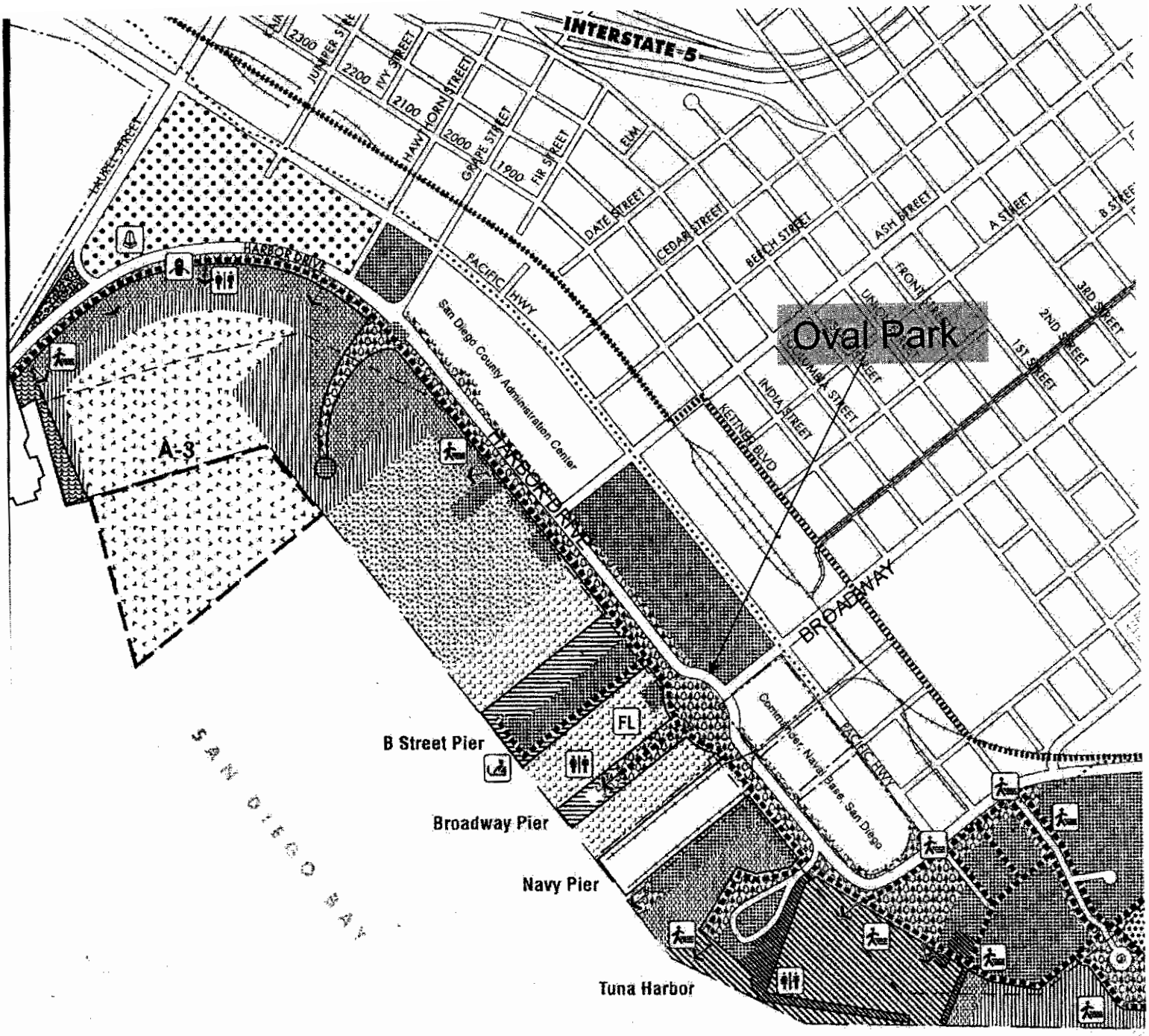

Land **COMMERCIAL** **Water**

- Commercial Recreation
- Commercial Fishing
- Recreational Boat Berthing
- Commercial Fishing Berthing
- Fueling Dock

INDUSTRIAL

- Marine Terminal
- Marine Related
- Aviation Related
- Terminal Berthing
- Specialized Berthing

Land **PUBLIC RECREATION** **Water**

- Park/Plaza
- Open Space
- Promenade
- Public Access
- Vista Area
- Historic Feature
- Open Bay
- Public Fishing Pier

scale approx. 0 200' 400'

Land Use Planning

Planning District 3
CENTRE CITY EMBARCADERO

TITLE:

EXHIBIT NO. 1
APPLICATION NO.
A-6-PSD-09-43
Land Use Map
California Coastal Commission

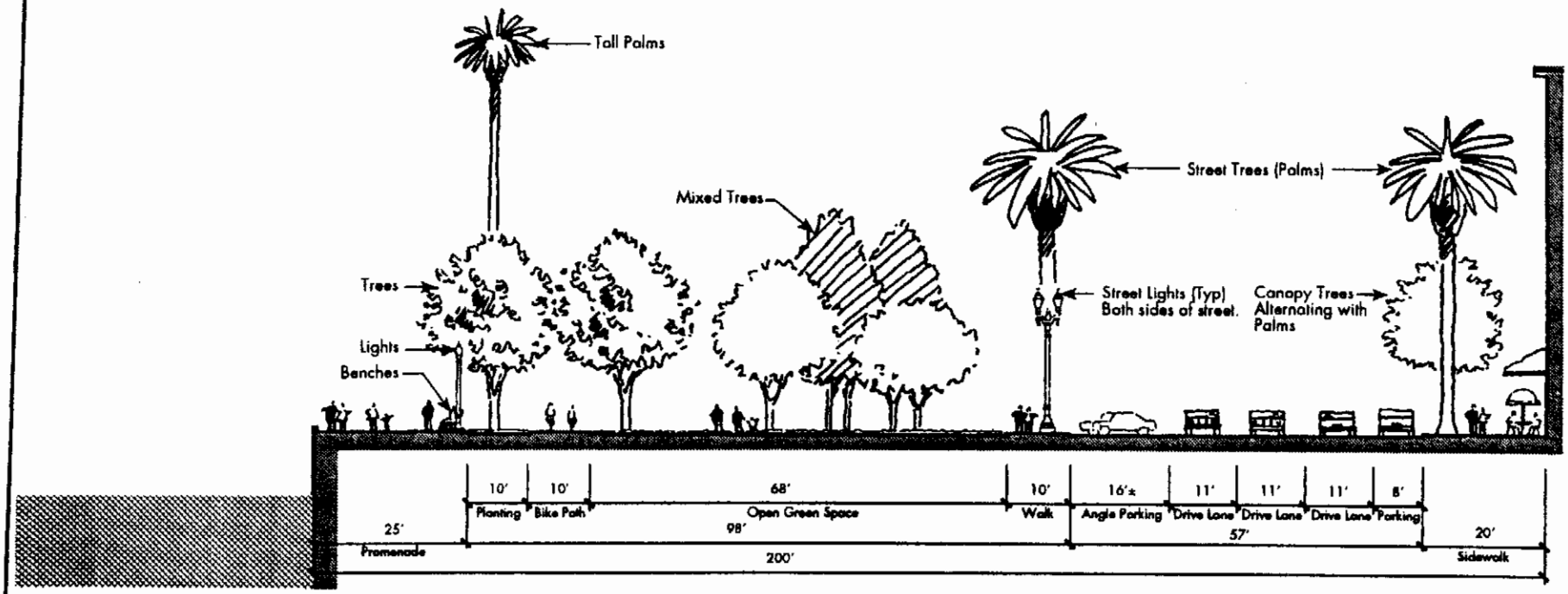

Figure 5.3

Section of Bayfront Esplanade

EXHIBIT NO. 2
APPLICATION NO.
A-6-PSD-09-43
Figure 5.3 of NEVP
Incorp'd by Ref. Into PMP
California Coastal Commission

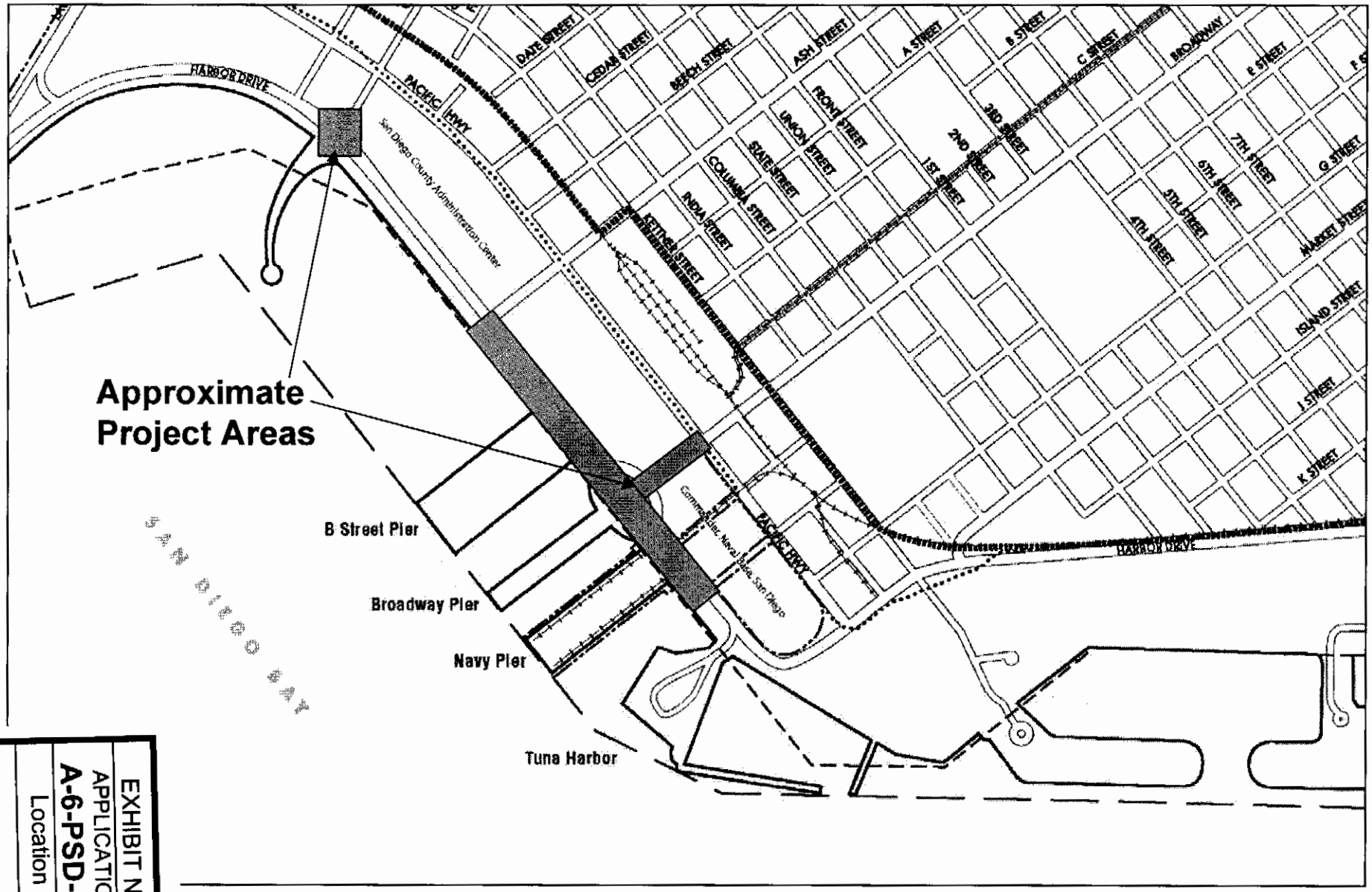

EXHIBIT NO. 3
APPLICATION NO.
A-6-PSD-09-43
Location Map

California Coastal Commission

Location Map: NEVP Phase 1 Coastal Access Features Project

Unified Port
of San Diego

3165 Pacific Highway, San Diego, CA 92101
P.O. Box 120488, San Diego, CA 92112-0488
619.686.6200 • www.portofsandiego.org

NOTICE OF BOARD ACTION
On An Appealable Coastal Development Permit

Project: North Embarcadero Visionary Plan, Phase 1 Coastal Access Features Project

Location: North Harbor Drive between Ash Street and F Street and West Broadway from North Harbor Drive to Pacific Highway, San Diego, California.

Date: July 8, 2009

PROJECT LOCATION

The North Embarcadero Visionary Plan (NEVP) Phase 1 Coastal Access Features Project (Project) site is located along North Harbor Drive between Ash Street and F Street and along West Broadway from North Harbor Drive to Pacific Highway in Planning District 3, Centre City Embarcadero, of the certified Port Master Plan (PMP) in the City of San Diego, San Diego County, California. The Project site is delineated on Precise Plan Map Figure 11. The Project is situated in the City of San Diego on Coastal Zone State Tidelands administered by the San Diego Unified Port District under a certified PMP.

PROJECT DESCRIPTION

The Project is the implementation of a portion of the NEVP. The Project components within the jurisdiction of the Port would realign North Harbor Drive generally 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. 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 include a continuous bayfront promenade, 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 would be constructed on the eastern portion of the Esplanade, under which replacement ticket kiosks, an Information building, and a walk-up café building would be erected. A restroom would be constructed on the eastern portion of the Esplanade south 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, restriping to provide an additional turn lane to the Grape Street and North Harbor Drive intersection would be undertaken. The Project components are described below.

EXHIBIT NO. 4
APPLICATION NO.
A-6-PSD-09-43
Approved Port CDP
California Coastal Commission

Roadway Improvements

North Harbor Drive

- Realign North Harbor Drive between the northern edge of the "B" Street Pier and the southern edge of Broadway Pier, eastward of its present location;
- Provide an approximately 74 feet roadway within the existing 200-foot North Harbor Drive right-of-way.
- Provide two (2) travel lanes in each direction (north and south) and a turn lane. Harbor Drive under the Proposed Project would be four lanes to allow connection of the realigned roadway to existing Harbor Drive;
- Remove existing street and off-street public parking spaces;
- Provide street parking spaces along the North Harbor Drive curb;
- Provide a transition area north of B Street to the south side of Ash Street, to enable traffic movement through existing segments of North Harbor Drive north of Ash Street and the proposed realignment;
- Provide a transition area south of West Broadway to the north side of F Street to enable traffic movement through existing segments of North Harbor Drive south of F Street and the proposed realignment;
- Re-stripe North Harbor Drive from the south side of Ash Street to the north side of F Street to accommodate realignment and transition areas;
- Provide a six-foot sidewalk on the west side of North Harbor Drive;
- Relocate existing traffic signals to accommodate the re-aligned Harbor Drive;
- Provide Transportation Hubs either side of North Harbor Drive, north of West Broadway that include facilities such as transit and shuttle stops, signage, information, bicycle storage, and passenger loading areas;
- Relocate underground and above ground utilities as part of the Harbor Drive realignment; and
- Remove or re-locate sewer pump station(s).

North Harbor Drive/Grape Street Intersection

- Re-stripe (from 100 feet north of Hawthorn Street to 100 feet south) the southbound lanes of North Harbor Drive to add a third left-hand turn lane at the Grape Street intersection with corresponding adjustments to the existing traffic signals.

West Broadway

- Reconstruct West Broadway from North Harbor Drive eastward to Pacific Highway;
- Lower a high point in the roadway of West Broadway between North Harbor Drive and Pacific Highway; and
- Provide a raised median in West Broadway.

Esplanade Improvements

Esplanade

- Provide an approximately 105 feet wide Esplanade between the North Harbor Drive roadway and the Bay, from the northern edge of the E Street Pier (Navy Pier) to the southern edge of the B Street Pier;
- Provide the following zones and public amenities within the Esplanade:
  - a continuous bayfront promenade,
  - storm water treatment system,
  - a running/walking path, improved landscaping and structural architecture, a public plaza at the foot of West Broadway, and
  - formal gardens on the north and south sides of the open space plaza located at the foot of West Broadway;
- Install landscaping and lighting enhancements throughout the Esplanade;
- Install new street furniture including items such as benches, chairs, tables, bike racks, bollards, drinking fountains and news racks throughout the Esplanade;
- Installation of trash and recycling bins along the Esplanade;
- Ticket collection/entrance to existing floating docks;
- A comprehensive 'way-finding' sign program including interpretive, informational identification, regulatory, directional and gateway signs along the Esplanade;
- Provide two open shade pavilions approximately 80 feet long, 70 feet wide, and 18 feet in height on the eastern portion of the Esplanade;
- Relocate five ticket kiosks with new approximately 23 feet long, 11 feet wide, and 12 feet tall structures on the eastern portion of the Esplanade beneath shade pavilions;
- Relocate existing San Diego Convention and Visitors Bureau information building with a new approximately 48 feet long, 14 feet wide, and 16 feet tall structure on the eastern portion of the Esplanade beneath shade pavilions;
- Relocate existing walk-up café building with a new approximately 35 feet long, 9 feet wide, and 16 feet tall structure on the eastern portion of the Esplanade beneath shade pavilions;
- Provide a restroom approximately 40 feet long, 18 feet wide and 12 feet tall on the eastern portion of the Esplanade south of C Street; and
- Provide an approximately nine-foot wide running/walking path near the eastern edge of the Esplanade.

Promenade

- Provide a continuous 30-foot wide bayfront promenade adjacent to the Bay, for mixed pedestrian and bicycle use;
- Install railings where necessary for public safety along the bayfront promenade; and
- Install marine-related hardware, including cleats and bollards, or keep in place to preserve and enhance water-dependent uses such as harbor tour and transient vessel berthing public along the bayfront promenade.

Public Art

- Implement a Public Art program throughout the Esplanade, including restroom design, shade pavilions design, and the hardscape design of the promenade.

Plaza

- Construct an approximately 16,000 square feet open space plaza on the Esplanade between the head of Broadway Pier and the intersection of West Broadway and North Harbor Drive.

Water Quality

- Storm water drainage system improvements along North Harbor Drive including biological or structural water treatment within an eight foot 'water quality band' along the Esplanade on the east side of the bayfront promenade and structural treatment within a narrow 'water quality trim' along the western edge of the bayfront promenade; and

- Two storm drain outlets that directly discharge into the bay may be constructed. One outlet will discharge storm water drainage from the northern portion of the water quality band between B Street and Broadway Pier. The maximum discharge from the outlet in the northern portion of the Water Quality Band would be four cubic feet per second. A second outlet will discharge storm water drainage from the southern portion of the Water Quality Band between Broadway Pier and the Navy Pier. The maximum discharge from the outlet in the southern portion of the Water Quality Band would be 3.33 cubic feet per second. New outlets may not be required as there are a number of existing outfalls through the existing bulkhead located beneath the existing Promenade, which are no longer in use and may be used instead.

Americans with Disability

- Grade the Esplanade to achieve a cross slope of one to one and one-half percent from North Harbor Drive to the Bayfront.

BOARD ACTION

By Resolution 2009-131 adopted on July 7, 2009, the Board of Port Commissioners (Board) found that the subject development conforms to the certified Port master Plan of the San Diego Unified Port District and APPROVED the issuance of a Coastal Development Permit as noted [X] below:

[ ] This development had been approved as submitted.

[X] This development has been approved subject to the terms, conditions and provisions stated in Attachment A to this Notice.

The following noted [X] item applies to this finding:

[ ] This action is NOT APPEALABLE under Section 30715 of the California Coastal Act. The Executive Director will issue the permit to the applicant. No work shall be performed until receipt of the permit.

[X] This action is APPEALABLE under Section 30715 of the California Coastal Act. This notice will be sent within five (5) working days of the above stated date to the California Coastal Commission. Appeals must be filed with Commission within ten (10) working days of receipt by the California Coastal Commission of this notice. Prospective appellants should contact the California Coastal Commission for more information.

One (1) correspondence by an interested party was received on this Coastal Development Permit (see Attachment C). Port staff prepared responses to the correspondence and provided those responses to the Board (see Attachment D). **Three (3)** speakers were present at the public hearing for this appealable Coastal Development Permit on July 7, 2009 (speaker slips are provided as Attachment E). A speaker slip for a fourth individual was submitted. That individual spoke at the prior hearing regarding compliance with the Master Environmental Impact Report, but was not present when the hearing was conducted for this appealable Coastal Development Permit (see Attachment E, speaker slip #4). Audio of the Board meeting is available by contacting the Office of the District Clerk. The Board approved the Project at the July 7, 2009 hearing.

CHARLES D. WURSTER.
Executive Director

Signature on file

By: _____ for
JOHN HELMER
Director, Land Use Planning

Enclosure(s): Attachment A: Appealable Coastal Development Permit
Attachment B: Coastal Consistency Evaluation
Attachment C: Correspondence on Appealable Coastal Development Permit
Attachment D: Responses to Correspondence on Appealable Coastal Development Permit
Attachment E: Public Hearing Speaker Slips item 25 B)
Figure 1: Project Location Map

ATTACHMENT A
Appealable Coastal Development Permit

Unified Port
of San Diego

3165 Pacific Highway, San Diego, CA 92101
P.O. Box 120488, San Diego, CA 92112-0488
619.686.6200 • www.portofsandiego.org

[DRAFT] COASTAL DEVELOPMENT PERMIT

Applicants: Centre City Development Corporation and San Diego Unified Port District, Engineering Dept.

Project: North Embarcadero Visionary Plan Phase 1 Coastal Access Features Project

Location: North Harbor Drive from F Street to Ash Street and West Broadway from North Harbor Drive to Pacific Highway

You are hereby granted a Coastal Development Permit. This permit is issued in conformance with the California Coastal Act of 1976 and the Coastal Permit Regulations of the San Diego Unified Port District, as adopted by the Board of Port Commissioners on July 1, 1980, Resolution No. 80-193, and as amended on December 2, 1980, Resolution No. 80-343, and on February 14, 1984, Resolution No. 84-62, in accordance with the provisions for the issuance of a [ ] Emergency [ ] Non-appealable [X] Appealable Coastal Development Permit.

Date of Board Action: July 07, 2009

Board of Port Commissioners Resolution Number: 2009-131

Date of Permit: July 22, 2009

Application Number: 2009-12-32/33-142

Permit Number: CDP-2009-02

The Project is located between sea (as defined in the California Coastal Act) and the first inland continuous public road paralleling the sea. The project is fully consistent with Public Resource Code Sections 30604(c), 30210-30224, and the California Coastal Act public access and recreation policies referenced therein.

This permit is limited to the development below and set forth in material on file with the San Diego Unified Port District (District), and subject to the terms, conditions, and provisions hereinafter stated:

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DEVELOPMENT

The Project is the implementation of a portion of the North Embarcadero Visionary Plan (NEVP). The NEVP Phase 1 Coastal Access Features Project components within the jurisdiction of the Port would realign North Harbor Drive generally 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. 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 include a continuous bayfront promenade, 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 would be constructed on the eastern portion of the Esplanade, under which, replacement ticket kiosks, an Information building, and a walk-up café building would be erected. In addition, a restroom would be constructed on the eastern portion of the Esplanade south 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, restriping to provide an additional turn lane to the Grape Street and North Harbor Drive intersection would be undertaken.

The Project consists of the following components:

Roadway Improvements

North Harbor Drive

- Realign North Harbor Drive between the northern edge of the "B" Street Pier and the southern edge of Broadway Pier, eastward of its present location;
- Provide an approximately 74 feet roadway within the existing 200-foot North Harbor Drive right-of-way.
- Provide two (2) travel lanes in each direction (north and south) and a turn lane. Harbor Drive under the Proposed Project would be four lanes to allow connection of the realigned roadway to existing Harbor Drive;
- Remove existing street and off-street public parking spaces;
- Provide street parking spaces along the North Harbor Drive curb;
- Provide a transition area north of B Street to the south side of Ash Street, to enable traffic movement through existing segments of North Harbor Drive north of Ash Street and the proposed realignment;
- Provide a transition area south of West Broadway to the north side of F Street to enable traffic movement through existing segments of North Harbor Drive south of F Street and the proposed realignment;
- Re-stripe North Harbor Drive from the south side of Ash Street to the north side of F Street to accommodate realignment and transition areas;

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- Provide a six-foot sidewalk on the west side of North Harbor Drive.
- Relocate existing traffic signals to accommodate the re-aligned Harbor Drive;
- Provide Transportation Hubs either side of North Harbor Drive, north of West Broadway that include facilities such as transit and shuttle stops, signage, information, bicycle storage, and passenger loading areas;
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- Remove or re-locate sewer pump station(s).

North Harbor Drive/Grape Street Intersection

- Re-stripe (from 100 feet north of Hawthorn Street to 100 feet south) the southbound lanes of North Harbor Drive to add a third left-hand turn lane at the Grape Street intersection with corresponding adjustments to the existing traffic signals.

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- Reconstruct West Broadway from North Harbor Drive eastward to Pacific Highway;
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- Installation of trash and recycling bins along the Esplanade;
- Ticket collection/entrance to existing floating docks;

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- A comprehensive 'way-finding' sign program including interpretive, informational identification, regulatory, directional and gateway signs along the Esplanade;
- Provide two open shade pavilions approximately 80 feet long, 70 feet wide, and 18 feet in height on the eastern portion of the Esplanade;
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- Storm water drainage system improvements along North Harbor Drive including biological or structural water treatment within an eight foot 'water quality band' along the Esplanade on the east side of the bayfront promenade and structural treatment within a narrow 'water quality trim' along the western edge of the bayfront promenade; and
- Two storm drain outlets that directly discharge into the bay may be constructed. One outlet will discharge storm water drainage from the northern portion of the water quality band between B Street and Broadway Pier. The maximum discharge from the outlet in the northern portion of the Water Quality Band would be four cubic feet per second. A second outlet will discharge storm water drainage from the southern portion of the Water Quality Band between Broadway Pier and the Navy Pier. The maximum discharge from the outlet in the southern portion of the Water Quality Band would be 3.33 cubic feet per second. New outlets may not be required as there are a number of existing outfalls through the existing bulkhead located beneath the existing Promenade, which are no longer in use and may be used instead.

Americans with Disability

- Grade the Esplanade to achieve a cross slope of one to one and one-half percent from North Harbor Drive to the Bayfront.

Site plans and a cross section are provided in the Exhibits A through D attached.

STANDARD PROVISIONS:

1. The San Diego Unified Port District, Engineering Department, and the Centre City Development Corporation (Permittees) shall adhere strictly to the current plans for the project as approved by the District.

2. Permittees shall notify the District of any changes in the Project.

3. Permittees shall meet all the local code requirements and ordinances and obtain all necessary permits from local, state, and federal agencies.

4. Permittees shall conform to the permit rules and regulations of the District.

5. Permittees shall be responsible for compliance with ADA and Title 24 specifications.

6. Permittees shall commence development within two (2) years following the date of the permit issuance by the District. Construction shall be pursued in a diligent manner and completed within a reasonable period of time.

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7. The permit is in no way intended to affect the rights and obligations heretofore existing under private agreements nor to affect the existing regulations of other public bodies.
8. This permit shall not be valid unless two copies have been returned to the Land Use Planning Department of the District, upon which copies the Permittees has signed a statement agreeing that the Permittees will abide by the terms, conditions, limitations, and provisions of the permit.

9. The Permittees and contractor shall perform all best management practices during construction and maintenance operations. This includes no pollutants in the discharges to storm drains or to San Diego Bay, to the maximum extent practicable.

10. All Port of San Diego tidelands are regulated under Regional Water Quality Control Board Order No. R9-2007-0001, National Pollutant Discharge Elimination System (NPDES) Permit No. CAS0108758, Waste Discharge Requirements for Discharges of Urban Runoff from the Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds of the County of San Diego, the Incorporated Cities of San Diego County, and the San Diego Unified Port District (Municipal Permit). This permit was adopted in January of 2007, and replaces the previous permit Order No 2001-01. All jurisdictions are required to be in full compliance with Order R9-2007-0001 by January 24, 2008. The Municipal Permit prohibits any activities that could degrade stormwater quality.

    The Permittees shall ensure that post-construction / operational use of this project site complies with the Municipal Permit and District direction related to permitted activities, including the requirements found in the District Jurisdictional Urban Runoff Management Document (JURMP). The JURMP is available on the District website: http://www.portofsandiego.org/sandiego_environment/susmp.asp or by contacting the Environmental Services Department, (619) 686-6254.

11. This project is subject to the Port Standard Urban Stormwater Mitigation Plan (SUSMP) process. As such, approval of the project by the District is necessarily conditioned upon submission by the Permittees of a project specific Urban Stormwater Mitigation Plan (USMP) that meets District requirements. The Permittees shall implement all USMP structural and non-structural BMPs throughout the life of the project. A link to the District's SUSMP guidance documents is posted on the District website http://www.portofsandiego.org/environment/stormwater/286-port-susmp.html

    The implementation and maintenance of the USMP BMPs constitute

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regulatory obligations for the Permitees, and failure to comply with the Municipal Permit, the JURMP, or the Port approved USMP, including the specific BMPs contained therein, may be considered a violation of the permit.

SHORT TERM CONSTRUCTION MEASURES

1. To minimize noise during construction, the Permittees shall require the construction contractor to (a) restrict normal construction activities from 7:00 am to 7:00 pm; (b) keep construction equipment as far as possible from sensitive receptors; and (c) provide acoustical shielding around equipment operating at night, from 10:00 pm to 7:00 am.

2. To minimize fugitive air emissions during construction, the Permittees shall require the construction contractor to keep fugitive dust down by:

    a. watering at least twice daily; covering haul trucks or maintaining at least two feet of freeboard;
    b. paving a site access apron and installing wheel washers;
    c. sweeping/washing public streets at the end of the work day;
    d. paving or regularly watering all parking and staging areas;
    e. suspending excavation when wind speeds (as instantaneous gusts) exceed 25 mph at a portable weather station on the project site;
    f. limiting traffic speeds on all unpaved surfaces to 15 mph;
    g. preventing inactive trucks from idling more than 5 minutes during construction once they arrive on the construction site;
    h. maintaining all construction equipment in peak condition to reduce operational emissions;
    i. using equipment that runs on low-sulfur diesel fuel; and
    j. using electrical equipment to the maximum extent feasible during construction.

3. To minimize nuisance effects from lights or glare during construction, the Permittees shall require the construction contractor to shield and direct night lighting away from adjacent areas.

4. The Permittees shall require the construction contractor to provide construction employees with transit and ride share information.

5. The Permittees shall ensure that any hazardous material site contamination is identified and a site restoration plan, acceptable to the appropriate regulatory agencies, is prepared and implemented to reduce any existing contamination to a level that has no potential to threaten employee or human health as defined under existing regulations. If any potential exists for impacts to employee health from exposure to hazardous materials, workers shall be provided with adequate protective gear.
6. The Permittees shall require all employees that are exposed to noise levels

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in excess of Occupational Safety and Health Administration hearing protection thresholds, during construction or operation, to wear noise protection devices (ear plugs and covers) that are protective of individual hearing.

7. Permittees and/or contractor shall comply with State Water Resources Control Board Order No. 99-08-DWQ, National Pollutant Discharge Elimination System (NPDES), General Permit No. CAS000002, and Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction Activity (commonly known as the "General Construction Storm Water Permit"), as adopted, amended, and/or modified. The Permittees and/or contractor is responsible for submitting a completed Notice of Intent to comply with the General Construction Storm Water Permit and fees to the District. The District is responsible for submitting the Notice of Intent to the State Water Resources Control Board. The Permittees and/or contractor must comply with the General Construction Storm Water Permit and District direction related to permitted activities. Construction activity subject to the General Construction Storm Water Permit requires development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). The Permittees and/or contractor must prepare and submit the SWPPP for review and approval by the District prior to site work.

SPECIAL PROVISIONS

1. The Permittees and/or contractor shall implement the measures detailed in the North Embarcadero Visionary Plan Phase 1 Coastal Access Features Project Mitigation Monitoring and Reporting Program (Attachment A) filed with the clerk's office as Document No.xxxxx, as a condition of this permit. Where measures listed in the Mitigation Monitoring and Reporting Program appear to conflict with provisions listed in this permit, the most stringent requirement shall prevail.

2. The building permit plans shall document that energy conservation measures achieve a 20 percent reduction compared to satisfying Title 24 requirements.

3. Plumbing for reclaimed water (purple pipe) shall be installed such that reclaimed water shall be used to irrigate landscaping when available.

4. Water conservation measures including drip irrigation, smart irrigation controls that adjust according to weather conditions, and use of runoff water shall be implemented throughout project operation. Water conservation measures shall minimize water consumption such that landscaping is sustained and no unnecessary or over-watering occurs.

