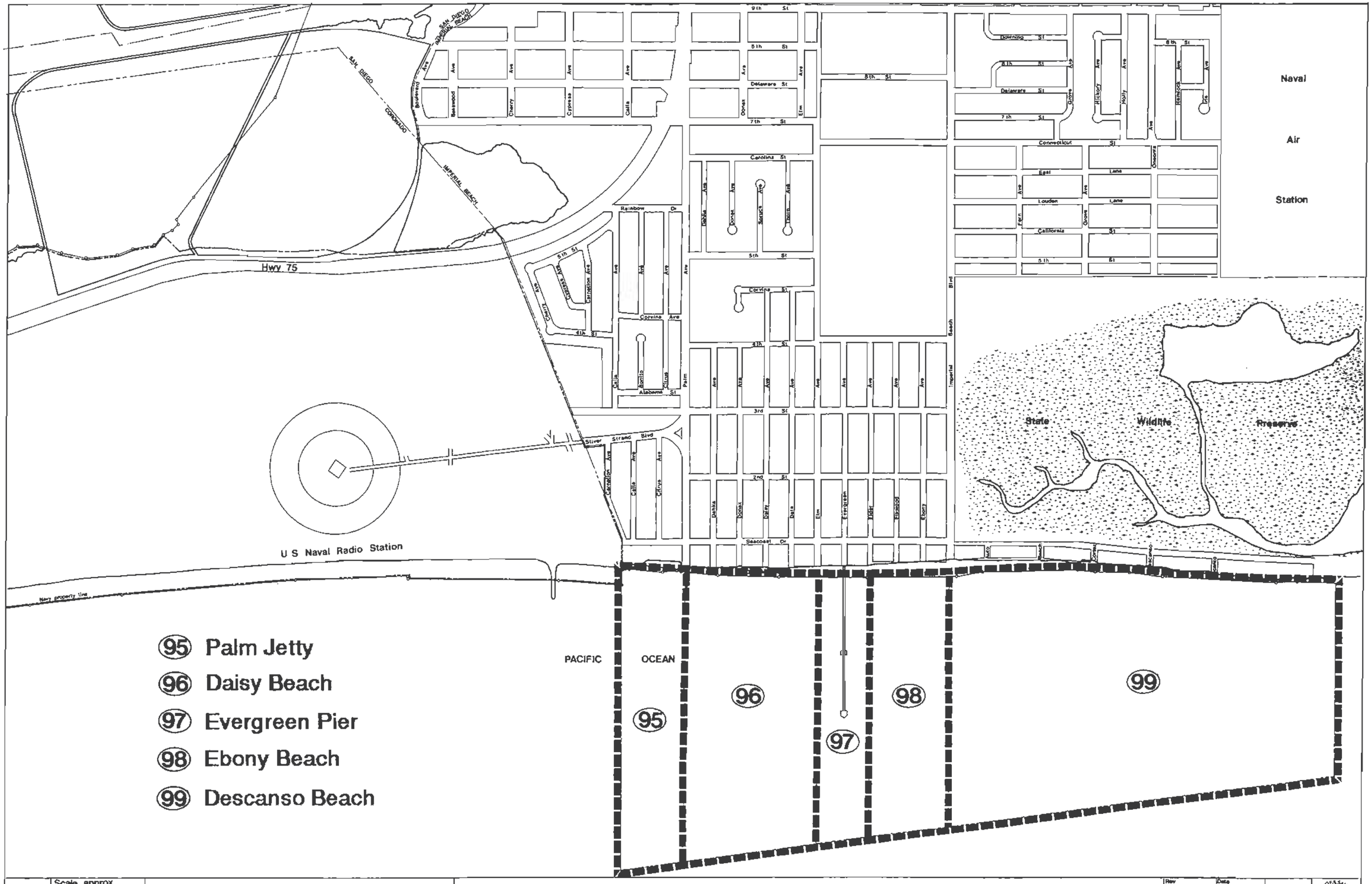
PORT OF SAN DIEGO UNIFIED PORT DISTRICT



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0 200' 400'
Planning Department

Planning District
SOUTH BAY / IMPERIAL BEACH

Planning Subareas

FIGURE 26

Master Plan

be replaced with lawn and pedestrian plaza hardscape in a more park like setting attractive to users.

New public restroom facilities are envisioned for increased accessibility and convenience. The acquisition of adjacent property will permit the full development of a public restroom and concession building, totaling about 2,200 to 2,500 square feet. The building's retail space provides approximately 1,200 to 1,400 square feet of floor space. This Commercial Recreation use area is indicated on the Plan map.

Plaza enhancements are planned to include an outdoor stage, trellis, lighting, banners, signs, textured paving, landscaping, fountain, picnic tables, barbecue grills, seating walls, children's play area with equipment, park furniture and public art features. The project includes street end improvements on Elder and Elm Avenues. Activities associated with the plaza include shoreline access, viewing, strolling, beach activities, ocean fishing, civic events, farmers' market, community meetings and concerts open to the public without charge. New off-site parking facilities have been constructed by the District on Elkwood Avenue and on-street parking will be retained in street-end enhancement plans. Parking studies conducted by the City have found an adequate parking supply on adjacent streets and in other facilities.

Following completion of acquisition, now underway, of vacant property located on the south edge of the Pier Plaza, it is proposed to construct a public service building to house a relocated lifeguard administrative center and observation tower. Other public services, such as law enforcement, serving the beach front area may also be accommodated. The general location of this proposed public service use is denoted by symbol on the Precise Plan Map. The renovation of the terminus of Elder Avenue is to consider emergency vehicle access to the beach.

Dunes Park

The park, constructed by the District in 1995 on properties leased from the City or purchased by the District, serves to create a significant public access and public open space which opens the west side of Seacoast Drive to the ocean. Dunes Park is categorized as Park use on the Precise Plan. The existing park contains children's play areas, park furniture, arbors, landscaping, lighting, sea wall, irrigation system, textured paving and public art features. Following completion of acquisition now underway, the park is proposed for expansion to Daisy Avenue to increase its total area to about 1.4 acres. At ultimate build-out, the park will have additional features, such as public restrooms and a hard surface play area with markings for half of a basketball court. The project increases the size of the park, provides additional public park amenities, maintains view corridors, and improves public accessways to the ocean.

Street Ends Enhancements

Public coastal accessways and view corridors are proposed for renovation and enhancement or have been constructed within the street rights-of-way of Imperial Beach Blvd., Carnation, Palm, Dahlia, Daisy, Date, Elder, Elm, Elkwood, Ebony, Admiralty, Descanso, and Encanto Avenues. All improvements are to be consistent with a unified urban design theme and are to enhance the amenities of these public areas with textured paving, drainage, shoreline protection, curb and gutter, sidewalk, lighting, beach accessways, stairs or driveway, fencing, landscaping, irrigation, and automobile loading and parking space. The public access amenities and enhancements will be designed with a goal of no less than the cumulative total of existing public on-street parking spaces in the street right-of-way. All improved beach accessways will provide accessibility for handicapped persons. Two street endings are scheduled to be improved annually beginning in 1997. The District proposed to obtain from the City easements on the street ends for construction and maintenance purposes. No existing public access areas will be removed. Beach front accessibility will be improved beyond what currently exists. Emergency vehicle access to the beach will be evaluated at various points. The street endings are indicated with a public access symbol on the plan map.

Parking Facilities

The District has purchased and developed a landscaped surface parking lot of about 0.5 acres in area, located on the northeast corner of Elkwood and Seacoast Drive to provide replacement off-street parking to serve the municipal pier. Ultimate development of the parking area could involve a parking structure with commercial uses on the ground level.

The use category shown on the Precise Plan is Commercial Recreation. The parking facility may provide space for patrons of the proposed restaurant on the pier saddle as well as public users of the

beach, Pier Plaza, and the Pier. The District and City of Imperial Beach will perform a cooperative peak parking demand and supply monitoring study for five years following the completion of Pier Plaza redevelopment, and will annually meet to confer with the California Coastal Commission to review its findings and recommendations.

In the event that additional parking demand from projects implemented as a result of the Port Master Plan is identified by the monitoring program, the Port will provide appropriate mitigation for it.

TABLE 24: PROJECT LIST

IMPERIAL BEACH OCEANFRONT: PLANNING DISTRICT	DEVELOPER	APPEALABLE	APPROXIMATE FISCAL YEAR
1. BEACH SAND REPLENISHMENT: supplement sand supply as opportunity and feasibility permit	Various	N	Various
2. PIER PLAZA: demolish structures; construct restrooms and concession buildings, stage, tot lot, lighting, landscaping, irrigation, shoreline protection, enhanced paving, park furniture, street ending improvements on Elm and Elder Avenue	P	N	1997-98
3. PIER SADDLE: expand pier deck area with placement of pilings	P	N	1999-2000
4. RESTAURANT: construct restaurant and ancillary commercial uses on expanded pier platform when market demands	T	Y	2000-2005
5. PUBLIC SAFETY BUILDING: construct building for lifeguard and other public services; install erosion protection, parking, beach access, landscaping, irrigation system	P	N	2000-01
6. DUNES PARK EXPANSION: demolish structures; construct public restrooms, install paving, landscaping, park furniture, irrigation system, erosion protection	P	N	1998
7. ENHANCE 11 STREET ENDS: demolish and reconstruct; automobile travel and parking space, curb and gutter, drainage, shoreline protection, enhanced paving, lighting , fencing, landscape irrigation	P	N	1997-2002
8. ENHANCE STREET END, PALM AVE: demolish structures, construct curb and gutter, public restroom, shoreline protection, sidewalk, enhanced paving, lighting, fencing, drainage, landscape and irrigation	P	N	1999-2000
9. AUTOMOBILE PARKING FACILITIES: renovate lot with parking structure and irrigation	T	N	1999-2000

P- Port District T- Tenant N- No Y- Yes

**Appendix "A" and Appendix "B" are both available in the Office of the District Clerk as Document No. 60581*

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 posted 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 is 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.

A. In cooperation with the City, the Port will develop a traffic circulation and parking plan for the tidelands to minimize the use of residential streets. After preparation of the plan, the Port shall submit the plan to the Executive Director for review and approval.

B. The area for the proposed loop road, located on the north side of the San Diego - Coronado Bridge right-of-way, shall not be allocated as part of the contiguous 20-acre park development.

C. View corridors to the Bay shall be maintained down Second and Third Streets.

D. A bicycle pedestrian promenade, of a width consistent with the Commission's access standards for bicycle paths, shall extend along the shoreline from Orange Avenue eastward and southward to Glorietta Bay, with two possible exceptions. If it is determined that a promenade bayward of the marine sales and service facility and the golf course is contrary to public safety needs, then the promenade may be continued inland around these two facilities.

4. Chula Vista Bayfront - Planning District 7. D Street Fill, Least Tern Nesting Colony and Proposed Fill Projects.

A. Project 3, the D Street Expansion Reserve, involving dredging and fill to create an additional 35 acres of land, is not a certified project.

B. Project 14, the J Street Peninsula Expansion, involving fill to create a 62-acre area, is not a certified project.

C. Marine sales and services are the permitted uses on the eastern half of the D Street Fill Area under Port jurisdiction on Sweetwater Channel. The Board of Port Commissioners shall designate in their Port Master Plan the southwestern half of their D Street Fill area for conservation use in the future in order to protect the least tern. Any change of such use in the future must be approved by the Coastal Commission or its succeeding agency. Such a conservation designation over the southwestern half of the fill area shall be a condition precedent to development on the northeastern part of the fill. The dividing line between the conservation area and the marine sales and service area shall be at the narrowest point of Port land on the Sweetwater Channel. In conjunction with the United States Army Corps of Engineers Sweetwater Channel Flood Control Project, the Port may develop a marine services berthing facility on the southern side of the Sweetwater Channel east of a line that would extend from Tidelands Avenue. Road access to the facility shall be from the north.

The Board of Port Commissioners shall erect and maintain a six-foot high chainlink fence or other suitable barrier around the southwestern half of the Port's D Street Fill area that is to be used for least tern protection. The protective barrier will be erected before April 1, 1981. If future monitoring of least tern use of the D Street Fill area indicates that added development could be permitted on the fill without adversely affecting the least tern colony, the Port Plan may be amended to reflect the results of such new information.

5. Fire Safety.

A. The Board of Port Commissioners shall have horizontal stand pipe systems installed onto any new marinas, and onto any expanded marinas where the adjoining municipal fire department deems it necessary.

B. Before any new hazardous cargo facilities can be developed in the port, the Board of Port Commissioners must prepare a joint fire protection plan with the adjoining municipal fire department. The plan must be capable of being implemented prior to construction of the hazardous cargo facility.

6. Visual Access/Landscaping.

The Board of Port Commissioners shall protect and, where feasible, enhance the special character and scenic visual qualities typical of commercial, recreational, park and open space areas of San Diego Bay by the maintenance and planting of subtropical landscape materials, including palm trees. New landscaping, including species selection, shall be evaluated for consistency with the need to protect existing views of San Diego Bay from public parks, vista points, and public roadways.

7. Rare and Endangered Species.

The Board of Port Commissioners shall protect all rare and endangered species on Port lands. In cooperation with the California Department of Fish and Game and the United States Fish and Wildlife Service, the Port shall identify sites used by rare and endangered species on Port lands. The Port shall coordinate all new development and maintenance activities in the vicinity of these sites with the Department of Fish and Game and the Fish and Wildlife Service. The Port shall insure that there will be no net loss of habitat for these species.

8. Commercial Fishing.

A. Restaurants serving the general public are not certified uses unless they do not take up areas reserved for or needed by commercial fishing support facilities.

B. Berths in an area designated for commercial fishing shall be reserved for the use of active commercial fishermen. An active commercial fisherman shall be defined as one who has $10,000 annually in California Department of Fish and Game tickets or who has at least 60 days fishing time in a bona fide commercial fishery or who is defined by the Port, in consultation with interested parties. The Port's definition must be approved by the Executive Director of the Coastal Commission. Any interested party may appeal the Executive Director's decision to the Commission.

C. The Board of Port Commissioners will undertake a five year review of the need for additional facilities for the commercial fishing fleet. At the time of such review, any land and water use changes as determined by the Port, shall be submitted to the State Coastal Commission as an amendment to the Port Master Plan.

9. Tidelands Avenue Extension and the Second Entrance.

Two projects are discussed in the Port Master Plan which are not on Port administered property and are not Port projects.

These projects are not certified projects.

10. Implementation Guidelines.

A. The following definition shall be added to Section 3 of the ***Coastal Development Permit Regulations*** *(Page 2):*

e. "Appellant-Aggrieved Person." An appeal may be filed by an applicant or aggrieved person. An "aggrieved person" means any person who, in person or through a representative, appeared at a public hearing of the District in connection with the decision or action appealed; or who, by other appropriate means prior to a hearing, informed the District of the nature of his concerns; or who, for good cause, was unable to do either.

B. The following phrase shall be deleted from Section 4b of the ***Coastal Development Permit Regulations*** *(Page 2):*

"as interpreted by the Board of Port Commissioners."

4b will now read: "The decision as to the issuance of a Coastal Development Permit under these regulations shall be based solely on the conformity of the proposed development with the certified Port Master Plan."

C. The following shall be added to Section 7b of the ***Coastal Development Permit Regulations*** *(Page 3)* so that 7b will now read:

A categorical determination shall be made on a form approved by the Director and shall contain sufficient information to determine into which of the four categories specified in Section 7a of these regulations the development shall be placed. This determination shall be made with reference to the certified Port Plan, including maps, and land use designations.

11. Rowing Club Boathouse.

The San Diego Rowing Club Boathouse, located in Planning District #3 near the southeasterly end of Marina Park, shall be designated as an historic feature since the Rowing Club Boathouse is listed on the National Registry of Historic Places. For purposes of security, and also as a safety precaution, the Rowing Club Boathouse may be cordoned off until restoration occurs. Relocation of the Boathouse to an appropriate nearby site may be permissible. If by one year after the Port Master Plan becomes effective, a program for restoration has not been submitted to the Port, this condition shall no longer apply.

EXHIBIT E

San Diego Unified Port District
Document No. 45516
Filed SEP 17 2004
Office of the District Clerk

(8)

Port of San Diego

and Lindbergh Field Air Terminal

(619) 686-6200 • P.O. Box 120488, San Diego, California 92112-0488
www.portofsandiego.org

COASTAL DEVELOPMENT PERMIT

Applicant: San Diego Aircraft Carrier Museum
Alan Uke
Underwater Kinetics
13400 Danielson Street
Poway, CA 92064

Project: USS MIDWAY AIRCRAFT CARRIER MUSEUM AND MOORING PLATFORMS

Location: South side of Navy Pier 11A, west of Harbor Dr., north of "G" Street Downtown San Diego

You are hereby granted a Coastal Development Permit. This permit is issued in conformance with the California Coastal Act of 1976 and the Coastal Permit Regulations of the San Diego Unified Port District, as adopted by the Board of Port Commissioners on July 1, 1980, Resolution No. 80-193, and as amended on December 2, 1980, Resolution No. 80-343, and on February 14, 1984, Resolution No. 84-62, in accordance with the provisions for the issuance of a [ ] Emergency [X] Non-appealable [ ] Appealable Coastal Development Permit.

Date of Board Action: February 11, 2003

Board of Port Commissioners Resolution Number: 2003-28

Date of Permit: July 22, 2003

Application Number: 2003 002-54-34

Permit Number: CDP-2003-03

The proposed project is located in Planning District 3, Centre City Embarcadero, which is delineated on the Precise Plan Map, Figure 11. The Port Master Plan classification of the land and water area within the limits of the proposed project is Commercial Recreation, Park/Plaza, and Vista Area. In addition, public recreational facilities are an allowable development under the Commercial Recreation Land Use classification. The project is fully consistent with Public Resources Code Sections 30604(c), 30210-30224, and the Coastal Act public access and recreation policies referenced therein.

EXHIBIT NO. 8
APPLICATION NO.
6-16-0258
Midway CDP
1 of 4
California Coastal Commission

This permit is limited to the development described below and set forth in material on file with the San Diego Unified Port District (District), and subject to the terms, conditions, and provisions hereinafter stated:

DEVELOPMENT

The proposed project consists of the berthing of the USS Midway Aircraft Carrier on two mooring platforms that will permanently moor the USS Midway Aircraft Carrier on the south side of Navy Pier 11A for the purpose of a public museum. The platforms will consist of a three-foot thick concrete deck flanked by 16-foot fenders attached to a precast concrete panel on the mooring side. Each platform will be approximately 60 feet by 35 feet in size. Access to the USS Midway will be by way of approximately four gangways attached to the existing pier deck. Parking will be provided on Navy Pier to accommodate all parking for the museum.

The project is fully consistent with Public Resources Code Sections 30604(C), 30210-30224, and the Coastal Act public access and recreation policies. In addition, the proposed project will not interfere with the public's right of access to the sea.

STANDARD PROVISIONS

1. Permittee shall adhere strictly to the current plans for the project as approved by the District.
2. Permittee shall notify the District of any changes in the project.
3. Permittee shall meet all the local code requirements and ordinances and obtain all necessary permits from local, state and federal agencies.
4. Permittee shall conform to the permit rules and regulations of the District.
5. Accessible ramp & disabled access shall be provided to the USS Midway Museum in conformance with all State and Federal (Title 24/ADA) accessibility laws.
6. Permittee shall commence development within two (2) years following the date of the permit issuance by the District. Construction shall be pursued in a diligent manner and completed within a reasonable period of time.
7. The permit is in no way intended to affect the rights and obligations heretofore existing under private agreements nor to affect the existing regulations of other public bodies.
8. This permit shall not be valid unless two copies have been returned to the Land Use Planning Department of the District, upon which copies the permittee has signed a statement agreeing that the permittee will abide by the terms, conditions, limitations, and provisions of the permit.

9. All best management practices must be performed during construction and maintenance operations. This includes no pollutants in the discharges to storm drains or to San Diego Bay, to the maximum extent practicable.

SPECIAL PROVISIONS

10. The San Diego Aircraft Carrier Museum (SDACM) shall establish a ten-year special account into which it will contribute $100,000 per year for the first five years and $150,000 per year for the second five years. The purpose of the funds in the account will be to secure upland parking for the Midway, thereby allowing the parking on the pier to be removed and the pier converted to a memorial park. At such time as SDACM obtains adequate parking away from the pier, it may close the special account and use the funds in any way SDACM sees fit. The account will be auditable or accessible to the Coastal Commission staff and Port staff annually to verify that the funds are present.

11. The SDACM shall submit complete plans and a project description to the District for review and evaluation of the Navy Pier Memorial Park as soon as practicable, but not later than three years prior to the conclusion of the ten-year special account period described in item #10 above.

12. The SDACM must exercise its option to acquire the mitigation parcel prior to berthing the ex-USS Midway at Navy Pier on San Diego Bay and provide proof of property purchase to the Port District at that time.

13. Funds (separate from item #10 above) must be designated and provided for in advance for full restoration of marsh mitigation. A minimum percentage of the Midway budget shall be designated annually with regular increases for inflation to manage and protect the restored marsh area. In the event the Midway is placed under new management, such funds will be transferred to an appropriate wildlife management agency.

14. Included in the fund must be an adequate allocation or foundation for annual removal program for invasive species and a status report to the Coastal Commission every five years on the status of invasive species in the marsh to be managed by the U.S. Fish & Wildlife Service (USFWS) or their designee agency.

15. Also to be included in the allocation or foundation, there must be an aggressive predator management program to be implemented by the USFWS or their designated agency.

16. A report shall be prepared every five years to the CCC on the status of the sedimentation and remedial action, if necessary, to meet and maintain restoration goals.

17. Comply with the USS Midway Public Access Program. (attached)

CONDITIONS OF CONCEPT APPROVAL:

All conditions of concept approval from the project review conducted by the Port's Architectural & Mapping Services Department shall be met.

If you have any questions on this permit, please contact the Land Use Planning Department of the San Diego Unified Port District at (619) 686-6283.

BRUCE B. HOLLINGSWORTH
Executive Director

By: _____
WILLIAM B. CHOPYK
Manager, Planning Services

I have read and understand the terms, conditions, limitations, and provisions of this permit and agree to abide by them.

_____ 8/21/03
Signature of Permittee Date

ATTACHMENT

Plng/CDPs/CDP 2003-03 USS Midway.doc

45516

EXHIBIT F

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

Th20a

6-16-0258 (SAN DIEGO UNIFIED PORT DISTRICT)

MAY 11, 2017

EXHIBITS

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Exhibit 1 – Vicinity and Site Map
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Exhibit 5 – Pre- and Post- Midway Views
Exhibit 6 – Recommended Maximum Future Parking Area
Exhibit 7 – Midway Lease
Exhibit 8 – Midway CDP
Exhibit 9 – Revised Findings on San Diego Unified Port District Port Master Plan Amendment No. 27 (North Embarcadero)

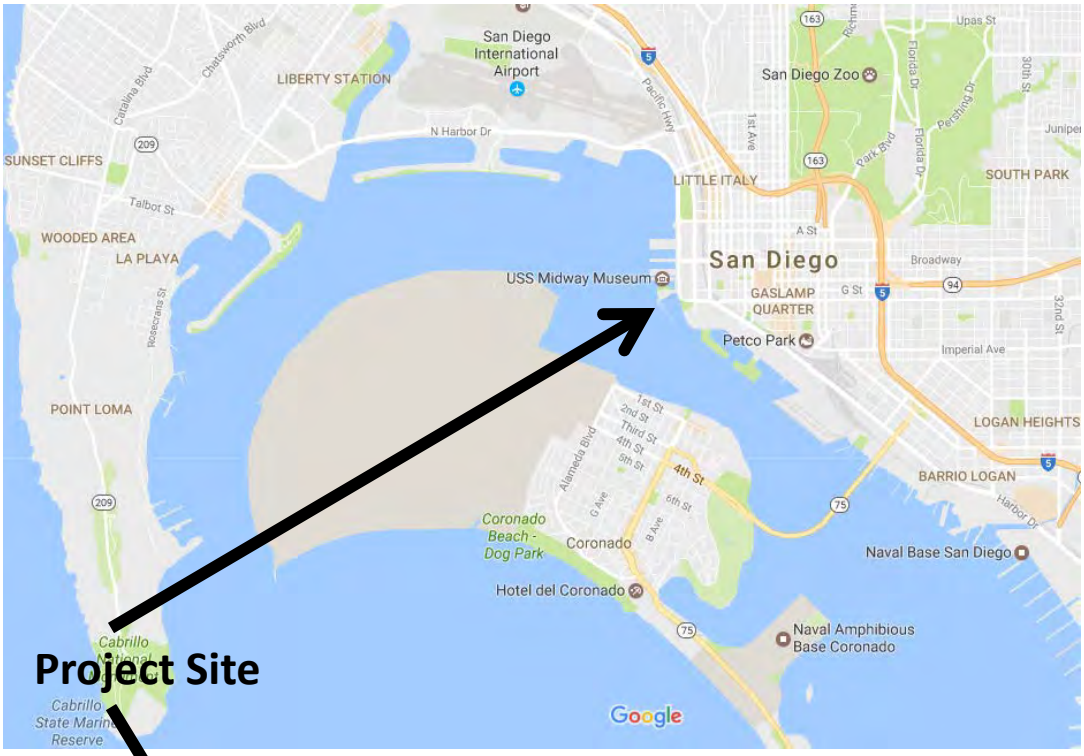




EXHIBIT NO. 1

APPLICATION NO.
6-16-0258

Vicinity and Site Map

California Coastal Commission

ATTACHMENT 1

PIER AREAS AND PARKING DATA

DESCRIPTION	EXISTING	PROPOSED
TOTAL PIER AREA *(SQUARE FEET)*	247,176 SF	247,176 SF
PUBLIC VIEWING AREA	0 SF	7,840 SF
PARKING AREA	68,335 SF	100,669 SF
PEDESTRIAN CORRIDOR AREA	9,727 SF	15,733 SF
VEHICULAR CORRIDOR AREA	149,208 SF	102,676 SF
MIDWAY SERVICE AREA	19,906 SF	20,258 SF
TOTAL PARKING SPACES	440	623
PUBLIC PARKING SPACES	383	499
EMPLOYEE PARKING SPACES	45 + 60	105
ACCESSIBLE PARKING SPACES	9	12
MIDWAY SERVICE PARKING SPACES	8	7
MOTORCYCLE PARKING SPACES	5	37

SYMBOLS LEGEND:

- BENCHES
- BIKE RACK
- PLANTER BOX

SAN DIEGO BAY

NAVY PIER

PUBLIC VIEWING PLATFORM

LOADING ZONE

LOADING ZONE

U.S.S. MIDWAY MUSEUM
CV-41

NORTH HARBOR DRIVE

E STREET

PROJECT LIMIT

EXISTING WALKWAY

EXISTING LANDSCAPE

PROPOSED PEDESTRIAN WALKWAY

PROPOSED LANDSCAPE

EMPLOYEE PARKING ONLY

EXISTING PUBLIC VIEWING PLATFORM

EXISTING MONUMENT

EXISTING LANDSCAPE

EXISTING WALKWAY

EXISTING WALKWAY

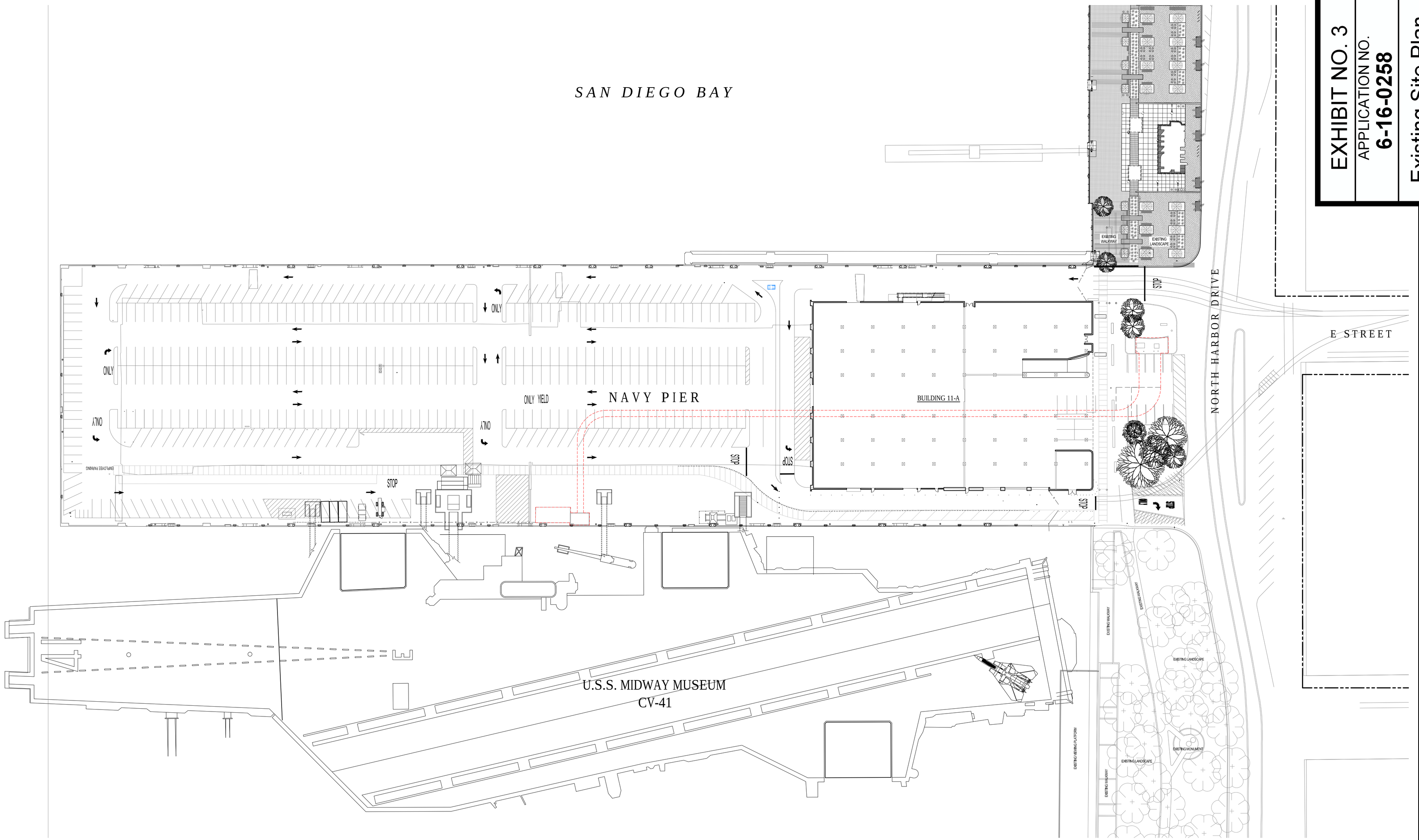
EXISTING LANDSCAPE

EXISTING WALKWAY

EXISTING PUBLIC VIEWING PLATFORM

EXISTING LANDSCAPE

EXHIBIT NO. 3
APPLICATION NO.
6-16-0258
Existing Site Plan
California Coastal Commission



A - 2 NAVY PIER SITE PLAN - EXISTING CONDITIONS
SCALE: 1" = 20'

0 10' 20' 40' 60'
1" = 20'

NORTH

SCHEMATIC DESIGN PHASE

RECORD DRAWING
REVIEWED BY:
ENGINEER OF RECORD
DATE:

N O T E :
THIS DRAWING MAY BE A REDUCED SCALE PRINT OF THE ORIGINAL DRAWING. UTILIZE GRAPHIC SCALES TO VERIFY IF DRAWING IS A REDUCTION, AND ADJUST SCALES ACCORDINGLY TO THE GRAPHIC SCALES SHOWN.

SPEC NO.	WBS NO.	TBD
REFERENCES		
PROJECT ENGINEER		
CONTRACTOR		
CONSTRUCTION STARTED		
CONSTRUCTION COMPLETED		
COST	INSPECTOR	

REVISIONS

DATE / APPROVED BY

San Diego Unified Port District
San Diego • California

DESIGNED	B. L. HOLMES
DRAWN	B. L. HOLMES
CHECKED	B. L. HOLMES

APPROVAL RECOMMENDED
DISTRICT PROJECT MANAGER
APPROVED
DISTRICT MANAGER - DESIGN

SAN DIEGO, CALIFORNIA

NAVY PIER
INTERIM PARKING STRIPING

NAVY PIER SITE PLAN - EXISTING CONDITIONS

DATE	OCTOBER 14, 2016
A/E NO.	EXISTING
SHEET	1 OF 2
DRAWING NO.	EX
REV.	_

Oct 14, 2016 - 11:39am Q:\1WO Projects\104883\NAVY PIER\NAVY_PIER_STRIPING_CONCEPT D2.dwg

Unified Port
of San Diego

3165 Pacific Highway, San Diego, CA 92101
P.O. Box 120488, San Diego, CA 92112-0488
619.686.6200 • www.portofsandiego.org

VIA CERTIFIED MAIL AND EMAIL

May 27, 2014

Mac McLaughlin, President/CEO
USS Midway Museum
910 North Harbor Drive
San Diego, CA 92101

Dear Mr. McLaughlin:

Re: USS Midway Museum Lease Document No. 49519, dated October 6, 2005 in the Office of the District Clerk – Requirement for a Park on Navy Pier

This letter is in response to your letter dated January 28, 2014 regarding the development of a park on Navy Pier.

Per the terms of the above-referenced lease, Section 48, Veteran's Memorial Park, "By no later than seven (7) years from the Commencement Date, Lessee shall submit a complete set of plans and a project description for the development of the Veteran's Memorial Park to Lessor for its review, evaluation, and consideration." On March 6, 2012, Midway submitted Conceptual Design plans for Veteran's Park along with the other required documents as noted in our letter dated November 13, 2012. We confirmed that your plans were sufficient for the District to conduct environmental review and process a Port Master Plan Amendment (PMPA); however, the Midway has not submitted a complete set of plans as required by the Lease. This requirement cannot be fulfilled until a PMPA is processed.

With respect to the obligation for development of Veterans Memorial Park on Navy Pier, the Midway "shall take the leadership role in pursuing funding and development of the Veteran's Memorial Park and Lessor has no obligation to contribute any funding towards said development." If Midway wishes to revise the Lease, then a lease amendment and additional permitting may be necessary. Additionally, staff will likely need to seek Board direction. As always, we are willing to meet with you to further discuss any of these matters.

Please contact me at (619) 686-6460 should you have any further questions.

Sincerely,

Shaun D. Sumner

Shaun D. Sumner
Director, Real Estate

KAL/byd

cc: Anthony Gordon, Area Manager
Kristine Love, Asset Manager

SDUPD Docs No. 879056

EXHIBIT NO. 4
APPLICATION NO.
6-16-0258
Port and Midway
Correspondence
1 of 5
California Coastal Commission

USS Midway MUSEUM

Live the Adventure, **Honor the Legend™**

Kristine Love
Unified Port of San Diego
3165 Pacific Highway POB 120488
San Diego, CA 92112-0488

28 January 2014

RECEIVED
JAN 28 2014
SAN DIEGO UNIFIED
PORT DISTRICT
REAL ESTATE

Reference a: Your letter dated 13 November 2012 to Midway
b: USS Midway letter dated 10 December 2012 to POSD

Dear Kristine:

Reference (a) was sent to Midway outlining the POSD position on the fulfillment of USS Midway Museum's lease obligation concerning Veterans Memorial Park (Section 48 of lease). Reference (b) was sent as our response to your letter, confirming several corrections to your letter as agreed upon with you at the meeting referenced in the letter. We wanted you to countersign and return that letter, so that Midway management and Board of Directors can be assured of Midway's compliance with the terms of our lease. Because we never received your concurrence in writing, I am writing this letter and requesting your agreement in writing so we can ensure we are complying with our lease.

I would request that you review our original letter (reference b), and provide us with written assurance that we have complied with the 7 year requirements of our lease, to wit: (a) that the "complete plans" to be submitted need only be to the standard of "preliminary plans" as the Port uses that term in their standard option and lease provisions (i.e., not to the standard of working drawings or construction documents; (b) that the submittal is to be within 120 days after CCC certification of a PMPA which includes the Veterans Park on Navy Pier; and (c) that the final paragraph of your original letter is not factually correct in that the lease does not obligate Midway to construct the park on Navy Pier. Again, all of these issues were covered in our original letter, and we would simply request that you acknowledge these points as valid, and that we are in compliance with our lease obligations.

Finally, we note that Special Provision 11 of the Coastal Development Permit No. CDP-2003-03, dated as of July 22, 2003 ("CDP"), contains essentially the same requirement as that of the Lease. I would ask that the POSD verify that, as the issuer of our CDP, our submission of 6 March, 2012 of our conceptual design of Veterans Park, with the additional provisions of clauses (a) and (b) of the immediately preceding paragraph, also satisfies Special Provision 11 of the CDP. Thank you for your review of these issues, and we look forward to your response.

Mac McLaughlin,

Mac McLaughlin

President/CEO – USS Midway Museum

The Unified Port of San Diego agrees with the position as stated in the above letter.

Kristine Love,

Asset Manager, Real Estate – Port of San Diego

File

USS Midway MUSEUM

Live the Adventure, **Honor the Legend**

KL/SDS

RECEIVED

DEC 18 2012

SAN DIEGO UNIFIED PORT DISTRICT REAL ESTATE

December 10, 2012

VIA E-MAIL AND U.S. MAIL

Kristine Love
Asset Manager
Unified Port of San Diego
3165 Pacific Highway
P.O. Box 120488
San Diego, CA 92112-0488
E-Mail: klove@portofsandiego.org

Re: USS Midway Museum Lease Document No. 49519 dated October 6, 2005 -- response to your letter of November 13, 2012

Dear Kristine:

This letter is in response to your letter dated November 13, 2012 ("Port Letter"), which we discussed with you, Shawn Sumner and James Hirsch at the meeting in your offices on November 21, 2012. This will confirm some matters discussed at such meeting, including certain corrections to the Port Letter.

The USS Midway Museum ("Midway") agrees that the opening of the Port Letter correctly quotes language from the lease referenced above (the "Lease") regarding the submittal by Midway of "*...a complete set of plans and a project description for the development of Veteran's Memorial Park to Lessor for its review, evaluation and consideration.*" One issue discussed is the proper meaning to be attached to the phrase "complete plans," as being sufficient to satisfy the obligation of Section 48 of the Lease. You agreed with Midway that such obligation does not extend to Working Drawings or construction documents. The understanding of Midway, which we would like to confirm by this letter, is that plans with details in addition to those already submitted (as acknowledged in the Port Letter) will be sufficient to satisfy this obligation if they meet the standard of Preliminary Plans.

level timing

Midway proposes an agreement that such further plans and details, to the standard of Preliminary Plans, be submitted not later than one hundred twenty (120) days following certification by the California Coastal Commission of a Port Master Plan Amendment which includes the Veteran's Park on Navy Pier.

PORT will provide what is needed for CDP within 30 days — then 120

You agreed with Midway that the final paragraph of the Port Letter incorrectly states that Midway is obligated to construct the park on Navy Pier. The Lease does not so provide.

Although both parties have an interest in seeing such construction occur and be completed, under the Lease and related permits Midway is not obligated to perform any construction, nor is the Port.

Do not hesitate to call me with any questions.

Sincerely,

John McLaughlin,
President and CEO
USS Midway Museum

cc: Dennis Burks
Chuck Nichols
Christopher B. Neils, Esq.
Karen Weymann, Director of Real Estate
James Hirsch, ELUM
Penny Maus, Senior Asset Manager
Shawn Sumner, Asset Manager

SMRH:407678527.1

FILE

Unified Port
of San Diego

3165 Pacific Highway, San Diego, CA 92101
P.O. Box 120488, San Diego, CA 92112-0488
619.686.6200 • www.portofsandiego.org

November 13, 2012

VIA USPS

Mac McLaughlin, President/CEO
USS Midway Museum
910 North Harbor Drive
San Diego, CA 92101

Dear Mr. McLaughlin:

Re: USS Midway Museum Lease Document No. 49519, dated October 6, 2005 in the Office of the District Clerk - Requirement for a Park on Navy Pier

Per the terms of the lease referenced above, Section 48, Veteran's Memorial Park, "By no later than seven (7) years from the Commencement Date, Lessee shall submit a complete set of plans and a project description for the development of the Veteran's Memorial Park to Lessor for its review, evaluation, and consideration." On March 6, 2012, USS Midway Museum (Midway) submitted Conceptual Design for Veteran's Park and Harbor Sail (Wings), which included conceptual architectural drawings; preliminary structural drawings; schematic design drawings; Environmental Application; bird strike study; preliminary geotechnical and hydrology studies; and preliminary mechanical, electrical and plumbing plant reports, for a park over parking on Navy Pier.

The plans and project description are now part of the Environmental Impact Report for the North Embarcadero Port Master Plan Amendment and will be reviewed by staff and considered by the Board of Port Commissioners at a future meeting. This letter confirms that the Midway has submitted a set of plans sufficient for the District to conduct environmental review and process a Port Master Plan Amendment; however, the Midway has not submitted a "complete set of Plans" as required by the Lease. The District accepts the Midway's submittal on the condition that, by no later than one hundred twenty (120) calendar days following the California Coastal Commission's certification of the Port Master Plan Amendment, the Midway must submit final plans to the District sufficient for construction of the Veteran's Memorial Park as approved by the California Coastal Commission.

The lease also requires Midway to commence construction of the park on Navy Pier "within ten (10) years from the Commencement Date" of the Lease or no later than October 1, 2015. We look forward to working with the Midway on its plans for the park on Navy Pier. If you have any questions, please do not hesitate to call me at (619) 686-6358.

