

SUBJECT: TENANT PROJECT PLAN APPROVAL PROCESS

PURPOSE: To Establish General Practices for the Tenant Project Plan Approval Process.

Introduction

The *Tenant Project Plan Approval Process* establishes general practices for the processing of tenant sponsored development or improvement projects. These practices will inform tenants of the District's review and approval process and aid tenants in understanding project submittal requirements.

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1. TENANT PLAN APPLICATION GUIDELINES

Tenants are encouraged to discuss their project plans with their Asset Managers as early as possible. Additionally, Tenants may visit the District website for the latest information on how to submit a tenant plan application at www.portofsandiego.org.

A. PRE-SUBMITTAL MEETING

Prior to submitting a project to the District, tenants are encouraged (but not required) to request a pre-submittal meeting with their assigned Asset Manager. The Asset Manager or Project Architect may invite other District staff representatives from Environmental and Land Use Management, Public Art, and Engineering.

During the pre-submittal meeting, the tenant may describe their project plans and seek further clarification on the District submittal requirements, previously approved similar projects, projected time lines, and any other information sharing opportunity to facilitate a smooth project application and review process. The District may also facilitate informal meetings or discussions with other relevant resource agencies such as the US Army Corps of Engineers, Regional Water Quality Control Board, etc. as needed.

B. COMPLETE SUBMITTAL

Tenants may choose to submit a “completed” Tenant Project Plan Application to the District’s Project Log Desk (projectlogdesk@portofsandiego.org) or online at www.portofsandiego.com. Please use the checklist located on page three (3) of the Tenant Project Plan Application to ensure you are ready to submit your project and District staff has everything they need to start the project review. The District will not deem the application complete until all required information has been submitted (see Section 4 for additional information).

C. WORKING DRAWINGS

For Preliminary Project Review or Concept Approval, completed Working Drawings are NOT REQUIRED but will be accepted. Certain projects may be directly processed to the Board with Working Drawings on a case by case basis as determined by District staff.

Working Drawings ARE REQUIRED to be submitted to the District’s Real Estate Department’s Project Log Desk AFTER the Board of Port Commissioners (Board) grants Concept Approval. After the assigned Project Architect has reviewed and approved the Working Drawings for consistency with the Board Concept Approval, District staff may stamp the back of the Working Drawings which allows the tenant to pull building permits with the member cities. Member

cities will require the District's red stamp on your Working Drawings prior to issuance of a building permit.

Working Drawings submitted after Board Concept Approval has been granted must be in substantial conformance with the previous Board Concept Approval. Working Drawings found not to be in conformance with the Board Concept Approval will require resubmittal to the Board.

The District may require that plans and specifications for Category 2 and 3 (as described in Section 2 below) projects be prepared and signed by a State of California-licensed engineer or architect.

Plans shall be drawn to scale and be of sufficient clarity to indicate the nature and extent of the proposed work and show conformance in detail to District policies and all relevant laws, ordinances, rules and regulations.

Working Drawings must be sufficient to effect the construction of the project. Working Drawings should include complete civil, architectural, structural, mechanical, electrical, plumbing, HVAC, and landscape drawings and must also include identification of all materials to be incorporated in the project. If Standard Urban Stormwater Mitigation Plan (SUSMP) conditions are triggered, the project specific Urban Stormwater Mitigation Plan (USMP) is to be submitted with the Working Drawings and the structural best management practices (BMPs) proposed in the USMP must also be shown in the Working Drawings.

In addition, the District may require structural computations, soils reports, ADA accessibility provisions, and, subject to District approval, other technical data to ensure the adequacy of the plans submitted. The submittal must also include a detailed project cost estimate that provides both hard and soft costs.

The tenant may submit, in lieu of detailed specifications, references on the plans to a specific section or part of the Uniform Building Code or other applicable codes, ordinances, or laws, subject to the approval of the District.

Please Note: Option or Lease Agreements may also have specific requirements that must be met following Concept Approval. The applicant is responsible for reviewing their Real Estate Agreements and submitting all required information to the District within the specified timeframes.