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5. The Permittees and/or contractor shall implement a Construction Parking Management Plan throughout project construction to the satisfaction of the District.

6. Prior to development, the Permittees shall develop and implement a subsurface archaeological resources mitigation plan. This plan shall be implemented by a qualified archaeologist that includes a detailed review of Sanborn fire insurance maps, directory search, and if warranted, limited testing of zones within the block having the highest potential within the area impacted. All cultural material recovered and associated records shall be curated at an appropriate San Diego County institution.

7. A complete site contamination report for hazardous materials in conformance with federal, State, and local regulations shall be completed for the project by the Permittees. The report shall include an existing conditions survey, detailed project description, and specific measures proposed to preclude upset conditions (accidents) from occurring. If hazardous materials are identified, a risk assessment and remediation efforts shall be conducted in conformance with federal, State, and local regulations.

8. The Permittees shall conduct a site-specific soil/groundwater assessment performed by a qualified geologist/hydrologist in conformance with federal, State, and local regulations prior to soil disturbance in all areas where soil or water contamination sources are suspected of containing hazardous materials storage systems,. Such an assessment shall include collecting and analyzing soil and/or groundwater samples. If soil or groundwater contamination is detected, contamination shall be remediated according to applicable federal, state, and local regulations prior to development of the site.

9. The Permittees shall design and construct the project so that permanent dewatering is not required to the maximum extent feasible. Dewatering activity will be limited to the construction period as may be necessary. The North Embarcadero Visionary Plan Master Environmental Impact Report (certified in March 2000) (Master EIR) recommends that dewatering shall occur to lower the groundwater table to a minimum of 2 feet below the bottom of all removals and excavations.

10. The Permittees shall ensure that dewatering discharge meets the effluent limits specified by the RWQCB (order No. 90-31) and Federal National Pollution Discharge Elimination System (NPDES) requirement. Order No. 90-31 includes a prohibition of the discharge of dewatering effluent to San Diego Bay for new permanent dewatering operations. If the effluent is discharged to the City of San Diego sewer system, then the discharge shall meet the discharge requirements of the City.

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11. In the event that dewatering effluent is discharged to surface waters, the Permittees shall provide groundwater quality data in advance, and possibly, a treatment system will be needed to meet federal, State, and local regulations.

12. If dewatering is necessary, the Permittees shall provide an evaluation of the effect of dewatering on nearby structures shall occur during the design phase. Mitigation measures shall be implemented that may include monitoring of ground surface elevations and adjacent buildings during dewatering.

13. To identify locations of Underground Storage Tanks (USTs), the Permittees shall conduct a site-specific informational review and geophysical survey.

14. A contingency plan for removal and remediation of USTs shall be prepared by the Permittees. The contingency plan shall address contractor procedures in the event that an unknown UST is encountered during site redevelopment.

15. Permits to operate or close tanks must be obtained by the tank owner or operator in conformance with federal, State, and local regulations.

16. All earthwork activities shall be governed by the provisions of the NPDES general permit, which includes the preparation and implementation of a SWPPP and BMPs to control runoff and sedimentation during construction and post construction.

17. The Permittees shall ensure that any remediation is conducted according to applicable federal, State and local regulations prior to development of the site.

18. Permittees shall comply with all applicable public access requirements including participation in a bayside shuttle system upon District implementation of that system.

19. The project design shall comply with Title 24 of the California Code of Regulations. Documentation of compliance shall be provided by the Permittees when building plans are filed.

20. The Permitees shall ensure that all structures be designed in accordance with the recommendation of the geotechnical evaluation, and with all applicable requirements of the Uniform Building Code (UBC) for Seismic Zone 4. Project specific design recommendations to limit

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structural damage or maintain function during an earthquake shall include foundation design parameters.

21. The Permittees shall prepare a waste management plan in consultation with the City of San Diego Environmental Services Department (ESD) which shall also approve the plan consistent with the Construction and Demolition Debris Diversion Deposit Program as set forth in San Diego Municipal Code Section 66.0601, et seq. The waste management plan shall include the following elements:
    - The type and quantity of solid waste expected to enter the waste stream.
    - Source separation techniques to be used and the location of on site storage for separated materials as required by
    - The method of transport and destination of separated waste and/or construction debris not re-used on site.
    - A "buy-recycled" program for the project.
    - An impact analysis spreadsheet completed by an ESD analyst. A copy of the waste management plan shall be submitted to ESD and the Port District. With respect to construction/demolition debris, the amount of this material being deposited in the landfill should be reduced by implementing any or all of the following mitigation techniques.
        - Onsite re-use of demolition material in the construction of the development activities
        - Separating construction debris for recycling-reuse by others.

22. Any changes to the project description provided herein, including the exhibits, will require an amendment to this Coastal Development Permit.

23. The landscape plan shall be designed to protect and preserve the public views on West Broadway.

24. Bicycles are expressly permitted to share the Promenade with pedestrians, without limitation.

25. North-south access along the Esplanade shall be maintained (though controlled) when cruise ships are present and fully accessible when no cruise ships are docked.

26. The North Embarcadero Visionary Plan Parking Management Plan shall be completed prior to the commencement of construction of this project.

27. The Permittee and/or contractor shall provide signage that directs visitors to parking locations and opportunities.

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If you have any questions on this permit, please contact the Land Use Planning Department of the San Diego Unified Port District at (619) 686-6283.

CHARLES D. WURSTER
Executive Director

By:_____
JOHN W. HELMER
Director, Land Use Planning

I have read and understand the terms, conditions, limitations, and provisions of this permit and agree to abide by them.

By:_____
GARY BOSSE
Sr. Project Manager – Construction
Centre City Development Corporation

By:_____
LINDA SCOTT
Project Engineer, Engineering
San Diego Unified Port District

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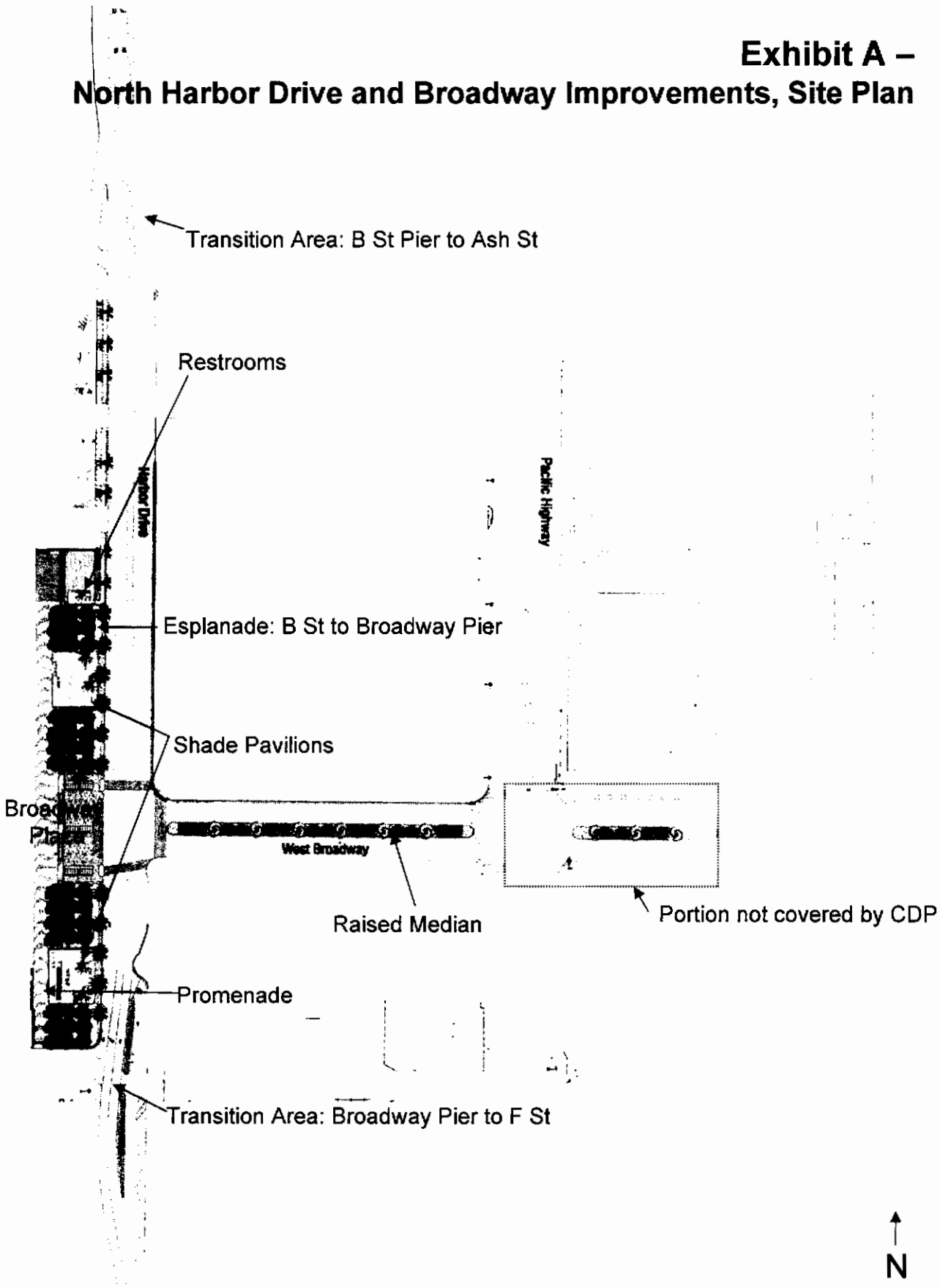
Exhibits:
- A - North Harbor Drive and Broadway Improvements, Site Plan
- B - North Harbor Drive/Grape Street Intersection Improvements, Site Plan
- C - North Harbor Drive Esplanade and Roadway, Cross Section
- D - Broadway Plaza, Site Plan

Attachments:
- A - NEVP Phase 1 Coastal Access Features Project Mitigation Monitoring and Reporting Program

Exhibit A –
North Harbor Drive and Broadway Improvements, Site Plan



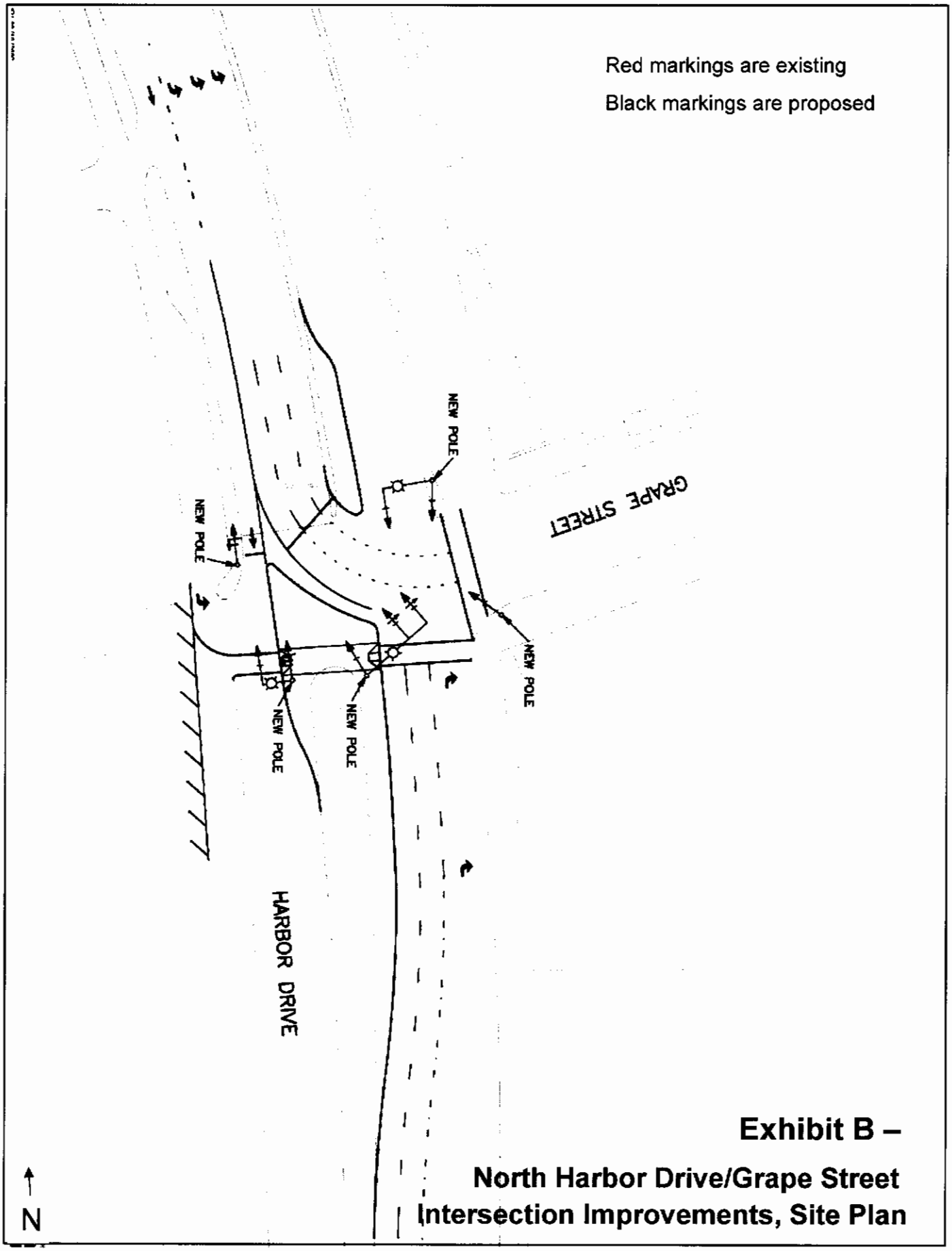


Exhibit B –

North Harbor Drive/Grape Street Intersection Improvements, Site Plan

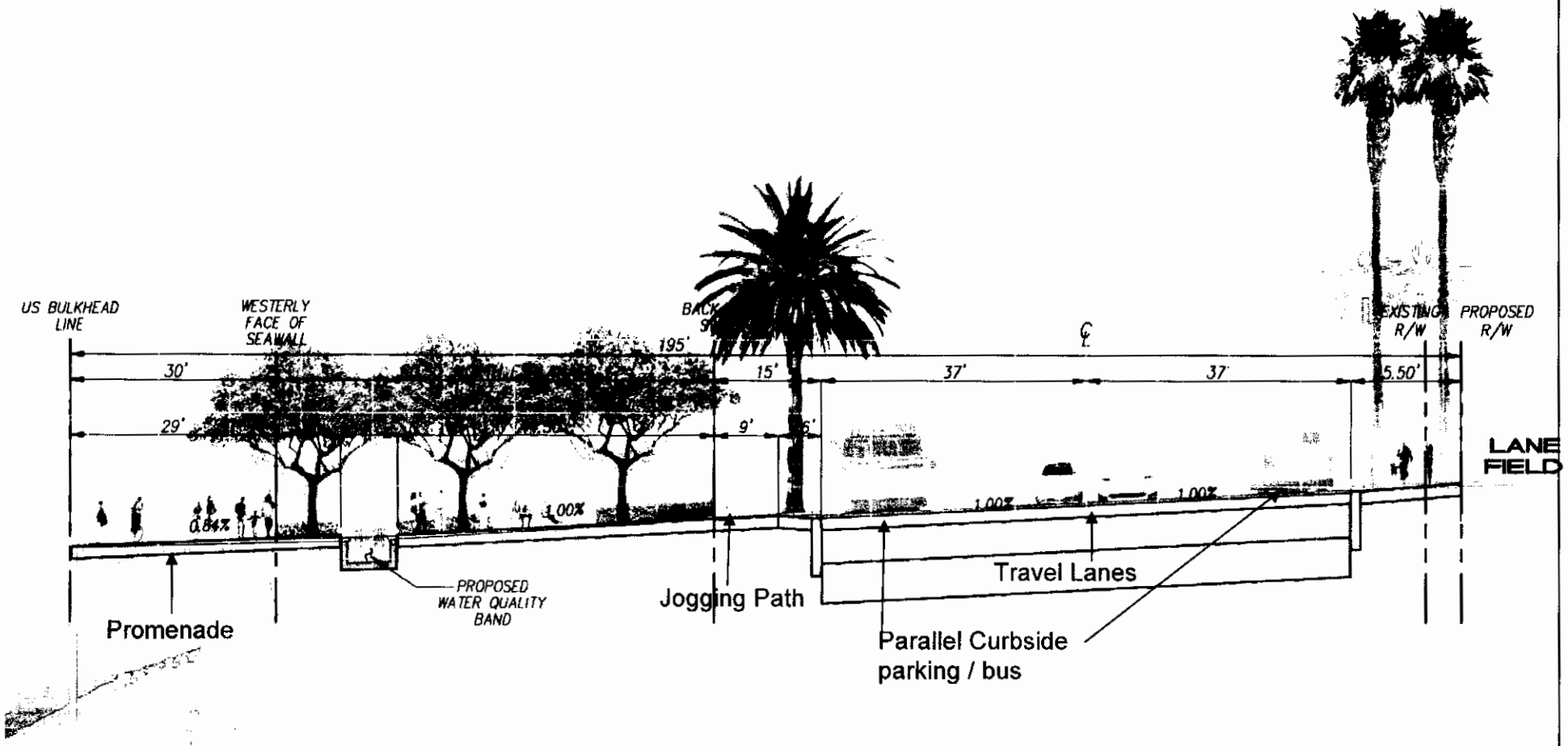


Exhibit C –
North Harbor Drive, Esplanade and Roadway, Typical Cross Section

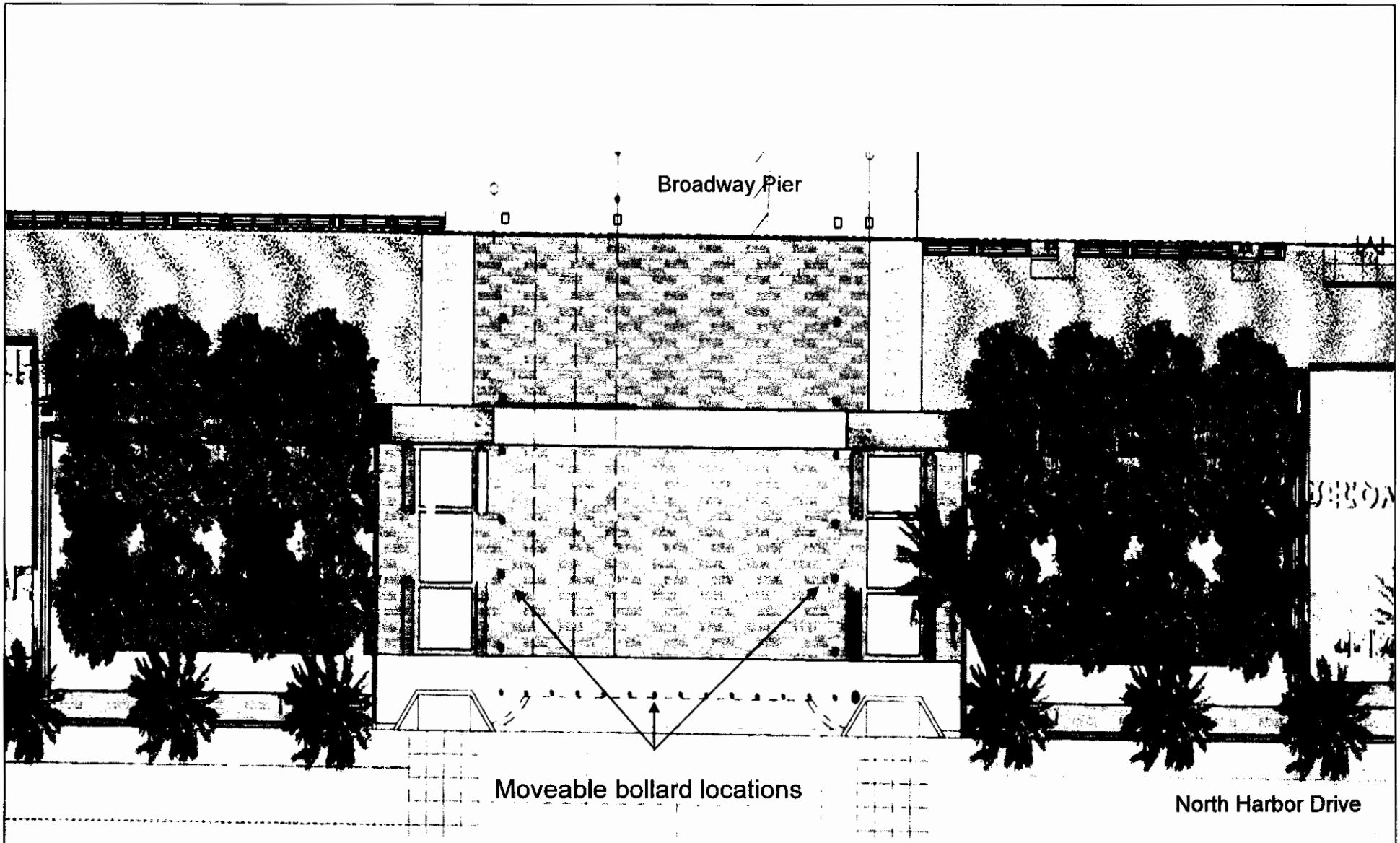


Exhibit D –
Broadway Plaza, Site Plan

Attachment A

North Embarcadero Visionary Plan
Phase 1 Coastal Access Features Project
Mitigation Monitoring and Reporting Program

Mitigation Measure(s)	Monitoring Requirement	Responsible for Mitigation Implementation	Time Frame of Mitigation	Completion Requirement	Agency Responsible for Verification	Date of Completion
TRANSPORTATION/TRAFFIC/PARKING						
1. The following features of the parking management program required in the MEIR (Pages 4.2 –9 through 4.2-11) shall be implemented as a part of the NEVP Phase 1 Coastal Access Features Project. Other features of the parking management program required by the MEIR would need to be implemented as a part of other NEVP projects to offset potential loss of parking associated with implementation of the overall NEVP. • Promote subsidized transit pass for employees of study area businesses. • Provide information to downtown hotel guests regarding the location of the North Embarcadero area and the availability of transit usage. • Plan for shuttle stops at two locations on Harbor Drive within the Plan area such as at Ash Street and at Broadway. • Promote pedi-cab use and provide areas for pick-up and drop-off. • Provide trailblazing (i.e., signs showing directions to the North Embarcadero area from downtown and transit locations), directions at local kiosks, and transit/shuttle stops.	Plan preparation, implementation	Port of San Diego City of San Diego	Prior to issuance of a grading permit.	Approval of parking management plan	Port of San Diego City of San Diego	

Mitigation Measure(s)	Monitoring Requirement	Responsible for Mitigation Implementation	Time Frame of Mitigation	Completion Requirement	Agency Responsible for Verification	Date of Completion
CULTURAL RESOURCES						
1. Prior to development, a subsurface mitigation plan shall be developed and implemented. 2. This plan shall be implemented by a qualified archaeologist that includes a detailed review of Sanborn fire insurance maps, directory search, and if warranted, limited testing of zones within the block having the highest potential within the area impacted. All cultural material recovered and associated records shall be curated at an appropriate San Diego County institution. In addition, the Port would implement the following monitoring program that is typically required by the City of San Diego and the Centre City Development Corporation when a project has the potential to disturb subsurface resources. ***Mitigation Measure*** Prior to issuance of any permit that could directly affect an archaeological resource, the Port shall assure, in coordination with qualified City staff when applicable, that all elements of the MMRP are performed in accordance with all applicable City ordinances and guidelines and by a qualified Historical Archaeologist. The Port shall also require that the following steps be taken to determine: (1) the presence of archaeological resources and (2) the appropriate mitigation for any significant resources which may be impacted by a development activity. Sites may include residential and commercial properties, privies, trash pits, building foundations, and industrial features representing the contributions of people from diverse socio-economic and ethnic backgrounds. Sites may also include resources associated with pre-historic Native American activities. Step 1-Initial Evaluation An initial evaluation for the potential of significant subsurface archaeological resources shall be prepared to the satisfaction of the Port as part of an Environmental Secondary Study for any	Plan preparation, implementation, field monitoring and submittal of a final archaeological report.	Port District City of San Diego	Prior to issuance of a grading permit.	Approval of final Archaeological study report and field notes documenting compliance with subsurface mitigation plan.	Port of San Diego City of San Diego	

Mitigation Measure(s)	Monitoring Requirement	Responsible for Mitigation Implementation	Time Frame of Mitigation	Completion Requirement	Agency Responsible for Verification	Date of Completion
activity which involves excavation or building demolition and guided by an appropriate level research design. The person completing the initial review shall be approved by the Port. The initial evaluation shall consist minimally of a review of the following historical sources: The 1876 Bird's Eye View of San Diego, all Sanborn Fire Insurance Company maps, appropriate city directories that correspond to identify historical properties, and a records search at the South Coastal Information Center that is limited to the property boundaries. Historical and existing land uses shall also be reviewed to assess the potential for significant prehistoric and historic archaeological resources to be present. The person completing the initial review shall also consult with and consider input from local individuals and groups with expertise in the historical resources of the San Diego area. These experts may include the University of California, San Diego State University, San Diego Museum of Man, local historical and archaeological groups, and designated community planning groups. Consultation with these or other individuals and groups shall occur as early as possible in the evaluation process. When the initial evaluation indicates that important archaeological sites may be present on a project site but their presence cannot be confirmed prior to construction or demolition due to obstructions or spatially limited testing and data recovery, the applicant shall prepare and implement an archaeological monitoring program as a condition of development approval to the satisfaction of the Port. No further action is required if the initial evaluation demonstrates there is no potential for subsurface resources. The results of this research shall be summarized in the Secondary Study. Step 2-Testing A testing program is required if the initial evaluation demonstrates that there is a potential for subsurface resources. The testing program shall be conducted during the hazardous materials remediation or following the removal of any structure or surface covering which may be underlain by potential resources. The removal of these structures shall be conducted in a manner which minimizes disturbance of underlying soil. This						

Mitigation Measure(s)	Monitoring Requirement	Responsible for Mitigation Implementation	Time Frame of Mitigation	Completion Requirement	Agency Responsible for Verification	Date of Completion
shall entail a separate phase of investigations from any mitigation monitoring during construction. The testing program shall be performed by a qualified Historical Archaeologist. The Historical Archaeologist must be approved by the Port prior to commencement. Before commencing the testing, a treatment plan shall be submitted for the Port approval that reviews the initial evaluation results and includes a research design. The research design shall include a discussion of field methods, research questions against which discoveries shall be evaluated for significance, collection strategy, laboratory and analytical approaches, and curation arrangements. All tasks shall be in conformity with best practices in the field of historic urban archaeology. A recommended approach for historic urban sites is at a minimum fills and debris along interior lot lines or other areas indicated on Sanborn maps. Security measures such as a locked fence or surveillance shall be taken to prevent looting or vandalism of archaeological resources as soon as demolition is complete or paved surfaces are removed. These measures shall be maintained during archaeological field investigations. It is recommended that exposed features be covered with steel plates or fill dirt when not being investigated. The results of the testing phase shall be submitted in writing to the Port and shall include the research design, testing results, significance evaluation, and recommendations for further treatment. Final determination of significance shall be made in consultation with the Port, and with the Native American community, if the finds are prehistoric. If no significant resources are found and site conditions are such that there is no potential for further discoveries, then no further action is required. If no significant resources are found but results of the initial evaluation and testing phase indicates there is still a potential for resources to be present in portions of the property that could not be tested, then mitigation monitoring is required and shall be conducted in accordance with the provisions set forth in Step 4 - Monitoring. If significant resources are discovered during the testing program, then data recovery shall be undertaken prior to construction. The Port must concur with evaluation results before the next steps can proceed.						

Mitigation Measure(s)	Monitoring Requirement	Responsible for Mitigation Implementation	Time Frame of Mitigation	Completion Requirement	Agency Responsible for Verification	Date of Completion
Step 3-Data Recovery For any site determined to be significant, a Research Design and Data Recovery Program shall be prepared, approved by the Port, and carried out to mitigate impacts before any activity is conducted which could potentially disturb significant resources. The archaeologist shall notify the Port of the date upon which data recovery will commence ten (10) working days in advance. All cultural materials collected shall be cleaned, catalogued and permanently curated with an appropriate institution. All artifacts shall be analyzed to identify function and chronology as they relate to the history of the area. Faunal material shall be identified as species and specialty studies shall be completed, as appropriate. All newly discovered archaeological sites shall be recorded with the South Coastal Information Center at San Diego State University. Any human bones and associated grave goods of Native American origin shall, upon consultation, be turned over to the appropriate Native American group for reburial, in accordance with state regulations. A draft Data Recovery Report shall be submitted to The Port within twelve months of the commencement of the data recovery. Data Recovery Reports shall describe the research design or questions, historic context of the finds, field results, analysis of artifacts, and conclusions. Appropriate figures, maps and tables shall accompany the text. The report shall also include a catalogue of all finds and a description of curation arrangements at an approved facility. Finalization of draft reports shall be subject to The Port Staff review. Step 4 – Monitoring If no significant resources are encountered, but results of the initial evaluation and testing phase indicates there is still a potential for resources to be present in portions of the property that could not be tested, then mitigation monitoring is required and shall be conducted in accordance with the following provisions and components: **I. Prior to Permit Issuance**						

Mitigation Measure(s)	Monitoring Requirement	Responsible for Mitigation Implementation	Time Frame of Mitigation	Completion Requirement	Agency Responsible for Verification	Date of Completion
A. Construction Plan Check 1. Prior to Notice to Proceed (NTP) for any construction permits, including but not limited to, the first Grading Permit, Demolition Permits and Building Permits, but prior to the first preconstruction meeting, whichever is applicable, the Port shall verify that the requirements for Archaeological Monitoring and Native American monitoring, if applicable, have been noted on the appropriate construction documents. B. Letters of Qualification have been submitted to the Port 1. The applicant shall submit a letter of verification to the Port identifying the Principal Investigator (PI) for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines (HRG). If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation 2. The Port will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project. 3. Prior to the start of work, the applicant must obtain approval from the Port for any personnel changes associated with the monitoring program. **II. Prior to Start of Construction** A. Verification of Records Search 1. The PI shall provide verification to the Port that a site-specific records search (1/4 mile radius) has been completed. Verification includes, but is not limited to a copy of a confirmation letter from South Coastal Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was						

Mitigation Measure(s)	Monitoring Requirement	Responsible for Mitigation Implementation	Time Frame of Mitigation	Completion Requirement	Agency Responsible for Verification	Date of Completion
completed. 2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities. 3. The PI may submit a detailed letter to the Port requesting a reduction to the ¼ mile radius. B. PI Shall Attend Precon Meetings 1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and the Port. The qualified Archaeologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor. (a) If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with The Port, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring. 2. Archaeological Monitoring Plan (AMP) (a) Prior to the start of any work that requires monitoring; the PI shall submit an Archaeological Monitoring Plan which describes how the monitoring would be accomplished for approval by the Port. The AMP shall include an Archaeological Monitoring Exhibit (AME) based on the appropriate construction documents (reduced to 11x17) to the Port identifying the areas to be monitored including the delineation of grading/excavation limits. (b) The AME shall be based on the results of a site-specific records search as well as information						

Mitigation Measure(s)	Monitoring Requirement	Responsible for Mitigation Implementation	Time Frame of Mitigation	Completion Requirement	Agency Responsible for Verification	Date of Completion
regarding existing known soil conditions (native or formation). (c) Prior to the start of any work, the PI shall also submit a construction schedule to the Port through the RE indicating when and where monitoring will occur. (d) The PI may submit a detailed letter to the Port prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate site conditions such as depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present. **III. During Construction** A. Monitor Shall be Present During Grading/Excavation/Trenching 1. The monitor shall be present full-time during soil remediation and grading/excavation/trenching activities which could result in impacts to archaeological resources as identified on the AME. The Construction Manager is responsible for notifying the RE, PI, and the Port of changes to any construction activities. 2. The monitor shall document field activity via the Consultant Site Visit Record (CSVR) The CSVR's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (Notification of Monitoring Completion), and in the case of ANY discoveries. The RE shall forward copies to the Port. 3. The PI may submit a detailed letter to the Port during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered may reduce or increase the potential for resources to be present. B. Discovery Notification Process						

Mitigation Measure(s)	Monitoring Requirement	Responsible for Mitigation Implementation	Time Frame of Mitigation	Completion Requirement	Agency Responsible for Verification	Date of Completion
1. In the event of a discovery, the Archaeological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate. 2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery. 3. The PI shall immediately notify the Port by phone of the discovery, and shall also submit written documentation to the Port within 24 hours by fax or email with photos of the resource in context, if possible. C. Determination of Significance 1. The PI and Native American representative, if applicable, shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section IV below. (a) The PI shall immediately notify the Port by phone to discuss significance determination and shall also submit a letter to the Port indicating whether additional mitigation is required. (b) If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP) and obtain written approval from the Port. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume. (c) If resource is not significant, the PI shall submit a letter to the Port indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that that no further work is required. **IV. Discovery of Human Remains**						

Mitigation Measure(s)	Monitoring Requirement	Responsible for Mitigation Implementation	Time Frame of Mitigation	Completion Requirement	Agency Responsible for Verification	Date of Completion
If human remains are discovered, work shall halt in that area and the following procedures set forth in the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be undertaken: A. Notification 1. Archaeological Monitor shall notify the RE or BI as appropriate, the Port, and the PI, if the Monitor is not qualified as a PI. 2. The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone. B. Isolate discovery site 1. Work shall be directed away from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the Medical Examiner in consultation with the PI concerning the provenience of the remains. 2. The Medical Examiner, in consultation with the PI, shall determine the need for a field examination to determine the provenience. 3. If a field examination is not warranted, the Medical Examiner shall determine with input from the PI, if the remains are or are most likely to be of Native American origin. C. If Human Remains are determined to be Native American 1. The Medical Examiner shall notify the Native American Heritage Commission (NAHC). By law, only the Medical Examiner can make this call. 2. The NAHC shall contact the PI within 24 hours or sooner, after Medical Examiner has completed coordination. 3. NAHC shall identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information. 4. The PI shall coordinate with the MLD for additional consultation.						