Sincerely,

Kristine Love
Asset Manager

KAL/ymu

cc: K. Weymann, Director of Real Estate, SDUPD
J. Hirsch, ELUM, SDUPD
C. Magnus, ELUM, SDUPD
Penny Maus, Senior Asset Manager, SDUPD
S. Sumner, Area Manager, SDUPD

SDUPD Doc. No. 548079





View from Harbor Drive facing west

EXHIBIT NO. 5
APPLICATION NO.
6-16-0258
Pre- and Post-
Midway Views
1 of 5
California Coastal Commission





View from Harbor Drive facing northwest





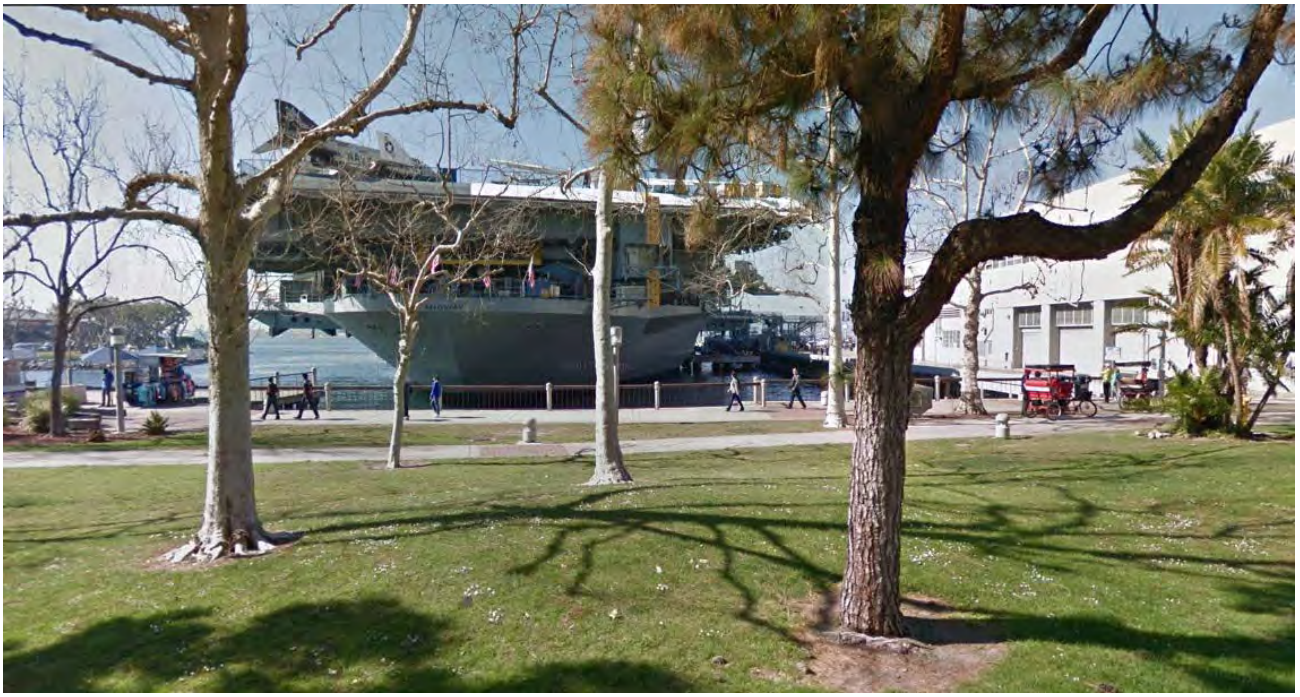
View from Tuna Harbor Park facing northwest



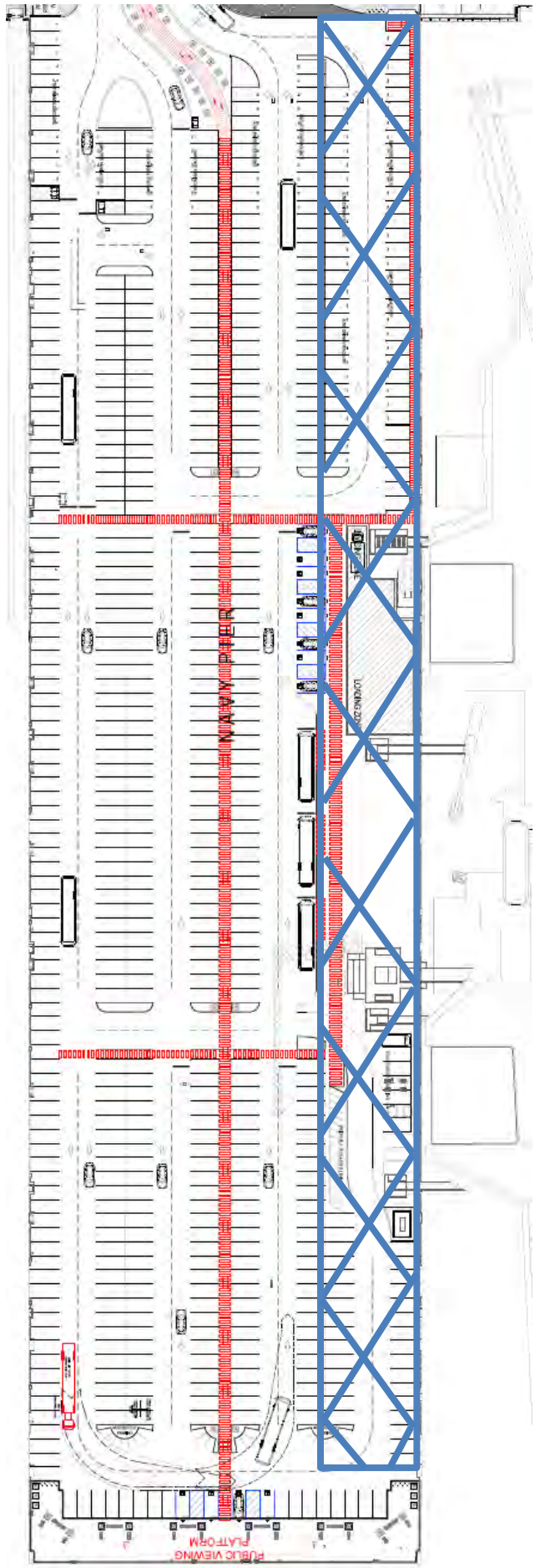


View from Tuna Harbor Park facing northwest





View from Harbor Drive facing west



Recommended Maximum Future Parking Area

EXHIBIT NO. 6
APPLICATION NO.
6-16-0258
Recommended Max Parking Area
California Coastal Commission

Relevant Portion of Lease

The security deposit or the remaining portion thereof, shall be rebated, released, assigned, surrendered, or endorsed to Lessee or order, as applicable, upon expiration or earlier termination of this Lease.

47. PARKING CONTINGENCY PLAN. Lessee shall establish, during its first year of museum and related education center operations, a Parking Contingency Account as a means to provide funding to meet Lessee's Parking Requirement off Lessor's tideland property as required in Paragraph 2(b) above. Lessee agrees annually, on or before December 1st of each year (commencing in the year 2005), to place into the Parking Contingency Account a sum not less than One Hundred Thousand Dollars ($100,000) during each of the first five years of this Lease and a sum not less than One Hundred and Fifty Thousand Dollars ($150,000) each year thereafter until said Parking Requirement is satisfied off Lessor's tideland property. Upon request, Lessee must demonstrate to the Lessor's satisfaction, in its sole and absolute discretion, that funds from this account are being maintained and shall only be used to satisfy said Parking Requirement off Lessor's tideland property. Upon satisfying said Parking Requirement off Lessor's tideland property, or if Lessor, in its sole and absolute discretion, determines that parking will be maintained on a tideland property for the remaining term of this Lease that will satisfy said Parking Requirement, Lessee shall then be entitled to the unrestricted use of any remaining funds in the Parking Contingency Account. Interest earned on such funds may be used by Lessee for any museum and related education center purpose.

48. VETERAN'S MEMORIAL PARK. After Lessee has obtained rights to a minimum of two hundred seventy-nine (279) paved parking spaces on weekdays and three hundred forty-eight (348) paved parking spaces on weekends and holidays located off of the former Navy Pier 11A (and off of all other Lessor-owned tideland properties) for use by visitors to the U.S.S. Midway and parking is no longer required on the former Navy Pier 11A for Lessee's visitors, or if Lessor, in its sole and absolute discretion, determines that parking will be maintained on a tideland property for the remaining term of this Lease that will satisfy the Parking Requirement, Lessor shall make available approximately twenty-five percent (25%) of the former Navy Pier 11A for construction and operation of a Veteran's Memorial Park as determined through Lessor's planning process in conjunction with appropriate stakeholders. Lessee shall take the leadership role in pursuing funding and development of the Veteran's Memorial Park and Lessor has no obligation to contribute any funding towards said development. By no later than seven (7) years from the Commencement Date, Lessee shall submit a complete set of plans and a project description for the development of the Veteran's Memorial Park to Lessor for its review, evaluation, and consideration. In the event, construction of the Veteran's Memorial Park has not commenced within ten (10) years from the Commencement Date, Lessor's obligation

ACT 12

EXHIBIT NO. 7
APPLICATION NO.
6-16-0258
Midway Lease
1 of 2
California Coastal Commission

under this Paragraph 48 shall become and be null and void and of no further force or effect.

49. LESSOR'S REHABILITATION WORK ON FORMER NAVY PIER 11A. Lessor and Lessee mutually agree that certain repairs to the former Navy Pier 11A should be made by no later than the fifth anniversary of this Lease. The repairs consist of the (i) demolition and removal of certain improvements, (ii) jet grouting below the existing mole retaining wall, (iii) repair of damaged concrete, (iv) repair and replacement of structural concrete, (v) Portland Cement concrete and asphalt pavement, (vi) installation of mooring hardware and freshwater service outlets, and (vii) other related incidental items of work (collectively, "Pier 11A Repairs"). Lessor agrees to make the Pier 11A Repairs at its sole cost.

Parcel Nos. 2 and 3 of the Leased Premises are located on former Navy Pier 11A. At the commencement of this Lease, Lessor has plans titled "Pier 11A Rehabilitation, San Diego, California, 30% Submittal, June 14, 2005" prepared by Blaylock Engineering Group ("30% Pier 11A Plans"). Lessee has approved the portions of the 30% Pier 11A Plans that pertain to the Leased Premises. Lessor shall provide Lessee with a copy of the 60% Submittal Plans ("60% Pier 11A Plans") when they are completed. Lessee shall be requested to approve the 60% Pier 11A Plans for the portion of the Pier 11A Repairs that pertain to Parcel Nos. 2 and 3 of the Leased Premises, which approval shall not be unreasonably withheld. Said approval shall be granted or not granted in writing by Lessee within fifteen (15) days of receipt of the 60% Pier 11A Plans from Lessor and, if Lessee does not respond in writing to Lessor within said fifteen (15) day period, approval of the 60% Pier 11A Plans shall be deemed granted. If Lessee timely disapproves the 60% Pier 11A Plans, it shall state in its disapproval letter the reasons for such disapproval and the conditions, which shall be reasonable, that would need to be met to obtain Lessee's approval

Lessee further agrees that the Lessor does not need any further approvals from Lessee if the final plans are in substantial conformance with the 60% Pier 11A Plans approved by Lessee. Lessor shall provide Lessee with a copy of the final plans when they are completed for Lessee to review to determine if they are in substantial conformance with the 60% Pier 11A Plans. If Lessor's final plans are not in substantial conformance with the 60% Pier 11A Plans, Lessee shall be requested to approve Lessor's final plans for the portion of the Pier 11A Repairs that pertain to Parcel Nos. 2 and 3 of the Leased Premises, which approval shall not be unreasonably withheld. Said approval shall be granted or not granted in writing by Lessee within fifteen (15) days of receipt of said final plans from Lessor and, if Lessee does not respond in writing to Lessor within said fifteen (15) day period, approval of said final plans shall be deemed granted. If Lessee timely disapproves the final plans, it shall state in its

San Diego Unified Port District
Document No. 45516
Filed SEP 17 2004
Office of the District Clerk

(8)

Port of San Diego

and Lindbergh Field Air Terminal

(619) 686-6200 • P.O. Box 120488, San Diego, California 92112-0488
www.portofsandiego.org

COASTAL DEVELOPMENT PERMIT

Applicant: San Diego Aircraft Carrier Museum
Alan Uke
Underwater Kinetics
13400 Danielson Street
Poway, CA 92064

Project: USS MIDWAY AIRCRAFT CARRIER MUSEUM AND MOORING PLATFORMS

Location: South side of Navy Pier 11A, west of Harbor Dr., north of "G" Street Downtown San Diego

You are hereby granted a Coastal Development Permit. This permit is issued in conformance with the California Coastal Act of 1976 and the Coastal Permit Regulations of the San Diego Unified Port District, as adopted by the Board of Port Commissioners on July 1, 1980, Resolution No. 80-193, and as amended on December 2, 1980, Resolution No. 80-343, and on February 14, 1984, Resolution No. 84-62, in accordance with the provisions for the issuance of a [ ] Emergency [X] Non-appealable [ ] Appealable Coastal Development Permit.

Date of Board Action: February 11, 2003

Board of Port Commissioners Resolution Number: 2003-28

Date of Permit: July 22, 2003

Application Number: 2003 002-54-34

Permit Number: CDP-2003-03

The proposed project is located in Planning District 3, Centre City Embarcadero, which is delineated on the Precise Plan Map, Figure 11. The Port Master Plan classification of the land and water area within the limits of the proposed project is Commercial Recreation, Park/Plaza, and Vista Area. In addition, public recreational facilities are an allowable development under the Commercial Recreation Land Use classification. The project is fully consistent with Public Resources Code Sections 30604(c), 30210-30224, and the Coastal Act public access and recreation policies referenced therein.

EXHIBIT NO. 8
APPLICATION NO.
6-16-0258
Midway CDP
1 of 4
California Coastal Commission

This permit is limited to the development described below and set forth in material on file with the San Diego Unified Port District (District), and subject to the terms, conditions, and provisions hereinafter stated:

DEVELOPMENT

The proposed project consists of the berthing of the USS Midway Aircraft Carrier on two mooring platforms that will permanently moor the USS Midway Aircraft Carrier on the south side of Navy Pier 11A for the purpose of a public museum. The platforms will consist of a three-foot thick concrete deck flanked by 16-foot fenders attached to a precast concrete panel on the mooring side. Each platform will be approximately 60 feet by 35 feet in size. Access to the USS Midway will be by way of approximately four gangways attached to the existing pier deck. Parking will be provided on Navy Pier to accommodate all parking for the museum.

The project is fully consistent with Public Resources Code Sections 30604(C), 30210-30224, and the Coastal Act public access and recreation policies. In addition, the proposed project will not interfere with the public's right of access to the sea.

STANDARD PROVISIONS

1. Permittee shall adhere strictly to the current plans for the project as approved by the District.
2. Permittee shall notify the District of any changes in the project.
3. Permittee shall meet all the local code requirements and ordinances and obtain all necessary permits from local, state and federal agencies.
4. Permittee shall conform to the permit rules and regulations of the District.
5. Accessible ramp & disabled access shall be provided to the USS Midway Museum in conformance with all State and Federal (Title 24/ADA) accessibility laws.
6. Permittee shall commence development within two (2) years following the date of the permit issuance by the District. Construction shall be pursued in a diligent manner and completed within a reasonable period of time.
7. The permit is in no way intended to affect the rights and obligations heretofore existing under private agreements nor to affect the existing regulations of other public bodies.
8. This permit shall not be valid unless two copies have been returned to the Land Use Planning Department of the District, upon which copies the permittee has signed a statement agreeing that the permittee will abide by the terms, conditions, limitations, and provisions of the permit.

9. All best management practices must be performed during construction and maintenance operations. This includes no pollutants in the discharges to storm drains or to San Diego Bay, to the maximum extent practicable.

SPECIAL PROVISIONS

10. The San Diego Aircraft Carrier Museum (SDACM) shall establish a ten-year special account into which it will contribute $100,000 per year for the first five years and $150,000 per year for the second five years. The purpose of the funds in the account will be to secure upland parking for the Midway, thereby allowing the parking on the pier to be removed and the pier converted to a memorial park. At such time as SDACM obtains adequate parking away from the pier, it may close the special account and use the funds in any way SDACM sees fit. The account will be auditable or accessible to the Coastal Commission staff and Port staff annually to verify that the funds are present.

11. The SDACM shall submit complete plans and a project description to the District for review and evaluation of the Navy Pier Memorial Park as soon as practicable, but not later than three years prior to the conclusion of the ten-year special account period described in item #10 above.

12. The SDACM must exercise its option to acquire the mitigation parcel prior to berthing the ex-USS Midway at Navy Pier on San Diego Bay and provide proof of property purchase to the Port District at that time.

13. Funds (separate from item #10 above) must be designated and provided for in advance for full restoration of marsh mitigation. A minimum percentage of the Midway budget shall be designated annually with regular increases for inflation to manage and protect the restored marsh area. In the event the Midway is placed under new management, such funds will be transferred to an appropriate wildlife management agency.

14. Included in the fund must be an adequate allocation or foundation for annual removal program for invasive species and a status report to the Coastal Commission every five years on the status of invasive species in the marsh to be managed by the U.S. Fish & Wildlife Service (USFWS) or their designee agency.

15. Also to be included in the allocation or foundation, there must be an aggressive predator management program to be implemented by the USFWS or their designated agency.

16. A report shall be prepared every five years to the CCC on the status of the sedimentation and remedial action, if necessary, to meet and maintain restoration goals.

17. Comply with the USS Midway Public Access Program. (attached)

CONDITIONS OF CONCEPT APPROVAL:

All conditions of concept approval from the project review conducted by the Port's Architectural & Mapping Services Department shall be met.

If you have any questions on this permit, please contact the Land Use Planning Department of the San Diego Unified Port District at (619) 686-6283.

BRUCE B. HOLLINGSWORTH
Executive Director

By: _____
WILLIAM B. CHOPYK
Manager, Planning Services

I have read and understand the terms, conditions, limitations, and provisions of this permit and agree to abide by them.

_____ 8/21/03
Signature of Permittee Date

ATTACHMENT

Plng/CDPs/CDP 2003-03 USS Midway.doc

45516

4

STATE OF CALIFORNIA -- THE RESOURCES AGENCY GRAY DAVIS, *Governor*

CALIFORNIA COASTAL COMMISSION
SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
(619) 767-2370

Wed 10b

RECORD PACKET COPY

June 28, 2001

TO: COMMISSIONERS AND INTERESTED PERSONS

FROM: DEBORAH N. LEE, SOUTH COAST DEPUTY DIRECTOR
SHERILYN SARB, DISTRICT MANAGER, SAN DIEGO DISTRICT
DIANA LILLY, COASTAL PLANNER, SAN DIEGO DISTRICT

SUBJECT: **Revised Findings on San Diego Unified Port District Port Master Plan Amendment No. 27 (North Embarcadero).** For Commission consideration and possible action at the Meeting of June 12-15, 2001)

SYNOPSIS

SUMMARY OF COMMISSION ACTION

At the Commission meeting of March 14, 2001, the Commission approved the Port of San Diego PMP Amendment #27 pertaining to the creation of a new "North Embarcadero Overlay District" within the existing Waterfront district. The staff recommendation had been to deny the portion of the amendment relating to the Midway Aircraft Carrier. At the hearing, the Port District made revisions to the amendment to address concerns regarding the impacts of the proposed Midway museum and the mitigation for those impacts. Specifically, the Port added five requirements to any coastal development permit issued for the Midway Aircraft Carrier, which include long-term funding for the proposed marsh restoration; predator, invasive species, and erosion and sedimentation management; and the provisions of environmental educational exhibits on the Midway (see page 21 of this staff report for the specific conditions). Additional changes made by the Port at the hearing include adding plan language acknowledging the conversion of Navy Pier as a project in the Port Master Plan, requiring environmental analysis of the park conversion prior to the Navy relinquishing ownership of the pier (see page 17 of this staff report for the specific text change), and an agreement to add a requirement to the coastal development permit for the Midway that the applicants set up a reserve account to be used to fund relocation of the Midway parking from Navy Pier (see page 19 for the details of this requirement).

COMMISSION VOTES

Port of San Diego PMPA #27, approve as submitted:

Commissioners Voting "Yes": Desser, Dettloff, Estolano, Hart, Kruer, McClain-Hill, McCoy, Nava, Potter, Reilly, Woolley, and Chairperson Wan

Commissioners Voting "No": None

EXHIBIT NO. 9
APPLICATION NO.
6-16-0258
PMPA No.27 Staff Report
1 of 58
California Coastal Commission

SUMMARY OF AMENDMENT REQUEST AND CHANGES MADE BY THE PORT PRIOR TO COMMISSION ACTION:

The proposed amendment to the certified Port District Master Plan would allow for the following development within the area of San Diego's waterfront known as North Embarcadero: the construction of a 600-800 room hotel, office building, retail and parking facilities on the old Lane Field site; the narrowing of Harbor Drive from four lanes to three between Grape Street and Pacific Highway; the extension of B and C Streets between Pacific Highway and North Harbor Drive; construction of a new 25-foot wide pedestrian esplanade along the water's edge at Harbor Drive; the replacement of 3 existing industrial piers with one new public pier at Grape Street; construction of a small commercial recreation facility on the new Grape Street Pier; construction of a restaurant on the bayfront inland of the Grape Street Pier; modernization of the cruise ship terminal at the B Street Pier, including an increase of building height up to 50 feet; and docking the U.S.S. Midway Aircraft Carrier for use as a museum on the south side of Navy Pier.

The amendment also includes adoption of a Parking Management & Monitoring Program for the North Embarcadero to address the potential parking demand and impacts to traffic circulation through requiring the construction of additional surface parking lots and alternatives to on-site parking, including the promotion of mass transit and planning for shuttle stops in the area. The Port District has also adopted a Midway public access program. The public access program provides for free public access to the bayward side of the deck of the Midway, which would provide a prime viewing point for the public, and would partially offset the loss of views from surrounding areas.

In order to further mitigate for the visual impacts of the Midway, the proponents of the museum have indicated a long-term goal of creating a memorial park on the existing Navy Pier adjacent to the proposed Midway site. This proposal involves creating a free, visually attractive public open space area next to the Midway, where currently, the Pier is occupied by a two-story Navy building, and as proposed, would contain the parking required for the Midway museum. Further, the proponent of the Midway museum, San Diego Aircraft Carrier Museum (SDACM) has indicated they will set up a reserve account into which it will deposit $100,000 per year for the first five years, and $150,000 per year for the next five years to be used to relocate the parking from Navy Pier. In its letter of February 28, 2001, the Port acknowledged these commitments and indicates these provisions will be included as conditions of the coastal development permit and lease agreement with the Port (see attached Exhibit #10).

The Port will include language in the PMPA stating:

> "Parking for visitors to the Midway and its museum will be provided, on an interim basis, at the Navy Pier, pursuant to the museum's lease with the United States Navy. When and if the Navy determines that its use of the Navy Pier is no longer necessary, the Port will accept the proposal by the San Diego Aircraft Carrier

Museum to convert the Navy Pier into a "public park" use, thereby allowing the pier to be converted into a memorial park complementing the Midway and its museum, while affording additional public open space and bay vistas. Vehicle parking for museum visitors will then be shifted to nearby offsite locations. However, since the Navy Pier's future is uncertain and will be determined by decisions of the federal government, the conversion of a pier to a 5.7-acre memorial park is a specific planning goal of the Port, and environmental analysis for the park conversion will be conducted prior to the Navy relinquishing ownership and/or control of the Navy Pier such that construction of the park can occur as soon as feasible thereafter. The park conversion will be subject to all appropriate laws at the time the Navy Pier park is proposed."

Furthermore, the Port has proposed five biological mitigation conditions that must be placed on any coastal development permit issued for the Midway. These requirements are as follows:

1. Funds designated and provided for, in advance, in a dedicated account for full restoration of marsh mitigation. A minimum percentage of the Midway budget must be designated annually with regular increases for inflation to manage and protect the restored marsh area. In the event that the Midway is taken over by other or public management, such funds will be transferred to an appropriate wildlife management agency.

2. A separate annual adequate allocation or foundation must be designated for aggressive predator management and fencing to be implemented by the U.S. Fish and Wildlife Service (USFWS) or their designee agency.

3. A separate adequate allocation or foundation for an annual removal program for invasive species and status report to the Commission every five years on the status of invasive species in the marsh to be managed by the USFWS or their designee agency.

4. A report every 5 years to the Commission on the status of erosion and sedimentation and remedial action if necessary to meet and maintain restoration goals.

5. Environmental protection and educational exhibits will be offered as part of the program offered in the Midway museum.

The appropriate motions and resolutions can be found on Page **5**. The main findings for approval of the amendment begin on Page **5**.

Port Master Plan Amendment Procedure. California Code of Regulations, Title 14, Section 13636 calls for port master plan amendments to be certified in the same manner as provided in Section 30714 of the Coastal Act for certification of port master plans. Section 13628 of the Regulations states that, upon the determination of the Executive Director that the master plan amendment and accompanying materials required by Section 13628(a) are sufficient, the master plan amendment shall be deemed submitted to the Commission for purposes of Section 30714 of the Coastal Act. The subject amendment was deemed submitted on August 9, 2000. Within 90 days after this submittal date, the Commission, after public hearing, shall certify or reject the amendment, in whole or in part. If the Commission fails to take action on the amendment submittal within the 90-day period, the proposed amendment is deemed certified. However, on September 19, 2000, the Board of Port Commissioners waived the 90-day time period.

The City of San Diego has concurrently submitted a Local Coastal Program Amendment (LCPA) to the City of San Diego LCP for the redevelopment of the North Embarcadero. The LCPA would create a North Embarcadero Overlay District including design guidelines and parking requirements, etc, that covers much of the same area as the subject PMPA plus a small inland area within the City coastal permit jurisdiction. The City's LCPA is intended to be consistent with the Port Master Plan vision for the North Embarcadero region, and as such, the City's proposed LCPA is referenced several times within this document as it relates to possible prejudice of the Commission review of the LCPA. The LCPA has been scheduled for Commission review at the same hearing as the subject PMPA.

STAFF RECOMMENDATION:

Following a public hearing, staff recommends the Commission adopt the following resolutions and findings. The appropriate motion to introduce the resolution and a staff recommendation are provided just prior to each resolution.

I. **MOTION:** ***I move that the Commission adopt the revised findings in support of the Commission's action on March 14, 2001 concerning Port of San Diego PMPA #27.***

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote on the motion. Passage of this motion will result in the adoption of revised findings as set forth in this staff report. The motion requires a majority vote of the members from the prevailing side present at the March 14, 2001 hearing, with at least three of the prevailing members voting. Only those Commissioners on the prevailing side of the Commission's action are eligible to vote on the revised findings.

RESOLUTION TO ADOPT REVISED FINDINGS:

The Commission hereby adopts the findings set forth below for approval of the Port Master Plan Amendment as submitted on the ground that the findings support the Commission's decision made on March 14, 2001 and accurately reflect the reasons for it.

II. FINDINGS AND DECLARATIONS.

The Commission finds and declares as follows:

A. Previous Commission Action. The Commission certified the San Diego Unified Port District Master Plan on October 14, 1980. The Commission has reviewed twenty-six amendments since that date.

B. Contents of Port Master Plan Amendments. California Code of Regulations Title 14, Section 13656 calls for port master plan amendments to be certified in the same manner as port master plans. Section 30711 of the Coastal Act states, in part, that a port master plan shall include all 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 Section 30711 of the Coastal Act. The proposed changes in land uses and proposed projects are outlined in sufficient detail in the port master plan submittal for the Commission to make a determination of the proposed amendment's consistency with the Chapter 3 and Chapter 8 policies of the Coastal Act.

The proposed amendment was the subject of an Environmental Impact Report under the California Environmental Quality Act. The Environmental Impact Report associated with the plan amendment was subject to public review and hearing and was adopted by the Board of Port Commissioners on April 25, 2000 as Resolution #2000-82. A public hearing on the proposed master plan amendment was held and the amendment was adopted by the Board of Port Commissioners on April 25, 2000 as Resolution #2000-83.

C. Standard of Review. Section 30700 of the Coastal Act states that Chapter 8 shall govern those portions of the San Diego Unified Port District located within the coastal zone, excluding any wetland, estuary, or existing recreation area indicated in Part IV of the Coastal Plan. The entire water area under the jurisdiction of the Port of San Diego is covered by Chapter 3 policies because San Diego Bay is mapped as an estuary and wetland in Part IV of the Coastal Plan, and on the maps adopted by the Commission pursuant to Section 30710 of the Act. See 14 C.C.R. § 13610(b). The proposed amendment involves changes to both land use designations and water designations. Chapter 3 is the standard of review for the changes in water use designation. In addition, proposed projects listed as appealable in Section 30715 must be consistent with the policies of Chapter 3 of the Coastal Act. The amendment includes text changes and a new project list for several appealable developments including construction of a 600-800 room hotel, office building, retail and parking facilities at Lane Field; public improvements including a pedestrian esplanade; parks and plaza areas, narrowing Harbor Drive from 4 lanes to 3; the demolition and reconstruction of the Grape Street Piers, docks, wave attenuation structure and new restaurant; and linking B and C street between Pacific Highway and North Harbor Drive. Chapter 8 of the Coastal Act is the standard of review for the balance of the proposed amendment.

Preliminary plans indicate that a small portion of the Midway carrier may extend bayward of the pierhead line. This area is not within the tidelands granted to the San Diego Port District, and thus, is within the Commission's original permit jurisdiction. A lease from the State Lands Commission would also be required. Therefore, the Midway may be required to obtain a coastal development permit from the Commission as well as the Port District. If any portion of the project is within the Commission's permit jurisdiction, the standard of review would be Chapter 3 policies, not the Port Master Plan.

D. Description of Proposed Plan Amendment. The proposed master plan amendment involves changes to the text, land/water use map, and project list of Planning District 3 (Center City/Embarcadero) to allow for a number of new projects. The amendment is a result of a coordinated planning effort by the North Embarcadero Alliance, a planning body made up of officials from the Port District, City of San Diego, County of San Diego, Centre City Development Corporation, and U.S. Navy. The Alliance developed a Visionary Plan in 1998 to guide the development of the North Embarcadero area. The proposed Port Master Plan Amendment (PMPA) references the Visionary Plan's design concepts and goals in several instances; however, the Visionary Plan itself has not been incorporated into the Port Master Plan and is not the subject of this amendment or the standard of review for coastal development permits issued by the Port District. Only the projects contained in the proposed "Table 11: Project List" are part of this amendment; additional projects contained within the Visionary Plan will require additional review and approval by the Commission. The Port will use the Visionary Plan for planning guidance only.

As noted above, the proposed amendment includes a table listing the following appealable projects:

- Construction of a 600-800 room hotel, office building, retail and parking at Lane Field;
- Public improvements including a pedestrian esplanade; parks and plaza areas;
- Narrowing Harbor Drive from 4 lanes to 3;
- Demolition and reconstruction of the Grape Street Piers, new boat docks, wave attenuation structure and restaurant; and,
- Linking B and C Street between Pacific Highway and North Harbor Drive.

Non-appealable projects on the proposed project list include:

- Modernization and expansion of the cruise ship terminal
- Public vista points
- Infrastructure improvements to the Broadway Pier
- The Midway Aircraft Carrier Museum

A number of the improvements in the PMPA are designed to give the waterfront a more pedestrian orientation. Harbor Drive would be narrowed from four lanes to three to

accommodate construction of a new bayfront public esplanade along the water's edge at Harbor Drive. The esplanade would include a new 25-foot wide pedestrian promenade on its western edge, and is a part of a larger bayside open space network connecting Harbor Island to South Embarcadero. Plazas would generally be located where east-west streets terminate, and additional public amenities such as fountains and public art would be provided.

Three existing industrial piers west of the County Administration Center would be replaced with a new 30,000 sq.ft. public pier at Grape Street and an associated 12,000 sq.ft. public boat dock. A commercial recreation facility such as a bait shop or snack shop would be located on the new Grape Street Pier. An 800-foot long floating wave attenuation screen would be integrated into the new pier to protect the boat docks. A new two-story, maximum 10,000 sq.ft., 25-foot high restaurant may be located on a 5,000 sq.ft. parcel inland of the Grape Street Pier.

The PMPA provides for the extension of B and C Streets from their current terminus at Pacific Highway to North Harbor Drive through the Lane Field site. The existing plan envisions development of the old Lane Field site and Navy Engineering building into a new complex of buildings and open space. The proposed amendment specifies that primary consideration would be development of a 600-800 room hotel, office buildings, retail and parking facilities. The PMPA identifies a Floor Area Ratio for the site, setback and stepback requirements, heights that slope away from the Bay, and right-of-way corridors view and access corridors through the site.

The cruise ship terminal at the B Street Pier would be expanded and upgraded including increasing the height of the existing building to 50 feet (with appurtenant structures extending above 50 feet). The existing terminal is a converted warehouse and does not have adequate facilities to accommodate the size of modern cruise ships and the number of passengers on these ships. The upgrade will modernize the building to accommodate the larger ships and expand terminal facilities such as loading and customs.

The U.S.S. Midway Aircraft Carrier would be docked on the south side of Navy Pier for use as a museum. Submitted with the PMPA is a mitigation plan for impacts to 4 acres of open water in San Diego Bay involving the creation of 5.8 acres of new coastal salt marsh habitat in National City, south of the Sweetwater River Flood Control Channel. The mitigation is specifically required in the PMPA.

The plan also involves numerous changes to the existing land and water use designations in the Port Master Plan. The land use changes are designated largely to facilitate the proposed Embarcadero Promenade, the narrowing of Harbor Drive, and the extension of B and C Streets. The changes also reflect a more accurate accounting of the amount of land area than previously calculated, and thus, show an overall increase in land area. The revisions would result in an approximately 1.9-acre increase in the "Public Facility/Street" designation, a .6-acre decrease in "Commercial Recreation" area, a 2.9-acre increase in "Park/Plaza", and a .6-acre increase in "Promenade" area.

The plan also involve changes in water use designations, including redesignating approximately 21 acres of "Commercial Fishing Berthing" to "Specialized Berthing", "Park/Plaza" and "Commercial Recreation" to accommodate the new public recreational Grape Street Pier and docks, and redesignation of another 5.5 acres of "Commercial Fishing Berthing" to "Specialized Berthing" to allow mooring of the U.S.S. Midway. The bayward portion of the Midway location has been designated as Park/Plaza and as a Public Access point to indicate that the area will be open and available to the public. Although the plan includes a significant reduction in "Commercial Fishing Berthing," the replacement "Specialized Berthing" designation continues to allow commercial fishing berthing within the subject precise plan area, and language in the proposed PMPA specifically identifies commercial fishing as the highest priority use in this location.

The amendment also includes adoption of a Parking Management & Monitoring Program for the North Embarcadero. In general, new projects are required to provide adequate on-site parking to accommodate the particular project's demand. Several new projects, including the Grape Street Pier restaurant and new public improvements like the esplanade, would utilize only public parking. Thus, the Parking Management Program is required to address the parking needs of these projects, as well as the public parking needs overall in the North Embarcadero area. The plan requires individual Parking Management Plans prior to issuance of Coastal Development Permits for a particular project, to ensure that weekday and weekend day parking deficits are addressed. Projects in the PMPA will be phased over several years.

Section 13634 of the Code of Regulations allows for minor, immaterial changes to a Port Master Plan (Amendment) after submission of the plan. On December 12, 2000, the Board of Port Commissioners revised the amendment to remove a reference to a project west of the County Administration Center that is not intended to be implemented at this time, added two paragraphs on page 74 indicating that the deck of the Midway will be a 0.8 acre public viewing area, indicated that mitigation for the loss of 4.1 acres of open water habitat would be provided in the City of National City, and adopted by reference a U.S.S. Midway Public Access Program. The Midway Public Access Program requires that the bayward side of the Midway be open to free public access whenever the Midway is open and operating, and requires the provision of coastal access signs and interpretive signage. Other changes made prior to Commission action include adding five requirements to any coastal development permit issued for the Midway Aircraft Carrier for long-term funding for the proposed marsh restoration; predator, invasive species, and erosion and sedimentation management; and the provisions of environmental educational exhibits on the Midway; adding plan language acknowledging the conversion of Navy Pier as a project in the Port Master Plan; requiring environmental analysis of the park conversion prior to the Navy relinquishing ownership of the pier; and an agreement to add a requirement to the coastal development permit for the Midway that the applicants set up a reserve account to be used to fund relocation of the Midway parking from Navy Pier. These changes provide more specificity and increase protection of coastal resources, and are not considered a material amendment to the PMPA submittal.

E. Conformance with the Coastal Act. The proposed amendment would result in changes to land use categories and to the specific policies contained in Planning District 3. In order for the Commission to certify the proposed master plan amendment, the Commission must determine that the amendment conforms to the following applicable Chapter 3 and Chapter 8 policies of the Act:

1. Applicable Policies

Section 30210.

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

Section 30211.

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212.

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

(1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,

(2) adequate access exists nearby, or,

[...]

Section 30213.

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Section 30224

Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public

launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land for long-term commercial, recreational, scientific, and educational purposes.

Section 30230

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30233

(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:

(l) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

(3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained

as a biologically productive wetland. The size of the wetland area used for boating facilities, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, shall not exceed 25 percent of the degraded wetland.

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

(5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

(6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

(7) Restoration purposes.

(8) Nature study, aquaculture, or similar resource dependent activities.

(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable long shore current systems.

[...]

Section 30234

Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.

Section 30234.5

The economic, commercial, and recreational importance of fishing activities shall be recognized and protected.

Section 30235

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public

beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible.

Section 30251.

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas....

Section 30252.

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings.

Section 30708

All port-related developments shall be located, designed, and constructed so as to:

(a) Minimize substantial adverse environmental impacts.

(b) Minimize potential traffic conflicts between vessels.

(c) Give highest priority to the use of existing land space within harbors for port purposes, including, but not limited to, navigational facilities, shipping industries, and necessary support and access facilities.

(d) Provide for other beneficial uses consistent with the public trust, including, but not limited to, recreation and wildlife habitat uses, to the extent feasible.

(e) Encourage rail service to port areas and multicompany use of facilities.

Chapter 3 is the standard of review for all appealable projects, and all projects in the water and use designations applied to water. Chapter 8 is the standard of review for the remainder of the amendment.

2. Findings for Consistency with Chapter 3/Chapter 8 of the Coastal Act

A. U.S.S. Midway Aircraft Carrier.

The amendment would provide for the permanent docking of the Midway alongside the south side of Navy Pier (Pier 11A), at the southern end of North Harbor Drive. The Midway is a decommissioned aircraft carrier, which would be towed to San Diego Bay from its current station at Bremerton, Washington. The ship would be berthed against two new mooring platforms that would be constructed on the existing pier. The bow of the ship would point towards the bay. Parking for the Midway would be provided on the existing Navy Pier.

The Midway would be converted into an aircraft carrier museum. Navy Pier has historically been the departure place in San Diego for troops going to war, and the site is nearby several existing naval memorials including the Aircraft Carrier Memorial, the Homecoming Memorial, and the Presidential Unit Citation Memorial. Funding for the Midway museum comes from both private donations and loans; no public money has been involved.

1) **Visual Resources**. The Midway is approximately 1,000 feet long and 50 feet tall from the waterline to the flight deck. Above the flight deck, the control tower area would be approximately 190 feet tall, as measured from the waterline. Including the new mooring platforms on the north side of the ship, the width of the Midway would extend approximately 260 feet south of the existing Navy Pier.

The siting of the Midway raises concerns regarding both the compatibility of the bulk and scale of the structure with the surrounding community and the blocking of public views. The Midway would be located on the bayward side of North Harbor Drive, which parallels the shoreline and is the main coastal accessway in the downtown area. In general, the bayward side of North Harbor Drive in the North Embarcadero area consists of low-scale development such as the Harbor Excursion ticket booth, one and two-story restaurants, and the Maritime Museum historic ships including the Star of India, Berkeley, and others. The inland side of North Harbor Drive is more intensely developed with the County Administration Center, restaurants, and hotels.

The ship would be located between the existing Navy Pier to the north and the G Street Mole and Tuna Harbor Park to the south. Navy Pier currently has a 2-story Navy building on it which would remain. To the south, a two-story restaurant is located on the western terminus of the G Street Mole, while the remainder of the park is open grassy space, parking, or low-scale memorial structures.

The inland side of Harbor Drive east of the subject site is developed with a Naval Base and is under the jurisdiction of the U.S. Navy, and currently developed with multi-story structures. There are approvals on the site for a project known as the Navy Broadway Complex, which would consist of up to 2.5 million square feet of mixed commercial

office, hotel and retail uses. Although no construction on this project is anticipated at this time, this project would be up to 400 feet in height.

In general, the proposed PMPA would continue the pattern of more intense, higher development on the eastern side of Harbor Drive, such as the proposed Lane Field development. The amendment would allow construction of a new 25-foot high restaurant on the bayward side of Harbor Drive inland of the new Grape Street Pier. The PMPA would also allow improvements to the existing cruise ship terminal located approximately two blocks north of the proposed Midway site, which could result in an increase in the height of the terminal building to 50 feet, with some building appurtenances extending higher than 50 feet.

The Midway, which is 50 feet high to the flight deck and portions of which would extend up to 190 feet in height, would represent a departure from the existing scale of most development located bayward of Harbor Drive. Currently, there are no structures comparable to the Midway in height and bulk located bayward of North Harbor Drive, and the relatively low-scale of development in this area allows for a mostly open viewshed towards the shoreline and Coronado. The visual effect of the Midway would be comparable to at least a 5-story high structure that would cover essentially the entire water area from Navy Pier to Tuna Harbor Park. The presence of the Midway, combined with the high-rise structures existing and anticipated on the eastern side of Harbor Drive across the street from the Midway, would create a "tunnel" effect for pedestrians and vehicles on this portion of North Harbor Drive.

Public views provided along the North Embarcadero portion of North Harbor Drive are significantly greater in number and scope than those available from the rest of Harbor Drive. South of the project site, views of the water and the bayfront are almost entirely blocked by existing development. North of Laurel Street, bay views from Harbor Drive are extremely limited. But views of the water and Coronado are currently available to both north and southbound traffic from the majority of North Harbor Drive in the North Embarcadero Area, including at the subject site.

The Midway would have a significant impact on public views. The proposed project would eliminate views of the water, Point Loma and Coronado currently available approaching the project site from both the north and the south on Harbor Drive. Views to the north from the entire G Street Mole and Tuna Harbor Park would be obstructed. This is an existing Public Park, and a designated vista area in the Port Master Plan. The visual quality and character of the viewshed would be severely impacted by the Midway.

As mitigation for this impact, the Port District has proposed opening the bayside portion of the deck of the Midway to free public access. Given the proposed height and location of the ship, views from the deck would be quite expansive and would afford unparalleled views of the area. The viewing experience from the deck of the ship would be different than that from the existing park, but would be similar enough to help offset the loss of views from the park.

However, while opening the deck of the Midway would essentially replace the views lost from the G Street Mole, it would not mitigate for the bulk and scale of the ship as viewed from Harbor Drive and the surrounding inland area. And there would still be impacts to public views. The ship would be located west of, and across Harbor Drive from the terminus of F Street. This portion of F Street is within the Naval Base and is not currently open to the public. However, the Centre City Community Plan designates F Street as a view corridor to be implemented when the site is redeveloped as the Broadway Complex. (The City's currently pending LCPA for the North Embarcadero area would not change or remove this designation.) The Midway would prevent the opening of any views of the water or Coronado along this designated view corridor when the Naval site is redeveloped.

Of course, all of these views would be replaced by a view of the Midway museum, which would be a visitor-serving, coastal-dependent use. San Diego has a rich naval history and the Commission recognizes the importance of providing visitor attractions and destinations at the waterfront. Nevertheless, the North Embarcadero area is, unfortunately, one of the few areas downtown where there is a strong visual connection to the waterfront, and each new development that blocks off another significant portion of the public's view has an adverse impact. As noted above, the current plan has provisions for increasing the height of the cruise ship terminal to as high as 50 feet. The expansion is necessary to accommodate the larger size of modern cruise ships. The terminal is located approximately ¼ mile north of Navy Pier, and will further contribute to the bulk and scale of development in the area of the Midway. Although portions of the existing Navy buildings on Navy Pier were recently demolished, the existing two-story structure on Navy Pier is proposed to remain, and will contribute to the walling-off effect in the area. As valuable as opening the deck of the Midway to the public would be, it could not totally mitigate for the overall bulk of the ship and the adverse impact it will have to the area.

