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Th 24b

FORM FOR DISCLOSURE OF EX PARTE COMMUNICATIONS

Name or description of project, LPC, etc.: Thur 24th NEUP (Port of San Diego)

Date and time of receipt of communication: 2/4/10 Approx. 2:00 PM

Location of communication: La Jolla, Calif.

Type of communication (letter, facsimile, etc.): telephone call

Person(s) initiating communication: Kevin Falconer

Detailed substantive description of content of communication:
(Attach a copy of the complete text of any written material received.)

He called and said he supports The Port of San Diego's position. He spoke to the numerous public meetings on the proposed plan over the last few years and believes that the addition of all these public improvements and approx. cost of 28 million have been discussed for a long time and its time to move forward per the plan by this proposal.

2/4/10
Date

(Signature)
Signature on file
Signature of Commissioner

FEB 09 2010
San Diego
COMMISSIONER

If the communication was provided at the same time to staff as it was provided to a Commissioner, the communication is not ex parte and this form does not need to be filled out.

If communication occurred seven or more days in advance of the Commission hearing on the Item that was the subject of the communication, complete this form and transmit it to the Executive Director within seven days of the communication. If it is reasonable to believe that the completed form will not arrive by U.S. mail at the Commission's main office prior to the commencement of the meeting, other means of delivery should be used, such as facsimile, overnight mail, or personal delivery by the Commissioner to the Executive Director at the meeting prior to the time that the hearing on the matter commences.

If communication occurred within seven days of the hearing, complete this form, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication.

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FORM FOR DISCLOSURE OF EX PARTE COMMUNICATIONS

Name or description of project, LPC, etc.: Thur 246 NEVP Port of San Diego

Date and time of receipt of communication: 2/4/10 @ 10:30am

Location of communication: La Jolla, Calif.

Type of communication (letter, facsimile, etc.): meeting

Person(s) initiating communication: Scott Andrews

Detailed substantive description of content of communication:

(Attach a copy of the complete text of any written material received.)

MR Andrews
Reviewed the history of NEVP, concerned with
the long standing practice of piece meal development
by the Port. He stated that the Port has made
30 Plan Amendments since 1981. He reviewed
various statements made in various documents
about the park/plaza area. He asked that the
~~Commissioners~~ Commissioners reject the approval
for the Port of San Diego and allow them to ~~negotiate~~
with the Port for more mitigation for their negotiate
proposed uses.

Date 2/4/10

Signature on file
Signature of Commissioner

FEB 09 2010

If the communication was provided at the same time to staff as it was provided to a Commissioner, the communication is not ex parte and this form does not need to be filled out.

If communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication, complete this form and transmit it to the Executive Director within seven days of the communication. If it is reasonable to believe that the completed form will not arrive by U.S. mail at the Commission's main office prior to the commencement of the meeting, other means of delivery should be used, such as facsimile, overnight mail, or personal delivery by the Commissioner to the Executive Director at the meeting prior to the time that the hearing on the matter commences.

If communication occurred within seven days of the hearing, complete this form, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication.

**FORM FOR DISCLOSURE OF
EX-PARTE COMMUNICATIONS**

Name or description of the project: Agenda Item Th.24.b

b. Appeal No. A-6-PSD-09-43 (San Diego Unified Port District, San Diego) Appeal by Katheryn Rhodes & Conrad Hartsell, Ian Trowbridge, Catherine M. O'Leary Carey & John M. Carey, Scott Andrews, Navy Broadway Complex Coalition and Commissioners Wan and Shallenberger from decision of Port of San Diego granting permit with conditions to San Diego Unified Port District to realign North Harbor Drive from B Street Pier to south of Broadway Pier eastward resulting in net loss of 146 public parking spaces, construct 105 ft. wide esplanade; public plaza at foot of West Broadway; gardens; shade pavilions; ticket kiosks; information building; walk-up café; restroom; median improvements on West Broadway between North Harbor Drive and Pacific Highway; and restriping to provide additional turn lane to Grape Street and North Harbor Drive intersection, at North Harbor Drive, from B Street Pier to south of Broadway Pier; Grape Street and North Harbor Drive intersection, San Diego, San Diego County. (DL-SD)

Time/Date of communication: Friday, February 5th, 2010, 9:15 am

Location of communication: La Jolla

Person(s) initiating communication: Dave Grubb, Gabriel Solmer, Penny Elia for Appellants

Person(s) receiving communication: Patrick Kruer

Type of communication: Meeting

Support staff recommendation for denial.

The permit is inconsistent with the Port Master Plan.

This is piecemeal development.

This project should be brought back as PMP Amendment, and considered as part of the EIR for the whole North Embarcadero area.

Date: February 5, 2010

Signature on file

Patrick Kruer

Received

FEB 09 2010

California COMMISSION
San Diego Unified Port District

19

THURSDAY, ITEM 24B

DISCLOSURE OF EX PARTE COMMUNICATIONS

Name or description of project:

Appeal by Katheryn Rhodes & Conrad Hartsell, Ian Trowbridge, Catherine M. O'Leary Carey & John M. Carey, Scott Andrews, Navy Broadway Complex Coalition and Commissioners Wan and Shallenberger from decision of Port of San Diego granting permit with conditions to San Diego Unified Port District to realign North Harbor Drive from B Street Pier to south of Broadway Pier eastward resulting in net loss of 146 public parking spaces, construct 105 ft. wide esplanade; public plaza at foot of West Broadway; gardens; shade pavilions; ticket kiosks; information building; walk-up café; restroom; median improvements on West Broadway between North Harbor Drive and Pacific Highway; and restriping to provide additional turn lane to Grape Street and North Harbor Drive intersection, at North Harbor Drive, from B Street Pier to south of Broadway Pier; Grape Street and North Harbor Drive intersection, San Diego, San Diego County.

Date and time of receipt of communication:

February 2, 2010 at 12:00 pm

Location of communication:

La Jolla

Type of communication:

In person meeting

Person(s) in attendance at time of communication:

Susan McCabe, Steve Cushman, John Helmer, Jerry Trammer

Person(s) receiving communication:

Pat Kruer

Detailed substantive description of the content of communication:

(Attach a copy of the complete text of any written material received.)

I received a briefing from the project representatives in which they described the NEVP Phase 1 Coastal Access Features Project. Staff is recommending denial based on their belief that the project is inconsistent with the Port Master Plan. However, the applicants explained why they believe the project to be consistent with the PMP and described the project components and various public benefits, including a wide promenade, landscaping, active public spaces, and water quality improvements. They also described the procedural background related to the evolution of the proposed project and explained how the land use graphic that depicted the "oval park" was not intended to be a design-level drawing. They emphasized the project's importance to the San Diego Region and explained the risk of the project not ever being built if the permit gets denied and the project is subject to further delay through the PMPA process. They explained that substantial City redevelopment funds could be in jeopardy if this project is delayed. The project is "shovel ready" and will create jobs. The representatives requested that the Commission approve the project with minor modifications to address staff concerns.

Date: 2/3/10

Signature on file

Signature of Commissioner: _____

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FEB 03 2010
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

20

THURSDAY, ITEM 24B

DISCLOSURE OF EX PARTE COMMUNICATIONS

Name or description of project:

Appeal by Kathryn Rhodes & Conrad Hartsell, Ian Trowbridge, Catherine M. O'Leary Carey & John M. Carey, Scott Andrews, Navy Broadway Complex Coalition and Commissioners Wan and Shallenberger from decision of Port of San Diego granting permit with conditions to San Diego Unified Port District to realign North Harbor Drive from B Street Pier to south of Broadway Pier eastward resulting in net loss of 146 public parking spaces, construct 105 ft. wide esplanade; public plaza at foot of West Broadway; gardens; shade pavilions; ticket kiosks; information building; walk-up café; restroom; median improvements on West Broadway between North Harbor Drive and Pacific Highway; and restriping to provide additional turn lane to Grape Street and North Harbor Drive intersection, at North Harbor Drive, from B Street Pier to south of Broadway Pier; Grape Street and North Harbor Drive intersection, San Diego, San Diego County.

Date and time of receipt of communication:

February 1, 2010 at 10:00 am

Location of communication:

Phone

Type of communication:

Teleconference

Person(s) in attendance at time of communication:

Susan McCabe, Shaun Sumner, Darlene Nicandro, Matt Valerio, Anne Blemker

Person(s) receiving communication:

Dan Secord

Detailed substantive description of the content of communication:

(Attach a copy of the complete text of any written material received.)

I received a briefing from the project representatives in which they described the NEVP Phase I Coastal Access Features Project. Staff is recommending denial based on their belief that the project is inconsistent with the Port Master Plan. However, the applicants explained why they believe the project to be consistent with the PMP and described the project components and various public benefits, including a wide promenade, landscaping, active public spaces, and water quality improvements. They also described the procedural background related to the evolution of the proposed project and explained how the land use graphic that depicted the "oval park" was not intended to be a design-level drawing. They emphasized the project's importance to the San Diego Region and explained the risk of the project not ever being built if the permit gets denied and the project is subject to further delay through the PMPA process. They explained that substantial City redevelopment funds could be in jeopardy if this project is delayed. The project is "shovel ready" and will create jobs. The representatives requested that the Commission approve the project with minor modifications to address staff concerns.

Date:

Signature of Commissioner:

Signature on file

Received
FEB 04 2010
San Diego Coast District

21

THURSDAY, ITEM 24B

DISCLOSURE OF EX PARTE COMMUNICATIONS

Name or description of project:

Appeal by Kathryn Rhodes & Conrad Hartsell, Ian Trowbridge, Catherine M. O'Leary Carey & John M. Carey, Scott Andrews, Navy Broadway Complex Coalition and Commissioners Wan and Shallenberger from decision of Port of San Diego granting permit with conditions to San Diego Unified Port District to realign North Harbor Drive from B Street Pier to south of Broadway Pier eastward resulting in net loss of 146 public parking spaces, construct 105 ft. wide esplanade; public plaza at foot of West Broadway; gardens; shade pavilions; ticket kiosks; information building; walk-up café; restroom; median improvements on West Broadway between North Harbor Drive and Pacific Highway; and restriping to provide additional turn lane to Grape Street and North Harbor Drive intersection, at North Harbor Drive, from B Street Pier to south of Broadway Pier; Grape Street and North Harbor Drive intersection, San Diego, San Diego County.

Date and time of receipt of communication:

February 1, 2010 at 4:15 pm

Location of communication:

Phone

Type of communication:

Teleconference

Person(s) in attendance at time of communication:

Susan McCabe, Charlie Wurster, John Helmer, Irene McCormack, Anne Blemker

Person(s) receiving communication:

Bonnie Neely

Detailed substantive description of the content of communication:

(Attach a copy of the complete text of any written material received.)

I received a briefing from the project representatives in which they described the NEVP Phase 1 Coastal Access Features Project. Staff is recommending denial based on their belief that the project is inconsistent with the Port Master Plan. However, the applicants explained why they believe the project to be consistent with the PMP and described the project components and various public benefits, including a wide promenade, landscaping, active public spaces, and water quality improvements. They also described the procedural background related to the evolution of the proposed project and explained how the land use graphic that depicted the "oval park" was not intended to be a design-level drawing. They emphasized the project's importance to the San Diego Region and explained the risk of the project not ever being built if the permit gets denied and the project is subject to further delay through the PMPA process. They explained that substantial City redevelopment funds could be in jeopardy if this project is delayed. The project is "shovel ready" and will create jobs. The representatives requested that the Commission approve the project with minor modifications to address staff concerns.

Date: February 1, 2010

Signature on file

Bonnie Neely, Commissioner: _____

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FEB 04 2010

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

22

RECEIVED
South Coast Region

**FORM FOR DISCLOSURE
OF EX PARTE
COMMUNICATION**

FEB 4 2010

CALIFORNIA
COASTAL COMMISSION

February 3, 2010, 1:30 p.m.

Date and time of communication:
(For messages sent to a Commissioner by mail or facsimile or received as a telephone or other message, date time of receipt should be indicated.)

Commissioner Neely's Eureka Office

Location of communication:
(For communications sent by mail or facsimile, or received as a telephone or other message, indicate the means of transmission.)

Person(s) initiating communication:

Maggy Herbelin, Local ORCA Representative

Person(s) receiving communication:

Commissioner Bonnie Neely

Name or description of project:

San Diego Unified Port Appeal (Th24b) - Appeal No. A-6-PSD-09-43 I by Katheryn Rhodes & Conrad Hartsell, Ian Trowbridge, Catherine M. O'Leary Garay & John M. Garay, Scott Andrews, Navy Broadway Complex Coalition and Commissioners Wan and Shallenberger from decision of Port of San Diego granting permit with conditions to San Diego Unified Port District to realign North Harbor Drive from B Street Pier to south of Broadway Pier eastward resulting in net loss of 146 public parking spaces, construct 106 ft wide esplanade; public plaza at foot of West Broadway; gardens; shade pavilions; ticket kiosks; information building; walk-up cafe; restroom; median improvements on West Broadway between North Harbor Drive and Pacific Highway, and restriping to provide additional turn lane to Grape Street and North Harbor Drive intersection, at North Harbor Drive, from B Street Pier to south of Broadway Pier, Grape Street and North Harbor Drive intersection, San Diego, San Diego County. (DL-SD)

Detailed substantive description of content of communication:

(If communication included written material, attach a copy of the complete text of the written material.)

Ms Herbelin stated that ORCA discussed the following:

Approval of this project would be piecemeal development.

Port staff has acknowledged that there have been several changes in potential development patterns along the North Esplanade that will require a comprehensive PMPA, and have issued a Notice of Preparation for environmental review, but the subject site has NOT been included in the scope of the proposed EIR.

Plan-level changes in the surrounding environment have impacts on public parking, circulation, visual quality and public access that need to be evaluated on a comprehensive basis through the Port Master Plan Amendment that is currently being processed; they should not be addressed through the proposed permit. The permit should be denied, and the proposed project included in the PMP Amendment.

Signature on file


Bonnie Neely, Commissioner

Date: February 3, 2010

Coastal Commission Fax 415 904-5400

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FEB 03 2010

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

23

DISCLOSURE OF EX PARTE COMMUNICATIONS

Name or description of project:

Appeal by Kathryn Rhodes & Conrad Hartsell, Ian Trowbridge, Catherine M. O'Leary Carey & John M. Carey, Scott Andrews, Navy Broadway Complex Coalition and Commissioners Wan and Shallenberger from decision of Port of San Diego granting permit with conditions to San Diego Unified Port District to realign North Harbor Drive from B Street Pier to south of Broadway Pier eastward resulting in net loss of 146 public parking spaces, construct 105 ft. wide esplanade; public plaza at foot of West Broadway; gardens; shade pavilions; ticket kiosks; information building; walk-up café; restroom; median improvements on West Broadway between North Harbor Drive and Pacific Highway; and restriping to provide additional turn lane to Grape Street and North Harbor Drive intersection, at North Harbor Drive, from B Street Pier to south of Broadway Pier; Grape Street and North Harbor Drive intersection, San Diego, San Diego County.

Date and time of receipt of communication:

January 30, 2010 at 1:00 pm

Location of communication:

Phone

Type of communication:

Teleconference

Person(s) in attendance at time of communication:

Susan McCabe

Person(s) receiving communication:

Bill Burke

Detailed substantive description of the content of communication:

(Attach a copy of the complete text of any written material received.)

I received a briefing from the project representative in which she described the NEVP Phase 1 Coastal Access Features Project. Staff is recommending denial based on their belief that the project is inconsistent with the Port Master Plan. However, the Port's representative explained why they believe the project to be consistent with the PMP and described the project components and various public benefits, including a wide promenade, landscaping, active public spaces, and water quality improvements. She also described the procedural background related to the evolution of the proposed project and explained how the land use graphic that depicted the "oval park" was not intended to be a design-level drawing. She emphasized the project's importance to the San Diego Region and explained the risk of the project not ever being built if the permit gets denied and the project is subject to further delay through the PMPA process. She explained that substantial City redevelopment funds could be in jeopardy if this project is delayed. The project is "shovel ready" and will create jobs. The applicant's representative requested that the Commission approve the project with minor modifications to address staff concerns.

Date:

1/31/09

Signature on file

Signature of Commissioner:

[Handwritten signature]

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FEB 09 2010

CALIFORNIA COASTAL COMMISSION SAN DIEGO COAST DISTRICT

Th24b



RECEIVED

January 22, 2010

Chair Bonnie Neely and Commissioners
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

RE: Coastal Development Permit for North Embarcadero Visionary Plan Phase 1 Coastal Access Features Project, San Diego, California (Appeal No. A-6-PSD-09-43)

Dear Chair Neely and Commissioners:

Our membership and the Board of Directors strongly urge the Coastal Commission to issue a Coastal Development Permit for the North Embarcadero Visionary Plan (NEVP) Phase 1 project.

The Board and members of the San Diego Downtown Residents Group has been working on the North Embarcadero Visionary Plan (NEVP) for over 10 years. We have participated in the extensive public input on what should be on our waterfront. Replacing the acres of asphalt that currently comprises the North Embarcadero is very important in continuing the renewal of Downtown San Diego.

This project will replace parking with public areas enhancing the environment in every way, not only aestically or in a public use sense, but including such features as runoff reduction into the bay and storm water capture and treatment which will set an example. Other parts of the NEVP replace the parking along the Embarcadero, a significant portion of which is already in place due to the Port and the Centre City Development Corporation, both of San Diego, in obtaining cooperation from developers and leaseholders in complying with the provisions of the NEVP within the entire area encompassed by the plan.

Another example of innovative thinking with this project is the long-term maintenance funding established to ensure proper maintenance so our children and grand children will enjoy the Embarcadero.

We thank you for your consideration of our views and again request that you and the Commissioners approve a Coastal Development Permit.

Sincerely,

Signature on file

Gary Orfan
President

→ CC: Diana Lilly, Coastal Planner, San Diego Coast District

LETTERS OF SUPPORT

25



TUCKER SADLER

January 22, 2010

Chair Bonnie Neely and Commissioners
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Received

JAN 27 2010

California Coastal Commission
San Diego Coast District

RE: Coastal Development Permit for North Embarcadero Visionary Plan Phase 1 Coastal Access Features Project, San Diego, California (Appeal No. A-6-PSD-09-43)

Dear Chair Neely and Commissioners:

As a former chairman of San Diego Centre City Development Corporation as well as CCDC representative for the Joint Powers Authority, I strongly urge the California Coastal Commission to issue a Coastal Development Permit for the North Embarcadero Visionary Plan (NEVP) Phase 1 Coastal Access Features project. The Commission's approval is an important step toward the transformation of San Diego's waterfront into a world-class public space. The planning process included years of community input and the efforts of highly experienced planning consultants.

Through NEVP phase 1, the public will have unprecedented free coast access to San Diego's working waterfront. Significant project amenities will include an expansive public plaza at the foot of Broadway; contemplative gardens; public restrooms designed by world-class artist Pae White; and walking, jogging, and bike paths. These amenities will create a pleasant experience for visitors and residents alike.

Environmental conditions along the water's edge will also improve. Storm water capture and treatment will be significantly improved through a landscaped water quality system in the esplanade. Roadway contaminants along North Harbor Drive which would have been discharged directly into San Diego Bay will reduce or eliminated.

NEVP Phase 1 is an important catalyst for economic growth in the San Diego region. A beautiful and accessible waterfront will promote and support San Diego's recreational, retail, and hospitality industries. Financed entirely by redevelopment dollars and Port lease revenue, the project will be delivered at no additional cost to the public. NEVP Phase 1 includes long-term maintenance

funding to ensure that this signature public park is adequately maintained for future generations of waterfront visitors.

We respectfully request that the California Coastal Commission recognize the importance of NEVP Phase 1 to the region and to the state and allow it to move forward by approving a Coastal Development Permit at the February Coastal Commissioning meeting.

Regards,



Signature on file

Har Sadler

CC: Diana Lilly, Coastal Planner, San Diego Coast District



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CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COUNTY DISTRICT

ENGINEERING & GENERAL CONTRACTORS ASSN.

P.O. Box 81798, San Diego, California 92138-1798 • (619) 692-0760 • Fax: (619) 692-0839 • www.egca.org

January 12, 2010

OFFICERS

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VICE PRESIDENT
Cass Construction, Inc.

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Hazard Construction Company

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TREASURER
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Vulcan Materials Company

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Erreca, Inc.

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SCOTT JOHNSON
*B&B Equipment Rental by
RDO Equipment Co.*

MONTY KOCH
Koch-Arnstrong General Engineering, Inc.

TIM McBRIDE
Southern Contracting Company

JEFF TURNER
Flatiron Construction Corp.

BILL YOUNG
El Cajon Grading & Engineering Co., Inc.

DEBBIE DAY
Executive Director

Chair Bonnie Neely and Commissioners
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

RE: Coastal Development Permit for North Embarcadero
Visionary Plan Phase 1 Coastal Access Features Project, San Diego,
California (Appeal No. A-6-PSD-09-43)

Dear Chair Neely and Commissioners:

On behalf of the Engineering & General Contractors Association (EGCA), I strongly urge the California Coastal Commission to issue a Coastal Development Permit for the North Embarcadero Visionary Plan (NEVP) Phase 1 Coastal Access Features project. The Commission's approval is an important step toward the transformation of San Diego's waterfront into a world-class public space.

Public access to the area will be greatly improved. In addition, the public amenities that will be added, which include beautiful gardens, a public plaza, bike, walking and jogging trails, together with public restrooms, will create a lovely public area, which, as the area is used, will create life-long memories for both residents and visitors alike.

NEVP Phase 1 is an important catalyst for economic growth in the San Diego region. A beautiful and accessible waterfront will promote and support San Diego's recreational, retail, and hospitality industries.

We understand NEVP Phase 1 will be financed entirely by redevelopment dollars and revenue from Port leases and will not require public funds. We also believe NEVP Phase 1 includes long-term maintenance funding which will insure the public park area will be adequately maintained well into the future.

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Chair Bonnie Neely and Commissioners

January 12, 2010

Page 2

We respectfully request that the California Coastal Commission recognize the importance of NEVP Phase i to the region and to the state and allow it to move forward by approving a Coastal Development Permit at the February Coastal Commission meeting.

Sincerely,

Debbie Day
EGCA
Executive Director

cc: Diana Lilly, Coastal Planner, San Diego Coast District

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ASSOCIATED GENERAL CONTRACTORS OF AMERICA

SAN DIEGO CHAPTER, INC.

6212 FERRIS SQUARE - SAN DIEGO, CALIFORNIA 92121

(858) 558-7444 - FAX (858) 558-8444

WWW.AGCSD.ORG

SKILL - INTEGRITY - RESPONSIBILITY

January 29, 2010

Chair Bonnie Neely and Commissioners
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

RE: Coastal Development Permit for North Embarcadero Visionary Plan Phase 1 Coastal Access Features Project, San Diego, California (Appeal No. A-6-PSD-09-43)

Dear Chair Neely and Commissioners:

On behalf of the Associated General Contractors of America, San Diego Chapter, Inc. (AGC), I strongly urge the California Coastal Commission to issue a Coastal Development Permit for the North Embarcadero Visionary Plan (NEVP) Phase 1 Coastal Access Features project. The Commission's approval is an important step toward the transformation of San Diego's waterfront into a world-class public space.

AGC is committed to rebuilding the region's infrastructure, and we support NEVP Phase 1. The project will increase the access to the waterfront, will help grow the economy, and will improve environmental conditions along the water's edge. The long-term maintenance funding will ensure that this signature public park is adequately maintained for future generations of waterfront visitors.

We respectfully request that the California Coastal Commission recognize the importance of NEVP Phase 1 to the region and state and allow the project to move forward by approving a Coastal Development Permit at the February Coastal Commission meeting.

Sincerely,

Signature on file

Bradford E. Barnum
Vice President Government Relations

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FEB 03 2010
California Coastal Commission
San Diego Coast District

CC: Diana Lilly, Coastal Planner, San Diego Coast District

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DATE

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

ENGINEERING & GENERAL CONTRACTORS ASSN.

P.O. Box 81798, San Diego, California 92138-1798 • (619) 692-0760 • Fax: (619) 692-0839 • www.egca.org

January 12, 2010

OFFICERS

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Allied Trench Shoring

DAIN DeFOREST

Vulcan Materials Company

SCOTT ERRECA

Erreca, Inc.

MIKE JOHNSON

Hawthorne Machinery, Co.

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B&B Equipment Rental by

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El Cajon Grading & Engineering Co., Inc.

DEBBIE DAY

Executive Director

Chair Bonnie Neely and Commissioners
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

RE: Coastal Development Permit for North Embarcadero
Visionary Plan Phase 1 Coastal Access Features Project, San Diego,
California (Appeal No. A-6-PSD-09-43)

Dear Chair Neely and Commissioners:

On behalf of the Engineering & General Contractors Association (EGCA), I strongly urge the California Coastal Commission to issue a Coastal Development Permit for the North Embarcadero Visionary Plan (NEVP) Phase 1 Coastal Access Features project. The Commission's approval is an important step toward the transformation of San Diego's waterfront into a world-class public space.

Public access to the area will be greatly improved. In addition, the public amenities that will be added, which include beautiful gardens, a public plaza, bike, walking and jogging trails, together with public restrooms, will create a lovely public area, which, as the area is used, will create life-long memories for both residents and visitors alike.