D. WHERE TO APPLY AND SUBMIT

Please submit plans to:

Attention: Project Log Desk
Real Estate Department
San Diego Unified Port District
3165 Pacific Highway
San Diego, CA 92101

Applicants may also apply online at: www.portofsandiego.com

If you have any questions or concerns regarding Project Plan submittals, please contact your Asset Manager, Project Architect, or the Project Log Desk at (619) 686-6488 or email at projectlogdesk@portofsandiego.org.

2. PROJECT CATEGORIES 1-2-3

Determining what you need to submit a complete application is as easy as 1-2-3! All District project reviews will fall into three basic processing categories: **Please see page two (2) of the Tenant Project Plan Application for easy reference to Categories 1, 2, and 3 described below.**

Category 1

Category 1 Projects are minor projects, regardless of cost, that do not require District staff or Board approval; i.e., notification only. To be considered Category 1, the project must fall into one of the categories listed below, must be exempt from the California Environmental Quality Act (CEQA) and excluded from the Coastal Act, and must have no impact to the [leasehold] silhouette, appearance, or material use, over the water or land. Examples of Category 1 projects include, but are not limited to:

- A. Routine maintenance and repairs;
- B. Interior redecorating with like materials, finishes, and replacement of furniture, fixtures and equipment (FF&E);
- C. Substantially similar replacements of existing interior or exterior painted or material finishes, roofing material, equipment, landscaping, irrigation lines or low voltage wiring;
- D. Minor replacement of utilities on leased properties (unless it affects other leaseholds, tideland facilities or public right of ways).

Category 2

Projects that cost up to \$500,000, are exempt from CEQA and excluded from the Coastal Act, and have no impact to the [leasehold] silhouette, appearance, or material use, over the water or land, can be approved by District staff as Category 2 Projects. Examples of Category 2 projects include, but are not limited to:

- A. Extraordinary repairs;
- B. New subsurface utility installations;
- C. Structural modifications;

- D. Substantial upgrades and renovations;
- E. Replacements involving substantially different materials;
- F. Modifications resulting in a change of use or increased occupancy or seating;
- G. Reduction in parking space count or size;
- H. Removal of trees on leased properties;
- I. Paving any area greater than 25 square feet.
- J. Demolition projects, regardless of cost,

Category 3

Category 3 projects are major projects that cost over \$500,000 (exclusive of soft costs, including but not limited to, architectural costs and permit fees) and may require additional environmental or coastal processing or lease documents. There are two types of Board actions under this category: Preliminary Project Review and Concept Approval. Examples of Category 3 projects include:

- A. "Preliminary plans" for proposed new tenant developments or alterations to existing facilities,
- B. A project that will make a significant change in the [leasehold] silhouette or appearance of the area;
- C. A material change of use is proposed;
- D. Any project(s) that District staff determines that Board approval is warranted, regardless of cost, due to its high public profile, its regional impact, bay-wide security issues or other important matters that require the Board's consideration and/or determination.
- E. Working Drawings that significantly change from a previously approved concept.

Please Note: In developing a recommendation, an Agenda Sheet, or presentation for the Board, staff may require additional information, graphics, or documents from the tenant on a case by case basis.

3. PROCESSING ROLES

A. THE DISTRICT'S ROLE

District staff will work diligently to process all complete Tenant Project Plan Applications for review, staff-level approval, or Board approval. The Board has full discretionary authority on all projects, leases and related environmental documents. The District does not grant building permits. This function is performed by member cities around the Bay. The District's role in processing category 1-2-3 project approvals can best be characterized as a "Discretionary" action by either District staff or the Board. All projects on District Tidelands are subject to their respective member city's building permit processes. Applicants are encouraged to consult with their member city's building department for further permit requirements.

B. MEMBER CITIES

The five member cities around San Diego Bay have a "ministerial" role when it comes to granting building permits on District Tidelands. However, member cities do not grant building permits for over the water work on District Tidelands, with the exception of the permits from their respective Fire Marshals and utilities (the City of Coronado does grant Dock Permits).