There are a number of alternatives to the proposed project that could lessen or avoid the visual impact of the project. For example, a carrier could potentially be sited at or adjacent to existing naval facilities on Coronado, the 10th Avenue Marine Terminal or the Naval stations further south in the Bay in San Diego or National City. These sites were not examined in the Environmental Impact Report associated with the proposed amendment as the Navy has not to this date expressed interest in housing a permanent museum facility. However, the Midway would most likely not present any adverse visual impact in these locations, and a partnership with the Navy should not be dismissed as a potential opportunity. In addition, the Campbell Shipyard site, which is located northwest of the 10th Avenue Marine Terminal could potentially accommodate the Midway. The bayward side of Harbor Drive is already heavily developed in this area, and an aircraft carrier would likely not have as significant of an impact on public views. Although the Port has expressed interest in constructing a hotel at the Campbell site, the recent discovery of significant amounts of contaminants at the site suggests an alternative project like the Midway may be suitable at this location.

However, if the proposed location remains the only desirable location to the Port District and the project proponents, another potential alternative to the proposed project has been raised by representatives of the Midway museum, for future build-out of the site. A conceptual plan has been developed to site the Midway south of Navy Pier, as proposed, but to also demolish the existing Navy building on the Pier, and redevelop the Pier as a pedestrian-oriented memorial park with plazas, grassy lawns, benches promenades, design features, and even a Navy wives club and chapel for small social functions and public food service. Under this "conceptual plan," parking for the Midway would be located nearby in a new parking structure on the inland side of Harbor Drive. As long as the park was developed as a free, public, visually unobstructed park/plaza, this would be very effective in offsetting the impacts of the Midway.

In contrast, under the current amendment, Navy Pier would be used for parking for visitors to the Midway. While parking is clearly necessary to accommodate the use, providing public parking is not the best use of a water-oriented structure, and would have an adverse impact on the visual quality of the area. It appears that a plan like this conceptual plan would open up the area and improve the visual quality of the North Embarcadero area in a manner that could potentially offset the adverse visual impacts of the ship. In addition, removal of the existing buildings on Navy Pier would allow for opening up the proposed view corridor along E Street in the future when the Broadway Complex area is redeveloped, to replace the one along F Street which would be blocked by the Midway.

The EIR for the proposed amendment did not evaluate the construction of a park on Navy Pier, and no off-site parking facility has been identified or funded. However, the Port District has agreed to add language in the plan as follows:

> Parking for visitors to the Midway and its museum will be provided, on an interim basis, at the Navy Pier, pursuant to the museum's lease with the United States Navy. When and if the Navy determines that its use of the Navy Pier is no longer necessary, the Port will accept the proposal by the San Diego Aircraft Carrier Museum to convert the Navy Pier into a "public park" use, thereby allowing the pier to be converted into a memorial park complementing the Midway and its museum, while affording additional public open space and bay vistas. Vehicle parking for museum visitors will then be shifted to nearby offsite locations. However, since the Navy Pier's future is uncertain and will be determined by decisions of the federal government, the conversion of a pier to a 5.7-acre memorial park is a specific planning goal of the Port, and environmental analysis for the park conversion will be conducted prior to the Navy relinquishing ownership and/or control of the Navy Pier such that construction of the park can occur as soon as feasible thereafter. The park conversion will be subject to all appropriate laws at the time the Navy Pier park is proposed.

There is, of course, no guarantee that the Navy will ever relinquish the pier. In fact, the Navy has indicated that it is premature to make any commitments on the disposition of Navy Pier because they have not made a final decision on it operational needs (see letter dated 1/8/01 Buchanan). However, as revised, the Port Master Plan would at least have clear policy language that conversion of the pier to a park is a goal that will be pursued when and if the pier becomes available. In addition, policy language has been added that ensures the necessary environmental review required for construction of the park will take place prior to the Navy actually relinquishing the pier, such that the construction of the park will be able to be undertaken as soon as feasible. Relocation of the parking can occur at any time independent of actions by the Navy or as part of redevelopment of the Navy Broadway Complex.

Another project alternative that has been suggested involves lowering the Midway approximately 10 feet by dredging the bay at the proposed site; however, potential environmental impacts of dredging have not been examined, and a 10-foot difference in height would not substantially alter the visual impact of the project. Given the expense that would likely be associated with dredging, allocation of the money towards implementation of the conceptual plan would likely be a more effective means of mitigating the visual impact of the Midway.

In summary, the Midway Aircraft Carrier Museum portion of the proposed PMPA would have a significant adverse visual impact in its proposed location. However, a conceptual site plan has been developed that demonstrates that there is a long-term project involving creation of a public park on Navy Pier that would open up the viewshed and improve the visual quality of the North Embarcadero area, thereby mitigating the adverse visual impacts of the carrier. The amendment as revised by the Port District would include this plan as a goal in the proposed PMPA. In lieu of a promise from the Navy that the park conversion *will* take place, policy language has been added to the PMP that ensures the Port District will undertake all necessary procedures within its control in order to allow construction of the park to proceed as quickly as feasible. Therefore, the Midway portion of the plan can be found consistent with the visual protection policies of Chapter 3 and Chapter 8 of the Coastal Act.

2) **Parking/Public Access**. Currently, Navy Pier is restricted to authorized military and civilian personnel. No public parking is available on the pier, except during Summer Pops concerts. The EIR for the project determined that the peak parking demand for the Midway will be approximately 348 spaces on a weekend and 279 spaces on a weekday. The parking for Midway would be provided on the adjacent Navy Pier. Because some parking spaces would still be required for the Navy facility to remain on the pier, the required 348 spaces would be available on the weekends, but only 200 spaces would be available on weekdays, 79 spaces short of the weekday requirement. The EIR requires that 79 additional off-site parking spaces be provided, if not on Navy Pier, then at a nearby location. Thus, adequate parking to accommodate the demand generated by the Midway will be provided.

As noted above, the Commission supports the development of visitor-serving attractions along the waterfront. Typically, on-site parking is preferred to off-site parking, because it provides the most convenient access for the public. But in the long-term, a pier is not the appropriate place to be developing new permanent parking facilities. The parking lot will not be a visually attractive development and will not provide the type of pedestrian recreational opportunities that should be available on the waterfront. Converting a pier into a permanent parking area would not have a positive impact on the visual quality of the North Embarcadero area, or on the public access and recreational opportunities.

However, the proposed amendment, as revised, contains a long-term goal to convert Navy Pier into a park, which would require that the parking for the Midway from the Navy Pier be relocated into an off-site satellite lot(s). Further, the proponent of the Midway museum, San Diego Aircraft Carrier Museum (SDACM) has indicated they will set up a reserve account into which it will deposit $100,000 per year for the first five years, and $150,000 per year for the next five years to be used to relocate the parking from Navy Pier. The Port has indicated these provisions will be included as conditions of the coastal development permit and lease agreement with the Port. Thus, there will be the means to implement and fund a long-term alternative parking and transportation program to offset visitor parking deficits rather than maintaining parking on Navy Pier.

Therefore, the Commission finds the Midway portion of the project consistent with the public access and recreation policies of the Coastal Act.

3) **Biological Resources**. Approximately 350 parking spaces would be located on Navy Pier to serve visitors to the Midway museum. This would create the potential for petroleum hydrocarbons, grease, etc. associated with vehicles to enter San Diego Bay through direct leakage and stormwater runoff. A Storm Water Pollution Prevention Plan (SWPPP) is required for the project that must contain Best Management Practices (BMPs) to address contaminants through such means as grease/oil separators. The Port Master Plan does not specifically require the adoption of BMP programs for the Midway; however, the Plan does require lease agreements that ensure tenants do not contribute to water pollution.

The ship's hull would be protected with a cathoditic system, in an effort to minimize hull maintenance requirements. Maintenance activities such as painting other parts of the ship are required to occur in conformance with state and federal regulations, as outlined in an Environmental Protection Plan which has been prepared for the Midway, although this plan has not been specifically incorporated into the PMP. The ship would be moved to dry-dock about every 20 years where major maintenance activities would occur. The Port District has indicated that if the Midway museum did not succeed financially, the Navy would take the ship back, so it would not remain in place indefinitely. The Port has stated that the Midway's lease agreement and coastal development permit will require guarantees in the form of a bond or other financial means that will ensure that the ship will be removed from San Diego Bay should it go bankrupt.

The Midway would not actually rest on the ocean floor; rather it would occupy approximately 28 feet of the water column, with approximately 12 feet between the bottom of the hull and the ocean floor. Mooring the carrier would result in approximately 4.1 acres of impact to open water habitat, which is valuable habitat for fish and foraging birds. The hull of the Midway touching the water would cover approximately 2 acres of the Bay, the overhang of the flight deck would shadow up to an additional 2 acres of open water, and the mooring platform structures would result in 0.1 acres of impact.

As part of the proposed PMPA submittal and at the request of Commission staff, the Port has submitted a mitigation plan for the 4 acres of open water impacts. The proposed mitigation involves expansion of an existing degraded marsh east of south San Diego Bay in the City of National City. The site is known as Lovett Marsh, a tidal channel surrounded by development south of the Sweetwater River Flood Control Channel. The plan involves excavating sediment from surrounding uplands in order to create new tidal wetland habitat, grading existing upland slopes and seeding them with Maritime Succulent Scrub vegetation, and planting coastal salt marsh vegetation in the newly created wetland area. The mitigation would itself impact 0.89 acres of existing "disturbed" coastal salt marsh and 0.74 acres of mule fat scrub, but result in the creation of approximately 5.8 acres of new coastal salt marsh as mitigation for loss of 4.1 acres of open water habitat.

The proposed mitigation raises several concerns. First, the Commission typically requires that mitigation be "in-kind," that is, the mitigation should replace the same kind of habitat that is impacted, as close to the impact area as possible. In the case of the proposed project, the salt marsh mitigation site is several miles south and inland of the open water impact site. The Port District has indicated that there are a limited number of sites in San Diego Bay under the control of the District where a restoration project could create new open water habitat. However, the District did not consider these sites as potential mitigation sites for the Midway, as they are intended to serve as mitigation sites for future Port projects. Given the amount of build-out in San Diego Bay, opportunities for open water mitigation sites in the Bay are very limited, which suggests that additional impacts to Bay habitat may be inappropriate.

Nevertheless, in this particular case, the mitigation plan has been reviewed by the Commission staff ecologist, National Marine Fisheries and the U.S. Fish and Wildlife Service. The Commission has in the past approved saltmarsh restoration as mitigation for open water impacts, although in most cases, the mitigation has a strong open-water component. The creation of salt marsh habitat as proposed has been given preliminary approval as adequate to offset the biological impacts of the project.

Specific language in the text of the amendment requires that mitigation for the Midway be provided in the form of the creation of approximately 5.8 acres of new coastal salt marsh. In addition, the Port District has agreed to incorporate additional biological mitigation into the conditions placed on the coastal development permit for the Midway. These requirements are as follows:

1. Funds designated and provided for, in advance, in a dedicated account for full restoration of marsh mitigation. A minimum percentage of the Midway budget must be designated annually with regular increases for inflation to manage and protect the restored marsh area. In the event that the Midway is taken over by other or public management, such funds will be transferred to an appropriate wildlife management agency.

2. A separate annual adequate allocation or foundation must be designated for aggressive predator management and fencing to be implemented by the U.S. Fish and Wildlife Service (USFWS) or their designee agency.

3. A separate adequate allocation or foundation for an annual removal program for invasive species and status report to the Commission every five years on the status of invasive species in the marsh to be managed by the USFWS or their designee agency.

4. A report every 5 years to the Commission on the status of erosion and sedimentation and remedial action if necessary to meet and maintain restoration goals.

5. Environmental protection and educational exhibits will be offered as part of the program offered in the Midway museum.

These conditions will further ensure that the Midway does not result in significant, unmitigatable impacts to sensitive coastal resources. Therefore, the biological impacts associated with the Midway can be found consistent with the resource protection policies of Chapter 3 and Chapter 8 of the Coastal Act.

B. North Embarcadero Redevelopment.

As described above, the amendment includes public improvements along Harbor Drive, narrowing Harbor Drive from four lanes to three between Grape Street and Pacific Highway, replacing three existing industrial piers west of the County Administration Center with a new public pier at Grape Street, a new 25-foot high restaurant inland of the Grape Street Pier, the extension of B and C Streets, development of the old Lane Field site and Navy Engineering building with a 600-800 room hotel, office building, retail and parking facilities in a new complex of buildings and open space, and expansion of the cruise ship terminal at the B Street Pier would be expanded to up to 50 feet in height.

1) **Visual Resources**. The plan contains provisions for the establishment of view corridors and a 60 foot height limit in the Laurel Street corridor, landscape and streetscape improvements along the proposed esplanade on North Harbor Drive, and public viewing/vista points along the Crescent shoreline from Laurel Street to Market

Street. Language in the plan states that the wharf side of the esplanade is to remain clear of objects or furnishings that would block bay views.

The extension of B and C Streets from their current terminus at Pacific Highway through to North Harbor Drive would create new view corridors and increase public access to the waterfront from downtown. The City of San Diego's pending LCP also provides for the extension of these streets and designates them as view corridors.

The plan sets an FAR of 7.0 and 6.5 for the Lane Field parcel, while establishing building height limits on the site ranging from 200 feet to 400 feet sloping back from the Bay. The plan also sets setbacks and stepbacks along the Broadway side of this parcel. These criteria are consistent with those proposed in the City's pending LCP.

The plan establishes a 12 foot high building height limit in the area of the proposed esplanade, with the exception of a 25-foot high height limit for the parcel at Harbor Drive inland of the Grape Street Pier to allow for construction of a new restaurant. The construction of a new two-story structure in this area raises concerns about view blockage and bulk and scale. As discussed above, the majority of North Harbor Drive is characterized by low-scale development and open views towards the water, and any new construction on the bayward side of Harbor Drive has the potential to adversely impact public views.

However, in this particular case, the second-story of the restaurant would be offset from the Grape Street View corridor, and thus, wouldn't block any existing views down this street. Additionally, Grape Street is a one-way street with traffic heading away from the Bay, so existing views from this street are limited. View blockage from Harbor Drive remains a concern, but with the exception of this parcel, structures on the bayward side at this portion of North Harbor Drive are limited to 12 feet in height, such that the impact of this one structure will be limited and can be found consistent with the resource protection policies of the Coastal Act. However, the Commission will continue to review new projects in this area with the visual impact to pedestrians and vehicles on Harbor Drive in mind.

The amendment also includes expansion of the cruise ship terminal to a maximum of 50 feet in height. Some building appurtenances would extend above 50 feet. The existing building was a warehouse that was converted to a cruise ship terminal many years ago. The cruise ship industry has changed considerably in the last two decades, and ships are far larger than they were previously. At the existing terminal, moving cargo and people is difficult and inefficient, and compromises the effectiveness of the terminal operation. The structure is also too small to reasonably accommodate the number of people boarding and disembarking the ships, going through customs, etc. The expansion would modernize the terminal to accommodate present-day cruise ships and traffic intensity (vessels and people). Although the height increase would contribute incrementally to a walling off of the bay, a cruise ship terminal is a coastal-dependent, high-priority use under the Coastal Act. The height increase would contribute to the bulk and scale of

development on the bayfront, but not actually block any existing views. The project would not require any expansion of the existing pier or filling of the bay. The expansion would follow the design guidelines of the North Embarcadero Visionary Plan, such that the building would have stepbacks and architectural features to minimize its visual impact.

In summary, the plan includes numerous features designed to protect and enhance views to and along the waterfront. No significant impacts to views or community character will result from the amendment. Therefore, this portion of the proposed Port Master Plan Amendment can be found consistent with the visual protection policies of Chapter 3 policies and Chapter 8 policies of the Coastal Act.

2) **Public Access/Parking**. As noted above, numerous Coastal Act policies pertain to the provision of adequate public access to the shoreline. The plan contains provisions for many public access improvements including the replacement of the Grape Street industrial piers with a new public pier, the extension of B and C Streets, the Harbor Drive esplanade and parks, and streetscape improvements to Broadway Pier. The Lane Field parcel will have access corridors a minimum of 80-feet wide to enhance physical and visual access to the waterfront. A north-south pedestrian link, if practical, is also proposed through this parcel.

When development does not provide adequate parking facilities, or alternative means of access such as public transit, the general public can be precluded from accessing the shoreline. The Parking Management & Monitoring Program submitted as a component of the proposed amendment is intended to ensure that the proposed development will maintain and enhance public access to the coast consistent with the public access and recreation policies of the Coastal Act.

The EIR analyzed the projected parking demand for the proposed PMPA. In general, new projects are required to self-park; that is, provide adequate parking to accommodate the particular project's demand, and would not compete for public parking. However, several new projects, including the Grape Street Pier restaurant and new public improvements like the esplanade, would utilize public parking. The parking analysis determined that on weekdays, adequate public parking to serve the area Thus, the Parking Management Program is required to address the parking needs of these projects, as well as the public parking needs overall in the North Embarcadero area. The plan requires individual Parking Management Plans prior to issuance of Coastal Development Permits a for particular project, to ensure that weekday and weekend day parking deficits are addressed.

Projects in the PMPA will be phased over several years. An annual monitoring program tied to actual "parking utilization" will begin after completion of the first project under the Plan. Additional parking construction will begin when utilization thresholds exceed 90% capacity, that is, when monitoring determines existing parking has reached 90% of capacity, new parking facilities will be required. Implementation of the monitoring and

construction of new parking facilities will be required as conditions of new coastal development permits.

The narrowing of North Harbor Drive and the increase in traffic generated by the redevelopment in the proposed amendment could have an adverse impact on public access by restricting the flow of traffic. North Harbor currently provides six lanes of traffic north of Grape Street, four lanes between Grape Street and Broadway and two lanes south of Broadway to Pacific Highway. The proposed amendment includes re-striping North Harbor Drive between Grape Street and Pacific Highway to a three-lane roadway (two lanes southbound and one lane northbound). A traffic analysis performed for the amendment analyzed 22 key signalized intersections and 40 street segments in the plan area. The analysis determined that in the near-term, traffic conditions at only 6 intersections and 3 street segments would worsen as a result of implementation the amendment, and these impacts were determined to be less than significant, because the delay increases are small and in no case did Levels of Service (LOS) fall below LOS D. (Two street segments currently at LOS E would continue to operate at LOS E.) Level of Service E is considered "significant" under City of San Diego standards for the Centre City area.

The only significant impacts identified were cumulative impacts to portions of Interstate 5 and several freeway on-ramps and off-ramps. These impacts are considered unmitigatible at the current time, although an I-5 freeway corridor study currently being prepared by the San Diego Association of Governments (SANDAG) will address deficiencies on the freeway and its ramps and recommend traffic improvements. These impacts occur outside of the Coastal Zone and are the result of region-wide growth and development. The proposed amendment will not result in traffic impacts that will adversely impact public access or recreation in the Coastal Zone.

It is important to note that the long-range (2020) traffic projections done for the North Embarcadero redevelopment assumed that the airport expansion "Concept F" would be constructed by the year 2020. That is, that direct airport access would be available to I-5 at a point between Washington Street and Old Town Avenue. Without this assumption, the volumes along Laurel Street, Grape Street, Hawthorn Street and North Harbor Drive would be much greater. The short-term traffic projections are not affected by this assumption. If this airport connection is not approved, the Port District and the City of San Diego will have to revisit traffic and circulation issues in the North Embarcadero area. With the proposed narrowing of Harbor Drive, Pacific Highway will become the most attractive commuter alternative between downtown and the airport, not Harbor Drive, which is appropriate and consistent with the Chapter 3 policies of the Coastal Act, regardless of the airport access to I-5.

One of the stated goals of the Parking Program is both reducing the parking demand and increasing the parking supply, in order to achieve a balance between the supply and demand of parking in the area. The Parking Program has measures designed to promote the use of transit and pedestrian use of the area, including promoting subsidized transit

passes for employees of area businesses, providing information to downtown hotel guests regarding the availability of transit uses, plans for shuttle stops at two locations on Harbor Drive within the North Embarcadero area, promoting pedi-cab use and providing areas for pick-up and drop-off, and providing bicycle racks and lockers within the area. In addition, the Program calls for providing "trailblazing measures", that is, providing signs showing directions to the North Embarcadero area from downtown and transit locations, directions on local kiosks and transit/shuttle stops. The Parking Program would require that as a condition of approval for future coastal development permits, use of mass transit be encouraged and supported.

Traffic improvements that will improve public access are planned for the North Embarcadero area, including additional traffic signals and controlled intersections to improve pedestrian access, and a separate 10-foot wide bicycle path to run parallel to the promenade. The bicycle path will accommodate both bicycles and pedi-cabs. As proposed, the North Embarcadero portion of amendment provides public access amenities and will not result in adverse impacts to public access. Therefore, this portion of the amendment can be found consistent with the public access and recreation policies of Chapter 3 and Chapter 8 of the Coastal Act.

3) **Biological Resources**. The plan involves the construction of a new 30,000 sq.ft. public recreational pier at Grape Street. Although the project involves the placement of new pilings, the pier will replace three existing piers that together total approximately 30,000 sq.ft. in area, thus, there will be no change in the amount of water area shaded by pier structures. The EIR for the proposed amendment determined that there is no eelgrass in the amendment area.

The proposed Grape Street Pier also includes construction of a wave attenuation structure. The Port District has clarified that this structure will be a floating concrete structure or similar structure that does not involve any fill, and that the structure will be the minimum necessary to reduce wave force on the propose pier and recreational docks. The placement of structural pilings for public recreational piers that provide public access and recreational opportunities, such as those proposed in the PMPA, is a permitted use under Section 30233 of the Coastal Act.

Therefore, the Commission finds that this portion of the proposed Port Master Plan Amendment can be found consistent with the Chapter 3 and Chapter 8 policies of the Coastal Act regarding the protection of biological resources.

C. Centre City LCPA.

Staff is currently reviewing an application by the City of San Diego to amend its certified LCP to create a North Embarcadero Overlay District including design guidelines and parking requirements. The City's LCPA is does not proposed any changes in land use, but is largely intended to ensure that the existing community plans and Planned District Ordinances governing the North Embarcadero region (Centre City and Marina Districts)

are updated consistent with the vision for the North Embarcadero region as proposed in the Port Master Plan and in the Visionary Plan (although the Visionary Plan is not proposed to be incorporated into the LCPA). Although the majority of the North Embarcadero region is within the Port District's coastal development permit jurisdiction, the Centre City community plan and PDO contain graphics and planning goals for the North Embarcadero shoreline to help ensure consistent planning for the region as a whole.

Suggested modifications for the City's LCPA have been provided with the findings for the City's submittal. Approval of the North Embarcadero portion of the PMPA will not prejudice the Commission's review of the City's LCPA.

D. Consistency with the California Environmental Quality Act (CEQA). As described above, the proposed amendment does not have the potential to result in damage to visual and biological resources in the form of either individual or cumulative impacts. The proposed amendment was the subject of an Environmental Impact Report under CEQA. The EIR was subject to public review and hearing and was adopted by the Board of Port Commissioners. The amendment has been found consistent with the visual, biological, and public access and recreation policies of the Coastal Act, and will not cause significant adverse impacts to the environment. Specifically, the amendment has been found consistent with the public access and recreation, visual resource and biological protection policies of the Coastal Act. There are no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact which the amendment might have on the environment. Therefore, the Commission finds that the amendment is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

Re Amendment of Port District]
]
Master Plan - North Embarcadero]
]
Alliance Visionary Plan . . . . .]
]

RESOLUTION 2000-83

WHEREAS, the San Diego Unified Port District (Port District) has an adopted Port Master Plan which has been certified by the California Coastal Commission; and

WHEREAS, said Plan was prepared, adopted and certified pursuant to the Port District Act, the California Coastal Act and other applicable laws; and

WHEREAS, a proposed Plan Amendment for the North Embarcadero Alliance Visionary Plan has been prepared and processed; and

WHEREAS, a Final Master Environmental Impact Report pursuant to the California Environmental Quality Act, State CEQA Guidelines, and Port District procedures relative to said Amendment has been prepared, considered and certified, NOW, THEREFORE,

BE IT RESOLVED by the Board of Port Commissioners of the San Diego Unified Port District, as follows:

That the Master Plan of the Port District is amended by incorporating therein the Master Plan Amendment, on file in the office of the Port District Clerk as Document No. 40550, pertaining to said North Embarcadero Visionary Plan.

BE IT FURTHER RESOLVED that the Executive Director or his designated representative is hereby authorized and directed to transmit said Master Plan Amendment, together with all relevant factual information, the certified Final Environmental Impact Report, and the Coastal Act consistency analysis to the California Coastal Commission for its review, approval and certification pursuant to the California Coastal Act, and that said

Exhibit #1
Port Master Plan Amendment
Resolution

Amendment will take effect automatically and be deemed fully certified upon Coastal Commission approval pursuant to Public Resources Code Section 30714. This action by the Board of Port Commissioners constitutes formal adoption of the Coastal Commission's certification of the referenced Amendment.

ADOPTED this 25th day of April, 2000.

sw
4/25/00

RECEIVED
DEC 13 2000
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

San Diego Unified Port District
Proposed Master Plan Amendment

North Embarcadero

Existing/Proposed Plan Text
and
Proposed Plan Graphics

December 12, 2000

Note: Text to be deleted shown ~~stricken~~ and text to be added shown underlined.

Exhibit #2
PMPA #27
Proposed Amendment

CENTRE CITY EMBARCADERO: Planning District 3

The Embarcadero of San Diego is the downtown waterfront area for an urban region of over 2.7 million people. The pierside maritime activities of commercial fishing boats, merchant ships, Navy vessels and pleasure craft contribute to the fabric of the Embarcadero. Planning District 3 covers all of the Port District waterfront from the U.S. Coast Guard Air Station to the Tenth Avenue Marine Terminal. From Laurel Street to Market, Port land boundaries follow parallel to the shoreline and extend easterly to Pacific Highway, except for two major land blocks; the five-block-long property of the County of San Diego's Administrative Center and the four-block-long property of the U.S. Navy's Commander, Naval Base San Diego and Naval Supply Center. The owners of both of these properties have proposed extensive renovation and redevelopment plans which include commercial recreation, county governments administration, and U.S. Navy uses.

In order to coordinate the redevelopment of this area and adjoining agency properties, an alliance was formed to develop a single, comprehensive plan. The North Embarcadero Alliance includes the Port District, City of San Diego, County of San Diego, Centre City Development Corporation, and the U.S. Navy. The Alliance developed a Visionary Plan in 1998 to guide the redevelopment of the contiguous properties. The specific recommendations of the Visionary Plan that pertain to Port District land and water areas within the Planning District 3 Precise Plan area are incorporated into the Master Plan. All other recommendations of the Visionary Plan guide development within Planning District 3.

Precise Plan Concept

The basic concept of the redevelopment of the Embarcadero is to create a unified waterfront, both visually and physically, which creates an overall sense of place. In this concept, the Embarcadero becomes a pedestrian spine along which commercial and recreational activities are located. In order to emphasize the pedestrian oriented waterfront experience, through traffic is routed to Pacific Highway, and considerable effort is directed toward improving the amenities and people spaces of the public thoroughfare along ~~Harbor Drive~~ North Harbor Drive. Industrial uses adjacent to the airport are renovated and retained as important employment centers and as airport buffer land use activities. The renovation of marine terminal facilities will retain the active use of deep draft berthing and continue carefully selected functions of a working port. The commercial fishing industry is given a major focus at several locations with the development of new piers and a mooring basin. A major hotel and commercial complex with recreational facilities is proposed to connect and enhance nearby portions of downtown.

The Embarcadero is intensively used by many people. With the mixture of activities going on here, it is important to emphasize that several activities may occur at the same location, depending on a scheduling overlap to accommodate all of them. For example, Broadway Pier may be used at different times for tuna fleet berthing, cruise ship berthing, excursion or ferry boat berthing, public access, passive recreation, and commercial recreation. The redefined Specialized Berthing designation applies to this precise plan area only, and may include marine-related uses such as transient and general berthing of small boats, historic ship berthing, ferry or excursion boat berthing, and commercial fishing boat berthing as the highest priority use. The designation carried on the Precise Plan indicates the primary use, but secondary uses may occur. This is particularly true of water areas and of public access which may be available at other sites than those mentioned.

Land and Water Use Allocations

The Precise Plan allocates a balanced distribution of commercial, industrial, public recreation and public facility uses in this 433~~4~~-acre planning area. More detailed allocations are indicated in the Land and Water Use Table, and use areas are graphically portrayed on the Plan Map.

Centre City Embarcadero Planning Subareas

The Planning District has been divided into six subareas~~.~~ as ~~An explanation of the Precise Plan is covered in the following text, organized to the geographic locations of the subareas~~ shown in Figure 12.

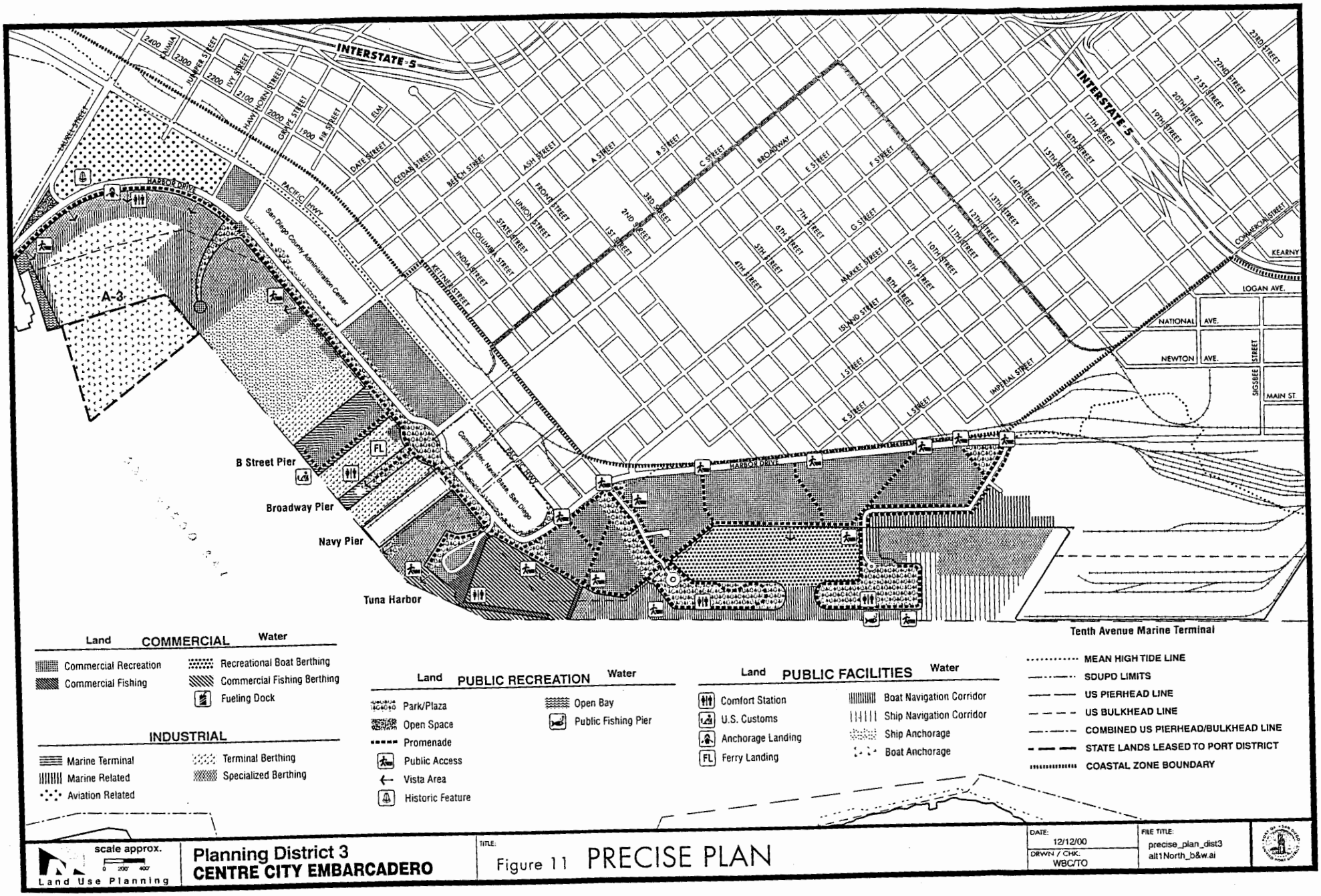
The North Embarcadero Alliance "Visionary Plan" area includes all of Subareas 31, 32, 33, and part of Subarea 34. The Visionary Plan proposes to revitalize San Diego's downtown waterfront through a concept for public improvements and by guiding development to optimize property values, public access opportunities and priority waterfront and water-dependent uses. The Plan recommends a substantial linear esplanade park on the urban waterfront with public art, street furniture, public spaces, expansive Bay views and public parking. The Plan proposes two major parks and plazas at the County Building and the foot of Broadway, and includes recreational piers and associated public facilities, harbor excursion landings and water-related commercial uses on Port tidelands. General commercial, residential, and commuter traffic would utilize an enhanced Pacific Highway grand boulevard, while North Harbor Drive would serve waterfront public access, water-dependent, and Embarcadero commercial recreational uses. An extension of the downtown San Diego small-block street grid across the railroad right-of-way, off Port lands, to the Bay would enhance public views and pedestrian access opportunities from upland areas (See Visionary Plan Figure 3.1 for illustrative plan of the area). Above-ground parking structures which are visible at the perimeter of a development should be limited to a maximum of six levels of parking or 60 feet above grade. (See Visionary Plan- p.79) North Harbor Drive, Broadway, Ash Street, and Grape Street are envisioned as active pedestrian linkages to the Bay from upland areas. Building frontage adjacent to these streets shall be developed with uses that promote pedestrian activity and public oriented uses. On other streets, ground-level facades shall maximize the sense of contact between indoor and outdoor activities. (See Visionary Plan – pp. 67,68.)

TABLE 10

CENTRE CITY EMBARCADERO: PLANNING DISTRICT 3
PRECISE PLAN LAND AND WATER USE ALLOCATION

LAND USE	ACRES	WATER USE	ACRES	TOTAL ACRE	% OF TOTAL
COMMERCIAL	~~97.3~~ 96.7		~~65.3~~ 34.3	~~162.6~~ 131.8	~~37%~~ 30%
Commercial Fishing	4.7	Commercial Fishing Berthing	~~44.3~~ 13.3		
Commercial Recreation	~~92.6~~ 92.0	Recreational Boat Berthing	21.0		
INDUSTRIAL	42.1		~~38.1~~ 64.9	~~80.2~~ 107.0	~~19%~~ 25%
Aviation Related Industrial	22.3				
Marine Related Industrial	12.9	Specialized Berthing	~~15.5~~ 46.7		
Marine Terminal	6.9	Terminal Berthing	~~22.6~~ 18.2		
PUBLIC RECREATION	~~49.3~~ 52.8		4.7	~~45.1~~ 56.7	~~12%~~ 13
Open Space	0.5	Open Bay/Water	4.7		
Park/Plaza	~~42.8~~ 45.7				
Promenade	~~6.0~~ 6.6				
PUBLIC FACILITIES	~~44.8~~ 46.7		~~92.8~~ 92.2	~~137.6~~ 138.9	32%
Streets	~~44.8~~ 46.7	Boat Navigation Corridor	~~18.2~~ 29.6		
		Boat Anchorage	25.0		
		Ship Navigation Corridor	~~24.8~~ 13.4		
		Ship Anchorage	~~24.8~~ 24.2		
TOTAL LAND AREA	~~233.5~~ **238.3**	**TOTAL WATER AREA**	~~200.9~~ **196.1**		
PRECISE PLAN LAND AND WATER ACREAGE TOTAL				**434.4**	**100%**

Note: Does not include:
State Submerged Tidelands 22.6 acres
Existing Acreage:
SAN DIEGO CONVENTION CENTER EXPANSION PMPA CCC January 12,1996
Revised Acreage:
*South Embarcadero Redevelopment draft PMPA 04/24/96



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Land Use Planning

Planning District 3
CENTRE CITY EMBARCADERO

TITLE: Figure 11 PRECISE PLAN

DATE: 12/12/00
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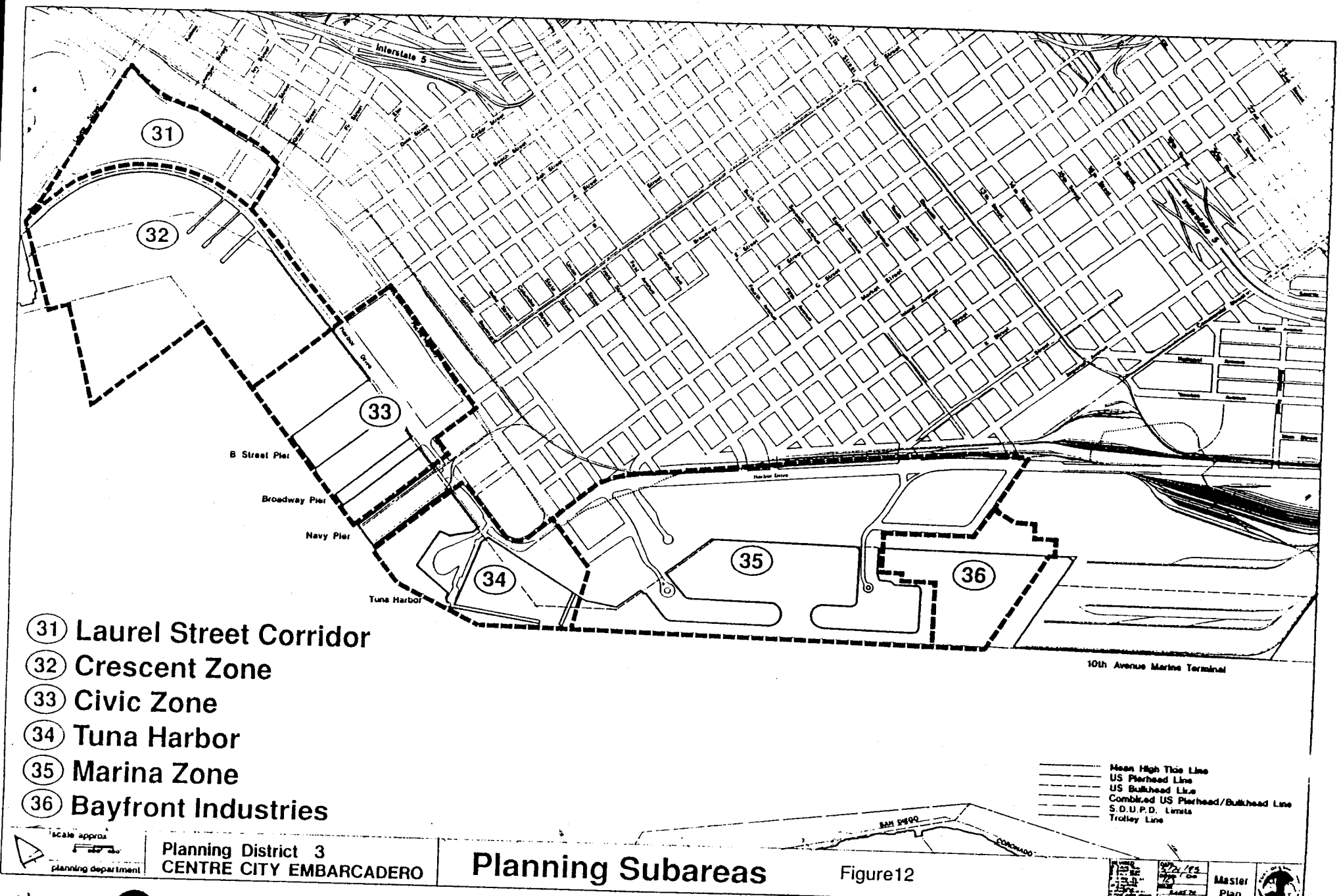
FILE TITLE: precise_plan_dist3 alt1North_b&w.ai



31 Laurel Street Corridor
32 Crescent Zone
33 Civic Zone
34 Tuna Harbor
35 Marina Zone
36 Bayfront Industries

scale approx

planning department

Planning District 3
CENTRE CITY EMBARCADERO

Planning Subareas

Figure12

Master Plan

Laurel Street Corridor

The established aviation related industrial use in this subarea, subsequent to renovation and beautification of the physical plant, is anticipated to continue in operation; however, if such use is discontinued, the Visionary Plan proposes the extension of vehicle and pedestrian access, parking, service access, and view corridors along extensions of Kalmia, Juniper, and Ivy streets through this parcel to North Harbor Drive. ~~for the duration of the planning period.~~ Building height limits of 60 feet are proposed for this area; however, this height limit would be superseded by any more-stringent FAA runway approach zone restrictions. (See Visionary Plan Figures 4.5, 4.10, 4.11, and 4.12.) Grape and Hawthorn Streets, Pacific Highway and North Harbor Drive from Laurel Street to Hawthorn Street will be modified to accommodate traffic flow and with streetscape improvements to match the balance of the streets through Subareas 31-34. Geometric improvements to direct traffic flow from North Harbor Drive to Pacific Highway will be made at the Grape Street intersections with these roadways. The block between Hawthorne, Grape, Pacific Highway and ~~Harbor Drive~~ North Harbor Drive (2.3 acres) will remain in commercial recreation use with some landscape improvements or possible parking facility development. The landscaped triangle at Laurel and ~~Harbor Drive~~ North Harbor Drive is shown on the Plan as open space.

Crescent Zone

The most important element influencing design in the Crescent Zone is the curvilinear form of the waterfront. Dramatic panoramic views can be realized at either vehicular or pedestrian speeds. The Port Master Plan capitalizes on this attribute to establish a grand pedestrian-oriented esplanade (no less than 100 feet wide) ~~promenade~~ and major entryway into the Centre City district from Grape Street to Broadway. The promenade connects with the ~~Harbor Drive~~ North Harbor Drive bicycle path to provide a continuous pedestrian/bicycle path from Navy Estuary to Fifth Avenue, a distance of four miles. Pacific Highway streetscape improvements would continue through this subarea. An esplanade at least 25-feet wide, bayward of Harbor Drive, will be added from Laurel Street to Grape Street.. ~~Where Harbor Drive~~ North Harbor Drive will be ~~has been~~ narrowed to three lanes to ~~restrict~~ reduce through traffic. The unused right-of-way will be ~~has been~~ developed with landscaped promenades, parks and plazas. Along the water's edge the concrete pathway will continue its present use as both pedestrian promenade and service area for commercial fishing boats tied up along the Crescent Zone bulkhead. Four public viewing/vista points would be spaced along the Crescent shoreline.