NEVP Phase 1 is an important catalyst for economic growth in the San Diego region. A beautiful and accessible waterfront will promote and support San Diego's recreational, retail, and hospitality industries.

We understand NEVP Phase 1 will be financed entirely by redevelopment dollars and revenue from Port leases and will not require public funds. We also believe NEVP Phase 1 includes long-term maintenance funding which will insure the public park area will be adequately maintained well into the future.

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Chair Bonnie Neely and Commissioners

January 12, 2010

Page 2

We respectfully request that the California Coastal Commission recognize the importance of NEVP Phase 1 to the region and to the state and allow it to move forward by approving a Coastal Development Permit at the February Coastal Commission meeting.

Sincerely,

Signature on file

Signature on file

Debbie Day
EGCA
Executive Director

cc: Diana Lilly, Coastal Planner, San Diego Coast District

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HORNBLOWER®
CRUISES & EVENTS

between the sea and the sky™

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JAN 14 2010

CALIFORNIA COASTAL COMMISSION

PIER 3, HORNBLOWER LANDING SAN FRANCISCO, CA 94111 TEL: 415-788-8866 FAX: 415-394-8444 www.hornblower.com

January 14, 2010

Diana Lilly, Coastal Planner
California Coastal Commission, San Diego Coast District
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4421

Dear Ms. Lilly,

**NEVP Phase I
Tenant Comments
Favoring Issuance of a Coastal Development Permit**

Hornblower Cruises & Events has been a San Diego Port tenant at the North Embarcadero area of San Diego since 1990. Hornblower provides quality public access to San Diego Bay and coastal ocean waters to all San Diegans as well as to worldwide visitors. Access is provided to all, with pricing from "free" in certain cases, to very affordable "school rates" and scaling up several levels of price point & products, to the business meetings & events, which are such an integral part of San Diego's coastal economy. Hornblower focuses on environmentally oriented tours and educational content, combined with a vigorous community outreach in the way of charity "in kind" contributions.

Hornblower's daily operations embraces the Port of San Diego's "above and beyond" compliance with regard to environmental stewardship, which is demonstrated by early conversion to Tier 2 engines before required, cold ironing shore power for docked vessels, use of shore side electric service vehicles, leadership in the conversion to non-copper bottom paints, and the cutting edge development of hybrid powered boat technology, as well as partnerships with other stewards of the environment, such as The San Diego Natural History Museum, San Diego Oceans Foundation, and Cabrillo National Monument Foundation. Hornblower works diligently, every day, to improve its performance in favor of our marine environment and our community.

It is important that the Coastal Commission and its staff understand Hornblower's background & philosophy, so that our viewpoint, along with other vested stakeholders, as important considerations are made about San Diego's Embarcadero maritime access

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and improvements. In short, we believe that Hornblower's company culture is in sync with the full spirit and direction of the Commission's objectives and Coastal Act requirements. At the same time, we support the timely implementation of NEVP Phase I, as proposed by the Port of San Diego, based on the merits of the project overall, and we believe it demonstrates real conformance and compliance with the Coastal Act.

We understand that the Commission's staff may have some concerns arising from earlier generalized drawings of a "park like" oval at the foot of Broadway, during a prior iteration of the NEVP plan. First, we believe that the final proposed design for the foot of Broadway preserves and actually enhances view corridors and creates a sense of destination center point & arrival for NEVP. Secondly, no matter what was done with the Broadway Pier, this "oval" would always be an active vehicular traffic intersection, connecting Broadway with N. Harbor Drive access. We understand and support the treatment of the mixed vehicular/pedestrian use in this area. It is in fact a roadway & pedestrian intersection, and always was, in any NEVP plan iteration. However, it can be beautifully appointed, not unlike admired European roundabouts, etc., with pavers, art, lighting and landscape, but it is a traffic intersection, nonetheless, not really able to be a park within an intersection, simply because of the truly required, but greatly reduced, street footprint in this area.

In our view, as a long time vested tenant and environmental leader in the marine transportation community, the real gem that has evolved over 10 years of NEVP planning and community outreach, has been the concept of the almost unobstructed linear park and promenade, which has been proposed to stretch over the entire length of the Embarcadero in all phases of development. This promenade connects locals and visitors to the water, well away from traffic, interspersing elevation changes, landscape variations, refreshment areas, interpretive locations, museums, and attractive and convenient access to water transportation & recreation. Overall, NEVP, as currently proposed, provides for huge amounts of very interesting views, as well as interpretive, artistic and contemplative areas, which is everything an urban park could ever hope to provide. Additionally, a plan to capture surface water runoff has been added, which is a highly valued new component to the overall plan.

Thank you for your consideration of this communication. Hornblower is a small business by definition, but has a prominent presence in all of the major California Ports. As such, we truly appreciate the Commission's diligent oversight of California's irreplaceable coastal assets. Simply put, we seek to be a participant in a collaborative solution process to the greatest extent we can.

Sincerely /

Signature on file

Jim Unger
VP, Hornblower Cruises & Events.





February 2, 2010

Chair Bonnie Neely and Commissioners
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

RE: Coastal Development Permit for North Embarcadero Visionary Plan Phase 1 Coastal Access Features Project, San Diego, California (Appeal No. A-6-PSD-09-43)

Dear Chair Neely and Commissioners:

At its February 2nd, 2010 Board of Directors meeting, we considered the issue of the Phase 1 North Embarcadero Visionary Plan. The Little Italy Association has been a big supporter of improvements to the North Embarcadero since its inception due to our historic ties to the San Diego Bay and fishing industry.

Our Board voted unanimously to endorse the Phase 1 Visionary Plan and submit a letter of support to the Coastal Commission for consideration at its meeting on February 11th.

On behalf of the Little Italy Association, I strongly urge the California Coastal Commission to issue a Coastal Development Permit for the North Embarcadero Visionary Plan (NEVP) Phase 1 Coastal Access Features project. The Commission's approval is an important step toward the transformation of San Diego's waterfront into a world-class public space.

Through NEVP Phase 1, the public will have unprecedented free coastal access to San Diego's working waterfront. As we understand, the significant project amenities will include:

- an expansive public plaza at the foot of Broadway;
- contemplative gardens;
- public restrooms designed by world-class artist Pae White;
- and walking, jogging, and bike paths.

Environmental conditions along the water's edge will also improve. Stormwater capture and treatment will be significantly improved through a landscaped water quality system in the esplanade. Roadway contaminants along North Harbor Drive which would have been discharged directly into San Diego Bay will be reduced or eliminated.

LITTLE ITALY ASSOCIATION OF SAN DIEGO

1668 COLUMBIA STREET ■ SAN DIEGO, CA 92101 ■ 619-233-3898 ■ FAX 619-233-4866
MAIL@LITTLEITALYSD.COM ■ WWW.LITTLEITALYSD.COM

A large, bold, handwritten signature in black ink, appearing to be the initials "B" or "B." with a long horizontal stroke extending to the right.

NEVP Phase 1 is an important catalyst for economic growth in the San Diego region. A beautiful and accessible waterfront, and its tie to our Little Italy, will promote and support San Diego's recreational, retail, and hospitality industries. Financed entirely by redevelopment dollars and Port lease revenue, the project will be delivered at no additional cost to the public. NEVP Phase 1 includes long-term maintenance funding to ensure that this signature public park is adequately maintained for future generations of waterfront visitors.

We respectfully request that the California Coastal Commission recognize the importance of NEVP Phase 1 to the region and to the state and allow it to move forward by approving a Coastal Development Permit at the February Coastal Commission meeting.

Sincerely,

Signature on file

Steven J. Galasso
President
Little Italy Association of San Diego

CC: Diana Lilly, Coastal Planner - San Diego Coast District
Mayor Jerry Sanders
Councilman Kevin Faulconer
Scott Peters, Port Commissioner
Linda Scott, Capitol Project Manager – Port of San Diego

DL
Douglas Wilson Companies 450 B Street, Suite 1900
San Diego, California 92101
phone: 619.641.1141 fax: 619.641.1150
www.douglaswilson.com

February 3, 2010

Chair Bonnie Neely and Commissioners
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

RE: Coastal Development Permit for North Embarcadero Visionary Plan Phase 1 Coastal Access Features Project, San Diego, California (Appeal No. A-6-PSD-09-43)

Dear Chair Neely and Commissioners:



As a Board Member of the Downtown San Diego Partnership and a resident of San Diego County, I strongly urge the California Coastal Commission to issue a Coastal Development Permit for the North Embarcadero Visionary Plan (NEVP) Phase 1 Coastal Access Features project. The Commission's approval is an important step toward the transformation of San Diego's waterfront into a world-class public space.

This Visionary Plan will provide the public with unprecedented free coastal access to San Diego's working waterfront. Significant project amenities will include an expansive public plaza at the foot of Broadway; contemplative gardens; public restrooms designed by world-class artist Pae White; and walking, jogging, and bike paths. These amenities will create a pleasant experience for visitors and residents alike.

Environmental conditions along the water's edge will also improve. Stormwater capture and treatment will be significantly improved through a landscaped water quality system in the esplanade. Roadway contaminants along North Harbor Drive which would have been discharged directly into San Diego Bay will be reduced or eliminated.

NEVP Phase 1 is also an important catalyst for economic growth in the San Diego region. A beautiful and accessible waterfront will promote and support San Diego's recreational, retail and hospitality industries. Financed entirely by redevelopment dollars and Port lease revenue, the project will be delivered at no additional cost to the public. NEVP Phase 1 includes long-term maintenance funding to ensure that this signature public park is adequately maintained for future generations of waterfront visitors.

I respectfully request that the California Coastal Commission please recognize the importance of NEVP Phase 1 to the region and to the state and allow it to move forward by approving a Coastal Development Permit at the February Coastal Commission meeting.

Sincerely

Signature on file

LIZ ALDADO
Director

CC: Diana Lilly, Coastal Planner, San Diego Coast District

Atlanta Las Vegas Miami Orlando San Diego San Francisco

Serving clients throughout the United States

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January 25, 2010



Chair Bonnie Neely and Commissioners
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

RE: Coastal Development Permit for North Embarcadero Visionary Plan Phase 1 Coastal Access Features Project, San Diego, California (Appeal No. A-6-PSD-09-43)

Dear Chair Neely and Commissioners:

On behalf of Bosa Development California II, Inc., I strongly urge the California Coastal Commission to issue a Coastal Development Permit for the North Embarcadero Visionary Plan (NEVP) Phase 1 Coastal Access Features project. The Commission's approval is an important step toward the transformation of San Diego's waterfront into a world-class public space.

Through NEVP Phase 1, the public will have unprecedented free coastal access to San Diego's working waterfront. Significant project amenities will include an expansive public plaza at the foot of Broadway; contemplative gardens; public restrooms designed by world-class artist Pae White; and walking, jogging, and bike paths. These amenities will create a pleasant experience for visitors and residents alike.

Environmental conditions along the water's edge will also improve. Stormwater capture and treatment will be significantly improved through a landscaped water quality system in the esplanade. Roadway contaminants along North Harbor Drive which would have been discharged directly into San Diego Bay will be reduced or eliminated.

NEVP Phase 1 is an important catalyst for economic growth in the San Diego region. A beautiful and accessible waterfront will promote and support San Diego's recreational, retail, and hospitality industries. Financed entirely by redevelopment dollars and Port lease revenue, the project will be delivered at no additional cost to the public. NEVP Phase 1 includes long-term maintenance funding to ensure that this signature public park is adequately maintained for future generations of waterfront visitors.

We respectfully request that the California Coastal Commission recognize the importance of NEVP Phase 1 to the region and to the state and allow it to move forward by approving a Coastal Development Permit at the February Coastal Commission meeting.

Sincerely,
BOSA DEVELOPMENT CALIFORNIA II, INC.

Signature on file

Natale Bosa,
President

NB/bw8

CC: Diana Lilly, Coastal Planner, San Diego Coast District

Receive

FEB 09 2010

San Diego Coastal District

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Th 246

THE CITY OF SAN DIEGO
COUNCILMEMBER DONNA FRYE
SIXTH DISTRICT

February 4, 2010

California Coastal Commission
San Diego Coast Area
7575 Metropolitan Drive Suite 103
San Diego, CA 92108

RE: Appeal No. A-6-PSD-09-43, Port of San Diego
Proposed Changes to North Embarcadero Public Access

Honorable Commissioners:

I am writing in support of the Commission staff recommendation to deny the Port of San Diego's Coastal Development Permit (CDP) in the above-referenced appeal.

I believe the actions described in the CDP, intended for the development of a large cruise-ship terminal on the Broadway Pier, are inconsistent with the current Port Master Plan (PMP), the governing document for San Diego's Local Coastal Program. The proposed permit would eliminate a large public park/plaza at the foot of Broadway, as described in the Master Plan, turning that area instead into a driveway for the cruise-ship terminal.

Commission staff raises concern *"with the practice of amending the PMP through a CDP on a piecemeal, project-by-project basis, where the overall context of the impacts cannot be evaluated or mitigated to ensure consistency with the PMP and the Coastal Act."* I share this concern.

Commission staff recommends that this project and others proposed for the North Embarcadero area be evaluated collectively and comprehensively through a Port Master Plan Amendment, which would include adequate environmental analysis. I strongly agree. I respectfully urge the Commission to uphold the appeal and deny this Development Permit.

Thank you for your consideration and your commitment to public access for the North Embarcadero.

Sincerely,

Signature on file
rye

Donna Frye,
Councilmember, Sixth District
City of San Diego

RECEIVED

FEB 04 2010

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

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LETTERS OF OPPOSITION



Diana Lilly

From: ianrowbridge [chris70@cox.net]
Sent: Friday, February 05, 2010 5:02 PM
To: Diana Lilly
Subject: Fwd: Coastal

>Date: Fri, 5 Feb 2010 16:59:07 -0800
>To: pkruer@monarchgroup.com
>From: ianrowbridge <chris70@cox.net>
>Subject: Coastal
>Cc:
>Bcc:
>X-Attachments:

>
>
>700 Front Street
>Unit 2105
>San Diego, CA 92101
>
>valeriestallings@cox.net
>
>
>

>As a former San Diego City Council member (1991-2001) I would like to
>register my support for the Commission Staff's recommendation to deny
>the San Diego Port District's CDP for the North Embarcadero Plan. My
>reasons for doing so are the following:

>
>One of the earliest discussions I was involved in as a Councilwoman
>included the future for the North Embarcadero. At that time Supervisor
>Roberts was also a Councilman and as a former architect led spirited
>talks about how important it was to follow a comprehensive master plan
>and not "piece-meal" away one of our most valuable resources. I
>believed it was the intention of the Port, the City and the County to
>provide by the choices that were made, a plan that they would follow,
>not just give lip service to, that would not only visually serve and
>enhance our City and region as an entryway, but turn this highly
>utilized area into something memorable, exciting, vibrant, pedestrian
>and user friendly area.

>
>I believe that the project as proposed is a far cry from what I was
>led to believe was to be constructed as public space. Many years
>ago I lived in Miami, Florida and I was witness to the destruction of
>their beautiful beach strand by poor planning and just letting growth
>happen. Let us not make the same terrible mistake.

>
>We still have a golden opportunity to do make things right by
>supporting the Commission Staff's recommendation and urging the Port to
>keep to the plan so that future San Diagans will say "thank goodness,
>they had the courage to do the right thing."

>
>Respectfully,

>
>Valerie Stallings
>San Diego City Council, Retired

THE PUBLIC TRUST ALLIANCE
A Project of The Resource Renewal Institute
187 East Blithedale Avenue
Mill Valley, CA 94941
(510) 644-0752

February 5, 2010

California Coastal Commission
C/O Diana Lilly
California Coastal Commission
7575 Metropolitan Drive #103
San Diego, CA 92108-4421
dlilly@coastal.ca.gov

**RE: Public Trust Alliance Comments on California Coastal
Commission Staff Report Th 24b: Staff Report and Recommendations
on Appeal De Novo - APPEAL NO.: A-6-PSD-09-43**

Coastal Commissioners:

The Public Trust Alliance is a network of individuals and organizations with the organizational mission of defending public rights of access, use and conservation of valuable public assets protected under California Public Trust Doctrine. As you know so well, this law has protected public uses of certain shared resources since before statehood. We work with communities to reclaim their civic rights and with designated state trustees to better live up to their public stewardship duties.

Please affirm your staff's recommendation for the denial of a Coastal Development permit for the initial stage of the North Embarcadero Visionary Plan as interpreted by the current Port Commission because it is fundamentally inconsistent with the approved Local Coastal Plan. This is the supervisory mechanism that protects the public from rogue decisions of politically and economically connected individuals who often have their own private interests. The disappearance of the "Park" at the foot of Broadway and the loss of unrestricted public access to the Broadway Pier is also a breach of almost every recognized civic planning effort for the San Diego Bayfront for the past Century.

Port functionaries have suggested that a "park" at the foot of Broadway was some kind of "concept" that might have briefly surfaced in discussions of the Bayfront. But the history actually runs much deeper and longer. Longtime San Diego Parks Commissioner George White Marston advocated the already existing concept more than a hundred years ago. In a 1956 book about her father, Mary Marston wrote:

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“In an address given on March 25, 1907, at a joint meeting of the Art Association and the Chamber of Commerce, he proposed that the Plaza be converted into a civic center by enlarging it and grouping public and semi-public buildings around it, and that D Street, now Broadway, be made into a handsome avenue connecting the Plaza with an open square and a pleasure pier on the bay front. This plan had been advocated by the architect W. S. Hebbard and considered at a meeting in the Henry A. Mills home by the group that made up the first Art Association.” (Marston, Mary, George White Marston, Ward Ritchie Press, 1956, Vol. II, p.28).

The first “Nolen Plan” produced by Cambridge, Massachusetts Landscape Architect John Nolen, in 1908, accentuated the idea that commercial and public recreational and civic activities be separated on the San Diego waterfront:

“The supreme importance of commercial interests should be frankly recognized, and the division between the sections devoted primarily to business and that to pleasure would come at E Street. Commercial facilities, wharves, docks and piers south of E Street, extending further and further as business demands, and pleasure facilities of a simple order north of E Street. The foot of D Street would be emphasized by the development of a Bay Plaza 300 feet by 500 feet, but the main development of recreation and artistic interests would center at the foot of Date and Elm Streets, nearer the residential sections and the big City Park.” (Ibid. p.31 quoting Nolen).

This is the history out of which the North Embarcadero Visionary Project grew. Clearly economics and progress in San Diego have involved various building campaigns and continuing planning discussions, but actual construction and permitting are widely perceived to take place within some sort of legal framework. Public access and civic use of the piers and areas North of Broadway were only recently suggested as a civic sacrifice zone for the likes of Carnival Cruise Line and its floating hotels. San Diego’s public bay front is not private property intended for gifting to the most connected business interest. The Coastal Development Permit for the ill conceived uses proposed in this proceeding would only serve to limit public access and use of the shoreline and deny long considered public uses to future generations of Californians.

Carnival isn’t even assembling private resources to support its own proposed home porting infrastructure; the business plan depends on a huge public subsidy for facilities operated for private benefit at a time when more San Diego families are being driven off their economic edge every day. The Public Trust Alliance strongly urges the Coastal Commission to preserve public civic assets and avoid setting a terrible precedent for all California shoreline communities.

Thank you for consideration of these comments

Sincerely,

Michael Warburton
Executive Director

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CHATTEN-BROWN & CARSTENS

2601 OCEAN PARK BOULEVARD

SUITE 205

SANTA MONICA, CALIFORNIA 90405

www.cbcearthlaw.com

TELEPHONE: (310) 314-8040

FACSIMILE: (310) 314-8050

E-MAIL:

ASP@CBCEARTH.LAW.COM

January 26, 2010

California Coastal Commission
San Diego Coast Area
7575 Metropolitan Drive Suite 103
San Diego, CA 92108

RE: Appeal No. A-6-PSD-09-43, Port of San Diego Proposed Changes to North Embarcadero Public Access

Honorable Commissioners:

This office represents Save Everyone's Access (SEA) in the appeal of the Coastal Development Permit (CDP) issued by the Port of San Diego for the realignment of North Harbor Drive and associated changes to streets and public amenities in the North Embarcadero area. The actions described in the CDP are inconsistent with the currently approved Port Master Plan (PMP), and would preclude important public projects described in the PMP such as the Broadway Landing Park from going forward. The actions described in the CDP are also part of a much larger proposal to develop a *second* extensive cruise ship facility serving the Carnival Cruise Corporation. This facility would be in addition to the already existing Carnival Cruise facility at the B Street Pier Terminal. When considered cumulatively, the Port's plans have devastating impacts on public access and the public's rights in tidelands in the North Embarcadero area. For these reasons, SEA urges the Commission to deny the permit, require the Port of San Diego to disclose the full impacts, both direct and cumulative, of its plans on public access to the Embarcadero, and require that the Port provide sufficient mitigation for those impacts.

I. The PMP Includes Important Commitments to Public Access.

The Port Master Plan, which includes a portion of the Broadway Street pier within the area governed by the standards in the plan, recognizes the area between Ash and Broadway as the most important civic zone on the waterfront. (PMP, p. 63.) Furthermore, the PMP calls for plazas on the Broadway Pier to provide open space as part of Broadway Landing Park. (Ibid.) Cruise ship functions are primarily served by a terminal at the B Street pier with the Broadway Pier providing "overflow" berthing, not primary ship

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access as is apparently planned by the Port. (Ibid.) “Broadway Pier will continue to provide recreational space on its plaza and viewing platform.” (PMP, p. 64.) A key part of the civic space envisioned for the North Embarcadero consists of “passive green spaces (parks) between the plazas on the esplanade, providing recreational opportunities and places for people to relax, play, and enjoy Bay Views.” (PMP p. 63.) The centerpiece of this park system is an oval shaped public park called “Broadway Landing Park” at the intersection of Harbor Drive with Broadway. (PMP, figure 11.) (See also attachment A, excerpts from various documents showing the importance placed on a prominent public park at Broadway and Harbor.)

II. The Actions in the CDP are Part of a Much Larger Plan of Port Development.

The Port of San Diego has apparently changed its views of the entire public access scheme envisioned by the Port Master Plan. The project currently before the Commission on appeal would preclude construction of the Broadway Landing Park, result in less overall park space, and would instead convert the key area of Harbor Drive and Broadway into a service road for the cruise terminal at Broadway Pier. Since the CDP fundamentally changes public access along the North Embarcadero, the Port must first amend the PMP if it wishes to undertake this radical reconfiguration of public space, and only consider decisions about reconfiguring and reducing Broadway Landing Park in light of the PMP amendment process.

The Port has apparently adopted a strategy of deliberately concealing the true extent and reasons for the fundamental changes now under consideration. The Carnival Cruise terminal apparently requires various undisclosed off-pier water and land security setbacks and barriers. Carnival’s proposed terminal raises bus and truck entry and exit road issues that have not yet been disclosed or resolved in a public process. Security needs associated with the Carnival cruise terminal will effectively block the public from using much of the pier and Embarcadero area. SEA has obtained internal e-mails of the Port and Centre City Development Corporation through a Public Records Act request. One e-mail shows Port staff deliberately concealing the queuing of buses and trucks in the area of Broadway and Harbor Drive [“Just a reminder we don’t want to mention the queuing of buses/trucks to support the cruise ship operations on W. Broadway...”] because the Port anticipates “push back” from the City of San Diego over the issue. Port staff also discusses using stormwater standards as a pretext for abandoning the Port Master Plan’s proposed configuration of access and open space. [“One spin for the wider median might be related to the City’s requirements to limit urban stormwater runoff.”] (Attachment B, Gary Bosse e-mail, December 10, 2009)

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The Commission must not allow the Port to “piecemeal” project review and effectuate a bit by bit abandonment of the Port Master Plan standards for public access and park space. The CDP now on appeal is but a small part of an overall Port plan to radically reconfigure the North Embarcadero from the approved Port Master Plan. The Port, in a separate process consisting of a purported “de minimis” amendment to the PMP and an addendum to an Environmental Impact Report (EIR), already has proposed the conversion of Broadway Pier from public plaza providing secondary berthing for visiting cruise ships into a primary berthing facility with a large cruise ship terminal. (See attachment C, addendum and de minimis PMP application.) As a result, with minimal public oversight, Broadway Pier, and indeed the entire North Embarcadero, is proposed to be transformed into serving the cruise ship industry, and specifically, the Carnival Cruise Corporation, at the expense of all other public uses.

In addition, in yet another separate document, the Port has proposed deletion of the curvilinear pier at Grape Street, which is currently included in the PMP as an important element of public access to the North Embarcadero. (See attachment D, scoping meeting handout for North Embarcadero Port master Plan Amendment, Oct. 15, 2009.) Deletion of this public amenity needs to be cumulatively analyzed with the other changes proposed by the Port. The net effect of the various changes is to seriously diminish public access to and enjoyment of the San Diego waterfront.

In their appeal of the Port’s CDP approval, Commissioners Wan and Shallenberger also identified the fact that “The approved project includes removal of the vast majority of the existing street and off-street parking spaces which was addressed in the Master EIR (MEIR) and also in the addendum to the MEIR done for the Phase I NEVP improvements.” (Appeal, p. 3.) The Commissioners correctly identify that the approved project allows construction of a restroom building in the designated view corridor on C Street in a way that is inconsistent with “PMP policies that require enhancing views through view corridors, and providing windows to the water.” (Appeal, p. 4.) SEA agrees with these objections.