Mitigation Measure(s)	Monitoring Requirement	Responsible for Mitigation Implementation	Time Frame of Mitigation	Completion Requirement	Agency Responsible for Verification	Date of Completion
5. Disposition of Native American Human Remains shall be determined between the MLD and the PI, if:						
(a) The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 24 hours after being notified by the Commission; OR;						
(b) The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner.						
D. If Human Remains are not Native American						
1. The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.						
2. The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).						
3. If the remains are of historic origin, they shall be appropriately removed and conveyed to the Museum of Man for analysis. The decision for internment of the human remains shall be made in consultation with the Port, the applicant/landowner and the Museum of Man.						
V. Night Work						
A. If night work is included in the contract						
1. When night work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.						
2. The following procedures shall be followed.						
(a) No Discoveries In the event that no discoveries were encountered during night work, the PI shall record the information on the CSVR and submit to the Port via fax by 9am the following morning, if possible.						
(b) Discoveries All discoveries shall be processed and documented using the existing procedures detailed in Sections III -						

Mitigation Measure(s)	Monitoring Requirement	Responsible for Mitigation Implementation	Time Frame of Mitigation	Completion Requirement	Agency Responsible for Verification	Date of Completion
During Construction, and IV – Discovery of Human Remains. (c) Potentially Significant Discoveries If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed. The PI shall immediately contact the Port, or by 8AM the following morning to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made. B. If night work becomes necessary during the course of construction 1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin. 2. The RE, or BI, as appropriate, shall notify The Port immediately. C. All other procedures described above shall apply, as appropriate. **VI. Post Construction** A. Submittal of Draft Monitoring Report 1. The PI shall submit two copies of the Draft Monitoring Report (even if negative) which describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to the Port for review and approval within 90 days following the completion of monitoring, (a) For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program shall be included in the Draft Monitoring Report. (b) Recording sites with State of California Department of Parks and Recreation						

Mitigation Measure(s)	Monitoring Requirement	Responsible for Mitigation Implementation	Time Frame of Mitigation	Completion Requirement	Agency Responsible for Verification	Date of Completion
The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center with the Final Monitoring Report.						
2. The Port shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.						
3. The PI shall submit revised Draft Monitoring Report to the Port for approval.						
4. The Port shall provide written verification to the PI of the approved report.						
5. The Port shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.						
B. Handling of Artifacts and Submittal of Collections Management Plan, if applicable						
1. The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued.						
2. The PI shall be responsible for ensuring that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.						
3. The PI shall submit a Collections Management Plan to the Port for review and approval for any project which results in a substantial collection of historical artifacts.						
C. Curation of artifacts: Accession Agreement and Acceptance Verification						
1. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate institution. This shall be completed in consultation with the						

Mitigation Measure(s)	Monitoring Requirement	Responsible for Mitigation Implementation	Time Frame of Mitigation	Completion Requirement	Agency Responsible for Verification	Date of Completion
Port and the Native American representative, as applicable. 2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and the Port. D. Final Monitoring Report(s) 1. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to the Port (even if negative), within 90 days after notification from the Port that the draft report has been approved. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from the Port which includes the Acceptance Verification from the curation institution.						
HAZARDOUS MATERIALS/PUBLIC SAFETY						
1. A complete site contamination report in conformance with federal, state, and local regulations shall be completed for each subsequent project. The report shall include an existing conditions survey, detailed project description and specific measures proposed to preclude upset conditions (accidents) from occurring. If hazardous materials are identified, a risk assessment and remediation efforts shall be conducted in conformance with federal, state and local regulations.	Preparation, review and approval of remediation plan by County DEH. Field inspection to ensure site remediation is implemented in compliance with applicable laws and permits.	Port District City of San Diego	Prior to issuance of grading permit.	Written evidence that the final site assessment has been reviewed and approved by the DEH.	Port District City of San Diego County of San Diego County of San Diego DEH	
2. To mitigate for soil or water contamination sources in areas suspected of containing hazardous materials storage systems, a site-specific soil/groundwater assessment shall be performed by a qualified geologist/hydrologist prior to soil disturbance in conformance with federal, state and local regulations. Such an assessment shall include collecting and analyzing soil and/or groundwater samples. The presence of soils or groundwater contamination shall be remediated, if necessary, according to applicable federal,	Consultation with County DEH prior to soil/groundwater sampling. Preparation, submittal and implementation of Remediation Plan, if required, for DEH review.	Port District City of San Diego	Prior to issuance of grading permit.	Written evidence that the final site assessment has been reviewed and approved by the DEH.	Port District City of San Diego County of San Diego County of San Diego DEH	

Mitigation Measure(s)	Monitoring Requirement	Responsible for Mitigation Implementation	Time Frame of Mitigation	Completion Requirement	Agency Responsible for Verification	Date of Completion
state and local regulations prior to development of the site.						
3. A site-specific survey to test for asbestos and lead-based paint in old buildings within the Project Area shall be performed under the direct supervision of a certified asbestos/lead-based paint consultant prior to demolition, renovation, or disturbance. If these materials are found, removal of these materials shall be in accordance with the consultant's recommendations.	Consultation with County DEH prior to testing program, and submittal or final report to DEH for review.	Port District City of San Diego	Prior to issuance of grading permit.	Written evidence that the final report on asbestos and lead-based paints has been reviewed and approved by the County DEH	Port District City of san Diego County of San Diego	
4. Site-specific informational review and geophysical survey, shall be conducted, if necessary, to identify locations of USTs. A contingency plan for removal and remediation shall be prepared that addresses contractor procedures in the event that an unknown UST is encountered during site redevelopment. Permits to operate or close tanks must be obtained by the tank owner or operator in conformance with federal, state and local regulations.	Consultation with County DEH prior to survey for UST's	Port District City of San Diego	Prior to issuance of grading permit.	Written proof that the final site assessment has been reviewed and approved by the DEH. Issuance of DEH permits for removal and/or closure of USTs.	Port District City of San Diego County of San Diego County of San Diego DEH	
5. A Phase II investigation shall be conducted to test soils to determine if regulatory action and/or hazardous waste limits are exceeded. This investigation should include an assessment of human health risks associated with any detected concentrations of the contaminants of concern within areas proposed for development. If levels exceed typical regulatory action and/or waste limits or present a public health concern, the site shall be remediated per government regulations prior to site development.	Prepare Phase II Consultation with County DEH prior to implementation of Phase II report requirements	Port District City of San Diego	Prior to issuance of grading permit.	Written proof that the final site assessment showing compliance with the Phase II report requirements has been reviewed and approved by the DEH.	Port District City of San Diego County of San Diego County of San Diego DEH	

Mitigation Measure(s)	Monitoring Requirement	Responsible for Mitigation Implementation	Time Frame of Mitigation	Completion Requirement	Agency Responsible for Verification	Date of Completion
WATER QUALITY						
1. A project-specific geotechnical study by a qualified geologist/hydrologist shall be conducted prior to any dewatering activities to provide a detailed analysis and recommendations for site dewatering in conformance with federal, state and local regulations. 2. In the event that dewatering should be required, the discharge shall meet the effluent limits specified by the RWQCB (Order No. 90-31) and Federal National Pollution Discharge Elimination System (NPDES) requirement. Order No. 90-31 includes a prohibition of the discharge of dewatering effluent to San Diego Bay for new permanent dewatering operations. If the effluent is discharged to the City of San Diego sewer system, then the effluent shall meet the effluent requirements of the City.	Preparation of a dewatering plan approved by RWQCB. Field inspection to verify plan is implemented in compliance with applicable laws and permits.	Port District City of San Diego	Prior to issuance of demolition permits.	Written evidence that the final dewatering plan has been reviewed and approved by the RWQCB, in accordance with applicable laws and regulations. Implementation of a dewatering plan.	Port District City of San Diego County of San Diego RWQCB	
3. Soil/groundwater testing shall be performed prior to soil disturbance in conformance with federal, state and local regulations, and subject to the approval of the jurisdictional agency (i.e., City of San Diego or Port District). Such an assessment shall include collecting and analyzing soil and/or groundwater samples. Soil or groundwater contamination shall be remediated according to applicable federal, state and local regulations prior to development of the site. Implementation of BMPs to control erosion during construction shall be required regardless of whether or not the soil/groundwater is contaminated. 4. All earthwork activities shall be governed by the provisions of the NPDES general permit, which includes the preparation and implementation of a SWPPP and BMPs to control runoff and sedimentation during construction and post construction.	Preparation and implementation of construction SWPPP. BMPs shall be documented on final grading plans.	Port District City of San Diego	Prior to issuance of demolition permits.	Copy of issued permit and field notes documenting permit condition implementation	Port District City of San Diego County of San Diego RWQCB	
5. Additional assessment of soil and/or groundwater shall be performed prior to soil disturbance in conformance with federal, state and local regulations.		Port District City of San Diego	Prior to issuance of demolition	Issuance of grading permits constitutes completion of	Port District City of San Diego	

Mitigation Measure(s)	Monitoring Requirement	Responsible for Mitigation Implementation	Time Frame of Mitigation	Completion Requirement	Agency Responsible for Verification	Date of Completion
6. Remediation shall be conducted according to applicable federal, State and local regulations prior to development of the site.			permits.	this requirement.	County of San Diego	
AIR QUALITY						
1. Enhanced dust control measures shall be implemented including: increased watering frequency at least twice daily, cover haul trucks or maintain at least two feet of freeboard, pave a site access apron and install wheel washers, sweep/wash public streets at the end of the work day, pave or regularly water all parking and staging areas, and suspend excavation when winds exceed 15 mph.	Preparation and implementation of dust control measures. Measures shall be documented on final grading plans.	Port District City of San Diego	Prior to issuance of grading permit	Issuance of grading permits constitutes completion of this requirement.	Port District City of San Diego	
2. Contaminated soil and asbestos/lead-based paint remediation procedures shall comply with all applicable rules and regulations of appropriate regulatory agencies. A survey to test for asbestos-containing building materials and lead-based paint shall be performed prior to demolition, renovation or disturbance of any existing building. All activities associated with asbestos shall be conducted under the direct supervision of a certified asbestos consultant.	Consultation with County DEH prior to testing program, and submittal or final report to DEH for review.	Port District City of San Diego	Prior to issuance of grading permit	Written evidence that the final report on asbestos and lead-based paints has been reviewed and approved by the County DEH	Port District City of San Diego County of San Diego	
SEISMIC/GEOLOGIC HAZARDS						
1. A comprehensive geotechnical evaluation, which includes site-specific subsurface exploration and laboratory testing, shall be conducted prior to the site-specific design and construction of all structures. The evaluation's findings and recommendations shall be incorporated into all final building plans.	Preparation, review and approval of Geotechnical Report. Plan check, site inspection to verify all structures constructed in accordance with UBC and recommendations of Geotechnical Report.	Port District City of San Diego	Prior to issuance of building permit.	Issuance of building permit and site inspection/field notes documenting compliance.	Port District City of San Diego County of San Diego	

Mitigation Measure(s)	Monitoring Requirement	Responsible for Mitigation Implementation	Time Frame of Mitigation	Completion Requirement	Agency Responsible for Verification	Date of Completion
2. A site-specific fault evaluation study, which includes analysis of subsurface data, shall be prepared by a certified geologist for each human-occupancy structure during the design phase. The study shall reasonably demonstrate that there are no active faults below the structures.						
3. All structures shall be designed in accordance with the recommendation of the geotechnical evaluation, and with all applicable requirements of the Uniform Building Code (UBC) for Seismic Zone 4. Project specific design recommendations to limit structural damage or maintain function during an earthquake include foundation design parameters and specifications for deep foundations.						
4. All structures shall be reinforced and supported using ground modification (e g., dynamic compaction) or deep foundation piles.						
5. Remedial grading or surcharging and monitoring by means of settlement monuments shall be incorporated into construction within the Project Area.						
6. To mitigate impacts associated with hydrostatic uplift, an evaluation of potential hydrostatic uplift activities during the time of geotechnical plan review regarding the design and construction of below-grade basement levels shall occur.						
7. All structural steel reinforcement shall be protected from the corrosive effects of the marine environment. Special consideration shall be given to the use of plastic pipe or heavy-gauge corrosion-protected underground steel pipe or culverts, if any are planned. Special concrete designs and other anti-corrosive design features shall be incorporated into the project to mitigate for the corrosive marine environment. A corrosion specialist shall be consulted for further recommendations if necessary.						

Mitigation Measure(s)	Monitoring Requirement	Responsible for Mitigation Implementation	Time Frame of Mitigation	Completion Requirement	Agency Responsible for Verification	Date of Completion
8. Evaluation of the effect of dewatering on nearby structures shall occur during the design phase. Mitigation measures may include monitoring of ground surface elevations and adjacent buildings during dewatering.	Preparation of a dewatering plan approved by RWQCB. Field inspection to verify plan is implemented in compliance with applicable laws and permits.	Port District City of San Diego	Prior to issuance of demolition permits.	Written evidence that the final dewatering plan has been reviewed and approved by the RWQCB, in accordance with applicable laws and regulations. Implementation of a dewatering plan.	Port District City of San Diego County of San Diego RWQCB	
UTILITIES/SERVICE SYSTEMS						
1. The Port and the City of San Diego would be the project applicants and shall prepare a waste management plan with consultation with the City of San Diego Environmental Services Department (ESD) which shall also approve the plan. The waste management plan shall include the following elements: • The type and quantity of solid waste expected to enter the waste stream. • Source separation techniques to be used and the location of on-site storage for separated materials as required by Municipal Code Section 101.2001. • The method of transport and destination of separated waste and/or construction debris not re-used on site. • A "buy-recycled" program for the project. • An impact analysis spreadsheet completed by as ESD analyst. A copy of the waste management plan shall be	Preparation and implementation of a solid waste management plan approved by City ESD.	Port District City of San Diego	Prior to issuance of demolition permits and building permits for construction debris. Prior to issuance of occupancy permit.	Issuance of demolition and building permit and site inspection / field notes documenting compliance.	Port District City of San Diego County of San Diego	

Mitigation Measure(s)	Monitoring Requirement	Responsible for Mitigation Implementation	Time Frame of Mitigation	Completion Requirement	Agency Responsible for Verification	Date of Completion
submitted to ESD and the Port District. With respect to construction/demolition debris, the amount of this material being deposited in the landfill could be reduced by implementing any or all of the following mitigation techniques. • Onsite re-use of demolition material in the construction of the development activities. • Separating construction debris for recycling/reuse by others. Consistent with mitigation requirements of the MEIR, the Port shall conduct an assessment of potential sources of hazardous materials within the Proposed Project area prior to construction. If hazardous materials are located recommendations for appropriate disposal of these materials following demolition or renovation activities will be identified.						

ATTACHMENT B
Coastal Consistency Evaluation

Coastal Consistency Evaluation for the NEVP Phase 1 Coastal Access Features Project

Project Summary

The Project is the implementation of a portion of the North Embarcadero Visionary Plan (NEVP). The NEVP Phase 1 Coastal Access Features Project (Project) components within the jurisdiction of the Port occur along North Harbor Drive between F Street and Grape Street and along West Broadway between North Harbor Drive and Pacific Highway. Physical improvements consisting of roadway realignment and Esplanade improvements are located between the B Street and Broadway piers. To accommodate the realignment, transition areas consisting of restriping existing pavement will be provided from Broadway Pier south to F Street and from B Street Pier north to Ash Street. No improvements will be undertaken between Ash Street and Grape Street. At the North Harbor Drive and Grape Street intersection restriping to provide a third left-turn lane on southbound North Harbor Drive will be provided. The components along West Broadway between North Harbor Drive and Pacific Highway consist of median and storm water improvements.

The realigned road would enable construction of an approximately 105 foot wide Esplanade starting at the south edge of B Street Pier to the north edge of the E Street Pier. The Esplanade would include a continuous bayfront promenade along the water's edge, 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 would be constructed on the eastern portion of the Esplanade, under which ticket kiosks, an information building, and a walk-up café would be relocated from their current locations at the edge of the bulkhead. In addition, a public restroom, designed as public art, would be constructed on the eastern portion of the Esplanade south of the future C Street alignment. Landscaping enhancements include rows of majestic palms and groves of jacaranda trees. Parallel parking along the curb of North Harbor Drive would be provided and four travel lanes would be maintained until the realignment of the roadway is entirely completed and B Street is connected through to Pacific Highway. At that time, the number of travel lanes will be reduced to three and an increased number of parking spaces will be provided along the curbside by converting from parallel to diagonal parking.

No changes in existing land uses as described in the approved Port Master Plan (PMP) are associated with the Project.

Project Rationale

The Project is the first phase of the public space expansion set out in the NEVP and will act as a catalyst for undertaking the remainder of the NEVP. The Project location was chosen for the first phase because it is the area that has the highest existing public pedestrian activity. Implementation of the Project will provide expanded public space.

The Project includes an increased 30-foot wide pedestrian promenade area, with public art paving design, cleared of structures, and complete with new furnishings. A new plaza area will be installed with moveable bollards that enable plaza use separate from vehicular traffic in one configuration and reconfigured to provide safe vehicular access and pedestrian caution when a cruise ship is berthed. Shade and seating are provided within new formal gardens coordinated with the landscape scheme. A new and more intense public art program is provided with permanent features such as the promenade paving pattern, the restrooms and pavilions with integrated art in the design. New public restrooms with an art design will be installed, which will provide interest and comfort for pedestrians. Implementation of the Project will relocate existing ticket kiosks, bayside café, and an information building away from the water's edge to a more central and accessible location within the Esplanade. Implementation of the Project will provide a water quality band, the first bio-filtration treatment of storm water runoff on the Embarcadero. The Project includes a new landscaped raised median down West Broadway with interesting lighting and tree selections coordinated with those along North Harbor Drive.

The Project has been designed to connect the San Diego Bay with the uplands of downtown San Diego, which is a key concept of the NEVP and an important part of the Centre City Embarcadero Precise Plan in the Port Master Plan (PMP). The NEVP was envisioned without the benefit of surveys. Since completion of the NEVP the District and participating agencies have undertaken surveys identifying below grade infrastructure (utilities etc.) that have necessitated design modifications. The NEVP was envisioned with assumptions that the District would acquire additional lands. The alliance that created the NEVP no longer exists and the District has not acquired the lands that would be necessary to create improvements that match the vision exactly. The NEVP was also envisioned prior to the federal security requirements implemented in the wake of the 9-11 terrorist attacks. The security requirements place substantial responsibility on the District to maintain, or be able to maintain, separation of public pedestrian and bay tour activities from cruise ship activities on the piers. The requirement to separate these coexisting activities on the Embarcadero, while maintaining enjoyment of visitors, cruise ship passengers, and bay tour customers, has resulted in additional consideration modifications in the design for public space improvements.

The first phase has been designed with four lanes of vehicular travel to enable transition to the roadway portions not being realigned. This design is convertible to provide three lanes for vehicular travel as envisioned in the NEVP and referenced in the PMP. The conversion will be achieved by providing parallel curbside parking in the first phase, which will be restripped as angular parking once the remainder of the roadway is realigned. The right-of-way for the roadway between B Street and E Street piers will not be altered after the implementation of the first phase.

Project Description

Roadway Improvements

North Harbor Drive

- Realign North Harbor Drive between the northern edge of the "B" Street Pier and the southern edge of Broadway Pier, eastward of its present location;
- Provide an approximately 74 feet roadway within the existing 200-foot North Harbor Drive right-of-way.
- Provide two (2) travel lanes in each direction (north and south) and a turn lane. Harbor Drive under the Proposed Project would be four lanes to allow connection of the realigned roadway to existing Harbor Drive;
- Remove existing street and off-street public parking spaces;
- Provide street parking spaces along the North Harbor Drive curb;
- Provide a transition area north of B Street to the south side of Ash Street, to enable traffic movement through existing segments of North Harbor Drive north of Ash Street and the proposed realignment;
- Provide a transition area south of West Broadway to the north side of F Street to enable traffic movement through existing segments of North Harbor Drive south of F Street and the proposed realignment;
- Re-stripe North Harbor Drive from the south side of Ash Street to the north side of F Street to accommodate realignment and transition areas;
- Provide a six-foot sidewalk on the west side of North Harbor Drive;
- Provide Transportation Hubs either side of North Harbor Drive, north of West Broadway that include facilities such as transit and shuttle stops, signage, information, bicycle storage, and passenger loading areas;
- Relocate existing traffic signals to accommodate the re-aligned Harbor Drive;
- Relocate underground and above ground utilities as part of the Harbor Drive realignment; and
- Remove or re-locate sewer pump station(s).

North Harbor Drive/Grape Street Intersection

- Re-stripe (from 100 feet north of Hawthorn Street to 100 feet south) the southbound lanes of North Harbor Drive to add a third left-hand turn lane at the Grape Street intersection with corresponding adjustments to the existing traffic signals.

West Broadway

- Reconstruct West Broadway from North Harbor Drive eastward to Pacific Highway;
- Lower a high point in the roadway of West Broadway between North Harbor Drive and Pacific Highway; and
- Provide a raised median in West Broadway.

Esplanade Improvements

Esplanade

- Provide an approximately 105 feet wide Esplanade between the North Harbor Drive roadway and the Bay, from the northern edge of the E Street Pier (Navy Pier) to the southern edge of the B Street Pier;
- Provide the following zones and public amenities within the Esplanade:
  - a continuous bayfront promenade,
  - storm water treatment system,
  - a running/walking path, improved landscaping and structural architecture, a public plaza at the foot of West Broadway, and
  - formal gardens on the north and south sides of the open space plaza located at the foot of West Broadway;
- Install landscaping and lighting enhancements throughout the Esplanade;
- Install new street furniture including items such as benches, chairs, tables, bike racks, bollards, drinking fountains and news racks throughout the Esplanade;
- Installation of trash and recycling bins along the Esplanade;
- Ticket collection/entrance to existing floating docks;
- A comprehensive 'way-finding' sign program including interpretive, informational identification, regulatory, directional and gateway signs along the Esplanade;
- Provide two open shade pavilions approximately 80 feet long, 70 feet wide, and 18 feet in height on the eastern portion of the Esplanade;
- Relocate five ticket kiosks with new approximately 23 feet long, 11 feet wide, and 12 feet tall structures on the eastern portion of the Esplanade beneath shade pavilions;
- Relocate existing San Diego Convention and Visitors Bureau information building with a new approximately 48 feet long, 14 feet wide, and 16 feet tall structure on the eastern portion of the Esplanade beneath shade pavilions;
- Relocate existing walk-up café building with a new approximately 35 feet long, 9 feet wide, and 16 feet tall structure on the eastern portion of the Esplanade beneath shade pavilions;
- Provide a restroom approximately 40 feet long, 18 feet wide and 12 feet tall on the eastern portion of the Esplanade south of C Street; and
- Provide an approximately nine-foot wide running/walking path near the eastern edge of the Esplanade.

Promenade

- Provide a continuous 30-foot wide bayfront promenade adjacent to the Bay, for mixed pedestrian and bicycle use;
- Install railings where necessary for public safety along the bayfront promenade; and
- Install marine-related hardware, including cleats and bollards, or keep in place to preserve and enhance water-dependent uses such as harbor tour and transient vessel berthing public along the bayfront promenade.

Public Art

- Implement a Public Art program throughout the Esplanade, including restroom design, shade pavilions design, and the hardscape design of the promenade.

Plaza

- Construct an approximately 16,000 square feet open space plaza on the Esplanade between the head of Broadway Pier and the intersection of West Broadway and North Harbor Drive.

Water Quality

- Storm water drainage system improvements along North Harbor Drive including biological or structural water treatment within an eight foot 'water quality band' along the Esplanade on the east side of the bayfront promenade and structural treatment within a narrow 'water quality trim' along the western edge of the bayfront promenade; and
- Two storm drain outlets that directly discharge into the bay may be constructed. One outlet will discharge storm water drainage from the northern portion of the water quality band between B Street and Broadway Pier. The maximum discharge from the outlet in the northern portion of the Water Quality Band would be four cubic feet per second. A second outlet will discharge storm water drainage from the southern portion of the Water Quality Band between Broadway Pier and the Navy Pier. The maximum discharge from the outlet in the southern portion of the Water Quality Band would be 3.33 cubic feet per second. New outlets may not be required as there are a number of existing outfalls through the existing bulkhead located beneath the existing Promenade, which are no longer in use and may be used instead.

Americans with Disability

- Grade the Esplanade to achieve a cross slope of one to one and one-half percent from North Harbor Drive to the Bayfront.

CONSISTENCY WITH CERTIFIED PORT MASTER PLAN

Port Master Plan – Precise Plan Maps

The Project includes improvements located within the Civic Zone and Crescent Zone subareas (33 and 32) of Planning District 3, Centre City Embarcadero, which is delineated on Precise Plan Map Figure 12 of the PMP. The Project would widen and enhance the promenade and esplanade from the south side of B Street Pier to the northern edge of the E Street Pier, which is consistent with the Centre City Embarcadero Precise Plan Map (Figure 11) in the PMP that shows promenade and park plaza designations along the entire waterfront of the Civic Zone. The realignment

of North Harbor Drive and improvements to West Broadway are consistent with suitable amenities allowed within dedicated streets and park plaza designations in the PMP.

The Project includes construction of a thirty-foot wide continuous promenade between the B Street and E Street piers, consistent with the Promenade alignment shown on the Centre City Embarcadero Precise Plan Map (Figure 11 of the PMP). The Project also includes provision of an approximately 105-foot-wide Esplanade within which public art pieces, restrooms, formal gardens, a water quality band, a running path, and structures relocated away from the water's edge, will be provided. The Esplanade and these amenities are consistent with the Park/Plaza designation shown on the Precise Plan Map (Figure 11 of the PMP) and will extend between the B Street and E Street piers.

The Project includes construction of the Broadway Plaza, as shown on PMP Planning District 3 Precise Plan (Figure 11), as a rectangular shaped plaza. As a result, a segment of North Harbor Drive with views over the waterfront and Bay would have a straight alignment whereas the PMP Planning District 3 Precise Plan (Figure 11) shows a curved road. While the plaza at the foot of Broadway is proposed as rectangular, the proposed configuration is consistent with existing conditions, the limitations of District property, the existing wharf area, and the allowable land use designations as described in the PMP.

The oval depicted on Figure 11 is not a specific project design, but rather a conceptual, illustrative, designation of land uses within the Phase 1 Project area. Translating the oval land use designation into an oval park plaza design would have required the District to acquire Navy property (southeast corner of Broadway/North Harbor Drive intersection) and remove existing Navy buildings, renegotiate the Lane Field lease, amend the California Coastal Commission Coastal Development Permit issued for Lane Field (northeast side of Broadway/North Harbor Drive intersection), and cause hitherto unevaluated impacts of constructing new wharf area over currently un-shaded waters of the Bay. Because the geometry cannot be achieved in half all of these precursors would be necessary to implement an oval.

The PMP (page 27) defines Park/Plaza as a "use category designating landscaped urban type recreational developments and amenities." The description of Park Plaza in the PMP also identifies the recreational facilities frequently associated with this land use designation, including:

> "... public fishing piers, boat launching ramps, beaches, historic and environmentally interpretive features, public art, vista areas, *scenic roads* [emphasis added], bicycle and pedestrian ways."

The District redesigned the rectangular plaza at the foot of Broadway in a manner that maintains the same level of park plaza land use area available to the public as that discussed in the PMP. This is achieved with setbacks along West Broadway that the developers on the north and south sides will implement. The reconfiguration results in the scenic North Harbor Drive having an alignment within the oval depicted on Figure 11

of the PMP. Because Harbor Drive is a scenic coastal roadway, and because such roadways fall within the Park/Plaza land use designation, the configuration of Harbor Drive and the Broadway Plaza at the West Broadway intersection does not require changes to the Precise Plan Map (Figure 11 of the PMP) and would not affect the area associated with the Park/Plaza described in the PMP.

The text of the PMP does not require an oval configuration, nor does the description of the Proposed Project found in the project list specify that the park shall be oval. Moreover, Figure 11 of the Precise Plan depicts only land uses and is illustrative; it does not depict engineering or architectural designs. That level of detail goes beyond what is typically required in such a plan. The PMP (page 1) clearly states that precise plans such as those depicted on Figure 11 are "...maps pertaining to subareas of the bay illustrating Land and Water Use allocations that are planned for each area." While the name "precise plans" infers greater detail than a general plan, the PMP itself limits that detail to the identification of general land and water uses only. No reference is made to, nor does the PMP require that, the Proposed Project design reflect the shape of the land use designations depicted in illustrations such as Figure 11 and no specifics regarding size are provided. The plaza included in the Project will be part of a larger civic space (referred to as Broadway Hall) that includes park plaza areas on the Broadway Pier, Navy property, and Lane Field leasehold that will be capable of accommodating large scale public events and celebrations including festivals and parades.

Port Master Plan - Precise Plan Text

Note: Various specific Project components, such as the improvements on West Broadway Street, are applicable to multiple Precise Plan Text sections. Therefore, Project components are repeatedly referenced in each applicable Precise Plan section discussed below.

Port Master Plan Page 58

The PMP (Page 58) states: "The Embarcadero of San Diego is the downtown waterfront area for an urban region of over 2.7 million people. The pierside maritime activities of commercial fishing boats, merchant ships, Navy vessels and pleasure craft contribute to the fabric of the Embarcadero." Implementation of the Project will increase public access between "B" Street Pier and E Street Pier by increasing the space for public enjoyment without reducing the pierside maritime activities, including water taxis, cruise ships, recreational boats, and bay tour vessels, which contribute to the fabric of the Embarcadero. The Broadway Plaza is a hardscaped urban park with benches, signature paving, and postcard views of San Diego Bay and Downtown. The materials and design also facilitate vehicular access and provide traffic control on Broadway Pier when cruise ships are in port. The promenade has been designed to facilitate access to the boarding gates and gangways of the bay tour operators. In some locations, this includes an edge condition suitable for commercial vessels to tie up directly to the wharf. These improvements have been designed to allow public access to the water's edge while not

adversely affecting waterside commercial activity. The need of the landside to support maritime activities is achieved through the design of the plaza, roadways and pier access, which must accommodate vessel provisioning and take into account changes in federal homeland security requirements. The Port is responsible for implementing security requirements since 9-11 that separate pedestrian and bay tour activities from cruise ship activities when cruise ships are berthed.

Page 58 of the PMP states: "The specific recommendations of the Visionary Plan that pertain to Port District land and water areas within the Planning District 3 Precise Plan area are incorporated into the Master Plan." This statement refers to the fact that the text of the PMP was amended to incorporate the specific recommendations of the NEVP that are applicable to the District's jurisdictions; the Visionary Plan in its entirety is not incorporated by reference. The PMP map for Planning District 3 (Figure 11) was also amended to illustrate the locations of use designations conceived in the NEVP. The drawings, as well as the overall intent, of the NEVP are conceptual and illustrative as indicated on pages 1[1] and 7[2] of the NEVP.