The waterfront between Grape Street and Ash Street will be used for Ship Anchorage, Boat Navigation Corridor, and Specialized Berthing. The three existing piers no longer function or are needed as commercial fishing berthing or fuel pier; therefore they will be replaced with a 30,000 square-foot curvilinear pier at Grape Street, with a 12,000 square-foot public boat dock designated as Park Plaza. The waterside termination of this pier is designated as Commercial Recreation to allow possible development of a commercial facility. Wave attenuation structures would protect the boat docks. A 5,000 square-foot parcel with a maximum 10,000-square-foot floor area designated as Commercial Recreation will provide for a major restaurant or other commercial recreation use on the esplanade at the foot of the Grape Street Pier. Development density with a Floor Area Ratio (FAR) of 3.0 and a building height limit of 12 feet is prescribed for this area, with the exceptions of the proposed commercial recreation parcel where a 13-foot high second story would be allowed. Building stepbacks along the inland side of North Harbor Drive for upper stories shall be 25-foot minimum at 50 feet along the inland side of North Harbor Drive and 15-foot on east-west streets. (See Visionary Plan Figures 4.4, 4.5 and 4.8) ~~the fuel docks and Anthony's Restaurant will continue to be used as a tie-up and net mending area for tuna seiners. This activity is encouraged as part of the working port identity.~~ Commercial ~~F~~fishing ~~B~~berthing has been allocated to the Crescent water interface (18.6 acres) as the highest priority use; however, this water is also used for transient berthing and occasional general berthing for small boats. The boat channel area just offshore is also used for temporary anchorage for small boats~~.~~; therefore, the designation is changed to Specialized Berthing, which

includes these uses within this precise plan area only. The boat channel area just offshore is also used for temporary anchorage for small boats.

Anchorage A-3, Laurel Street Roadstead Anchorage, is sheltered from the open sea but is located in both the most visible and the widest part of northern San Diego Bay. Approximately 20.6 acres of water area is allocated to accommodate about 50 vessels on swing point mooring buoys. Onshore, a public rest room, three dinghy floats and connecting shore ramps provide for the landing needs of the anchorage user. As a federally designated anchorage, the boundaries are shown on coastal charts and identified on site by boundary markers. Administration of the anchorage is exercised by the Port District, pursuant to local ordinance. Thirty to forty percent of the moorings are to be set aside for short-term use by cruising or transient vessels. Section III, Water Based Transportation system, contains information on the baywide small craft anchoring system.

Civic Zone

The zone of highest activity is the Civic Zone from Ash Street to Broadway. This zone reflects its waterfront orientation, with operating piers extending into the bay, Navy facilities, commercial fishing activity, and historic sailing vessels. Its physical relationship to Centre City attracts large numbers of people and the future development of both areas is integrated by the Visionary Plan. ~~being carefully integrated by mutual planning.~~

Significant redevelopment is recommended for the Civic Zone. The landscaped esplanade and streetscape improvements ~~promenade~~ mentioned in the Crescent Zone will be continued along ~~Harbor Drive~~ North Harbor Drive and Pacific Highway through the Civic Zone. ~~Harbor Drive~~ North Harbor Drive will be ~~restricted to traffic accessing the abutting properties~~ reduced by narrowing to three ~~two~~ lanes. Parking areas along the street will be interspersed with landscaping, vertical elements used to frame and enhance views, and lawn areas. (See Visionary Plan Fig. 5.3)

The esplanade ~~promenades~~ expands into plazas at Beech and Ash Streets, B Street Pier, and Broadway Pier. These plazas will be designed to provide open space, sitting and strolling areas for tourists and nearby workers, and to increase the sense of destination for Embarcadero ~~v~~Visitors.

Passive green spaces (parks) are proposed between the plazas on the esplanade, providing recreational opportunities and places for people to relax, play, and enjoy Bay views. The promenade is a continuous 25-foot-wide paved area adjacent to the water's edge. The wharf side remains clear of objects or furnishings that would block Bay views. A delicate string of lights, a planting area with tall palms, and a 10-foot-wide bike path border the landward side of the promenade (See Figure 5.3 of the Visionary Plan).

The most important element in this zone is the conversion of the old Lane Field site and Navy Engineering building into a new complex of buildings and open spaces. Primary consideration is a 600-to-800-room hotel. The intent of the plan is to retain flexibility for considering a wide array of development options. The concept includes possible multiple utilization of activities that could provide for commercial recreation; international trade, travel and cultural complexes; commercial and office space for maritime business; support facilities related to the Port; and, subject to negotiation with the U.S. Navy, the provision of equal or better building space for the relocation of the Naval Facilities Engineering Command. The FAR for Lane Field parcel is 7.0 and 6.5, while building height limits range from 400 feet to 200 feet sloping toward the Bay. Special setback requirements along the Broadway side of this parcel range from 55 feet to 65 feet, widening toward the Bay (See Figure 4.7 of the Visionary Plan, which also illustrates the special radius setback on North Harbor Drive/ Broadway SW corner). Stepbacks for upper stories are 25-feet minimum at 50-feet building height except for the B Street side of the parcel and on other east-west streets where they are 15 feet. There are no stepback requirements along Pacific Highway.

(See Visionary Plan Figures 4.5, 4.6, 4.7 and 4.8.)

The Visionary Plan proposes public right-of-ways aligned with existing downtown streets through development parcels, including Lane Field. These right-of-ways include pedestrian and vehicle traffic, view corridors, parking and service access. The right-of-ways shall be a minimum of 80-feet-wide with the character of a public street, and would enhance the physical and visual access to the Bay. The C Street segment through Lane Field may vary in alignment with existing street up to 20 feet north or south, and it may or may not accommodate vehicular circulation. A north-south pedestrian link, if practical, is also proposed through this parcel. (See Visionary Plan Figures 4.10, 4.11, 4.12, and 6.1).

B Street Pier is scheduled for substantial redevelopment of the apron wharf and the structures on the pier. The south shed will be removed or redesigned to create space for parking and a promenade. The western end of the pier will be converted for specialized commercial uses such as a shopping bazaar, and foods and services reflecting the maritime character of the Embarcadero and which will be compatible with ~~occasional~~ cruise ship berthing. The Cruise Ship Terminal will be expanded and ~~shipping sheds on the north side~~ both sides of the pier will ~~will continue, with both sides of the pier~~ accommodate~~ing~~ ship berthing. Cruise ships may ~~will be encouraged to~~ tie up at both the B Street and Broadway Piers. ~~Ultimately, t~~The shopping bazaar could be expanded into the terminal building ~~north shed~~ and the existing Maritime Museum could be provided with land-based support area, storage and work area, and possibly a living museum of nautical craftsmen ~~on the pier~~; however, loading, off-loading, and storage capabilities for general cargo will be retained as needed. Alternatively, the Maritime Museum may be relocated to another location along the Embarcadero, such as the curvilinear pier at Grape Street. A FAR of 2.0 applies to the B Street and Broadway piers. The bulding height limit for the B Street Pier is 50 feet; however, an expanded cruise ship terminal, now under study, may require (for functional reasons) building(s) in excess of 50 feet in height. Pursuant to the Port's cruise ship terminal study, alternative height restrictions and other guidelines affecting B Street Pier may be appropriate and acceptable, and they should be considered by the Alliance. (See Visionary Plan Figs. 4.4, 4.5 and pp. 63, 64.)

Broadway Pier will continue to provide recreational space on its plaza and viewing platform, as well as accommodatinge commercial shipping and miscellaneous vessel berthing, including day cruisers. Improvements to the pier will include paving, plantings, lighting, and furniture. The harbor excursion and ferry boat water lease north of Broadway Pier may ~~will~~ also remain as part of the recreational experience along the waterfront or move to another location along the Embarcadero.

Tuna Harbor

This subarea consists of the Tuna Harbor, the harbor formed by its pier, the Harbor Seafood Mart, and adjacent areas.

Tuna Harbor and the shoreline area between it and Navy Pier are planned to provide space for commercial fishing and commercial recreation activities. The plan concept is to create a physical and visual linkage along ~~Harbor Drive~~ North Harbor Drive by tying together Broadway Pier and the Harbor Seafood Mart with Tuna Harbor.

The aircraft carrier Midway is proposed to be docked on the south side of the Navy Pier. The Terminal Berthing designation would be changed to Commercial Recreation and Park/Plaza for the proposed 0.8 acre public viewing area with a designated vista point on the bow deck of the ship. The Commercial Fishing Berthing designations in this water area would be replaced with Specialized Berthing to accommodate multiple uses. Landscaping and streetscape improvements on North Harbor Drive would continue through this area.

Mitigation for the loss of 4.1 acres of open water habitat resulting from the placement of the aircraft carrier Midway and its mooring platform structures would be provided by an expansion of an existing degraded marsh, known as Lovett Marsh, east of south San Diego Bay in the City of National City, resulting in the creation of approximately 9.2 acres of new coastal salt marsh.

A small waterfront plaza, fishing technology displays, restaurants, marine related office and retail space is planned on the periphery of the mole. Tourist traffic on the public areas will be encouraged, consistent with safety.~~, and~~

~~the~~ The Embarcadero pedestrian path loops through the area.

A substantial portion of Tuna Harbor is ~~scheduled to be~~ devoted to commercial fishing use. It is anticipated that offices for the tuna and fresh fish fleet will locate here, as well as ancillary uses such as small seafood processors, fish markets, marine instrument and equipment sales, fishing and ocean technology displays, and automobile parking. The northern side of the mole has been renovated by stabilizing the existing concrete slab wall with rock revetment. The south face of the mole has been renovated with rock revetment for shore protection. Floating docks will provide 50- and 60-foot berths for commercial fishing boats. Low level lighting is provided for the berths. Landside support services, auto parking, and truck access are included. Approximately 100 commercial fishing berths are provided alongside the floating docks.

To shelter Tuna Harbor from the south, a concrete breakwater pier approximately 400 feet long has been built from the land lying between the Harbor Seafood Mart and Seaport Village. It provides additional berthing for tuna seiners and large market fishing boats, and allows public access to the water, and accommodates water taxi service.

Retain the existing 20,000 square-foot building area to continue the existing fish processing and sales company in its existing location and maintain the existing fish unloading dock. A maritime theme retail complex of 80,000 to 130,000 square feet will be developed at the Harbor Seafood Mart site. The existing open space plaza will be retained as a pleasant rest area and viewing place along the Embarcadero promenade for event gatherings and public activities.

Marina Zone

The Marina Zone, located along Harbor Drive from Market Street to Fifth Avenue, is planned to be intensively developed as a major public and commercial recreational complex. Major projects, including the 22-acre Embarcadero Marina Park; the restaurant and specialty retail center of Seaport Village; a regional convention center, and convention hotels and marina, have started the transformation of this waterfront area into an attractive commercial and recreational resource. The plan concept calls for an expansion of the regional convention center, partially depressing a new parking lot entrance from Harbor Drive, appropriate parking structures, and the redevelopment of the vacated police station site for entertainment and specialty retail shopping. Marina Zone projects will provide the southerly anchor for the Embarcadero development and the six-mile long promenade that extends north to Spanish Landing Park along the waterfront. Pedestrian linkages from the upland areas will provide access to this lively activity center for residents and visitors alike.

The plan envisions creation of the approximately 4.1 acre Central Park, between California Street and Kettner Blvd., Harbor Drive and North Embarcadero Park, as the first phase of redevelopment the Seaport Village project, to provide open space, family-oriented recreation, and supporting facilities consistent with the Public Access and Recreation land use designation. The existing Harbor House Restaurant will be allowed to remain at the edge of the park until its lease expires in 2018, or an economically feasible alternative location within Subarea 35 becomes available. A specialty retail and entertainment complex of 45,000 to 70,000 square feet on the old police station site and public and commercial parking in an underground facility. The complex may include performing arts/movie theater, restaurant, lounge, cabaret dining, food court, retail, and associated storage, food preparation and management office space with a general height of structures not to exceed two stories with some exterior architectural elements not exceeding 40 feet. Certain buildings specifically identified in the site expansion plan (April 13, 1998) may extend up to 65 feet. The extensive pedestrian and bicyclist access to and along the shoreline provided by the existing Seaport Village will be extended along the access and visual corridors of Pacific Highway, California Street, realigned Kettner Boulevard, Pier Walk, Central Park and other public accessways, as shown in the South Embarcadero Public Access Program (April, 1998), which is included in this plan by reference.

The regional convention center is supported by major hotel complexes; a convention hotel that contains twin 25-story towers

accommodating 1400 hotel rooms and a 450-slip marina; and an existing hotel of 875 rooms. Ancillary uses in this area include banquet, meeting, restaurant, hotel guest-oriented retail space, court game areas, and automobile parking.

A proposed 750 – 810-room second hotel tower, with a minimum 100-foot set back from Harbor Drive, and a maximum height of 62 feet for the lobby galleria/ballroom structure connecting the second tower to the existing tower, including meeting space, 34,000 square feet of exhibit space, 30,000 square feet of ballroom space, a minimum 35,000 square-foot public plaza-park at the intersection of Harbor Drive and Kettner Boulevard shall be developed. The public sidewalk along Harbor Drive and the Marina Walk public access, view corridor, and public plaza shall be developed and maintained, and that part of the existing restaurant located in Marina Walk shall be redesigned, relocated or elevated to achieve its public purposes.

Between the existing Marriott and Hyatt Hotels, an access way is proposed consistent with the Public Access Program. Bayward of the hotels, a continuous pedestrian promenade links the two Embarcadero Marina Park peninsulas and assures public access along the shoreline. Pedestrian linkage to the uplands is proposed around and over the expanded convention center. An existing accessway between the Marriott Hotel and the convention center will be improved to provide functional, safe, and environmentally educational passage to the waterfront, as provided in the Public Access Program. The convention center expansion includes another public accessway with a minimum width of 20 feet over the convention center connecting Harbor Drive and the Embarcadero Promenade. An elevated walkway on the Convention Center's observation deck level will parallel Convention Way. At the intersection of Eighth Avenue and Harbor Drive, the promenade connects with the adjacent Gaslamp Quarter pedestrian and trolley facilities. The public accessway extends from the south end of the convention center expansion and along both sides of Eighth Avenue. The District, in conjunction with the City of San Diego, will implement a public access program of signage, pavement markings, amenities and public information to inform and invite the public to and along the Embarcadero, as is more specifically shown in the District's "Public Access Program" (November, 1995) and the "South Embarcadero Public Access Program" (April, 1998), which are incorporated into the plan by reference.

Seaport Village, a 100,000 square-foot specialty retail and restaurant complex, was constructed in 1979. An expanded specialty retail center is proposed on the former City police headquarters site. This project includes the relocation of Pacific Highway and Harbor Drive, as well as the vacation of a five-foot strip along Kettner Boulevard. These street modifications are in accord with street right-of-way abandonment and dedication agreements between the City of San Diego and the Port District. The vacated street area is redeveloped in compliance with the adjacent land use designation which is commercial recreation. Additional automobile parking for specialty retail and hotel uses is planned in structures in the vicinity of Kettner Boulevard and Harbor Drive.

New commercial development in the Marina Zone shall participate in the implementation of the Parking Management and Monitoring Plan to achieve maximum feasible reduction in automotive traffic, facilitate the extension and utilization of mass transit to serve the Marina Zone, provide and support means of non-automobile circulation to employees and guests, provide maximum feasible on-site or proximate parking facilities on Port lands, and participate in the tiered, legally available, off-site parking program to address peak individual and cumulative demand, which shall be monitored and reported annually to the Port and California Coastal Commission for the economic life of the development.

An 11-acre site, fronting onto Harbor Drive and Fifth Avenue, has been developed into a regional convention center. Floor area is allocated for display and exhibit area, meeting rooms, and support space, such as lobbies, storage, food service, and parking. The plan concept proposes an extension of the convention center into a 13-acre site connected to the south end of the center and occupying the area bounded by Harbor Drive, Eighth Avenue, and Convention Way. The USO is to be relocated. Fifth Avenue, an undedicated street, was closed as part of the development of the original center. Harbor Drive is proposed to be partially depressed to provide an alternate access to an existing underground parking lot system and to

enhance the urban design character at the convention center. The expansion will add approximately one million gross feet of floor area to the convention center. The convention center operator will be required to implement the Parking Management Plan and Monitoring Program (November, 1995, which is incorporated by reference into the master plan) to meet the needs of the convention center visitors and support functions, as well as the public seeking access to the Embarcadero Marina Park South.

Bayfront Industries

South of the Fifth Avenue extension is an area currently leased by Campbell Industries for shipbuilding and repair. The Master Plan calls for its continuance. A parcel on the south side of the park entry road is reserved for marine contractors. Bayside improvements to this area include remedial dredging to the depth of minus 20 feet MLLW, the installation of a 400-foot-long concrete deck finger pier or apron wharf, and the placement of about 550 linear feet of rock revetment to stabilize the shore and prevent shoaling in the basin. Development controls will be enforced over both of these projects to ensure compatibility with hotel and park uses. Landscaped buffers and employee parking will be used at the interface between hotels and industries.

Preservation and renovation efforts, including possible relocation, are currently underway for the dilapidated structure formerly occupied by the San Diego Rowing Club. If these efforts are not imminently successful, portions of the structure may be salvaged and the rest demolished.

TABLE 11: Project List CENTRE CITY/EMBARCADERO: PLANNING DISTRICT 3	SUBAREA ↓	DEVELOPER ↓	APPEALABLE ↓	FISCAL YEAR
~~1. INDUSTRIAL SITE RENOVATION: Renovate structures; landscape~~	~~31~~	~~T~~	~~N~~	~~1993-94~~
~~2.~~1. NORTH HARBOR DRIVE, ~~ASH~~ GRAPE TO BROADWAY: Reduce traffic lanes; install landscaping, irrigation; develop ~~promenade,~~ bike path	33	P	~~N~~ Y	~~1996-97~~ 2000-04
~~3. HOTEL COMPLEX, B STREET: Remove incompatible buildings; construct hotel, restaurant, coffee shop~~	~~33~~	~~T~~	~~Y~~	~~1994-95~~
~~4. LANE FIELD COMPLEX: Demolish existing buildings; construct facilities and open spaces; landscape~~	~~33~~	~~T~~	~~N~~	~~1993-94~~
~~5. B STREET PIER: Modify existing superstructure to accommodate cruise ship berthing and clearance activity; provide for shops, food, service, lighting and pedestrian amenities; reconstruct apron wharf~~	~~33~~	~~P~~	~~N~~	~~1992-93~~
~~6. TUNA HARBOR: Renovate parking; construct marine displays and maritime plaza~~	~~34~~	~~P~~	~~Y~~	~~1995-96~~
~~7.~~2. SPECIALTY RETAIL/ENTERTAINMENT COMPLEX: Renovate or reconstruct buildings; landscape improvements; parking; ancillary structures, including parking structure; pedestrian access routes to the bay	34, 35	T	Y	1999-2001
~~8.~~ 3. CONVENTION CENTER PHASE II: Construct regional center; infrastructure, not including groundwater treatment, and landscape improvements; Parking Management Plan and Monitoring Program; public access program, construct public plaza	35	T	N	1999-2001
~~9.~~ 4. HARBOR DRIVE: Convention Center; Subgrade alignment	35	T	N	1999-2001
~~10.~~ 5. HARBOR DRIVE AND EIGHTH AVENUE INTERSECTION: Construct intersection for cross traffic and turning movements	35	P	N	1999-2001
~~11.~~ 6. STORM DRAIN AND SEWER LINE: Relocation and new construction	36	T	N	1999-2001
~~12.~~ 7. PUBLIC ACCESS: Pedestrian access improvements to waterfront and promenade	35	T	N	2000-02
~~13.~~ 8. HOTEL TOWER: Construct hotel tower, lobby and galleria; pedestrian access to the waterfront walkway; remove Market Place and construct new cul-de-sac driveway	35	T	Y	1999-2000
~~14.~~ 9. PARK: Remove old City Police Station, construct park including landscape improvements, artwork and pedestrian plazas	35	P	Y	1999-2000
~~15.~~10. WIDEN NORTH HARBOR DRIVE to 4 lanes between Broadway and Pacific Highway.	34	T	Y	1999-2000
11. LANE FIELD DEVELOPMENT: 600-to-800-room hotel, office building, retail, and parking	33	T	Y	2001-05
12. NORTH EMBARCADERO REDEVELOPMENT: (a)Visionary Plan public improvements, (b) esplanade, (c) street improvements, (d) vista points, (e) Grape Street piers replacement and restaurant, (f) park and plaza areas, (g) Broadway Pier infrastructure improvements, (h) B and C Street linkages between Pacific Highway and North Harbor Drive.	31-34	P	Y*	2001-05
13. USS MIDWAY: Aircraft Carrier Museum located on the south side of Navy Pier 11A	34	T	N	2000-02
14. PASSENGER TERMINAL AT B STREET PIER: Cruise Ship Terminal Modernization	33	P	N	2001-05
P- Port District N- No T- Tenant Y- Yes	*"Vista Points" and Broadway Pier infrastructure improvements are non-appealable projects.			

Revised 12/12/00

TABLE 4
PORT MASTER PLAN
LAND AND WATER USE ALLOCATION SUMMARY

LAND USE	ACRES	WATER USE	ACRES	TOTAL ACRES	% OF TOTAL
COMMERCIAL	~~353.8~~ 353.2		~~414.0~~ 383.0	~~767.8~~ 737.0	~~15%~~ 14%
Marine Sales and Services	26.2	Marine Services Berthing	23.1		
Airport Related Commercial	38.0				
Commercial Fishing	7.6	Commercial Fishing Berthing	~~50.0~~ 19.0		
Commercial Recreation	~~278.3~~ 277.7	Recreational Boat Berthing	330.6		
Sportfishing	3.7	Sportfishing Berthing	10.3		
INDUSTRIAL	1165.3		~~193.3~~ 220.1	~~1358.6~~ 1385.4	26%
Aviation Related Industrial	152.9				
Industrial Business Park	113.7				
Marine Related Industrial	332.8	Specialized Berthing	~~141.7~~ 172.9		
Marine Terminal	149.6	Terminal Berthing	~~51.6~~ 47.2		
International Airport	416.3				
PUBLIC RECREATION	~~264.0~~ 267.5		278.1	~~542.1~~ 544.8	10%
Open Space	19.1				
Park/Plaza	~~134.9~~ 137.8	Open Bay/Water	278.1		
Golf Course	98.2				
Promenade	~~11.8~~ 12.4				
CONSERVATION	394.7		1053.6	1448.3	27%
Wetlands	304.9	Estuary	1053.6		
Habitat Replacement	89.8				
PUBLIC FACILITIES	~~223.7~~ 225.6		~~392.8~~ 392.3	~~616.6~~ 617.9	12%
Harbor Services	4.9	Harbor Services	10.5		
City Pump Station	0.4	Boat Navigation Corridor	~~272.0~~ 283.4		
		Boat Anchorage	25.0		
Fire Station	0.4	Ship Navigation Corridor	~~60.6~~ 49.2		
Streets	~~218.0~~ 219.9	Ship Anchorage	~~24.8~~ 24.2		
MILITARY	~~25.9~~		125.6	151.5	3%
Navy Fleet School	25.9	Navy Small Craft Berthing	6.2		
		Navy Ship Berthing	119.4		
AREA UNDER STUDY			402.8	402.8	~~7%~~ 8%
TOTAL LAND AREA	~~2427.4~~ 2432.2	TOTAL WATER AREA	~~2860.3~~ 2855.5		
MASTER PLAN LAND AND WATER ACREAGE TOTAL				5287.7	100%

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U.S.S. MIDWAY PUBLIC ACCESS PROGRAM

A Supplemental Document to the North Embarcadero Port Master Plan Amendment

Approved by the Board of Port Commissioners on December 12, 2000

Exhibit #3
PMPA #27
Public Access Program

This Public Access Program is a supplemental document to the Port Master Plan Amendment for the North Embarcadero Alliance Visionary Plan. The Program identifies the existing and proposed geographic areas proposed for accommodating maximum and direct public physical access to the shoreline and observation deck of the USS Midway Aircraft Carrier Museum. This Public Access Program is a segment of a larger, comprehensive system of public access for District lands on San Diego Bay. The accessways established in the Program are consistent with public safety needs and guidelines of the Americans with Disabilities Act (ADA). Access provisions have been coordinated with the carrying capacity of coastal resources and public improvements to avoid overuse and overcrowding, while providing adequate public access and public parking.

The foundation of the access program on the deck of the proposed USS Midway Aircraft Carrier Museum area begins with the identification of the nearest public road to the shoreline, Harbor Drive. This street provides vehicular and pedestrian access to the shoreline and the Navy Pier. The existing promenade will link to the deck of the USS Midway that will provide scenic vantage points for viewing the coastline and maritime activities on San Diego Bay. The use of these accessways will be promoted and enhanced by the conspicuous posting of coastal (Bay) access signs as well as informational and locational signs; placement of seats, benches, trash receptacles, and other pedestrian access amenities; and the distribution of visitor brochures and media information services, consistent with the North Embarcadero Alliance Visionary Plan.

The conversion of the Navy Pier to a memorial Park as envisioned by the USS Midway Museum is consistent with the planning goals contained in the Visionary Plan as adopted by the North Embarcadero Alliance.

The Embarcadero Promenade

Harbor Drive is linked, for public access purposes, by a 25-foot-wide pedestrian and bicycle access easement developed and used by the public as a shoreline promenade. This promenade maintains its shoreside location for six miles from the Convention Center to Spanish Landing Park. Ultimately, the promenade terminates along the shoreline of Shelter Island. The entire route is accessible under the provisions of the ADA. It is lighted for evening use. The promenade would be linked to the deck of the USS Midway by a 20-foot wide pedestrian path running along the south side of the Navy Pier. The deck of the USS Midway would be open and available at no charge to the public at all times while the museum is open for business. The hours of operation are expected to be 9:00 a.m. to 6:00 p.m. seven days a week. However, the public viewing deck will be open to the public during all regular and expanded hours of business for the Midway Museum.

The entire route will be accessible under the Americans with Disabilities Act (ADA). The USS Midway project would provide 900 linear feet of additional public access pathways on the deck and 690 additional linear feet of public access pathways on the Navy Pier. Three designated vista points and 0.8 acres of public plaza area would be provided on the bow of the ship. Under the program, coastal access signs will be installed. Lighting is provided by street lights and ambient lighting. New lights and street furniture will be installed with the North Embarcadero esplanade improvements. This route on the Navy Pier and deck of the Midway will be maintained by the San Diego Aircraft Carrier Museum.

Linkage to Public Transit

Links to public transit also form an important element in encouraging people to use the coastal access routes. The San Diego Trolley runs along railroad tracks just north of Harbor Drive. The Seaport Village trolley

station is located at Harbor Drive and Pacific Highway. Public transit buses run along Harbor Drive as well as the Old Town trolley, pedicabs, and horse-drawn carriages.

On the Embarcadero Promenade, pedestrians have several recreational options. One is to stroll along the deck of the USS Midway, enjoying views of the sailboats in the marina, activities on the G Street Mole, and the Bay. Another is to walk to the north or south end of the waterfront promenade and enter either the north or south arms of Marina Park. Here are landscaped picnic areas, basketball courts, a public fishing pier, and wide lawn areas. At the south end is Seaport Village, a popular specialty shopping area.

Based on the kinds of uses arrayed along the Embarcadero Promenade, it is estimated that coastal access path users would be composed of residents of nearby downtown housing, conventioneers, patrons, downtown workers, tourists and employees of the hotels, restaurants and marina along the walk.

Coastal Access Signs

The Standard "Coastal (Bay) Access" signs used in San Diego will be installed in clear view at the entrance to the Navy Pier, visible from both directions on the promenade.



Dimensions = 14" x 18"

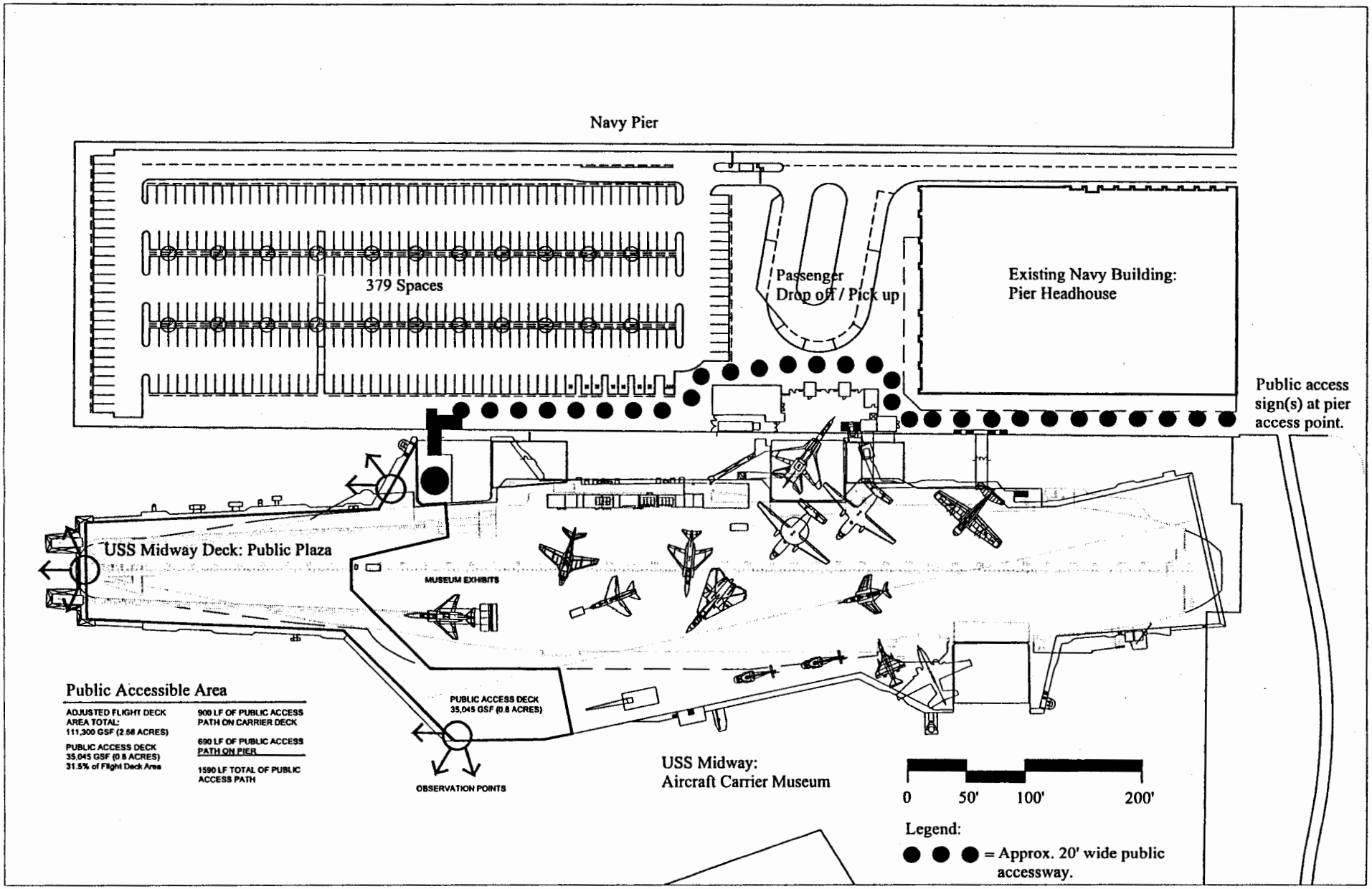
Public Access to USS Midway Viewing Deck FREE TO PUBLIC during all hours of Business, Open Seven Days a Week

Guide Displays

The Port District has erected a number of "You Are Here" displays and interpretive signs around the Bay, to help visitors identify their location and obtain directions to desired destinations. The coastal access routes will be added to the displays in appropriate locations, consistent with the North Embarcadero Alliance Visionary Plan.

Compliance with Coastal Act Policies

This Public Access Program supplements the Port Master Plan Amendment for the North Embarcadero Plan, in which it is included by reference. The Amendment is governed by the California Coastal Act, Chapter 8, Ports, which provides that all port-related development, such as the Convention Center Expansion, shall be located, designed, and constructed so as to provide for other beneficial uses consistent with the public trust, including recreational uses, to the extent feasible. (Section 30708(d).) The proposed Amendment is consistent with that Section because it implements the Coastal Act public access standards and objectives.



Midway Museum: Public Access Plan for Carrier Deck

San Diego, California

December 5, 2000

CARRIER JOHNSON

Port of San Diego

North Embarcadero Parking Monitoring and Management Program

INTRODUCTION

The parking analysis presented in this document assesses the adequacy of parking proposed in the North Embarcadero Alliance Visionary Plan (Visionary Plan) area within the jurisdiction of the San Diego Unified Port District and describes actions to ensure that sufficient parking is available in the future.

This Parking Monitoring and Management Program is based on the Parking Analysis of the Master EIR for the proposed North Embarcadero Alliance Visionary Plan, certified by the Board of Port Commissioners on April 25, 2000. The Parking Management Plans described herein will be implemented in accordance with the Mitigation Monitoring and Reporting Program required by the California Environmental Quality Act (CEQA).

PARKING MANAGEMENT PLAN

Separate Parking Management Plans are required prior to issuance of Coastal Development Permits to accommodate weekday and weekend day deficits. This is because the supply of parking is much greater on weekend days due to the assumed availability of private office-related lots, i.e., County Administration Center (CAC) North Lot and Lane Field. Both Parking Management Plans assume 1,100 parking spaces would be provided on the streets within the study area. The following Parking Management Plans achieve a balance between the demand of parking and supply availability in the study area. Projects that provide adequate off-street parking for their own use would not be required to participate in the Parking Management Program.

Projects in the Visionary Plan area will be phased over several years. An annual monitoring program tied to actual parking utilization will begin after completion of the first project under the Visionary Plan. Additional parking construction will begin when utilization thresholds exceed 90% capacity.

Exhibit #4
PMPA #27
Parking Program

The following Parking Management Plan would mitigate the anticipated parking shortfall:

1. Weekday Parking Management Plan:

   - In Parking Area 2, build a 50-space surface lot or provide 50 spaces dedicated for public use in the CAC Parking Lots. Designate 10 spaces for carpool/vanpool employee use only, with the balance designated for public use only with longer than 3-hour parking allowed.
   - In Parking Area 3, build a 150-space surface lot or provide 150 spaces dedicated for public use at Lane Field or in a future parking structure at Lane Field or 1220 Pacific Highway. Designate 20 spaces for carpool/vanpool employee use only, with the balance designated for public use only with longer than 3-hour parking allowed.
   - Dedicate 92 spaces in an existing parking location south of Broadway (Parking Area 4) available for public use.
   - Promote subsidized transit pass for employees of study area businesses.
   - Provide information to downtown hotel guests regarding the location of the North Embarcadero area and the availability of transit usage.
   - Plan for shuttle stops at two locations on Harbor Drive within the Plan area, such as at Ash Street and at Broadway.
   - Promote pedi-cab use and provide areas for pick-up and drop-off.
   - Provide bicycle racks and lockers within the study area.
   - Provide trailblazing (i.e., signs showing directions to the North Embarcadero area from downtown and transit locations), directions on local kiosks, and transit/shuttle stops.

2. Weekend Parking Management Plan:

   - Same as Weekday Parking Management Plan with the addition of:

     Make available 300 spaces within the Lane Field office parking structure to be used by the public and/or employees of waterfront uses on weekday evenings and weekend days.

The individual weekday and weekend day parking demand and supply mitigation requirements are shown in Table A. Since there is a calculated parking surplus in Area 4 (222 spaces), a portion of this Area 4 surplus (the northern spaces) could be used to mitigate the calculated deficit in Area 3. This is because the parking demand within Area 3 is in the southern portion and part of the available Area 4 supply is in the northern portion of Area 4. Since a portion of the Area 4 surplus is

located far south within Area 4, the entire Area 4 surplus can be utilized to mitigate Area 3 deficits. The 242-parking-space Area 3 deficit will be mitigated by providing 150 additional off-street public spaces and "borrowing" 92 surplus spaces from Area 4, as outlined in Table A.

Area 2 shows a calculated 5-space deficit. This deficit should not be mitigated by borrowing from Area 1, since a large portion of the Area 1 surplus is located in the northern section of Area 1. Furthermore, an off-street weekday public parking area will be needed in Area 2 such that not all parking within the project area is metered, on-street short-term (2-3 hours) parking. For these reasons, the Area 2 deficit will be mitigated by providing 50 additional off-street public spaces within Area 2, as outlined in Table A.

CONCLUSION

The North Embarcadero parking supply and demand was analyzed under existing and future conditions. The existing parking conditions were determined to be adequate. The future weekday peak parking condition (between 8 a.m. and 5 p.m.) was calculated to be adequate for the overall North Embarcadero area; however, when analyzed by smaller areas, there were deficits in Areas 2 and 3. The future weekday parking condition after 5 p.m. or a weekend day was calculated to have a deficit of 276 parking spaces for the overall North Embarcadero area. These deficits will be eliminated through the implementation of a Parking Management Plan, which includes providing additional supply.

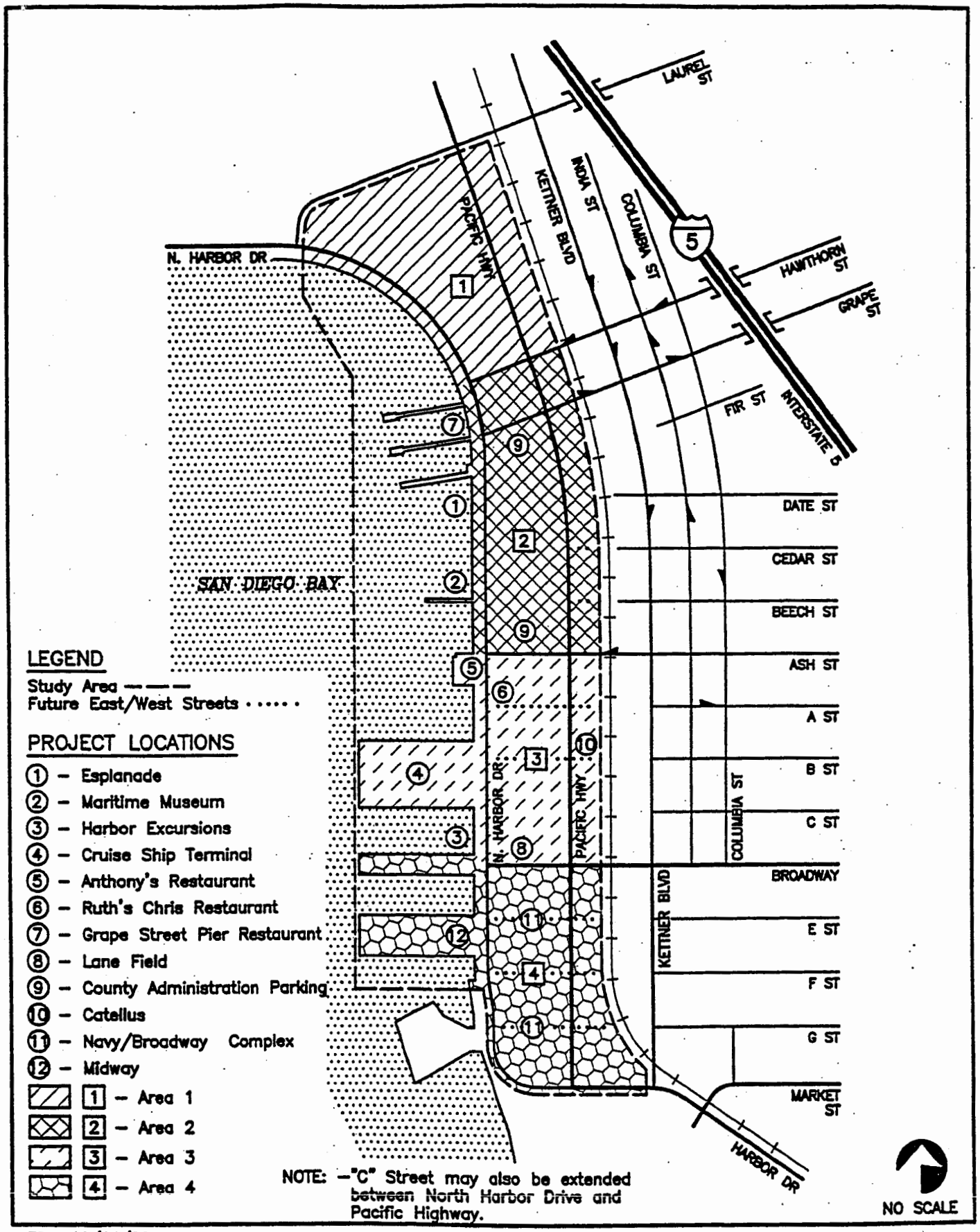
Weekday and weekend day parking management plans were developed specifically for the North Embarcadero area. The parking management plans incorporated the guiding principles and strategies both of reducing the parking demand and increasing the parking supply to achieve a balance between the supply and demand of parking availability in the study area.

An annual monitoring program tied to actual parking utilization will be implemented such that planning for additional construction begins when certain utilization thresholds are met.