III. The Cumulative Impacts of the Port’s Plans Will Significantly Diminish Public Access to San Diego’s Waterfront in Violation of the Coastal Act.

It is imperative that the Commission understand the full extent of the Port’s plans, and the full implications for public access, both physical and visual, to the North Embarcadero and San Diego Bay, prior to approving a CDP that will preclude an important part of the Port Master Plan from going forward. The Commission should therefore deny the CDP currently on appeal, and require that the Port produce a complete direct and cumulative EIR impact analysis for the North Embarcadero area, to include all

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piers and proposed projects. Between the substantial changes at Broadway Pier, the deletion of the Grape Street Pier, the apparent abandonment of the oval park and esplanade currently planned in the PMP, and a strategy of deliberate concealment and piecemeal review, the Port is seeking to fundamentally alter the balance achieved in the PMP, largely for the benefit of Carnival Cruise corporation's second terminal, at the expense of all other waterfront users. The Commission should reexamine the proposed terminal's impacts in light of its effect on the oval park area and the impact of homeland security zones and terminal roads on the PMP.

IV. Conclusion

Save Everyone's Access urges the Commission to deny the CDP currently on appeal, and to instruct the Port of San Diego that if it wishes to pursue the wholesale reconfiguration of the North Embarcadero, it must only do so after it has allowed the public the opportunity for input through the process of amending the PMP.

Sincerely,

Signature on file

Arthur Pugsley
Douglas P. Carstens

Attachments:

- A: Various Representations of Broadway Landing Park
- B: e-mail from Gary Bosse, Dec. 10, 2009
- C: EIR addendum and de minimis PMP modification related to Carnival Cruise Terminal
- D: North Embarcadero Port Master Plan Amendment EIR scoping meeting notice

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Marti E Krauszberg

16265 Hotel Circle So. Ste. C106
San Diego, CA 92108
website: www.thevoicetalent.net
email: marti.k@cox.net
tel: 619.296.3434 cel: 619.316.9839

February 8, 2010

California Coastal Commission
C/O Diana Lilly
7575 Metropolitan Drive #103
San Diego, CA 92108-4421
dlilly@coastal.ca.gov

RE: Public Trust Alliance Comments on California Coastal Commission Staff Report Th 24b: Staff Report and Recommendations on Appeal De Novo - APPEAL NO.: A-6-PSD-09-43

Coastal Commissioners:

I am a member of the public who has been involved with the San Diego Embarcadero plans for close to three decades - first South and then the North Embarcadero Visionary Plan. I realize this is a short time in the overall history of the area, but I have spent many hours listening, learning and participating in the development of the waterfront with absolutely no financial investment or gains other than being a citizen who cares about my community.

I'm writing to ask you to do what I believe is your job description - to protect the interests of the people of San Diego and the State of California. Please put civic needs and security ahead of private, commercial and political interests. The development of a large cruise ship terminal on Broadway pier is not consistent with our "vision" for a Grand Public Park/Plaza that was established in the Port Master Plan, which was intended to put a stop to piecemeal development that disregards a comprehensive, integrated approach for our Waterfront. Even more disturbing is the fact that security issues regarding seismic activity, as well as post-9/11 homeland security procedures, and their impact on public safety, access, and traffic have not been adequately addressed.

I urge you to uphold the appeal, adopt your staff's recommendations and deny the Development Permit at this time. Thank you for taking public concerns into consideration as you evaluate the facts regarding this situation and make your decision.

Sinc

Signature on file

Marti E Krauszberg

47

Diana Lilly

From: PatsyFritz@aol.com
Sent: Sunday, February 07, 2010 10:54 PM
To: Diana Lilly
Subject: Terrific analysis! Thank you for your report, written with great fairness.

TO: Diana Lilly, Commission Planner
California Coastal Commission
San Diego

SUBJECT: Staff Report, re Port District's proposed substitution of a 16,000 "hardscape plaza" (doubling as a bus drop-off for cruise ships) instead of the original concept, a 79,000-square-foot park, and other proposed changes to the Certified San Diego Unified Port District Port Master Plan.

FROM: Patsy Fritz
33265 Mill Creek Road
Pauma Valley
(760) 742-4511

DATE: 8 February 2010

Dear Ms. Lilly:

Thank you for the clarity of your report to the Commission on the changes to the Master Plan proposed by the Port District.

A Master Plan IS a Master Plan, and they can't keep slicing out features haphazardly, making substitutions without public review, on the arrogant assumption that "the Port District knows best."

This is not planning, this is quilting.

Further (and I'm writing as a former County of San Diego Planning Commissioner) environmental review is a process that requires consideration of the whole.

They can't just say, "Hey, why don't we take out the gingham check over here, and put in the percale with the little daisies on it?"

What kind of transparency, what kind of public review, and, most important, what kind of decision-making document do they end up with?

A defective one.

Of course, you're always going to hear the whining and sniveling that NOT accepting the Port's latest changes, and requiring them to go through the process CORRECTLY (adhering to the Master Plan) will (a) create a delay, and (b) possibly impact access to funds.

THEY SHOULD HAVE THOUGHT OF THAT WHEN THEY DEVIATED FROM THE MASTER PLAN. THIS IS THEIR FAULT. WE, THE PUBLIC, SHOULD NOT SUFFER PERMANENT HARM TO OUR (REPEAT, "OUR") EMBARCADERO BECAUSE THE PORT FEELS IT IS ABOVE COMPLIANCE WITH THE PROCESS.

The Port District thinking "We can bungle this plan and the public has to put up with it" is pure chutzpah! The only reason they want to rush forward with REDUCING the park area by 80% (!!!) and making it into a bus terminal is to literally "set it in concrete" so it can't be changed.

An 80% reduction in public recreation area is NOT a "minor" change.

How could the Port maintain that "the project has as good or better public access and recreation opportunities" on 80% less land and, pray tell, how much recreation do we get out of watching cruise passengers straggling off their bus and fussing over their missing

luggage?

The drama of "Oh Lord, Henry, where are the passports???" is not what we have in mind to match the majesty of San Diego Bay.

In addition to serving as a County Planning Commissioner I served two terms as a Director of San Diego County Taxpayers Association and I am a graduate of LEAD San Diego. This is not simply a "waterfront issue." This is a significant regional issue impacting all residents and taxpayers of San Diego County.

Ms. Lilly, at the Coastal Commission hearing I urge you to emphasize this portion of your report:

"These plan-level changes in the surrounding environment have impacts on public parking, circulation, visual quality and public access that need to be evaluated on a comprehensive basis through the Port Master Plan Amendment that is currently being processed for the North Embarcadero area; they cannot be addressed through the proposed permit.

"In addition, approval of these improvements at this time would preclude consideration of all potential options for alternative improvements and open space along the North Embarcadero.

"It is staff's expectation is that the Port Master Plan Amendment process will give the Port, the public, and the Commission the opportunity to evaluate any necessary or desirable revisions to the planned public access, open space and recreation amenities, and to develop a mitigation plan if any reduction in the size or function of public spaces is necessary."

Again, I thank you. Terrific analysis!

Patsy Fritz

</HTML>



4975 Milton Street
San Diego, CA 92110-1252
(619) 275-5120

February 6, 2010

California Coastal Commission
San Diego Area
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4421

Subject: COASTAL DEVELOPMENT PERMIT No. A-6-PSD-09-43

Dear Commissioners:

I strongly urge that you deny Coastal Development Permit No. A-6-PSD-09-43 and uphold the certified North Embarcadero Visionary Plan Port Master Plan (PMP) as approved in 2001.

Any benefits suggested by project proponents are far outweighed by the diminution of the PMP's proposed public access and recreation amenities along North Harbor Drive.

As stated in the staff report, a Coastal Development Permit should not be allowed to amend the PMP on a piecemeal, project-by-project basis. To do so violates the Coastal Act and the California Environmental Quality Act as well as the PMP.

Please support the staff recommendation.

Sincerely,

Signature on file

DAVID A. POTTER, AICP

50

Diana Lilly

From: Brian T. Peterson, DVM [friarsroadvet@sbcglobal.net]

Sent: Saturday, February 06, 2010 11:12 AM

To: Diana Lilly

Subject: Support the Appeal on the Proposed Changes to the North Embarcadero Plan

February 6th, 2010

California Coastal Commission
c/o Diana Lilly

Re: Appeal No. A-6-PSD-09-43, Proposed Changes to the North Embarcadero Plan

Coastal Commissioners:

My name is Brian Peterson, and I represent the Grantville Action Group, a registered non-profit, public-interest, community group. I first became aware of the proposed changes to plan for the North Embarcadero, when I heard that part of the funding would be \$9 million transferred from C Street improvements. I became further sensitized to this issue upon learning that the money transfer would help to fund the construction of a massive cruise ship terminal on the Broadway Pier, effectively walling off the public from the bay.

I support the staff's recommendation to support the appeal, denying the de novo permit. The project is inconsistent with the certified Port Master Plan and is in violation of the California Coastal Act.

Please support the staff's recommendation and support notion of public access to the San Diego waterfront. Thank you.

Brian T. Peterson, DVM
Grantville Action Group, CEO
10433 Friars Road, Suites F&G
San Diego, CA 92120
619-282-7677

SI

Diana Lilly

From: Norman, Judy J. [JNorman@semprautilities.com]
Sent: Friday, February 05, 2010 11:36 AM
To: Diana Lilly
Subject: Denial of the Port CDP for the North Embarcadero plan

2

Dear Commissioners:

I am a San Diego resident living in (Mission Hills) (South Park) etc. I visit and enjoy the Downtown waterfront regularly.

I support the commission staff recommendation for denial of the Port CDP for the North Embarcadero plan.

As a matter of law, the CDP violates the California Coastal Act because it is inconsistent with the Port Master Plan.

Specifically, the CDP seeks to disappear the Major public space at the foot of Broadway, a move that the Union Tribune has editorialized as a " Switcharoo"

Please follow the law and deny the CDP.

Judy Norman

OpEx 20/20 GIS Project
Sempra Utilities - San Diego Gas & Electric
Email: JNorman@semprautilities.com
(619) 318-115



Diana Lilly

From: iantrowbridge [chris70@cox.net]
Sent: Sunday, February 07, 2010 4:29 PM
To: steve.schmidt@uniontrib.com; Alison St John Inglis; korr@kpbs.org; Amita Sharma
Cc: Cory Briggs
Subject: Waterfront Op-Ed submitted to UT in response to their Sun. Editorial
Attachments: NEVP Op-ed 2-5-10.doc

53

On the Waterfront/Time to get it Right

Last year, the *Union-Tribune* editorialized (Park Switcheroo, Aug 8, 2009) that the Port was guilty of an “ostensible bait and switch” when it eliminated a 79,000-square-foot park which it described as a “waterfront gem” at the foot of Broadway. As a replacement, the Port proposed a 16,000 square-foot hardscape intersection whose primary purpose was to allow trucks to service cruise ships. The editorial further urged that the Coastal Commission should “order the port to amend its master plan to include the long-depicted oval park.” Nothing has changed, which is why Coastal Commission staff has recommended that the Commission deny the Port Coastal Development Permit (CDP) at its upcoming meeting on Feb. 11 and submit an amended Port Master Plan (PMP) as required by the California Coastal Act.

Let's be clear, we strongly support the original North Embarcadero Visionary Plan which would revitalize the waterfront. Indeed, many of the waterfront activists spent years working on that vision. What we oppose are the major de facto changes introduced by the CDP including the loss of the park/plaza rendering it inconsistent with the PMP and the original visionary plan.

Let's also be clear about some of the issues raised in the recent Editorial on the waterfront (On the waterfront/Time to get moving on dream for North Embarcadero, Feb 7,2010). We share the Editorial desire for the waterfront development to move as fast as possible but not at the expense of ignoring due process and settling for second best. Any delay is because the Port did not follow the law or involve the public when it tried to sneak through its CDP that eliminated the park and blocked access to Broadway Pier.

Not only are we losing the long-promised park at the foot of Broadway, access to Broadway Pier will be closed to the public whenever a cruise ship is berthed there. The Port has refused to limit the number of days cruise ships will be berthed- and even courted Disney to home port here- so that, in principle, the Broadway Pier could be closed to the public most days. Harbor Drive will be choked with trucks buses and taxis blocking access to the waterfront and creating air pollution.

Contrary to the impression given by the recent *Union-Tribune* editorial, the Coastal Commission staff strongly recommended denial of the Permit. In plain English, they state: “Staff recommends the Commission deny the de novo permit”. They also state: “The primary issues raised by the subject development are the project's inconsistencies with the requirements of the certified PMP that expansive public access and recreation amenities be developed along North Harbor Drive, particularly at the foot of Broadway.” Also, “ Commission staff disagrees (with the port) and is concerned with the practice of amending a PMP through a CDP on a piecemeal project-by-project basis, where the overall context of the impacts cannot be evaluated or mitigated to ensure consistency with the PMP and the Coastal Act”.

Exactly!

Finally, it is not really accurate to argue that delay will jeopardize financing for the project. The city is contributing none of the estimated 28 million dollars to complete phase 1 of the plan and the cash-rich port is trying to borrow its share of the funding from CCDC. The City Council has yet to approve that loan.

We want a world-class waterfront as envisaged in the original North Embarcadero Visionary Plan.

We want the Port to respect the Coastal Act, and conduct business in public.

We respectfully request Commissioners follow their staff's recommendation and deny the Port CDP on Thursday.

Diane Coombs and Ian Trowbridge
Co-chairs, Navy Broadway Complex Coalition

NBCC is a nonprofit organization with the mission
creating a world-class Downtown Waterfront

A handwritten signature or set of initials in black ink, located in the bottom right corner of the page. The signature appears to be 'SS' with a diagonal stroke through it.

Diana Lilly

From: rhodes@laplayaheritage.com
Sent: Sunday, February 07, 2010 12:04 PM
To: Deborah Lee; Sherilyn Sarb; Diana Lilly
Cc: nevp@portofsandiego.org; mvalerio@portofsandiego.org; jhelmer@portofsandiego.org; scott300@earthlink.net; chris70@cox.net; drbcoombs@msn.com; dwood8@cox.net; graham_here-30@sbcglobal.net; harrywz@san.rr.com; warburto@sonic.net; cory@briggslawcorp.com; marco@coastlawgroup.com; marti.k@cox.net; pat@blogofsandiego.com; pat@patflannery.com; JW_August@10news.com; Kristen_Castillo@10news.com; rhodes@laplayaheritage.com; Felicia_Kit@10news.com
Subject: Thursday - 25b - North Embarcadero Visionary Plan Comments
Attachments: 20100207_NEVP_CCC_Mitigation.pdf



20100207_NEVP_C
CC_Mitigation.p...

Hello California Coastal Commission:

Attached please find our presentation and comments regarding the North Embarcadero Visionary Plan - Phase 1 for the California Coastal Commission Meeting of Thursday, February 11, 2010 in Oceanside, California.

Please do not approve the Port's NEVP Phase 1 without the incorporation of all additional projects in the area, specifically the Navy Broadway Complex.

Regards,

Katheryn Rhodes and Conrad Hartsell, MD
371 San Fernando Street
San Diego, California 92106
rhodes@laplayaheritage.com
619-523-4350

56

The current project before the CCC is really the North Embarcadero Visionary Plan Phase 7.

North Embarcadero Visionary Plan Phases approved since 2006.

Phase 1 – Navy Broadway Complex. (Presumed Active Fault)

Phase 2 – Lane Field.

Phase 3 – B Street Cruise Ship Terminal.

Phase 4 – Broadway Cruise Ship Terminal.

Phase 5 – Old Police Headquarters. (Verified Active Fault & mitigation)

Phase 6 – New Ruocco Park south of NBC. (Presumed Active Fault)

PHASE 7 – NEW ESPLANADE AND PUBLIC 10 ACRE PARK.

By Katheryn Rhodes and Conrad Hartsell, MD
371 San Fernando Street, San Diego, California 92106
619-523-4350 rhodes@laplayaheritage.com



The North Embarcadero includes NBC, Lane Field North and South, Broadway Cruise Ship Terminal, B Street Cruise Ship Terminal, Old Police Headquarters and Rucco park. And the deletion of the 10-acre park at Broadway and Harbor, loss of open space on Broadway Pier, and the missing 1,542 required parking spaces. These piecemeal approvals in the North Embarcadero should be integrated together.

The North Embarcadero Visionary Plan – Phase 1 is related to the Navy Broadway Complex (NBC) because by the City Council and CCDC's approval of NBC, they also re-approved the EIR and planned:

10-acre park at the foot of Broadway as mitigation for NBC,

Broadway Pier as public open space and park as mitigation for NBC,

The 1,542 required off-site parking spaces in the North Embarcadero area as mitigation for NBC.

Officer in Charge
Western Division
Naval Facilities Engineering Command
Detachment, Broadway Complex



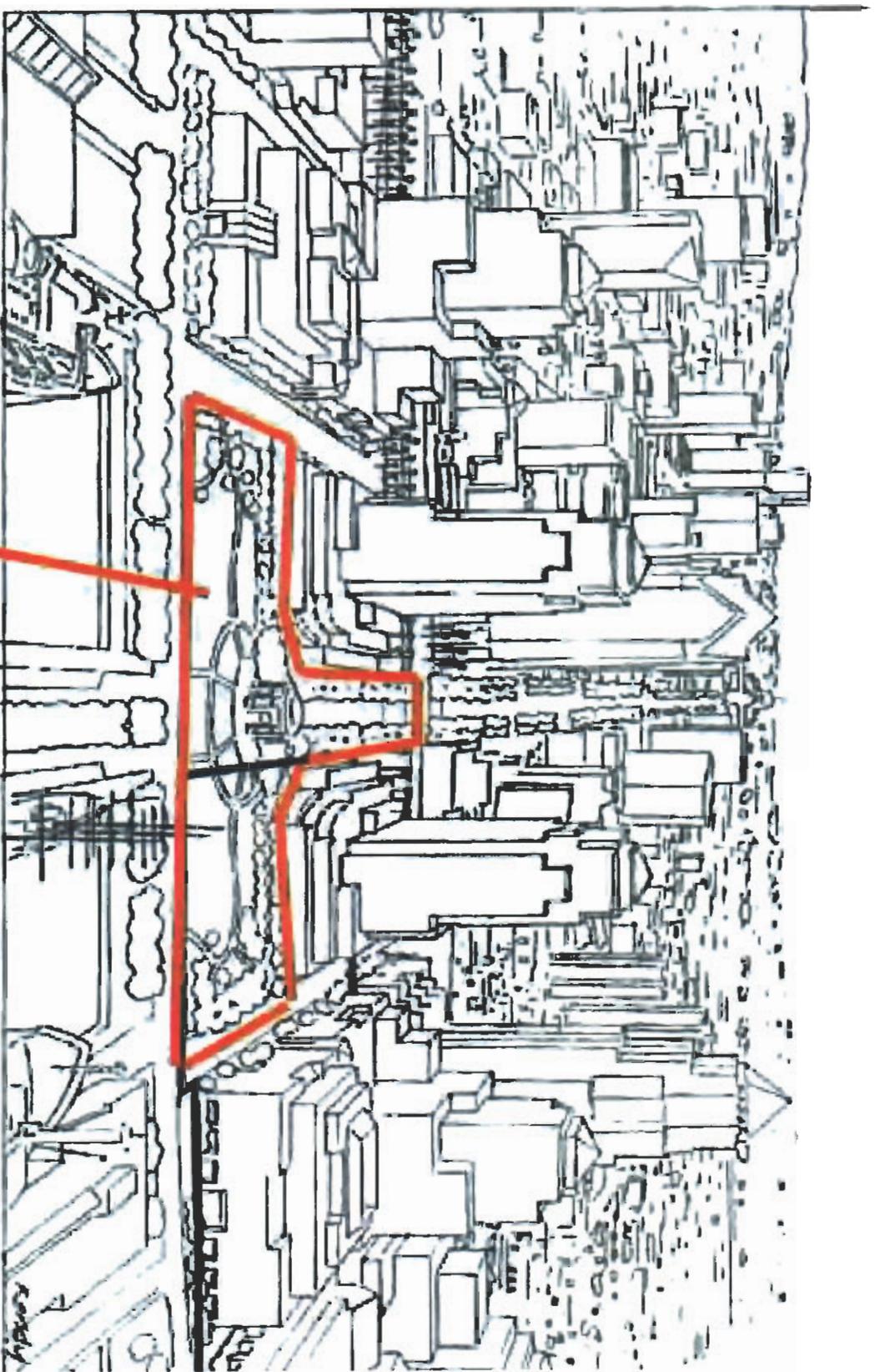
15

Draft Environmental Impact Statement
Navy Broadway Complex Project
San Diego, California

By approving the Navy Broadway Complex, the City of San Diego and CCDC also re-approved the NBC EIR Figures 1-2, 1-4, 3-4, 3-5, 3-6, and 3-9 and the open space Broadway Pier Shown on the following slides.

The planned 10-acre park includes 2-acres of NBC, portions of Lane Field, and the closing Intersection of Harbor Drive and Broadway. NBC incorporation is critical to the PMP

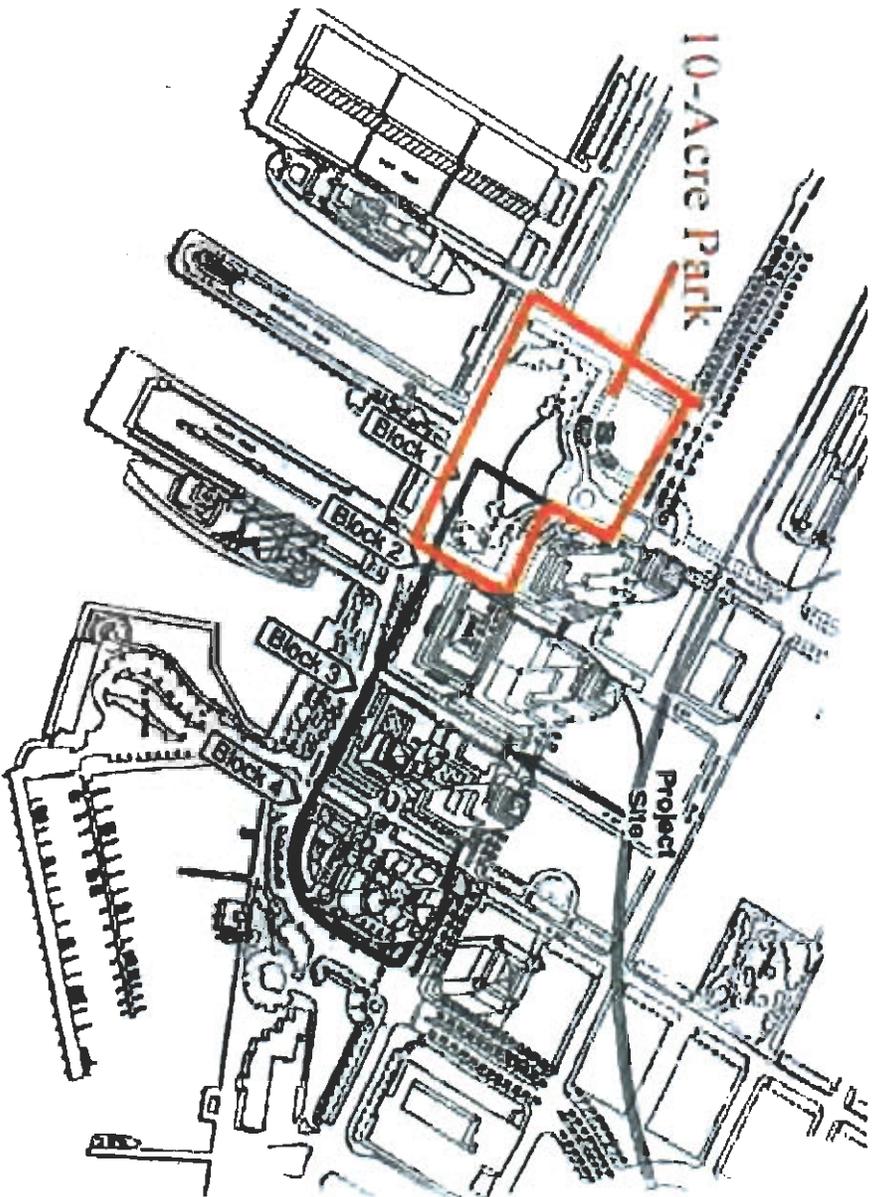
April 1990



10-Acre Park.

Perspective Sketches
Broadway Terminus,
Alternative A
Navy Broadway Complex Project

Figure 1-4.



Mitigation in the 1990/1992 EIR for the Navy Broadway Complex includes the 10-acre park at the Foot of Broadway and Open Space on Broadway Pier.