In order to expedite permit processing timelines with the member cities, tenants have the ability to submit their preliminary plans to members cities as they process their plans with the District for any Category 1-2-3 Project approval, Preliminary Project Review, or Concept Approval, at the tenant's own risk and cost. If the District does not approve the plans as submitted, the member city may require tenants to resubmit their plans for building permitting. Please contact the building department of each member city for further information.

C. THE TENANT'S ROLE

All project applications and plans must be submitted by the tenant. If the tenant project plans or applications are submitted by the tenant's engineer, architect, subtenant, or other representative, the tenant shall sign page one (1) of the Tenant Project Plan Application authorizing such persons or companies to act as the tenant's representative and bind the tenant in all matters represented in the plans and specifications and subsequent revisions thereto. All lease-related matters will only be negotiated directly between the tenant and District Real Estate staff unless the tenant designates a representative in writing. Tenants are requested to use all checklists and forms provided in the Tenant Project Plan Application to ensure a complete submittal. Tenants are responsible to provide any requested information or documents to District staff on a timely manner in order to ensure an expeditious project review, approval, and/or scheduling at the

Board. Tenants are required to have a representative present at all Board meetings where their items may be heard.

4. PROJECT LOGIN, TRACKING, AND ADMINISTRATION

A. LOG IN AND ASSIGNMENT TO STAFF

The Project Log Desk follows a specific set of protocols and procedures to ensure timely processing of project submittals. Once a project has been received, the project will be assigned a project number for tracking purposes and a dated Submittal Receipt will be mailed (preferably via email) to the applicant confirming receipt of the submittal. A completeness check will then be made on the material submitted. Please use the checklist located on page three (3) of the Tenant Project Plan Application to ensure you are ready to submit your project and to ensure District staff has everything they need to start the project review. Please note that the referenced list is not all inclusive, and the District may require additional information on a case by case basis.

B. COMPLETENESS CHECK AND CATEGORY DETERMINATION

Project submittals will be assigned to a Project Architect for a completeness check and category determination (Category 1, 2 or 3). Incomplete submittals may result in delays in the processing of the project. If any additional items are required by the District before staff can commence its review, the Project Architect will send a Completeness Checklist to the tenant within 10 business days by email, fax, or standard mail, depending on the contact info provided. The Completeness Checklist will indicate what additional information is required to deem the project submittal application complete. Submittal requirements vary depending on the project's category and the complexity of the project. Please note that the District reserves the right to require more information than what is outlined in the Tenant Project Plan Submittal Requirements.

1. **Category 1:** Once all required submittal documents have been received and the Lead Architect has determined the project to be a Category 1, the District will send a Category 1 Determination Letter to the applicant. The Category 1 Determination Letter will confirm that the District considers the project a Category 1 and that no further District action is required. Applicants with Category 1 projects shall not commence construction until a Category 1 Determination Letter has been received, and all other requirements have been met (i.e. receipt of building permits).
2. **Category 2 and 3:** Once all required submittal documents and information have been received, a Completeness Receipt will be mailed to the applicant. The Completeness Receipt will indicate that all required information has been received and that the District will commence a

project review. The Completeness Receipt does not indicate District Approval of the project, only that the project submittal requirements have been met.

C. PROJECT REVIEW (Category 2 or 3)

All Category 2 or 3 projects will be reviewed by the District for conformance with the Tenant's lease, CEQA, the Coastal Act, the Port Master Plan, SUSMP and other appropriate stormwater requirements, environmental regulations, and existing Board Policies and Practices. All District approvals are considered DISCRETIONARY. The District strongly believes that all tenants are valued partners. However, the District does reserve the right to disapprove, or require modification to, any project within its jurisdiction.

1. **Category 2:** All Category 2 projects are reviewed and approved at an administrative level. In most instances, Applicants may expect to receive notification of approval or disapproval of their Tenant Project Plans within 45 days after the Completeness Receipt has been received. However, simple projects may have a shorter review period and more complicated projects may require a longer review period. Please contact the Asset Manager regarding project specific review periods.
2. **Category 3:** Category 3 projects are first reviewed at an administrative level and then presented to the Board of Port Commissioners with a staff recommendation of approval or disapproval. Processing times for Category 3 projects may vary.