TABLE 4
FUTURE PARKING DEMAND WITH MITIGATION

Parking Supply and Demand	Weekday Peak (Between 8AM-5PM)	Weekday after 5PM or a Weekend Day
Area 1		
Future Surplus within Area 1	120 [1]	96 [1]
Surplus within Area 1	***120***	***96***
Area 2		
Future Deficit within Area 2	(5) [1]	(41) [1]
Mitigation of building 50 Space Parking Lot or providing 50 dedicated Public Spaces in CAC Parking Lot or future CAC Parking Structure.	50	50
Surplus within Area 2	***45***	***9***
Area 3		
Future Deficit within Area 3	(242) [1]	(529) [1]
Mitigation of using Lane Field Office Parking (Weekend Only)	0	300
Mitigation of building 150 Space Parking Lot or providing 150 dedicated Public Spaces at Lane Field or in future Parking Structure on Lane Field.	150	150
Mitigation of using 92 Spaces from Area 4	92	92
Surplus within Area 3	***0***	***13***
Area 4		
Future Surplus within Area 4	222 [1]	198 [1]
Mitigation for Area 3 of using 92 Spaces from Area 4	(92)	(92)
Surplus within Area 4	***130***	***106***
Summary		
Total Surplus/(Deficit)	95 [1]	(276) [1]
Total Mitigation	200	500
TOTAL PARKING SURPLUS WITH MITIGATION	**295**	**224**

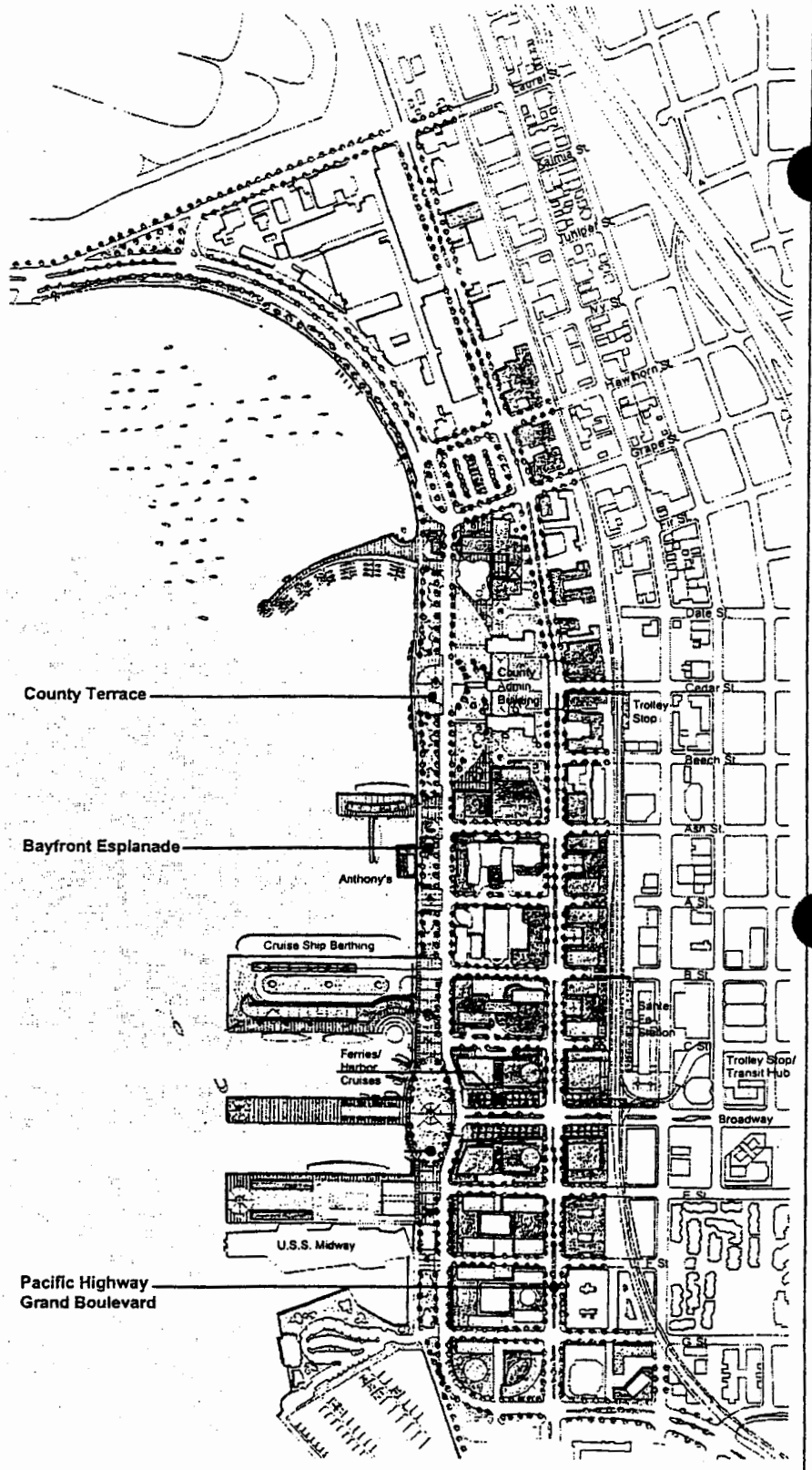
Source: LLG Engineers, 1999. [1]From Table 3.



REV. 10/14/99
898PARK.DWG

Figure 1

STUDY AREA AND PROJECT LOCATIONS



North

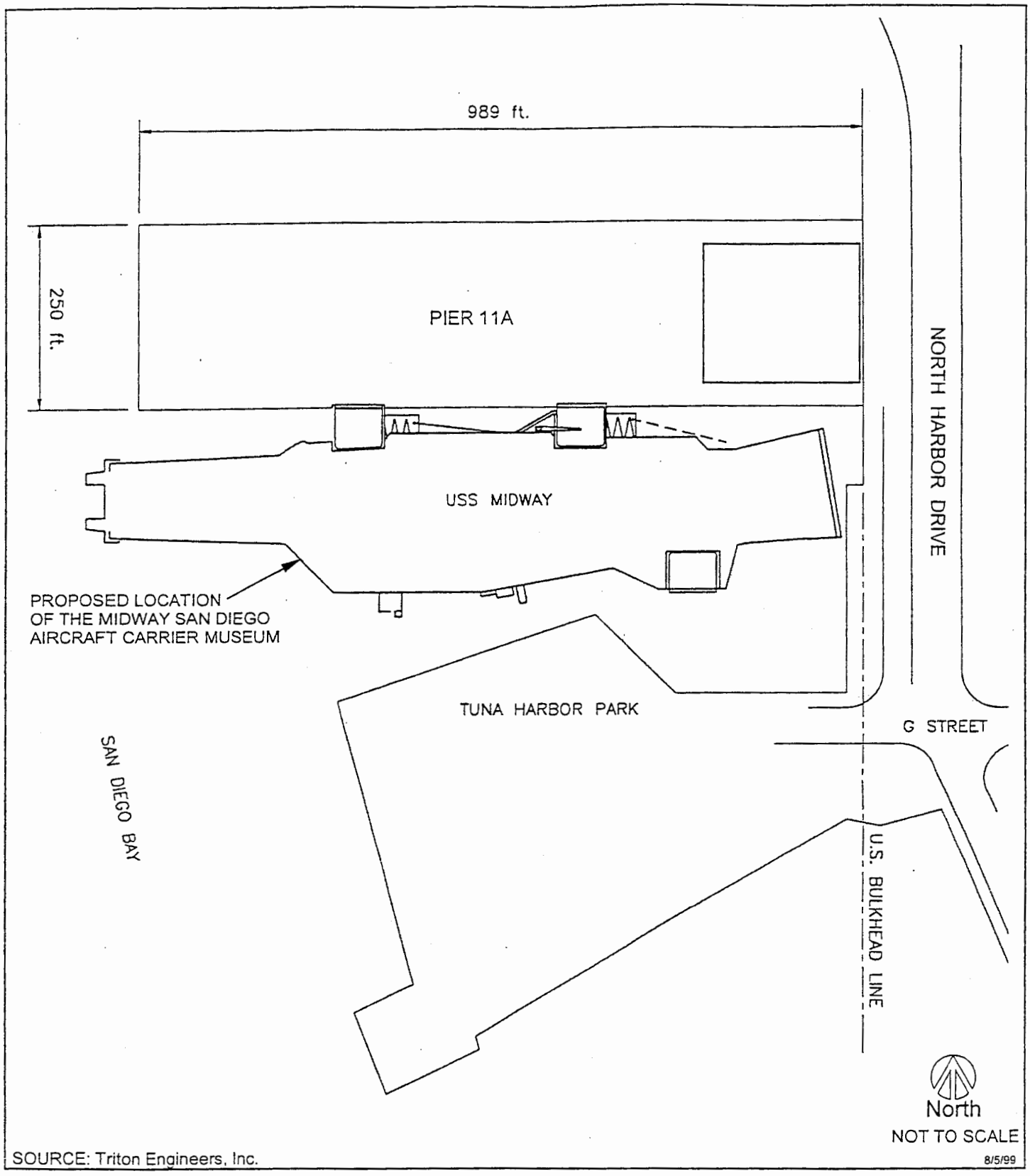
0 1000 2000

Scale in Feet

SOURCE: Sasaki Associates, 1999.

11/02/99

Exhibit #5
PMPA #27
Concept Plan



SOURCE: Triton Engineers, Inc.

8/5/99

BRG CONSULTING, INC.

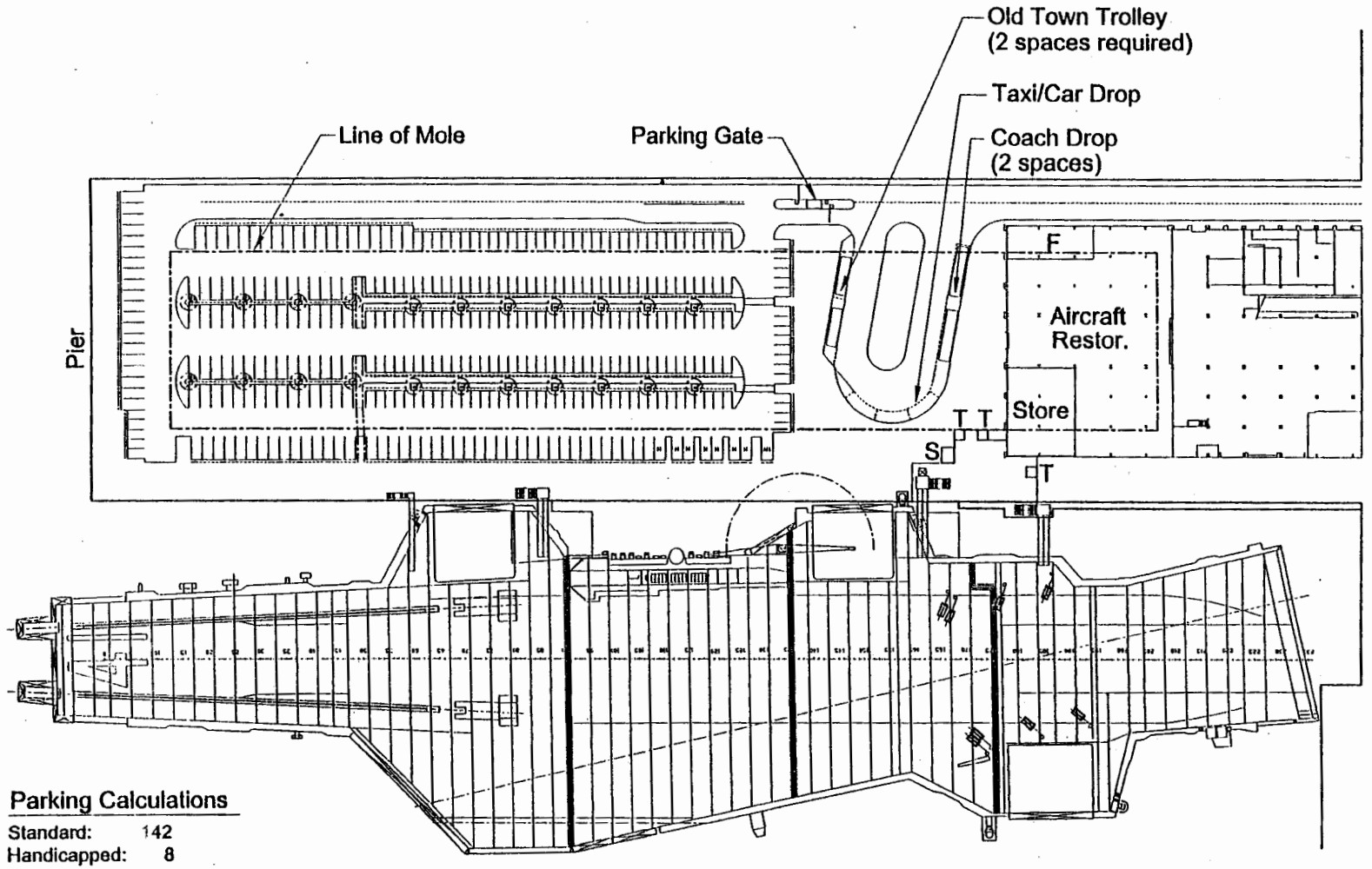
North Embarcadero Alliance Visionary Plan MEIR

The Midway Location Map

FIGURE

3.3-5

Exhibit #6
PMPA #27
Midway Location



Parking Calculations

Standard:	142
Handicapped:	8
Compact:	213
Total:	363

Legend

S=Secutiry
T=Ticket Booth
F=Facility Support

* Museum Store area = 3495 S.F. (optimal size)

North

0 130 260

Scale in Feet

11/23/99

SOURCE: Hinkel, Whitaker Architects, 9/1/99.

BRG CONSULTING, INC.

North Embarcadero Alliance Visionary Plan MEIR

Midway and Parking Lot Layout

FIGURE 3.3-6

Exhibit #7
PMPA #27
Midway Parking

LEGEND

1 San Diego International Airport

2 Solar Turbines

3 Grape Street Piers

4 County Administration Building

5 Maritime Museum

6 Anthony's Fish Grotto

7 Holiday Inn

8 B Street Pier

9 Broadway Pier

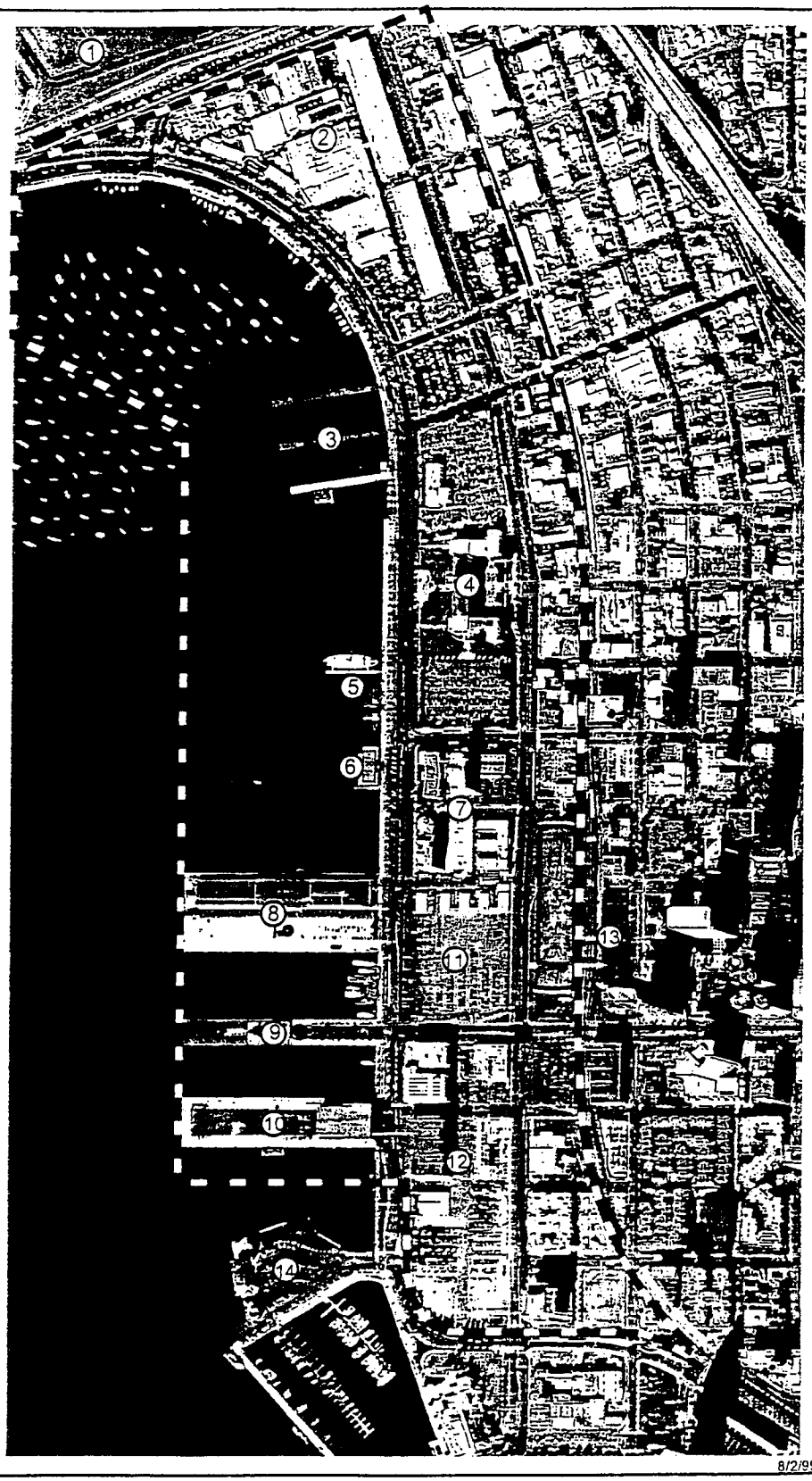
10 Pier 11A

11 Lane Field

12 U.S. Navy

13 Santa Fe Depot

14 G Street Mole



North

NO SCALE

SOURCE: BRG Consulting, Inc., 1999.
BASE PHOTO: Aerial Fotobank, Inc., 1/4/99.

8/2/99

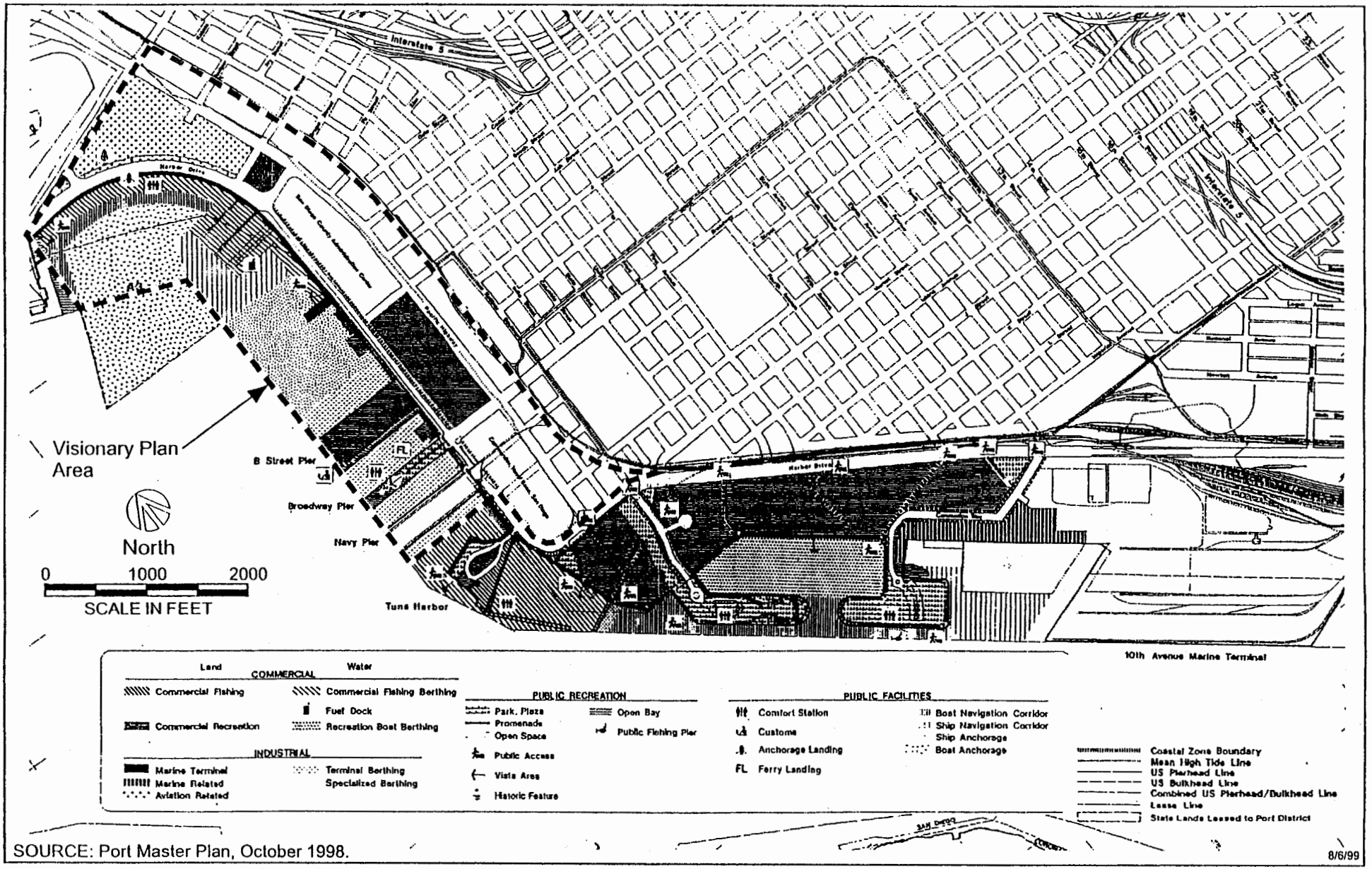
BRG CONSULTING, INC.

North Embarcadero Alliance Visionary Plan MEIR

Existing Surrounding Land Uses

FIGURE 4.3-2

Exhibit #8
PMPA #27
Existing Land Uses



SOURCE: Port Master Plan, October 1998.

8/6/99

Exhibit #9
PMPA #27
Existing Plan

BRG CONSULTING, INC.

North Embarcadero Alliance Visionary Plan MEIR

Centre City Embarcadero Precise Plan (Planning District 3)

FIGURE 4.3-3

Port of San Diego
and Lindbergh Field Air Terminal
(619) 686-6200 • P.O. Box 120488, San Diego, California 92112-0488
www.portofsandiego.org

February 28, 2001

Ms. Diana Lilly
California Coastal Commission
San Diego District
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4402

Dear Ms. Lilly:

As we discussed, attached is a letter from the U.S.S. Midway Aircraft Carrier Museum (Midway), wherein its president offers to establish a ten-year special account into which it will contribute $100,000 per year for the first five years and $150,000 per year for the second five years. The purpose of the funds in the account will be to secure upland parking for the Midway, thereby allowing the parking on the pier to be removed and the pier converted to a memorial park. The account will be auditable or accessible to the Coastal Commission staff and Port staff annually to verify that the funds are present. Additionally, the Port would make the establishment of such an account a condition of the Coastal Development Permit issued in conjunction with the Midway (following an assumed positive action by the Coastal Commission on the Master Plan amendment). Furthermore, establishing and maintaining such an account would also be a lease condition with the penalty of non-compliance being forfeiture of the lease.

It is my impression from your positive comments in our telephone conversation that the above proposal would provide a great deal more than a minimal degree of assurance that the proposed parking on the Navy Pier will be removed and replaced with a park. If the Coastal Commission staff is so inclined to alter its recommendation on the Midway component of the Port Master Plan Amendment, may I suggest that an addendum to the existing staff report be issued.

Please telephone me if you have any questions. Thank you for your assistance.

Very truly yours,

Dan E. Wilkens
Senior Director
Strategic & Policy Planning

Attachment

Exhibit #10
Letter from Port on Midway Parking Relocation Fund

15

[redacted]

February 25, 2001

Mr. Dan Wilkens
Deputy Director
San Diego Unified Port District
P.O. Box 488
San Diego, California 92112

Re: Midway Museum Parking Plan

As you are aware from previous submittals, by letter of February 2, 2000, the US Navy advised the San Diego Aircraft Carrier Museum (SDACM) that the Navy would make available on Pier 11A up to 350 vehicle parking spaces on weekends and 280 spaces on weekdays. This is more than sufficient to meet the peak/peak parking requirements for the Midway Museum.

The California Coastal Commission staff has taken the position that using the pier for a permanent parking structure is not a good use of coastal resources and has asked for a plan that would eventually relocate the parking for the museum to some upland location. Despite our best efforts, and with only short notice, at this time the SDACM is unable to identify specific parking spaces off the pier.

All interested parties should recognize that the US Navy owns the pier, has used the pier for parking both military and employee vehicles for a number of years, and may continue to do so even after parking for Midway related activities is removed. Nevertheless, to provide some assurances that the pier will not become the permanent solution for Museum parking, the SDACM is willing to create an special account into which it will deposit funds that will be earmarked for obtaining a parking structure that will eliminate parking by patrons and employees of the Midway Museum on Pier 11A. For the first five years of museum operation the SDACM would agree to deposit $100,000 per year into the account. Thereafter, if an upland parking structure has not been obtained, SDACM would deposit a sum of $150,000 per year until parking for patrons and employees is relocated off the pier. These funds would be maintained in this account and could not be used for other purposes until such time as such parking is eliminated from the pier. Provision for this account could be made a part of the lease agreement between the Port of San Diego and the SDACM.

The SDACM appreciates the Port staff's leadership with regard to the North Embarcadero Visionary Plan and requests that you convey this representation to the Coastal staff at your earliest convenience.

Very truly yours,

Alan Uke
President

1355 North Harbor Drive, San Diego, CA 92101, (619) 702-7700, Fax (619) 234-1200

EXHIBIT G

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

W21

DATE: June 16, 2017

TO: Coastal Commissioners

FROM: John Ainsworth, Executive Director

SUBJECT: **DRAFT** MINUTES of MEETING of **May 10-12, 2017**
San Diego County
Board of Supervisors Chambers
1600 Pacific Coast Highway
San Diego, CA 92101

WEDNESDAY, MAY 10, 2017

1. **CALL TO ORDER**. The meeting of the California Coastal Commission was called to order by Chair Bochco at 8:30 a.m.

2. **ROLL CALL.** Present: Chair Bochco, Vice Chair Turnbull-Sanders, Brownsey, Cox, Groom, Howell, Luevano, Peskin, Shallenberger, Sundberg, Uranga. Vargas arrived at 9:30 a.m. Non-voting present: Gibson, Ketchum, Lucchesi.

3. **AGENDA CHANGES.**

4. **GENERAL PUBLIC COMMENT**. Members of the public addressed the Commission on various issues affecting the coast.

STATEWIDE

5. **Beach and Coastal Dunes Discussion.** Discussion only. No action taken.

6. **Coastal Access Research.** Discussion only. No action taken.

7. **CHAIR'S REPORT**. Information only.

STATEWIDE

8. **EXECUTIVE DIRECTOR'S REPORT**.

   a. **Executive Director's Report.** Information only.

   b. **Commission Correspondence**. None.

c. **Audio and Video Streaming Services Contract for Commission Meetings**. Staff recommended approval of the contract.

Motion & vote: Shallenberger moved to approve pursuant to the staff recommendation and recommended a yes vote, seconded by Uranga. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved**.

d. **Technology Report:** Briefing and update concerning Commission website and meeting agenda upgrade; and, the coastal data public portal. **For discussion only.**

e. **Legislative Report.** Review, discussion and possible action on pending legislation.

Assembly Bill 250 (Gonzales). Staff recommended that the Commission support the bill.

Motion & vote: Shallenberger moved to support AB250 and recommended a yes vote, seconded by Vargas. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Passed**.

Assembly Bill 1129 (Stone). Staff recommended that the Commission support the bill.

Motion & vote: Groom moved to support AB1129 and recommended a yes vote, seconded by Peskin. The roll call vote was 11 in favor (Brownsey, Cox, Groom, Luevano, Peskin, Shallenberger, Sundberg, Turnbull-Sanders, Uranga, Bochco) and one opposed (Howell). **Passed**.

Senate Bill 44 (Jackson). Staff recommended support

Motion & vote: Cox moved to support SB44 and recommended a yes vote, seconded by Brownsey. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Passed**.

ENERGY, OCEAN RESOURCES AND FEDERAL CONSISTENCY

9. **ADMINISTRATIVE CALENDAR**. Staff recommended that the Commission concur with the Executive Director's determination. There being no objection Chair Bochco ruled that the Commission concurred.

   a. **Application No. 9-16-1153 (Marine BioEnergy,** Los Angeles Co.)

NORTH COAST DISTRICT

10. **DEPUTY DIRECTOR'S REPORT**. Report by Deputy Director on permit waivers, emergency permits, immaterial amendments & extensions, LCP matters not requiring public hearings, and on comments from the public. There being no objection, Chair Bochco ruled that the Commission concurred.

11. **CONSENT CALENDAR (removed from Regular Calendar)**. Staff moved one item [**W12a**] to the expanded consent calendar and recommended approval with conditions.

    Motion & vote: Brownsey moved to approve the consent calendar pursuant to the staff recommendation and recommended a yes vote, seconded by Sundberg. Chair Bochco ruled that the vote was unanimous in favor of the motion.

12. **COASTAL PERMIT APPLICATIONS**.

    a. **Application No. 1-16-1138 (Noyo Harbor District,** Mendocino Co.) Moved by staff to the expanded consent calendar. **Approved with conditions**.

ENERGY, OCEAN RESOURCES AND FEDERAL CONSISTENCY

13. **ENERGY, OCEAN RESOURCES and FEDERAL CONSISTENCY**. Report by the Deputy Director on permit waivers, emergency permits, immaterial amendments & extensions, negative determinations, matters not requiring public hearings, and status report on offshore oil & gas exploration & development. There being no objection, Chair Bochco ruled that the Commission concurred.

14. **CONSENT CALENDAR (removed from Regular Calendar)**. None.

15. **FEDERAL CONSISTENCY.**

    a. **CC-0002-17 (City of San Diego Secondary Treatment Waiver**) Staff recommended concurrence with the Consistency Certification.

    Motion & vote: Cox moved to concur pursuant to the staff recommendation and recommended a yes vote, seconded by Brownsey. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved.**

NORTH CENTRAL COAST DISTRICT

16. **DEPUTY DIRECTOR'S REPORT**. Report by Deputy Director on permit waivers, emergency permits, immaterial amendments & extensions, LCP matters not requiring public hearings, and on comments from the public. There being no objection, Chair Bochco ruled that the Commission concurred.

17. **CONSENT CALENDAR (removed from Regular Calendar)**. None.

CENTRAL COAST DISTRICT

18. **DEPUTY DIRECTOR'S REPORT**. Report by Deputy Director on permit waivers, emergency permits, immaterial amendments & extensions, LCP matters not requiring public hearings, and on comments from the public. The Deputy Director removed waiver

3-16-1136-W (Pismo Pier improvements) from the report and four commissioners (Brownsey, Groom, Peskin, Shallenberger) requested the removal of waiver 3-17-0335-W (Pacific Grove recreational trail repair). Chair Bochco ruled that the Commission concurred with the remainder of the report.

19. **CONSENT CALENDAR (removed from Regular Calendar)**. None.

20. **LOCAL COASTAL PROGRAMS (LCPs).**

a. **LCP-3-STC-17-0016-1-Part A (Multifamily Regulations).** Concurrence with the Executive Director's determination that the request by the City of Santa Cruz to modify the LCP's Implementation Plan to facilitate multifamily housing developments is de minimis. There being no objection, Chair Bochco ruled that the Commission concurred.

b. **LCP-3-STC-17-0016-1-Part B (Downtown Signs).** Concurrence with the Executive Director's determination that the request by the City of Santa Cruz to modify the LCP's Implementation Plan to clarify, simplify and streamline the permitting process for signs is minor. There being no objection, Chair Bochco ruled that the Commission concurred.

c. **LCP-3-STC-17-0016-1-Part D (Electric Vehicle Charging and Bicycle Parking).** Concurrence with the Executive Director's determination that the request by the City of Santa Cruz to modify the LCP's Implementation Plan to establish new requirements for the provision of electric vehicle charging equipment and to clarify bicycle parking requirements is minor. There being no objection, Chair Bochco ruled that the Commission concurred.

d. **LCP-3-MCO-16-0070 (Monterey Cypress Development Standards).** Staff recommended denial as submitted and approval if modified as suggested pursuant to the staff recommendation.

Motion & vote: Groom moved to certify the Land Use Plan as submitted and recommended a no vote, seconded by Shallenberger. Chair Bochco ruled that the vote was unanimous in opposition to the motion. **Certification denied as submitted**.

Motion & vote: Groom moved to certify the Land Use Plan if modified as suggested by staff and recommended a yes vote, seconded by Shallenberger. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved with modifications**.

Motion & vote: Groom moved to reject the Implementation Plan as submitted and recommended a yes vote, seconded by Shallenberger. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Certification denied as submitted**.

Motion & vote: Groom moved to certify the Land Use Plan if modified as suggested by staff and recommended a yes vote, seconded by Shallenberger. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved with modifications**.

21. **COASTAL PERMIT APPLICATIONS**.

a. **Application No. 3-16-0233 (South San Luis Obispo County Sanitation District (SSLOCSD) Redundancy and Improvements,** San Luis Obispo Co.) Staff recommended approval with conditions.

Motion: Howell moved to approve pursuant to the staff recommendation and recommended a yes vote, seconded by Shallenberger.

Amending motion & vote: Shallenberger moved to change the term of the permit to 30 years, to require the Executive Director to determine after 10 years if adequate progress to implement permit requirements, and to authorize the Commission to terminate the permit if the Executive Director determines adequate progress has not been made, and recommended a yes vote, seconded by Howell. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Passed**.

Vote on main motion: Chair Bochco ruled that the vote was unanimous in favor of the motion as amended. **Approved with conditions**.

[*Bochco & Shallenberger out of room*]

b. **Application No. 3-16-0287 (Front Street Cottages,** Morro Bay) Staff recommended approval with conditions. Staff orally modified its recommendation to reduce the parking fee by half.

Motion & vote: Groom moved to continue and recommended a yes vote, seconded by Peskin. [***Motion withdrawn***].

Motion & vote: Vargas moved to approve pursuant to the staff recommendation as modified and recommended a yes vote, seconded by Sundberg. Vice Chair Turnbull-Sanders ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

STATEWIDE

22. **APPROVAL OF MINUTES**. The minutes of January 2017 were approved as written. **Motion & vote**: Howell moved to approve the minutes and recommended a yes vote, seconded by Cox. Vice Chair Turnbull-Sanders ruled that the vote was unanimous in favor of the motion. (*Brownsey, Peskin, Sundberg abstained*). **Approved as written**.
23. **COMMISSIONERS' REPORTS**. None.
24. **CONSERVANCY REPORT**. None.
25. **SANTA MONICA MOUNTAINS CONSERVANCY REPORT**. Information only.
26. **SANTA MONICA BAY RESTORATION REPORT**. None.
27. **DEPUTY ATTORNEY GENERAL'S REPORT**. None.

The Commission recessed for the day at 5:15 p.m.

THURSDAY, MAY 11, 2017

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order by Chair Bochco at 8:30 a.m.

2. **ROLL CALL.** Present: Chair Bochco, Vice Chair Turnbull-Sanders, Brownsey, Cox, Groom, Howell, Luevano, Peskin, Shallenberger, Sundberg, Turnbull-Sanders, Uranga. Vargas arrived at 8:45 a.m. Non-voting present: Ketchum, Lucchesi. Absent: Gibson

3. **AGENDA CHANGES.**

4. **GENERAL PUBLIC COMMENT**. Members of the public addressed the Commission on various issues affecting the coast.

SAN DIEGO COAST DISTRICT

5. **CONSENT CALENDAR**. Staff recommended that the Commission approve the consent calendar.

   Motion & vote: Cox moved to approve pursuant to the staff recommendation and recommended a yes vote, seconded by Turnbull-Sanders. **Approved with conditions**.

   a. **Application No. 6-16-1045 (Mission Bay Yacht Club,** San Diego)
   b. **Application No. 6-17-0087 (Oldfield,** San Diego Co.)

SOUTH CENTRAL COAST DISTRICT

6. **CONSENT CALENDAR.** Staff recommended that the Commission approve the consent calendar.

   Motion & vote: Brownsey moved to approve pursuant to the staff recommendation and recommended a yes vote, seconded by Shallenberger. **Approved with conditions**.

   a. **University of Santa Barbara Notice of Impending Development No. UCS-NOID-0002-17 (Coal Oil Point Reserve Nature Center Building Landscaping).**

ENFORCEMENT

7. **ENFORCEMENT REPORT**. Report by Chief of Enforcement on Statewide Enforcement Program. Information only.

8. **REVISED FINDINGS**.

   a. **Cease and Desist Order No. CCC-16-CD-03 and Administrative Penalty No. CCC-16-AP-01 (Lent,** Malibu, Los Angeles Co.) Staff recommended that the Commission adopt the revised findings.

Motion & vote: Shallenberger moved to adopt the revised findings pursuant to the staff recommendation and recommended a yes vote, seconded by Luevano. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved**.

SOUTH CENTRAL COAST DISTRICT

9. **DEPUTY DIRECTOR'S REPORT**. Report by Deputy Director on permit waivers, emergency permits, immaterial amendments & extensions, LCP matters not requiring public hearings, and on comments from the public. There being no objection, Chair Bochco ruled that the Commission concurred.

10. **CONSENT CALENDAR (removed from Regular Calendar)**. Staff moved 3 items [13a, 13b, 14a] to the expanded consent calendar and recommended approval with conditions.

Motion & vote: Shallenberger moved to approve pursuant to the staff recommendation and recommended a yes vote, seconded by Turnbull-Sanders . Chair Bochco ruled the vote was unanimous in favor of the motion. **Approved with conditions**.

11. **LOCAL COASTAL PROGRAM (LCPs).**

   a. **County of Ventura LCP Amendment No. LCP-4-VNT-16-0033-1 (Phase 2A) Certification Review.** Concurrence with Executive Director's determination that action by the County of Ventura, acknowledging receipt, acceptance, and agreement with the Commission's certification with suggested modifications, is legally adequate. There being no objection, Chair Bochco ruled that the Commission concurred.

   b. **County of Santa Barbara LCP Amendment No. LCP-4-STB-16-0038-2 (2016 General Package).** Staff recommended denial as submitted and approval if modified as suggested.

Motion & vote: Howell moved to reject the Implementation Plan as submitted and recommended a yes vote, seconded by Peskin. Chair Bocho ruled that the vote was unanimous in favor of the motion. **Certification denied as submitted**.

Motion & vote: Howell moved to certify the Implementation Plan if modified as suggested pursuant to the staff recommendation and recommended a yes vote, seconded by Peskin. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved with modifications**.

12. **NEW APPEAL.**

    a. **Appeal No. A-4-MAL-17-0006 (Sperber**, Malibu) [**WITHDRAWN**]

13. **NOTICE OF IMPENDING DEVELOPMENT (NOID).**

    a. **University of Santa Barbara Notice of Impending Development No. UCS-NOID-0009-16 (North Campus Western Border Restoration Project).** Moved by staff to the expanded consent calendar. **Approved with conditions.**

    b. **University of Santa Barbara Notice of Impending Development No. UCS-NOID-0001-17 (Pauley Track Renovation Project).** Moved by staff to the expanded consent calendar. **Approved with conditions.**

14. **COASTAL PERMIT APPLICATIONS**.

    a. **Application No. 4-16-0954 (City of Goleta Restoration Ellwood Mesa**) Moved by staff to the expanded consent calendar. **Approved with conditions.**

    b. **Appeal No. A-4-STB-16-0078 (Hair,** Santa Barbara Co.) Staff recommended denial.

    Motion & vote: Howell moved to approve and recommended a no vote, seconded by Shallenberger. Chair Bochco ruled that the vote was unanimous in opposition to the motion. **Denied**.

SAN DIEGO COAST DISTRICT

15. **DEPUTY DIRECTOR'S REPORT**. Report by Deputy Director on permit waivers, emergency permits, immaterial amendments & extensions, LCP matters not requiring public hearings, and on comments from the public. There being no objection, Chair Bochco ruled that the Commission concurred.

16. **CONSENT CALENDAR (removed from Regular Calendar)**. Staff moved one item [**20c**] to the expanded consent calendar and recommended approval with conditions.

    Motion & vote: Cox moved to approve pursuant to the staff recommendation and recommended a yes vote, seconded by Brownsey. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved with conditions**.

17. **LOCAL COASTAL PROGRAMS (LCPs).**

    a. **County of San Diego LCP-6-SDC-17-0015-1 (Land Use Plan).** Staff recommended denial of the Land Use Plan as submitted and approval if modified as suggested. Staff orally modified its recommended suggested modifications to allow up to 6 miles of trails in ESHA, to specify that permits for trail are appealable as major public works, and to require that work on trails minimize impacts to ESHA.

Motion & vote: Cox moved to certify the Land Use Plan as submitted and recommended a no vote, seconded by Uranga. Chair Bochco ruled that the vote was unanimous in opposition to the motion. **Certification denied as submitted**.

Motion & vote: Cox moved to certify the Land Use Plan if modified as suggested and recommended a yes vote, seconded by Uranga. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved with modifications**.

b. **City of Carlsbad LCP Amendment No. LCP-6-CAR-17-0020-1 (Density Bonus Update).** Concurrence with the Executive Director's determination that the request by the City of Carlsbad to amend its certified LCP Implementation Plan/Zoning Ordinance to make the City's regulation of density bonuses consistent with state law is minor. There being no objection, Chair Bochco ruled that the commission concurred.

c. **City of Carlsbad LCP Amendment No. LCP-6-CAR-17-0022-2 (Recycling Requirements)**. Concurrence with the Executive Director's determination that the request by the City of Carlsbad to amend its certified LCP Implementation Plan/Zoning Ordinance to revise the City's recycling areas regulations is de minimis. There being no objection, Chair Bochco ruled that the commission concurred.

d. **City of Solana Beach LCP Amendment No. LCP-6-SOL-16-0020-1 (Public Recreation Fee).** Staff recommended that the Commission deny as submitted approve the Land Use Plan if modified as suggested.

Motion & vote: Cox moved to certify the Land Use Plan as submitted and recommended a no vote, seconded by Turnbull-Sanders. Chair Bochco ruled that the vote was unanimous in opposition to the motion. **Certification denied as submitted.**

Motion: Cox moved to certify the Land Use Plan if modified as suggested pursuant to the staff recommendation and recommended a yes vote, seconded by Turnbull-Sanders.

Amending Motion & vote: Cox moved to set the wage rate for calculating the public recreation fee at 50% and recommended a yes vote, seconded by Uranga. The roll call vote was 3 in favor (Cox, Sundberg, Uranga) and 9 opposed (Groom, Howell, Luevano, Peskin, Shallenberger, Turnbull-Sanders, Vargas, Brownsey, Bochco). **Failed**.

Staff orally modified its recommendation to include a suggested modification requiring that travel cost data be updated after 10 years.

Amending Motion & vote: Peskin moved to set the wage rate for calculating the public recreation fee at 100% and recommended a yes vote, seconded by Luevano. The roll call vote was 3 in favor (Luevano, Peskin, Shallenberger) and 9 opposed (Groom, Howell, Sundberg, Turnbull-Sanders, Uranga, Vargas, Brownsey, Cox, Bochco). **Failed**.

Vote on main motion: Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved with modifications.**

CLOSED SESSION REPORT. The Commission received litigation information and advice regarding the following cases:

Banning Ranch Conservancy v. City of Newport Beach et al. (Newport Banning Ranch LLC et al., RPI)
Lynch et al. v. CCC
San Diego Navy Broadway Complex Coalition v. CCC (San Diego Unified Port District et al., RPI)
Sierra Club v. CCC (Mulryan Properties LLLP et al., RPI)
One matter of potential litigation.

The Commission received litigation information and advice and provided direction regarding the following cases:

Newport Banning Ranch LLC et al. v. CCC
Pappas et al. v. State Coastal Conservancy et al.
One matter of potential litigation.

The Commission voted to revoke its previous denial of San Diego Unified Port District Port Master Plan Amendment No. PMP-6-PSD-14-0003-2 pursuant to the writ of mandate in San Diego Unified Port District v. CCC (Sunroad Marine Partners LP, RPI).

e. **City of Del Mar LCP Amendment No. LCP-6-DMR-16-0073-1 (Parking Regulations).** Staff recommended denial as submitted and approval if modified as suggested.

Motion & vote: Cox moved to reject the Implementation Plan as submitted and recommended a yes vote, seconded by Peskin. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Certification denied as submitted.**

Motion: Cox moved to certify the Implementation Plan if modified as suggested pursuant to the staff recommendation and recommended a yes vote, seconded by Peskin.

Amending motion & vote: Peskin moved to change the suggested modification regarding in-lieu parking fees to specify that the City must develop and implement an alternate public transportation program such as a year-round shuttle system and to specify that the fees may not be collected for more than 50 parking spaces before alternate public transportation program is operational, and recommended a yes vote, seconded by Cox. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Passed**.

Vote on the main motion: Chair Bochco ruled that the vote was unanimous in favor of the motion as amended. **Approved with modifications.**

f. **City of San Diego LCP Amendment No. LCP-6-MBE-16-0029-6 (Mission Beach Residences).** Staff recommended that the Commission approve the Land Use Plan if modified as suggested.