19

PROGRAM

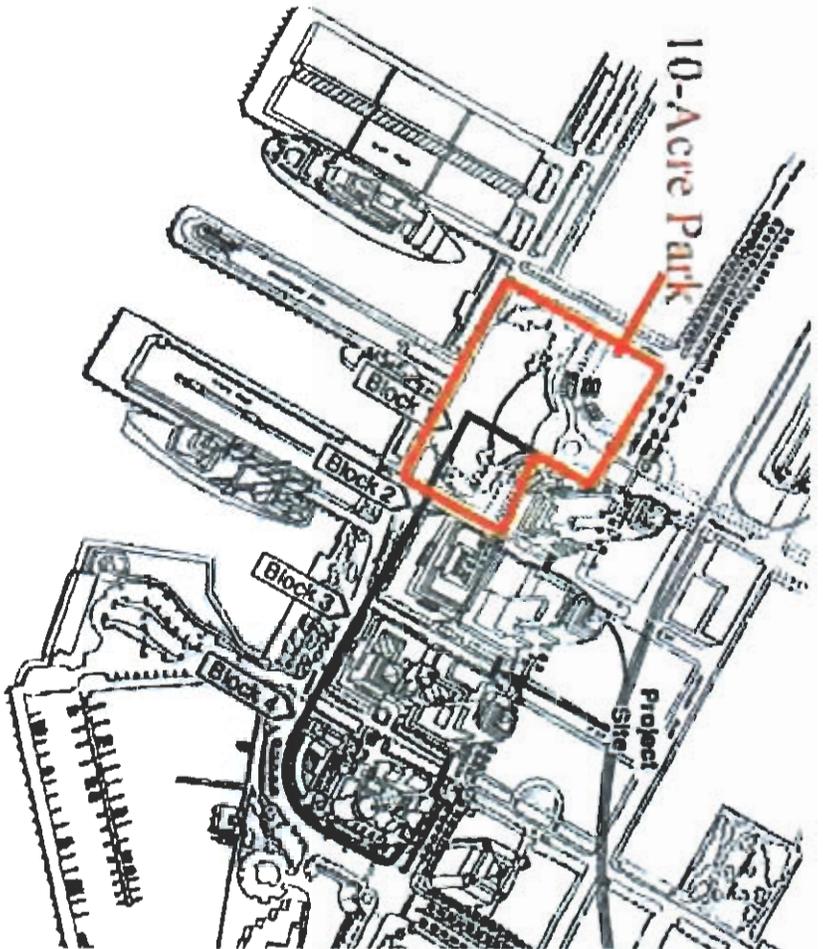
Block Number	Land Use	Overall Square Footage	Parking	Max. Height (Feet)
1	Commercial Office Open Space (1.5 acres) Navy Office -Bldg 17 -Bldg 18 -Bldg 19 -Bldg 20	600,000	Sub-grade 500	400
2	Open-Grade Parking	200,000	400 Sub-grade 600	500
3	Hotel	740,000	700 Sub-grade	200
4	Hotel Retail	470,000 50,000	370 100	110
TOTAL		2,500,000	Sub-grade 8,100	

Site Density = 8.08 Cars/FAM

Alternative A Illustrative
Navy Broadway Complex Project

Figure 1-2.





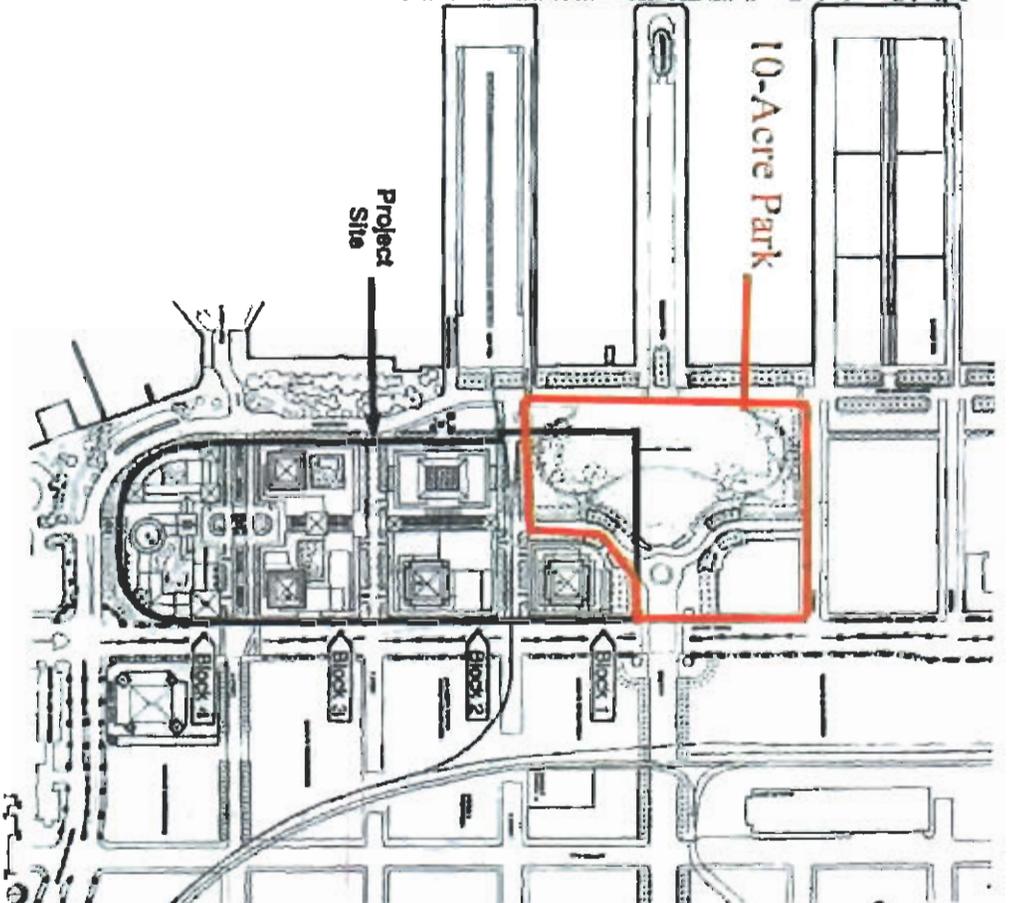
PROGRAM

Block Number	Land Use	Office Space Package	Parking	Max. Vehicle Count
1	Commercial Office Open Space (1.8 acres) Navy Office - Bldg. 13 - Main - Museum	800,000	800	400
2	Above-Ground Parking	200,000	750	250
3	Hotel	140,000	375	150
4	Hotel	120,000	100	100
Total		2,260,000	2,100	

Site Density = 8.43 Gross / Acre

Alternative A
Navy Broadway Complex Project

Figure 3-4



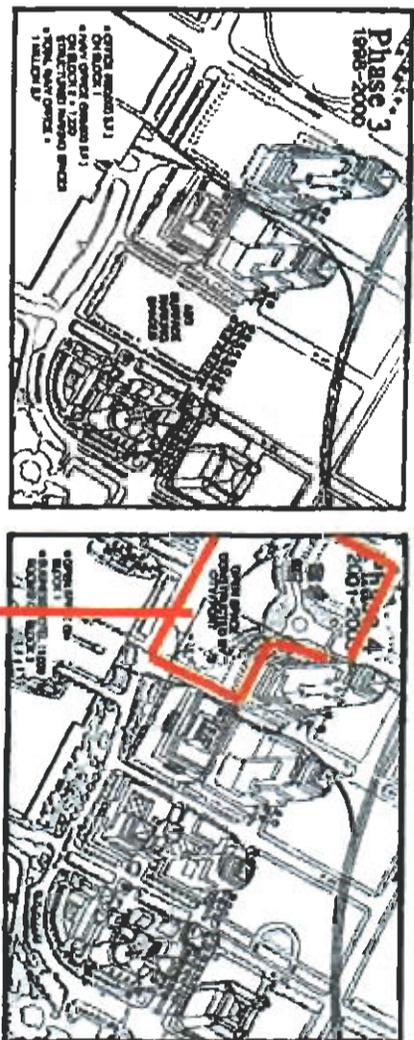
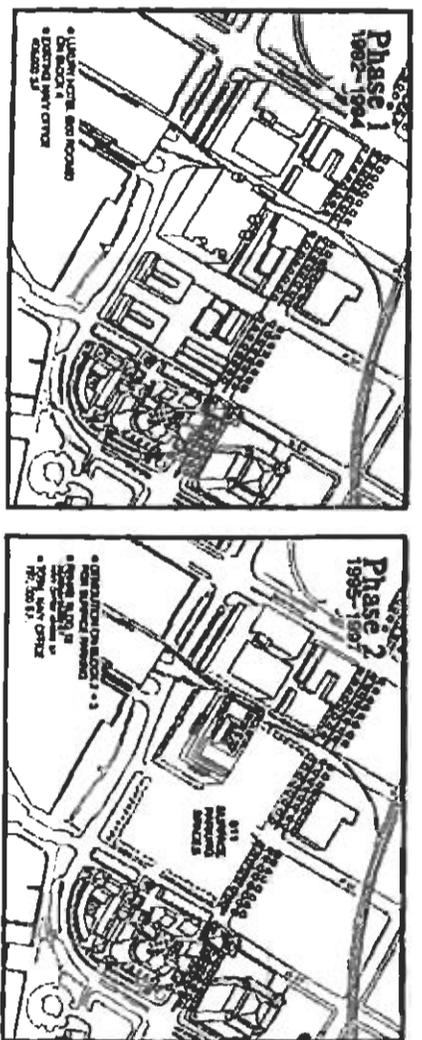
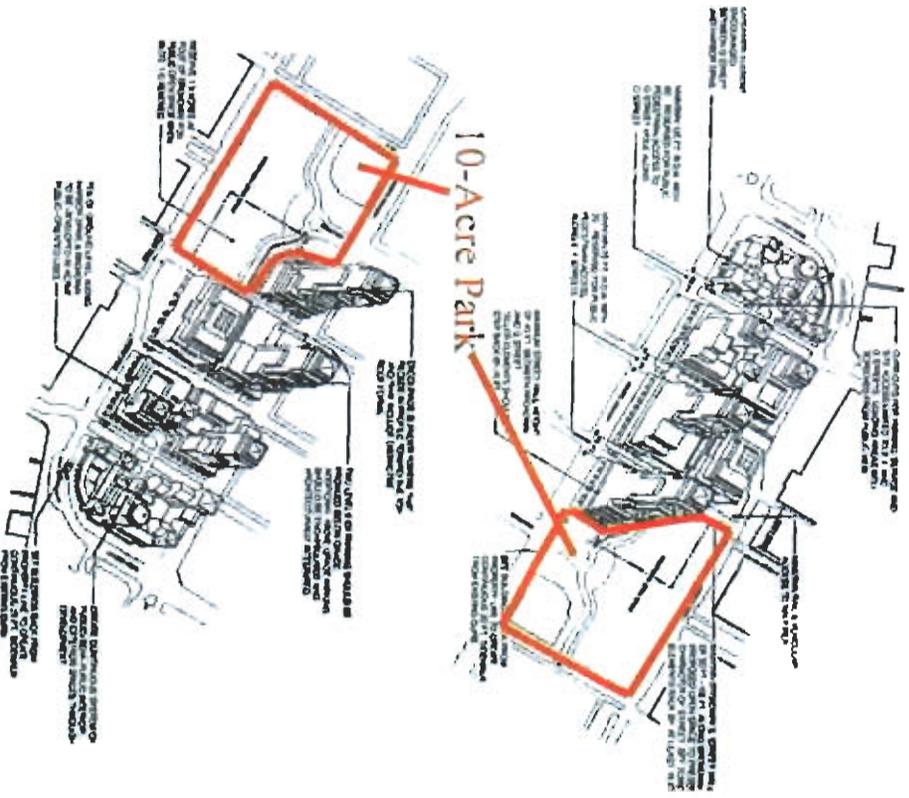
Illustrative Site Plan, Alternative A
Navy Broadway Complex Project

Figure 3-5



NORTH

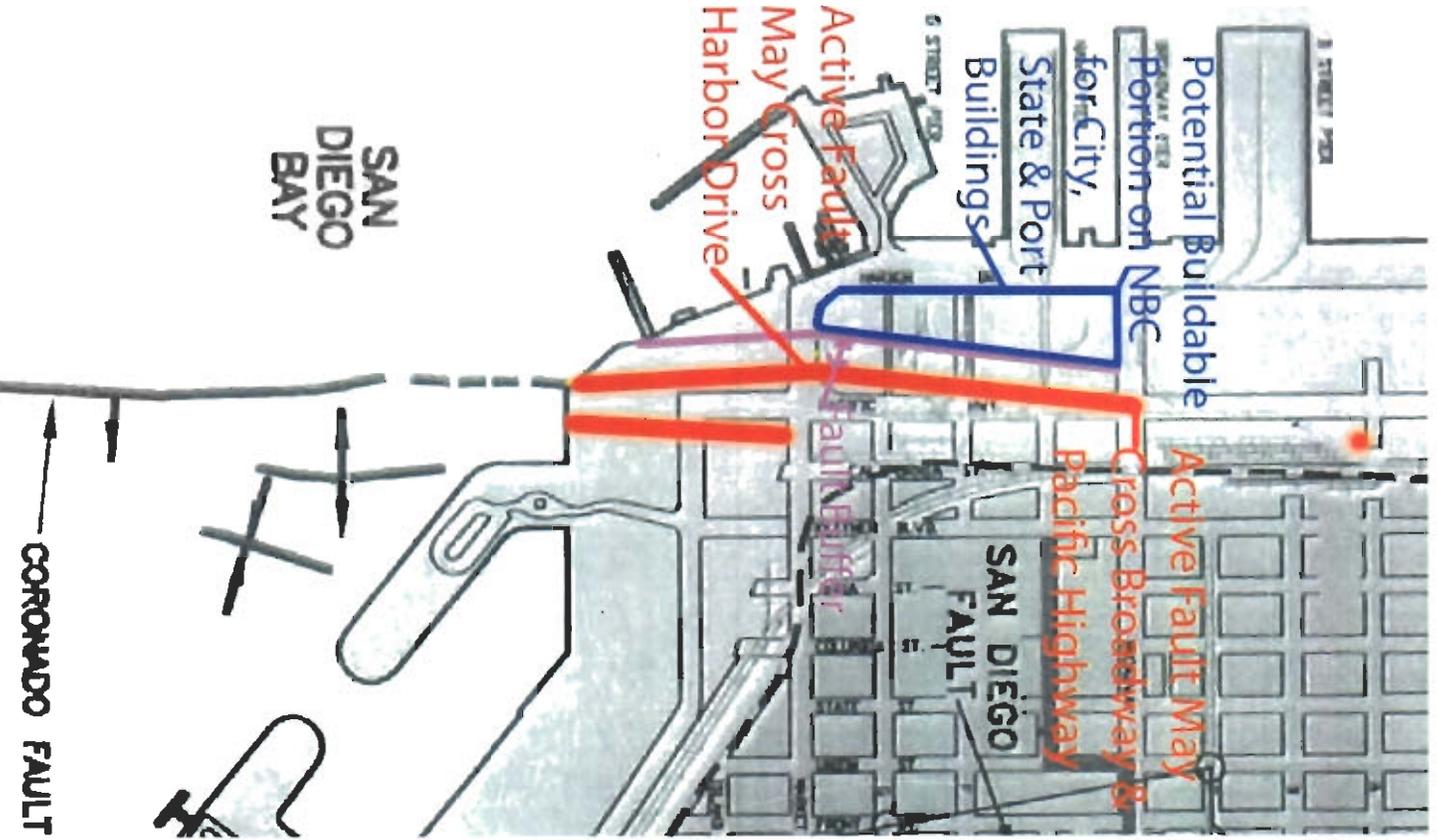
Figure 3-4



Possible Phasing Program
Alternative A
Navy Broadway Complex Project

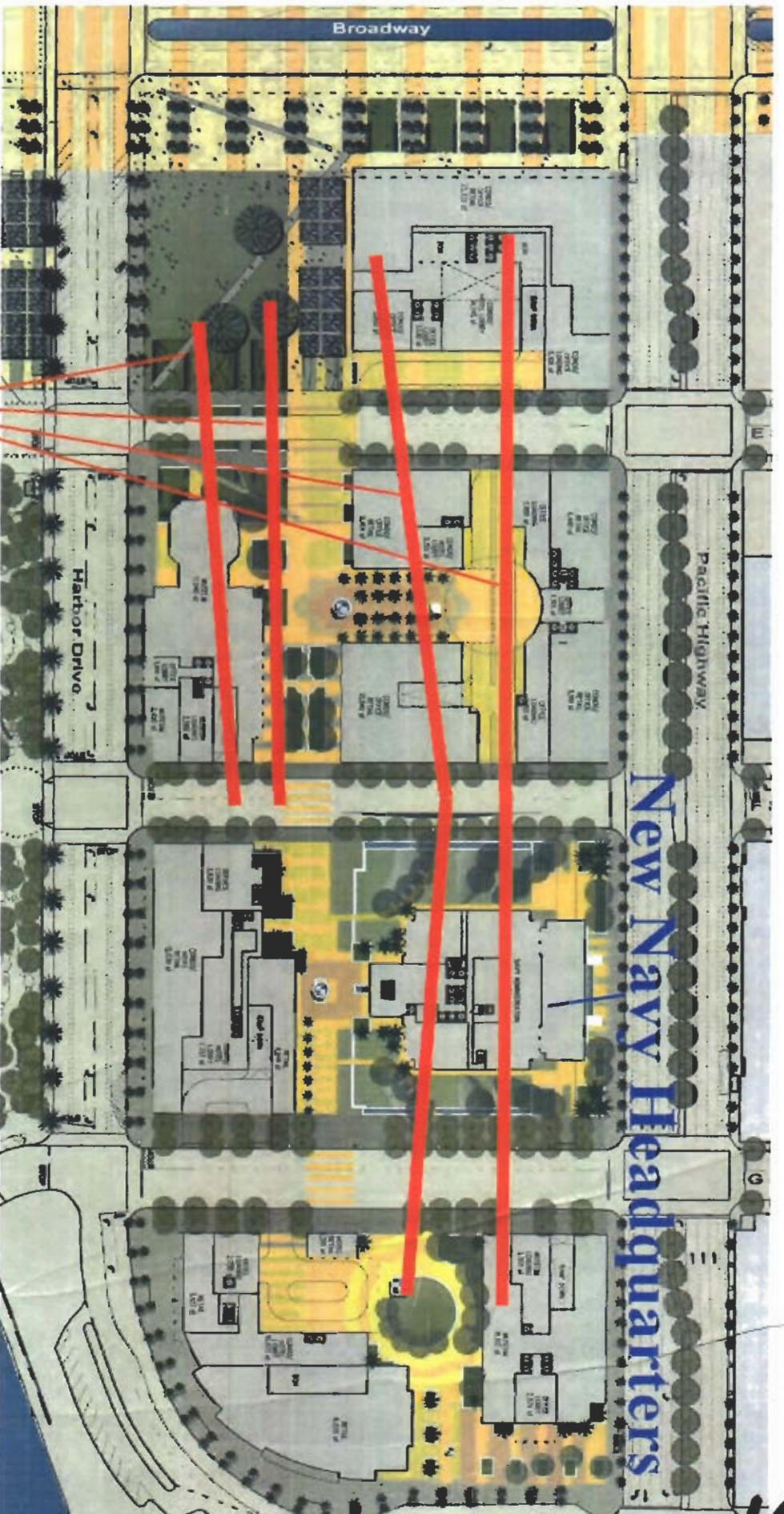
Figure 3-9
 3-15

3



In 2006, according to the California Geologic Survey (CGS) the exact location of the youthful, active Coronado Fault of the active Rose Canyon Fault Zone (RCFZ) should be delineated in the North Embarcadero area.

We believe the active Coronado Fault starts at Seaport Village, north to Ruocco Park, across Harbor Drive, through the Navy Broadway Complex, then across the intersection of Broadway and Pacific Highway. According to the CGS the exact location of the active Coronado Fault needs to be delineated before surface or subsurface improvements are planned.



Active Faults, Anticlines, or Anomalies.

Manchester Pacific Gateway - Masterplan

Manchester Pacific Gateway, LLC

San Diego, CA

07/01/2008

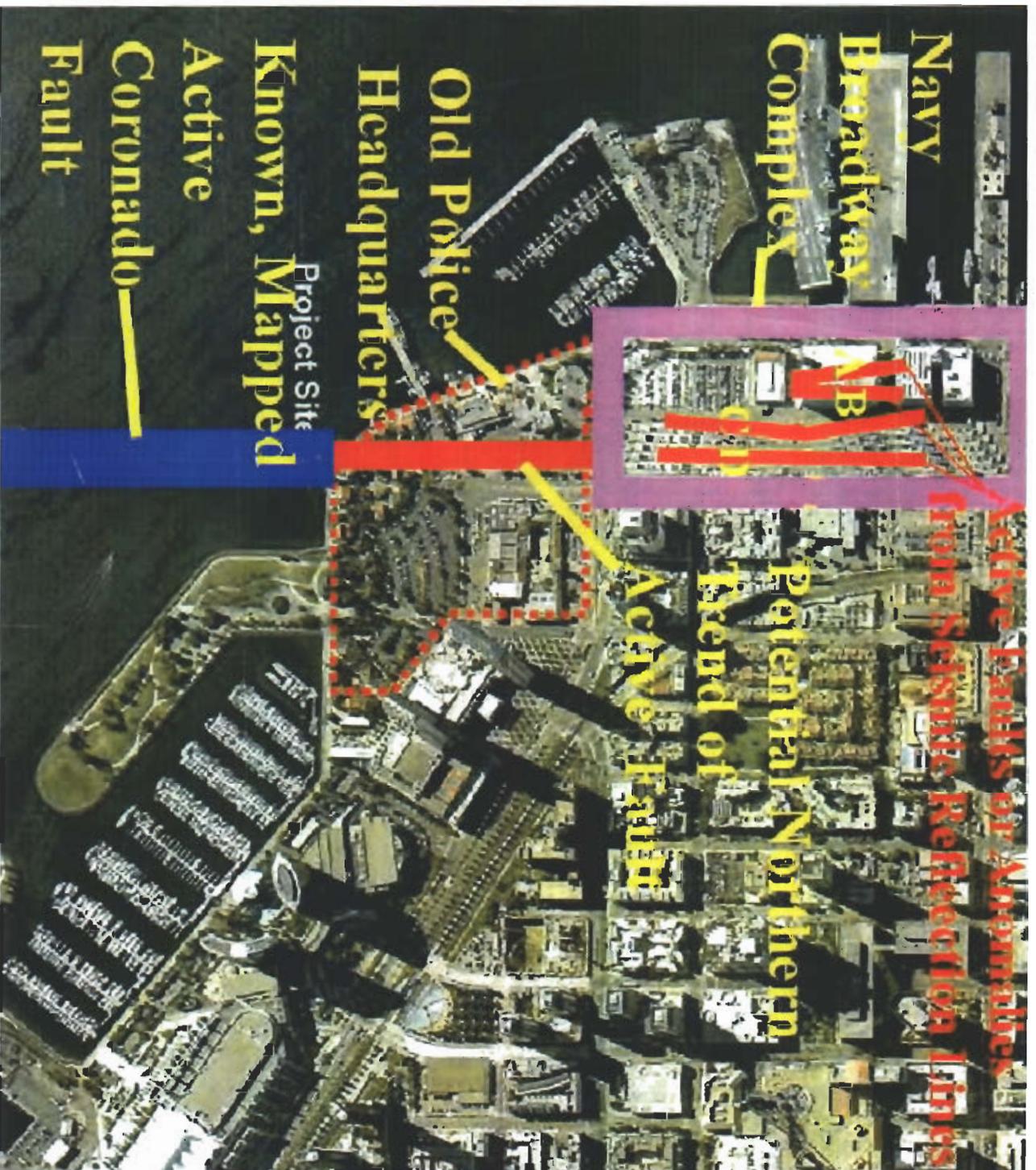
Illustrative Landscape Plan



Scale: 1" = 100'
June 30, 2008 | |

2-Acres of Navy Broadway Complex (NBC) is part of the planned 10-Acre park at the Foot of Broadway and Harbor Drive.