Page 58 of the PMP also states: "The basic concept of the redevelopment of the Embarcadero is to create a unified waterfront, both visually and physically, which creates an overall sense of place. In this concept, the Embarcadero becomes a pedestrian spine along which commercial and recreational activities are located." The Project enhances the pedestrian spine with a new 105-foot wide esplanade extending from the south edge of B Street Pier to the north edge of the E Street Pier along North Harbor Drive. The esplanade includes an approximately 30-foot-wide promenade, an integrated public art program, public restrooms, formal gardens, a water quality band, a running path, and structures relocated away from the water's edge. These Project improvements are intended not only to create a sense of place, but to "activate" the public spaces. The Project will result in improvements to West Broadway such as providing a raised landscaped median and lowering the existing crest (high point) in the road. The existing crest in the road currently obscures views of the Bay, the removal of the crest will open up views toward the Bay from downtown and the landscaped median will frame and draw attention towards the Bay.

The Project improvements along North Harbor Drive are integrated with the design of improvements along West Broadway and the adjacent Lane Field site, Navy Broadway Complex site, Bosa development site, and Irvine Company development site to create a unified waterfront, a connection from downtown to the Bay, and a magnified sense of place. A Uniform Control Plan has been prepared as a result of coordinated efforts between the public agencies and private developers within the Project limits and the immediate vicinity. The Uniform Control Plan establishes the engineering horizontal and

[1] "The purpose of the Plan is to establish a concept for public improvements, and strategies to finance them, befitting the setting and regional significance of the area, and to guide private development in a way that optimizes property values and reinforces the public realm."

[2] "The North Embarcadero Alliance Visionary Plan establishes the location and character of public plazas, parks, piers, and other public amenities;"

vertical benchmarks and parameters for hardscape and landscape features and is a vehicle to facilitate coordinated design by all parties. The NEVP Design Team, under the direction of the JPA, has directed that the developers have prepared designs for their respective developments that are orchestrated through the Uniform Control Plan. This coordinated design effort is intended to insure conformance, generate a unified sense of place and transform West Broadway as the "Grand Hall" connection between the Bay and downtown San Diego. All development plans in this area will be reviewed and approved by the JPA member agencies. The Uniform Control Plan achieves a unified sense of place by: establishing setbacks along Broadway; separating joggers and pedestrians; identifying tree lines and landscape areas including the raised median along West Broadway that draws attention down towards the Bay; and incorporates public art into public spaces.

Port Master Plan Page 59

Page 59 of the PMP states: "The Visionary Plan proposes to revitalize San Diego's downtown waterfront through a concept for public improvements and by guiding development to optimize property values, public access opportunities and priority waterfront and water-dependent uses." This language clearly describes the nature and purpose of the Visionary Plan. First, it is a "concept for public improvements". This does not mean that the Visionary Plan is a precise public improvement plan which constitutes the exact template which subsequent development would follow. At the time the NEVP was first prepared, the constraints were unknown. Using the PMP and the Visionary Plan as a guide, the Project improvements optimize public access by moving all structures along the wharf eastward away from the water's edge and providing shaded areas through the use of structures and tree groves. The Project improvements optimize public access by providing a 105-foot-wide Esplanade with a 30-foot-wide pedestrian and bike path, nine-foot-wide jogging path, relocating buildings away form the water's edge, and a 16,000 square-foot plaza area at the foot of Broadway clear of obstacles suitable for public gatherings, when cruise ships are not berthed at the Broadway Pier. The plaza feature has also been designed to optimize priority waterfront and water-dependent uses on Broadway Pier with incorporation of moveable bollards. The moveable bollards can be arranged to allow vehicular access to Broadway Pier and safe crossing for pedestrians during cruise ship berths, or arranged to prevent vehicular access to the plaza leaving it clear for pedestrians when cruise ships are not berthed at the Broadway Pier.

The PMP (page 59) states: "North Harbor Drive, Broadway, Ash Street, and Grape Street are envisioned as active pedestrian linkages to the Bay from upland areas." The Project provides median and curb improvements, as well as lowering of a high point along West Broadway between the railroad right of way and North Harbor Drive. Removal of this high point will improve both visual and pedestrian access down Broadway. Crosswalks will be available at the West Broadway intersection and at the "C" Street view corridor. Additionally, West Broadway terminates in a public plaza which links pedestrians to north-south circulation along the esplanade and improves access to the Bay from upland areas. The Project esplanade along North Harbor Drive includes

an approximately 30-foot-wide promenade, an integrated public art program, public restrooms, formal gardens, a water quality band, a running path, and structures relocated away from the water's edge. These Project improvements are intended not only to create a sense of place, but to "activate" the public spaces.

Port Master Plan Page 63

The PMP (page 63) states: "The zone of highest activity is the Civic Zone from Ash Street to Broadway. This zone reflects its waterfront orientation, with operating piers extending into the bay, Navy facilities, commercial fishing activity, and historic sailing vessels. Its physical relationship to Centre City attracts large numbers of people and the future development of both areas is integrated by the Visionary Plan." The Project commences the integration of the downtown and waterfront areas by providing improvements and integrated designs for the intersection of North Harbor Drive and West Broadway as well as segments of those roads extending from the intersection. The Project will result in improvements to West Broadway such as providing a raised landscaped median and lowering the existing crest in the road. The existing crest in the road currently obscures views of the Bay, the removal of the crest will open up views toward the Bay from downtown and the landscaped median will frame and draw attention towards the Bay. The Project is the first step toward extending the downtown street grid to San Diego Bay, consistent with the NEVP, the PMP, and Downtown's Community Plan. The Project has been designed and coordinated with the Broadway Pier design to allow continued safe and secure Broadway Pier operation while enhancing its public access and use.

The PMP (page 63) states: "The landscaped esplanade and streetscape improvements mentioned in the Crescent Zone will be continued along North Harbor Drive and Pacific Highway through the Civic Zone." The referenced improvements mentioned in the Crescent Zone are stated on page 60 of the PMP, as follows: "An esplanade at least 25-feet wide, bayward of Harbor Drive, will be added from Laurel Street to Grape Street. North Harbor Drive will be narrowed to three lanes to reduce through traffic. The unused right-of-way will be developed with landscaped promenades, parks and plazas." The Project commences the landscaped esplanade and streetscape improvements, providing an approximately 105-foot wide esplanade that includes a 30-foot wide promenade, nine-foot wide running/walking path, storm water treatment system, and improved landscaping and structural architecture – from the south edge of B Street Pier to the north edge of the E Street Pier. The Project establishes the street width of North Harbor Drive that will enable restriping to a three-lane road once the realignment is complete and B Street is connected through to Pacific Highway, changing proposed parallel on-street parking to diagonal on-street parking.

Page 63 of the PMP states: "The esplanade expands into plazas at Beech and Ash Streets, B Street Pier, and Broadway Pier. These plazas will be designed to provide open space, sitting and strolling areas for tourists and nearby workers, and to increase the sense of destination for Embarcadero visitors." The Project provides a hardscape public pedestrian plaza area that has public gathering and seating opportunities with

expansive Bay views at the foot of Broadway Pier. The plaza would be available to the public all the times cruise ships are not berthed at the Broadway Pier. Plazas at Beech Street, Ash Street, and B Street Pier are not part of the Project.

Page 63 of the PMP also states: "Passive green spaces (parks) are proposed between the plazas on the esplanade, providing recreational opportunities and places for people to relax, play, and enjoy Bay views." The Project provides formal gardens and tree groves either side of the Broadway plaza along the 105-foot wide esplanade and seating opportunities for people to relax, play, and enjoy the views of the Bay. The Project esplanade includes an approximately 30-foot-wide promenade, an integrated public art program, public restrooms, formal gardens, a water quality band, a running path, and structures relocated away from the water's edge. These Project improvements are intended not only to create a sense of place, but to "activate" the public spaces.

The PMP (page 63) states: "The promenade is a continuous 25-foot-wide paved area adjacent to the water's edge. The wharf side remains clear of objects or furnishings that would block Bay views. A delicate string of lights, a planting area with tall palms, and a 10-foot-wide bike path border the landward side of the promenade (See Figure 5.3 of the Visionary Plan)." The Project includes a 30-foot-wide multi-use (pedestrian and bicycles) paved promenade adjacent to the water's edge, integrating the promenade and bike path. All structures and furnishings are situated eastward of the promenade (i.e. away from the wharf side). The Project also includes delicate LED (light emitting diode) lighting. Tall palms will be planted along the landward side of the esplanade.

The referenced Figure 5.3 of the NEVP is an illustrative plan that shows a representative cross section from an undefined point along the envisioned approximately 1.5 mile long esplanade and roadway along North Harbor Drive. The cross section is typical, not prescriptive, and it could not be prescriptive because the actual width of the esplanade and right-of-way varies at different sections of the esplanade and right-of-way, such as where structures would exist, where access to piers is necessary, etc. The text of the PMP deliberately establishes the minimum for the breadth of the esplanade (no less than 100 feet) in recognition of the substantial length of esplanade and the diversity of hardscape and softscape elements conceived. The cross section merely establishes representative project elements, a suggested order to those elements, and the general aesthetic intent of the esplanade and roadway as envisioned. As described, the Project includes all of the elements shown within the cross section, in order, and refines, while remaining consistent with, the general aesthetic intent.

The PMP (page 63) states: "The Visionary Plan proposes public right-of-ways aligned with existing downtown streets through development parcels, including Lane Field. These right-of-ways include pedestrian and vehicle traffic, view corridors, parking and service access. The right-of-ways shall be a minimum of 80-feet-wide with the character of a public street, and would enhance the physical and visual access to the Bay." The Project is designed with consideration for the view corridor for the future alignment of C

Street. All of the improvements that comprise the Project are public improvements that increase the public character of the area and the view corridor along the future alignment of C Street. Although the restroom extends approximately five feet north into the prolongation of the realigned C Street view corridor through Lane Field, that extension is not inconsistent with the purpose or character of a view corridor generally, as described in the NEVP, or as identified in the PMP. No adopted applicable document describes or infers that nothing should be located within the view corridors; rather, they should not be obscured. The five foot extension into the view corridor will be imperceptible to the public and is insignificant in the context of upland views. Views would not be obscured as a result. Furthermore, the restrooms as designed are public art which further enhances the public character of the view corridor. The public art of the restrooms is particularly suitable because upland reaches of C Street, including the Lane Field and Irvine Company projects on the west and east sides of Pacific Highway will integrate public art into the C Street view corridor sections that cross their sites. The Project will increase the inter-relationship of the Bayfront with upland areas and the public art restrooms will continue the public art theme of C Street from the uplands to the water.

Port Master Plan – Precise Plan Table (List of Projects)

The Project consists of components of the project listed on Table 11 Project list for Centre City/Embarcadero Planning District 3 of the PMP as #4. North Embarcadero Redevelopment: (a) Visionary Plan public improvements, (b) esplanade, (c) street improvements, and (f) park and plaza areas. Phase 1 improvements provide:

(a) public improvements such as public restrooms, new sidewalks, palm trees, shade pavilions, formal gardens, tree groves, storm water runoff treatment, new curb and gutters, relocation of North Harbor Drive, new median along West Broadway;

(b) esplanade improvements (from the south edge of B Street Pier to the north edge of the E Street Pier) such as expanding the esplanade to 105 feet in width, providing enhanced hard and land-scape park/plaza areas, storm water and irrigation runoff treatment, nine-foot-wide decomposed granite run/walk path, 30-foot wide promenade, lighting, and seating;

(c) street improvements such as eliminating the high point in West Broadway, providing enhanced ADA-compliant pedestrian crossings as well as safer vehicular geometrics and parking; constructing landscaped medians in West Broadway with signature lighting; and

(f) a hardscape public pedestrian plaza area that has public gathering and seating opportunities with expansive Bay views at the foot of Broadway Pier. The plaza would be available to the public all the times cruise ships are not berthed at the Broadway Pier. Even when cruise ships are berthed at Broadway Pier, pedestrians, runners, and bicyclists will be able to

circulate north-south through Broadway Plaza through the safety and security controls provided by the moveable bollards at the plaza's edges. Park and plaza areas are provided not only on the public promenade, but on the adjacent private leasehold properties as well.

Determination

The Project is located between the sea (as defined in the Coastal Act) and the first inland continuous public road paralleling the sea. The Project is not considered "Excluded" under the District's Coastal Development Permit Regulations (Regulations). In accordance with the Regulations, the Project is "Appealable" because it does not qualify as a "Non-Appealable" or "Emergency" development. Appealable Coastal Development Permits (CDP) can be appealed to the California Coastal Commission within 10 working days of the Coastal Commission's receipt of the CDP.

Copies of the Categorical Determination, CDP application, and draft CDP (Attachment A) have been provided to the Board. Special conditions are incorporated into the draft CDP to ensure Project conformance with the NEVP Master EIR mitigation requirements as set out in the Initial Study and Addendum.

CONSISTENCY WITH CALIFORNIA COASTAL ACT CHAPTER 3

ARTICLE 2-PUBLIC ACCESS

The Project is consistent with Sections 30210, 30211, 30212, 30212.5, 30213, and 30214. The Project is located adjacent to coastal resources. The closest existing coastal access and recreational amenities consist of the promenade along the downtown waterfront on the west side of North Harbor Drive, which is adjacent to the Project. In addition to the promenade, piers open to the public, public restaurants, the USS Midway Aircraft Carrier Museum, Maritime Museum, landside tours, and long and short term watercraft experiences (cruises and tours) are available to the public along the promenade in the vicinity of the Project. These existing amenities will not be adversely impacted by the Project and will likely benefit from the enhanced pedestrian waterfront that would result from the Project.

The Project will enhance access and recreational opportunities for the general public consistent with public safety needs and the public's right of access to the sea by providing park/plaza areas, an expanded promenade, restrooms, seating, garden areas, shade pavilions, and sidewalks as well as replacement information building, kiosks, and a cafe.

Public pedestrian access constitutes the purpose of the Project and would be achieved or enhanced by:

- Providing an approximately 105 feet wide Esplanade between the North Harbor Drive roadway and the Bay, from the northern edge of the E Street Pier (Navy Pier) to the southern edge of the B Street Pier;
- Providing the following zones and public amenities within the Esplanade: a continuous bayfront promenade, storm water treatment system, a running/walking path, improved landscaping and structural architecture, a public plaza at the foot of West Broadway, and formal gardens on the north and south sides of the open space plaza located at the foot of Broadway;
- Implementation of a Public Art program throughout the Esplanade;
- Providing landscaping and lighting enhancements throughout the Esplanade;
- Installing new street furniture including items such as benches, chairs, tables, bike racks, bollards, drinking fountains and news racks throughout the Esplanade;
- Providing two open shade pavilions approximately 80 feet long, 70 feet wide, and 18 feet in height on the eastern portion of the Esplanade;
- Providing a restroom approximately 40 feet long, 18 feet wide and 12 feet tall on the eastern portion of the Esplanade south of C Street;
- Providing a continuous 30-foot wide bayfront promenade adjacent to the Bay, for mixed pedestrian and bicycle use;
- Installing railings where necessary for public safety along the bayfront promenade
- Providing an approximately nine-foot wide running path near the eastern edge of the Esplanade made of decomposed granite, which is better for running; and
- Providing an approximately 16,000 square feet open space plaza on the Esplanade between the head of Broadway Pier and the intersection of West Broadway and North Harbor Drive.

Public access to the existing promenade, sidewalks, and facilities along North Harbor Drive within the Project limits will be temporarily unavailable during construction. Detours will be signed and provided as necessary to ensure the safety of pedestrians. The detour will be removed as soon as construction clears and the sidewalks, including the enhancements to public access described above, are re-opened.

The existing approximately 170 public parking spaces would be displaced by the Project and replaced with commercial loading and unloading zones to service both land and water-dependent uses along with transit stops and parallel street parking along the curb of North Harbor Drive providing approximately 24 spaces. The conversion of public parking from metered spaces to commercial zones and transit stops results in a net decrease of public parking in the Phase 1 area. However, this decrease was identified and mitigated as part of the NEVP and the associated amendment to the PMP. To compensate, public parking serving the North Embarcadero area will be provided in accordance with the NEVP Parking Management Plan(s) as required by the NEVP Master EIR. Since the time of the NEVP and Master EIR, 300 public parking spaces have been provided on the E Street (Navy) Pier. The NEVP Parking Management Plan(s) shall be completed prior to the commencement of Project construction. The NEVP Parking Management Plan includes a measure that uses pricing as a method for

affecting the availability of short-term parking that would be implemented in the short-term. This measure is designed to maintain the availability of short-term parking spaces. As approved by the Coastal Commission, the Lane Field Project included 300 on site public parking spaces in addition to those required to serve the hotels, retail and restaurant uses.. Additionally, once the Harbor Drive roadway cross section is converted to provide three lanes of vehicular traffic rather than four, the parallel curbside parking will be changed to angular curbside parking, potentially increasing the number of spaces up to 58.

During construction, no public parking will be available onsite. Public parking in the immediate vicinity will be available, including on the Lane Field property until commencement of construction, the former E Street Pier, and metered parking south of the E Street Pier. Construction parking will be provided both on-site and off-site on a property to be chosen based on its proximity to the Project site and to public transportation.

ARTICLE 3-RECREATION

The Project is consistent with Section 30220, 30221, 30222, 3022.5, 30223, and 30224. The Project will not adversely impact coastal areas suited for water-oriented recreational activities; oceanfront land suitable for coastal dependent aquaculture; upland areas necessary to support coastal recreational uses; or recreational boating use of coastal waters. The Project will enhance oceanfront land suitable for recreational use by providing amenities for visitors including enhanced park/plaza areas, an expanded promenade, restrooms, seating, garden areas, shade pavilions, and sidewalks as well as replacement information building, kiosks, and cafe. The Project also includes a biological storm water capture and treatment system that will improve water quality of runoff and storm water flows through the project area, reducing contaminant levels that discharge to the Bay.

ARTICLE 4-MARINE ENVIRONMENT

The Project is consistent with Section 30230, 30231, 30232, 30233, 30234, 30234.5, 30225, 30236, and 30237. The Project does not involve diking or dredging of open coastal waters, wetlands, estuaries, or lakes; commercial fishing or recreational boating facilities; any fishing activities; any natural shoreline altering construction; alterations of rivers or streams; or Bolsa Chica wetlands. The Project will be subject to the Standard Urban Stormwater Mitigation Plan (SUSMP) requirements of the Municipal Stormwater Permit. SUSMP requirements are meant to incorporate Best Management Practices including Low Impact Development features in the design phase of new development projects. The Project will also require implementation of a Storm Water Pollution Prevention Program (SWPPP) during construction.

ARTICLE 5-LAND RESOURCES

The Project is consistent with Section 30240, 30241, 30241.5, 30242, 30243, and 30244. The Project is not located in or adjacent to any environmentally sensitive habitat areas; does not involve any prime agricultural land; does not involve productive soils and timberlands; and does not involve archaeological or Paleontological resources.

ARTICLE 6-DEVELOPMENT

The Project is consistent with Section 30250, 30251, 30252, 30253, 30254, 30254.5, and 30254. The Project will be located in close proximity to existing developed areas; does not involve hazardous industrial development; will facilitate visitor-serving uses by providing park/plaza areas, an expanded promenade, restrooms, seating, garden areas, shade pavilions, and sidewalks as well as replacement information building, kiosks, and cafe. The Project will enhance the destination experience of the San Diego waterfront. All components of the Project are designed to enhance the public access experience along North Harbor Drive.

The site is not located within a State designated Alquist-Priolo Earthquake Fault Zone but is within the City of San Diego Downtown Special Fault Zone. TerraCosta Consulting Group, Inc. prepared an Interim Geotechnical Report for the North Embarcadero Visionary Plan in February 2009. The Interim Geotechnical Report states that faulting does not transverse the site. Hydraulic fills and Bay Deposits present will need to be recompacted to meet structural engineering standards. The recommendations contained in the Interim Geotechnical Report must be followed during site preparation activities. The geotechnical recommendations include specific measures for compaction, pavement, trenching, concrete, and earthworks.

Implementation of the Project will not create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area nor will require improvements that would substantially alter natural landforms along bluffs and cliffs; and will not result in significant air quality impacts. The Project is located in close proximity to regional and local rail stations as well as nearby water transit, cruise ship berths and the San Diego International Airport and will enable features such as stopping opportunities for a bayfront shuttle.

The Project is not located in a special community or neighborhood, which because of its unique characteristics, is a popular visitor destination point for recreational uses; public works facility; nor associated with a sewage treatment plant.

ARTICLE 7-INDUSTRIAL DEVELOPMENT

The Project is consistent with Section 30260, 30261, 30262, 30263, 30264, 30265, and 30265.5. The Project does not involve a coastal-dependent use of existing or new tanker facilities; is not considered oil or gas development; does not involve refineries or petrochemicals facilities; thermal electric generating plants, or oil production and transport.

ATTACHMENT C

Correspondence on Appealable Coastal Development Permit

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

July 2, 2009

John Helmer
Port of San Diego
P.O. Box 120488
San Diego, CA 92112-0488

Re: North Embarcadero Visionary Plan Phase 1 Coastal Access Features Draft CDP

Dear Mr. Helmer:

Staff has reviewed the Draft Coastal Development Permit (CDP) and consistency analysis dated July 2009, and have the following comments.

Consistency with the Certified Port Master Plan

We respect the time and effort Port staff have put into designing this development, and the public access improvements which are the goal of the project. However, while we appreciate the on-going correspondence and meetings between our two staffs, we continue to think the proposed project is inconsistent with the certified Port Master Plan (PMP), and that moving ahead with this permit seriously compromises the integrity of the certified PMP.

As you know, the issue is not whether the Draft CDP is consistent with the North Embarcadero Visionary Plan (NEVP). Staff and the Coastal Commission have consistently maintained that while the NEVP should be used as guidance, the certified Port Master Plan is the standard of review by which all new development must be measured in review of the CDP. Unlike the NEVP, the Port Master Plan is *not* a guidance document; the policies and standards contained within it are to be followed closely and specifically. If and when circumstances change, the authorized procedure is to amend the PMP after evaluating any necessary Plan revisions for consistency with the Coastal Act 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.

Figure 11 of the PMP graphically demonstrates Harbor Drive curving at West Broadway Street to accommodate an oval-shaped park at the foot of Broadway Pier. Port staff have estimated that this park would be approximately 79,200 sq.ft. in size, (including some amount of area that would be necessary to allow access to the pier from Harbor Drive), with another 24,300 sq.ft. potentially needing to be located in a new over-water structure. In its place, an approximately 16,000 sq.ft. rectangular plaza/pier entrance is proposed, along with 63,000 sq.ft. of esplanade on either side of the plaza, and approximately

124,500 sq.ft. of sidewalk setbacks and plaza on the north and south side of Broadway, including the proposed park on the northwest corner of the Navy Broadway Complex/Manchester Pacific Gateway.

There is no question that the revised park/plaza configuration is not the same as that in the existing PMP. Furthermore, we cannot agree with Port staff's assessment that the redesigned rectangular plaza "maintains the same level of park/plaza land use area available to the public as that discussed in the PMP." It is simply not possible to achieve a comparable level or quality of public open space in a fragmented arrangement of sidewalks and setbacks than would exist in a large, continuous open park. 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 plaza and setbacks bear little resemblance to this guidance vision in scope or value.

Furthermore, because the revisions are not being made through a Port Master Plan Amendment, the area being offered as part of the revised plaza on Lane Field, is and will remain designated for commercial recreation uses, not for open space. Should the Lane Field project not go forward for any reason, the certified plan does not protect that area as public open space, but only as a "special setback" which provides little assurance or clarity on the public availability or use of the area.

The Coastal Development Permit Consistency Analysis indicates that this configuration is no longer considered feasible, in part because it would have required the Port District to acquire Navy property, and the oval was not made part of the Lane Field project, which has been approved by the Port and the Coastal Commission. In addition, Port staff has indicated that changed circumstances since the including of the oval park into the

PMP may have resulted in a greater amount of public open space being provided elsewhere along the North Embarcadero.

The NEVP coastal access features project has been in development for years, and it is evident from our meetings 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. The PMP cannot simply be amended in practice through a CDP on a project-by-project basis, where the overall context of the impacts cannot be evaluated or mitigated.

The certified PMP also incorporates by reference Figure 5.3 of the NEVP. 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 significantly different than the one in Figure 5.3. Perhaps most significantly, a 10-foot wide designated bike path has been combined with the pedestrian walkway to make a 29-foot wide multi-use promenade. 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. Commission staff agree with the intent of the revised plan to still accommodate bicycles on the Esplanade, but in other areas, we have seen significant conflicts between bicycles and pedestrians on shared-use paths. Again, the shifting of the primary bicycle route to Pacific Highway and the joint accommodation of bicyclists and pedestrians on one path, 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.

Draft Coastal Development Permit

Aside from our acknowledgement of the permit's inconsistency with the certified PMP, we believe there are several additions and revisions to the proposed permit which would increase or help ensure the project's consistency with the Coastal Act.

The permit has three Exhibits attached. These Exhibits provide specific details on the lane revisions and Esplanade which may not be as clear or comprehensive in the text of the CDP. A condition should be added that states any changes to the project, including to the Exhibits, will require an amendment to the CDP.

We support the addition of the two new permit conditions addressing water conservation. In addition, we believe an additional condition(s) should be added requiring a final landscape plan that 1) requires all landscaping to be native or non-invasive, and either drought-tolerant or supported entirely by re-claimed water. We suggest that Special Provision #3 be revised to require that reclaimed water shall be used to irrigate landscaping when available.

We are concerned that the conceptual landscape plan may not have adequately evaluated the impact the proposed palms may have on public views of the Bay down Broadway. A

condition should require the final landscape plan to be designed with the protection and preservation of public views on Broadway.

As noted above, we are concerned about future conflicts between bicyclists and pedestrians on the proposed shared-use path, and the potential for future pressure to exclude bicyclists. A condition should be added specifically acknowledging that bikes are permitted on the waterside promenade, to ensure that if user conflicts do arise, any attempt to limit bicycle usage will require a permit amendment.

A condition of the permit should specifically require that north-south access along the esplanade be maintained (though controlled) when cruise ships are present, and that the esplanade be fully open and accessible when no cruise ships are docked.

In order to create commercial loading and unloading zones, the project would eliminate 170 existing spaces, to be replaced with 24 parallel parking spaces, with the possibility of increasing to a total of 58 diagonal parking spaces in the future. The August 25, 2008 Draft North Embarcadero Visionary Plan Parking Management Plan is a fairly comprehensive analysis of parking needs and strategies for the area, but few of the Actions identified in the Parking Management Plan are addressed in the CDP or will be implemented within the time frame that the parking spaces will be lost.

The Mitigation Monitoring Program attached to the permit identifies several transit related measures for the proposed project, specifically, promoting subsidized transit passes for employees of study area businesses; providing information to downtown hotel guests about transit opportunities; planning for shuttle stops at two locations on Harbor Drive within the Plan area; promoting pedi-cab use; and providing trailblazing signage. However, it is unclear when these measures must be implemented. The permit consistency analysis states "the NEVP Parking Management Plan(s) shall be completed prior to the commencement of Project construction." This should be a condition of the permit. Furthermore, the permit should require that the mitigation measures themselves be implemented prior to commencement of construction.

In addition to the above measures, more information on where proposed transit/shuttle stops, pullouts, etc. should be provided in the permit, either textually or graphically. The NEVP Parking Management Plan identifies the project site as an appropriate location for a designated Transportation Hub. These hubs are to have facilities and services including circulator stops, bicycle storage devices, transportation information displays, pedi-cab waiting areas, passenger loading zones, etc. The presence and location of a Transportation Hub with associated facilities should be specifically acknowledged and integrated into this permit.

Pricing strategies are part of the draft NEVP Parking Management Plan. Anticipated changes in pricing between the existing metered spaces and the remaining spaces should be identified. In addition, most, if not all, of the existing spaces are metered spaces appealing to waterfront visitors for short-term parking, but it appears that the majority of the surrounding alternative spaces are in lots that are priced for all-day users, such as

downtown workers. Some acknowledgement and analysis of the ability and opportunities for short-term parking should be included in the coastal analysis.

The permit includes a comprehensive 'way-finding' sign program. The description of this program should be expanded, or a condition included, requiring signage that directs visitors to parking locations and opportunities.

We continue to be concerned that the plan includes construction of a new building in the designated view corridor on C Street, which is supposed to "enhance the physical and visual access to the Bay." We have repeatedly requested 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, but no such survey has been forthcoming. The statement in the consistency analysis that "no adopted applicable document describes or infers that nothing should be located within the view corridors" is extremely troubling and calls into the question the validity of all of the view corridors in the PMP. The purpose of a view corridor is to provide an unobstructed view, which is not achieved when blocked with a solid structure. The certified PMP states "Views should be enhanced through view corridors." While the encroachment is minor, it remains to be seen how even the most artistic restroom enhances views to the bay.

In summary, staff believes the Coastal Access Features Project as proposed is not consistent with the certified Port Master Plan. However, we believe the above suggestions and revisions to the proposed project are at a minimum necessary to increase the project's consistency with the Coastal Act. Please provide a copy of these comments to the Board of Port Commissioners for their July 7, 2009 hearing for the coastal development permit. Thank you for the opportunity to comment.

Sincerely,

Signature on file

Diana Lilly
Coastal Planner

cc: Deborah Lee
Sherilyn Sarb
Matthew Valerio
Irene McCormack

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ATTACHMENT D
Responses to Correspondence on Appealable Coastal Development Permit

Responses to comments provided by the California Coastal Commission staff in a letter dated July 2, 2009 regarding the North Embarcadero Visionary Plan Phase 1 Coastal Access Features Draft CDP

This document contains verbatim extracts from the letter submitted on July 2, 2009 to the San Diego Unified Port District (Port) by California Coastal Commission staff (Coastal staff) regarding the North Embarcadero Visionary Plan (NEVP) Phase 1 Coastal Access Features Draft Coastal Development Permit (CDP). The verbatim extracts are assigned a letter and a response is provided below in an underline format that corresponds to that assigned letter.

Coastal Staff Comment a

Staff has reviewed the Draft Coastal Development Permit (CDP) and consistency analysis dated July 2009, and have the following comments.

Consistency with the Certified Port Master Plan

We respect the time and effort Port staff have put into designing this development, and the public access improvements which are the goal of the project. However, while we appreciate the on-going correspondence and meetings between our two staffs, we continue to think the proposed project is inconsistent with the certified Port Master Plan (PMP), and that moving ahead with this permit seriously compromises the integrity of the certified PMP.

Response to a

Port staff also appreciates the time and effort Coastal Commission staff has invested in this project. For the reasons laid out in the Coastal Consistency Evaluation (attached), Port staff does not concur with Coastal Commission staff. Because the project is consistent with the Port Master Plan, the integrity of the certified Port Master Plan is not affected by approval of this project.

Coastal Staff Comment b

As you know, the issue is not whether the Draft CDP is consistent with the North Embarcadero Visionary Plan (NEVP). Staff and the Coastal Commission have consistently maintained that while the NEVP should be used as guidance, the certified Port Master Plan is the standard of review by which all new development must be measured in review of the CDP. Unlike the NEVP, the Port Master Plan is *not* a guidance document; the policies and standards contained within it are to be followed closely and specifically. If and when circumstances change, the authorized procedure is to amend the PMP after evaluating any necessary Plan revisions for consistency with the Coastal Act 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.

Response to b

Port staff agrees that consistency with the NEVP is not at issue. The NEVP identifies concepts within which designs can be refined. The certified Port Master Plan is a planning document whereby the policies and land use designations are to be maintained and enforced. The land uses are defined within the certified Port Master Plan and delineated on the Precise Plan maps

for each of the Planning Districts of the Port. While the certified Port Master Plan does not contain any standards, as inferred above, it does have text descriptions of projects and components that are anticipated to populate the defined land use designations. This text includes principles and guidance to be incorporated into the design of development. Development is evaluated to determine whether it is consistent with the principles set out in the text.

Coastal staff suggests that the level of detail required for the certified Port Master Plan is the same as that in a Coastal Development Permit. The certified Port Master Plan sets forth general policies and standards to be applied on a case by case basis by the Board of Port Commissioners in its review of a specific project and its determination to authorize issuance of a Coastal Development Permit. The Precise Plans are not intended to be detailed descriptions of specifics that must be developed, but rather planning guidance, as stated in the certified Port Master Plan [page 42]: "The adoption of the Precise Plan is not intended to create inflexible, static, unmanageable set of guidelines for development, nor is it desirable to stifle individual initiative and creativity." Further, the Precise Plan maps are not prescriptive as stated in the Port Master Plan [page 42]:"The figures contained herein are for illustrative purposes only and are subject to change." To adopt Coastal staff's interpretation of the planning process would require as much detail in the certified Port Master Plan, a planning document, as in construction documents for a shovel-ready project. Such an interpretation would be a departure from past practices at the Port and the Coastal Commission, and may be contrary to the policies of the Coastal Act.