Motion & vote: Cox moved to certify the Land Use Plan as submitted and recommended a no vote, seconded by Groom. Chair Bochco ruled that the vote was unanimous in opposition to the motion. **Certification denied as submitted.**

Motion & vote: Cox moved to certify the Land Use Plan if modified as suggested pursuant to the staff recommendation and recommended a yes vote, seconded by Groom. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved with modifications**

[*Howell & Shallenberger out of room*]

g. **City of San Diego LCP Amendment No. LCP-6-TJN-17-0029-1 (San Ysidro Community Plan Update)**. Staff recommended that the Commission approve the Land Use Plan if modified as suggested.

Motion & vote: Cox moved to certify the Land Use Plan as submitted and recommended a no vote, seconded by Uranga. Chair Bochco ruled that the vote was unanimous in opposition to the motion. **Certification denied as submitted.**

Motion & vote: Cox moved to certify the Land Use Plan if modified as suggested pursuant to the staff recommendation and recommended a yes vote, seconded by Uranga. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved with modifications**.

[*Howell & Shallenberger returned*]

18. **PUBLIC WORKS PLAN.**

a. **North Coast Corridor Notice of Impending Development No. NCC-NOID-0001-17 (Encinitas Coastal Rail Trail).** Staff recommended approval of the Notice of Impending Development with conditions.

Motion: Cox moved to determine that the development described in **Notice of Impending Development No. NCC-NOID-0001-17** as conditioned is consistent and recommended a yes vote, seconded by Vargas.

Amending motion & vote: Cox moved to construct the trail on the western alignment and recommended a yes vote, seconded by Vargas. The roll call vote was 5 in favor (Howell, Sundberg, Uranga, Vargas, Cox) and 7 opposed (Luevano, Peskin, Shallenberger, Turnbull-Sanders, Brownsey, Groom, Bochco). **Failed**.

Vote on main motion: Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved**.

[*Item 19a was trailed and heard after Item 20a*]

20. **COASTAL PERMIT APPLICATIONS**.

a. **Application No. 6-16-0258 (San Diego Unified Port District Navy Pier Parking**) Staff recommended approval with conditions.

Motion: Cox moved to approve pursuant to the staff recommendation and recommended a yes vote, seconded by Sundberg.

Amending motion & vote: Cox moved to remove the requirement that at least 75 percent of the pier be designated as public park and that up to 25 percent be designated for public parking and require the port to return in 2 years with a master plan for parking for the north and south Embarcadero and recommended a yes vote, seconded by Turnbull-Sanders. The roll call vote was 8 in favor (Luevano, Sundberg, Turnbull-Sanders, Uranga, Vargas, Cox, Howell, Bochco) and 4 opposed (Peskin, Shallenberger, Brownsey, Groom. **Passed**.

Vote on main motion: Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved with conditions as amended**.

19. **PORT MASTER PLAN.**

a. **San Diego Unified Port District PMP No. PMP-6-PSD-14-0003-2 (East Harbor Island Hotels).** Staff recommended denial of the Port Master Plan. The Port District orally modified the amendment to require payment of an in-lieu fee for lower-cost overnight accommodations of $42,120 for 25 percent of the 500 units included in this amendment and to commit to include a provision in the future Port Master Plan update to address lower-cost visitor facilities, including overnight accommodations.

Motion & vote: Cox moved to certify **PMP No. PMP-6-PSD-14-0003-2** as as modified by Port and recommended a yes vote, seconded by Vargas. The roll call vote was one in favor (Cox) and 11 opposed (Peskin, Shallenberger, Sundberg, Turnbull-Sanders, Uranga, Vargas, Brownsey, Groom, Howell, Luevano, Bochco). **Denied**

20. **COASTAL PERMIT APPLICATIONS**.

b. **Application No. 6-16-0500 (Szekeres,** Solana Beach) Staff recommended approval with conditions.

Motion: Vargas moved to approve pursuant to the staff recommendation and recommended a yes vote, seconded by Brownsey.

Amending motion & vote: Vargas moved to change the Special Conditions related to the buffer from a 50 foot buffer to no less than a 20 foot buffer and recommended a yes vote, seconded by Brownsey. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Passed**.

Vote on main motion: Chair Bochco ruled that the vote was unanimous in favor of the motion as amended. **Approved with conditions**.

c. **Application No. 6-16-0989 (SeaWorld,** San Diego) Moved by staff to the expanded consent calendar. **Approved with conditions**.

[*Shallenberger out of room*]

21. **PERMIT AMENDMENTS**.

a. **Permit No. 6-15-0333-A1 (Haggar,** Chula Vista) Staff recommended denial.

Motion: Cox moved to approve and recommended a yes vote, seconded by Uranga.

Amending motion & vote: Cox moved to allow a 20 foot tall tower addition to the structure and recommended a yes vote. The roll call vote was 11 in favor (Brownsey, Cox, Groom, Howell, Luevano, Peskin, Sundberg, Turnbull-Sanders, Uranga, Vargas, Bochco). **Passed**.

Vote on main motion: The roll call vote 10 in favor (Brownsey, Cox, Groom, Howell, Luevano, Sundberg, Turnbull-Sanders, Uranga, Vargas, Bochco) and one opposed (Peskin). **Approved with conditions**.

The Commission recessed for the day at 12:15 a.m.

FRIDAY, MAY 12, 2017

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order by Chair Bochco at 8:30 a.m.

2. **ROLL CALL.** Present: Chair Bochco, Vice Chair Turnbull-Sanders, Brownsey, Cox, Groom, Howell, Luevano, Peskin, Shallenberger, Sundberg. Vargas arrived at 10:00 a.m. Absent: Uranga. Non-voting present: Ketchum, Williams. Absent: Gibson.

3. **AGENDA CHANGES.**

4. **GENERAL PUBLIC COMMENT**.

SOUTH COAST DISTRICT (LOS ANGELES COUNTY)

5. **ADMINISTRATIVE CALENDAR**. Staff recommended that the Commission concur with the Executive Director's determination. There being no objection, Chair Bochco ruled that the Commission concurred.

   a. **Application No. 5-17-0160 (Gordon,** Venice, Los Angeles)

6. **CONSENT CALENDAR**. Staff recommended that the Commission approve the consent calendar. [*Howell & Vargas out of room*]

   Motion & vote: Cox moved to approve the consent calendar pursuant to the staff recommendation and recommended a yes vote, seconded by Shallenberger. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved with conditions**.

   a. **Application No. 5-16-0433 (City of Santa Monica**)
   b. **Application No. 5-16-1108 (City of Santa Monica Walkway**)
   c. **Application No. 5-17-0037 (Freedman,** Venice, Los Angeles)

SOUTH COAST DISTRICT (ORANGE COUNTY)

7. **ADMINISTRATIVE CALENDAR**. Staff recommended that the Commission concur with the Executive Director's determination. There being no objection, Chair Bochco ruled that the Commission concurred.

   a. **Application No. 5-16-1084 (Murphy,** Newport Beach)
   b. **Application No. 5-17-0130 (Frederiksen,** Newport Beach)
   c. **Application No. 5-17-0165 (Davis,** Newport Beach)

8. **CONSENT CALENDAR**. Staff recommended that the Commission approve the consent calendar.

Motion & vote: Turnbull-Sanders moved to approve the consent calendar pursuant to the staff recommendation and recommended a yes vote, seconded by Uranga. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved with conditions**.

a. **Application No. 5-16-0298 (Arvielo,** Newport Beach)
b. **Application No. 5-16-0637 (Reeves,** Newport Beach)
c. **Application No. 5-16-0681 (Janet Curci Family Trust,** Newport Beach)
d. **Application No. 5-16-0711 (Valley Family Trust,** Newport Beach)
e. **Application No. 5-16-0842 (410 Viacon LLC,** Newport Beach)
f. **Application No. 5-16-0977 (Balfanz,** Newport Beach)
g. **Application No. 5-16-1008 (7 Harbor, LLC,** Newport Beach)
h. **Application No. 5-15-0969 (101 Avenida Calafia, LLC,** San Clemente)

SOUTH COAST DISTRICT (ORANGE COUNTY)

9. **DEPUTY DIRECTOR'S REPORT FOR ORANGE COUNTY**. Report by Deputy Director on permit waivers, emergency permits, immaterial amendments & extensions, LCP matters not requiring public hearings, and on comments from the public. There being no objection, Chair Bochco ruled that the Commission concurred.

10. **CONSENT CALENDAR (removed from Regular Calendar)**. Staff moved one item [**11a**] to the expanded consent calendar and recommended approval with conditions.

Motion & vote: Cox moved to approve the consent calendar pursuant to the staff recommendation and recommended a yes vote, seconded by Shallenberger. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved with conditions**.

11. **COASTAL PERMIT APPLICATIONS**.

a. **Application No. 5-16-0120 (DJM Capital Partners, Inc.,** Newport Beach) Moved by staff to the expanded consent calendar. **Approved with conditions.**

SOUTH COAST DISTRICT (LOS ANGELES COUNTY)

12. **DEPUTY DIRECTOR'S REPORT FOR LOS ANGELES COUNTY**. Report by Deputy Director on permit waivers, emergency permits, immaterial amendments & extensions, LCP matters not requiring public hearings, and on comments from the public. There being no objection, Chair Bochco ruled that the Commission concurred.

13. **CONSENT CALENDAR (removed from Regular Calendar)**. Staff moved 2 items [**16d, 16e**] to the expanded consent calendar and recommended approval with conditions.

Motion & vote: Turnbull-Sanders moved to approve pursuant to the staff recommendation and recommended a yes vote, seconded by Uranga. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved with conditions**.

[*Bochco & Vargas out of room*]

14. **LOCAL COASTAL PROGRAMS (LCPs).**

a. **City of Long Beach LCP Amendment No. LCP-5-LOB-17-0023-1 (2 61st Place Re-zoning).** Staff recommended approval of the Implementation Plan as submitted.

Motion & vote: Brownsey moved to reject the Implementation Plan as submitted and recommended a no vote, seconded by Shallenberger. Vice Chair Turnbull-Sanders ruled that the vote was unanimous in in opposition to the motion. **Approved as submitted.**

[*Bochco & Vargas returned*]

15. **NEW APPEALS**.

a. **Appeal No. A-5-RDB-16-0092 (Redondo Beach Waterfront, LLC,** Redondo Beach) Staff recommended that the Commission determine that **Appeal No. A-5-RDB-16-0092** raised substantial issue on the grounds on which the appeal was filed. There being no objection, Chair Bochco ruled that the Commission **found substantial issue** and continued the de novo hearing. **Substantial Issue found. Continued**.

b. **Appeal No. A-5-RDB-17-0008 (City of Redondo Beach Boat Launch Facility**) Staff recommended that the Commission determine that **Appeal No. A-5-RDB-17-0008** raised substantial issue on the grounds on which the appeal was filed. There being no objection, Chair Bochco ruled that the Commission **found substantial issue** and continued the de novo hearing. **Substantial Issue found. Continued**.

c. **Appeal No. A-5-PPL-17-0007 (MBJJ LLC,** Pacific Palisades) Staff recommended that the Commission determine that **Appeal No. A-5-PPL-17-0007** raised substantial issue on the grounds on which the appeal was filed. There being no objection, Chair Bochco ruled that the Commission **found substantial issue** and continued the de novo hearing. **Substantial Issue found. Continued**.

d. **Appeal No. A-5-VEN-17-0012 (City of Los Angeles**) Staff recommended that the Commission determine that **Appeal No. A-5-VEN-17-0012** raised substantial issue on the grounds on which the appeal was filed. There being no objection, Chair Bochco ruled that the Commission **found substantial issue** and continued the de novo hearing. **Substantial Issue found. Continued**.

e. **Appeal No. A-5-VEN-17-0009 (Thomas,** Venice, Los Angeles) Staff recommended that the Commission determine that the appeal raised substantial issue. There being no objection, Chair Bochco ruled that the Commission **found substantial issue** and opened the de novo hearing. Staff recommended denial of the claim of exemption.

Motion & vote: Shallenberger moved to approve the claim of exemption and recommended a no vote, seconded by Brownsey. Chair Bochco ruled that the vote was unanimous in opposition to the motion. **Denied**.

16. **COASTAL PERMIT APPLICATIONS**.

a. **Application No. A-5-VEN-16-0081 (Marciano,** Venice, Los Angeles) Staff recommended that the Commission reject the claim of exemption.

Motion & vote: Peskin moved to approve the claim of exemption pursuant to the staff recommendation and recommended a no vote, seconded by Turnbull-Sanders. **Denied**.

b. **Application No. A-5-VEN-15-0026 (422 Grand Boulevard LLC,** Venice, Los Angeles) [**WITHDRAWN**]

[*Items 16c through 16e were trailed and heard after Item 17a*] [*Howell returned*]

17. **REVISED FINDINGS.**

a. **Application No. A-5-VEN-16-0083 (Lighthouse Brooks LLC,** Venice, Los Angeles) Staff recommended that the Commission adopt the revised findings.

Motion & vote: Luevano moved to adopt the revised findings pursuant to the staff recommendation and recommended a yes vote, seconded by Howell. Chair Bochco ruled that the vote was unanimous by those eligible to vote (Luevano, Howell, Turnbull-Sanders, Bochco) in favor of the motion. **Approved**.

[*Bochco departed*]

16. **COASTAL PERMIT APPLICATIONS**.

c. **Application No. A-5-VEN-15-0027 (416 Grand Boulevard LLC,** Venice, Los Angeles) Staff recommended approval with conditions.

Motion & vote: Luevano moved to approve pursuant to the staff recommendation and recommended a yes vote, seconded by Shallenberger. Vice Chair Turnbull-Sanders ruled that the vote was unanimous in favor of the motion. **Approved with conditions**.

d. **Application No. 5-16-0877 (Browning,** Long Beach) Moved by staff to the expanded consent calendar. **Approved with conditions**.

e. **Application No. 5-17-0255 (World Series of Beach Volleyball, LLC and City of Long Beach**) Moved by staff to the expanded consent calendar. **Approved with conditions**.

CLOSED SESSION REPORT. The Commission received litigation information and advice regarding the following cases:

Friends of the Canyon v. CCC (Longi et al., RPI)
Fudge v. CCC (Laguna Beach Golf & Bungalow Village LLC, RPI)

Helping Hand Tools et al. v. California Energy Resources Conservation & Development Comm. et al.

The Commission received litigation information and advice and provided direction regarding Pappas et al. v. State Coastal Conservancy et al.

There being no old or new business, the meeting of the California Coastal Commission adjourned at 12:50 p.m.

Respectfully submitted,

John Ainsworth
Executive Director

EXHIBIT H

RESOLUTION 2019-044

RESOLUTION, PER BOARD POLICY NO. 90, TO REALLOCATE THE REMAINING BALANCE OF $2,485,000 FROM THE NAVY PIER HEADHOUSE DEMOLITION PROJECT WITHIN CIP BY TRANSFERRING $900K FROM THIS AMOUNT TOWARDS CAPITAL LABOR AND TRANSFERRING THE REMAINING $1,585,000 INTO CIP CONTINGENCY FOR FUTURE NEEDS

WHEREAS, the San Diego Unified Port District (District) is a public corporation created by the legislature in 1962 pursuant to Harbors and Navigation Code Appendix 1; and

WHEREAS, Board of Port Commissioners (BPC) Policy No. 90 establishes a policy for the transfer of amounts between appropriated items in the budget; and

WHEREAS, pursuant to BPC Policy No. 90, a transfer within the Capital Improvement Program (CIP) requires BPC approval; and

WHEREAS, staff recommends the Board reallocate remaining funds from the Navy Head House Demolition Project of $2,485,000 and transfer $900,000 to CIP Capital Labor, to fund staff's efforts on active projects through FY2020 and $1,585,000 to CIP Contingency, for future needs; and

WHEREAS, the Navy Pier Head House Demolition project will remain in the CIP and staff will return to the BPC at a later date once funding has been identified to complete the project.

NOW, THEREFORE, BE IT RESOLVED that the Board of Port Commissioners of the San Diego Unified Port District, as follows:

Adopt a resolution approving transferring funds from Navy Head House Demolition Project in CIP, $900,000 to CIP Capital Labor, to fund staff's efforts on active projects through FY2020, and $1,585,000 to CIP Contingency, for future needs, pursuant to BPC Policy No. 90.

APPROVED AS TO FORM AND LEGALITY:
GENERAL COUNSEL



By: Assistant/Deputy

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 23rd day of April 2019, by the following vote:

AYES: Bonelli, Castellanos, Malcolm, Merrifield, Valderrama, and Zucchet
NAYS: None.
EXCUSED: Moore
ABSENT: None.
ABSTAIN: None.

Garry J. Bonelli, Chairman
Board of Port Commissioners

ATTEST:

Donna Morales
District Clerk

(Seal)

EXHIBIT I

ADVERTISEMENT

TOURISM

Port, Midway promised a park on Navy Pier two decades ago. It's still not there



For years, plans have existed to convert the parking area on Navy Pier, adjacent to the USS Midway, to a public park, but for now, the parking remains. (The San Diego Union-Tribune)

Oficials say they will explore a shorter-term solution for a smaller public area

By LORI WEISBERG

AUG. 10, 2019
6 AM

When the California Coastal Commission granted permission nearly two decades ago for the docking of the USS Midway at Navy Pier, it relied on a pledge by the naval museum and Port of San Diego that a 5.7-acre park would be developed there to make up for blocked bay views.

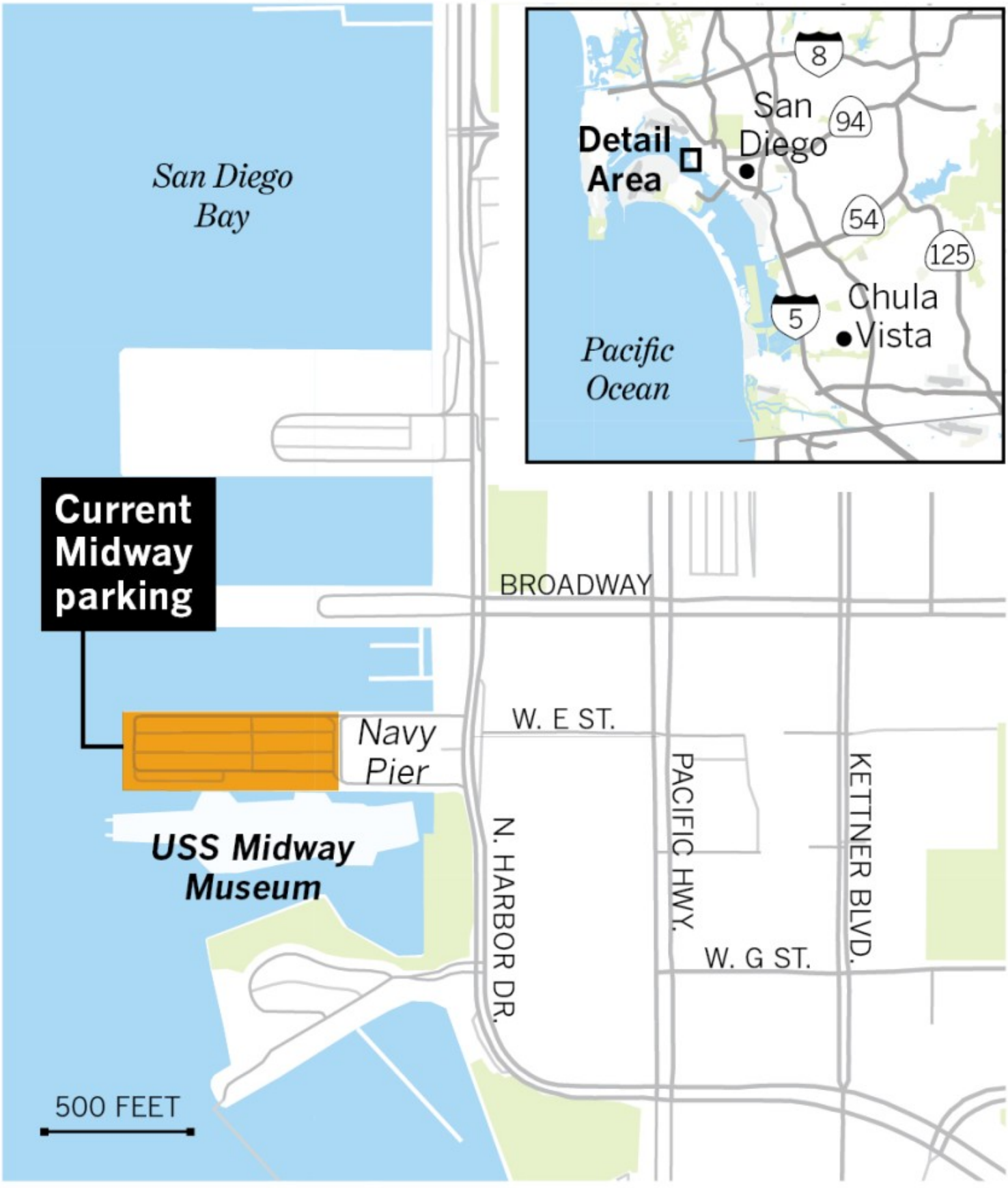
Plans for the long-delayed park are still years off, and the port is now in violation of the Coastal Act by continuing to allow parking on the pier. Commission staff said this week its enforcement division is currently pursuing the matter, even as port officials say they remain committed to eventually creating a park at the end of the pier.

The commission revived its ongoing concerns about the Navy Pier's continued use as a parking lot in a report it recently issued on the Midway's request to add a passenger elevator to one of its gangways. While the current violation did not deter the commission from approving the project this week, the report to commissioners clearly communicated the staff's displeasure over continued delays in delivering a park to Navy Pier.

It noted that "existing activities on Navy Pier, including parking on the pier, are not authorized by the Commission and constitute violations of the Coastal Act." And underscoring the seriousness of the matter, the report pointed out that commission action on the Midway gangway project "does not constitute a waiver of any legal action with regard to the alleged violations."

Although the Coastal Commission just two years ago gave the Port of San Diego and the Midway a temporary reprieve on the parking as long as they put in a 7,840-square-foot public viewing deck on the pier and some pedestrian walkways, those improvements never came to pass, and the parking extension granted in 2017 expired in May, leading to the current violation.

Site of long-delayed park



Sources: Nextzen; OpenStreetMap

MICHELLE GILCHRIST U-T

More recently, the port proposed, as part of an overhaul of its master plan for 34 miles of waterfront land it oversees, a short-term solution that would provide a minimum of one acre of public open space on Navy Pier, located off North Harbor Drive.

Coastal Commission staffers were unimpressed, concluding that the proposal was “not adequate.”

“Two years ago, the Coastal Commission again supported a proposal to allow some interim museum/public parking, along with public access amenities on the bayside of the pier,” the commission said in an emailed statement to the Union-Tribune. “Coastal Commission staff have consistently directed the Port and Midway representatives to remedy this violation and we do not support any language in the draft (port master plan update) that would further delay the public park improvements.”

While there is no near-term resolution at hand, port officials say they will continue to work with the Coastal Commission on a plan palatable to both sides. Meanwhile, Coastal Commission staff is not divulging whether an enforcement action is possible, although its chief of enforcement made a visit to the site about a month ago, said coastal planner Melody Lasiter.

In some ways, the USS Midway Museum is a victim of its own success.

CEO Mac McLaughlin said part of the challenge in building a park — or even a public viewing deck — is finding a place to relocate the 500 parking spaces on Navy Pier that are used for museum visitors and staff. The Midway is among the most visited museum ships in the U.S., attracting more than 1.3 million visitors annually.

“The reason why it’s taken so long, in my opinion, is I honestly believe that the port and the Midway are trying to come up with the correct solution in view of the unprecedented success of the USS Midway museum, which clearly was not forecast when the initial lease language was signed,” he said. “The port is well aware that the Coastal Commission is upset with them with regard to them dragging their feet, but I feel like they’ve been working toward getting an optimal solution that won’t cripple the Midway yet still honor their commitment to building a park on Navy Pier.”

Officials with San Diego’s Unified Port District say they are trying to balance the more immediate demands of providing parking and open space on the pier with a longer range plan for the entire Embarcadero area so that future projects aren’t undertaken in a piecemeal approach.

“This has been a big challenge because one of the things we never anticipated was how successful the Midway would be,” said Lesley Nishihira, who is the district’s planning director. “If you were to convert the pier overnight to the park, we’d exacerbate public access to other areas on the Embarcadero because there would be no parking.

“In order to crack the code on the Navy Pier problem, you have to look at the whole area as one big puzzle. Our perspective is that (a longer range plan) will accomplish a more successful waterfront so people can get around without being frustrated as they look for parking.”

One obstacle the port encountered in trying to pursue an interim solution was the escalating cost associated with demolishing an old Navy building known as the Head House near the entrance to the pier. Originally estimated to cost $6 million, the price tag eventually doubled to more than $12 million. Neither the port nor the Midway could provide any estimated cost of what has previously been described as a Veterans Memorial park — a project they would likely partner on.

Jason Giffen, an assistant vice president with the port, acknowledged that port planners need to do more to address the Coastal Commission staff's objections to their interim plans for the pier.

"Based on the feedback, it's clear we have to do a better job of identifying how much public space would be sufficient in the interim, a timeline for how that may happen, as well as how we accommodate interim parking," he said.

Part of the longer term goal for the North Embarcadero area, he added, is to relocate parking from the waterfront side of Harbor Drive to key parking and transit hubs farther away from the bay.

In the years since Coastal Commissioners in 2001 endorsed turning the aircraft carrier into a naval museum on the Embarcadero, plans for the park on Navy Pier have come in fits and starts.

Once the Navy transferred ownership of the pier to the Port in 2003, progress toward the park was slow, according to the commission staff report. It wasn't until 2009 that an environmental review was undertaken but that later stalled. Three years later, the Midway submitted conceptual park designs to the port, and officials there signaled that the plans were sufficient for moving forward on a more formal project, but it never happened, Coastal Commission staff wrote.

Before the plan for an interim solution came along in 2017, the Midway Museum was obliged under its lease agreement to commence work on a public park by 2015.

"From our point of view, the park was always required as mitigation for the visual impacts caused by the Midway docking, so in our view the public hasn't been able to enjoy recreating on Navy Pier and having that viewpoint they could have had if there had been a park there," Lasiter said.

One added benefit of the Midway's just approved gangway project will be much improved signage alerting the public that it has free access to an existing viewing deck on the ship. Currently, there is no signage on the Embarcadero. Instead, there is just one sign on the pier itself advising people that they can access at no charge the forward part of the Midway's flight deck.

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EXHIBIT E



SAN DIEGO WATERFRONT MEMORIAL PARK

San Diego Unififed Port District

By Tyler Starow



GUIDING PRINCIPALS + PROCESS

HONOR PUBLIC TRUST AND PUBLIC INTEREST

CREATE PUBLIC WATERFRONT ACCESS

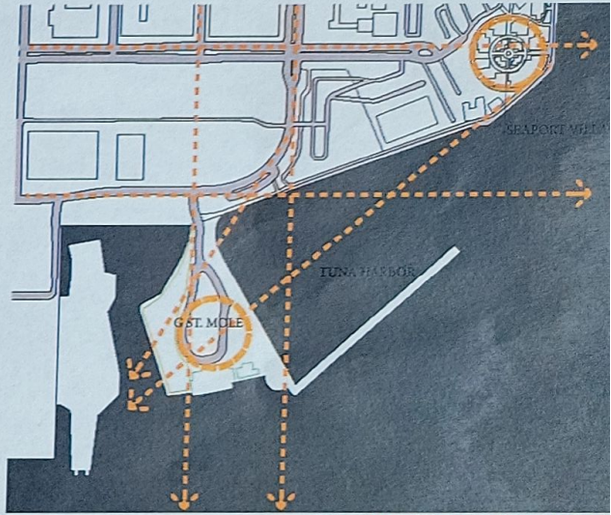
HONOR MARITIME HISTORY

PAY TRIBUTE TO NAVY

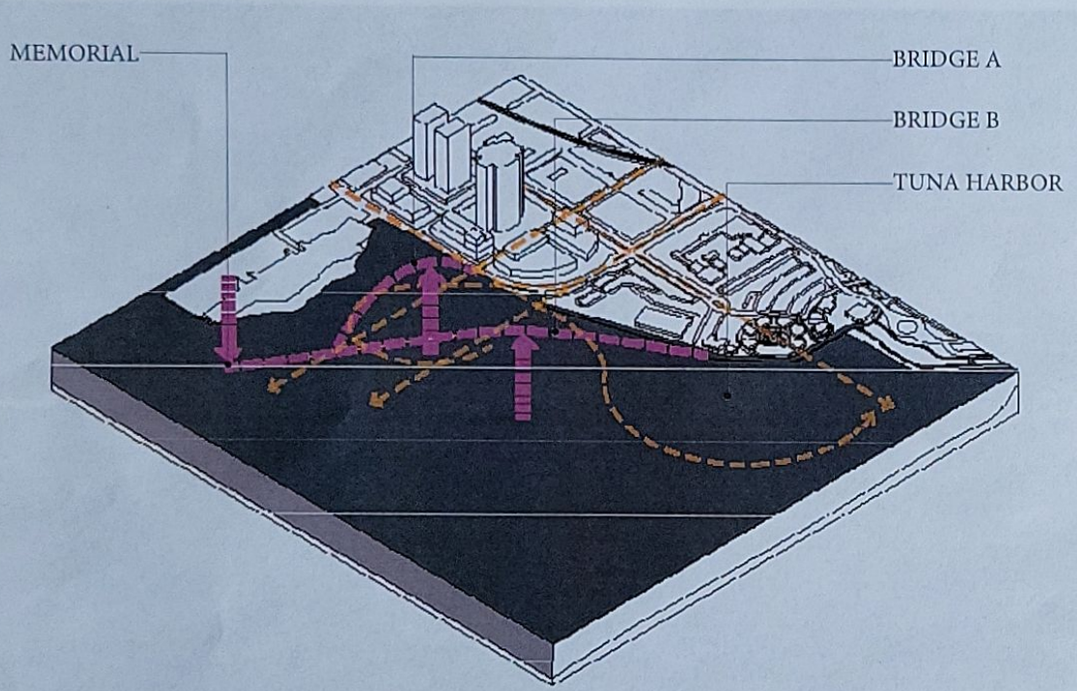
PROVIDE RECREATION AND CIVIC ACTIVITY SPACE

EDUCATE FOR SUSTAINABILITY

DESIGN CRITICAL CONNECTION BETWEEN NORTH AND SOUTH EMBARCADERO

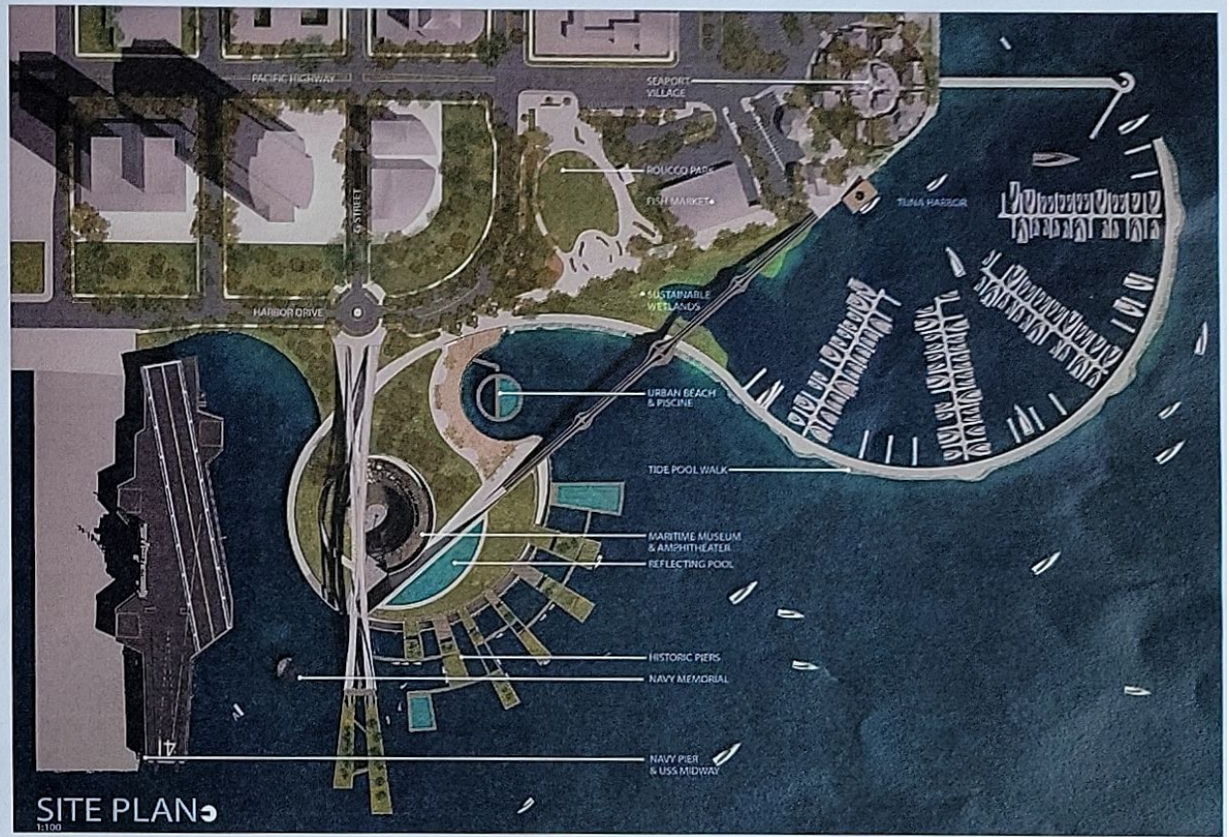


EXTEND EXISTING CORRIDORS



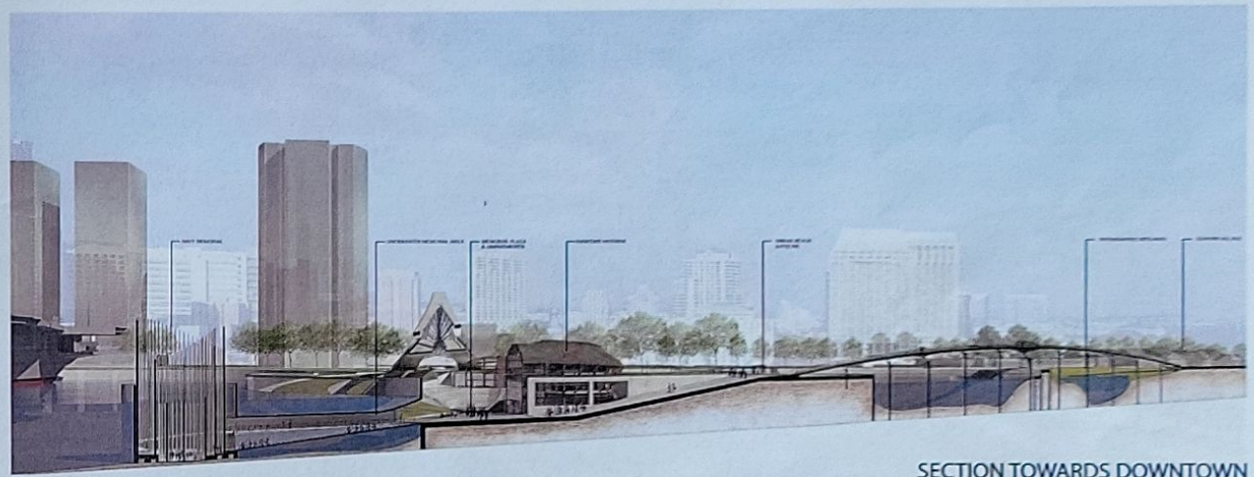
VERTICAL INTEGRATION + SOFTEN EDGES

PROPOSED PLAN:

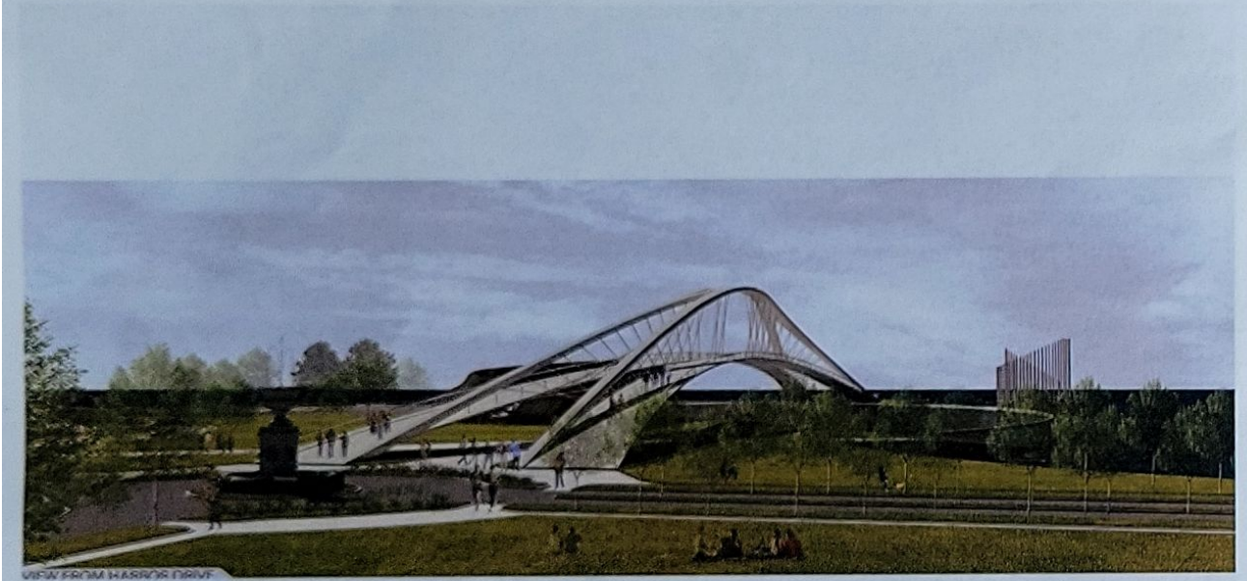




BRIDGES TO THE BAY



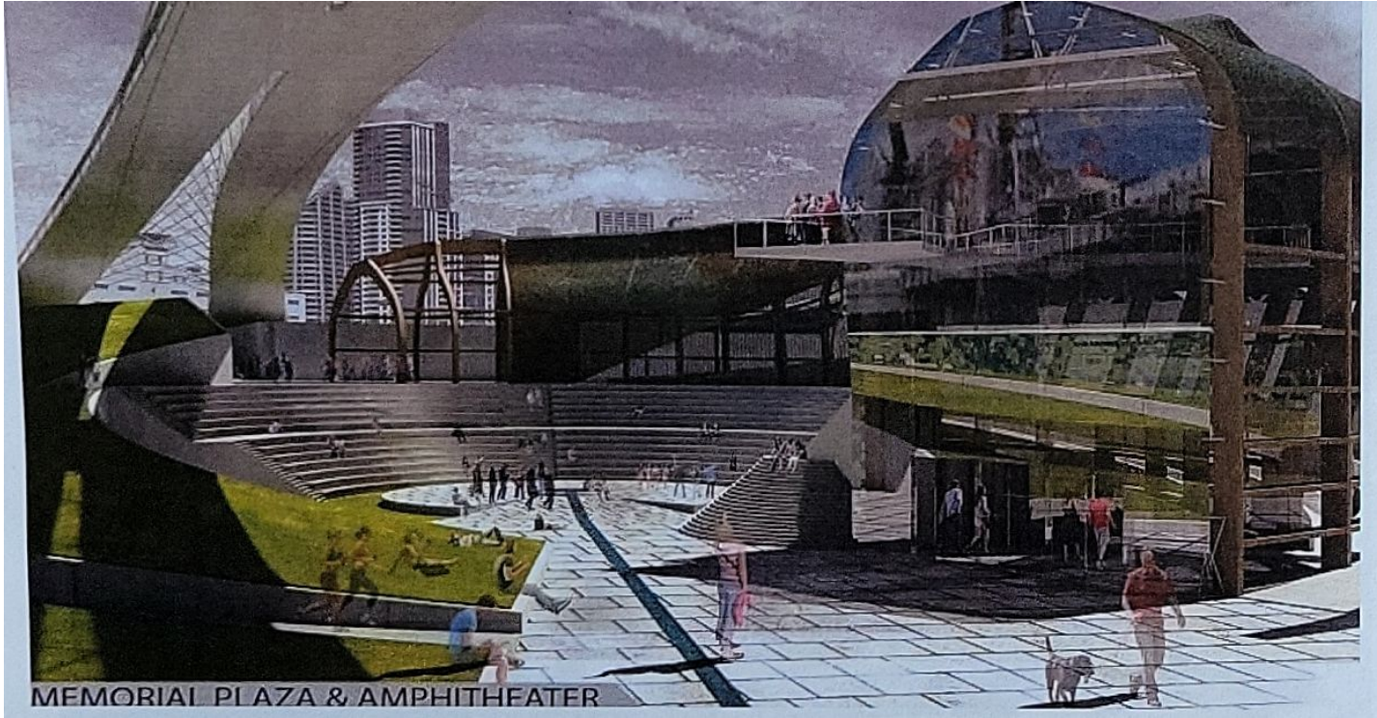
SECTION TOWARDS DOWNTOWN



VIEW FROM HARBOR DRIVE



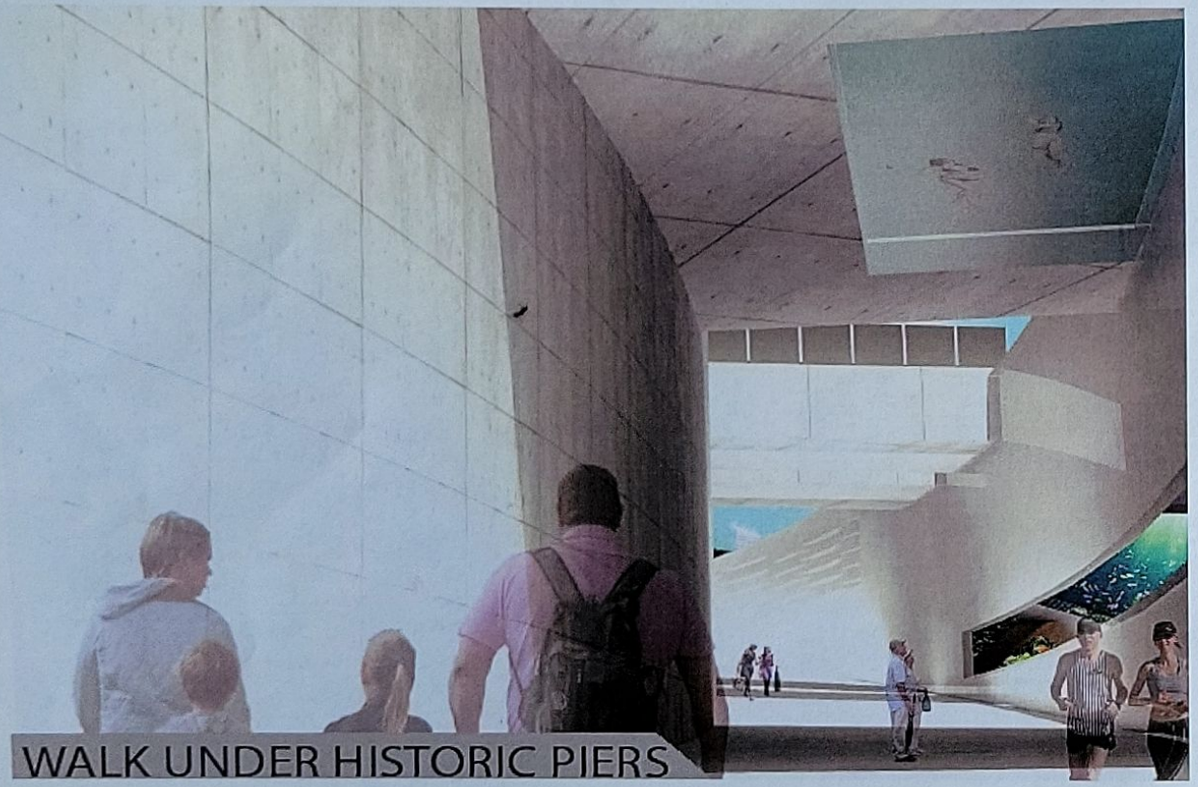
URBAN BEACH & PICNIC

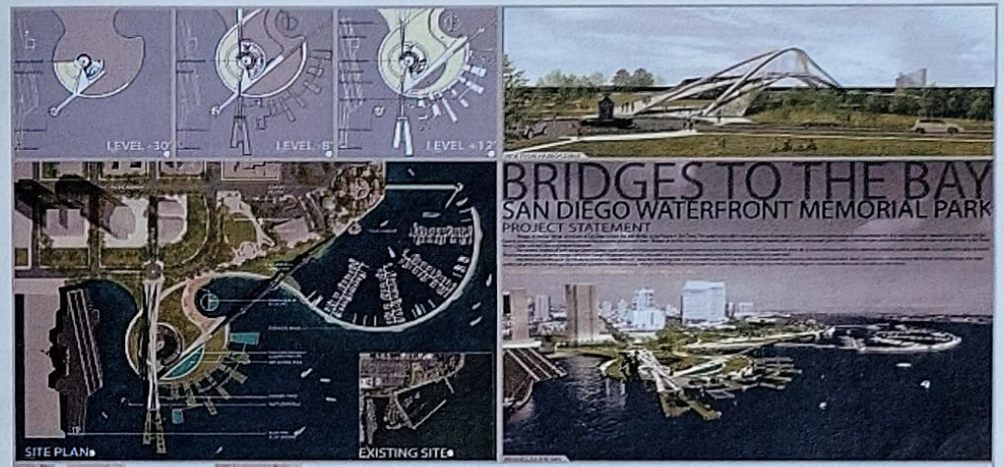


MEMORIAL PLAZA & AMPHITHEATER



MARITIME MUSUEM

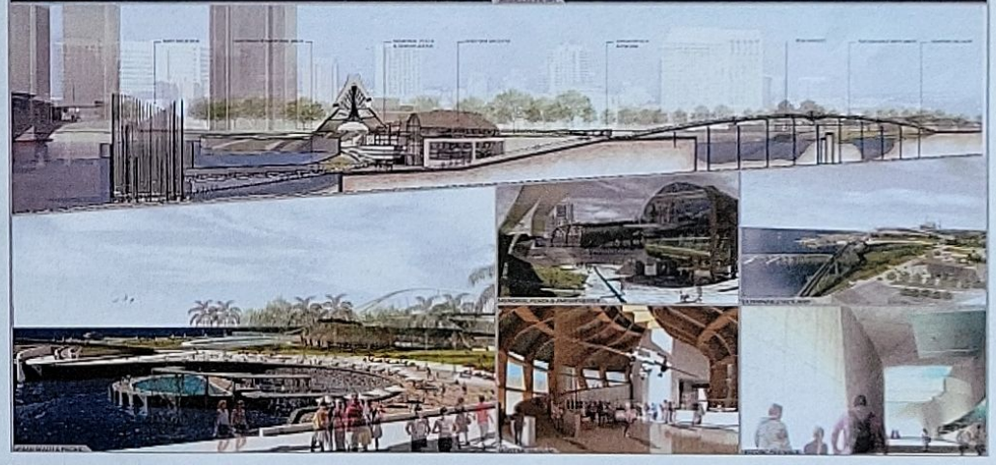




BRIDGES TO THE BAY

SAN DIEGO WATERFRONT MEMORIAL PARK

PROJECT STATEMENT



Pedestrian Connections

Access to Open Space

Wildlife Protection

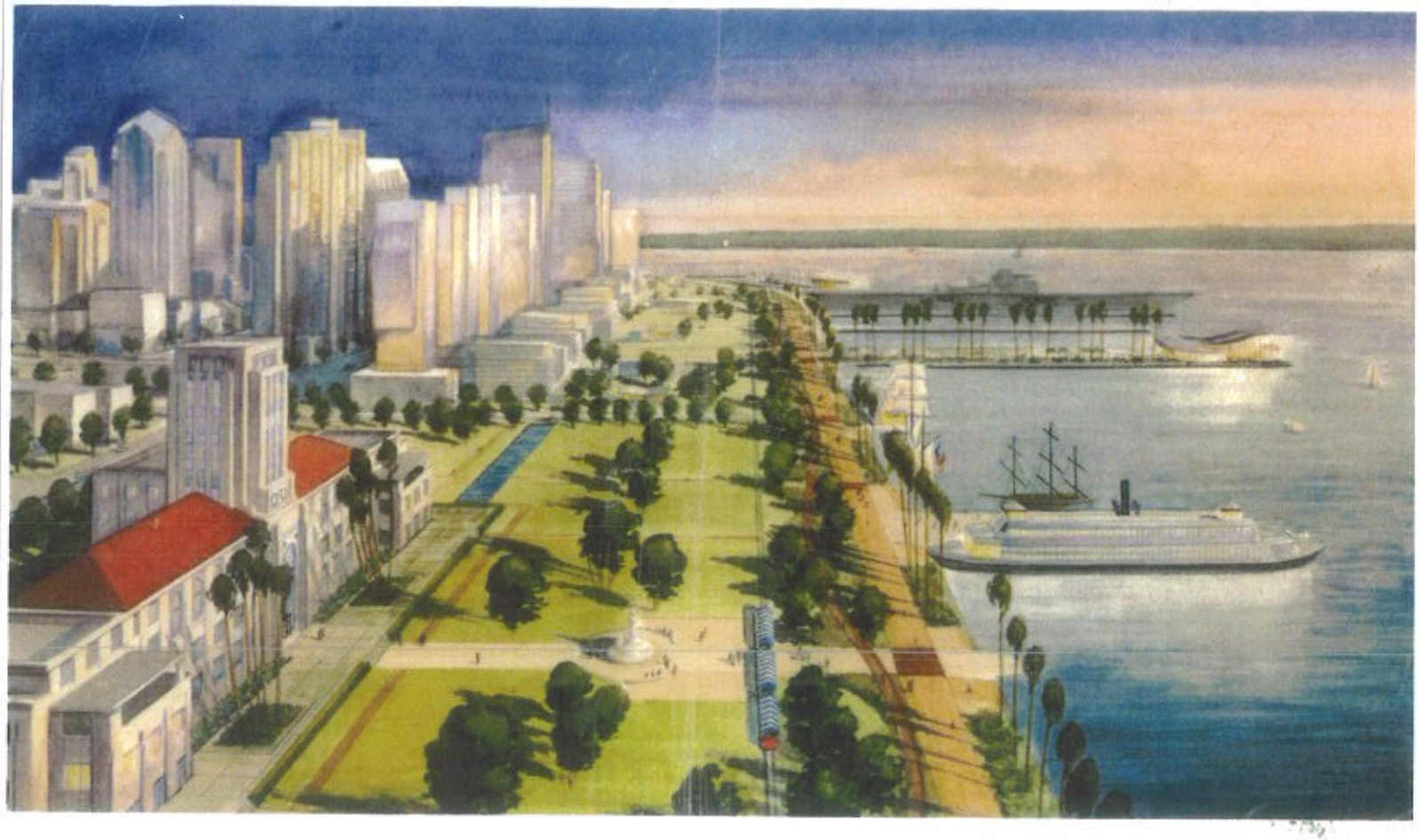
Protect or Restore Habitat

Water Retention

Sustainable Sites

Awareness & Education

EXHIBIT F



Letter I 13 – Art Engle

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Varco & Rosenbaum

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 permitees, 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)
Mr. Arthur Engel (via email)
Ms. Rebecca Harrington, Port Counsel (via email to rharrington@portofsandiego.org)

Board of Port Commissioners:

Rafael Castellanos, Chairman (rcastellanos@portofsandiego.org)
Garry J. Bonelli, Vice Chairman (gbonelli@portofsandiego.org)
Ann Moore (amoore@portofsandiego.org)
Dan Malcolm (dmalcolm@portofsandiego.org)
Marshall Merrifield (mmerrifield@portofsandiego.org)
Robert Valderrama (rvalderrama@portofsandiego.org)
Michael Zuccet (mzuccet@portofsandiego.org)

Randa Coniglio, Executive Director (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 is 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

STATE OF CALIFORNIA—THE RESOURCES AGENCY GEORGE DEUKMEJIAN, Governor

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).

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 to 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 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 graeter public access and recreation opportunities is available to the port through compliance with the policy language of the certified port master plan.

(3334A)

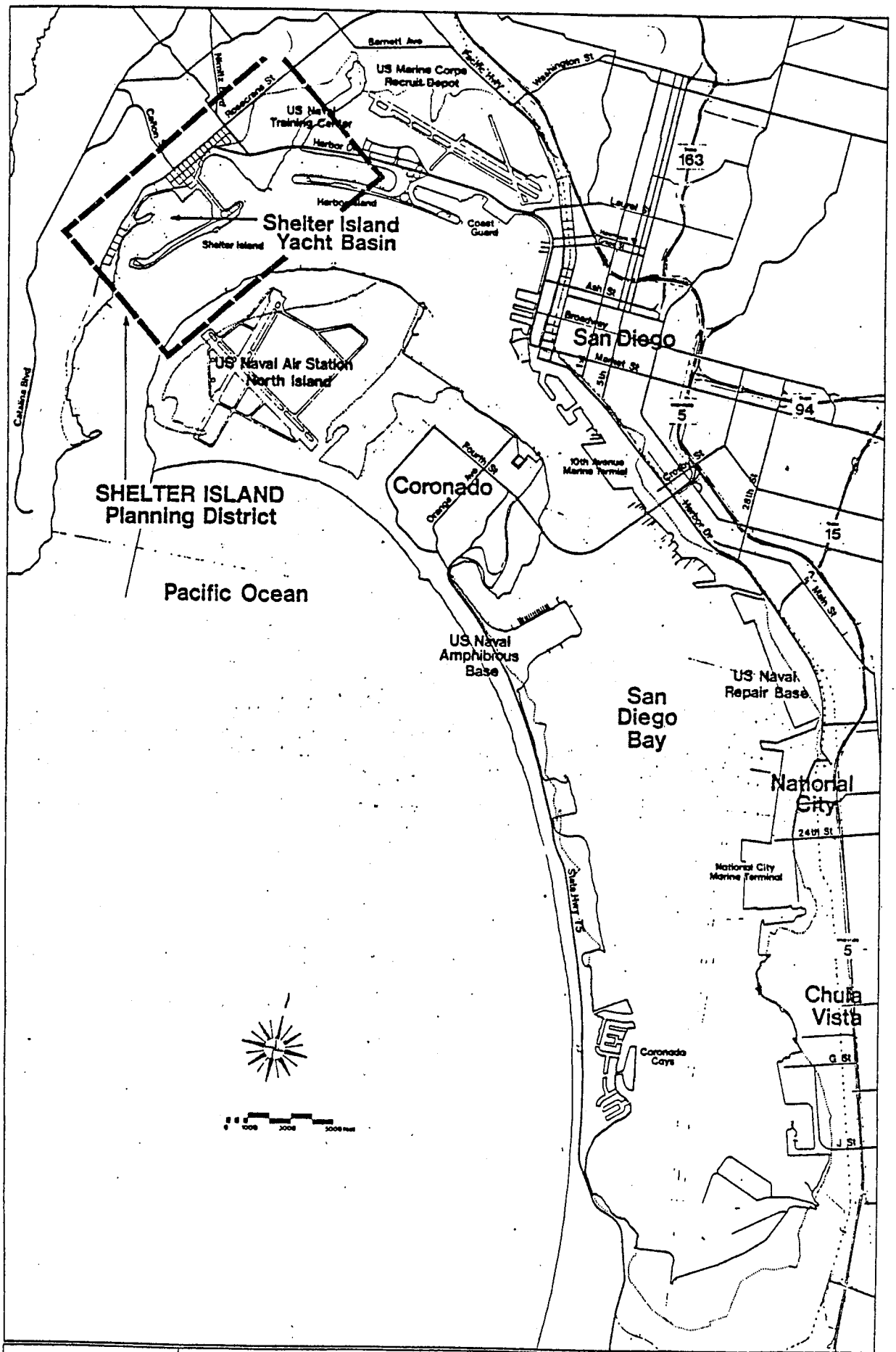
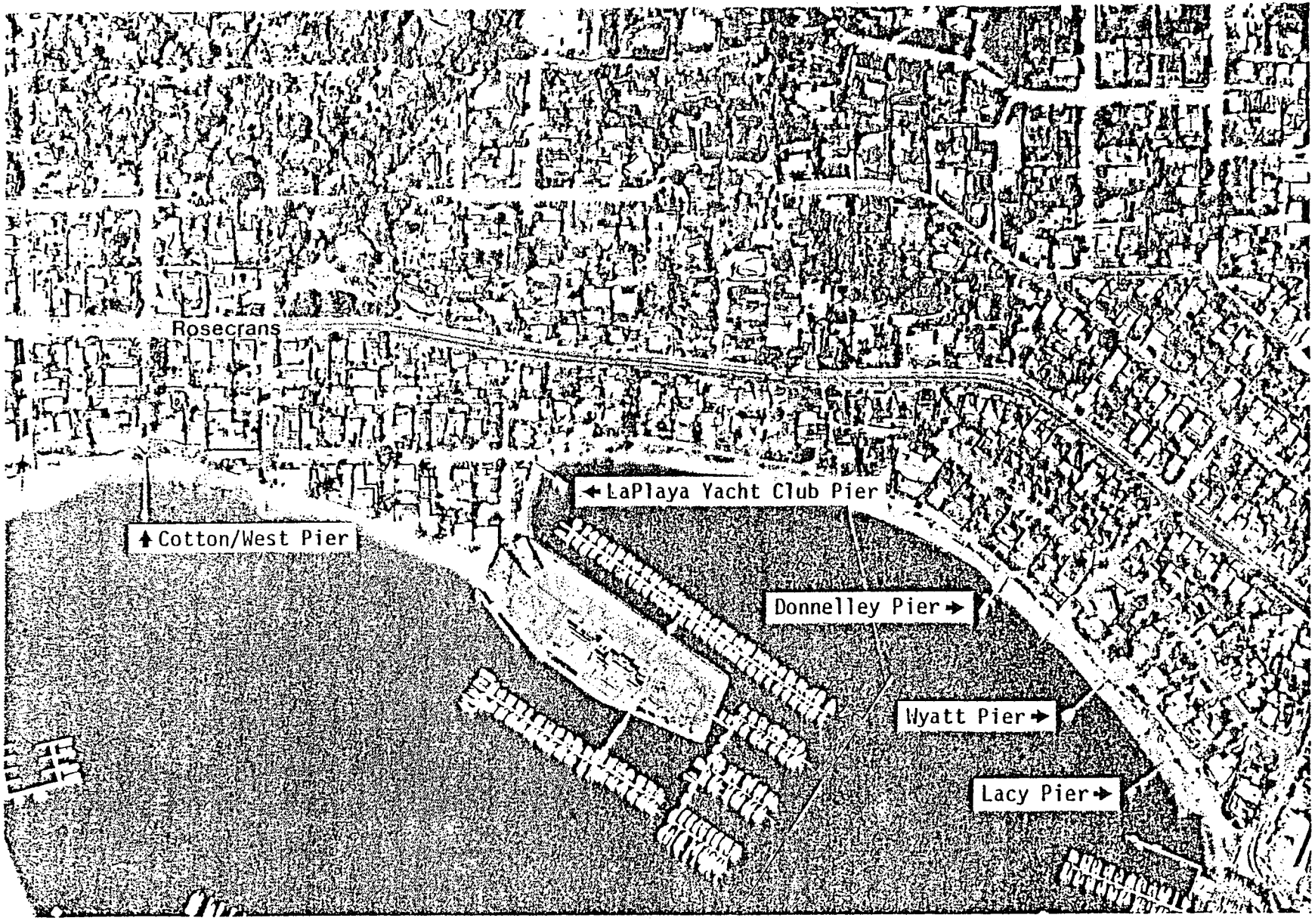


Figure 1	LaPlaya Piers Plan Amendment	Date 6/24/87
Planning Department	**Vicinity Map**	Drawn Check RS Base No.



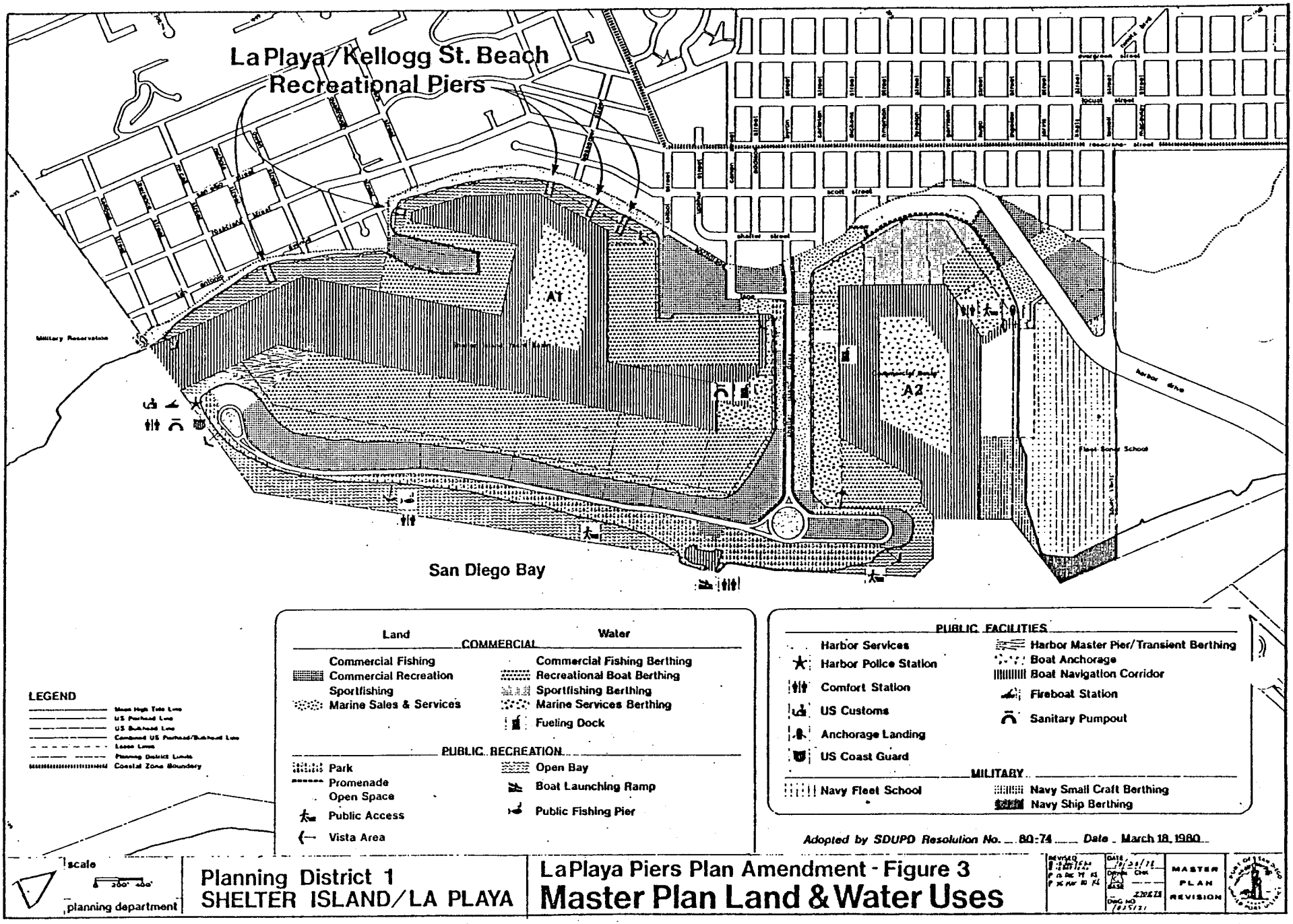
Scale
0 400'

Planning Department

LaPlaya Piers Plan Amendment - Figure 2

Aerial View of Project Area & Piers

Date 6/21/87
Drawn Check ICS
Base
No.
Revised


La Playa/Kellogg St. Beach
Recreational Piers
A1
A2
San Diego Bay
Military Reservation
Navy Fleet School
Harbor Drive
LEGEND
Land
COMMERCIAL
Commercial Fishing
Commercial Recreation
Sportfishing
Marine Sales & Services
Water
Commercial Fishing Berthing
Recreational Boat Berthing
Sportfishing Berthing
Marine Services Berthing
Fueling Dock
PUBLIC RECREATION
Park
Promenade
Open Space
Public Access
Vista Area
Open Bay
Boat Launching Ramp
Public Fishing Pier
PUBLIC FACILITIES
Harbor Services
Harbor Police Station
Comfort Station
US Customs
Anchorage Landing
US Coast Guard
Harbor Master Pier/Transient Berthing
Boat Anchorage
Boat Navigation Corridor
Fireboat Station
Sanitary Pumpout
MILITARY
Navy Fleet School
Navy Small Craft Berthing
Navy Ship Berthing
Adopted by SDUPD Resolution No. 80-74 Date March 18, 1980
scale
planning department
Planning District 1
SHELTER ISLAND/LA PLAYA
LaPlaya Piers Plan Amendment - Figure 3
Master Plan Land & Water Uses
MASTER PLAN REVISION

STATE OF CALIFORNIA—THE RESOURCES AGENCY GEORGE DEUKMEJIAN, *Governor*

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)

STATE OF CALIFORNIA—THE RESOURCES AGENCY GEORGE DEUKMEJIAN, *Governor*

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.

(3332A/rev.)

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 90th 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 90th 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

CITY OF NEWPORT BEACH CALIFORNIA

0 200 400

Feet

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

2/8/2017

Proposed

Exhibit 2

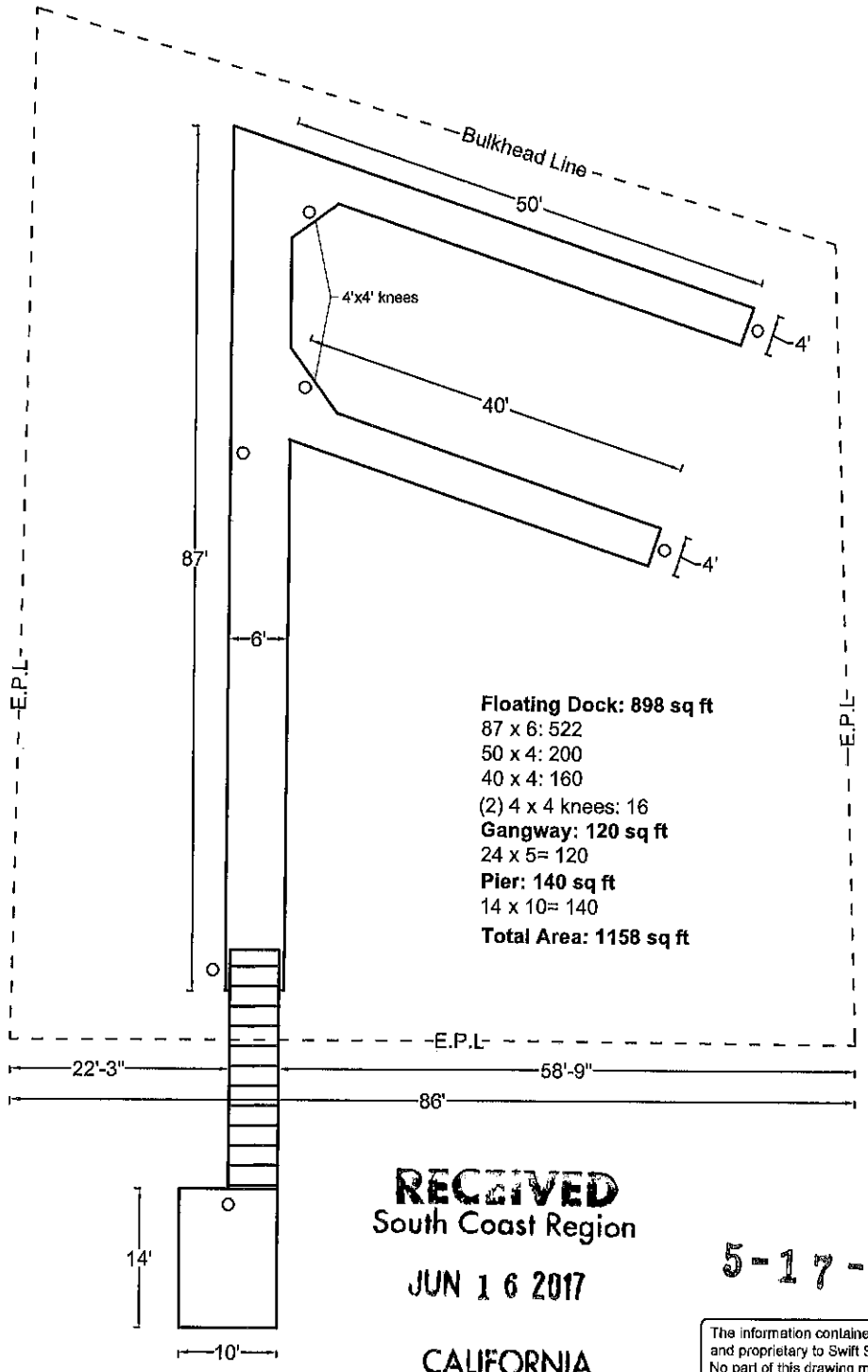
Swift Slip Dock & Pier Builders, Inc
642 Baker St, Costa Mesa, CA, 92626
Phone: (949) 631-3121
Fax: (714) 509-0618

CLIENT:				
Sheehy	EN DRAWN.	PS CHECKED.	REVISION.	5/26/17 DATE.

SITE: 2495 Ocean Blvd, Corona Del Mar

AMENDMENTS:

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.

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San Diego, CA 92101
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619.231.5853 (fax)

www.envirolawyer.com

SUZANNE R. VARCO
svarco@envirolawyer.com

S. WAYNE ROSENBAUM
swr@envirolawyer.com

ENVIRONMENTAL LAW GROUP LLP
Varco & Rosenbaum

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 <u>all</u> 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:

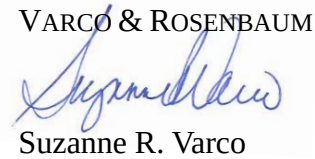
PD1.30 No new private residential piers are permitted.

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)
Mr. Ryan Moroney, California Coastal Commission (via email to ryan.moroney@coastal.ca.gov)
Mr. Arthur Engel (via email)
Ms. Rebecca Harrington, Port Counsel (via email to rharrington@portofsandiego.org)

Board of Port Commissioners (via email):
Garry J. Bonelli, Chairman (gbonelli@portofsandiego.org)
Ann Moore (amoore@portofsandiego.org)
Dan Malcolm (dmalcolm@portofsandiego.org)
Marshall Merrifield (mmerrifield@portofsandiego.org)
Robert Valderrama (rvalderrama@portofsandiego.org)
Michael Zuccet (mzuccet@portofsandiego.org)
Rafael Castellanos, (rcastellanos@portofsandiego.org)

Randa Coniglio, Executive Director (via email to 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 taxifoli*a. 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).

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

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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 permitees, 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)
Mr. Arthur Engel (via email)
Ms. Rebecca Harrington, Port Counsel (via email to rharrington@portofsandiego.org)

Board of Port Commissioners:

Rafael Castellanos, Chairman (rcastellanos@portofsandiego.org)
Garry J. Bonelli, Vice Chairman (gbonelli@portofsandiego.org)
Ann Moore (amoore@portofsandiego.org)
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Robert Valderrama (rvalderrama@portofsandiego.org)
Michael Zuccet (mzuccet@portofsandiego.org)

Randa Coniglio, Executive Director (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 is 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

STATE OF CALIFORNIA—THE RESOURCES AGENCY GEORGE DEUKMEJIAN, Governor

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).

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 to 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 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 graeter public access and recreation opportunities is available to the port through compliance with the policy language of the certified port master plan.

(3334A)

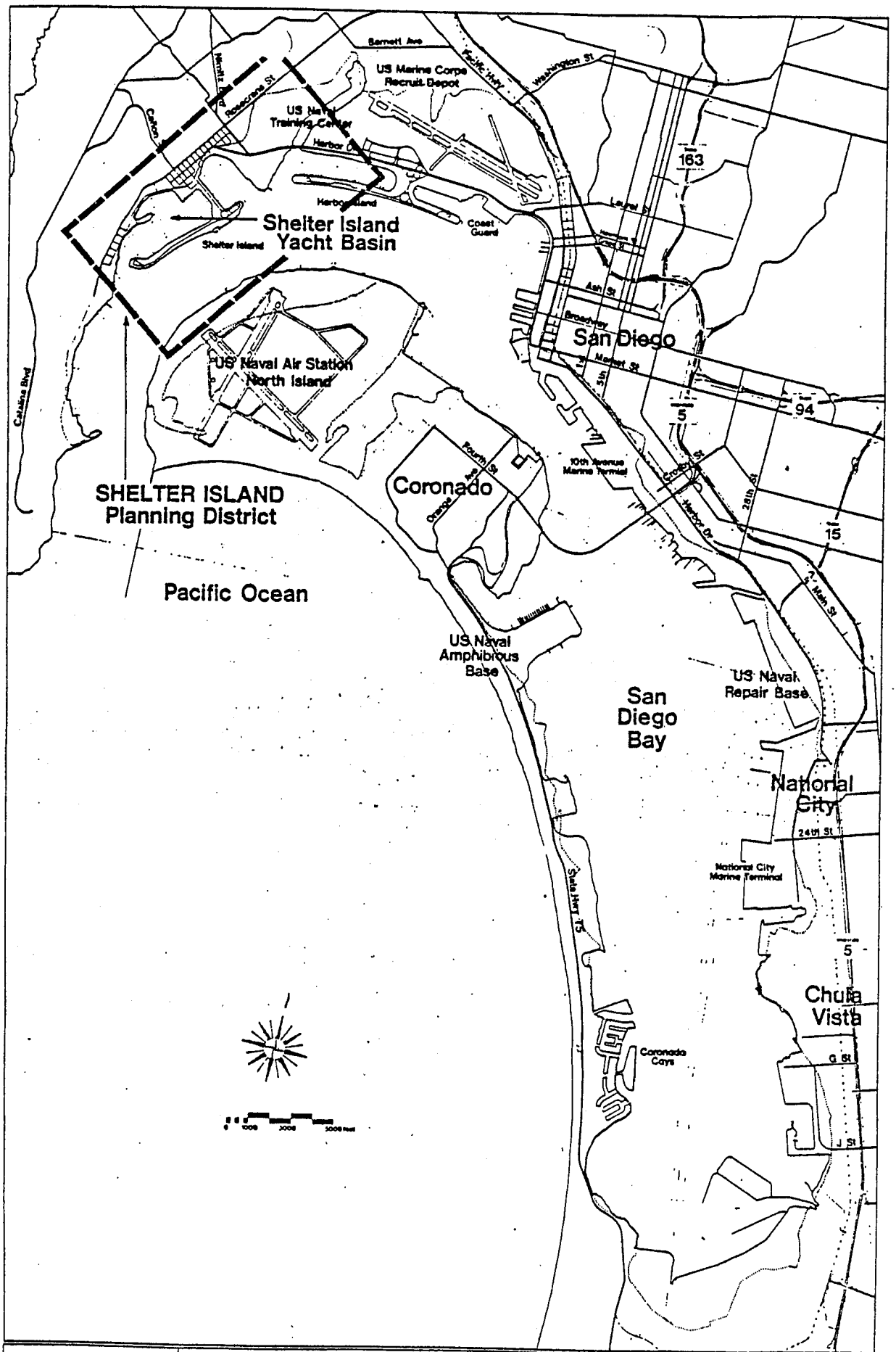
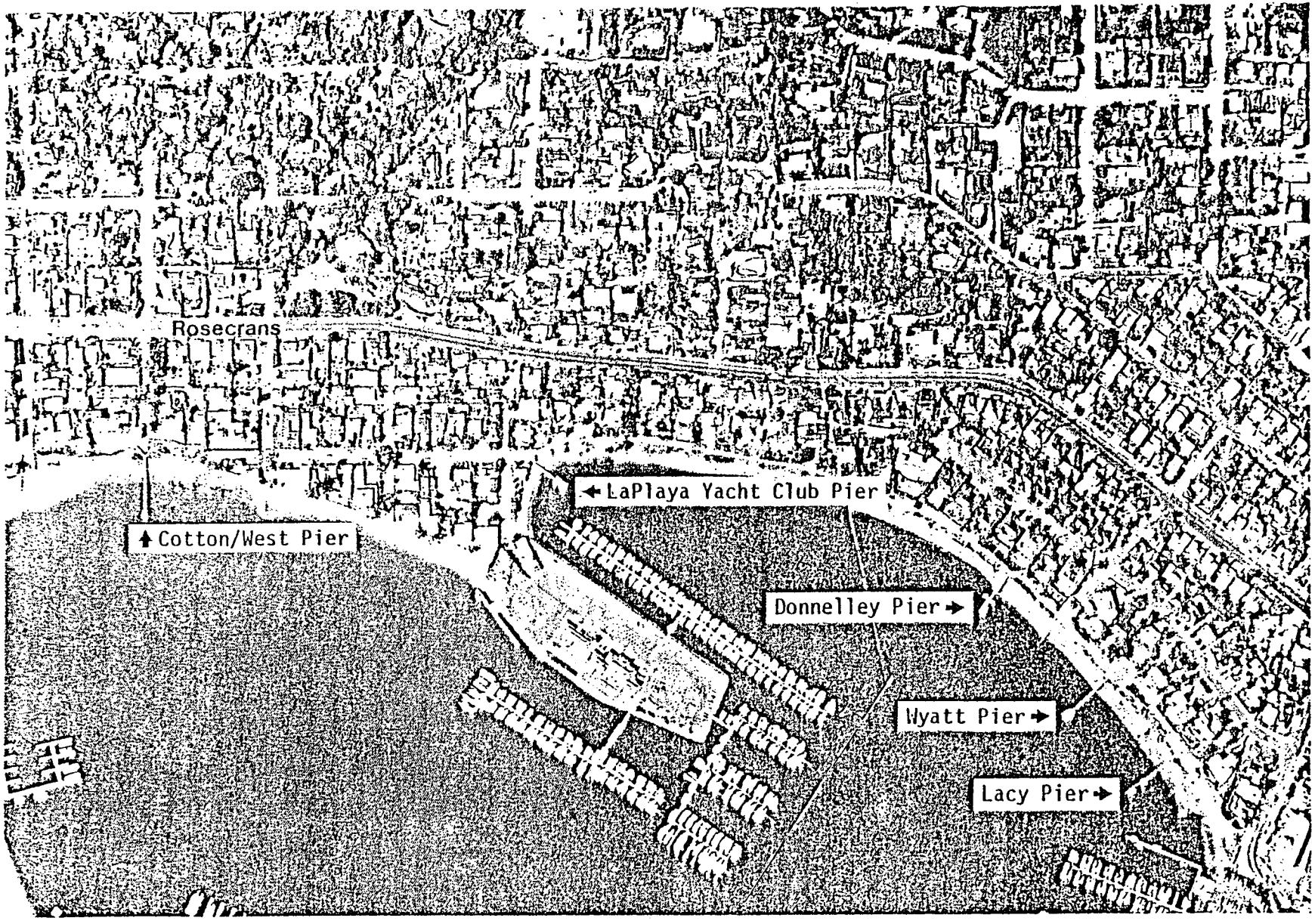


Figure 1	LaPlaya Piers Plan Amendment	Date 6/24/87
Planning Department	**Vicinity Map**	Drawn Check RS Base No.



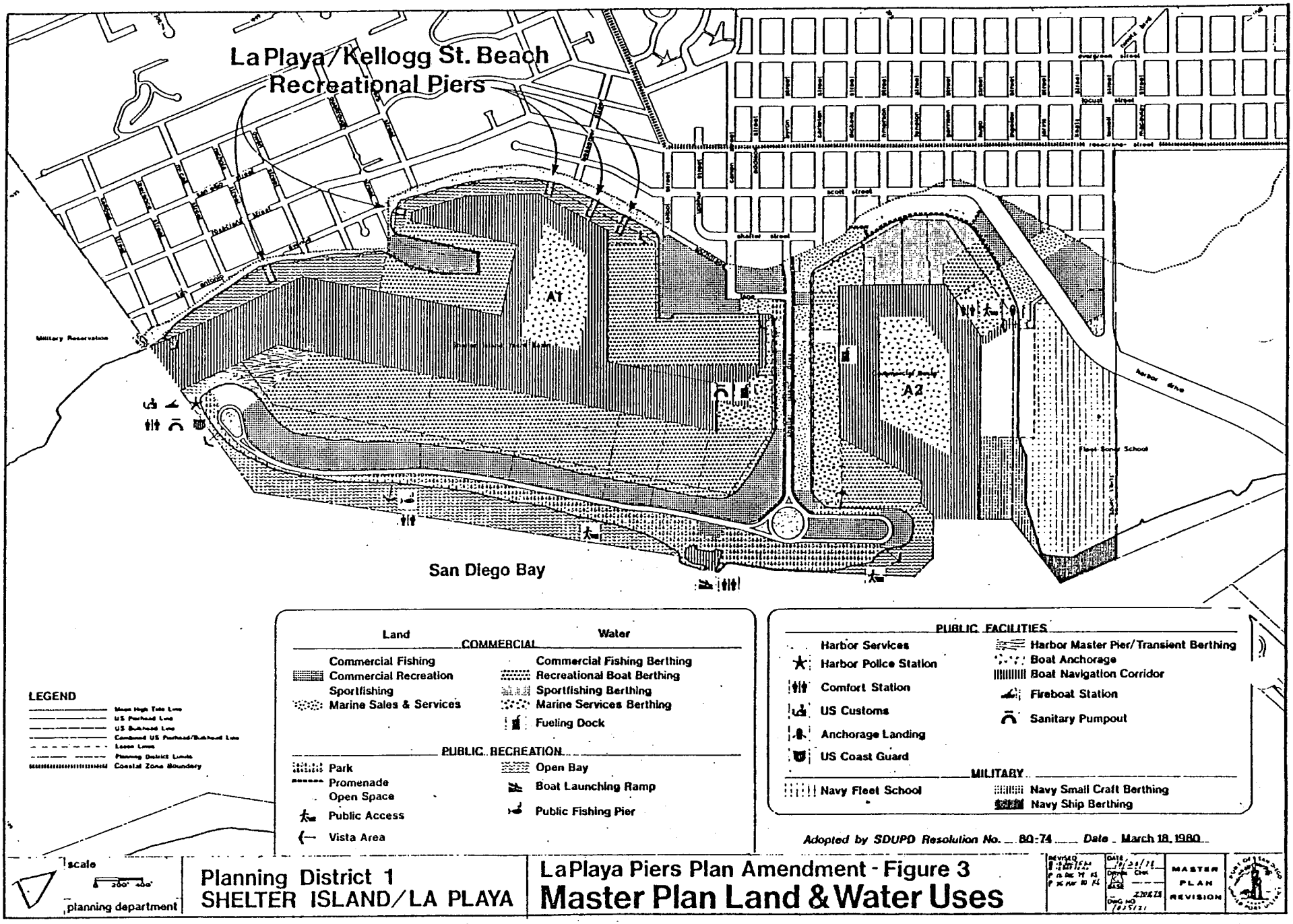
Scale
0 400'

Planning Department

LaPlaya Piers Plan Amendment - Figure 2

Aerial View of Project Area & Piers

Date 6/21/87
Drawn Check ICS
Base
No.
Revised


La Playa/Kellogg St. Beach
Recreational Piers
A1
A2
San Diego Bay
Military Reservation
Navy Fleet School
Harbor Drive
LEGEND
Land
COMMERCIAL
Commercial Fishing
Commercial Recreation
Sportfishing
Marine Sales & Services
Water
Commercial Fishing Berthing
Recreational Boat Berthing
Sportfishing Berthing
Marine Services Berthing
Fueling Dock
PUBLIC RECREATION
Park
Promenade
Open Space
Public Access
Vista Area
Open Bay
Boat Launching Ramp
Public Fishing Pier
PUBLIC FACILITIES
Harbor Services
Harbor Police Station
Comfort Station
US Customs
Anchorage Landing
US Coast Guard
Harbor Master Pier/Transient Berthing
Boat Anchorage
Boat Navigation Corridor
Fireboat Station
Sanitary Pumpout
MILITARY
Navy Fleet School
Navy Small Craft Berthing
Navy Ship Berthing
Adopted by SDUPD Resolution No. 80-74 Date March 18, 1980
scale
planning department
Planning District 1
SHELTER ISLAND/LA PLAYA
LaPlaya Piers Plan Amendment - Figure 3
Master Plan Land & Water Uses
MASTER PLAN REVISION

STATE OF CALIFORNIA—THE RESOURCES AGENCY GEORGE DEUKMEJIAN, *Governor*

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)

STATE OF CALIFORNIA—THE RESOURCES AGENCY GEORGE DEUKMEJIAN, *Governor*

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.

(3332A/rev.)