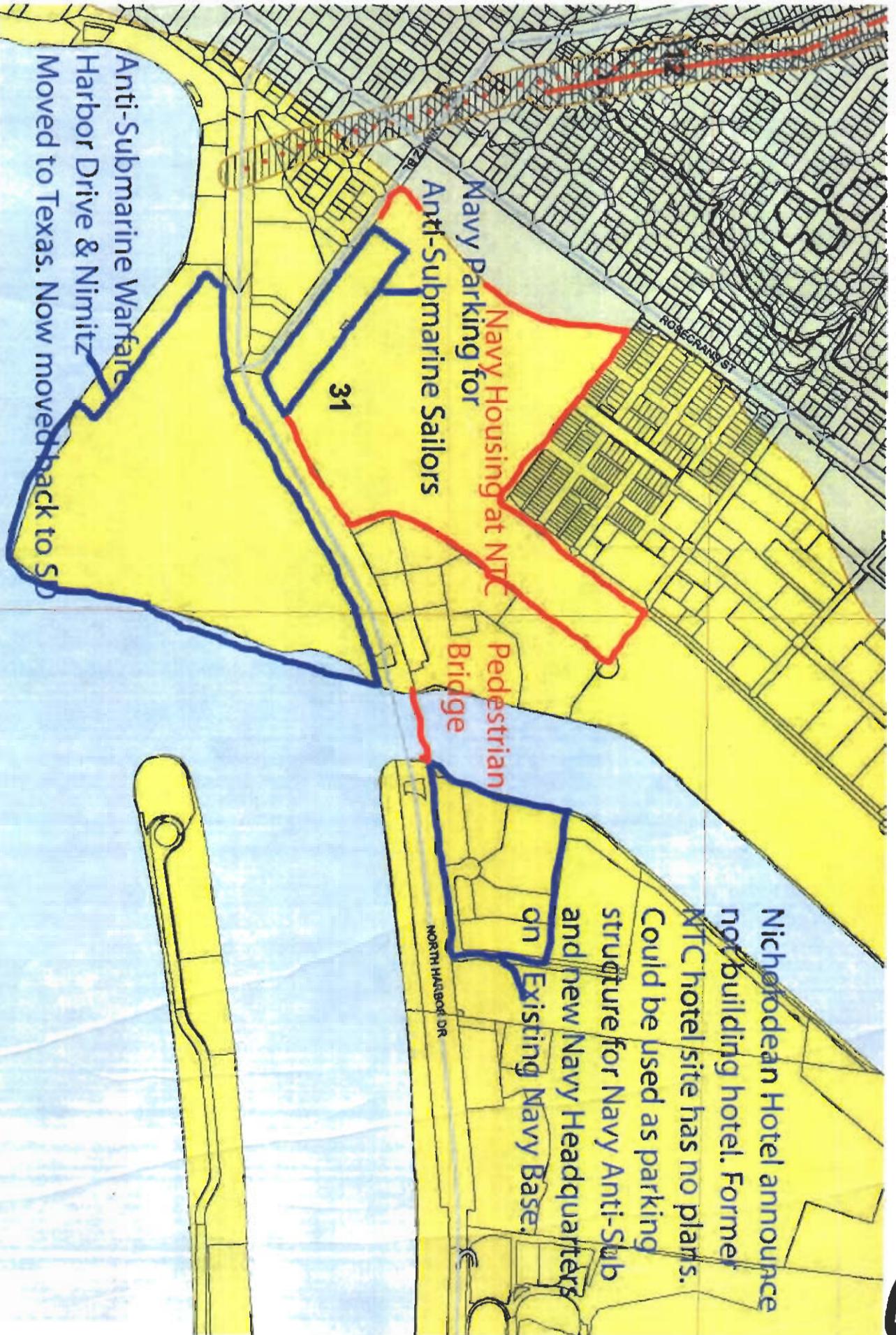
59



3

The Port's new Mitigation is the Rucco park South of the NBC which has the same active fault lines traversing the NBC.

If Mitigation for the Port Master Plan is off-site from the NEVP Phase 1, then the whole North Embarcadero area should be looked on as a whole including off-site impacts from NBC and the active faults in the area.



Anti-Submarine Warfare
Harbor Drive & Nimitz
Moved to Texas. Now moved back to SD

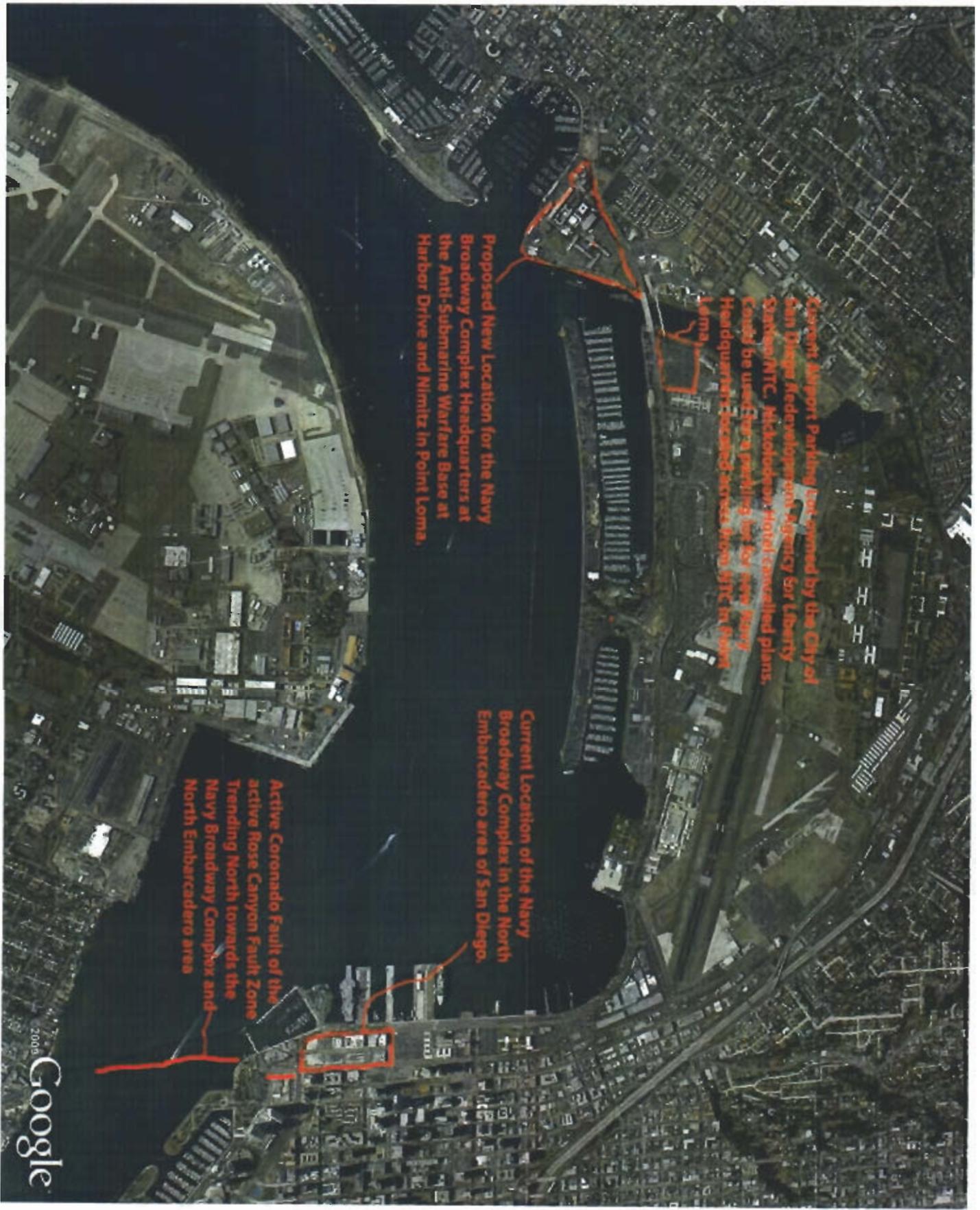
31

Navy Housing at NTC
Navy Parking for
Anti-Submarine Sailors

Pedestrian
Bridge

Nichodean Hotel announce
not building hotel. Former
MTC hotel site has no plans.
Could be used as parking
structure for Navy Anti-Sub
and new Navy Headquarters
on Existing Navy Base.

61



69

DL

Martin O. Stern
3143 Bremerton Place
La Jolla, CA 92037-2211
(858) 453 2656

February 4, 2010

Ms. Diana Lilly
California Coastal Commission
7575 Metropolitan Drive, # 103
San Diego, CA 92108-4421

As an old (now retired) scientist and citizen activist in San Diego for more than four decades, I wish to voice my concern about harborfront development at the foot of Broadway: I think it is very important that such development enhance amenities for our local citizenry **as well as** our visitors. In fact, it should attempt to intermingle the two groups for maximum mutual benefit rather than keeping them apart. For this reason, my family and I favor the development proposed by the Port Master Plan, rather than that submitted by the port in the North Embarcadero/Port Coastal Development Permit under consideration by you.

Sincerely yours,

Signature on file

Signature on file

(Dr.) Martin O. Stern

69

Diana Lilly

From: Dell Cunamay [dcunamay@gmail.com]
Sent: Saturday, January 30, 2010 5:31 PM
To: Diana Lilly
Subject: E-mail coastal commission

Dear Commissioners:

I am a San Diego resident living in Mission Hills. I visit and enjoy the Downtown waterfront regularly.

I support the commission staff recommendation for denial of the Port CDP for the North Embarcadero plan.

As a matter of law, the CDP violates the California Coastal Act because it is inconsistent with the Port Master Plan.

Specifically, the CDP seeks to disappear the Major public space at the foot of Broadway, a move that the Union Tribune has editorialized as a " Switcharoo"

Please follow the law and deny the CDP.

Diana Lilly

From: Robert Hyman [roberthyman@earthlink.net]
Sent: Sunday, January 31, 2010 3:11 PM
To: Diana Lilly
Subject: Port CDP for North Embarcadero Plan

I would like to register my support for the Commission Staff's recommendation to deny the San Diego Port District's CDP for the North Embarcadero Plan. My reasons for doing so are twofold:

1. I strongly object to the apparent "piece meal" planning that is going on in the North Embarcadero area. The proposed PDP would only add to this problem. The North Embarcadero Area is an important regional resource and serves as the gateway to the San Diego downtown. It should be developed according to an integrated plan that will turn this highly utilized area into something "world class."

2. Although I am a resident of the Del Mar Terrace region of San Diego, some distance from downtown, I visit this area on a regular basis, both as a pedestrian and as a bicycle rider. I do not see a concrete island as contributing to the aesthetic value of this area. The project as proposed is a far cry from what I was led to believe was to be constructed as public space in that area.

Therefore, I strongly support Staff's recommendation to deny the proposed project CDP.

Robert Hyman
13098 Caminito del Rocio
Del Mar, CA 92014-3622

Diana Lilly

From: Carl Demas [cdemas@san.rr.com]
Sent: Sunday, January 31, 2010 2:42 PM
To: Diana Lilly
Subject: Port Costal Development

Attachments: cdemas.vcf



cdemas.vcf (270 B)

Diana, I am president of the Serra Mesa Community Council and have been made aware of the 31 Million Dollars that is earmarked for the construction of a massive cruise ship terminal instead of local improvements to Grantville as originally proposed. I strongly urge you to vote against this Port Coastal Development Permit. Moneys designated for neighborhood improvements should be used for those purposes and we try to upgrade our aging neighborhoods and provide services for local residents. For those of us who understand, cruise ship terminals are poor contributors as their fees no where near pay for themselves. The only benefit is for downtown merchants. I would be more in favor with raising cruise ship fees to supplement their own service requirements. I fully support your findings and recommendation of the denial of this permit.

Carl Demas, President
Serra Mesa Community Council

Diana Lilly

From: Doug [doug@wescotts.org]
Sent: Sunday, January 31, 2010 1:50 PM
To: Diana Lilly
Subject: Coastal commission Staff Report on Port NEVP CDP

Ms. Lilly,

I completely support the report denying the Port of San Diego NEVP CDP. It's simple: in the approved North Embarcadero Visionary Plan PMP we were promised a wide esplanade alongside the harbor, extensive landscaping, green spaces, and a major plaza, all to make it more inviting to visit and enjoy the harborside. The proposed improvements are much less than approved, and so should be rejected.

I am the Chair of the Serra Mesa Planning Group, although I am making this comment as a private citizen, one who has live in San Diego for over 50 years. I cannot make the meeting this week to make my position known, but if there is anything else I can do to make sure the Visionary Plan stays in force, please let me know.

Doug Wescott
Serra Mesa
doug@wescotts.org
858-361-6462

2/1/2010

13

Diana Lilly

From: Havtrvl@aol.com
Sent: Sunday, January 31, 2010 8:47 AM
To: Diana Lilly
Subject: North Embarcadero Visionary

Hello Diane, My name is Kim Warriner and I live in Coronado on the Bay Front, I have been following this for quiet some time and fully support what you and Ian are doing. I will forward this on to my friends who are concerned for our water front from both sides.

Kindly Yours,

Kim

Kim Warriner
619-708-9988 cell

A large, stylized handwritten mark, possibly a signature or initials, located in the bottom right corner of the page. It consists of a vertical line with a horizontal stroke at the top and a diagonal stroke at the bottom, resembling the letter 'A'.

Diana Lilly

From: Andrew Glasebrook [aglase@yahoo.com]

Sent: Monday, February 01, 2010 12:34 PM

To: Diana Lilly

Subject: Port CDP

Dear Commissioners,

I am a San Diego resident living in University City. I often go down to the downtown waterfront to walk and bike, at times traveling by ferry to Coronado.

It has come to my attention that the CDP seeks to remove the major public space at the foot of Broadway. This is inconsistent with the Port Master Plan and violates the California Coastal Act.

I support the commission staff recommendation for denial of the Port CDP for the North Embarcadero plan.

Please deny the CDP.

Sincerely,

Andy Glasebrook

2/1/2010

A handwritten signature or set of initials, possibly 'AG', written in black ink in the bottom right corner of the page.

Diana Lilly

From: Norma Ferrara [normferr@cox.net]
Sent: Monday, February 01, 2010 4:57 PM
To: Diana Lilly
Subject: Port CDP for the North Embarcadero

Dear Commissioners:

I am a San Diego resident living in Bankers Hill. I visit and enjoy the Downtown waterfront regularly, since I live less than a mile from the Bay.

I support the commission staff recommendation for denial of the Port CDP for the North Embarcadero plan.

As a matter of law, the CDP violates the California Coastal Act because it is inconsistent with the Port Master Plan.

Specifically, the CDP seeks to disappear the Major public space at the foot of Broadway, a move that the Union Tribune has editorialized as a " Switcharoo"

Please follow the law and deny the CDP.

Thank you!
Norma Ferrara



Diana Lilly

From: Richard Lawrence [ralawrence1015@yahoo.com]
Sent: Tuesday, February 02, 2010 7:44 AM
To: Diana Lilly
Cc: iantrowbridge
Subject: Port Master Plan

Dear Commissioners:

I am a San Diego resident living in Mid-City and visit and enjoy the downtown waterfront regularly. It is an asset of enormous value, and we must not allow any further deterioration of its access to the public. Surely the Port can find a better site for its cruise terminal.

I support the Commission staff recommendation for denial of the Port CDP for the North Embarcadero plan. As a matter of law, the CDP violates the California Coastal Act because it is inconsistent with the Port Master Plan. Specifically, the CDP seeks to eliminate the major public space at the foot of Broadway, a move that the Union Tribune has editorialized as a "switcharoo."

Please follow the law and deny the CDP.

Respectfully,
Richard Lawrence
1951 47th Street #139
SD, CA 92102.

2/2/2010



Diana Lilly

From: StanRLewis@att.net
Sent: Monday, February 01, 2010 2:38 PM
To: Diana Lilly
Subject: I support Recommendation of denial of CDP

Dear Commissioners:

I have been a San Diego resident for over 30 years and have lived in the Encanto community of San Diego for 26 years of that time. One of my most favorite places to walk is along the Embarcadero in downtown San Diego, and I go there at least twice a week.

I wholeheartedly support the Coastal commission's staff recommendation of denial for the Port of San Diego Coastal Development Permit (CDP) for the North Embarcadero plan.

Not only does the CDP violate the California Coastal Act because it is inconsistent with the Port's Master Plan, it also eliminates vital public space and access at the foot of Broadway, a move that even the San Diego Union opposes.

Please follow the law and deny this CDP.

Thank you

Stan Lewis
6335 Ito Court
San Diego, CA 92114
(619) 263.8263

A handwritten signature or set of initials, possibly 'B', located in the bottom right corner of the page.

Diana Lilly

From: David Higgins [david@drhiggins.net]
Sent: Tuesday, February 02, 2010 10:02 AM
To: Diana Lilly
Subject: North Embarcadero plan

Dear Commissioners:

I am a San Diego resident living in Northpark. I visit and enjoy the Downtown waterfront regularly.

I support the commission staff recommendation for denial of the Port CDP for the North Embarcadero plan.

As a matter of law, the CDP violates the California Coastal Act because it is inconsistent with the Port Master Plan.

Specifically, the CDP seeks to disappear the Major public space at the foot of Broadway, a move that the Union Tribune has editorialized as a " Switcharoo"

Please follow the law and deny the CDP.

Sincerely,

David Higgins

David R. Higgins, Ph.D.
2619 Montclair Street
San Diego, CA 92104
619-565-0411 (mobile)
david@drhiggins.net



2/2/2010

Diana Lilly

From: David Miles [dj miles@me.com]
Sent: Tuesday, February 02, 2010 10:09 AM
To: Diana Lilly
Subject: Please deny the CDP

Dear Commissioners:

I am a San Diego resident living in North Park. I visit and enjoy San Diego's downtown waterfront regularly.

I support the commission staff recommendations for denial of the Port CDP for the North Embarcadero plan.

As a matter of law, the CDP violates the California Coastal Act because it is inconsistent with the Port Master Plan.

Specifically, the CDP seeks to disappear the Major public space at the foot of Broadway, a move that the Union Tribune has editorialized as a "switcheroo".

Please follow the law and deny the CDP.

Thank you,

David Miles
2619 Montclair Street
San Diego, CA 92104



February 1, 2010
California Coastal Commission
San Diego Area 7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4421

Hon. Commissioners:

Ian Trowbridge
3444 Hawk Street
San Diego, CA 92103

Cell 619-248-3242
E-mail: Chris70@cox.net

As a matter of law, the Commission should make the finding that A-6-PSD-09-043 is inconsistent with the Port Master Plan (PMP) and consequently the Commission should accept the staff report and deny the Coastal Development Permit (CDP) submitted by the Port District of San Diego.

Although there are many reasons to deny this permit, I will focus on two:

1. The deviations from the original PMP by the CDP are substantial rendering the CDP inconsistent with the current PMP in violation of the California Coastal Act. A major change is the elimination of the 79,000 sq. ft. "Oval Park" at the foot of Broadway promised to the public for years and, together with the widening of Broadway to create a ceremonial esplanade, was to be the focal feature of the entire North Embarcadero Visionary Plan.
2. The Port has carefully hidden from public view and the Commission the fact that the Broadway Pier would be inaccessible to the public whenever a cruise ship was berthed at a second Cruise ship terminal on the pier. This goal was achieved by piece-mealing the development into two separate CDPs, one for the newly proposed Broadway cruise ship terminal (CDP-2007-03) certified in 2007 and the current CDP. Neither CDP disclosed that there would be a security barrier at the intersection blocking public access to the pier. It was as if the East end of the Broadway pier and the security barrier never existed.

Further, the Port never disclosed in a timely manner to the public, and never to the Commission, that the Cruise ship terminal would render the Oval Park still contained in the PMP impossible to create because the space was required as an intersection to allow supply trucks and other vehicles access to the Broadway pier to service berthed cruise ships. These machinations are contrary to good public policy and are an attempt to subvert the Coastal Act. The Port has been intransigent and, to date, has refused to negotiate with opponents of their plans who are open to such discussions.

I also respectfully request the Commission make the finding that if the Port wishes to proceed with the work described in current CDP they be required to submit a full PMP amendment to the Commission including a new Environmental Impact Report and conduct the appropriate public hearings required by California State law.

Sincerely yours

Signature on file

Ian Trowbridge

Professor Emeritus, San Diego State

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CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

81

Broadway Complex Coalition

February 3, 2010

California Coastal Commission
C/O Diana Lilly
California Coastal Commission
7575 Metropolitan Drive #103
San Diego, CA 92108-4421
dlilly@coastal.ca.gov

**Subject: Navy Broadway Complex Coalition Comments on California Coastal Commission Staff Report Th 24b:
Staff Report and Recommendations on Appeal De Novo - APPEAL
NO.: A-6-PSD-09-43**

Coastal Commissioners:

The Navy Bayfront Complex Coalition (BCC) is a broad alliance of dozens of local urban planning and environmental organizations and hundreds of individuals dedicated to preserving public access to downtown San Diego's waterfront, enforcement of the California Public Tidelands Trust Doctrine, and adherence to the California Coastal Act and the California Environmental Quality Act (CEQA) along the city's bayfront.

BCC agrees with the findings and recommendations contained in Coastal Commission's January 27, 2010 staff report, and strongly urges you to adopt your staff's findings and recommendations and deny the project CDP proposed by the San Diego Unified Port District (Port) in this proceeding.

We agree with your staff that the Port's ongoing practice of amending the PMP through Initial Studies and

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the CDP process on a piecemeal, project-by-project basis, where the overall context of the cumulative impacts on the North Embarcadero cannot be evaluated or mitigated, is inconsistent with the approved Port Master Plan (PMP) and the Coastal Act.

We have previously noted this fact in our organization's comments to the Port in response to its CDPs for the Lane Field hotels project and the Broadway Pier Cruise Ship Terminal. In fact, our organization is currently involved in a lawsuit against the Port over the latter project, because the Port's planning process for that project violated both the Coastal Act and CEQA.

As your staff notes in its report, Port staff have acknowledged that there have been substantial changes in potential development patterns along the North Embarcadero that require a comprehensive Port Master Plan Amendment (PMPA), and have recently issued a Notice of Preparation for environmental review to evaluate present conditions and future projects in the area, but the Broadway Landing Park at the foot of Broadway has not been included in the scope of the proposed Environmental Impact Report (EIR).

This action continues a long standing pattern of piecemeal planning by the Port, one that over the last three decades resulted in the construction of a one mile long wall of concrete hotel and convention center structures along the South Embarcadero. San Diego is the only major city on the California coast whose downtown has been walled off from its bayfront, and the primary reason this happened is the Port's illegal piecemeal planning process.

In this instance, the deviations from the original PMP are substantial, rendering the proposed CDP inconsistent with the certified PMP, in violation of the California Coastal Act.

The most egregious change is the elimination of the 79,000 sq. ft. Broadway landing Park required in the certified Port PMP that, together with the widening of the foot of Broadway, was to be a primary feature of the entire North Embarcadero Visionary Plan. This omission is consistent with the Port's long-term pattern of entering into agreements with the public, surrounding agencies and your commission regarding land use

plans for the area, then later jettisoning those elements of those plans that it doesn't choose to construct, without seeking approval for those changes from your commission.

We note that in the development of the CDPs for the Lane Field project and the Broadway Pier cruise ship terminal, Port staff was very careful to avoid any mention of the potential impact those two projects would have on the Broadway Landing Park, or the impacts that construction of a second cruise ship terminal would have on traffic patterns along the North Embarcadero. We believe that they did so because they knew that your if commission had been made fully aware of the significance of those impacts, you would have required a Port Master Plan amendment and directed the Port to conduct a full EIR on those projects.

We also note that the Broadway Pier is now to be used for a home-port facility and not just a port-of-call facility. The NEVP, via the PMP, contemplated Broadway Pier's use as an "extra" berthing facility, what the CCC has described as an auxiliary facility. But the Port entered into a loan agreement with Carnival Cruise Lines in 2007 that required the Port to build a home-port facility on Broadway Pier. To our knowledge, that information was never disclosed by the Port to the Coastal Commission or the public.

The Port did not disclose in a timely manner to the public, and never to your Commission, that the Broadway Pier cruise ship terminal might render the Broadway Park called for in the certified PMP impossible to create, because the space east of the pier would be converted into an intersection to allow heavy supply trucks and other vehicles access to the Broadway pier to service berthed cruise ships.

The Port has also hidden from the Commission the fact that the Broadway Pier and the area immediately to the east may become inaccessible to the public whenever a cruise ship is berthed at the cruise ship terminal on the Broadway Pier due to security restrictions imposed by the federal Department of Homeland Security. This goal was achieved by addressing the development in two separate CDPs, one for the proposed Broadway cruise ship terminal (CDP-2007-03), certified in 2007 and the current CDP. Neither CDP disclosed

BA

that there would be new security barriers and other Homeland Security required features at the intersection, blocking public access to the pier and surrounding areas along Harbor Drive.

We believe that these machinations by the Port are contrary to good public policy and are an attempt to subvert the Coastal Act.

In its January 29 "Response to Coastal staff recommendations on De Novo Appeal of NEVP Phase 1 Coastal Access Features Project" Port staff makes the outrageous assertion that because your commission did not block its plans for Lane Field and the Broadway cruise ship terminal projects, your commission thereby assented to the elimination of the park at the foot of Broadway. This is analogous to a serial lawbreaker arguing in court that because the authorities had been unaware of and had not stopped his previous illegal activities, they had condoned his crimes.

We believe that the time is ripe for your Commission to enforce the Coastal Act, CEQA and the certified Port Master Plan and stop further piecemeal planning and redevelopment of our downtown waterfront. The best way to do this is to adopt your own staff's findings and recommendations, and deny the CDP for this project, until the Port has conducted all legally required environmental reviews and formally requested an amendment to the certified PMP.

Instead of developing a separate EIR for this particular project, we believe that the Port should be required to fully address potential impacts on the Broadway Landing Park and area traffic in the EIR it is currently planning in support of its pending North Embarcadero PMP amendment request. This should include a full discussion of alternative designs for the Broadway Landing Park and full mitigation for the loss of public access that its elimination would entail, as well as the increased traffic impacts and homeland security requirements associated with the Broadway Pier cruise ship terminal.

We note that the Port's attorneys have asserted in open court that construction of the Broadway Pier cruise ship terminal will not prevent the Port from constructing the Broadway Landing park. We also note that the Lane Field project CDP technically expired when the project developer failed to obtain project financing by the deadlines stipulated in the CDP,

A handwritten signature or set of initials, possibly 'BS', written in black ink in the bottom right corner of the page.

and that the Port has been keeping that project on life support via month by month lease extensions. We believe that the project developer might be willing to redesign its project to accommodate the Broadway Landing Park, if the alternative might be the loss of the zoning entitlements granted by the Port.