5. PRELIMINARY PROJECT REVIEW (Category 3)

Preliminary Project Review is a process whereby tenants may present a complex project or redevelopment to the Board without incurring the costs of preparing a full set of architectural or engineering plans for a Category 3 Project Submittal. District staff will work closely with tenants to develop a recommendation, any special conditions, and prepare for the presentation to the Board.

Submittal requirements for processing Preliminary Project Review to the Board are:

- A. Completed tenant project application
- B. Completed Stormwater Requirements Applicability Checklist
- C. Completed lessee questionnaire
- D. Narrative description of the proposed project
- E. Preliminary cost estimates

- F. Any available graphic images, elevations, photos, site plans or drawings. These items should be of a quality that allows District staff to adequately understand the proposed project.
- G. Tenant agreement on any required lease documents, options, amendments, assignments, encumbrances, easements, etc. PLEASE NOTE: Under Board of Port Commissioner (BPC) Policy 355 and the tenant lease, the District may require that the rent be adjusted to market rate and other lease provisions be amended to include current District standards.
- H. If applicable, authorization to execute a Three Party Agreement with an environmental consultant to prepare the CEQA document if the estimated cost is over \$125,000 (Environmental Impact Report, Mitigated Negative Declaration, or Negative Declaration). Also, some projects may require a Three Party Agreement with a coastal consultant for Coastal Development Permits (CDP).
- I. Compliance with the Port Master Plan, existing Board policies and practices, Port SUSMP, Dock and Dine, Public Art, etc.
- J. Any other project information or documents that may be required by staff in order to prepare the staff report (Agenda Sheet) and Powerpoint presentation for the Board.

6. CONCEPT APPROVAL (Category 3)

Most minor projects do not require a Preliminary Project Review and can be processed directly to the Board for grant of Concept Approval. However, if your project has had a Preliminary Project Review at the Board, it will have to come back to the Board for Concept Approval along with any required environmental document (Environmental Impact Report, Mitigated Negative Declaration, or Negative Declaration), Coastal Development Permit or Amendment, Port Master Plan Amendment, and any required lease documents, options, amendments, assignments, encumbrances, easements, etc.

Upon completion of the environmental review documents, staff will process a recommendation to the Board (Agenda Sheet) for the proposed project. In developing a staff recommendation for grant of concept approval to the Board, staff will review the project for compliance with all lease issues, the Port Master Plan, CEQA, and other regulatory and landlord issues.

Following Board grant of Concept Approval, the tenant will receive a conditional approval letter from the District Project Architect. The conditional approval may not constitute project approval if Working Drawings were not already submitted. This conditional approval letter indicates that the project will be subject to meeting the conditions in the aforementioned letter before the approval is satisfied. Tenants must

submit any required Working Drawings to the Project Log Desk for District staff review and approval. District staff must always review and approve the Working Drawings before tenants are able to pull their building permits with the member Cities.

Construction may commence AFTER:

1. District Staff approval of FINAL Working Drawings and, when an USMP is required, approval of USMP document;
2. Receipt of all necessary permits and clearances from the member cities, agencies and other jurisdictions;
3. Execution of necessary lease documents by the District;
4. Inspection of premises by Port Inspector which tenant must call to facilitate;
5. The project stormwater pollution prevention plan (SWPPP) has been approved by the District; and
6. All other conditions required for the project are met.

7. CONDITIONS OF APPROVAL (Category 2 and 3)

A. CONDITIONAL APPROVALS

All Category 2 and 3 projects approved by the District will be authorized to proceed in the form of a Project Review and Approval document mailed to the tenant. The Project Review and Approval contains a set of Standard Conditions that apply to all proposed projects on District Tidelands. In many cases, the Project Review and Approval also contains Project Specific Conditions that are specific to the proposed project. In either case, the applicant must adhere to ALL the specified conditions in order for the approval to be valid. Once the applicant has reviewed the Project Review and Approval, an authorized representative of the tenant must review and sign the document, thereby accepting the conditions set forth in the Approval. The tenant must return a signed copy via email or standard mail to the Project Log Desk (see page 3 for the Project Log Desk contact information). For the approval to be valid, a signed copy of the Conditional Project Approval must be returned to the District by the date specified in the Approval.