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 90th 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 90th 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

CITY OF NEWPORT BEACH CALIFORNIA

0 200 400

Feet

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

2/8/2017

Proposed

Exhibit 2

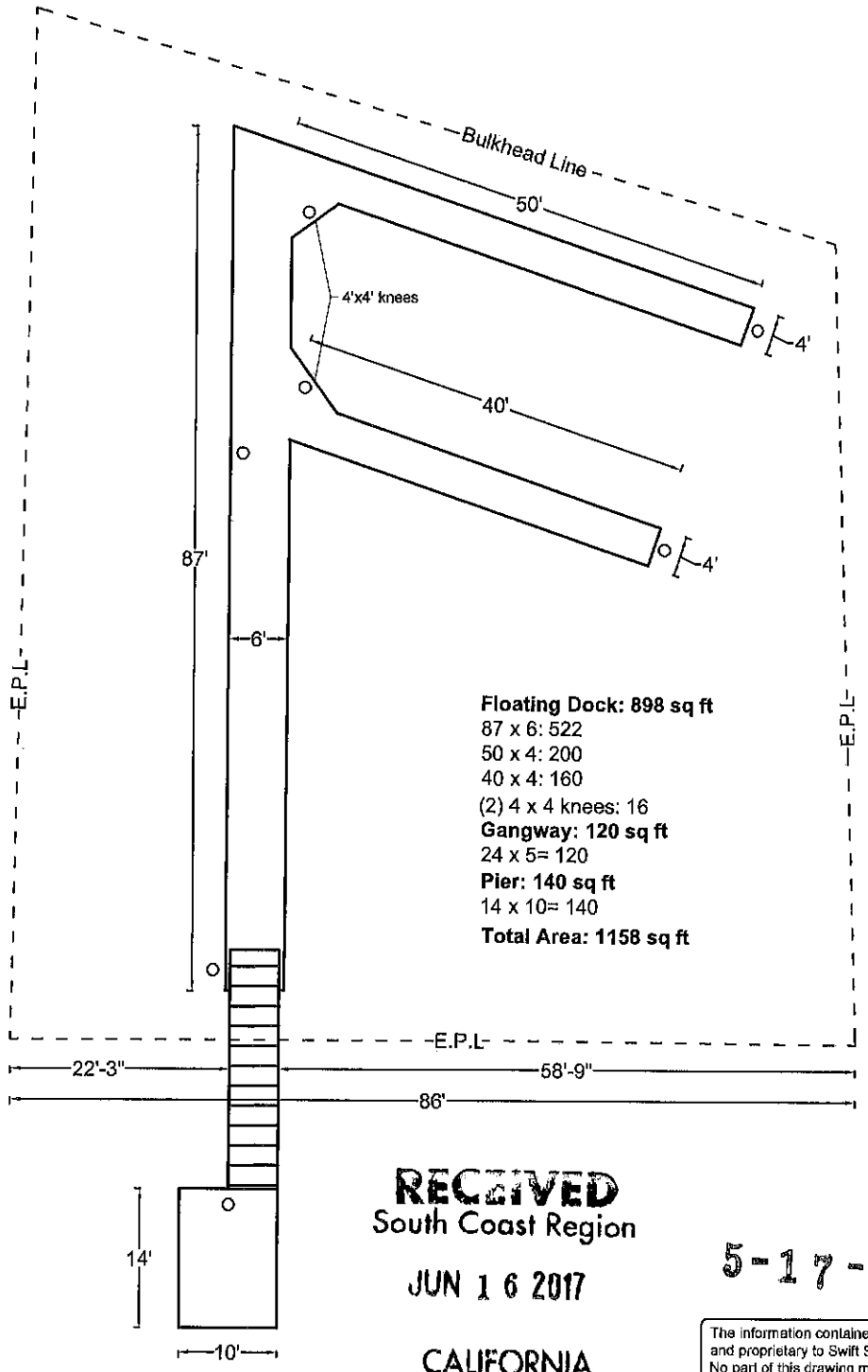
Swift Slip Dock & Pier Builders, Inc
642 Baker St, Costa Mesa, CA, 92626
Phone: (949) 631-3121
Fax: (714) 509-0618

CLIENT:				
Sheehy	EN DRAWN.	PS CHECKED.	REVISION.	5/26/17 DATE.

SITE: 2495 Ocean Blvd, Corona Del Mar

AMENDMENTS:

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.

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ENVIRONMENTAL LAW GROUP LLP
Varco & Rosenbaum

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 founf 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)
Mr. Arthur Engel (via email)
Ms. Rebecca Harrington, Port Counsel (via email to rharrington@portofsandiego.org)

Board of Port Commissioners:
Ann Moore, Chair (amoore@portofsandiego.org)
Michael Zuccet, Vice Chair (mzuccet@portofsandiego.org)
Dan Malcolm (dmalcolm@portofsandiego.org)
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Robert Valderrama (rvalderrama@portofsandiego.org)

Randa Coniglio, President/CEO (rconiglio@portofsandiego.org)

Letter I97 - Raymond Richardson

CITY OF CORONADO

1825 STRAND WAY
CORONADO, CA 92118
WWW.CORONADO.CA.US

(619) 522-7300
FAX (619) 522-2407

November 19, 2020

Port of San Diego
Attn: Planning Department
3165 Pacific Highway
San Diego, CA 92101
pmpu@portofsandiego.org

Re: Comments on the Revised Draft of the Port Master Plan Update - 2020

To Whom It May Concern:

The City Council of the City of Coronado has authorized me to sign this letter on behalf of the full City Council.

The City of Coronado appreciates the opportunity to provide comments on the Revised Draft of the Port Master Plan Update (PMPU) and very much appreciates the Port addressing some of the City's comments on previous drafts of the PMPU. However, not all of the City's comments were addressed or incorporated into the PMPU and the City continues to desire and ensure that the plan would not have a negative impact on existing Coronado residents, facilities, or infrastructure.

Coronado is primarily a residential community and the fundamental goal of its General Plan is "*to preserve and improve Coronado as a beautiful, pleasant residential community in which to live, work, shop, and pursue leisure-time activities.*" The PMPU needs to emphasize the surrounding residential character of Coronado and rethink what is and is not compatible with this existing residential community and the potential impacts future development on Tidelands in Coronado would have.

The City of Coronado's comments on the Revised Draft of the PMPU are as follows in no particular order:

- In 1979, the Board of Port Commissioners and the Coronado City Council each adopted identical resolutions, Resolution 79-338 and Resolution 5909 respectively, approving a Memorandum of Understanding (MOU) between the Port and the City of Coronado

highlighting agreed upon planning principles and development guidelines for the Coronado Bayfront area. These agreed upon planning principles and development standards were created to respect Coronado's needs and residential character, open space requirements, and traffic problems while being consistent with the Port District's primary purposes and duties as a trustee of public land. Additionally, the City's existing Tidelands Overlay Zone (TOZ), a citizen's initiative approved by Coronado voters, outlines various development standards the City wished to maintain. While the revised PMPU has incorporated the height limits identified in the MOU and TOZ, it appears that other planning principles and development standards have been excluded from the PMPU. The City of Coronado strongly advocates that all negotiated and mutually-agreed upon planning principles contained in the 40-year long-standing MOU be incorporated into the PMPU as they were put in place to protect the existing residential neighborhood and mitigate negative impacts resulting from activities on Port lands. Additionally, the City requests that the provisions and development standards found in the TOZ also be incorporated into the PMPU as previously agreed to by Port staff.

- Figure PD9.3 identifies various water and land use areas, including navigation corridors. The City requests that the Port take responsibility to maintain these navigation corridors and dredge where necessary, such as in the identified navigation corridor adjacent to South Caribe Isle.

- Standard PD10.25 discusses developing up to 55 additional recreational boat berthing vessel slips in the South Coronado Subdistrict. The City would like the Port to acknowledge that any expansion or change would require an equal partnership with the City of Coronado, recognizing the City is not a private development entity, and that no additional boat slips be provided beyond the existing bulkhead line in Glorietta Bay. The current language states that the Port would undertake this in coordination with the City, but not as an equal partner. Additionally, PD10.28 allows for modifications to moorings to allow for an increase of up to five moored vessels in the existing Glorietta Bay Anchorage but does not require coordination with the City. Coronado strongly believes that any future expansions of existing anchorages in Coronado, whether it is five vessels or 55 vessels, should be done in an equal partnership with the City of Coronado.

- The Planning District Characteristics for Planning District 10 focus on "visitor-serving" and "attracting visitors" but fails to recognize the existing adjacent residents. The PMPU should be revised to not only focus on visitors but its compatibility with adjacent residential use. Planning District 1 recognizes that it is adjacent to a residential neighborhood and we would ask for the same with Planning Districts 9 and 10.

- The City supports the concept of a Gateway Mobility Hub, provided the Mobility Hub is not used to justify non-tidelands dependent uses such as additional high-density housing in the City.

- Standard PD10.14.b. calls for new development to establish a promenade and a landscape buffer setback of 20 feet west of the Ferry Landing and 15 feet east of the Ferry Landing. The desire of the City, as contained in our Municipal Code, calls for a 30-foot public accessway and requests that the PMPU be revised to require a 30-foot-wide public accessway. This is due to the heavy congestion experienced along the Bayshore Bikeway within the Ferry Landing, which we believe may be the most congested area of the entire Bayshore Bikeway.

- Should there be any modifications to the streetscape in the North Coronado Bayfront Subdistrict, Coronado requests that sidewalk width and tour bus parking be addressed. The sidewalks are often impacted by pedestrians, cyclists, and leisure activities including the riding of surreys and the area would benefit from wider sidewalks. Additionally, providing a location for tour buses to unload and park should also be explored.

- The City concurs with Standard PD10.30 which states that a waterside promenade is not required on the waterfront around the Coronado Municipal Golf Course due to public safety concerns. However, the current language excludes the Coronado Yacht Club property. The City believes that the existing Bayshore bikeway and pedestrian enhancements in this area are adequate and that the recent land swap with the Coronado Yacht Club already enhanced public access to the shoreline. Please update the language found in Standard PD 10.30 to read "*A waterside promenade is not required on the waterfront around Coronado Municipal Golf Course or the Coronado Yacht Club for public safety concerns*."

- The PMPU should recognize parking, and parking rates in the context of adjacent and neighboring land uses. If the Port or its tenants set parking rates higher than nearby locations, motorists will migrate to the less expensive areas outside of the Port's jurisdiction, and thus negatively impacting Coronado's residentially zoned areas.

- The City would like the PMPU to encourage maintaining, enhancing, and expanding existing ferry service to and from Coronado with additional financing from the Port, including ferry service for Navy personnel to traverse the Bay to and from North Island. This would further various policies found in the PMPU.

- The City would also encourage multiple forms of water-based transport servicing Coronado and the greater Bay consistent with the Port Act. We believe the Port should avoid exclusive rights agreements with any one water-based transportation provider to encourage competition and service options, and to potentially analyze having public agencies monitor and control these services.

- Coronado encourages the Port to enter into a services agreement with member jurisdictions to maintain open spaces and parks, including Tidelands Park and Grand Caribe Park. Additionally, the Wildlife Refuge Parking lot in or near Planning District 7 serves mainly those interested in the wildlife refuge or the Bayshore Bikeway, not the

City of Coronado, and the Port should look to take over the amenable lease and ongoing maintenance. These would improve the efficiency of maintenance efforts and provide positive environmental enhancements including a reduction in vehicle travel and maintenance as well as fuel consumption.

- The PMPU should define policies related to the maintenance of storm drain outfalls on Port property.

- The PMPU should be explicit with regard to health and safety provisions related to alcohol, cannabis, and tobacco use, sales, and/or limits on Port property. Coronado requests that such provisions for Port Districts 9 and 10 mirror or be consistent with those found in the Coronado Municipal Code.

- Standard PD10.1.c. calls for a 'single parking facility that consolidates public parking with commercial parking' and the City wants to ensure this does not create a 40-foot tall parking structure located adjacent to First Street. Should any additional parking be provided the City requests that it shall be a combination of surface and below grade parking.

- In an effort to increase links between different modes of transportation around the Bay, the City would like to enter into discussions, and ultimately a financial agreement, to assist the City in providing its Free Summer Shuttle service connecting Ferry Landing to the rest of Coronado, and potentially expanding the service year-round. Mobility Policy 1.1.14 calls for the expansion of the summer shuttle service along Harbor Drive between Shelter Island and the Convention Center, and Coronado would also request to receive that benefit for its summer shuttle.

- One of the PMPU goals is to create a vibrant, internationally acclaimed waterfront which includes cultural uses and performance venues. The Ferry Landing could be an appropriate site for such a facility and the City asks the Port to not preclude some type of cultural arts center from that location in the future. The City supports the concept to not increase the overall land coverage of current and previously approved commercial space and to seek public input on the future of Ferry Landing.

- The PMPU shall explicitly state that Recreation Open Space designated areas, including Tidelands Park, shall not allow for commercial activity such as mobile food vendors.

- Figure PD9.2 depicts a 2.83 acre parcel on the northern portion of Grand Caribe Isle that is designated Recreation Open Space with a footnote that states it is subject to a lease that expires in 2034 (District Document No. 17678) and nothing in the PMPU shall impair or infringe upon any rights or obligations existing under the lease. The City would like assurances that a hotel or other commercial use could not be built on that property under the terms of the lease.

- Standard PD9.22.a. requires a waterside promenade as part of all development that abuts the waterfront and is not a coastal dependent use. This Standard shall be updated to clarify that this waterside promenade requirement does not apply to development on existing residential lots in the Coronado Cays.

- Standard PD9.15 allows for existing residential docks serving properties in the Coronado Cays may be repaired or replaced in kind as long as there is no increase in surface area coverage. There are a handful of existing residential properties that do not have a dock for various reasons and the City would like for them to be able to improve their property with a residential dock in the future if it is keeping in kind with docks located on similar sized properties.

Again, we want to reiterate that Coronado is principally a built-out residential community that is already experiencing significant impacts to our infrastructure, including parking and traffic impacts. The items highlighted above threaten what many people, residents and visitors, enjoy about Coronado and our comments should be reviewed within that context, and incorporated into the next draft of the PMPU. A portion of the Port's Mission Statement is to provide community benefit through a balanced approach, and while some of the revisions to the PMPU that have been made as a result of past City comments have worked towards achieving that, we believe that balanced approach is still lacking within the Coronado Planning Districts. The PMPU in its current form would focus more on visitors at the expense of existing Coronado residents. Our comments above, including the agreed upon planning principles and development standards found in the MOU and within the City's Tideland Overlay Zone, will help the Port draft a plan that advances its goals while giving consideration to Coronado and its residents.

Thank you in advance for addressing these comments before the next iteration of the plan is released. The City of Coronado looks forward to staying involved and working with the Port of San Diego on this project.

Sincerely,

Richard Bailey
Mayor

Comment Letter I113 – Stephanie Kaupp

CORONADO COASTAL CONSERVANCY & CORONADO LEGACY COLLABORATIVE

CORONADO BAYFRONT COMMUNITY PARK

PROPOSAL



Concept Design Rendering by Frank Marczynski, Principal, TOPIA Landscape Architects

Summer 2021

Coronado Legacy Collaborative

114 C Avenue #221, Coronado, CA 92118

Coronado.Legacy@gmail.com

A Proposal to Create Open Space for All Californians
A Coronado Bayfront Park Dedicated to former CA State Senator James R. Mills

Open Passive Environmentally Beneficial Space * Accessible and Sustainable * ADA Inclusive Design Elements* Public Access for All

Overview

A parcel of land at the Coronado Ferry Landing site which the Port of San Diego holds in trust for all Californians has remained vacant for over 40 years. The Port wishes to develop this land to build a restaurant, which will not only impede public access, but will ensure that many Californians who cannot afford to patronize a restaurant will be inhibited from enjoying and using this treasured resource. The most equitable and environmentally sound use of this parcel is passive, open space that is *equally accessible to all Californians* independent of financial means or residence. A dedicated passive use is consistent with the goals of environmental justice and sustainability and complies with the Port's Draft Master Plan which represents no new development will occur at the Ferry Landing site.

- **The Port's primary goal in managing the land it holds in trust is to *"Protect opportunities for public access and parks on the waterfront for all Californians and visitors to enjoy."* This goal is consistent with California Coastal Act's public access mandate for all Californians.**

The Port currently leases the parcel to a tenant. This proposal seeks to remove the parcel from the current lease, return it to the Port's management, and permanently designate it as passive, open space. This designated use is the only use that will preserve the public's right to enjoy and access it unimpeded. In addition, this proposal seeks to dedicate the parcel in honor of Senator James R. Mills for his many contributions and dedicated public service throughout his distinguished career. Senator Mills authored legislation that created the San Diego Unified Port District in 1962 and he promoted Proposition 20 which created the California Coastal Commission. He was an advocate for environmental justice, a climate change visionary, and he firmly believed that our limited coastal resources should be used for recreational use accessible to all Californians.

Benefits of this Proposal to the Port of San Diego and to the People of the State of California

- Environmental justice principles support the designation of this parcel as open, passive space for public recreational purposes to ensure that **all** Californians may use and enjoy it, regardless of their financial means. Open, passive space will be available equally to all, rather than only those individuals who can afford to patronize a restaurant.
- The property may also be designated as a buffer zone to accommodate sea level rise, shoreline erosion, protection against storm surge, and flooding. This is consistent with the Port's goal of environmental sustainability and protection.
- Designating the parcel as open space will alleviate environmental concerns posed by the substantially changed nature and use of adjacent properties, and will have a beneficial impact on the recent public health, safety and welfare issues posed by the City of Coronado's designation of the adjacent area to accommodate high density dwelling as dictated by the Regional Housing Needs Assessment. Further development will have a material adverse effect on residents.

- Designating the parcel as open, passive space will entirely obviate potential litigation relating to inequitable access to public land, material environmental issues posed by development, issues relating to sea level rise, and other barriers to the issuance of any licenses or permits that would permit the sale of alcohol on the parcel or the operation of a commercial business.
- Designating the parcel as open, passive space is consistent with the residential nature of adjacent properties and will avert legal claims relating to nuisance, environmental concerns and other dangers that development poses.
- Designating the parcel as open, passive space is consistent with the Port's proposed Master Plan and does not run afoul of the prohibition against use of Port property for non-Coastal uses that benefit only one municipality; the proposal is also consistent with Coronado's Tidal Overlay Zone, which restricts development in coastal areas.
- The proposal proponents will be seeking a grant to fund the costs for any necessary environmental studies (which will be minimal given the proposal will only permit environmentally sustainable plants, plantings and ground cover), the conversion of the parcel to an environmentally sustainable "buffer zone," the purchase and establishment of ADA-accessible seating for picnic and public uses, signage, and any necessary lighting or other safety measures necessary to ensure the property is suitable for safe public recreational use.



"***Public Open Space" devoted to environmental sustainability and access for all Californians is a lasting tribute to former California State Senator James R. Mills***

Environmentalist, Conservationist,
Social and Environmental Justice Champion

"Dad believed that government existed to serve the people, and he fought for fairness, education, environmental protections, the coastline, the climate and public service."

- Beatrice Germain, daughter

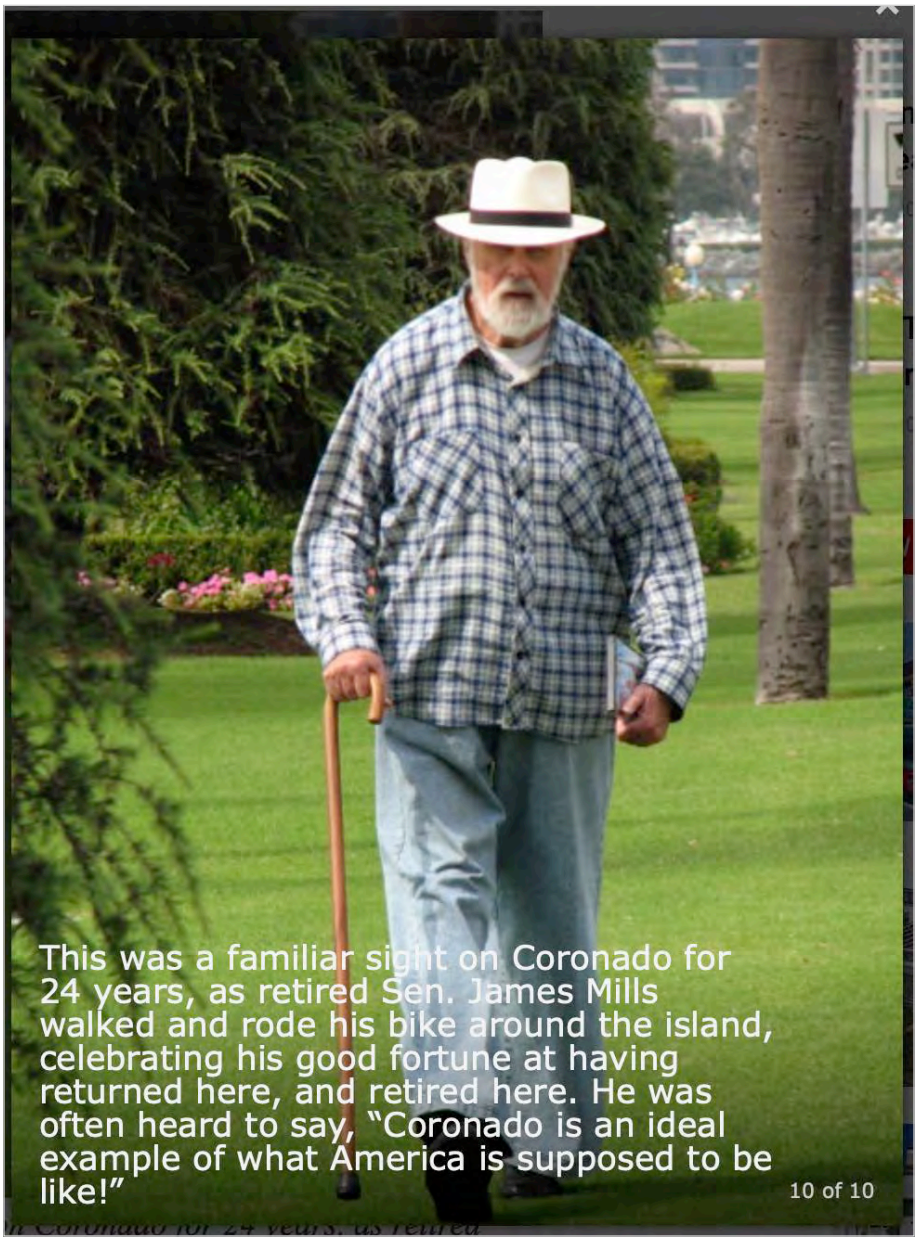
Respectfully submitted,
Coronado Coastal Conservancy & Coronado Legacy Collaborative

For further information contact:

Coronado Legacy Collaborative - 114 C Avenue #221, Coronado, CA 92118
Coronado.Legacy@gmail.com

Senator James R. Mills

(1927-2021)



"The ripple effects of Jim Mills' thoughts, actions and deeds far exceed the lists of great accomplishments in his life. He inspired others throughout his lifetime and was a major player in the San Diego and Coronado we so take for granted today."

Joe Ditler, Coronado Times 04/03/2021

PARK SITE LOCATION

Marine Way - Coronado Ferry Landing

Current Views of Vacant Lot Site





Recommendation for the Coronado City Council:

"Adopt a Resolution in support of the C*oronado Legacy Collaborative* park proposal requesting the San Diego Port District to re-designate the land use of the vacant lot to 'passive open space' consistent with the goals of environmental justice and sustainability, and dedicated to former CA State Senator James R. Mills."

Coronado Legacy Collaborative Mission:

To advocate environmental justice and to respect, protect and preserve Coronado's legendary historical amenities for future generations.

Mitigation Strategy for Sea Level Rise

Coronado Bayfront Community Park at the Ferry Landing

Submitted by Stephanie Kaupp
Updated December 10, 2021

Coronado's **Vulnerability Assessment** identified areas in Coronado that are subject to projected sea level rise, rising tides, storm surge, coastal flooding and erosion through 2100. The Ferry Landing was designated as a **High Hazard** area.

A park provides a **Low Hazard Sensitivity** and a **High Adaptive Capacity.**

The City and the Port, sharing jurisdiction over our tidelands, have the opportunity to implement a mitigation strategy to reduce the impacts of sea level rise by re-designating the vacant lot at the Ferry Landing as "passive open space". A park along our bayfront to protect people and infrastructure from our rising bay waters, already visible during our annual King Tides and storm events.

Coronado Sea Level Rise Vulnerability Assessment and Adaptation Plan (July 2021):

5.2.1 Ferry Landing

* Ferry Landing is anticipated to experience storm flooding with approximately 3.3 ft of SLR (Sea Level Rise).

Flooding begins to come inundation at 4.1 ft of SLR, especially at the low points south of the Ferry Landing.

Hazard Sensitivity: High

* Hazard sensitivity is high for Ferry Landing because it requires coastal access. As its design is tied to existing water levels, the facilities may experience loss of service and function even if flood projections do not extend over built structures if access infrastructure such as gangways or docks are impacted.

* Any damage to facilities during storm events is likely to diminish access to ferry operations as repairs do not extend over built structures if access infrastructure such as gangways or docks are impacted.

Adaptive Capacity: Low

* Ferry Landing has a low adaptive capacity due to its built infrastructure and because it requires access to coastal waterways.

* While strategies such as flood protection or accommodation remains an option for Ferry Landing, the need for coastal access can provide challenges and limits long-term options for relocation or realignment of facilities.

Overall Vulnerability:

* Long term vulnerability transitions from low to moderate when Ferry Landing is projected to flood during storm events and later transitions from moderate to high when non-storm inundation is projected to impact facilities.

* The overall vulnerability of Ferry Landing, which requires coastal access, is higher compared to recreational facilities that can be relocated or have a higher adaptive capacity.

5.2.8 Parks

Parks

Description:

Public park areas under City jurisdiction



Hazard Exposure:

0.8ft (0.25m) SLR	1.6ft (0.5m) SLR	2.5ft (0.75m) SLR	3.3ft (1.0m) SLR	4.1ft (1.25m) SLR	4.9ft (1.5m) SLR
Low	Low	Low	Mod	High	High

- Storm flooding of low-lying areas from 0.8 ft to 2.5 ft SLR.
- Widespread storm flood flooding and select areas of non-storm inundation with 3.3 ft SLR.
- Widespread non-storm inundation with 4.1 ft and greater SLR.

Hazard Sensitivity:	Low

- Park areas are mainly sensitive to inundation during non-storm conditions due to a relative lack of built infrastructure that could be damaged during storm flooding.

Adaptive Capacity:	High

- Parks have a high adaptive capacity because they benefit from a low density of built infrastructure, keeping long-term options open for flood protection, accommodation, or relocation.

Overall Vulnerability:

0.8ft (0.25m) SLR	1.6ft (0.5m) SLR	2.5ft (0.75m) SLR	3.3ft (1.0m) SLR	4.1ft (1.25m) SLR	4.9ft (1.5m) SLR
Low	Low	Low	Low	Mod	Mod

- Overall vulnerability is low to moderate for parks due to their relatively low sensitivity to SLR hazards and high adaptive capacity.
- The shift from low to moderate vulnerability occurs when non-storm inundation is projected to impact significant areas.

Resource	Sea Level Rise Scenario					
	0.8ft (0.25m) SLR	1.6ft (0.5m) SLR	2.5ft (0.75m) SLR	3.3ft (1.0m) SLR	4.1ft (1.25m) SLR	4.9ft (1.5m) SLR
Ferry Landing	Low	Low	Low	Mod	High	High
Restrooms	Mod	Mod	Mod	Mod	Mod	Mod
Community Center	Low	Mod	Mod	Mod	Mod	Mod
Aquatics Center	Low	Mod	Mod	Mod	Mod	Mod
Club Room	Low	Mod	Mod	Mod	Mod	Mod
Golf Course	Low	Mod	Mod	Mod	Mod	Mod
Coastal Access Points	Low	Mod	Mod	Mod	Mod	Mod
Public Parking	Low	Low	Mod	Mod	Mod	Mod
Tennis Center	Low	Low	Mod	Mod	Mod	Mod
Silver Strand	Low	Low	Low	Mod	Mod	Mod
Public Services Building	Low	Low	Low	Low	Mod	Mod
Parks	Low	Low	Low	Low	Mod	Mod
Bike Routes	Low	Low	Low	Low	Mod	Mod
Hospitals	Low	Low	Low	Low	Low	Mod
Schools	Low	Low	Low	Low	Low	Mod
Waste Facility	Low	Low	Low	Low	Low	Mod
Fire Department	Low	Low	Low	Low	Low	Low
Police Department	Low	Low	Low	Low	Low	Low
Post Office	Low	Low	Low	Low	Low	Low
Lifeguard Stations	Low	Low	Low	Low	Low	Low
Coronado Beach	Low	Low	Low	Low	Low	Low
D Street Substation	Low	Low	Low	Low	Low	Low

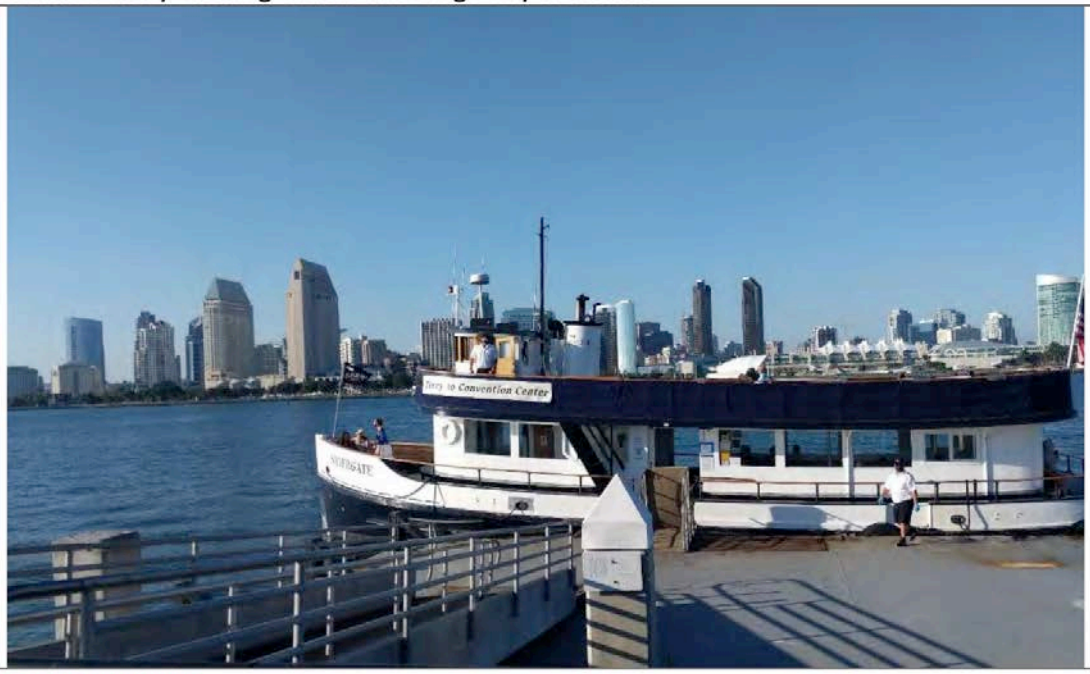
5.2 Recreational Space

5.2.1 Ferry Landing

Ferry Landing

Description:

Coronado Ferry Landing on the San Diego Bay shoreline



Hazard Exposure:

0.8ft (0.25m) SLR	1.6ft (0.5m) SLR	2.5ft (0.75m) SLR	3.3ft (1.0m) SLR	4.1ft (1.25m) SLR	4.9ft (1.5m) SLR
N/A	N/A	N/A	Low	High	High

- Ferry Landing is anticipated to experience storm flooding with approximately 3.3 ft of SLR. Flooding begins to become inundation at 4.1 ft of SLR, especially at the low points south of the Ferry Landing.

Hazard Sensitivity:	High

- Hazard sensitivity is high for Ferry Landing because it requires coastal access. As its design is tied to existing water levels, the facilities may experience loss of service and function even if flood projections do not yet extend over built structures if access infrastructure such as gangways or docks are impacted.
- Any damage to facilities during storm events is likely to significantly diminish access to ferry operations as repairs are made.

Adaptive Capacity:	Low

- Ferry Landing has a low adaptive capacity due to its built infrastructure and because it requires access to coastal waterways.
- While strategies such as flood protection or accommodation remains an option for Ferry Landing, the need for coastal access can provide challenges and limits long-term options for relocation or realignment of facilities.

Overall Vulnerability:

0.8ft (0.25m) SLR	1.6ft (0.5m) SLR	2.5ft (0.75m) SLR	3.3ft (1.0m) SLR	4.1ft (1.25m) SLR	4.9ft (1.5m) SLR
Low	Low	Low	Mod	High	High

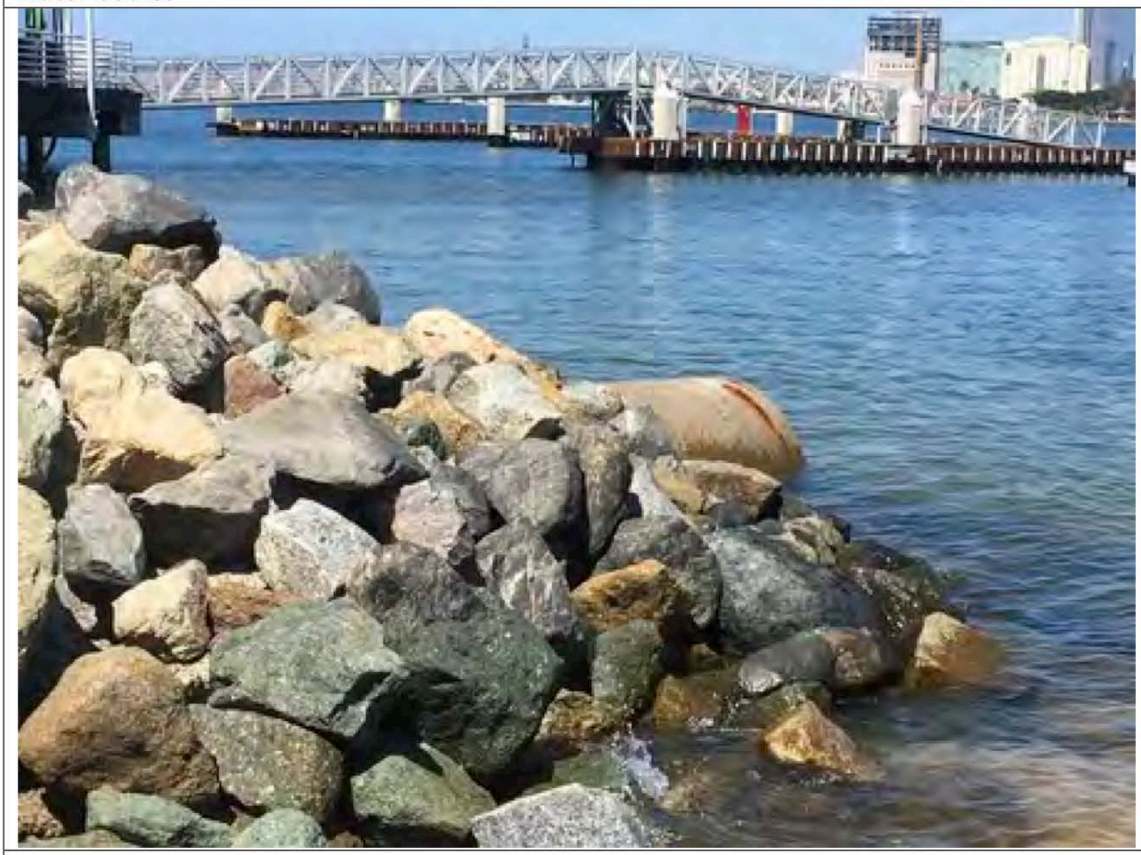
- Long-term vulnerability transitions from low to moderate when Ferry Landing is projected to flood during storm events and later transitions from moderate to high when non-storm inundation is projected to impact facilities.
- The overall vulnerability of Ferry Landing, which requires coastal access, is higher compared to recreational facilities that can be relocated or have a higher adaptive capacity.

5.3.3 Stormwater Outlets

Stormwater Outlets

Description:

Outlets for stormwater flow that allow rainfall or other inland floodwater to drain into coastal water bodies



Hazard Exposure:

0.8ft (0.25m) SLR	1.6ft (0.5m) SLR	2.5ft (0.75m) SLR	3.3ft (1.0m) SLR	4.1ft (1.25m) SLR	4.9ft (1.5m) SLR
Low	Low	Low	Mod	High	High

- Three stormwater outlets near Alameda Boulevard will become increasingly inundated, creating the potential for backflow to occur during heavy rainstorms.
- The Ferry Landing Center stormwater outfalls are projected to be increasingly inundated by SLR which may reduce the flow capacity (image 1). The inundation of these outfalls, while located on Port of San Diego property, may cause backflow and upland stormwater flooding within the City.
- The Glorietta Bay shoreline contains several stormwater outlets which discharge stormwater from residential areas, roadways, and parking areas. As sea level rises, the flow capacity will be reduced and backflow may cause upland stormwater flooding in areas such as the intersection of Pomona Ave and Orange Ave.

Hazard Sensitivity:	High

- Hazard sensitivity for stormwater utilities infrastructure is high overall, as the normal operation of stormwater infrastructure can be negatively impacted if water levels rise to the point where backwater effects occur. A backwater effect occurs when a channel restriction or obstruction at the downstream end raises the surface of the water upstream from it, potentially leading to flooding. Non-storm inundation projections in areas such as Glorietta Bay, Coronado Cays, or the Spanish Bight are likely to impact stormwater operations if outfall locations become inundated for extended periods of time.
- Any stormwater infrastructure that relies on gravity flow is also likely to experience some reduction in capacity due to higher downstream water levels.

Adaptive Capacity:	Mod

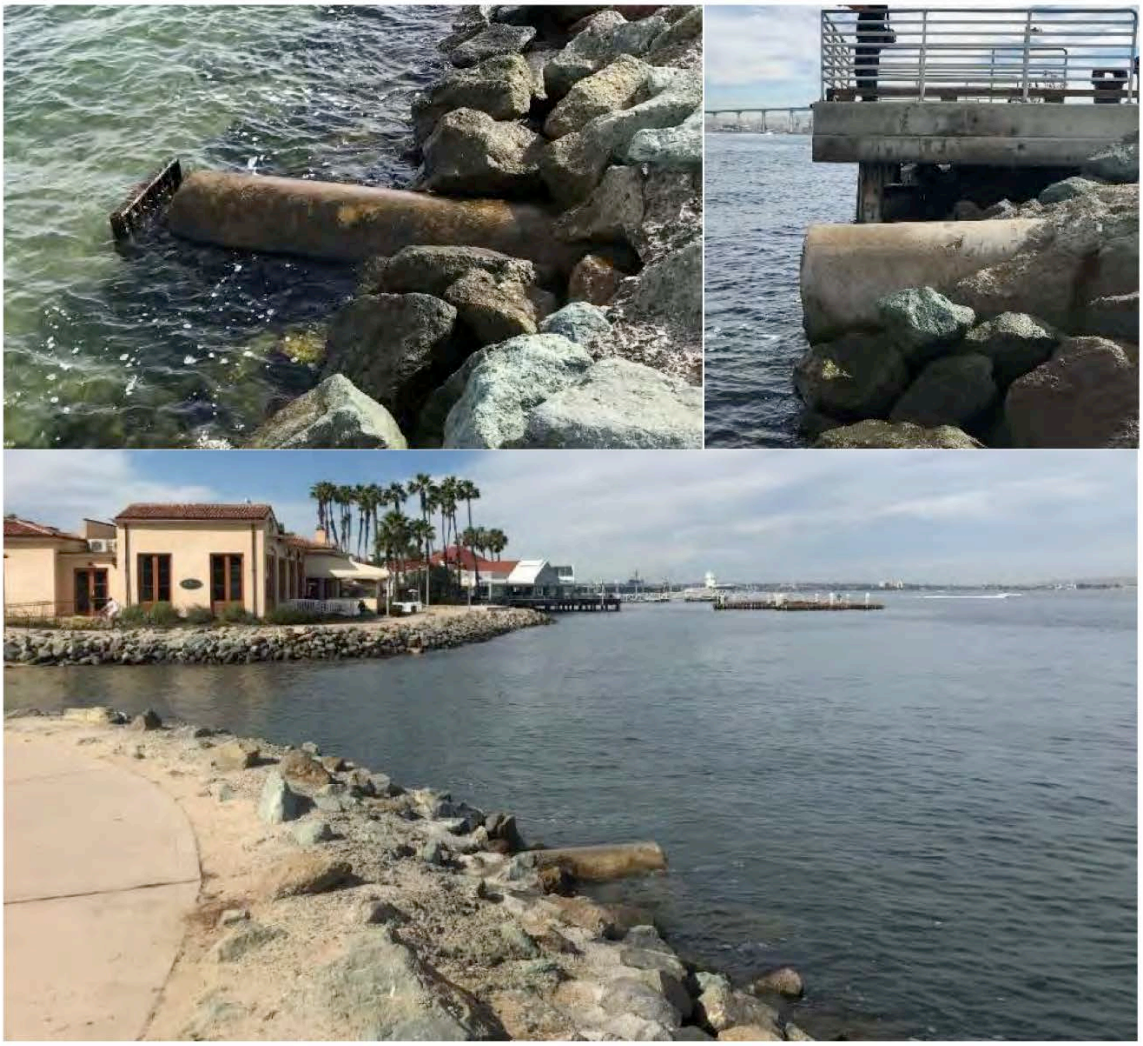
- Adaptive capacity of stormwater outlets is moderate due the built nature of the infrastructure in fixed locations and the need to maintain utility functions if any adaptation measures are implemented.
- Any adaptation measures for stormwater and sewer infrastructure in highly exposed areas would likely require additional hydraulic studies if significant changes are made to ensure utility functions are not adversely impacted as a result.
- Though a potential challenge, opportunities exist to coordinate elevation of infrastructure such as outfalls, lines, and pump stations with any future improvements to, or adjusting the elevation of, coastal infrastructure.

Overall Vulnerability:

0.8ft (0.25m) SLR	1.6ft (0.5m) SLR	2.5ft (0.75m) SLR	3.3ft (1.0m) SLR	4.1ft (1.25m) SLR	4.9ft (1.5m) SLR
Mod	Mod	Mod	High	High	High

- Stormwater infrastructure is considered critical, as its vulnerability has the potential to increase the vulnerability of all other resource types through the impaired flood conveyance and backflow.
- Outlets are rated as moderately vulnerable even at low SLR scenarios due to the sensitivity of the infrastructure to increasing water levels and potential challenges in adapting shoreline infrastructure.
- Vulnerability increases to a high rating at 3.3 ft and greater SLR scenarios based on the potential for frequent inundation at outfall locations in low-lying areas such as Glorietta Bay and Coronado Cays.

- In the Central Study Area, a total of twelve stormwater lines and outlets direct upland stormwater from SR-75 into San Diego Bay. As sea level rises, the flow capacity will be reduced and backflow may cause upland stormwater flooding along SR-75 and the Bayshore Bikeway.
- In the South Study Area, a total of twenty-seven stormwater lines and outlets direct upland stormwater from SR-75 into San Diego Bay. As sea level rises, the flow capacity will be reduced and backflow may cause upland stormwater flooding along SR-75 and the Bayshore Bikeway.
- At the Coronado Cays community, a total of sixty stormwater lines and outlets direct upland stormwater from the residential and visitor serving areas into San Diego Bay. As sea level rises, the flow capacity will be reduced and backflow may cause upland stormwater flooding in the community.



1. Stormwater outlets along the Bayshore Bikeway, by the Ferry Landing Center

Pictures Taken at the Coronado Bayfront During the King Tides

January 2020





February 2020





December 2021