We hope that your Commission will adopt and endorse your own staff's findings and recommendations, and deny the Proposed CDP for this project at this time.

Thank you for this opportunity to comment in this proceeding.

Don Wood
4539 Lee Avenue
La Mesa, CA 91941
619-463-9035
dwood8@cox.net



Diana Lilly

From: Juengst, Robert [RJuengst@sddpc.org]
Sent: Thursday, February 04, 2010 8:00 AM
To: Diana Lilly
Subject: Port CDP

Dear Commissioners:

I am 52 years old and was born and raised in San Diego County. I visit and enjoy the Downtown waterfront regularly.

I support the commission staff recommendation for denial of the Port CDP for the North Embarcadero plan.

As a matter of law, the CDP violates the California Coastal Act because it is inconsistent with the Port Master Plan.

Specifically, the CDP seeks to disappear the Major public space at the foot of Broadway, a move that the Union Tribune has editorialized as a " Switcharoo"

Please follow the law and deny the CDP.

Thank you ,

Robert Juengst

Diana Lilly

From: patimus98@cox.net
Sent: Thursday, February 04, 2010 10:08 AM
To: Diana Lilly
Subject: Port plans for the North Embarcadero plan

Dear Commissioners:

I am a San Diego resident living in Rancho San Diego. I work in and visit and enjoy the Downtown waterfront regularly.

I support the commission staff recommendation for denial of the Port CDP for the North Embarcadero plan.

As a matter of law, the CDP violates the California Coastal Act because it is inconsistent with the Port Master Plan.

Specifically, the CDP seeks to disappear the Major public space at the foot of Broadway, a move that the Union Tribune has editorialized as a " Switcharoo". We cannot let this happen!

Please follow the law and apply common sense for the good of the public and deny the CDP.

Thanks for your attention.
Patti Juengst, County of San Diego.

17696 Cumana Terrace
San Diego, CA 92128
February 4, 2010

Diana Lilly,
California Coastal Commission
7575 Metropolitan Drive #103
San Diego, CA 92108-4421

Regarding: Agenda Item TH 24b, application # A - 6- PSD - 09- 043

Dear Commissioners,

We are unable to attend the February 11th Coastal Commission hearing and wish to submit our comments regarding the Port of San Diego District's application for a Coastal Development Permit to implement the North Embarcadero Visionary Plan (NEVP).

We strongly urge you to deny the Port District's application and support the staff recommendation.

Just as the original plans for Mission Valley were cast aside and mutilated in favor of private, and commercial gains by the people in power, so has the original plan for the NEVP, the last vestige of open waterfront been derailed and is ending up in disaster.

The Port's project is inconsistent with their Master Plan and would have significant and negative impacts on the original NEVP which promised the citizens of San Diego a vibrant, accessible, walkable waterfront with view corridors and a ceremonial public plaza with open views.

The foot of Broadway was not only to be graced with an oval plaza but enhanced with gardens, pavilions and the esplanade. Downtown's front porch if you will.

Instead, the Port's elimination of the oval plaza with a "park" which will serve as a driveway for semi trucks and tour buses to serve the Broadway Pier Cruise Ship Terminal.

There will be significant changes to the promenade and the encroaching building into the C Street view corridor and access to the B Street and the Broadway Plaza will be will be denied when cruise ships are in port.

These are all fundamental changes to the 2001 NEVP Port Master Plan Amendment and have no relationship to the spirit of the NEVP.

We remain steadfast in our appeal of this disastrous destruction of the vision and spirit of the NEVP and are hopeful that this betrayal of the NEVP can be reversed.

Thank You for your attention to our comments.

Sincerely,

Signature on file

Signature on file

Cathy O'Leary Carey and John Carey
Our out of town # is 435-677-3619
Our home # in San Diego is 858-385-0419

Received
FEB 09 2010

California Coastal Commission

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TH 24b Appeal No. A-6-PSD-09-043

To: California Coastal Commissioners

SEA requests Commissioners deny the Port CDP.

The Port of San Diego seeks to eliminate all key LCP public elements for the last downtown public tidelands of California's second largest city.

The Port has contracted with NEVP-area developer consultants to re-design the N. Embarcadero for their clients and Carnival Corporation.

The Port refuses to amend its Master Plan, or to mitigate the takings.

Scott Andrews
Save Everyone's Access (SEA)
619 221-5947

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FEB 09 2010
California Coastal Commission
San Diego Coastal District

LETTER OF OPPOSITION
(ATTACHMENT)

... under CCC de novo ruling, can a Port gut LCP/PMP public access for a foreign-registry cruise corp. and area developers *without* doing cumulative area EIR, Port mitigation, or Port PMP amendment?

Re Denial, San Diego's LCP is the **Port Master Plan...**

N. Embarcadero Visionary Plan

"...'B' Street Pier could support both a cruise terminal and a mixed use development..."
"Broadway Landing is intended as one of San Diego's most important civic spaces, commanding a prominent position at the foot of Broadway."
"...Broadway Landing is an expansive public space that reaches from the grand oval-shaped landscaped park on the Bayfront Esplanade out over the water."

Port Master Plan Jan 2010

"The specific recommendations of the Visionary Plan that pertain to Port District land and water areas...are incorporated into the Master Plan."

P 58

"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 throughfare along North Harbor Drive." P 58

"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."

P 59

[public elements: Broadway Landing Park, Broadway Pier, Grape St. Pier]

"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."

"The three existing piers...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."

P 60

PMP Fig. 11 map [clearly shows the N. Embarcadero as open coastal access].

Figure 11 shows Harbor Drive reconfigured around Broadway Landing Park, public Broadway and Grape St. piers, and designates end to end

N. Embarcadero "Park/Plaza" open coastal access.

P 61, 62

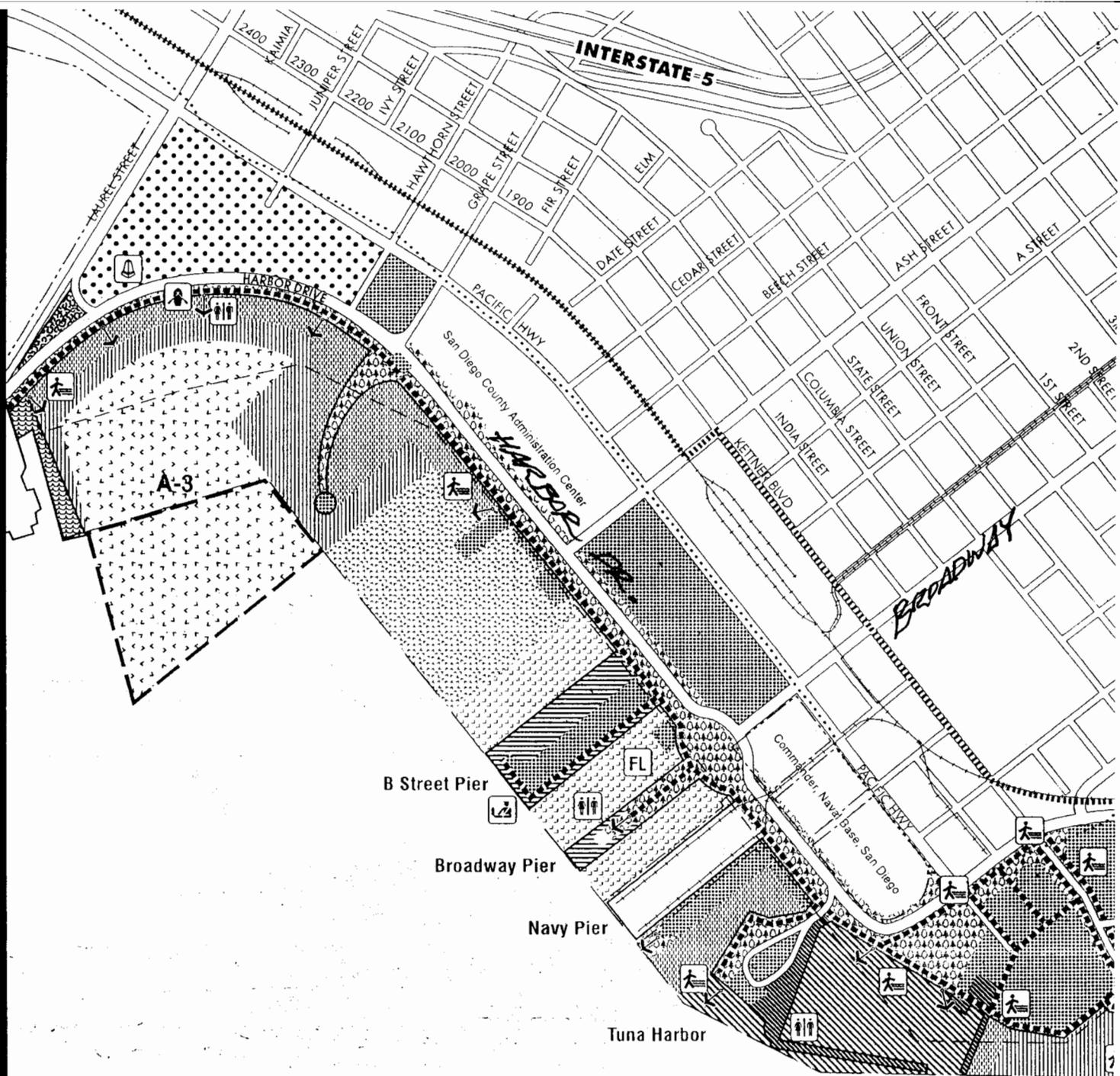
[multiple N. Embarcadero parks]

N. Harbor Drive: "Parking areas along the street...and lawn areas."

P 63

"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."

P 64



Land	COMMERCIAL	Water	
	Commercial Recreation		Recreational Boat Berthing
	Commercial Fishing		Commercial Fishing Berthing
			Fueling Dock
INDUSTRIAL			
	Marine Terminal		Terminal Berthing
	Marine Related		Specialized Berthing
	Aviation Related		

Land	PUBLIC RECREATION	Water	
	Park/Plaza		Open Bay
	Open Space		Public Fishing Pier
	Promenade		
	Public Access		
	Vista Area		
	Historic Feature		

scale approx.

 Land Use Planning

**Planning District 3
 CENTRE CITY EMBARCADERO**

TITLE: **PREC**

PORT OF SAN DIEGO'S BIG BAY GIVEAWAY VOIDS LCP WITHOUT MITIGATION

- **MULTIPLE PARK TAKINGS**

The Port is refusing to build the "major" 10 acre, two city block Broadway Landing Park "at the foot of Broadway", named after Coronado Landing Park and Spanish Landing Park. The Port is refusing to build the grass parks along the esplanade.

- **MULTIPLE PUBLIC PIER CANCELLATIONS**

The Port wants to commercialize public Broadway Pier, cancel Grape Street public pier

- **COASTAL PARKING REDUCTION**

The Port CDP reduces the majority of public parking on the N. Embarcadero, including rare slant-in spaces to view the blue Bay on the waterfront edge.

- **PORT REFUSES TO INITIATE MIDWAY MITIGATION OF NAVY PIER PARK**

- **PORT FAILS TO DISCLOSE ANTI-ACCESS SECURITY REQUIREMENTS**

The Port refuses to reveal security land and water setbacks for the proposed new Broadway Pier Terminal complex.

The Port takeover of Broadway Pier for the off shore-registered Carnival Corp.'s second terminal and Bay berthing is under a de minimus ruling.

The Port's de minimus application failed to disclose that cruise ships and their terminals are High Risk Targets under new U.S. port regulations that require the same anti-public access security features now in place at B St. Pier - over 400' of black 8'-foot high military fencing, large concrete bollard-protected No Parking zones, signage, and four guardhouses.

- **VIEWSHED REDUCTION**

"The wharf side remains clear of objects or furnishings that would block Bay views" PMP pp 63

Drastic Port CDP San Diego Bay view blockage is led by the new 5-story terminal, the huge ship alongside, and a 12' high Neg Dec'd B St. Pier power station.

The Port CDP design adds 12' Carnival ticket kiosk pavillions, and new cafe and restrooms plunked in the middle, not landward edge of the Embarcadero.

To block any remaining glimpse of the water, the Port CDP proposes groves of jacaranda trees and multiple rows of palms, neither of which fan out at the end of Broadway.

- **PORT SANCTIONS CORRUPT SECRET CONFLICTS OF INTEREST**

The Port is letting developers, and Carnival, redesign the N. Embarcadero:

Project Design Consultants (PDC):

City/Port consultant: City Downtown Community Plan Update Contract AND

Port of SD/CCDC Design Contract - N. Embarcadero Visionary Plan Phase 1

NEVP-area PDC clients: Lane Field, Navy Broadway, Bosa, Irvine, Catellus

Bermello Ajamli & Partners: fronts Carnival terminals worldwide

Port consultant: 2004 Port of SD cruise industry feasibility studies

Port consultant: 2009 Port of SD Broadway Pier Carnival Cruise Terminal design contract

Broadway Pier

North Embarcadero

Visionary Plan

San Diego, California

Client Team:

Unified Port of San Diego
Centre City Development
Corporation

Design Team:

**EHRENKRANTZ, ECKSTUT & KUHN
ARCHITECTS**

SPURLOCK PORRER Landscape Architects

Mohr and Nield Engineering

Lighting Design Alliance

Kobu Associates

Suzanne/Reagan Company

Federer Design and Conit.

Five Art Services



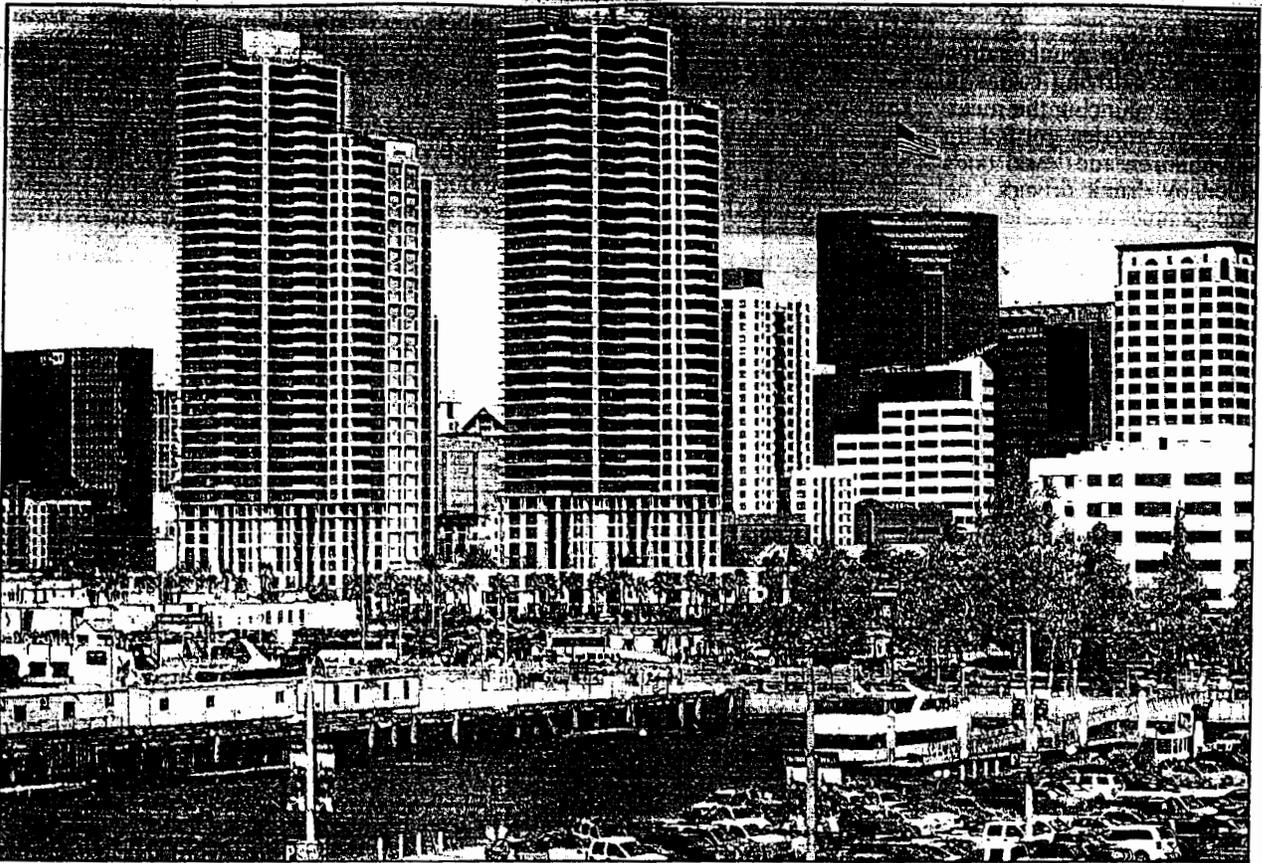


N. & S. Embarcadero Leases --
 almost no free bay view parks
 17 of 18 tideland leases are commercial

San Diego Bay

- 1 Commercial # 442
- 1 1220 Pacific Hwy. Proposed Cruise Ship Viewing Structure
- 2 1501 Bay View Blvd. Ship Terminal #2
- 3 1000 Broadway Pier Proposed Cruise Ship Terminal #2
- 4 Broadway Pier Proposed Cruise Ship Terminal #2
- 5 New Broadway Leases
- 6 Manchester Highrise Hotel #2
- 7 Navy Pier Promised Mitigation Park
- 8 Approved: 3.3 ac Ruocco Park
- 9 1000 Harbor Street - Proposed Hotel
- 10 Fish Market
- 11 Seaport Village Retail
- 12 Manchester Highrise Hotel #1
- 13 Manchester Highrise Hotel #2
- 14 Manchester Hotel Expansion
- 15 Convention Center
- 16 Convention Center Expansion #1
- 17 Convention Center Expansion #2
- 18 New Hilton Highrise Hotel

Port District's big switch dismays Coastal Commission staff



A smaller plaza is now proposed for the area where Broadway meets Harbor Drive. *Nelvin C. Cepeda / U-T*

OVAl PARK ISN'T PART OF WATERFRONT PLAN

By Helen Gao
STAFF WRITER

San Diego port officials sketched out a large, oval public park to beautify the downtown waterfront in the area's master plan years ago.

But the latest proposal shows a smaller, "hardscape" plaza that would double as the driveway to a cruise-ship terminal at Broadway and North Harbor Drive.

This switch did not go unnoticed by the California Coastal Commission, a powerful agency that regulates development along the state's coastline, with an eye toward protecting the environment and public access.

The commission staff, in reviewing the first phase of a \$228 million makeover planned for the North Embarcadero, also has concerns about potential parking issues and obstructed views.

"As you start to take them as a whole, you suddenly realize what is supposed

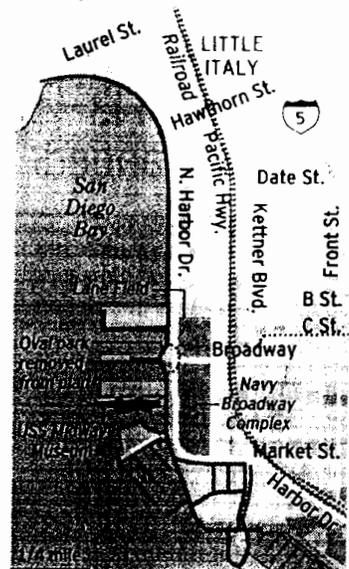
to be a park area isn't going to be a park anymore," said Diana Lilly, a Coastal Commission planner. "Suddenly, we are getting a lot less open space than people would have anticipated looking at the plan."

The commission staff estimates that the oval park shown in earlier plans would have been 79,200 square feet, whereas the substitute plaza is about 16,000 square feet.

On Aug. 14, the commission will consider concerns raised by its staff members about the development permit for the first phase of the waterfront makeover.

The project would realign Harbor Drive to create a 105-foot-wide esplanade, with sea-gull-themed restrooms and shade pavilions for ticket kiosks, an information building and a cafe. Groves of jacarandas and rows of date palms

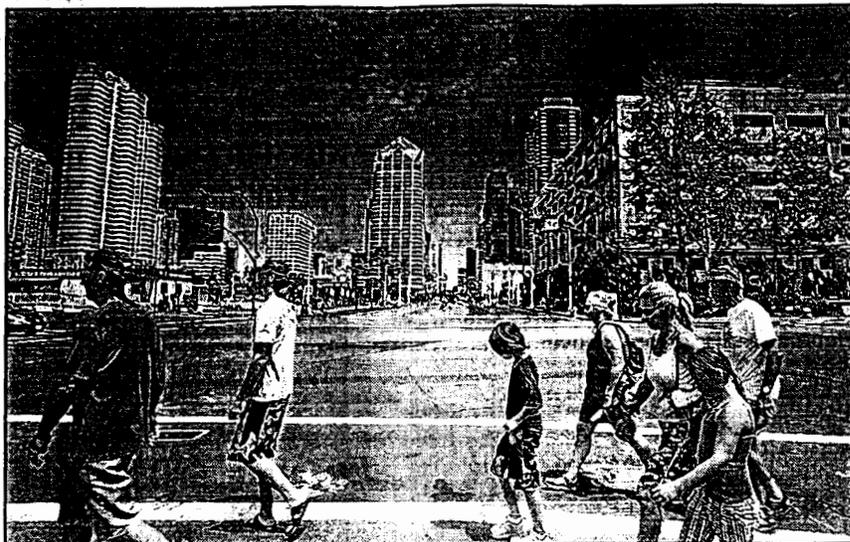
Existing and planned promenade —



SOURCE: California Coastal Commission

SEE **Waterfront, A11**

UNION-TRIBUNE



Pedestrians yesterday crossed Broadway at Harbor Drive, where the Port of San Diego has proposed building a plaza that doubles as a driveway for the new cruise-ship terminal under construction on Broadway Pier.
Nelvin C. Cepeda / Union-Tribune

► **WATERFRONT**

CONTINUED FROM A1

Staffers want port to conduct 'view analysis'

would add color and greenery. Six local residents and a grass-roots group that has been fighting waterfront development are challenging the project. Two members of the 12-member Coastal Commission have signed appeals, supporting concerns of agency staffers.

"The plaza is just an intersection for the semis that will turn in to the pier to service the cruise-ship industry," said Scott Andrews, a public tidelands activist who filed an appeal with the Coastal Commission. "The public knows the difference between a park and a plaza."

The commission's staff agrees with the activists that the port has used a piecemeal approach to North Embarcadero development, without properly taking into account how adjacent projects — such as the construction of the cruise-ship terminal and proposed hotels — affect the waterfront overall.

John Helmer, the port's director of land-use planning, said the oval park shown in the master plan was not meant to be taken literally.

"That oval was an illustration. It was not a designed or engineered project," Helmer said.

If built as originally envisioned, the park would have

extended into Broadway Pier, where the port is now building a \$21 million cruise-ship terminal, and stretched out over the water.

It also would have infringed on adjacent redevelopment projects for the Navy's administration complex and the former Lane Field ballpark, now a parking lot. The Lane Field project includes a 2-acre public plaza, and the Navy Broadway project also is expected to add a few acres of park space.

Helmer said that given what is included in those two projects, plus a new waterfront park the port is planning at the former Harbor Seafood Mart site by Seaport Village, the public will have plenty of grounds to enjoy.

Helmer contended that the port has taken an integrated approach to planning the waterfront. When the port amended its master plan in 2001, its environmental review included future development of Lane Field, the Navy Broadway Complex and other properties, he noted.

Long-term plans also call for parkland to be added to the County Administration Center and for Navy Pier next to the USS Midway Museum to be converted into parkland.

Andrews, the tidelands activist, questions whether those park plans will come to fruition. He worries that all the changes and development along Harbor Drive, including the groves of trees, will block views.

His concern is shared by Coastal Commission staffers, who want the port to conduct a "view analysis." Of particular

concern are plans for an artist-designed restroom building, which would jut 5 feet into a view line the commission wants to preserve.

"While the encroachment is minor, it remains to be seen how even the most artistic restroom enhances views to the bay," commission staffers wrote in a report.

Another problem the staff has with the project is that it would eliminate 170 parking spaces to accommodate commercial loading zones. Only 24 to 58 of the lost spaces would be replaced.

Helmer said the port has developed a comprehensive parking-management plan that includes a bayfront shuttle service. The port also is looking at providing parking structures in the area.

If the Coastal Commission decides that the appeals have merit, the agency can require the port to change its project or amend its master plan. A master-plan amendment can take months, because both the port and the Coastal Commission would have to hold new public hearings.

Rather than fight the appeals, the port plans to work with the commission staff to sort out differences.

"There may be some changes made to the plan," Helmer said, adding that one change that will not be made is restoration of the large oval park.

Helen Gao: (619) 718-5181; helen.gao@uniontrib.com

SA

Relax, Re



ACA Stressless

SC FURNITURE

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From: Gary Bosse
To: "Lisa Leweck";
cc: Mark Johnson; Scott Jordan (sjordan@civitasinc.com), Gordon Lutes,
Linda Scott; John Keating; Shaun Sumner; sochoa@portofsandiego.org;
Phil Bona;
Subject: NEVP: Tomorrow's Meeting with Traffic
Date: Wednesday, December 10, 2008 3:49:00 PM

Just a reminder that we don't want to mention the queuing of bussess/trucks to support the cruise ship operations on W. Broadway at tomorrow's meeting. If we continue to get push back from City staff, I believe we should keep this in our back pocket. The City staff that we'll be meeting with tomorrow wouldn't see this as an appropriate use of the street anyway.