B. DISTRICT INSPECTION

All Category 2 and 3 projects will be inspected during construction to ensure substantial compliance with approved plans. Prior to commencement of construction, the applicant is required to contact the District's Engineering and Construction Department to schedule inspections at (619) 725-6059.

In addition to construction inspections, the District will also conduct stormwater inspections of those sites that are required to implement a SWPPP during construction. The goal of the stormwater inspections are to verify that the SWPPP is being implemented at the site in order to prevent unauthorized discharges. These inspections will begin upon project commencement.

8. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PROCESS

The following information is further detailed in the *San Diego Unified Port District Guidelines for Compliance with the California Environmental Quality Act (1997)*.

All proposed activities must be reviewed for compliance with the CEQA. A determination will be made on whether the activity is considered a “project” (CEQA Guidelines Section 15378) and if so, whether the project qualifies for a CEQA exemption or requires preparation of further environmental review (i.e., Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report (CEQA Guidelines Section 15062 – 15081.5)). CEQA exemptions do not require Board approval. All other environmental documents require Board adoption or certification. For some projects, an Environmental Application form may need to be completed by the Applicant in order to make a determination as to whether or not the project qualifies for a CEQA exemption.

Lease negotiations and documents, if needed, should be completed during the environmental review process.

A. Projects Exempt from CEQA

If the project is deemed exempt from CEQA, Port staff will assign an internal environmental number to the exemption document for reference on approved plans and will provide a copy of the exemption to the Applicant. Real Estate Architects are able to issue CEQA Exemptions; however, Environmental and Land Use Management staff can assist when needed. If a project is deemed Exempt, no further CEQA analysis is required.

B. Projects not Exempt from CEQA

If the project is deemed not to be exempt from CEQA, Port staff will determine the appropriate environmental document necessary for the project in accordance with CEQA.

An environmental consultant will be retained to prepare the appropriate CEQA document for the project. The project Applicant is responsible for fees incurred by the environmental consultant for the preparation of the CEQA document. The Applicant will pay the consultant via a “Three Party Agreement” with the District. The parties to a Three Party Agreement are the Applicant, consultant, and the District. Per the Agreement, the consultant submits monthly progress payment

invoices to the District for services rendered that, upon District authorization, must be paid for by the project Applicant.

The District is typically the Lead Agency in preparing and processing the required environmental document for projects located on District tidelands. In some cases, however, the District is the Responsible Agency under CEQA (for that portion of the project on District Tidelands). In instances where the District is a Responsible Agency, the District is responsible for reviewing and commenting upon CEQA documents prepared by the Lead Agency. The Board may be required to accept the CEQA document as a Responsible Agency prior to taking action on a Discretionary Approval.

For further information on CEQA processing, please contact the District's Environmental and Land Use Management Department at (619) 686-6283.

9. COASTAL DEVELOPMENT PERMIT (CDP) PROCESS

The following information is further detailed in the *Coastal Development Permit Regulations* (DOC 201785; Clerk Doc #19171) which provide procedures and criteria for issuance of CDPs in accordance with provisions of the California Coastal Act of 1976.

All proposed projects located on District tidelands must be reviewed for compliance with the certified Port Master Plan (PMP) and California Coastal Act. Issuance of a CDP is based solely on the Board finding conformity of the proposed development with the certified PMP.

A. FOUR CATEGORIES OF CDPs

The District will determine which of the four categories of development is most appropriate for the proposed project under the CDP regulations. The four categories of CDPs are 1. Excluded (i.e. repair, maintenance, minor additions of existing facilities), 2. Emergency (i.e. work to protect life, public health, safety, and property or to maintain public service), 3. Non-appealable, and 4. Appealable. Projects deemed as either Excluded or Emergency do not require Board action and the issuance of a CDP would be granted at the administrative level. Projects deemed as requiring a Non-appealable or Appealable CDP require Board approval.