Coastal Staff Comment c

Figure 11 of the PMP graphically demonstrates Harbor Drive curving at West Broadway Street to accommodate an oval-shaped park at the foot of Broadway Pier. Port staff have estimated that this park would be approximately 79,200 sq.ft. in size, (including some amount of area that would be necessary to allow access to the pier from Harbor Drive), with another 24,300 sq.ft. potentially needing to be located in a new over-water structure. In its place, an approximately 16,000 sq.ft. rectangular plaza/pier entrance is proposed, along with 63,000 sq.ft. of esplanade on either side of the plaza, and approximately 124,500 sq.ft. of sidewalk setbacks and plaza on the north and south side of Broadway, including the proposed park on the northwest corner of the Navy Broadway Complex/Manchester Pacific Gateway.

There is no question that the revised park/plaza configuration is not the same as that in the existing PMP. Furthermore, we cannot agree with Port staff's assessment that the redesigned rectangular plaza "maintains the same level of park/plaza land use area available to the public as that discussed in the PMP." It is simply not possible to achieve a comparable level or quality of public open space in a fragmented arrangement of sidewalks and setbacks than would exist in a large, continuous open park. 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 plaza and setbacks bear little resemblance to this guidance vision in scope or value.

Response to c

The Coastal Consistency Evaluation states that: 'The District redesigned the rectangular plaza at the foot of Broadway in a manner that maintains the same level of park plaza land use area available to the public as that discussed in the PMP'. The conceptual oval park was never intended to be a "large, continuous open park" since it would have been bisected by West Broadway which we estimate would have been approximately 23,000 square feet. The suggestion that the amount of park/plaza is inconsistent with the Port Master Plan is not substantiated because the certified Port Master Plan text provides no description as to the shape or size of the park plaza configuration adjacent to Broadway Pier. The graphic representation in the Port Master Plan is an illustrative depiction of land uses. Furthermore, the "park/plaza" land use designation specifically allows for "scenic roads" (see p. 27), a category in which the reconstructed Harbor Drive will squarely fit.

Based on review of the administrative record for the North Embarcadero PMPA, it is clear that the District belived that this plaza area would be subject to additional review and refinement. The Coastal Consistency Analysis submitted with the PMPA to the Commission dated June 21, 2000 stated the following:

"Although the aesthetics of a curved bayward alignment of Broadway Landing as part of the proposed overall lower Broadway Plaza are apparent, neither the dPMPA nor the Draft MEIR states a functional reason why Broadway Landing must be structurally extended on a piling-supported terrace over San Diego Bay to accomplish its public access and recreational purposes. In concept, at least, the intersection of reconfigured North Harbor Drive and Broadway could be further adjusted within Port jurisdiction to achieve the same overall size of the public plaza, while avoiding placement of the proposed fill."

Because the project uses are consistent and allowed within the uses as depicted in the existing Port Master Plan, no change to the graphic is warranted. Port staff agrees with Coastal staff comment b, that consistency with the NEVP is not at issue. Subsequently Port staff does not agree with this comment.

Coastal Staff Comment d

Furthermore, because the revisions are not being made through a Port Master Plan Amendment, the area being offered as part of the revised plaza on Lane Field, is and will remain designated for commercial recreation uses, not for open space. Should the Lane Field project not go forward for any reason, the certified plan does not protect that area as public open space, but only as a "special setback" which provides little assurance or clarity on the public availability or use of the area.

Response to d

Port staff considers that the conditions of the Coastal Commission's approval of the CDP for Lane Field are enforceable protection. Any changes to the CDP would require an approval of an amendment from the Coastal Commission. In the event the Lane Field project and permit are superseded, a new CDP would be necessary and requirements for the special setbacks would be mandated to adhere to the uniform control plan agreed to by those parties developing along the West Broadway corridor.

Coastal Staff Comment e

The Coastal Development Permit Consistency Analysis indicates that this configuration is no longer considered feasible, in part because it would have required the Port District to acquire Navy property, and the oval was not made part of the Lane Field project, which has been approved by the Port and the Coastal Commission. In addition, Port staff has indicated that changed circumstances since the including of the oval park into the PMP may have resulted in a greater amount of public open space being provided elsewhere along the North Embarcadero.

The NEVP coastal access features project has been in development for years, and it is evident from our meetings 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. The PMP cannot simply be amended in practice through a CDP on a project-by-project basis, where the overall context of the impacts cannot be evaluated or mitigated.

Response to e

The Port Master Plan does not provide a quantification of the amount of open space or the shape of open space for the plaza adjacent to the Broadway Pier. It is unclear what the nexus for an increase in open space elsewhere would be, based on the certified Port Master Plan. Port staff agrees that amending the Port Master Plan for individual CDPs is not practicable or necessary for instances such as this where the Port Master Plan reflects a master development concept. Port staff is not proposing an amendment, nor does staff consider it necessary for this project because the use is consistent with allowable uses described in the certified Port Master Plan.

Coastal Staff Comment f

The certified PMP also incorporates by reference Figure 5.3 of the NEVP. 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 significantly different than the one in Figure 5.3. Perhaps most significantly, a 10-foot wide designated bike path has been combined with the pedestrian walkway to make a 29-foot wide multi-use promenade. 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. Commission staff agree with the intent of the revised plan to still accommodate bicycles on the Esplanade, but in other areas, we have seen significant conflicts between bicycles and pedestrians on shared-use paths. Again, the shifting of the primary bicycle route to Pacific Highway and the joint accommodation of bicyclists and pedestrians on one path, 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.

Response to f

Coastal staff suggests that the level of detail required for the certified Port Master Plan is the same as that in a Coastal Development Permit. The certified Port Master Plan sets forth general policies and standards to be applied on a case by case basis by the Board of Port Commissioners in its review of a specific project and its determination to authorize issuance of a Coastal Development Permit. The Precise Plans are not intended to be detailed descriptions of specifics that must be developed, but rather planning guidance, as stated in the certified Port Master Plan [page 42]: "The adoption of the Precise Plan is not intended to create inflexible, static, unmanageable set of guidelines for development, nor is it desirable to stifle individual initiative and creativity." Further, the Precise Plan maps are not prescriptive as stated in the Port Master Plan [page 42]:"The figures contained herein are for illustrative purposes only and are subject to change." To adopt Coastal staff's interpretation of the planning process would require as much detail in the certified Port Master Plan, a planning document, as in construction documents for a shovel-ready project. Such an interpretation would be a departure from past practices at the Port and the Coastal Commission, and may be contrary to the policies of the Coastal Act.

The Figure 5.3 referenced is itself described in the NEVP as a 'typical' cross section from an undefined point along the envisioned approximately 1.5 mile long esplanade and roadway along North Harbor Drive. The cross section is typical, not prescriptive, and it could not be prescriptive because the actual width of the esplanade and right-of-way varies at different sections of the esplanade and right-of-way, such as where structures would exist, where access to piers is necessary, etc. The NEVP is not a prescriptive plan; rather a concept plan as stated on page 1 of the NEVP: "The purpose of the Plan is to establish a concept for public improvements, and strategies to finance them, befitting the setting and regional significance of the area, and to guide private development in a way that optimizes property values and reinforces the public realm." Port staff agrees with Coastal staff comment b, that consistency with the NEVP is not at issue. Subsequently Port staff does not agree with this comment.

The promenade in the project area currently enables mixed pedestrian and bicycle use. An expanded promenade would improve those conditions and the mixed use would maintain the vibrancy associated with the waterfront. Please also see response to comment j below.

Coastal Staff Comment g

Draft Coastal Development Permit

Aside from our acknowledgement of the permit's inconsistency with the certified PMP, we believe there are several additions and revisions to the proposed permit which would increase or help ensure the project's consistency with the Coastal Act.

The permit has three Exhibits attached. These Exhibits provide specific details on the lane revisions and Esplanade which may not be as clear or comprehensive in the text of the CDP. A condition should be added that states any changes to the project, including to the Exhibits, will require an amendment to the CDP.

Response to g

Port staff concurs and has amended the CDP to include such a provision.

Coastal Staff Comment h

We support the addition of the two new permit conditions addressing water conservation. In addition, we believe an additional condition(s) should be added requiring a final landscape plan that 1) requires all landscaping to be native or non-invasive, and either drought-tolerant or supported entirely by re-claimed water. We suggest that Special Provision #3 be revised to require that reclaimed water shall be used to irrigate landscaping when available.

Response to h

Port staff has provided two Special Provisions in the CDP addressing water use including water for landscaping. Port staff does not consider the suggested new condition restricting contents of the final landscape plan to be applicable in the urban waterfront environment where the landscaping proposed is akin to existing landscaping used in the area. There is no policy in the certified Port Master Plan or the Coastal Act that requires the landscaping restrictions suggested.

As to Special Provision #3, Port staff concurs and has amended the CDP as suggested.

Coastal Staff Comment i

We are concerned that the conceptual landscape plan may not have adequately evaluated the impact the proposed palms may have on public views of the Bay down Broadway. A condition should require the final landscape plan to be designed with the protection and preservation of public views on Broadway.

Response to i

Port staff concurs and has amended the CDP to include such a provision.

Coastal Staff Comment j

As noted above, we are concerned about future conflicts between bicyclists and pedestrians on the proposed shared-use path, and the potential for future pressure to exclude bicyclists. A condition should be added specifically acknowledging that bikes are permitted on the waterside promenade, to ensure that if user conflicts do arise, any attempt to limit bicycle usage will require a permit amendment.

Response to j

Port staff concurs and has amended the CDP to include such a provision.

Coastal Staff Comment k

A condition of the permit should specifically require that north-south access along the esplanade be maintained (though controlled) when cruise ships are present, and that the esplanade be fully open and accessible when no cruise ships are docked.

Response to k

Port staff concurs and has amended the CDP to include such a provision.

Coastal Staff Comment l

In order to create commercial loading and unloading zones, the project would eliminate 170 existing spaces, to be replaced with 24 parallel parking spaces, with the possibility of increasing to a total of 58 diagonal parking spaces in the future. The August 25, 2008 Draft North Embarcadero Visionary Plan Parking Management Plan is a fairly comprehensive analysis of parking needs and strategies for the area, but few of the Actions identified in the Parking Management Plan are addressed in the CDP or will be implemented within the time frame that the parking spaces will be lost.

The Mitigation Monitoring Program attached to the permit identifies several transit related measures for the proposed project, specifically, promoting subsidized transit passes for employees of study area businesses; providing information to downtown hotel guests about transit opportunities; planning for shuttle stops at two locations on Harbor Drive within the Plan area; promoting pedi-cab use; and providing trailblazing signage. However, it is unclear when these measures must be implemented. The permit consistency analysis states "the NEVP Parking Management Plan(s) shall be completed prior to the commencement of Project construction." This should be a condition of the permit. Furthermore, the permit should require that the mitigation measures themselves be implemented prior to commencement of construction.

Response to l

Port staff concurs and has amended the CDP to include such a provision.

Coastal Staff Comment m

In addition to the above measures, more information on where proposed transit/shuttle stops, pullouts, etc. should be provided in the permit, either textually or graphically. The NEVP Parking Management Plan identifies the project site as an appropriate location for a designated Transportation Hub. These hubs are to have facilities and services including circulator stops, bicycle storage devices, transportation information displays, pedi-cab waiting areas, passenger loading zones, etc. The presence and location of a Transportation Hub with associated facilities should be specifically acknowledged and integrated into this permit.

Response to m

Port staff concurs and has amended the project description in the CDP to identify the Transportation Hub locations.

Coastal Staff Comment n

Pricing strategies are part of the draft NEVP Parking Management Plan. Anticipated changes in pricing between the existing metered spaces and the remaining spaces should be identified. In addition, most, if not all, of the existing spaces are metered spaces appealing to waterfront visitors for short-term parking, but it appears that the majority of the surrounding alternative spaces are in lots that are priced for all-day users, such as downtown workers. Some acknowledgement and analysis of the ability and opportunities for short-term parking should be included in the coastal analysis.

Response to n

As stated, pricing strategies are part of the NEVP Parking Management Plan, implementation of which will be part of the CDP per response to comment I. Port staff has included acknowledgement of the ability and opportunities for short-term parking in the Coastal Consistency Evaluation, as suggested.

Coastal Staff Comment o

The permit includes a comprehensive 'way-finding' sign program. The description of this program should be expanded, or a condition included, requiring signage that directs visitors to parking locations and opportunities.

Response to o

Port staff concurs and has amended the CDP to include such a provision.

Coastal Staff Comment p

We continue to be concerned that the plan includes construction of a new building in the designated view corridor on C Street, which is supposed to "enhance the physical and visual access to the Bay." We have repeatedly requested 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, but no such survey has been forthcoming. The statement in the consistency analysis that "no adopted applicable document describes or infers that nothing should be located within the view corridors" is extremely troubling and calls into the question the validity of all of the view corridors in the PMP. The purpose of a view corridor is to provide an unobstructed view, which is not achieved when blocked with a solid structure. The certified PMP states "Views should be enhanced through view corridors." While the encroachment is minor, it remains to be seen how even the most artistic restroom enhances views to the bay.

Response to p

Port staff continues to acknowledge that the proposed restroom encroaches into the future C Street view corridor and that that encroachment does not block views. Port staff continues to clarify that no other structures are in a view corridor. Views beyond the boundaries of the view corridors would be from development east of North Harbor Drive or from within the project area. The project provides relocated structures for those that exist at the water's edge eastward away from the water's edge, to enhance views from within the project area.

Coastal Staff Comment q

In summary, staff believes the Coastal Access Features Project as proposed is not consistent with the certified Port Master Plan. However, we believe the above suggestions and revisions to the proposed project are at a minimum necessary to increase the project's consistency with the Coastal Act. Please provide a copy of these comments to the Board of Port Commissioners for their July 7, 2009 hearing for the coastal development permit. Thank you for the opportunity to comment.

Response to q

Port staff has determined that the project is consistent with the Port Master Plan as provided in the Coastal Consistency Evaluation and stated above. Port staff has incorporated the Coastal staff suggestions into the CDP and Coastal Consistency Evaluation except where noted. Port staff continues to be committed to working collaboratively with Coastal staff and has incorporated the suggestions into the CDP as discussed above. Port staff prepared these responses and provided both the comment letter and responses to the Board for the July 7, 2009 hearing for the CDP.

Attachment: Coastal Consistency Evaluation for the NEVP Phase 1 Coastal Access Features Project, July 6, 2009.

ATTACHMENT E
Public Hearing Speaker Slips item 25 B)

SAN DIEGO UNIFIED PORT DISTRICT

REQUEST TO SPEAK

Agenda No.: ~~25~~ and ~~26~~

Date: 7/7/09

Dan Wood
Name

SELF
Organization Represented (if any)

4539 LEE AVENUE
Address

LA MESA, CA. 91941
City, State, Zip

619 - 463 - 9035
Telephone Number

☒ Speaking in opposition to the staff recommendation

☐ Speaking in favor of the staff recommendation

☐ Other (specify)_____

TIME LIMITS

Speaking time is limited. You will need to be brief and stay on the subject. Written comments may be of any length; you are encouraged to present detailed testimony in writing.

IF YOU ARE PAID TO INFLUENCE THE DISTRICT, ITS EMPLOYEES, OR COMMISSIONERS, YOU MUST REGISTER AS A DISTRICT LOBBYIST (DISTRICT CODE SECTION 0.14(P)).

YOU MAY FULFILL THIS REQUIREMENT BY FILLING OUT THE REVERSE SIDE OF THIS FORM.

NOTE This requirement does not apply to an individual acting on his or her own behalf, or on behalf of a business entity which is wholly owned or controlled by such individual.

Rev 07/02

NEUP

SAN DIEGO UNIFIED PORT DISTRICT

REQUEST TO SPEAK

Agenda No.: ~~25~~ 25B

Date: 7/7/9

Kathryn Rhodes
Name

Organization Represented (if any)

371 San Fernando St
Address

SD CA 92106
City, State, Zip

619-523-4350
Telephone Number

☒ Speaking in opposition to the staff recommendation

☐ Speaking in favor of the staff recommendation

☐ Other (specify)_____

TIME LIMITS

Speaking time is limited. You will need to be brief and stay on the subject. Written comments may be of any length; you are encouraged to present detailed testimony in writing.

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Rev 07/02

X/B

SAN DIEGO UNIFIED PORT DISTRICT

REQUEST TO SPEAK

Agenda No.: 25/26

Date: 7/[illegible]/09

Scott Andrews

Name

SELF

Organization Represented (if any)

[illegible]

Address

San Diego CA 92107

City, State, Zip

619 221-5947

Telephone Number

☒ Speaking in opposition to the staff recommendation

☐ Speaking in favor of the staff recommendation

☐ Other (specify)

TIME LIMITS

Speaking time is limited. You will need to be brief and stay on the subject. Written comments may be of any length; you are encouraged to present detailed testimony in writing.

IF YOU ARE PAID TO INFLUENCE THE DISTRICT, ITS EMPLOYEES, OR COMMISSIONERS, YOU MUST REGISTER AS A DISTRICT LOBBYIST (DISTRICT CODE SECTION 0 14(P)).

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Rev 07/02

5

SAN DIEGO UNIFIED PORT DISTRICT

REQUEST TO SPEAK

Agenda No.: 26

Date: 7/7/09

IAN TROWBRIDGE
Name

—
Organization Represented (if any)

3444 HAWK ST
Address

SAN DIEGO CA 92103
City, State, Zip

619-795-0155
Telephone Number

☒ Speaking in opposition to the staff recommendation

☐ Speaking in favor of the staff recommendation

☐ Other (specify)_____

TIME LIMITS

Speaking time is limited. You will need to be brief and stay on the subject. Written comments may be of any length; you are encouraged to present detailed testimony in writing.

IF YOU ARE PAID TO INFLUENCE THE DISTRICT, ITS EMPLOYEES, OR COMMISSIONERS, YOU MUST REGISTER AS A DISTRICT LOBBYIST (DISTRICT CODE SECTION 0.14(P)).

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Rev 07/02

Not here
B

Not here on
26

CALIFORNIA COASTAL COMMISSION
SAN DIEGO COAST DISTRICT OFFICE
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
VOICE (619) 767-2370 FAX (619) 767-2384

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Catherine M. O'Leary Carey John M. Carey

Mailing Address: 17696 Cumana Terrace

City: San Diego Zip Code: 92128 Phone: 858 385-0419

SECTION II. Decision Being Appealed

1. Name of local/port government:

Port of San Diego's North Embarcadero Visionary Plan (NEVP)

2. Brief description of development being appealed:

Appeal the decision by the Port of San Diego because the port's piecemeal approach destroys the original intent of the NEVP to create a vibrant publicly accessible waterfront to serve the public good, its center piece downtown's "front porch" and cermonial terminus at the end of the Broadway corridor.

3. Development's location (street address, assessor's parcel no., cross street, etc.):

Harbor Drive on the Northern Waterfront.

4. Description of decision being appealed (check one.):

RECEIVED
JUL 20 2009

☒ Approval; no special conditions

☐ Approval with special conditions:

☐ Denial

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

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

DATE FILED: 7/20/09

DISTRICT: San Diego

EXHIBIT NO. 5
APPLICATION NO.
A-6-PSD-09-43
Public Appeals
California Coastal Commission

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

☐ Planning Director/Zoning Administrator

☐ City Council/Board of Supervisors

☐ Planning Commission

☒ Other

6. Date of local government's decision: July 7, 2009

7. Local government's file number (if any): Items 25 and 16 on the Agenda

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Port of San Diego Administration
Administration Building
3165 Pacific Highway
San Diego, CA 92101-1128
(619) 686-6200

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) City of San Diego, 202 C Street, San Diego, California 92101

(2) Centre City Development Corporation (CCDC), 401 B Street, Fourth Floor, San Diego, CA 92101 Phone 619-235-2200 Fax 619-236-9148

(3)

(4)

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

Subject: Formal Appeal of the Port of San Diego's NEVP Coastal Development Pemit
From: john-cathysbl@sbcglobal.net

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

Dear Ms. Lilly:

We are appealing the Port of San Diego's North Embarcadero Visionary Plan (NEVP) Coastal Development Permit approval by the Port on Tuesday, July 7, 2009 at 1:00 pm at the Port Administration Building 3165 Pacific Highway in San Diego, California.

We agree with your staff findings that the NEVP is inconsistent with the Port Master Plan (PMP).

The Port's piecemeal approach to development in the North Embarcadero destroys the original intent of the NEVP which was to create a vibrant publicly accessible waterfront environment to serve the public good.

The centerpiece of the NEVP was downtown's " front porch" and ceremonial terminus of the Broadway corridor that would be a grand public park for events, large gatherings with views and access to the bay.

The fragmentation of the NEVP for the benefit of the cruise ship industry and private developers has destroyed the vision of the NEVP.

In addition, the approval of the Midway Museum promised mitigation measures for loss access and open views to the bay. Instead Port projects are walling off the bay from the public.

Building setbacks, quality open space parks have been deleted from the NEVP and cumulative piecemeal effects of Lane Field, the Navy Broadway Complex and the new Broadway Pier do not benefit citizens whose interests, and enjoyment of public access and open bay views were at the heart of the NEVP.

We support your findings that NEVP is inconsistent with the Port Master Plan and urge you to require that the intent of the NEVP be implemented.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signature on file *Signature on file*

Signature of Appellant(s) or Authorized Agent

Date: July 16, 2009

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize _____
to act as my/our representative and to bind me/us in all matters concerning this appeal.

_____
Signature of Appellant(s)

Date: _____

CALIFORNIA COASTAL COMMISSION
SAN DIEGO COAST DISTRICT OFFICE
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
VOICE (619) 767-2370 FAX (619) 767-2384

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Katheryn Rhodes and Conrad Hartsell, MD

Mailing Address: 371 San Fernando Street

City: San Diego Zip Code: 92106 Phone: 619-523-4350

SECTION II. Decision Being Appealed

1. Name of local/port government:

Port of San Diego's North Embarcadero Visionary Plan (NEVP)

2. Brief description of development being appealed:

Appeal the decision by the Port of San Diego because they ignored the need for the location of the active Coronado Fault of the active Rose Canyon Fault Zone be delinated by scientific evidence in the North Embarcadero Area.

3. Development's location (street address, assessor's parcel no., cross street, etc.):

Harbor Drive on Reclaimed Port Tidelands near the Navy Broadway Complex.

4. Description of decision being appealed (check one.):

JUL 13 2009
CALIFORNIA COASTAL COMMISSION SAN DIEGO COAST DISTRICT

☒ Approval; no special conditions

☐ Approval with special conditions:

☐ Denial

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

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

DATE FILED: 7/10/09

DISTRICT: San Diego

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

☐ Planning Director/Zoning Administrator

☐ City Council/Board of Supervisors

☐ Planning Commission

☒ Other

6. Date of local government's decision: July 7, 2009

7. Local government's file number (if any): Items 25 and 26 on the Agenda

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Port of San Diego Administration
Administration Building
3165 Pacific Highway
San Diego, CA 92101-1128
(619) 686-6200

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) City of San Diego, 202 C Street, San Diego, California 92101

(2) Centre City Development Corporation (CCDC), 401 B Street, Fourth Floor, San Diego, CA 92101 Phone 619.235.2200 Fax 619.236.9148

(3)

(4)

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

Subject: Formal Appeal of the Port of San Diego's NEVP Coastal Development Permit
From: rhodes@laplayaheritage.com

California Coastal Commission
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108
(619) 767-2370

Dear Ms. Lilly:

We would like to appeal the Port of San Diego's North Embarcadero Visionary Plan (NEVP) Coastal Development Permit (CDP) approved by the Port on Tuesday, July 7, 2009 at 1:00 pm at the Port Administration Building, 3165 Pacific Highway in San Diego,California. Items 25 and 26 concerns the NEVP and Master Environmental Impact Report.

At the public hearing at the Port of San Diego this week, we discussed our concerns regarding the peice-meal approach to the whole North Embarcadero area including the Navy Broadway Complex. We agree with the California Coastal Commission that an update to the Port's Master Plan (PMP) is required since the many development projects that have been approved over the last two years including Lane Field North, Lane Field South, the B Street Peir Cruise Ship Terminal, the Broadway Cruise Ship Terminal, the increase in the amount of cruise ship coming into San Diego Bay, Rucco park, the Old Police Headquarters, the deletion of the parking lots for the Navy Broadway Complex at Lane Field - G Street Mole and were the Rucco park is planned, the deletion of the planned 10 continuous acre park atthe foot of Broadway, and the deletion of the planned public park space on the Broadway Pier.

The Port of San Diego has never incorporated the required mitigation measures mentioned in CCDC's and the City of San Diego's approval of the Navy Broadway Complex EIR.

Below please find our public comments on the NEVP CDP application. Permits for the NEVP should not be given until after all the outstanding problems with the Navy Broadway Complex are mitigate.

In addition, yesterday we went to the State Mining and Geology Board in Sacramento, California. At the board meeting, the Port, CCDC, and the City's refusal to delinate the probable active Coronado Fault of the active Rose Canyon Fault Zone in the North Embarcadero Visionary Plan was discussed.

As we told our leglislators in Sacramento, the California Coastal Commission's letter stating a change is required to the Port's Master Plan (PMP) will be a great opportunity to finally require the City of San Diego and CCDC to follow basic public safety laws as they related to seismic hazards in the North Embarcadero area of San Diego.

Please tell us what we can do in order to get all our outstanding issues discussed and mitigated.

Subject: CCC's bombshell on the NEVP as it related to the Navy Broadway Complex
From: rhodes@laplayaheritage.com
Date: Mon, July 6, 2009 8:15 pm

Hi All,

The Port of San Diego will be holding a Public Hearing on the North Embarcadero Visionary Plan (NEVP) on Tuesday, July 7, 2009 at 1:00 pm at the Port Administration Building, 3165 Pacific Highway in San Diego, California. Items 25 and 26 concerns the NEVP and Master Environmental Impact Report.

The California Coastal Commission (CCC)has stated that the NEVP is inconsistent with the certified Port Master Plan (PMP).

The CCC staff says that the Port of San Diego has to look at the whole of the North Embarcadero instead of the individual projects of the new Navy Broadway Complex, North Embarcadero Visionary Plan (NEVP), Lane Field North, Lane Field South, the new Broadway Pier Cruise ship Terminal, Old Police Headquarters, the USS Midway Museum, and Seaport Village upgrades, etc.

The area of the whole North Embarcedero includes the area from the US Bulkhead Line on the West to Pacific Highway on the East, from Laurel Street in the North to Seaport Village to the South.

In order to conform to regular planning principles, instead of just asking for a CDP for the small area of sidewalks from the Bulkhead to Harbor Drive that is the NEVP Environmental Impact Report and Master Plan, the Port has to ask for a consistency determination for whole of the North Embacerdo area through an amendment to the Port's Master Plan.

This is great news for the public taxpaying citizens of San Diego. Based on the need to an update to the whole North Embarcadero area instead of just the indivual NEVP CDO, all of our still unresolved concerns with the Navy Broadway Complex documented in our attached Formal Appeal dated November 7, 2006 will be discussed, analyzed, and mitigated. Great news indeed.
http://www.laplayaheritage.com/Documents/CITY_OF_SAN_DIEGO/Appeal_of_the_Navy_Broadway_Complex_20061103.pdf

Our concerns include the deficient parking per the Municipal Code, the 10-acres continuous park agreed to for the Navy Broadway Complex, the increase in the number of cruise ships, and the changed from

the promise open space park on Broadway pier into a cruise ship terminal.

According to the CCC, all the cumulative impacts of all the new projects have to be analyzed. Pages 7 to 9 of our attached Appeal discusses parking requirement of the Planned District Ordinance (PDO) of the Municipal Code. According to the Municipal Code, the NBC project requires 4,505 parking spaces. The Navy Broadway Complex is only building 2,963
parking spaces. Manchester planned parking proposal is deficient by 1,542 parking spaces (52 percent) of the required parking provided for in the Center City PDO.

The Port, CCDC, and City of San Diego now have to provide the additional 1,542 parking spaces in order to be in conformance with the Port of San Diego's Master Plan.

In order to amend the Port's master plan, a fault investigation of the full North Embarcadero will be required. That means the active Coronado fault of the active Rose Canyon Fault Zone (RCFZ) will be confirmed on the Navy Broadway Complex. This fault investigation will also confirm the same active Coronado fault through the west side of the Old Police Headquarters
were the proposed Ruocco Park is planned, directly south of the Navy Broadway Coplex..

The NEVP, the Port, CCDC, and the City of San Diego cannot ignore the need for a seismic report for the full North Embarcadero area in order to amend the Port's Master Plan.

The redesign is easy. After fault setbacks are established, only 2 to 4 of the 8 blocks of the Navy Broadway Complex can be developed. The other 4 to 6 blocks bisected by the active Coronado fault will be parkland and open space in accordance with the Downtown Community Plan and the City's General Plan.

Our concerns regarding Open Spaces and Parks (or lack thereof) on the Navy Broadway Complex will also be analyzed. Pages 16 and 17 of the attached appeal show the continuous 10-acre park promised at the foot of Harbor Drive and Broadway in the NBC EIR. The 10-acre park consisted of the 2-acre Navy Broadway Complex park and the 8-acre South Lane Field
property. The promised 10-acre public park has shrunk to just 2-acres in size.

Excerpt from the CCC Consistency Determination include the folliwng:

"Staff and the Coastal Commission have consistently maintained that while the NEVP should be used as guidance, the certified Port Master Plan (PMP) is the stand of review by which all new development must be measured in review of the CDP... Figure 11 of the PMP graphically demostrates Harbor Drive curing at West Broadway Street to accomodate an oval-shpaed park at
the foot of Broadway Pier... It is simply not possible to achieve a comparable level or quality of public open space in a fragmented arrangement of sidewalks and setback than would exist in a large, continuous open park... The Coastal Development Permit Consistency Analysis indicates that this configureation is no longer considered feasible, in part because it would have required the Port District to acquire Navy (Broadway Complex) property, and the oval was not made part of the Lane Field project, which has been approved by the Port and the Coastal Commission...This is the type of analysis and balancing of various
planning goals mthat must, and in the past has, occured through the Port Master Plan Amendment process. The PMP cannot simply be amended in practice through a CDP on a project-by-project basis, where the overall context of the impacts cannot be evaluated or mitigated.

Changes that need to be analyze include parking, park and open spaces, and the change in use of Broadway Pier from and open space and public park to a new cruise ship terminal.

The cumulative impacts of the Navy Broadway Complex, Lane Field, the Old Police Headquarters, the Cruise Ship Terminal, etc. has to be analyzed for the NEVP.

http://www.portofsandiego.org/component/docman/doc_download/2071-07-07-09-bpc-regular-meeting-agenda-listing.html

Regards,

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

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signature on file *Signature on file*

Signature of Appellant(s) or Authorized Agent

Date: 07/10/09

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby
authorize _____
to act as my/our representative and to bind me/us in all matters concerning this appeal.

_____
Signature of Appellant(s)

Date: _____

CALIFORNIA COASTAL COMMISSION
SAN DIEGO COAST DISTRICT OFFICE
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
VOICE (619) 767-2370 FAX (619) 767-2384

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Bay Broadway Complex Coalition
Diane B. Coombs - Co-Chair
Mailing Address: 6424 Del Paso Ave.
City: San Diego, Ca. Zip Code: 92120-3138 Phone: (619) 583-1269

SECTION II. Decision Being Appealed

1. Name of local/port government: Port of San Diego

2. Brief description of development being appealed:
North Embarcadero Visionary Plan Phase 1
Coastal access features CDP

3. Development's location (street address, assessor's parcel no., cross street, etc.):
W. Broadway St at Harbor Drive -
Harbor Side from B St. to former Navy Pier

4. Description of decision being appealed (check one.):

☒ ~~Approval; no special conditions~~

☐ Approval with special conditions:

☐ Denial

RECEIVED
JUL 23 2009
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

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

DATE FILED: 7/23/09

DISTRICT: San Diego

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

☐ Planning Director/Zoning Administrator

☐ City Council/Board of Supervisors

☐ Planning Commission

☒ Other Port Commission

6. Date of local government's decision: July 7, 2009

7. Local government's file number (if any): _____

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Port of San Diego
P.O. Box 120488
San Diego, Ca. 92112-0488

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Centre City Development Corporation
401 B. Street - Suite 400
San Diego, Ca 92101-4298

(2) San Diego City Council
202 C Street
S.D. 92101

(3) Senator Christine Kehoe
2445 5th Ave.
S.D. 92103

(4) Assemblywoman Lori Saldana
1557 Columbia
S.D. 92101

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

See attached
additional information to follow

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signature on file *Signature on file*

Signature of Appellant(s) or Authorized Agent

Date: July 23, 2009

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize _____
to act as my/our representative and to bind me/us in all matters concerning this appeal.