One spin for the wider median might be related to the City's requirements to limit urban stormwater runoff. The brick paved areas appear to drain into the planting beds so that no water that lands within the median will ever end up in a storm drain curb inlet. This could backfire though as I believe the City staff wants the median wider (to encompass the rumble strip area).... just a warning and a thought.

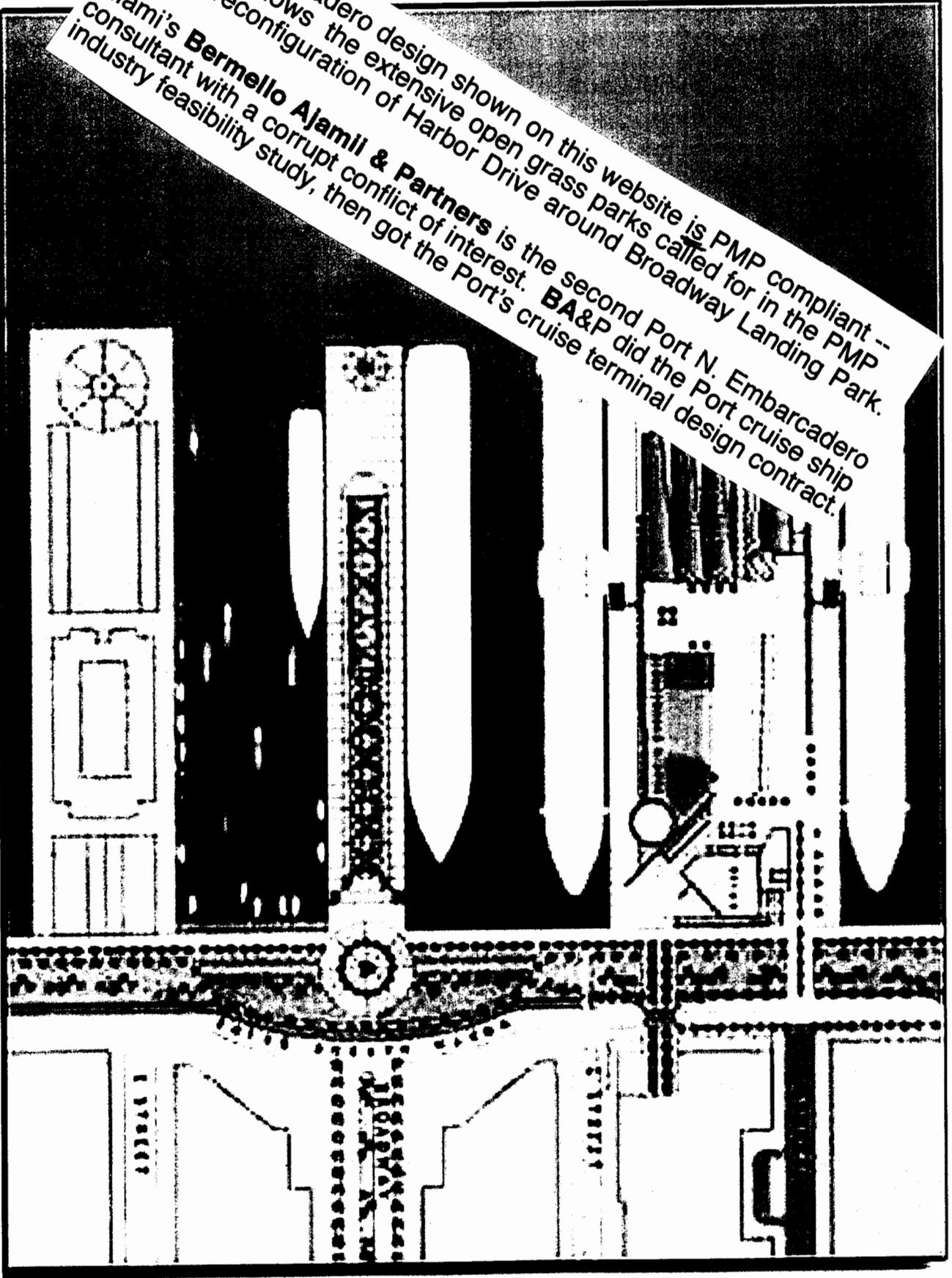
Gary J. Bosse
Senior Project Manager - Construction
Centre City Development Corporation
401 B Street, Suite 400
San Diego, CA 92101
619.533.7163 Office
619.236.9148 Fax
619.884.6130 Cell
bosse@ccdc.com

NOTE:
Gordon Lutes works for Project Design Consultants,
who the Port awarded the N. Embarcadero Phase 1 Design Contract.
The City awarded this contract through CCDC, the City of San Diego
Center City Redevelopment Corporation.
CCDC is designing and funding the N. Embarcadero for the Port.
Gary Bosse is CCDC's N. Embarcadero Senior Project Mgr.

From: Gordon Lutes [mailto:gordonl@projectdesign.com]
Sent: Monday, September 03, 2007 8:10 AM
To: Bosse, Gary
Cc: Spry O'Riley, Doreen; Shields, Greg; Lutes, Gordon
Subject: FW: CCDC NEVP
Importance: High

Hi Gary,
Happy Labor Day! Here are the suggested changes to the contract language in the RFQ. In addition, I would suggest inserting some additional language under the conflict of interest acknowledging that we are currently working with the developers on Broadway and Port on the Broadway Pier. Some of our subconsultants also are working with one or more developers and/or the Port. If you have questions while I am out this week you can discuss directly with Doreen as Greg is out until Thursday. Thanks!
Gordon

Note:
 The N. Embarcadero design shown on this website is PMP compliant -- it clearly shows the extensive open grass parks called for in the PMP and the reconfiguration of Harbor Drive around Broadway Landing Park. Miami's **Bermello Ajamil & Partners** is the second Port N. Embarcadero consultant with a corrupt conflict of interest. **BA&P** did the Port cruise ship industry feasibility study, then got the Port's cruise terminal design contract.



San Diego Unified Port District

BERMELLO AJAMIL
 & PARTNERS
 WEBSITE

B&A has successfully completed several important assignments for the San Diego Unified Port District (Port of San Diego). In 2003, B&A lead the preparation of a comprehensive cruise market and economic impact assessment to provide guidance on marine facilities programming, operations and financing. In 2004, a full feasibility assessment was completed for redevelopment of B Street Pier and Lane Field. This assignment included market assessment for all potential uses, inclusive of cruise, conference, hotel, retail, parking and other elements common to a dynamic mixed-use waterfront.

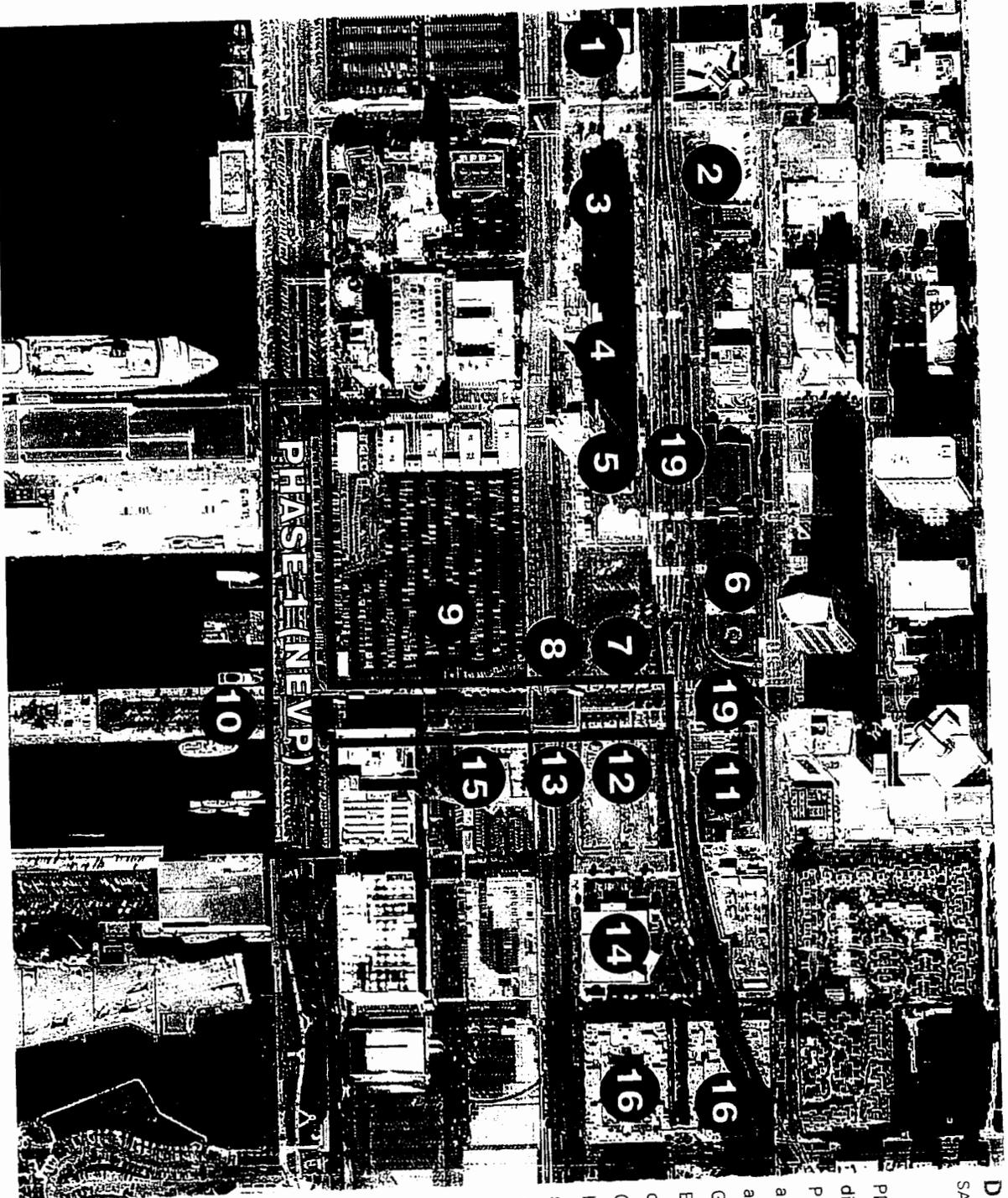
*PORT & NAVIGATIONAL DEVELOPERS' CONSULTANTS
PROJECT DESIGN CONSULTANTS*

PROJECTS and Experience PROJECT DESIGN CONSULTANTS

VISIONARY PLAN - "NEVP" - PHASE 1 | Section 1

DOWNTOWN WATERFRONT EXPERIENCE
SAN DIEGO, CALIFORNIA

PDC has been actively involved in numerous projects immediately adjacent to NEVP. As it relates to NEVP Phase 1, PDC has had an intimate involvement in the civil engineering and surveying of seven projects along the Phase 1 boundary including: Lane Field (Lankford & Associates), Pacific Gateway (Manchester Resorts), On-Call Services for NITCD, Broadway Pier (Port of San Diego), Public Improvements on Pacific Highway (Catellus), 700 Broadway (The Irvine Company) and the five Bosa Development sites on Pacific Highway. In addition to civil engineering, mapping and surveying, PDC's services included project coordination with several agencies such as The Port San Diego, CCDC, The City of San Diego and The United States Navy as it relates to street improvements, utility coordination, landscape design, construction coordination and boundary issues.



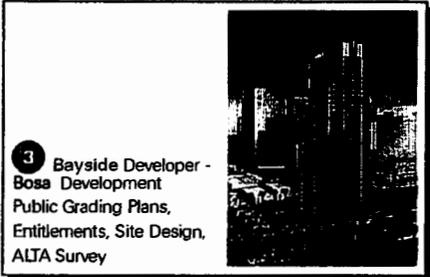
PORT/NSWP DEVELOPERS' CONSULTANT PROJECT DESIGN CONSULTANTS

Associations and Experience PROJECT DESIGN CONSULTANTS

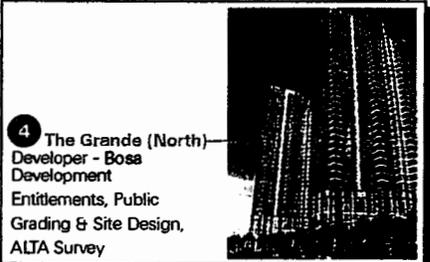


1 Breeza Developer - Intracorp
Entitlements, Grading & Improvement Plans,
ALTA Survey

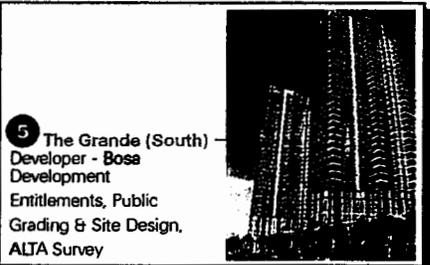
2 Parcel 5 Developer - Bosa Development
Preliminary Engineering, ALTA Survey



3 Bayside Developer -
Bosa Development
Public Grading Plans,
Entitlements, Site Design,
ALTA Survey



4 The Grande (North) -
Developer - Bosa
Development
Entitlements, Public
Grading & Site Design,
ALTA Survey



5 The Grande (South) -
Developer - Bosa
Development
Entitlements, Public
Grading & Site Design,
ALTA Survey



6 Santa Fe Depot Developer - Catellus Urban Dev.
Improvement Plans, ALTA Survey

7 Parcel 1 Developer - Irvine Company
Preliminary Engineering, ALTA Survey

8 Pacific Highway Developer - Catellus
Public Improvement Plans for Pacific Highway from
Ash to E Street, Improvements include median and
casterly surface improvement

9 Lane Field Developer - Lankford & Associates
Preliminary Engineering on Harbor Drive, Broadway,
Preliminary Site Design, Final Engineering and ALTA
Survey

10 Broadway Pier Developer - The Port of San Diego
Provide Civil Engineering services for the Broadway Pier

OTHER CLIENTS:

The Port of San Diego Deistrict
Award As Needed Survey Services

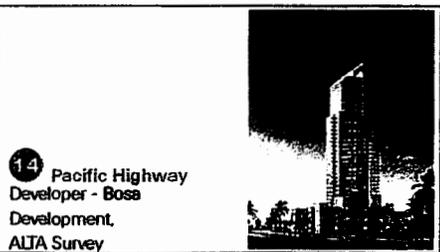
Navy Southwest Division
In Call As Needed Survey Services

11 Electra Developer -
Bosa Development
Entitlements, Public
Improvement & Grading
Plans, ALTA Survey

12 Parcel 9 Developer - Bosa Development
Preliminary Engineering, ALTA Survey



13 Jet Fuel Pipeline Developer - Wespac Pipelines
Improvement Plans



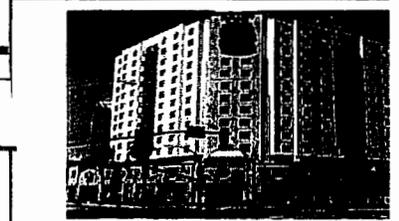
14 Pacific Highway
Developer - Bosa
Development,
ALTA Survey



15 Pacific Gateway
Developer - Manchester Financial
Preliminary Engineering, ALTA Survey



16 Sea Bridge Apartments Developer - JM
Public Improvements, Grading Plans, ALTA Survey

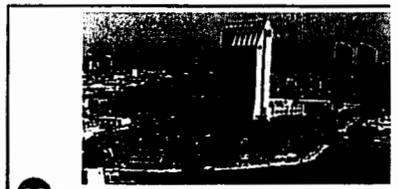


17 Embassy Suites Developer - Catellus Dev
Public Improvements, Grading Plans, ALTA Survey



18 SeaPort Village Developer - GMS Realty
Site Design, ALTA Survey and Final Engineering

19 NCTD
As Needed Civil & Survey Services



20 Manchester Grand Hyatt
Developer - Manchester Resorts
Final Civil Engineering, Site Design & ALTA Survey

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
(619) 767-2370



Th 24b

Staff: D. Lilly-SD
Staff Report: January 27, 2010
Hearing Date: February 10-12, 2010

STAFF REPORT AND RECOMMENDATION ON APPEAL
DE NOVO

LOCAL GOVERNMENT: San Diego Unified Port District

DECISION: Approval with Conditions

APPEAL NO.: A-6-PSD-09-43

APPLICANT: San Diego Unified Port District

PROJECT DESCRIPTION: Realign North Harbor Drive eastward from the B Street Pier to south of the Broadway Pier. Construct 105 foot wide esplanade; public plaza at the foot of West Broadway; gardens; shade pavilions; ticket kiosks; information building; walk-up café; restroom; median improvements on West Broadway between North Harbor Drive and Pacific Highway; and restripe to provide an additional turn lane to the Grape Street and North Harbor Drive intersection. The project will result in a net reduction of 170 existing public parking spaces.

PROJECT LOCATION: North Harbor Drive, from the B Street Pier to south of Broadway Pier; Broadway between North Harbor Drive and Pacific Highway ; Grape Street and North Harbor Drive intersection, San Diego (San Diego County).

APPELLANTS: Commissioners Sara Wan and Mary Shallenberger; Katheryn Rhodes & Conrad Hartsell; Ian Trowbridge; Catherine M. O'Leary Carey & John M. Carey; Scott Andrews; Navy Broadway Complex Coalition.

STAFF NOTES:

At its August 14, 2009 hearing, the Commission found Substantial Issue exists with respect to the grounds on which the appeal was filed. This report represents the de novo staff recommendation.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends the Commission deny the de novo permit. The primary issues raised by the subject development are the project's inconsistencies with the requirements of the certified Port Master Plan (PMP) that expansive public access and recreation amenities be

developed along North Harbor Drive, particularly at the foot of Broadway. The proposed project involves public access improvements, but the nature and usefulness of the proposed improvements are both substantially different and not equivalent to those called for in the certified PMP.

The North Embarcadero Visionary Plan PMP Amendment was approved in 2001 and outlines a program of public access improvement along Harbor Drive including developing a wide esplanade alongside the shoreline, landscaping and streetscaping improvements, passive green spaces, and narrowing and curving Harbor Drive to accommodate a major park or plaza at the foot of Broadway.

The proposed project eliminates both the curve in Harbor Drive and the oval-shaped park/plaza next to the Broadway Pier. Instead, Broadway would terminate at a rectangular plaza/pier entrance, with the esplanade continuing on both sides. The plaza will also function as a driveway to the recently approved auxiliary cruise ship terminal. In addition to the park/plaza and road revisions that are inconsistent with the PMP, the proposed project involves construction of a promenade that is significantly different than Figure 5.3 of the NEVP, which is incorporated by reference into the PMP. The project would also construct a building that encroaches into the view corridor at C Street.

Port staff have acknowledged that there have been several changes in potential development patterns along the North Embarcadero that will require a comprehensive PMPA, and have issued a Notice of Preparation for environmental review to evaluate present conditions and future projects in the area, but the subject site has not been included in the scope of the proposed EIR. The Port has stated that the differences between the proposed project and the certified PMP are minor such that consistency with the PMP can be found. In addition, the Port maintains the project has as good or better public access and recreation opportunities as those outlined in the PMP, and thus, the project can go forward without prejudice to that future review.

Commission staff disagrees and is concerned with the practice of amending the PMP through a CDP on a piecemeal, project-by-project basis, where the overall context of the impacts cannot be evaluated or mitigated to ensure consistency with the PMP and the Coastal Act. It is clear that since the time the NEVP PMPA was approved, the Port's vision for the Embarcadero has changed. Individual projects, such as the Lane Field hotels, the auxiliary Broadway Pier cruise terminal, and the shore power electrical boxes proposed along the width of the B Street, have, or are expected to, incrementally affect and/or alter the amount and type of public access improvements that can be provided in the area. In addition, there are potential changes to projects identified in the PMP. For example, the public park planned to be developed on Navy Pier next to the Midway has not yet been constructed, and the new Grape Street public pier with a commercial recreation facility is no longer being considered. These plan-level changes in the surrounding environment have impacts on public parking, circulation, visual quality and public access that need to be evaluated on a comprehensive basis through the Port Master Plan Amendment that is currently being processed for the North Embarcadero area; they cannot be addressed through the proposed permit. In addition, approval of these

improvements at this time would preclude consideration of all potential options for alternative improvements and open space along the North Embarcadero. It is staff's expectation that the PMPA process will give the Port, the public, and the Commission the opportunity to evaluate any necessary or desirable revisions to the planned public access, open space and recreation amenities, and to develop a mitigation plan if any reduction in the size or function of public spaces is necessary. Until the future PMPA is approved, the current highly utilized public access and recreational opportunities which exist along this segment of the North Embarcadero will be maintained for continued public use.

Standard of Review: Certified Port Master Plan; public access and recreation policies of the Coastal Act

SUBSTANTIVE FILE DOCUMENTS: Appeal by Commissioners Wan and Shallenberger filed 7/23/09; Appeal by Kathryn Rhodes & Conrad Hartsell filed 7/13/09; Appeal by Ian Trowbridge filed 7/13/09; Appeal by Catherine M. O'Leary Carey & John M. Carey filed 7/20/09; Appeal by Scott Andrews filed 7/23/09; Appeal by Navy Broadway Complex Coalition filed 7/23/09; Port Draft Coastal Development Permit 2009-02; Certified San Diego Unified Port District Port Master Plan.

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit No. A-6-PSD-09-43 for the development proposed by the applicant.*

STAFF RECOMMENDATION OF DENIAL:

Staff recommends a **NO** vote. Failure of this motion will result in denial 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 TO DENY THE PERMIT:

The Commission hereby denies a coastal development permit for the proposed development on the grounds that the development will not conform with the policies of Chapter 3 of the Coastal Act and the certified Port Master Plan. Approval of the permit would not comply with the California Environmental Quality Act because there are feasible mitigation measures or alternatives that would substantially lessen the significant adverse impacts of the development on the environment.

II. Findings and Declarations.

The Commission finds and declares as follows:

1. Project Description. On July 7, 2009, the Port approved a coastal development permit for the North Embarcadero Visionary Plan (NEVP) Phase 1 Coastal Access Features. The project would realign North Harbor Drive roughly from the B Street Pier to south of the Broadway Pier, eastward of its present location, and transition to existing alignments at Ash Street and F Street (see. Exhibit #4, Approved Port CDP, “Exhibit A” attachments). The realigned road would enable construction of an approximately 105 foot wide Esplanade starting at the south side of B Street Pier to the south of Broadway Pier. The esplanade would consist of a bayfront promenade for pedestrians and bicyclists, a storm water treatment system, a running/walking path, improved landscaping and structural architecture, and a public plaza at the foot of West Broadway flanked by formal gardens. Two open shade pavilions, approximately 80 feet long, 70 feet wide, and 18 feet high, would be constructed on the eastern portion of the Esplanade, under which replacement ticket kiosks, an approximately 672 sq.ft., 16-foot high Information building, and an approximately 315 sq.ft., 16-foot high walk-up café would be constructed. The replacement ticket kiosks would be located in a new 12-foot high, approximately 253 sq.ft. building.

An approximately 720 sq.ft., 12-foot high restroom would be constructed on the eastern portion of the Esplanade, along the southern edge of the future C Street alignment. The project would also provide median and storm water improvements along West Broadway between North Harbor Drive and Pacific Highway. In addition, re-striping to provide an additional turn lane to the Grape Street and North Harbor Drive intersection would be undertaken.

In order to create commercial loading and unloading zones for the recently approved Broadway Pier cruise ship terminal, the project would eliminate 170 existing public parking spaces along Harbor Drive, to be replaced with 24 parallel parking spaces, with the possibility of increasing those spaces to a total of 58 diagonal parking spaces at an unspecified future date.

The size of the plaza at the foot of Broadway would be approximately 16,000 sq.ft., in line with the esplanade that would continue on both sides. Removable bollards would be located on the north and south sides of the plaza to prevent pedestrians from entering the plaza when cruise ships are docked at the Broadway Pier and cruise ship related traffic is accessing the pier. The bollards would be removed when cruise ships are not at dock, to allow pedestrians to cross the plaza/driveway. The Port has not provided an estimate of how many days the pier (and thus the plaza crossing) would be closed due to cruise ships, but the District has stated that in 2006, Broadway Pier was closed for a total 58 days for cruise ships, military vessels and educational/research vessels. Cruise ship traffic in San Diego has increased significantly in the last decade, and Broadway Pier is likely to be used more frequently as an auxiliary terminal in the coming years. The exact operation of the pedestrian closures is not known at this time; traffic control might allow controlled,

periodic pedestrian crossings across stopped traffic, or pedestrians might have to cross Harbor Drive to the north, cross Broadway, and then cross back to Harbor Drive in order to continue along the promenade.

The standard of review for the project is consistency with the certified Port Master Plan (PMP), and, for the portions of the project located between the sea and first public roadway (Harbor Drive), the public access and recreation policies of the Coastal Act.

2. Planning History. The North Embarcadero Visionary Plan (NEVP) is a conceptual-level, illustrative planning document resulting from 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 the Visionary Plan in 1998 to guide the development of the North Embarcadero area.