B. PROCESSING CDP APPLICATIONS

For all projects deemed by District staff to be either Non-appealable or Appealable developments, the Tenant shall submit a CDP Application pursuant to the requirements listed within that document. Port staff will then deem the application complete or incomplete. After the application has been deemed complete, District staff will review the proposed project and make a

recommendation to the Board for approval, approval with conditions, or denial of the CDP.

C. THE BOARD MEETING

As mentioned above, Appealable and Non-Appealable CDPs require Board approval. Additionally, projects deemed as Appealable CDPs require a public hearing to be conducted at the Board meeting. If the Board finds that a proposed appealable or non-appealable development conforms to the certified PMP, and after the Final EIR is certified or Mitigated/Negative Declaration has been adopted, the Board shall authorize the issuance of a CDP. The permit may contain conditions relating to or assuring conformity to the PMP, as well as other conditions deemed appropriate for the project.

D. APPEALABLE PERMIT PERIOD

After the Board authorizes the issuance of an appealable CDP, District staff will prepare a Notice of Board Action (NOBA). District staff will mail the NOBA to the California Coastal Commission (CCC) within five (5) working days following the Board meeting. After CCC acknowledges the receipt of the NOBA, a 10 working day appeal period begins. If no appeals are filed within 10 working days, District staff may issue the CDP.

It is important to note that construction must commence within two years of CDP issuance. Failure to commence construction within this time period may result in the CDP expiring and becoming void.

10. OTHER DISTRICT REQUIREMENTS

Compliance with Board Policies and Practices

All plan submittals must comply with BPC Policies, proposals approved by the Board, the Port Master Plan and applicable environmental mitigation requirements. Additionally, tenant projects must comply with all local, state, and federal laws, regulations, and ordinances, including the Americans with Disabilities Act.

Tenants are encouraged to reduce their carbon footprint, Green House Gas emissions and the project impacts on Global Warming and to seek LEED certification or utilize energy efficient and sustainable design principles.

FURTHER REQUIREMENTS

Standard Urban Stormwater Mitigation Plans (SUSMP): Port Tenant improvement projects may be required to comply with the requirements for the **SUSMP**. For more information, please visit the District website at <http://www.portofsandiego.org/environment/stormwater.html> or speak with your Asset Manager.

Stormwater Pollution Prevention Plan (SWPPP): Port tenant projects may be required to develop and implement a SWPPP for construction related activities. Depending on the size of the project, the SWPPP requirement is to comply with either the State Water Resources Control Board, General Stormwater Construction Activities Permit for projects one acre or greater or the San Diego Regional Water Quality Control Board Municipal Permit. Determination of a project's SWPPP requirements can be made using the checklist in Attachment B of the Tenant Plan Application. For more information, please visit the District website at <http://www.portofsandiego.org/environment/stormwater.html> or speak with your Asset Manager.

Tenant Percent for Art: Tenants are required per BPC Policy 608 to include artwork in District tenant improvement projects with a total project cost of \$1,000,000 or more. A tenant percent for art allocation of no less than one percent (1%) of the tenant improvement's total project cost must be invested in artwork. For more information, please visit the District website at <http://www.portofsandiego.org/public-art.html> or speak with the Public Art Office at (619) 686-7246.

Dock and Dine: The District is exploring a Dock and Dine Policy for all prospective tenant projects located on the Bay. Tenant projects located on the Bay are encouraged to provide docking facilities available for customer use during patronage of the establishment. Please speak with your Asset Manager to obtain additional information.

Signage Guidelines: Tenant signs must comply with the "Tenant Signage Guidelines," which can be found at <http://www.portofsandiego.org/tenant-improvement/340-architectural-and-mapping-services.html> .

Parking Guidelines: Parking requirements are available within the "Tidelands Parking Guidelines" which can be found at <http://www.portofsandiego.org/tenant-improvement/340-architectural-and-mapping-services.html> .

ADA Conformance: All projects must comply with the Americans with Disabilities Act (ADA). All facilities, including buildings, gangways, piers, and floats must be compliant with city, state and federal accessibility guidelines, laws, and regulations.