Nancy Broadway Complex Coalition

Signature of Appellant(s)

Date: July 23, 2009

The Broadway Complex Coalition

March 22, 2009

John Helmer, Manager
Land Use Planning Department
Unified Port of San Diego
3165 Pacific Highway
San Diego, CA 92101
jhelmer@portofsandiego.org

Broadway Complex Coalition Comments on the February, 2009 "Addendum to the Master Environmental Impact Report and Initial Study (UPD #83356EIR-351; SCH #99031037) Phase 1, Coastal Access Features Project

Table of Contents

Topic	Page
1. Summary	3
2. Structural problems with the Initial Study (IS) document and the Port's planning process.	4
3. Proposed project changes appears to ignore the California Public Tidelands Trust Doctrine, undermine the goals of the California Coastal Act and violate the California Environmental Quality Act	5
4. The 2000 North Embarcadero Visionary Plan (NEVP) Master Environmental Impact Report (MEIR) did not propose or consider the construction of a permanent cruise ship terminal on the Broadway Pier. The MEIR must be amended and updated to reflect this change, and the loss of the proposed Broadway Landing Park before being used to support a final NEVP MEIR amendment and Initial Study.	7
5. IS fails to address the cumulative impacts associated with the construction and operation of surrounding projects, including the Navy Broadway Complex redevelopment project, a new permanent Broadway Pier cruise ship terminal, construction of the proposed Lane Field hotels project, expansion and reconstruction of the existing B Street cruise ship terminal, planned redevelopment of Navy Pier, and the planned fate of the 1220 Pacific Highway site	10
6. NEVP approvals have been based on obsolete traffic studies associated with the downtown community plan update.	11
7. IS fails to identify and mitigate risks associated with toxic spills and hazardous material related accidents associated with the nearby railroad right of way.	12
8. The NEVP MEIR amendment and IS fail to identify, address or mitigate potential risks associated with terrorist attacks on the proposed regional Navy headquarters on the adjoining Navy Broadway Complex (NBC) project site.	13

1. Summary

The Bayfront Complex Coalition is an 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 along the city's bayfront.

The original North Embarcadero Visionary Plan (NEVP) proposed significant improvements to downtown San Diego's waterfront, including enhancements to Harbor Drive and the creation of a wide bayfront esplanade, construction of a 16,000 square foot oval Broadway Landing Park at the foot of Broadway with public fountains, and preservation of the Broadway Pier as a year round public gathering place and viewing platform. The public amenities proposed in the original NEVP were designed to increase public acceptance of the construction of proposed new highrise structures along the east side of Harbor Drive, including two hotels on the Lane Field site and new structures proposed to be built on the Navy Broadway Complex site, and other unnamed future highrise projects along the east side of Harbor Drive. The result was a carefully balanced mix of new bayfront structures and new public amenities along downtown's bayfront.

The proposed addendum to the North Embarcadero Visionary Plan (NEVP) Master Environmental Impact Report (MEIR) amendment Initial Study (IS) regarding phase 1 of the NEVP project propose significant changes to the original NEVP vision, and fails to address a number of key coastal public access issues and environmental impacts that must be addressed per the California Coastal Act and are required by the California Environmental Quality Act (CEQA), and is based on obsolete 2000 MEIR information that must be updated before any further action is taken.

Limiting the environmental review of this proposed project to an Initial Study of only one phase of the project, while ignoring future phases of the project as well as adjoining proposed projects along Harbor Drive and on nearby bay piers, artificially limits public review and input into the process, limiting comments only to those issues chosen by the Port staff. The Port's traditional piecemeal, intentionally fragmented land use and facilities planning practices force the public into a game of "whack-a-mole", trying to keep up with changes put forward by Port staff that undercut and renege on promises made to the public in previous Port planning efforts.

Because of these planning deficiencies, it is impossible for the public to identify and assess a wide range of public access reductions and environmental impacts associated with the proposed project changes and adjoining projects along the bayfront. We are also not able to assess the longer-term cumulative impacts of the project and projects planned for surrounding tidelands parcels, and a number of adjoining construction projects being undertaken concurrently by the Port District and other agencies, as required by CEQA.

For example, the Port now proposes to renege on its promise that the Broadway Pier would be preserved as an open year round public gathering place, and now proposes to

block public access and views from lower Broadway to the water with a large permanent cruise ship terminal not envisioned in the original NEVP or the 2000 MEIR. Ongoing public access to Broadway Pier is a key element of the NEVP vision adopted in 2000, but the Port has insisted on treating it as a separate planning issue, and has tried to ignore the impact that changes to the pier would have on the overall NEVP effort.

In addition, Port staff now proposes to eliminate Broadway Landing Park, the promised 16,000 square foot oval landscaped public plaza at the foot of Broadway envisioned in the original NEVP and the 2000 MEIR, and replace it with a simple traffic intersection designed to accommodate trucks serving a new permanent cruise ship terminal on the pier.

These are fundamental changes that would substantially reduce public access and views to the bay from downtown for the benefit of private special interests, and would undercut the carefully balanced NEVP deal and the vision addressed in the 2000 MEIR. In the proposed MEIR amendment and the Initial Study, the Port does not propose any new forms of mitigation for the proposed loss of this public access and these key public amenities promised in the original NEVP and the 2000 MEIR.

Because it is impossible, given the fundamental changes now being proposed by the Port to the original NEVP, to determine whether environmental impacts of the project, and the proposed changes from the 2000 MEIR, both those identified in the IS and those the IS fails to address, can be completely mitigated, we believe that current California state law - (CEQA) - requires that a supplement to the MEIR and a new NEVP project Environmental Impact Report (PEIR) must be completed before this project can be approved and construction begun.

2. Structural problems with the Port's planning process

We have identified a significant number of proposed NEVP project changes, which we discuss below, that must be fully addressed and mitigated under the California Coastal Act (CCA) and the California Environmental Quality Act (CEQA) that are not mentioned in the MEIR amendment IS. At the very least, the proposed IS must be updated to consider adjoining planned and proposed projects on nearby tidelands and piers, address the impacts those projects will have on the NEVP project and show how they will be fully mitigated before being approved by the Board of Port Commissioners (BPC) and forwarded to the California Coastal Commission and other regulatory agencies with jurisdiction over this project for their review.

Too often in the past, the Port has planned and approved long-term projects, only to be swayed later on by private interests who covet control over public tidelands parcels and Port facilities. In the past these special interests have included hotel developers, the Convention Center Corporation and other Port tenants.

In this case, the special interest that has undermined the original NEVP and Broadway Pier plans is the cruise ship industry, threatening Port executives and Commissioners that

if the cruise lines don't get everything they demand, and utilize more of our downtown waterfront as a parking lot for their floating hotels, they may take their business and sail away to some other unnamed Ports along the west coast of North America.

The Port has never worked with the Navy, the City of San Diego and the Centre City Development Corporation (CCDC), and the public to develop a Precise Bayfront Plan, one which would clearly identify what will be built on every parcel of land on downtown's waterfront tidelands, and has never identified parcels that will be preserved for the public to enforce the Public Tidelands Trust Doctrine by maintaining east/west public pedestrian access and view corridors to the bay from downtown's urban core area.

We believe that before any further action is taken in this direction on the North Embarcadero, the Port should first seek clarification from the State Lands Commission, the California Coastal Commission, and the Courts if need be, as to whether it's current planning processes comply with state tidelands trust doctrine laws and policies, and the Coastal Commission's public access preservation policies.

We strongly suggest that the California Coastal Commission order the Port to conduct a precise public bayfront planning process that identifies what will be built on each parcel between Harbor Drive and Pacific Highway from Lindbergh Field to Seaport Village before it agrees to consider the latest changes to the NEVP being proposed by the Port.

At the very least, the Coastal Commission should require that the Port submit its proposed Bay Master Plan amendments associated with the Broadway Pier and the latest proposed changes to the NEVP project itself, so that these two related project changes can be considered at the same time.

3. The proposed project changes appears to ignore the California Public Tidelands Trust Doctrine, undermine the goals of the California Coastal Act and violate the California Environmental Quality Act.

The Port of San Diego has legislative jurisdiction over state tidelands extending from the San Diego Bay Bulkhead to east of Pacific Highway in downtown San Diego. The Public Trust provides that state tidelands must be held in trust for the benefit of all the people of California. These tidelands became state property when California joined the Union on September 9, 1850 and are held by the State in trust for the people of California. Since 1938, the California State Lands Commission has been the administrator and the guardian of these valuable public lands. These lands include tidelands that have been filled and are no longer under water.

According to "The Public Trust – Your Rights to Enjoy California's Waterways, California State Lands Commission, 2007, "Public Trust Lands cannot be bought and sold like other state-owned land." Under state legislation creating the San Diego Unified Port District (Port), the district is charged with administering state tidelands held in trust for the benefit of all Californians. This includes preserving local resident's public access to San Diego Bay.

Section 30210 of the California Coastal Act mandates that "maximum access (to the bay), which shall be conspicuously posted, and recreational opportunities shall be provided for all the people". Section 30211 mandates that "Development shall not interfere with the public's right of access to the sea".

Instead, local government appointees on the Board of Port Commissioners (BPC) have traditionally treated state tidelands under the district's control as their own private property, managing them not for the benefit of the public, but in a manner intended to maximize financial revenues to the Port and favored tenants.

To do this, previous Boards of Port Commissioners and Port staff has engaged in a practice of fragmented, piecemeal land use planning, zoning, environmental review and redevelopment. The Port has traditionally focused on one tidelands parcel at a time and has studiously ignored each projects impacts on adjoining tidelands parcels, and has failed to take into account plans for adjoining parcels as part of its master and individual project environmental reviews. Even the original NEVP effort was flawed, in that it did not address what was going to be built on adjoining property parcels along the east side of Harbor Drive. What gets built on those parcels will surely impact what happens along both sides of Harbor Drive and on the planned esplanade.

In this instance, Port staff insists that public parties comments focus only on the changes proposed to NEVP improvements along Harbor Drive, and ignore planned redevelopment of adjoining tideland parcels and the bayfront piers along the North Embarcadero. All of those adjoining projects will affect and be impacted by phase 1 of the NEVP project. Therefore they should all be considered as part of a new comprehensive public bayfront precise planning process.

The changes the Port is now proposing would sacrifice public access to our bay in order to benefit the private cruise ship industry, further undercutting the Public Trust Doctrine that holds the Port accountable for stewardship of the tidelands for their public owners.

If anything, the North Embarcadero should be designed with increased and enhance east/west public access corridors and views, to partially mitigate the devastating loss of public waterfront access and views already caused by the construction of the South Embarcadero wall.

According to the wording in the proposed MEIR amendment IS,

> *The Port and the NEVP joint powers authority (JPA) should conduct an inventory of remaining existing potential public access corridors and public viewsheds from inland downtown to the bay on our downtown waterfront.*

We believe the Port and the NEVP JPA should consider going beyond conducting an inventory, and adopt a new bayfront public access and viewshed loss mitigation policy requiring that for every parcel along the North Embarcadero that is blocked by new

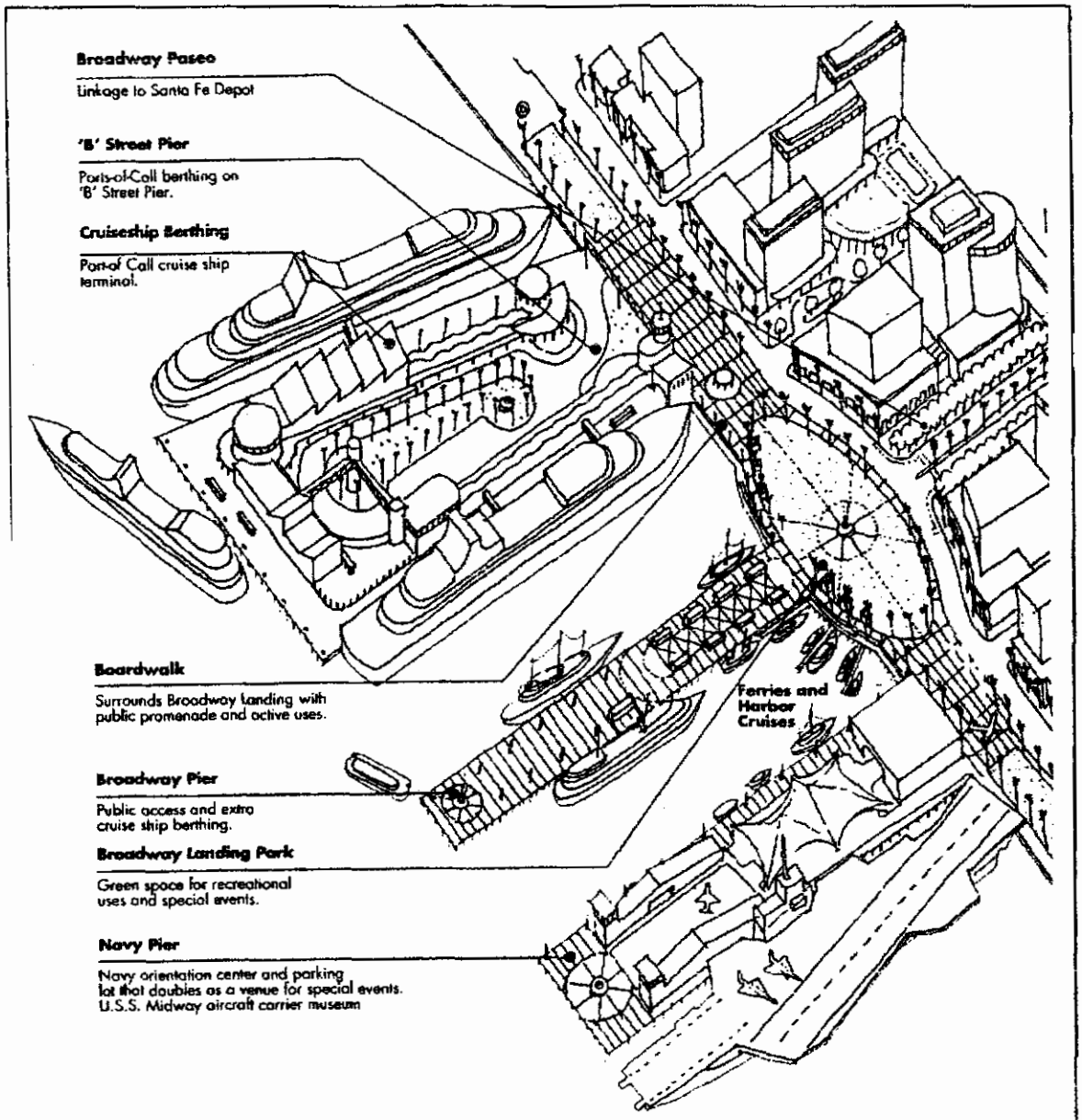
redevelopment projects, an equivalent east/west public access corridor area will be identified and preserved in the form of new public plazas or parkland to ensure public access and view corridors to San Diego Bay.

This step would begin to mitigate the ongoing loss of public access and viewsheds to our downtown waterfront. Without it, redevelopment along the North Embarcadero will continue to be an unmitigated disaster for residents of downtown and the rest of the public who live in our region. This concept should be fully addressed in the NEVP MEIR amendment IS and a follow up project EIR (PEIR).

4. The Port staff has based its MEIR amendment Initial Study on the original 2000 North Embarcadero Visionary Plan Master Environmental Impact Report, which did not envision construction of a permanent cruise ship terminal on the Broadway Pier, redevelopment of Navy Pier, or redevelopment of 1220 Pacific Highway and neighboring Harbor Drive parcels. The 2000 MIER must be updated to address the impacts of all those adjoining redevelopment projects, before it can be used to support a NEVP MEIR amendment or IS.

The 2000 NEVP MEIR was based on a number of rendering and schematics, which showed the Broadway Pier as an open public community gathering plaza area at the foot of the ceremonial Broadway Hall corridor. Colored pavers would extend down Broadway onto the Pier, where public celebrations and events were planned to take place.

This concept is reflected in Figure 3.3-16 of the 2000 final Master Environmental Impact Report reprinted below:



SOURCE: Sasaki Associates, Inc., 1998. 2/8/00

BRG CONSULTING, INC.

North Embarcadero Alliance Visionary Plan MEIR

Proposed Cruise Ship Terminal Expansion Site Plan

FIGURE 3.3-16

A key concept of the 2000 NEVP concept was that Broadway Pier would provide public views and access to the bay, without any physical or visual obstructions. As noted in

Figure 3.3-16 Broadway Landing Park would provide for a 16,000 square foot oval landscaped park at the foot of Broadway, while the Broadway Pier would be preserved for public gathering and occasional overflow cruise ship berthing. While these was some footnote language in the MEIR regarding FARs related to the pier, and discussion of putting up and taking down temporary tent structures when overflow cruise ship traffic necessitated use of the Broadway Pier for temporary berthing, no party in the NEVP development effort ever brought up the idea of constructing a permanent cruise ship terminal on the Broadway Pier when the original NEVP plan was developed or the 2000 MEIR was developed, reviewed and approved.

Now Port staff is suggesting that the Broadway Landing Park and its fountains be eliminated, and replaced with a standard paved traffic intersection primarily designed to accommodate large trucks turning onto and off of the Broadway Pier to service the proposed cruse ship terminal. Public access to both the pier and the intersection will be blocked on days when cruise ships are tied up to the pier. Port staff has recently projected that cruise ships will tie up at San Diego Bay piers more than 200 days a year. During the multi-year period when the B Street Pier cruise ship terminal is under reconstruction, all those ships would be berthed on the Broadway Per.

The preservation of public access to the Broadway Pier and construction of the Broadway Landing Park were significant mitigations for the loss of public access and views that will be caused by the construction of new hotels on the Lane Field site and other sites along Harbor Drive. Now Port staff is suggesting that both of these critical original NEVP components be eliminated, while at the same time asserting that nothing has changed since the original NEVP was developed and the 2000 MEIR, which required these key elements, was approved.

During a recent Board of Port Commissioners (PBC) meeting convened to consider approval of a permanent cruise ship terminal on Broadway Pier, Port Commissioner Laurie Black noted that she and the parties that she had represented as part of the original NEVP planning process had been assured by Port staff that the Broadway Pier would remain an open public community gathering place.

Beginning in 2005, increased cruise ship traffic in San Diego Bay caused Port staff to begin considering alternative uses for Broadway Pier that were not addressed in the 2000 MEIR. The Port determined that cost and environmental considerations precluded the construction of a three ship "super terminal" alternative to the B Street Pier cruise ship redevelopment project considered in the 2000 MEIR. Under pressure from the cruise ship lines to accommodate more ships in the future and a threat of the loss of cruise ship business, the concept of replacing the Broadway Landing Park and preserving ongoing public access to Broadway Pier with a permanent cruise ship terminal began to be discussed.

In 2006, the BPC approved such a project in concept, but the Port has taken no actual steps to modify or update the original 2000 NEVP MEIR, or to address all the new environmental, view shed, public access losses, and traffic impacts the construction of

such a permanent terminal will create until recently. Recently, the BPC approved a staff proposed "de minimus" amendment to the Port Master Plan that would allow such a permanent terminal to be constructed, but to date the Port staff has not forwarded the proposed amendment to the California Coastal Commission for review and approval, to our knowledge. Note that this change to the original NEVP concept and MEIR is being considered by the Port separately from the currently proposed amendment to the initial NEVP concept MEIR, as part of the Ports piecemeal planning practice.

CEQA guidelines section 15177(b)(3) states that a certified MEIR cannot be used for tiering subsequent projects if "(ii) a project not identified in the original certified MEIR as an anticipated subsequent project is approved and the approval project may affect the adequacy of the MEIR".

In order to comply with the California Coastal Act and state CEQA law, we believe that the Port District must prepare a subsequent NEVP Project EIR that updates or revises the original MEIR to address the individual project changes and cumulative impacts construction of a new permanent cruise ship terminal on the Broadway Pier and the loss of the planned Broadway Landing Park would create. The new proposed MEIR amendment and IS do not indicate how the Port proposes to mitigate the loss of these two key NEVP elements to compensate the public for the loss of the public park and year round public access to the Broadway Pier. We believe that such new mitigation elements must be addressed in a new NEVP Project EIR.

We believe that compliance with the State Public Tidelands Trust Doctrine law and policies requires that a full Project EIR for the proposed Broadway Pier cruise ship terminal, conducted in conjunction with any proposed changes in the original NEVP concept, must be undertaken by the Port District and reviewed and approved by the State Lands Commission and the California Coastal Commission before construction of the Broadway Pier cruise ship terminal and NEVP Phase 1 can be undertaken.

5. The proposed MEIR amendment IS fails to address the cumulative impacts associated with the concurrent construction and operation of surrounding tidelands projects, including the Navy Broadway Complex redevelopment project, construction of a new permanent Broadway Pier cruise ship terminal, expansion and reconstruction of the existing B Street cruise ship terminal, redevelopment of Navy Pier, and redevelopment of the adjoining 1220 Pacific Highway site

CEQA requires that environmental reviews address cumulative impacts associated with a proposed project. "Cumulative" includes environmental impacts created by the project over time after its construction, and the impacts of the proposed project along with new projects proposed to be build on surrounding properties that when taken together, will produce more impacts than the instant project would as a stand-alone project. This legal requirement has historically been overlooked by the Port District and the US Navy, who have insisted on treating each parcel they control along the waterfront as individual stand-alone development projects, ignoring the impacts the new project will have on

surrounding parcels, and the impacts that redevelopment of surrounding parcels will have on it.

In the case of NEVP Phase 1, it will be built in conjunction with a large number of other projects in the same downtown bayfront area, during the same timeframe. These surrounding projects include, but are not limited to the proposed Navy Broadway Complex redevelopment project, the construction of a new permanent Broadway Pier cruise ship terminal, expansion and reconstruction of the existing B Street cruise ship terminal, redevelopment of the Navy Pier, and redevelopment of the adjoining 1220 Pacific Highway site to the immediate north of Lane Field.

The Navy Broadway Complex project is subject to several lawsuits, and may be substantially modified in response to those lawsuits and further design reviews by the Centre City Development Corporation (CCDC). Until the design of that project has been finalized and it has cleared legal hurdles, it is impossible to determine what cumulative impacts it will have on NEVP Phase 1 and other surrounding proposed tidelands projects, and how those impacts can be mitigated.

The final designs of the proposed Broadway Pier cruise ship terminal and B Street cruise ship terminal have not yet been developed or approved. The Ports current plans for redevelopment of the Navy Pier have not been made public, and the Port has not announced what it plans to build on the 1220 Pacific Highway site. That site will certainly be impacted by what is built on Lane Field, and what gets built on that site will certainly impact the NEVP project.

The Port has agreed to build the Navy a new multi-million dollar building offsite in return for the Navy giving up its long-term lease on 1220 Pacific Highway. Since it is willing to fund such an offset project, the Port must have some idea of what it plans to build on the site, but has not addressed that project in the NEVP Phase 1 MEIR amendment IS. By ignoring that project in its initial study, the Port staff failed to address the cumulative environmental impacts of the adjoining projects. The original 2000 MEIR mentioned plans to construct a six story parking garage on this site, but no mention is made of that project in the proposed MEIR amendment and IS. Despite public requests, Port staff has failed to provide us with any information regarding current Port plans for the portion of this site that will not be covered by the north hotel portion of the Lane Field project.

Because the impacts of all these surrounding projects have not been identified or addressed in the MIER amendment IS, and the cumulative impacts of those projects are not addressed in the IS, it is impossible for public to understand what impacts will be produced by the combined projects, what the impacts of constructing all these projects during the same timeframe will be, and whether or not all those impacts can be partially or completely mitigated.

Therefore, we believe that CEQA law requires that a full NEVP Project EIR be undertaken and completed, addressing all phases of the project and the impacts of

adjoining tidelands projects, before the project can legally be allowed to proceed. Continued piecemeal redevelopment of bayfront parcels by the Port District is an open invitation to further legal challenges.

6. Traffic planning and impact issues

In 2000 the Port adopted the NEVP MEIR with the disclosure of significant and unmitigatable impacts. At that time, the Port proposed to deal with this problem by cooperating with SANDAG and Caltrans on a future traffic study, which we assume would have identified and funded actions to fully mitigate the cumulative traffic impacts of the NEVP project and projects like this one. Since that time, the Port to our knowledge has conducted no such study.

The 2000 NEVP MEIR and subsequent BPC approvals were based on traffic studies done as part of the Downtown Community Plan Updated conducted by the City of San Diego and the Centre City Development Corporation. Since that plan update was adopted, the city and CCDC have agreed to update their downtown traffic studies and issue a new downtown mobility study report as part of a legal settlement with Save our Farms and Ranchlands (SOFAR). No mention of that change is contained in the latest proposed NEVP Phase 1 MEIR amendment and Initial Study currently being considered, and Port staff continues to claim that nothing has changed since the original NEVP concept was approved and the 2000 MEIR was adopted. This assertion is simply unreasonable.

The IS also refers to various Traffic Demand Management measures, but provide no concrete steps it proposes to take or timelines for resolving the massive downtown traffic problems that would be created by construction and operation of this project and all the surrounding bayfront projects the Port is considering. Since the IS does not provide information needed to determine whether or not those impacts can be mitigated, we believe a full PEIR is required.

According to the IS, six years later that traffic study has still not been completed. We believe that instead of continuing our march toward total traffic gridlock (the IS notes that a large number of area streets and surrounding freeways will be at LOS level F when downtown bayfront redevelopment is completed), the study proposed in the 2000 MEIR be completed as soon as possible.

The final report should clearly identify and provide funding for specific actions to mitigate the cumulative traffic impacts of downtown bayfront redevelopment, and those costs should be shared by the Port, the cruise ship lines, the city and all the bayfront project developers. Since this IS identifies unmitigated substantial impacts, we believe CEQA requires that a full PEIR be completed.

7. The proposed NEVP MEIR amendment and Initial Study fail to identify and address risks associated with toxic spills and hazardous material related accidents associated with the nearby railroad right of way

The NEVP area extends east to several major rail lines supporting major freight trains, the Coaster commuter rail line and the San Diego Trolley. We believe that freight trains traveling on those tracks regularly carry explosives, toxic substances and hazardous materials (hazmat). In reviewing the proposed MEIR amendment and IS, we find no mention of this issue. Therefore we are unable to determine whether or not the Port District has identified potential environmental impacts and risks associated with toxic spills or HAZMAT accidents, and what mitigation is being proposed to address these potential risks. Therefore we believe that a full PIER is required to identify and address these risks.

8. The NEVP MEIR amendment and IS fail to identify, address or mitigate potential risks associated with terrorist attacks on the proposed regional Navy headquarters on the adjoining Navy Broadway Complex (NBC) project site.

The Navy Broadway Complex project, immediately east of the NEVP project, includes a proposal to rebuild the regional Naval headquarters as part of a complex of new structures on the site. Given ongoing terrorist threats facing our nation, it would be irresponsible to ignore the potential for terrorist attacks in the consideration of potential risks to the NEVP phase 1 project. Navy Admiral Len Hering has stated publicly that the new NBC project headquarters will become the worldwide logistics center for the global war on terror.

With the growth and consolidation of Naval planning in San Diego over the last decade, the regional headquarters building will become a key target for terrorists and other agencies intent on disrupting Navy operations in the middle east and other parts of the world. It is conceivable that a terrorist group could attack the headquarters building using car or truck bombs, or even "dirty nukes", bombs constructed of regular explosives wrapped in radioactive materials. It is also conceivable that they might attack the site using chemical weapons.

Given the location of the new Navy headquarters at the NBC site, it can be expected that the office buildings on the site will be filled with military contractors doing business with the Navy, making the site an even more inviting target for terrorist attack. In reviewing the MEIR amendment IS, we are unable to find any addressing these risks, or proposing actions to mitigate them. Therefore we are unable at this time to determine whether or not these risks can be mitigated. We therefore recommend that the Port District develop a new PIER for NEVP phase 1 addressing this issue.

Comments or questions should be directed to:

Don Wood
Bayfront Complex Coalition
619-463-9035
dwood8@cox.net

STATE OF CALIFORNIA - THE NATURAL RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, *Governor*

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

July 2, 2009

John Helmer
Port of San Diego
P.O. Box 120488
San Diego, CA 92112-0488

Re: North Embarcadero Visionary Plan Phase 1 Coastal Access Features Draft CDP

Dear Mr. Helmer:

Staff has reviewed the Draft Coastal Development Permit (CDP) and consistency analysis dated July 2009, and have the following comments.

Consistency with the Certified Port Master Plan

We respect the time and effort Port staff have put into designing this development, and the public access improvements which are the goal of the project. However, while we appreciate the on-going correspondence and meetings between our two staffs, we continue to think the proposed project is inconsistent with the certified Port Master Plan (PMP), and that moving ahead with this permit seriously compromises the integrity of the certified PMP.

As you know, the issue is not whether the Draft CDP is consistent with the North Embarcadero Visionary Plan (NEVP). Staff and the Coastal Commission have consistently maintained that while the NEVP should be used as guidance, the certified Port Master Plan is the standard of review by which all new development must be measured in review of the CDP. Unlike the NEVP, the Port Master Plan is *not* a guidance document; the policies and standards contained within it are to be followed closely and specifically. If and when circumstances change, the authorized procedure is to amend the PMP after evaluating any necessary Plan revisions for consistency with the Coastal Act 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.

Figure 11 of the PMP graphically demonstrates Harbor Drive curving at West Broadway Street to accommodate an oval-shaped park at the foot of Broadway Pier. Port staff have estimated that this park would be approximately 79,200 sq.ft. in size, (including some amount of area that would be necessary to allow access to the pier from Harbor Drive), with another 24,300 sq.ft. potentially needing to be located in a new over-water structure. In its place, an approximately 16,000 sq.ft. rectangular plaza/pier entrance is proposed, along with 63,000 sq.ft. of esplanade on either side of the plaza, and approximately

124,500 sq.ft. of sidewalk setbacks and plaza on the north and south side of Broadway, including the proposed park on the northwest corner of the Navy Broadway Complex/Manchester Pacific Gateway.

There is no question that the revised park/plaza configuration is not the same as that in the existing PMP. Furthermore, we cannot agree with Port staff's assessment that the redesigned rectangular plaza "maintains the same level of park/plaza land use area available to the public as that discussed in the PMP." It is simply not possible to achieve a comparable level or quality of public open space in a fragmented arrangement of sidewalks and setbacks than would exist in a large, continuous open park. 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 plaza and setbacks bear little resemblance to this guidance vision in scope or value.

Furthermore, because the revisions are not being made through a Port Master Plan Amendment, the area being offered as part of the revised plaza on Lane Field, is and will remain designated for commercial recreation uses, not for open space. Should the Lane Field project not go forward for any reason, the certified plan does not protect that area as public open space, but only as a "special setback" which provides little assurance or clarity on the public availability or use of the area.

The Coastal Development Permit Consistency Analysis indicates that this configuration is no longer considered feasible, in part because it would have required the Port District to acquire Navy property, and the oval was not made part of the Lane Field project, which has been approved by the Port and the Coastal Commission. In addition, Port staff has indicated that changed circumstances since the including of the oval park into the

PMP may have resulted in a greater amount of public open space being provided elsewhere along the North Embarcadero.

The NEVP coastal access features project has been in development for years, and it is evident from our meetings 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. The PMP cannot simply be amended in practice through a CDP on a project-by-project basis, where the overall context of the impacts cannot be evaluated or mitigated.

The certified PMP also incorporates by reference Figure 5.3 of the NEVP. 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 significantly different than the one in Figure 5.3. Perhaps most significantly, a 10-foot wide designated bike path has been combined with the pedestrian walkway to make a 29-foot wide multi-use promenade. 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. Commission staff agree with the intent of the revised plan to still accommodate bicycles on the Esplanade, but in other areas, we have seen significant conflicts between bicycles and pedestrians on shared-use paths. Again, the shifting of the primary bicycle route to Pacific Highway and the joint accommodation of bicyclists and pedestrians on one path, 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.