Although the proposed project is identified as the "North Embarcadero Visionary Plan" (NEVP) Phase 1 Coastal Access Features project, the NEVP itself is not the standard of review for the coastal development permit. The NEVP was not submitted to nor certified by the Coastal Commission as part of the PMP. Rather, at the Commission meeting of March 14, 2001, the Commission approved the San Diego Unified Port District Port Master Plan (PMP) Amendment #27 (the NEVP PMPA) creating a new "North Embarcadero Overlay District" within the existing Waterfront district. The amendment incorporated many of the goals and projects identified in the Visionary Plan for the North Embarcadero, including: the redevelopment of Lane Field; 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 three 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; and docking the U.S.S. Midway Aircraft Carrier for use as a museum on the south side of Navy Pier. Only the PMP itself, including the text of the PMP, the exhibits, the project list, and those portions of the NEVP specifically referenced in the PMP are the standard of review for coastal development permits issued by the Port District.

3. Public Access/Recreation/Visitor-Serving. The following Coastal Access policies are relevant and applicable:

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 30220

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Section 30221

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Section 30223

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

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 nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation....

The following PMP policies are relevant and applicable:

IV. THE PORT DISTRICT, IN RECOGNITION OF THE POSSIBILITY THAT ITS ACTION MAY INADVERTENTLY TEND TO SUBSIDIZE OR ENHANCE CERTAIN OTHER ACTIVITIES, WILL EMPHASIZE THE GENERAL WELFARE OF STATEWIDE CONSIDERATIONS OVER MORE LOCAL ONES AND PUBLIC BENEFITS OVER PRIVATE ONES.

- Develop the multiple purpose use of the tidelands for the benefits of all the people while giving due consideration to the unique problems presented by the 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.

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.

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.

Page 17 of the PMP states:

Maximum access to the shoreline is encouraged except where security or public safety factors would negate.

Page 38 of the PMP states:

Circulation and Navigation System

...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.

Proposed Coastal Development Permit

The proposed project involves the construction a variety of public access improvements along the North Embarcadero shoreline, including widening the existing sidewalks along Harbor Drive and West Broadway, adding landscaping, constructing water quality improvements, building new ticket kiosks and restrooms, and narrowing a small portion of Harbor Drive to create a more pedestrian-oriented environment.

Viewed in isolation, the proposed project is an enhancement to existing public access opportunities and is largely unobjectionable. Improving the pedestrian experience and water quality along Harbor Drive is a laudable goal, and a widened esplanade, with the

landscape and hardscape features and street furniture proposed, would be an asset to the Embarcadero. The proposed improvements would potentially have some negative impacts on public access and recreation, however, because the project would eliminate the vast majority of the existing street and off-street public parking spaces. The coastal development permit approved by the Port incorporates a Parking Management Plan required in the Mitigation Monitoring and Reporting Program for the MEIR which identifies specific features to be implemented as part of the NEVP Phase I project. The condition of approval requires the Parking Management Plan to be completed prior to commencement of construction; however, there is no apparent requirement that the mitigation measures for loss of the existing parking be implemented prior to or concurrent with the parking loss associated with Phase I improvements.

In addition, as proposed, the new restroom would encroach into the designated view corridor on C Street. There has not been a view analysis for the entire project that shows how all of the proposed structures were sited, taking into account the context of the existing bayfront, including the waterside structures, to maintain and enhance views (see detailed discussion below, under 4. Visual Quality).

Nevertheless, these impacts could probably be addressed through special conditions calling for additional requirements in the parking management plan, and relocation or revisions to the restroom to avoid encroachment in the view corridor.

The more serious concerns with the proposed project are twofold. First, the proposed development is distinctly different than the public access recreation improvements planned for and approved in the existing certified Port Master Plan. Second, the proposed improvements are significantly smaller and lower quality—less useful and meaningful to the public—than those the approved Port Master Plan calls for.

Inconsistencies with the Certified Port Master Plan

The PMP is fairly general about how and where the public improvements along Harbor Drive are to be designed and located, with several significant exceptions: the plan specifically requires plazas at Beech and Ash Streets, B Street Pier, and Broadway Piers; states that Harbor Drive will be narrowed to three lanes; parks must be located between the plazas on the esplanade; the promenade must be a continuous 25-foot wide paved area adjacent to the water's edge; and, the wharf side is to remain clear of objects or furnishings that would block Bay views. Figure 11 of the PMP (ref. Exhibit #1) graphically demonstrates Harbor Drive curving at West Broadway Street to accommodate an oval-shaped park at the foot of Broadway Pier. The PMP designates this area “Park/Plaza.”

The text of the plan describes the area in general terms as follows:

The esplanade expands into plazas at Beach and Ash Streets, B Street Pier, and Broadway Pier. These plazas will be designed to provide open space, sitting and

strolling areas for tourist and nearby workers, and to increase the sense of destination for Embarcadero visitors.

Thus, under the certified Plan, these areas could be developed as turf or hardscape plazas, but in either case, the space is to be available for passive recreation. The size of the proposed park/plazas are not specified in the PMP; however, Port staff have attempted to estimate how large the open space at Broadway Pier might be based on the diagram in the PMP. It is not an easy calculation, as the precise plan is not meant to be exactly to scale. However, Port staff have estimated that the park/plaza shown in the PMP would be approximately 79,200 sq.ft. in size, (which includes some amount of area that would be necessary to allow access to the pier from Harbor Drive). This may be an overestimation, as the graphic suggests that some portion of the park might extend out over the water, but the Commission did not approve in the NEVP PMPA any construction that would have required it to be extended out over the bay (see discussion below).

The text of the PMP also includes by reference Figure 5.3 (Section of Bayfront Esplanade) of the North Embarcadero Visionary Plan, which is a cross-section of the esplanade and identifies the design, minimum width and location of the specific public access features along the North Embarcadero (ref. Exhibit #2).

The most obvious and significant difference between the proposed project and the certified plan is the elimination of the curve in Harbor Drive at the intersection of West Broadway, and redesign of the oval-shaped park/plaza to an approximately 16,000 sq.ft. rectangular-shaped plaza that must also function as a driveway to the approved new cruise ship terminal on Broadway Pier (see. Exhibit #4, Approved Port CDP, "Exhibit D" attachment).

There are other more minor differences between the project and the certified PMP. The proposed project involves construction of a promenade that is different than Figure 5.3 of the NEVP, which is incorporated by reference into the PMP (ref. Exhibit #2 of this staff report for Figure 5.3; compare to Exhibit C in the "Approved Port CDP," attached to Exhibit #4 of this staff report).

Once a policy, figure, or project is inserted into the PMP, it is no longer guidance, but the standard of review. The configuration of the proposed esplanade is different than the one in Figure 5.3. For example, the proposed promenade is 29, not 25 feet wide; instead of a dedicated bike path adjacent to Harbor Drive, there is a new water quality feature, and other small adjustments have been made to the design of the esplanade. Perhaps most notable, a 10-foot wide designated bike path has been combined with the pedestrian walkway to make the 29-foot wide multi-use promenade. As discussed in greater detail below, a multi-use path may be appropriate in this location, but it is a change that deserves consideration at a plan-level analysis.

Impacts to Public Access and Recreation

While the Port has acknowledged that the proposed improvements are not identical to those described in the certified Port Master Plan, the Port has taken the position that the proposed project provides quantitatively and qualitatively equal or superior public benefits.

The Commission cannot encourage evaluating development by its “equivalency” with the standard of review. Equivalency is very subjective, and unlike the NEVP, the Port Master Plan is *not* a guidance document; the plans, policies and standards contained within it are to be followed closely and specifically. If and when circumstances change, the appropriate response is to evaluate the necessary Plan revisions for consistency with the Coastal Act and amend the PMP through a public hearing at both the local and state level. The integrity of the PMP and the planning process depends on the public and the Commission being able to rely on the policies and principles in the PMP being consistently and accurately implemented, including those represented graphically and by reference.

Even if such an “equivalency” analysis should be undertaken here, the comparison of the size and function of the proposed project to the certified PMP shows that they are not equivalent. Exhibit #6 (December 10, 2009 Letter from John Helmer) is a detailed analysis from the Port of the amount of public space that exists currently, and that would be available under different development scenarios. The Port estimates the amount of public open space that currently exists at the project site, consisting of the existing, broad sidewalk (approximately 28 feet wide), at 32,700 sq.ft. Looking at the proposed project (that is, the widened esplanade) plus other anticipated improvements at the Lane Field hotel site, (a street setback along Broadway, a plaza at the corner of Broadway and North Harbor Drive, and area within the hotel development off of North Broadway described as “C Street Plaza,”) the amount of public open space ultimately provided in this area could total approximately 179,800 sq.ft.

Port staff compares that amount of open space with an estimate that the oval park plan—not including any area extending over water, and not including the portion of the oval park that would be located on the Navy Broadway Complex property, though shown in the PMP, since this area is outside the Port’s jurisdiction—would result in approximately 166,800 sq.ft. of public open space. This estimate includes the half of the oval park on Port land, the esplanade to the north and south of it, and a sidewalk setback on Broadway, which is what the Port could be constructed under the current plan.

As noted above, accurately assessing and comparing the size of the open space under the various potential development scenarios is difficult and requires some guesswork. In addition, it provides only a quantitative comparison and does not acknowledge the changes in the quality of public recreational and open space being provided. The Port Master Plan as currently certified provides for a large, destination park/plaza area at the foot of Broadway which will not be provided with the proposed esplanade improvements

which are the subject of this appeal, and the additional plaza/open space setbacks approved as part of the Lane Field hotel development plan.

Specifically, the Port contends that in lieu of the large park/plaza at Broadway, the “Broadway Hall” concept will connect downtown to the bay. Specifically, “[w]ith the park and plaza spaces that will be created on the Navy Broadway Complex and the Lane Field sites, this will form a dramatic space that creates a Gateway to the Bay and the waterfront...” This space would be enhanced with “broad walks with special paving, large areas of planting, five rows of Medjool Date Palms spaced widely to frame the Hall, and a lighting design that creates a special identity.”

Harbor Drive, as proposed by the Port, “will become a pedestrian friendly street with comfortable walks, trees, plantings and lighting that creates a pedestrian emphasis on the waterfront. The drive will be convertible to have parking when appropriate and to have four moving lanes when appropriate, and to be closed for events and special uses.”

It is important to keep in mind that while the widened, landscaped esplanade proposed alongside Harbor Drive would undoubtedly be a pleasant improvement, there is already an approximately 28-foot sidewalk and ample public access, including parking, along this stretch of Harbor Drive. In contrast, the subject project would eliminate a planned large, destination park and bayfront open space suitable for passive recreation, gatherings and events—something that is not currently available along this stretch of the embarcadero. In fact, at this time, there is no broad public open space along any point of San Diego’s embarcadero shoreline that links downtown to the bay. The existing North and South Embarcadero parks are physically and visually blocked from Harbor Drive by hotels and the convention center.

The majority of the various esplanade improvements proposed in this project, including the widened promenade, water quality improvements, landscaping, etc. are consistent with the certified PMP, and the Commission fully supports implementation of these improvements on Harbor Drive—just not at the foot of Broadway. Similarly, the widened sidewalks and landscaping proposed along West Broadway would be a nice improvement to the existing access; however, they would not add any new access, and are improvements that might be expected to occur at whatever point the area was redeveloped. They are not a substitution for useable open space. The area referred to as “Broadway Hall” would be a plaza and sidewalk located between a hotel development and a wide, major boulevard, not passive recreational open space or a destination point.

Harbor Drive is already “closed for events or special uses” occasionally, for events such as the Big Bay Parade. Port policy explicitly prioritizes the use of Harbor Drive for cruise ship traffic over special events (BPC Policy No. 455, Adopted December 2008). This Policy states that “[I]n order to ensure that the primary function of the District’s cruise ship facilities is protected and to ensure public safety and a secure environment on and near the cruise ship facilities when cruise ships are in port...scheduled cruise ship calls and related activities shall have priority use.”

Under any development scenario, it is unlikely that Harbor Drive will ever be frequently closed for events, and thus, cannot be expected to truly function as a public gathering space. In contrast, the park/plaza shown in the certified PMP would create a permanent open area not dependent on the possibility of closing Harbor Drive when no cruise ships are in port.

To be clear, the existing certified PMP does not in any way preclude improvements that support and enhance the existing and approved cruise ship terminals. The cruise ship industry is a coastal-dependent, tourist-oriented, high-priority use under the Coastal Act. The Commission approved construction of the auxiliary terminal on Broadway Pier as a de minimis PMP, with the explicit assurance of the Port District that construction of the terminal would not prevent implementation of the certified PMP in its current form. Just as the Broadway Pier terminal was approved with specific provisions that public access and recreational facilities be available on the pier when cruise ships are not at port, the Commission believes it is possible to achieve a balance of public recreational uses and commercial recreation, tourist-oriented uses along the North Embarcadero.

The proposed project would eliminate almost all of the existing public parking spaces within the project boundaries. In order for that to be an acceptable impact to public access, the Commission must be assured that the public is getting something significant and meaningful in return. The fragmented arrangement of widened sidewalks and street setbacks simply do not achieve a comparable level or quality of public open space when compared to a large, continuous open destination park shown in the certified PMP.

While the PMP does not contain any textual description of how the oval park was intended to operate, the NEVP does indeed offer guidance on what type of space was envisioned at the foot of Broadway:

It is a landscaped public open space, accommodating recreational activities on a daily basis or large public gatherings. The park includes a central plaza punctuated by a landmark element such as a fountain or sculpture, orienting visitors and drawing attention to this important public precinct.

Broadway Landing Park is approximately two city blocks in size, considerably larger than any of the parks in downtown. Because of its one-sided configuration, with buildings only to the east, the scale of the bay gives the space an expansive feeling larger than its actual size, much as in Baltimore's Inner Harbor or the harbor in Barcelona. The parking located on the west side of Harbor Drive and is not divided by any streets....

On rare occasions, a drive at the western perimeter of the park could provide limited vehicular access to the Broadway Pier to serve visiting ships. (Pages 100-101, NEVP).

The proposed Broadway plaza and setbacks bear little resemblance to this guidance vision in scope or value.

As noted above, there are other minor differences between the project and the certified PMP, including revisions to the promenade. Most of these changes are inconsequential improvements to the design of the esplanade. In addition, the 10-foot wide designated bike path has been combined with the pedestrian walkway to make the 29-foot wide promenade a multi-use path.

Port staff have indicated that local bicycle organizations have expressed a preference for Pacific Highway as the primary, designated north-south bikeway in the Embarcadero. The Commission agrees with the intent of the revised plan to still accommodate bicycles on the Esplanade, but in other areas, it has seen significant conflicts between bicycles and pedestrians on shared-use paths. Again, while the Commission does not object in concept to the shifting of the primary bicycle route to Pacific Highway and the joint accommodation of bicyclists and pedestrians on one path, this revision should be reflected in a broader PMP-level analysis of interests and priorities for public access along the shoreline that goes beyond the scope of this one permit.

The Coastal Development Permit Consistency Analysis done for the permit indicates that the configuration of the park and other coastal access improvements as shown in the certified PMP, are no longer considered feasible and/or desirable, in part because it would have required the Port District to acquire Navy property (at the Navy Broadway Complex), and the oval was not made part of the Lane Field project, which has been approved by the Port and the Coastal Commission. However, as noted, the Port stated to the Commission that the construction of the cruise ship terminal has not made construction of the oval park infeasible. The Lane Field project has not begun construction, and the final determination of the scope and design of the Navy Broadway Complex has yet to be made. Thus, at this time, it does not appear as if the realignment of Harbor Drive and construction of the park is necessarily infeasible.

The feasibility and desirability of the existing plan improvements, and, as necessary, alternatives or mitigation for any loss of public access and meaningful recreational space, is precisely what should be analyzed in a Port Master Plan Amendment. If circumstances have changed since the Commission approved the auxiliary terminal on Broadway Pier that would change or preclude providing the amount and type of public access required in the certified PMP, these changes must be addressed in a PMPA before proceeding with the North Embarcadero public access improvements. However, if this is to occur, it must be in the context of providing equal amounts and quality of public access and recreational space to make up for the loss of the Broadway Landing park.

Port staff have acknowledged that there have been several changes in potential development patterns along the North Embarcadero that will require a comprehensive PMPA, and have issued a Notice of Preparation for environmental review to evaluate present conditions and future projects in the area, but the subject project has not been included in the scope of the proposed EIR.

It is clear that since the time the NEVP PMPA was approved, the Port's vision for the Embarcadero has changed. Individual projects, such as the Lane Field hotels, the auxiliary cruise terminal, and new shore power electrical boxes proposed all along B Street Pier have, or are expected to, incrementally affect and/or alter the amount and type of public access improvements that can be provided in the area. In addition, the public park planned on Navy Pier next to the Midway has not been constructed, and the new Grape Street public pier with a commercial recreation facility is no longer being considered. These plan-level changes have impacts on public parking, circulation, visual quality and public access that need to be evaluated on a comprehensive basis through the Port Master Plan Amendment, such as the one that is currently being processed for the North Embarcadero area; they cannot be addressed through the proposed permit. It is the Commission's expectation that the PMPA process will give the Port, the public, and the Commission the opportunity to evaluate any necessary or desirable revisions to the planned public open space, access and recreation amenities, and to develop a mitigation plan if any reduction in the size or function of public spaces is necessary.

The NOP for the new PMPA indicates the upcoming EIR will address a variety of issues that are directly relevant to the proposed project, including incorporating Navy Pier into the PMP; assigning land use designations to Navy Pier; removing reference to the Grape Street piers; incorporating a bayside shuttle; a new youth hostel; uses on 1220 Pacific Highway; and other text and graphic changes. This proposed PMPA should include the current project, along with a comprehensive evaluation of parks, plazas or other public open space in the North Embarcadero area, including an evaluation of the size and functionality of existing and planned spaces. If the "Broadway Hall" concept continues to be part of the future plan for the area, that should be included in this update. The public space evaluation should clarify the goals of the Port for useable green space versus landscaped area, and park (softscape) versus plaza (hardscape), and what uses are allowed in these public spaces. It clear from the proposed project that it is confusing at best and misleading at worst to lump together park and plaza with no indication of what kind of open space and level or type of public use is intended.

The proposed project deviates too substantially from the PMP for the Commission to attempt to revise the project through conditions. In addition, approval of these improvements at this time would preclude consideration of all potential options for alternative improvements and open space along the North Embarcadero. The environmental review that the Port is currently undertaking to evaluate all of the broader changes to the North Embarcadero should incorporate the subject project, and thereby provide the public and the Commission an accurate evaluation of how the current project fits into the Port's current and future plans for North Embarcadero coastal access features, open space, public recreation, and tourist-related commercial uses.

Status of the Oval-Shaped Park in the Port Master Plan

The Port has taken the position that the oval park was never approved as part of the NEVP Port Master Plan Amendment. There is no evidence for this assertion. The park feature is a major component of the esplanade in the certified plan. The Precise Plan map

clearly and unequivocally shows an oval-shaped park at the foot of Broadway (see Exhibit #1). The text of the PMP states “The Plan proposes two major parks and plazas at the County Building and the foot of Broadway...” (page 59).

The Port’s claim that the oval park was not approved as part of the PMPA is based on a suggested modification in the Centre City Local Coastal Program 4-00, which was approved in 1998 at the same hearing as the NEVP PMPA. The suggested modification reads as follows:

1. Broadway Landing – Broadway Landing is intended to be one of San Diego's most important civic spaces, commanding a prominent position at the foot of Broadway. Framed by the active edges of B Street, Broadway and Navy Piers, Broadway Landing is an expansive public space ~~that reaches from the grand oval-shaped landscaped park on the Bayfront Esplanade out over the water.~~ Broadway Landing is envisioned to include a public boardwalk lined with outdoor cafés, kiosks, and cultural attractions.

The findings state:

Suggested Modification #1 eliminates the reference to a landscaped park located out over the water at Broadway Landing. This project has been removed from the proposed PMPA #27 and removing it from the Community Plan will ensure the plan is consistent with the Port Master Plan and the resource protection policies of the Coastal Act.

However, the modification was intended to remove the reference to the park extending out over the water. At the time the plan was undergoing environmental review, Commission staff raised concerns about biological impacts that might result from either filling or shading bay waters, which was not reviewed for potential impacts in the plan EIR. Discussions with Port and City staff led to the suggested modification removing any references in the LCPA or PMPA to over-water construction. There is no indication in the record, or possible logical inference that the entire park itself was removed from the plan, because the Commission found a public park or plaza could potentially adversely impact coastal resources. The park continues to be described as an “expansive public space” in the Centre City LCPA, and shown on the PMP precise plan.

Regardless of what is included in the certified LCP for the City of San Diego, the appropriate standard of review for the subject CDP is the certified PMP. Thus, the Commission must consider whether the proposed project is consistent with the PMP, which clearly includes the proposed park/plaza in the Precise Plan graphic.

Summary

The proposed project involves public access improvements, but the nature and usefulness of the proposed improvements are both substantially different and not equivalent to those called for in the certified PMP. The PMP cannot simply be amended in practice through

a CDP on a piecemeal, project-by-project basis. The overall context of the impacts of the proposed project have not been evaluated or mitigated to ensure consistency with the PMP or the Coastal Act.

Without this broader context, the improvements cannot be found consistent with the public access and recreation policies of the certified PMP. The proposed improved sidewalks and paths, additional landscaping, street furniture, and lighting would upgrade the appearance of the North Embarcadero, but these improvements cannot substitute for the major park or plaza that the PMP shows at the foot of Broadway. The plan does not provide the quality passive recreational space required by the PMP, nor does it provide any alternate open space that might make up for the loss of the signature park at Broadway.

The NEVP coastal access features project has been in development for years, and it is evident that Port staff has been analyzing how it fits into the larger downtown Embarcadero. But this is the type of analysis and balancing of various planning goals that must, and in the past has, occurred through the Port Master Plan Amendment process. Thus, the project cannot be found consistent with the public access and recreation policies of the certified PMP, and must be denied.

4. Visual Quality. Relevant PMP policies include the following:

- Views should be enhanced through view corridors, the preservation of panoramas, accentuation of vistas, and shielding of the incongruous and inconsistent.

The proposed project includes construction of a restroom that would visually encroach into the proposed extension of C Street. In addition, the project includes an array of new structures along the inland side of Harbor Drive, ranging from sail structures as high as 18 feet, to buildings at high as 12 feet and as wide as 48 feet. No view analysis has been completed to determine the impacts these projects would have on views of the Bay from Harbor Drive.

The proposed structures will support the commercial recreation and tourist-oriented uses along Harbor Drive. However, ideally, new structures should be located where water views do not currently exist. There are existing features of the bayfront, such as the harbor cruise operations building and the locations where tour boats are typically moored, that should be taken into consideration when siting the proposed buildings.

With regard to the restroom, the Port has not provided an analysis of why the restroom is proposed in this location, or any discussion of alternatives that might avoid visual impacts, such as a different location, size or design.

The Commission is concerned about continuing incremental encroachments into views of San Diego Bay from upland streets and corridors from recently approved and/or proposed development. Specifically, the auxiliary cruise ship terminal approved at Broadway Pier

will eliminate existing bay views, and the Port District has recently proposed installing 12-foot high shore-power equipment boxes across the length of the B Street Pier (excepting at the existing driveways). Unlike the South Embarcadero, where views of the bayfront are entirely blocked by development, views of the water and the bayfront environment are still available on the North Embarcadero. Each project that proposes to block bay views must be carefully scrutinized in the context of preserving, not chipping away at these precious remaining vistas. No such analysis has been performed for the current project. As proposed, the project does not enhance view corridors or preserve panoramas, as required by the certified PMP.

The Port has indicated that the restroom could be revised to be eliminate the encroachment into the view corridor. However, without a visual analysis, it is not possible to evaluate the impact of the other proposed buildings. Because of this, the project cannot be conditioned to be consistent with the visual protection policies of the certified PMP, and therefore, must be denied.

5. Local Coastal Planning. As described above, the proposed project is not consistent with the certified Port Master Plan, and will have impacts on public access, public recreation, and visual quality. Decisions involving substantial changes to the certified Port Master Plan, and changes that adversely impact public access and recreation must be addressed through a comprehensive planning effort that analyzes the impact of such a decision on the entire North Embarcadero. The Port has begun an analysis of proposed changes to the North Embarcadero bayfront, but has not included the proposed project in this analysis. Only if reviewed and approved through a PMPA can the proposed project be found consistent with the public access, recreation and visual protection policies of the certified PMP. Therefore, the Commission finds that approval of the project, as conditioned by the Port, will prejudice the ability of the San Diego Unified Port District to continue to implement its certified Port Master Plan and therefore, it must be denied.

6. Consistency with the California Environmental Quality Act (CEQA). Section 13096 of the Commission's administrative regulations requires Commission approval of a coastal development permit or amendment to be supported by a finding showing the permit or permit amendment, 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.

As previously stated, the proposed development would result in adverse impacts to coastal resources, specifically public access, public recreation, and visual quality. There are alternatives, including the project described in the certified PMP, that would reduce or avoid the identified impacts. Therefore, as currently proposed, the Commission finds the proposed project is not the least environmentally damaging feasible alternative and is not consistent with the requirements of the Coastal Act to conform to CEQA.

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Click on this link to go to the exhibits.