Draft Coastal Development Permit

Aside from our acknowledgement of the permit's inconsistency with the certified PMP, we believe there are several additions and revisions to the proposed permit which would increase or help ensure the project's consistency with the Coastal Act.

The permit has three Exhibits attached. These Exhibits provide specific details on the lane revisions and Esplanade which may not be as clear or comprehensive in the text of the CDP. A condition should be added that states any changes to the project, including to the Exhibits, will require an amendment to the CDP.

We support the addition of the two new permit conditions addressing water conservation. In addition, we believe an additional condition(s) should be added requiring a final landscape plan that 1) requires all landscaping to be native or non-invasive, and either drought-tolerant or supported entirely by re-claimed water. We suggest that Special Provision #3 be revised to require that reclaimed water shall be used to irrigate landscaping when available.

We are concerned that the conceptual landscape plan may not have adequately evaluated the impact the proposed palms may have on public views of the Bay down Broadway. A

condition should require the final landscape plan to be designed with the protection and preservation of public views on Broadway.

As noted above, we are concerned about future conflicts between bicyclists and pedestrians on the proposed shared-use path, and the potential for future pressure to exclude bicyclists. A condition should be added specifically acknowledging that bikes are permitted on the waterside promenade, to ensure that if user conflicts do arise, any attempt to limit bicycle usage will require a permit amendment.

A condition of the permit should specifically require that north-south access along the esplanade be maintained (though controlled) when cruise ships are present, and that the esplanade be fully open and accessible when no cruise ships are docked.

In order to create commercial loading and unloading zones, the project would eliminate 170 existing spaces, to be replaced with 24 parallel parking spaces, with the possibility of increasing to a total of 58 diagonal parking spaces in the future. The August 25, 2008 Draft North Embarcadero Visionary Plan Parking Management Plan is a fairly comprehensive analysis of parking needs and strategies for the area, but few of the Actions identified in the Parking Management Plan are addressed in the CDP or will be implemented within the time frame that the parking spaces will be lost.

The Mitigation Monitoring Program attached to the permit identifies several transit related measures for the proposed project, specifically, promoting subsidized transit passes for employees of study area businesses; providing information to downtown hotel guests about transit opportunities; planning for shuttle stops at two locations on Harbor Drive within the Plan area; promoting pedi-cab use; and providing trailblazing signage. However, it is unclear when these measures must be implemented. The permit consistency analysis states "the NEVP Parking Management Plan(s) shall be completed prior to the commencement of Project construction." This should be a condition of the permit. Furthermore, the permit should require that the mitigation measures themselves be implemented prior to commencement of construction.

In addition to the above measures, more information on where proposed transit/shuttle stops, pullouts, etc. should be provided in the permit, either textually or graphically. The NEVP Parking Management Plan identifies the project site as an appropriate location for a designated Transportation Hub. These hubs are to have facilities and services including circulator stops, bicycle storage devices, transportation information displays, pedi-cab waiting areas, passenger loading zones, etc. The presence and location of a Transportation Hub with associated facilities should be specifically acknowledged and integrated into this permit.

Pricing strategies are part of the draft NEVP Parking Management Plan. Anticipated changes in pricing between the existing metered spaces and the remaining spaces should be identified. In addition, most, if not all, of the existing spaces are metered spaces appealing to waterfront visitors for short-term parking, but it appears that the majority of the surrounding alternative spaces are in lots that are priced for all-day users, such as

downtown workers. Some acknowledgement and analysis of the ability and opportunities for short-term parking should be included in the coastal analysis.

The permit includes a comprehensive 'way-finding' sign program. The description of this program should be expanded, or a condition included, requiring signage that directs visitors to parking locations and opportunities.

We continue to be concerned that the plan includes construction of a new building in the designated view corridor on C Street, which is supposed to "enhance the physical and visual access to the Bay." We have repeatedly requested 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, but no such survey has been forthcoming. The statement in the consistency analysis that "no adopted applicable document describes or infers that nothing should be located within the view corridors" is extremely troubling and calls into the question the validity of all of the view corridors in the PMP. The purpose of a view corridor is to provide an unobstructed view, which is not achieved when blocked with a solid structure. The certified PMP states "Views should be enhanced through view corridors." While the encroachment is minor, it remains to be seen how even the most artistic restroom enhances views to the bay.

In summary, staff believes the Coastal Access Features Project as proposed is not consistent with the certified Port Master Plan. However, we believe the above suggestions and revisions to the proposed project are at a minimum necessary to increase the project's consistency with the Coastal Act. Please provide a copy of these comments to the Board of Port Commissioners for their July 7, 2009 hearing for the coastal development permit. Thank you for the opportunity to comment.

Sincerely,

Signature on file

Diana Lilly
Coastal Planner

cc: Deborah Lee
Sherilyn Sarb
Matthew Valerio
Irene McCormack

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APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

SECTION I. Appellant

Name: Scott Andrews
Mailing Address: 4745 Del Mar Avenue
City: San Diego State: CA Zip Code: 92107 Phone: (619) 221-5947

SECTION II. Decision Being Appealed

1. Name of local/port government:
San Diego Unified Port District
2. Brief Description of development being appealed:
North Embarcadero Visionary Plan (NEVP)
3. Development's Location
N. HARBOR DR.
4. Description of decision being appealed (check one):

_____ Approval; no special conditions
__X__ Approval with special conditions:
_____ Denial

TO BE COMPLETED BY COMMISSION:

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

DATE FILED: 7/23/09

DISTRICT: San Diego

RECEIVED
JUL 23 2009
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

_____Planning Director/Zoning Administrator
_____City Council/Board of Supervisors
_____Planning Commission
_San Diego Unified Port District_Other

6. 7/7/09 Date of local government's decision:
7. 2609-07 Local government's file number (if any)

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties:

a. Name and mailing address of permit applicant:

SAN DIEGO UNIFIED PORT DISTRICT

Names and mailing addresses as available of those who testified at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

1. __Katheryn Rhodes
2. __Don Woods
3. __Ian Trowbridge

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

SECTION IV. Reasons Supporting This Appeal

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing.

Appellant's note; all page references are to the Port Master Plan (PMP)...

... The Port-approved North Embarcadero Visionary Plan (NEVP) for San Diego's NorthEmbarcadero public tidelands is virtually unrecognizable from the open public access called for in the Port Master Plan. The NEVP, totally redesigned with late changes,
is now totally inconsistent with Port Enabling Legislation, the Coastal Act and Public Resources Code, and established Port practices and precedent.
Before detailing the gross takings of public facilities, I will briefly offer context for the Port's, and City's, cynical and indefensible actions...

The Port of San Diego, whose appointees include one Commissioner reappointed by the Mayor in violation of Port term limits, has redesigned the NEVP to serve the cruise ship industry.
Eliminating public access facilities to do so, the Port has redacted a Port Master Plan-designated 10-acre waterfront public tideland park, a public Bay front pier, and promised green grass park and picnic areas along the blue Bay's Esplanade.
The Port is trying to replace the public park and pier with two new cruise ship terminals, and on the last N. Embarcadero parcel, a six-story cruise ship industry parking garage to complete the walling off of San Diego Bay under Port trusteeship. All changes without mitigation.
The NEVP walls off Bay views with massed high rise development along Harbor Drive. To compound this destruction of views and access, the NEVP would fill the Esplanade with tree groves, multiple tree rows, and structures unconcerned with preserving view corridors.
The Port is treating the public tidelands, an irreplaceable coastal zone resource, like inland industrial land, not an irreplaceable natural asset between the nearest road and the blue coastal waters of San Diego Bay.
The City has placed downtown Embarcadero tidelands under myriad confusing agencies - the City Council, the Redevelopment Agency, the Centre City Development Corporation, The Port Authority, and the Joint Powers Authority. The Commission should know this jurisdictional jumble has effectively thwarted public calls to do cumulative study of the City downtown Bay front to allow for adequate public park, recreation, open space, and views.

1) <u>The Port, in its North Embarcadero Visionary Plan (NEVP), violates the Port Master Plan (PMP):</u>

<u>The Port's arbitrary elimination of two major N. Embarcadero public tideland facilities, a public Embarcadero park (Broadway Landing Park) and public-access San Diego Bay pier (Broadway Pier), demands Mitigation of loss of Public Tideland and water access.</u>

<u>PMP VIOLATIONS:</u>

PMP Page 59: "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...."

The Port NEVP eliminates said major park and recreational pier without offset mitigation.

PMP Page 61: Figure 11 shows 10-acre Broadway Landing Park fanning out at the end of Broadway Street into the Lane Field and Navy Broadway parcels. The **Figure 11** schematic also clearly shows the first two thirds of Broadway Pier also designated as "Park/Plaza".

PMP Page 63: "The esplanade expands into plazas at... Broadway Pier. These plazas will be designated to provide open space, sitting and strolling areas for tourists and nearby workers, and to increase the sense of destination for Embarcadero visitors."

This Port NEVP eliminates this public open space access with new Port Cruise Ship Terminal #2, new Port Cruise Ship Terminal #1 approved at Lane Field.

PMP Page 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."

I do not think any new proposed green picnic and recreation grass Esplanade parks exist in the Port's NEVP!

PMP Page 63: "The wharf side remains clear of objects or furnishings that would block Bay views. A delicate string of lights, a planting area with tall palms, and a 10 foot wide bike path border the landward side of the promenade."

The Port NEVP purposely blocks Bay views:

Adding cruise ships to Broadway Pier, by refusing to locate any ship terminals down-harbor, adds seven-story high floating hotels to the Port's out-of-control number of Esplanade San Diego Bay view blockers.

The Port refused to remove an electric utility installation at the wharf side of Broadway.

The Port NEVP has added view-blocking *groves* of jacaranda trees and four rows of palms along the Esplanade. The NEVP's tree groves are a terrible daytime view blocker at the City's front porch on the blue bay at the end of Broadway. They would block ambient and overhead lighting at night, creating a dark, foreboding Esplanade.

The Port added misaligned commercial structures and restrooms which block bay views along the Esplanade.

The Port added multiple rows of palms and light poles at the foot of Broadway where Broadway Landing Park is supposed to fan out to provide vistas where downtown San Diego opens to San Diego Bay.
PMP Page 64: "Broadway Pier will continue to provide recreational space on its plaza and viewing platform, as well as accommodating commercial shipping and miscellaneous vessel berthing, including day cruisers."
Forget small boat or kayak users, or water taxi accommodations. Not in the NEVP!
Broadway Pier's public access facility has been handed over to the cruise ship industry without mitigation for loss of Park/Plaza and Bay view shed.
The Port/JPA voted to cancel a planned children's fountain at the foot of Broadway, saying it would conflict with semi truck access for the ship terminal.

2) The Port is violating its demonstrated willingness to Amend its Master Plan regularly over time:

The Port's arrogant defiance of CCC staff's call to Amend the Port's Total Special Interest-Driven Redesign of the NEVP violates historical common Port practice to Amend for any and all changes and new developments slated for public tidelands. Why now the suspect suspension of Port willingness to Amend its PMPlan on a regular basis?

Page ii of the Port Master Plan lists thirty-two (32) Amendments made by the Port to its Master Plan from CCC certification in 1981 to 2007!

3) The Port is violating its precedent history of Mitigating takings of San Diego Bay Public Tideland and water access:

The Port recently agreed to mitigate on- and off- site the loss of tideland access -- on the same N. Embarcadero the NEVP is blatantly trying to completely redesign without amendment or mitigation:

When the Port permitted the Midway Aircraft Carrier Museum to dock at Navy Pier, the Port mitigated the loss of water and views with two public facilities, one on site --
PMP pg. 64: "...conversion of the [Navy Pier] pier to a 5.7-acre memorial park...." [note: the Navy and Port have yet to institute this mitigation, although I understand title of these tidelands has reverted to the public in the person of the Port. Will this pier be surrendered to build the designated park, or is this yet another N. Embardadero public park demanding mitigation?]

PMP pg. 64: "Mitigation for the loss of 4.1 acres of open water habitat...has been provided by the expansion of...Lovett Marsh...creation of approx. 5.8 acres of new coastal salt marsh." [The Port has fulfilled this mitigation].

4) The NEVP design violates Coastal Act public access and public view provisions as required under Chapter 3 Public Resources Code Sec. 30604 (c) (b).

The Port is violating Section 2 of the State Enabling Legislation's call "to develop the harbors and ports of this state for multiple purpose use for the benefit of the people.", and Section 4's provision re "the Harbor of San Diego upon the tidelands...of San Diego Bay, and for the promotion of...recreation."

The Port has ignored its Master Plan to serve no "multiple purpose" that involves public access, recreation, or views of the N. Embarcadero's beautiful natural coast.

The Port NEVP violates these provisions by knowingly commercializing all of the last four open City of San Diego public tideland parcels on the North Embarcadero -- Navy Broadway, Lane Field, Broadway Pier, and 1220 Pacific Highway.

At this writing, every major parcel of Bay frontage of the City of San Diego's North and South Embarcadero downtown tidelands has been handed over to commercial development along Harbor Drive. Further, no park has been created along the second road from the sea, Pacific Highway, which is now a second wall of hirises.

The Port Commission, to favor the cruise ship industry, wants to cancel the two city block, ten-acre Broadway Landing Park and the public two-thirds of Broadway Pier WITHOUT CUMULATIVE STUDY OR MITIGATION.

5) The Port and City favor unacceptable reductions in public N. Embarcadero parking under the proposed NEVP:

In its unbalanced NEVP commercialization, the Port is reducing N. Embarcadero parking by possibly a net loss of 146 spaces. Downtown has scarce few remaining diagonal spaces on the water to view the bay. These spaces should be retained for elderly, disabled, tourist, and transitory lunch hour parkers who, with physical or time constraints, cannot park elsewhere to enjoy bay views, boats, and onshore breezes.

If the shaky Navy Broadway Complex at the south end of the NEVP is ever built, the Navy has announced it will further reduce area coastal public access by closing parts of E Street, F Street, and Pacific Highway to coastal access on street parking due to the threat of terrorist truck bomb attack on the combined unprotected military and civilian development.

Wholesale changes without amendment and cumulative study and retention of promised PMP public facilities on San Diego's last public tidelands make a mockery of the NEVP.

The Coastal Commission must intervene to reject the Port takings of Broadway Landing Park, Broadway Pier, and the NEVP destruction of public tideland access, recreation, views, and parking OR...
MITIGATE THEIR LOSS by relocating their approximate 12-14 acre total area at the last city downtown tideland parcel left for any meaningful public access--the Navy Broadway parcel so now beset with a citizen suit for Conspiracy to Commit Honest Services Fraud by City, CCDC, and Navy officials hiding two active earthquake fault studies, refusing to order site Anti-terrorism/ Force Protection Study, and hiding the questionnable 99-year lease's terms.

Thank you for your consideration of Port tideland trustee malfeasance,

Scott Andrews 619 221-5947

SECTION V. Certification

The information and facts stated above are correct to the best of my knowledge

Signature on file

Signature of Appellant

7/23/09 Date

CALIFORNIA COASTAL COMMISSION
SAN DIEGO COAST DISTRICT OFFICE
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
VOICE (619) 767-2370 FAX (619) 767-2384

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name:			Ian S.Trowbridge		
Mailing Address:			3444 Hawk St		
City:	San Diego	Zip Code:	92103	Phone:	619-795-0155

SECTION II. Decision Being Appealed

1. Name of local/port government:

Port of San Diego's North Embarcadero Visionary Plan (NEVP) phase 1

2. Brief description of development being appealed:

See attached documents

3. Development's location (street address, assessor's parcel no., cross street, etc.):

Harbor Drive on Reclaimed Port Tidelands near the Navy Broadway Complex.

4. Description of decision being appealed (check one.):

X	Approval; no special conditions
	Approval with special conditions:
	Denial

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

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

DATE FILED: 7/23/09

DISTRICT: San Diego

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

	Planning Director/Zoning Administrator
	City Council/Board of Supervisors
	Planning Commission
X	Other

6. Date of local government's decision: July 7, 2009

7. Local government's file number (if any): UPD #83356-EIR-351; SCH #99031037)

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Port of San Diego Administration
Administration Building
3165 Pacific Highway
San Diego, CA 92101-1128
(619) 686-6200

- Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) City of San Diego, 202 C Street, San Diego, California 92101

(2) Centre City Development Corporation (CCDC), 401 B Street, Fourth Floor, San Diego, CA 92101 Phone 619.235.2200 Fax 619.236.9148

(3)

(4)

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal.** Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

See also attached documents

Signature of Appellant(s) or Authorized Agent

Signature on file fc

Date: July 10, 2009

Note: If signed by agent, appellant(s) must also sign below.

Section VI. **Agent Authorization**

I/We hereby authorize

to act as my/our representative and to bind me/us in all matters concerning this appeal.

A legal Firm OF my choice to be submitted later.

Signature of Appellant(s) *Signature on file*

Date: July 10, 2009

(UPD #83356-EIR-351; SCH #99031037)
NORTH EMBARCADERO VISIONARY PLAN
PHASE 1 COASTAL ACCESS FEATURES PROJECT

California Coastal Commission Appeal, July 10, 2009

Appellant: Ian Trowbridge, an individual

Grounds for Appeal are contained in attachments 1 and 2.

A more complete brief will be submitted at a later time.

Attachment 1

RESPONSE TO COMMENTS
ADDENDUM TO THE
MASTER ENVIRONMENTAL IMPACT REPORT
AND INITIAL STUDY
(UPD #83356-EIR-351; SCH #99031037)

NORTH EMBARCADERO VISIONARY PLAN
PHASE 1 COASTAL ACCESS FEATURES PROJECT

Introduction

The Addendum / Initial Study for the Phase 1 Coastal Access Features Project (Proposed Project) (pages viii through xii) clearly sets out the procedure followed by the District for implementing subsequent projects described in the Master Environmental Impact Report (Master EIR) for the North Embarcadero Visionary Plan (NEVP) as required by the California Environmental Quality Act (CEQA). The Addendum/ Initial Study includes a section defining the use of the Initial Study (page 2). However, in response to the numerous comments that asserted components had been omitted from the Addendum/ Initial Study, the following text is provided to further clarify the procedure, premise, and scope of the Addendum/ Initial Study.

The Proposed Project was originally subject to analysis under the CEQA as the proposed project described in the NEVP Master EIR. The Master EIR procedure is available to a lead agency as an alternative to a project EIR, staged EIR, or program EIR for certain projects which will form the basis for later decision making. (CEQA Guidelines 15175[a]). The San Diego Unified Port District (District) was the CEQA lead agency for the NEVP Master EIR. The alliance for the NEVP Project consisted of the District, the City of San Diego, the County of San Diego, Centre City Development Corporation (CCDC) and the United States Navy.

The NEVP Master EIR was certified by the Board of Port Commissioners (Board) on April 25, 2000. As required by CEQA, the NEVP Master EIR included a detailed discussion of environmental impacts and a description of anticipated subsequent projects within the scope of the Master EIR, including the Proposed Project.

A Master EIR certified more than five years prior to the filing of an application for a subsequent project described in the Master EIR may be used to review that subsequent project if the lead agency reviews the adequacy of the Master EIR and finds that no substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, or that there is no new available information which was not known and could not have been known at the time the Master EIR was certified. (CEQA Guidelines 15179[b][1]).

On August 8, 2006, the Board reviewed the adequacy of the NEVP Master EIR and adopted Resolution No. 2006-131 in which it found no substantial changes had occurred with respect to the circumstances under which the NEVP Master EIR was certified. The Board also found that the NEVP Master EIR was adequate for use in the review of subsequent projects.

After a Master EIR has been prepared and certified, subsequent projects which the lead agency determines as being within the scope of the Master EIR are subject to only limited environmental review (CEQA Guidelines 15177[a]). Limited environmental review requires preparation of an initial study to analyze whether the subsequent project is described in the Master EIR and whether the subsequent project may cause any additional significant effect on the environment not previously examined in the Master EIR (CEQA Guidelines 15177[b][2]).

The initial study prepared for the Proposed Project performed the analyses described above and concluded that the Proposed Project is described in the Master EIR and that the Proposed Project would not cause any additional significant effect on the environment not previously examined in the Master EIR. As a result, neither a new environmental document nor the preparation of findings pursuant to CEQA Guidelines Section 15091 is required.

The Port has completed Addendum/Initial Studies for two other projects that were determined to be covered by the NEVP and the scope of the Master EIR:

- An Addendum/Initial Study was completed for the Broadway Pier Improvements (UPD #83356-EIR-351; SCH #99031037) in April 2007 for which the District held a public hearing, approved a Coastal Development Permit and filed a Notice of Determination with the County Clerk on June 13, 2007. Pursuant to Public Resources Code § 21157.1 and CEQA Guidelines § 15177, the Port determined that the use of Broadway Pier as a cruise ship terminal was within the scope of the Master EIR and no new environmental document was required.

- An Addendum/Initial Study was completed for the Land Field Development Project (UPD #83356-EIR-351; SCH #99031037) in January 2008 for which the District held a public hearing, approved a Coastal Development Permit and filed a Notice of Determination with the County Clerk on January 9, 2008. The Superior Court of California, County of San Diego in December 2008 (Case number 37-2008-00077646-CU-MC-CTL) upheld the decision of the Port to use an Addendum/Initial Study for the Lane Field Development Project considering that it was covered by the NEVP and within the scope of the Master EIR. The Coastal Development Permit was appealed to the California Coastal Commission, which ultimately issued a Coastal Development Permit that was little-altered compared to that approved by the District.

The District appreciates the time and effort those individuals and organizations have expended in providing comment on this Addendum/Initial Study. Unlike requirements for an EIR, formal written responses to comments are not required. Although the CEQA Guidelines do not require a lead agency to respond to comments on an initial study, the District has elected to provide the following responses to comments received. The numbering of responses has been added to the comment letters to clearly reference responses to comments. Where there is existing numbering the new number has been added in an underline format.

The Broadway Complex Coalition (BCC), March 22, 2009

BCC.1. Summary. Specific comments raised under this broad comment/heading are addressed below.

BCC.1.a. The commenter states the nature of the Bayfront Complex Coalition. This comment does not address the adequacy of the Initial Study evaluation of whether the Proposed Project would result in a project-specific additional significant impact not evaluated in the Master EIR for the NEVP. No further response is necessary.

BCC.1.b. The commenter states their understanding of the intent of the NEVP. This comment does not address the adequacy of the Initial Study evaluation of whether the Proposed Project would result in a project-specific additional significant impact not evaluated in the Master EIR for the NEVP. No further response is necessary.

BCC.1.c. The commenter considers that the differences described in the Initial Study / Addendum are significant compared to the NEVP and that it fails to address the key issues of coastal public access and environmental impacts, as well as contending that the 2000 Master EIR is obsolete. This comment does not address the adequacy of the Initial Study evaluation of whether the Proposed Project would result in a project-specific additional significant impact not evaluated in the Master EIR for the NEVP. Please see the introduction to the responses to comments for clarification of the process followed by the Port for compliance with the CEQA.

The Initial Study prepared for the Proposed Project performed the analyses described in the introduction above and concluded that the Proposed Project is described in the Master EIR and that the Proposed Project would not cause any additional significant effect on the environment not previously examined in the Master EIR. As a result, neither a new environmental document nor the preparation of findings pursuant to CEQA Guidelines Section 15091 is required and the 2000 Master EIR is not obsolete.

BCC.1.d. The commenter contends that the Initial Study represents a reduced project review that does not consider future phases of the NEVP and other projects along Harbor Drive. The Proposed Project was subject to environmental analysis as part of the NEVP Master EIR as a subsequent project. The intent of Master EIRs under CEQA is to streamline later environmental review and include evaluation of cumulative impacts, growth inducing impacts, and irreversible significant effects on the environment of subsequent projects (CEQA Guidelines §15175(a)). The Master EIR contained a comprehensive cumulative project analysis which included projects along North Harbor Drive and West Broadway such as the Navy Broadway Complex and the Bosa and Irvine Company developments as well as addressing the entire build out of the NEVP improvements and subsequent projects on adjacent piers and on the Lane Field property. The evaluation presented in the Initial Study concludes that no project-specific additional environmental effects would result.

BCC.1.e. The commenter contends that a planning deficiency has deprived the public the ability to identify and assess the environmental impacts and reduction of

public access resulting from the project as well as the cumulative impacts of the project and other planned projects.

The Proposed Project was subject to environmental analysis as part of the NEVP Master EIR as a subsequent project. The intent of Master EIRs under CEQA is to streamline later environmental review and include evaluation of cumulative impacts, growth inducing impacts, and irreversible significant effects on the environment of subsequent projects (CEQA Guidelines §15175(a)). The Master EIR contained a comprehensive cumulative project analysis which included projects along North Harbor Drive and West Broadway such as the Navy Broadway Complex and the Bosa and Irvine Company developments as well as addressing the entire build out of the NEVP improvements and subsequent projects on adjacent piers and on the Lane Field property. The evaluation presented in the Initial Study concludes that no project-specific additional environmental effects would result.

BCC.1.f. The commenter expresses his opinion concerning public view and access issues relating to use of the Broadway Pier as a cruise ship terminal. These issues were addressed in the NEVP and the Master EIR and more recently in connection with the Broadway Pier Cruise Ship Terminal and Infrastructure Improvement Project, which was approved by the District in June, 2007. Since this comment does not address the adequacy of the Initial Study evaluation of whether the Proposed Project would result in a project-specific additional significant impact not evaluated in the Master EIR for the NEVP, no further response is necessary.

BCC.1.g. The commenter identifies changes in description of the plaza at the foot of Broadway Pier described in the NEVP 2000 Master EIR compared to that in the Initial Study /Addendum. The changes described are disclosed in the Initial Study /Addendum and are identified as part of the rationale for preparing an Addendum. This comment does not address the adequacy of the Initial Study evaluation of whether the Proposed Project would result in a project-specific additional significant impact not evaluated in the Master EIR for the NEVP.

BCC.1.h. The commenter contends that the changes to the proposed plaza at the foot of Broadway would reduce public access and views from downtown. The changes to the project component at the foot of Broadway do not change the location or use of the plaza and provide no obstacles or structures on the plaza that might affect views from downtown. The changes recognize that the roadway and plaza configuration shown in the NEVP cannot be achieved because of the ownership of property on the southeast corner of the intersection is not a JPA member agency, the road alignment would present safety concerns, and the oval extending out of the water would result in additional water coverage not addressed as part of the NEVP 2000 Master EIR and Port Master Plan Amendment. The Proposed Project in combination with plaza requirements for the Lane Field development set out in the Coastal Development Permit issued by the California Coastal Commission and the 1.9 acre park proposed as part of the Navy Broadway Complex, would result in an increased public area compared to that envisioned. The Proposed Project explicitly increases public access and opportunities for public views compared to existing conditions. The level to which the benefit envisioned in the NEVP is realized is not an adverse impact.

BCC.1.i. The commenter contends that it cannot be determined that environmental impacts of the project are completely mitigated from the Initial Study and consequently a new Project EIR is necessary. The Proposed Project was subject to environmental analysis as part of the NEVP Master EIR as a subsequent project. The intent of Master EIRs under CEQA is to streamline later environmental review and include evaluation of cumulative impacts, growth inducing impacts, and irreversible significant effects on the environment of subsequent projects (CEQA Guidelines §15175(a)). The Master EIR contained a comprehensive cumulative project analysis which included projects along North Harbor Drive and West Broadway such as the Navy Broadway Complex and the Bosa and Irvine Company developments as well as addressing the entire build out of the NEVP improvements and subsequent projects on adjacent piers and on the Lane Field property. The evaluation presented in the Initial Study concludes that no project-specific additional environmental effects would result. The significant adverse environmental impacts and mitigation measures to reduce to below significance or avoid those impacts are listed in the Mitigation Monitoring and Reporting Program (MMRP) provided at the end of the initial Study / Addendum.

BCC.2. Structural Problems with the Port's planning process. Specific comments raised under this broad comment/heading are addressed below.

BCC.2.a. The commenter contends that the Initial Study should be updated to address adjacent projects on nearby tidelands and piers and show how those impacts will be mitigated. The District takes this opportunity to clarify that the Proposed Project was subject to environmental analysis as part of the NEVP Master EIR as a subsequent project. The intent of Master EIRs under CEQA is to streamline later environmental review and include evaluation of cumulative impacts, growth inducing impacts, and irreversible significant effects on the environment of subsequent projects (CEQA Guidelines §15175(a)). The assertion that these issues have not been evaluated is incorrect.

Chapter 6.3 of the Master EIR included evaluation of cruise ship as well as excursion cruise facilities on Broadway Pier. A separate Addendum/Initial Study was completed for the Broadway Pier Cruise Ship Terminal and Infrastructure Improvement Project (April 2007) for which the District held a public hearing, approved a Coastal Development Permit and filed a Notice of Determination with the County Clerk on June 13, 2007. Pursuant to Public Resources Code § 21157.1 and CEQA Guidelines § 15177, the District determined that the use of Broadway Pier as a cruise ship terminal was within the scope of the Master EIR and no new environmental document was required.

The use of Broadway Pier as a cruise ship facility is not a new circumstance. The pier was constructed for such use in 1913 and has been in continual use for cruise ships since that time. It was used for cruise ships in 2000 and use of the Broadway Pier for cruise ships was described in the Master EIR.

As described above, the Broadway Pier Cruise Ship Terminal and Infrastructure Improvement Project was covered by the NEVP and determined to be within the

scope of the Master EIR. As a result the Master EIR was updated with the April 2007 Addendum and does not need to be updated through a Supplemental EIR to address the Broadway Pier Cruise Ship Terminal and Infrastructure Improvement Project as requested in the comment.

BCC.2.b. and BCC.2.c. The commenter contends that the Port is swayed by private interests, in this instance the cruise ship industry. This comment does not address the adequacy of the Initial Study evaluation of whether the Proposed Project would result in a project-specific additional significant impact not evaluated in the Master EIR for the NEVP. No further response is necessary.

BCC.2.d. The commenter contends that the Port has never worked with the U.S. Navy, the City of San Diego, and Centre City Development Corporation to develop a Precise Bayfront Plan. This comment appears to disregard the fact that, since 1997, the District has worked, and continues to work, with the U.S. Navy, the City of San Diego, the Centre City Development Corporation and the County of San Diego to establish and implement the North Embarcadero Alliance Visionary Plan, which provides a unified vision for future development of the North Embarcadero. This comment does not address the adequacy of the Initial Study evaluation of whether the Proposed Project would result in a project-specific additional significant impact not evaluated in the Master EIR for the NEVP. No further response is necessary.

BCC.2.e. The commenter suggests that the Port obtain clarification from the State Lands Commission, California Coastal Commission and the Court's as to whether the Port planning process complies with the state tidelands trust doctrine laws and policies, and the California Coastal Commission's public access preservation policies. This comment does not address the adequacy of the Initial Study evaluation of whether the Proposed Project would result in a project-specific additional significant impact not evaluated in the Master EIR for the NEVP. No further response is necessary.

BCC.2.f. The commenter suggests the California Coastal Commission should order the Port to conduct a precise public bayfront planning process from Lindbergh Field to Seaport Village. This comment does not address the adequacy of the Initial Study evaluation of whether the Proposed Project would result in a project-specific additional significant impact not evaluated in the Master EIR for the NEVP. No further response is necessary.

BCC.2.g. The commenter requests that the California Coastal Commission consider the Proposed Project and the Broadway Pier Amendment at the same time. This comment does not address the adequacy of the Initial Study evaluation of whether the Proposed Project would result in a project-specific additional significant impact not evaluated in the Master EIR for the NEVP. No further response is necessary. Please also see Response to Comment BCC.2.a.

BCC.3. The proposed project changes appears to ignore the California Public Tidelands Trust Doctrine, undermine the goals of the California Coastal Act and violate the California Environmental Quality Act. Specific comments raised under this broad comment/heading are addressed below.

BCC.3.a. The commenter states his understanding of the Port's responsibility and the Public Trust. This comment does not address the adequacy of the Initial Study evaluation of whether the Proposed Project would result in a project-specific additional significant impact not evaluated in the Master EIR for the NEVP. No further response is necessary..

BCC.3.b. The commenter asserts that under the Public Trust there is a responsibility to preserve local resident's public access to the San Diego Bay. This comment does not address the adequacy of the Initial Study evaluation of whether the Proposed Project would result in a project-specific additional significant impact not evaluated in the Master EIR for the NEVP. No further response is necessary. The Proposed Project increases and enhances public access to the San Diego Bay for all the people (local residents and visitors alike) by providing an approximately 105 foot wide Esplanade that would include a continuous bayfront promenade, 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 would be constructed on the eastern portion of the Esplanade, under which replacement ticket kiosks, an Information building, and a walk-up café building would be erected.

BCC.3.c. The commenter cites a section of the Coastal Act that addresses access and recreational opportunities. This comment does not address the adequacy of the Initial Study evaluation of whether the Proposed Project would result in a project-specific additional significant impact not evaluated in the Master EIR for the NEVP. No further response is necessary. The Proposed Project increases and enhances public access to the San Diego Bay for all the people (local residents and visitors alike) by providing an approximately 105 foot wide Esplanade that would include a continuous bayfront promenade, 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 would be constructed on the eastern portion of the Esplanade, under which replacement ticket kiosks, an Information building, and a walk-up café building would be erected.

BCC.3.d. The commenter asserts that the Board of Port commissioners have managed the Port lands as their property in a manner intended to maximize financial revenues not for the benefit of the public. This comment does not address the adequacy of the Initial Study evaluation of whether the Proposed Project would result in a project-specific additional significant impact not evaluated in the Master EIR for the NEVP. No further response is necessary.

BCC.3.e. The commenter asserts that the Port has undertaken fragmented planning that has not considered projects on adjoining property parcels. The Proposed Project was subject to environmental analysis as part of the NEVP Master EIR as a 'subsequent project'. The intent of Master EIRs under CEQA is to streamline later environmental review and include evaluation of cumulative impacts, growth inducing impacts, and irreversible significant effects on the environment of subsequent projects (CEQA Guidelines §15175(a)). The assertion that these issues have not been evaluated or that fragmentation is occurring is incorrect. The very intent of the

NEVP was a comprehensive planning effort in association with the NEVP Alliance (City of San Diego, County of San Diego, CCDC, the U.S. Navy and the Port District) and numerous other stakeholders. The Master EIR contained a comprehensive cumulative project analysis which included the Navy Broadway Complex and the Bosa and Irvine Company developments located within the CCDC project area on Pacific Highway. The evaluation presented in the Initial Study concludes that no project-specific additional environmental effects would result.

BCC.3.f. The commenter asserts that the Port is limiting public comments to the Proposed Project and should instead engage in a new comprehensive public Bayfront precise planning process. The Port takes this opportunity to clarify that the Initial Study was prepared and made available for public review in accordance with Section 15177 (b) of the CEQA Guidelines and the Master EIR was made available for public review prior to certification by the Board of Port Commissioners in accordance with section 15087 of the CEQA Guidelines.

The part of the comment that suggests a new comprehensive public Bayfront precise planning process should be initiated does not address the adequacy of the Initial Study evaluation of whether the Proposed Project would result in a project-specific additional significant impact not evaluated in the Master EIR for the NEVP.

BCC.3.g. The commenter contends that the Port is proposing cruise ship benefit to the detriment of public access. This comment does not address the adequacy of the Initial Study evaluation of whether the Proposed Project would result in a project-specific additional significant impact not evaluated in the Master EIR for the NEVP. No further response is necessary. The Proposed Project increases and enhances public access to the San Diego Bay for all the people (local residents and visitors, including cruise ship passengers, alike) by providing an approximately 105 foot wide Esplanade that would include a continuous bayfront promenade, storm water treatment system, a nine-foot 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 would be constructed on the eastern portion of the Esplanade, under which replacement ticket kiosks, information building, and a walk-up café building would be erected.

BCC.3.h. The commenter suggests a redesign concept for the North Embarcadero. This comment does not address the adequacy of the Initial Study evaluation of whether the Proposed Project would result in a project-specific additional significant impact not evaluated in the Master EIR for the NEVP. No adopted documentation related to the NEVP or the Project exists with the District that requires or references an inventory of view corridors. No further response is necessary.

BCC.3.i. The commenter suggests the NEVP Joint Powers Authority should adopt a new Bayfront public access and viewshed loss mitigation policy. This comment does not identify what project component would necessitate the need for such mitigation applied to the project. The suggestion that the JPA adopt a new mitigation policy does not address the adequacy of the Initial Study evaluation of whether the Proposed Project would result in a project-specific additional significant impact not evaluated in the Master EIR for the NEVP. No further response is necessary.

BCC. 3.j. The commenter states benefits of the concept laid out in comment 3.i. above and states that the concept should be evaluated in the Amendment/Initial Study and a follow-up EIR. This comment does not address the adequacy of the Initial Study evaluation of whether the Proposed Project would result in a project-specific additional significant impact not evaluated in the Master EIR for the NEVP. No further response is necessary.

BCC.4. The Port staff has based its MEIR amendment Initial Study on the original 2000 North Embarcadero Visionary Plan Master Environmental Impact Report, which did not envision construction of a permanent cruise ship terminal on the Broadway Pier, redevelopment of Navy Pier, or redevelopment of 1220 Pacific Highway and neighboring Harbor Drive parcels. The 2000 MIER must be updated to address the impacts of all those adjoining redevelopment projects, before it can be used to support a NEVP MEIR amendment or IS. Specific comments raised under this broad comment/heading are addressed below.

BCC.4.a. The commenter discusses renderings and schematics showing Broadway Pier. Broadway Pier is a separate element of the NEVP and is not part of the Proposed Project. Operations on the Broadway Pier would not be affected by the Proposed Project. The project to which this comment appears to refer was subject to CEQA review in 2007, and a Coastal Development Permit was issued as a result in June 2007. This comment does not address the adequacy of the Initial Study evaluation of whether the Proposed Project would result in a project-specific additional significant impact not evaluated in the Master EIR for the NEVP. No further response is necessary.

BCC.4.b. The commenter provides an illustration from the 2000 Master EIR. This comment does not address the adequacy of the Initial Study evaluation of whether the Proposed Project would result in a project-specific additional significant impact not evaluated in the Master EIR for the NEVP. No further response is necessary.

BCC.4.c. The commenter addresses the validity of the Broadway Pier Cruise Ship Terminal and Infrastructure Improvements Project. Broadway Pier is a separate element of the NEVP and is not part of the Proposed Project. Operations on the pier would not be affected by the Proposed Project. The project to which this comment appears to refer was subject to CEQA review in 2007, and a Coastal Development Permit was issued as a result in June 2007. This comment does not address the adequacy of the Initial Study evaluation of whether the Proposed Project would result in a project-specific additional significant impact not evaluated in the Master EIR for the NEVP. No further response is necessary. Please also see response to comment BCC.2.a.

BCC.4.d. The commenter contends that the NEVP Phase 1 Coastal Access Features Project has eliminated the Broadway Landing Park, shown on the graphic provided in comment 4.b. of this letter taken from the Master EIR, in favor of an intersection. The Broadway Landing Park, which is described as a plaza in the Master EIR (page reference) and the Port Master Plan (page 63), has not been eliminated. As described on pages v, vii, ix, 4, 5, 7 and shown on Figure 7 of the

Addendum and Initial Study a plaza is proposed at the foot of Broadway Pier consistent with that envisioned in the NEVP, evaluated in the Master EIR, and described in the Port Master Plan. The rationale for the Addendum highlights the configuration changes to the Broadway Plaza compared to that evaluated in the Master EIR and described in the Port Master Plan as one the reasons making an Addendum to the Master EIR necessary. The changes described would not result in any new additional significant adverse impacts not previously evaluated in the Master EIR as established by the Initial Study.

Throughout the planning and review process for the NEVP the use of Broadway Pier for cruise ships was provided for and it was anticipated that traffic would necessarily cross the Broadway Plaza, (the graphic from the Master EIR provided by the commenter shows a break in the trees for just this purpose). Moveable bollards would be used to provide pedestrian safety and vehicular access when cruise ships are berthed at the Broadway Pier and rearranged to prevent vehicular access to the plaza when cruise ships are not at berthed at the Broadway Pier.

BCC.4.e. The commenter contends that the Broadway Plaza and Broadway Pier public areas were mitigation for public access loss resulting from new hotels on the Lane Field site. The Broadway Plaza is not described as a mitigation measure in the Master EIR. The Broadway Pier is a separate element of the NEVP and is not part of the Proposed Project. The Broadway Pier was subject to CEQA review in 2007, and a Coastal Development Permit was issued in June 2007. This comment does not address the adequacy of the Initial Study evaluation of whether the Proposed Project would result in a project-specific additional significant impact not evaluated in the Master EIR for the NEVP. No further response is necessary.

BCC4.f. The commenter discusses a recent Board of Port Commissioners meeting at which the Broadway Pier Cruise Ship Terminal was discussed as well as comments made by Commissioner Black. Commissioner Black's comments relate to her recollection of events prior to the adoption of the NEVP by the District and the other member agencies of the North Embarcadero Alliance. Commissioner Black clearly stated that her comments reflected her and other businesses understanding not those of the Commissioners and makes no reference to District staff assurances alluded to by the commenter[1]. Notwithstanding Commissioner Black's recollections, the best evidence of representations made regarding the future use of Broadway Pier are the NEVP and the certified Master EIR. Further, the Broadway Pier is a separate element of the NEVP and is not part of the Proposed Project. The Broadway Pier was subject to CEQA review in 2007, and a Coastal Development Permit was issued in June 2007. This comment does not address the adequacy of the Initial Study evaluation of whether the Proposed Project would result in a project-specific additional significant impact not evaluated in the Master EIR for the NEVP. No further response is necessary.

[1] A transcript of the minutes from the Feb 3, 2009 Board of Port Commissioners meeting, where the referenced comments by Commissioner Black were made, is available on the District web site : http://www.portofsandiego.org/read-board-agendas.html

BCC.4.g. The commenter provides his interpretation of events related to the Broadway Pier Cruise Ship Terminal and the Broadway Plaza Broadway Pier is a separate element of the NEVP and is not part of the Proposed Project. The Broadway Pier was subject to CEQA review in 2007, and a Coastal Development Permit was issued in June 2007. This comment does not address the adequacy of the Initial Study evaluation of whether the Proposed Project would result in a project-specific additional significant impact not evaluated in the Master EIR for the NEVP. No further response is necessary.

The Broadway Plaza has not been eliminated. As described on pages v, vii, ix, 4, 5, 7 and shown on Figure 7 of the Addendum / Initial Study the Broadway Plaza is proposed consistent with the envisioned in the NEVP, evaluated in the Master EIR, and described in the Port Master Plan. The rationale for the Addendum highlights the configuration changes to the Broadway Plaza compared to that evaluated in the Master EIR and described in the Port Master Plan as one the reasons making an Addendum to the Master EIR necessary. The changes described would not result in any project-specific significant adverse impacts not previously evaluated in the Master EIR as established by the Initial Study.

BCC.4.h. The commenter provides their interpretation of the rationale behind actions taken by the Port regarding the Broadway Pier Cruise Ship Terminal. The Broadway Pier is a separate element of the NEVP and is not part of the Proposed Project. The Broadway Pier was subject to CEQA review in 2007, and a Coastal Development Permit was issued in June 2007. The California Coastal Commission approved a de minimis Port Master Plan Amendment in April 2009. The de minimis amendment consisted of language revisions to the Project List (Table 11) to further clarify the intent of the text of the Port Master Plan as it pertains to Broadway Pier. This comment does not address the adequacy of the Initial Study evaluation of whether the Proposed Project would result in a project-specific additional significant impact not evaluated in the Master EIR for the NEVP. No further response is necessary.

BCC.4.i. The commenter cites CEQA Guidelines section 15177(b)(3), which addresses lead agency determination of no additional significant effects, mitigation measures, or alternatives may be required and that the project is within the scope of the Master EIR. The Initial Study / Addendum addresses this section of the CEQA Guidelines on pages xi, x, and 2. This comment does not address the adequacy of the Initial Study evaluation of whether the Proposed Project would result in a project-specific additional significant impact not evaluated in the Master EIR for the NEVP. No further response is necessary.

BCC.4. j. The commenter contends that based on the CEQA Guidelines reference provided in comment 4.i. a subsequent EIR is necessary to update the Master EIR to include the Broadway Pier Cruise Ship Terminal and the loss of the Broadway Plaza, which the commenter contends necessitate new mitigation. Broadway Pier is not within the Proposed Project boundary and would not be affected by the Proposed Project. The project to which this comment appears to refer was subject to CEQA review in 2007, and a Coastal Development Permit was issued as a result in June 2007. This comment does not address the adequacy of the Initial Study evaluation of

whether the Proposed Project would result in a project-specific additional significant impact not evaluated in the Master EIR for the NEVP. No further response is necessary.

The Broadway Plaza is not described as a mitigation measure in the Master EIR. The Broadway Plaza has not been eliminated. As described on pages v, vii, ix, 4, 5, 7 and shown on Figure 7 of the Addendum and Initial Study the Broadway Plaza is proposed consistent with the envisioned in the NEVP, evaluated in the Master EIR, and described in the Port Master Plan. The rationale for the Addendum highlights the configuration changes to the Broadway Plaza compared to that evaluated in the Master EIR and described in the Port Master Plan as one the reasons making an Addendum to the Master EIR necessary. The changes described would not result in any project-specific significant adverse impacts not previously evaluated in the Master EIR as established by the Initial Study. The realization of a rectangular plaza rather than an oval plaza at the foot the Broadway Pier does not result in a significant adverse effect on the environment. Because there is no impact, there is no nexus for mitigation.

BCC.4.k. The commenter states their belief that a full project EIR is necessary for the Broadway Pier Cruise Ship Terminal Project. The Broadway Pier is a separate element of the NEVP and is not part of the Proposed Project. The Broadway Pier was subject to CEQA review in 2007, and a Coastal Development Permit was issued in June 2007. This comment does not address the adequacy of the Initial Study evaluation of whether the Proposed Project would result in a project-specific additional significant impact not evaluated in the Master EIR for the NEVP. No further response is necessary.

BCC.5. The proposed MEIR amendment IS fails to address the cumulative impacts associated with the concurrent construction and operation of surrounding tidelands projects, including the Navy Broadway Complex redevelopment project, construction of a new permanent Broadway Pier cruise ship terminal, expansion and reconstruction of the existing B Street cruise ship terminal, redevelopment of Navy Pier, and redevelopment of the adjoining 1220 Pacific Highway site. Specific comments raised under this broad comment/heading are addressed below.

BCC. 5.a. The commenter contends that CEQA requires evaluation of cumulative impacts and that such an evaluation was not undertaken by the Port for the Proposed Project. The Proposed Project was subject to environmental analysis as part of the NEVP Master EIR as a subsequent project. The intent of Master EIRs under CEQA is to streamline later environmental review and include evaluation of cumulative impacts, growth inducing impacts, and irreversible significant effects on the environment of subsequent projects (CEQA Guidelines §15175(a)). The Master EIR contained a comprehensive cumulative project analysis which included projects along North Harbor Drive and West Broadway such as the Navy Broadway Complex and the Bosa and Irvine Company developments. The Master EIR also addressed the entire build out of the NEVP improvements and subsequent projects on adjacent piers and on the Lane Field property. Where a project is within the scope of a Master EIR, CEQA does not require the lead agency to re-evaluate cumulative impacts but

instead limits environmental review of the project to a determination whether there will be any additional project-specific significant effects which were not analyzed in the Master EIR. The evaluation presented in the Initial Study concludes that no additional project-specific environmental effects would result.

BCC.5.b. The commenter states that the Proposed Project would be constructed at the same time as a number of other adjacent projects including the Broadway Complex, the Broadway Pier Cruise Ship Terminal, B Street Pier Cruise Ship Terminal Expansion, redevelopment of 1220 Pacific Highway, and redevelopment of the Navy Pier 11A. The Port takes this opportunity to clarify that there are no existing plans for 1220 Pacific Highway, expansion of the existing B Street Cruise Ship Terminal, or redevelopment of the Navy Pier 11A. Each redevelopment will be subject to environmental review upon establishment of a concept plan or proposal. At this time the Port is not aware of construction timelines for the Broadway Complex. The Cruise Ship Terminal and Infrastructure Improvements Project may be constructed at the same time or on an overlapping schedule with the Proposed Project.

The Proposed Project was subject to environmental analysis as part of the NEVP Master EIR as a subsequent project. The intent of Master EIRs under CEQA is to streamline later environmental review and include evaluation of cumulative impacts, growth inducing impacts, and irreversible significant effects on the environment of subsequent projects (CEQA Guidelines §15175(a)). The Master EIR contained a comprehensive cumulative project analysis which included projects along North Harbor Drive and West Broadway such as the Navy Broadway Complex and the Bosa and Irvine Company developments. The Master EIR also addressed the entire build out of the NEVP improvements and subsequent projects on adjacent piers and on the Lane Field property. The evaluation presented in the Initial Study concludes that no project-specific additional environmental effects would result.

BCC.5.c. The commenter asserts that the Port should pause the Proposed Project until ongoing legal challenges are resolved regarding the Broadway Complex so that the final design and impacts of that project are known. CEQA does not require the Port to wait for other projects to be proposed or finalized prior to commencing with the Proposed Project. This comment does not address the adequacy of the Initial Study evaluation of whether the Proposed Project would result in a project-specific additional significant impact not evaluated in the Master EIR for the NEVP. No further response is necessary.

BCC.5.d. The commenter states that they do not know the final plans for Lane Field, 1220 Pacific Highway, B Street Pier Ship Terminal Expansion, Broadway Pier Cruise Ship Terminal Expansion, or the (former) Navy Pier 11A and that the Port should wait until this information is known. CEQA does not require the Port to wait for other projects to be proposed or finalized prior to commencing with the Proposed Project. In addition, the anticipated future uses of these projects were discussed in the NEVP and the Master EIR. This comment does not address the adequacy of the Initial Study evaluation of whether the Proposed Project would result in a project-specific additional significant impact not evaluated in the Master EIR for the NEVP. No further response is necessary.

BCC.5.e. The commenter contends the Port has plans for 1220 Pacific Highway, which it is not making available to the public and would affect the Proposed Project. The Port takes this opportunity to clarify that, as discussed in the Master EIR, 1220 Pacific Highway is owned by the U.S. Navy and cannot be redeveloped by the District unless and until ownership and control of the site is relinquished by the U.S. Navy. Future use of the 1220 Pacific Highway site as a parking garage was subject to environmental analysis in the Master EIR as part of the Land Field subsequent project. The intent of Master EIRs under CEQA is to streamline later environmental review and include evaluation of cumulative impacts, growth inducing impacts, and irreversible significant effects on the environment of subsequent projects (CEQA Guidelines §15175(a)). The Master EIR contained a comprehensive cumulative project analysis which included projects along North Harbor Drive and West Broadway such as the Navy Broadway Complex and the Bosa and Irvine Company developments as well as addressing the entire build out of the NEVP improvements and subsequent projects on adjacent piers and on the Lane Field property. The evaluation presented in the Initial Study concludes that no project-specific additional environmental effects would result.

BCC.5.f. The commenter contends that the omission of cumulative evaluation makes it impossible for the public to understand the potential impacts and whether those impacts can be partially or completely mitigated. The Proposed Project was subject to environmental analysis as part of the NEVP Master EIR as a subsequent project. The intent of Master EIRs under CEQA is to streamline later environmental review and include evaluation of cumulative impacts, growth inducing impacts, and irreversible significant effects on the environment of subsequent projects (CEQA Guidelines §15175(a)). The Master EIR contained a comprehensive cumulative project analysis which included projects along North Harbor Drive and West Broadway such as the Navy Broadway Complex and the Bosa and Irvine Company developments. The Master EIR also addresses the entire build out of the NEVP improvements and subsequent projects on adjacent piers and on the Lane Field property. The evaluation presented in the Initial Study concludes that no project-specific additional environmental effects would result.

BCC.5.g. The commenter states his belief that CEQA requires a full project EIR in this instance and that the Port process is tantamount to piecemealing. The Proposed Project was subject to environmental analysis as part of the NEVP Master EIR as a subsequent project. The intent of Master EIRs under CEQA is to streamline later environmental review and include evaluation of cumulative impacts, growth inducing impacts, and irreversible significant effects on the environment of subsequent projects (CEQA Guidelines §15175(a)). The assertion that these issues have not been evaluated or that piecemealing is occurring is incorrect. The very intent of the NEVP was a comprehensive planning effort in association with the NEVP Alliance (City of San Diego, County of San Diego, CCDC, the U.S. Navy and the Port District) and numerous other stakeholders. The Master EIR contained a comprehensive cumulative project analysis which included the Navy Broadway Complex and the Bosa and Irvine Company developments located within the CCDC project area on Pacific Highway. The evaluation presented in the Initial Study concludes that no project-specific additional environmental effects would result.

BCC.6. Traffic planning and impact issues. Specific comments raised under this broad comment/heading are addressed below.

BCC.6.a. The commenter identifies mitigation from the Master EIR for significant immitigable traffic impacts, that required cooperation with SANDAG and Caltrans for the preparation of a traffic study, which the commenter contends has not been prepared. The Master EIR identified that significant unmitigable cumulative impacts to traffic would result from implementation of the NEVP and cumulative projects. Specifically the NEVP would contribute considerably to the cumulatively significant impacts to the I-5 on ramps within the NEVP area resulting in operation at LOS F and the segment of I-5 between Pacific Highway and Front Street resulting in operation at LOS F in the PM peak hour. The Port is a contributing agency working with Caltrans and SANDAG on the preparation of the I-5 Corridor Study as described in the Master EIR mitigation measure. The Proposed Project was subject to environmental analysis as part of the NEVP Master EIR as a subsequent project. The intent of Master EIRs under CEQA is to streamline later environmental review and include evaluation of cumulative impacts, growth inducing impacts, and irreversible significant effects on the environment of subsequent projects (CEQA Guidelines §15175(a)). The assertion that these issues have not been evaluated is incorrect. The Initial Study is the streamline review, tiering from the Master EIR in accordance with the requirements of CEQA Guidelines §15175 and §15177. The Initial Study evaluates whether the Proposed Project is consistent with the subsequent project evaluated in the Master EIR for the NEVP. Per CEQA Guidelines §15177(3) the evaluation determines whether a project-specific additional significant environmental effect not evaluated in the Master EIR would result. The evaluation presented in the Initial Study concludes that no project-specific additional environmental effects would result. Cumulative effects are not project specific. The particular mitigation identified in this comment is not associated with the Proposed Project.

BCC.6.b. The commenter contends that the updates to the Downtown Community Plan by the City of San Diego and subsequent updates to traffic studies underway is a changed circumstance. As stated in the Introduction above, the Board already considered the existence of changed circumstances and adopted by resolution the finding that no substantial changes occurred with respect to the circumstances under which the Master EIR was certified, that the Master EIR was adequate for use in the review of subsequent projects pursuant to CEQA, and the mitigation measures contained in the Master EIR and the Mitigation Monitoring Program, previously adopted by the Board, remain in effect and applicable with respect to the subsequent projects which were described in the Master EIR. Therefore, CEQA does not require the District to prepare a new EIR, subsequent EIR or supplemental EIR for the Lane Field project.

BCC.6.c. The commenter contends that the Traffic Demand Management measures referred to in the Initial Study do not constitute concrete steps towards resolving the massive downtown traffic problems that would be created by construction and operation of this project. The Proposed Project would not affect traffic conditions in downtown, the same number of travel lanes would exist after implementation as

exist currently, and the project would not generate substantial traffic. During construction, at least one lane in each direction would remain open on North Harbor Drive at all times. Along Broadway between Pacific Highway and the railroad, one lane would remain open in each direction at all times during construction. The segment of Broadway between Pacific Highway and North Harbor Drive may be entirely closed to remove the highpoint (drainage hump) for a short period during which detours around that single block to adjacent parallel streets would be provided. Furthermore, the improvements on North Harbor Drive and Broadway would be constructed sequentially not simultaneously.

BCC.6.d. The commenter interprets that the Initial Study/Addendum identifies the Master EIR required traffic study to be incomplete at this time and that surrounding streets and freeways will be at level of service F. The Master EIR identified that significant unmitigable cumulative impacts to traffic would result from implementation of the NEVP and cumulative projects. As described in the Master EIR mitigation measures and Findings of Fact for the NEVP, San Diego Association of Governments (SANDAG) is the agency responsible for preparing the freeway corridor study and implementation of the measures to specifically address those I-5 segment and on-ramps affected by the NEVP are in the exclusive jurisdiction of the California Department of Transportation (CALTRANS). The Proposed Project was subject to environmental analysis as part of the NEVP Master EIR as a subsequent project. The intent of Master EIRs under CEQA is to streamline later environmental review and include evaluation of cumulative impacts, growth inducing impacts, and irreversible significant effects on the environment of subsequent projects (CEQA Guidelines §15175(a)). The assertion that these issues have not been evaluated is incorrect. The Initial Study is the streamline review, tiering from the Master EIR in accordance with the requirements of CEQA Guidelines §15175 and §15177. The Initial Study evaluates whether the Proposed Project is consistent with the subsequent project evaluated in the Master EIR for the NEVP. Per CEQA Guidelines §15177(3) the evaluation determines whether a project-specific additional significant environmental effect not evaluated in the Master EIR would result. The evaluation presented in the Initial Study concludes that no project-specific additional environmental effects would result. Cumulative effects are not project specific. The particular mitigation identified in this comment is not associated with the Proposed Project.

BCC.6.e. The commenter interprets that the Initial Study Addendum identifies new significant unmitigated cumulative impacts to traffic associated with the project, which necessitates preparation of an EIR. The District takes this opportunity to clarify that the Initial Study Addendum does not identify any new impacts rather, the text on page 65 of the Initial Study states that the Master EIR identified significant unmitigable cumulative impacts to traffic as a result of implementation of the entire NEVP. The Proposed Project would not result in a significant project-specific impact to traffic as discussed on pages 56 through 58 of the Initial Study.

BCC.7. The proposed NEVP MEIR amendment and Initial Study fail to identify and address risks associated with toxic spills and hazardous material related accidents associated with the nearby railroad right of way. The specific comment raised under this broad comment/heading is addressed below.

BCC.7.a. The commenter contends that an EIR may be necessary to evaluate the potential for release of hazardous materials from normal operations of the existing rail lines adjacent to the Proposed Project site. The Proposed Project would not affect the existing rail operations and would not change the use of public right of way adjacent to the rail lines; rather the project would enhance that right of way. Strict regulations govern the transportation of the materials suspected by the commenter of being transported along the railroad, risks to the Proposed Project and potential users of the project would be no different than risks under existing conditions.

BCC.8. The NEVP MEIR amendment and IS fail to identify, address or mitigate potential risks associated with terrorist attacks on the proposed regional Navy headquarters on the adjoining Navy Broadway Complex (NBC) project site. Specific comments raised under this broad comment/heading are addressed below.

BCC.8.a. The commenter contends that the adjacent Broadway Complex project will be a terrorist target the risks from which should be evaluated for the Proposed Project. This comment relates to an alleged increased risk of terrorist attacks on the Navy Broadway Complex. While public safety is an important issue, it is an issue that is important for issues other than CEQA. The Proposed Project involves the installation of improvements to North Harbor Drive and the adjacent esplanade and promenade which will not cause or contribute to any change in the environment related to the alleged risk of terrorist attacks on the Navy Broadway Complex. Since the potential risk of terrorist attacks on the Navy Broadway Complex does not relate to a potential impact of the Proposed Project on the environment, no further response is required.

BCC.8.b. The commenter suggests an array of terrorist attack strategies that could be deployed against the Broadway Complex. This comment relates to an alleged increased risk of terrorist attacks on the Navy Broadway Complex. While public safety is an important issue, it is an issue that is important for issues other than CEQA. The Proposed Project involves the installation of improvements to North Harbor Drive and the adjacent esplanade and promenade which will not cause or contribute to any change in the environment related to the alleged risk of terrorist attacks on the Navy Broadway Complex. Since the potential risk of terrorist attacks on the Navy Broadway Complex does not relate to a potential impact of the Proposed Project on the environment, no further response is required.

BCC.8.c. The commenter contends that no evaluation of potential risk from terrorism were provided in the Initial Study /Addendum and that a new EIR should be prepared that includes evaluation of this topic. This comment relates to an alleged increased risk of terrorist attacks on the Navy Broadway Complex. While public safety is an important issue, it is an issue that is important for issues other than CEQA. The Proposed Project involves the installation of improvements to North Harbor Drive and the adjacent esplanade and promenade which will not cause or contribute to any change in the environment related to the alleged risk of terrorist attacks on the Navy Broadway Complex. Since the potential risk of terrorist attacks on the Navy Broadway Complex does not relate to a potential impact of the Proposed Project on the environment, no further response is required.

Save Our Forest And Ranchlands (SOFAR), submitted by Duncan McFetridge, March 23, 2009

SOFAR.1. The commenter states that the Initial Study identifies no significant impact associated with each category of Section O. Transportation/Traffic. The District takes this opportunity to clarify that the Initial Study identifies that the impacts were analyzed in the Master EIR; no new impact. The Initial Study identifies that the Proposed Project would not generate substantial traffic as it includes modifications to existing uses and does not include any new destination land uses such as hotels or other commercial business that would generate substantial trips. The Initial Study does identify that, consistent with the Master EIR, significant impacts to parking would result and mitigation from the Master EIR is identified for implementation with the Proposed Project.

SOFAR.2. The commenter provides information from the *Complete Community Mobility Plan* regarding traffic in downtown and the nearby freeway. The District takes this opportunity to clarify that the Initial Study identifies that the impacts were analyzed in the Master EIR; no new impact. The Initial Study identifies that the Proposed Project would not generate substantial traffic as it includes modifications to existing uses and does not include any new destination land uses such as hotels or other commercial business that would generate substantial trips. The Master EIR did identify significant unmitigable cumulative impacts to freeways similar to those described in the report the commenter cites.

SOFAR.3. The commenter suggests data that should be included in the Initial Study Addendum for consideration of traffic impacts. The District takes this opportunity to clarify that the Initial Study identifies that the impacts were analyzed in the Master EIR; no new impact. The Initial Study identifies that the Proposed Project would not generate substantial traffic as it includes modifications to existing uses and does not include any new destination land uses such as hotels or other commercial business that would generate substantial trips.

The Master EIR identified that significant unmitigable cumulative impacts to traffic would result from implementation of the NEVP and cumulative projects. The Port is a contributing agency working with Caltrans and SANDAG on the preparation of the I-5 Corridor Study as described in the Master EIR mitigation measure. The Proposed Project was subject to environmental analysis as part of the NEVP Master EIR as a 'subsequent project'. The intent of Master EIRs under CEQA is to streamline later environmental review and include evaluation of cumulative impacts, growth inducing impacts, and irreversible significant effects on the environment of subsequent projects (CEQA Guidelines §15175(a)). The assertion that these issues have not been evaluated is incorrect. The Initial Study is the streamline review, tiering from the Master EIR in accordance with the requirements of CEQA Guidelines §15175 and §15177. The Initial Study evaluates whether the Proposed Project is consistent with the subsequent project evaluated in the Master EIR for the NEVP. Per CEQA Guidelines §15177(3) the evaluation determines whether a project-specific additional significant environmental effect not evaluated in the Master EIR would result. The

evaluation presented in the Initial Study concludes that no project-specific additional environmental effects would result. Cumulative effects are not project specific.

SOFAR.4. The commenter contends that the information provided/cited is new dramatic information regarding traffic impacts, which renders the Master EIR obsolete, and should be included in the Initial Study Addendum. As stated in the Introduction above, the Board of Port Commissioners considered the existence of changed circumstances and new available information which was not known and could not have been known at the time the Master EIR was certified and adopted by resolution the finding that no substantial changes occurred with respect to the circumstances under which the Master EIR was certified, that the Master EIR was adequate for use in the review of subsequent projects pursuant to CEQA, and the mitigation measures contained in the Master EIR and the Mitigation Monitoring Program, previously adopted by the Board, remain in effect and applicable with respect to the subsequent projects which were described in the Master EIR.

Furthermore, the Master EIR identified that significant unmitigable cumulative impacts to traffic would result from implementation of the NEVP and cumulative projects. The intent of Master EIRs under CEQA is to streamline later environmental review and include evaluation of cumulative impacts, growth inducing impacts, and irreversible significant effects on the environment of subsequent projects (CEQA Guidelines §15175(a)). The assertion that traffic issues have not been evaluated is incorrect. The Initial Study is the streamline review, tiering from the Master EIR in accordance with the requirements of CEQA Guidelines §15175 and §15177. The Initial Study evaluates whether the Proposed Project is consistent with the subsequent project evaluated in the Master EIR for the NEVP. Per CEQA Guidelines §15177(3) the evaluation determines whether a project-specific additional significant environmental effect not evaluated in the Master EIR would result. The evaluation presented in the Initial Study concludes that no project-specific additional environmental effects would result. Cumulative effects are not project specific.

Mr. Don Wood (DW) submitted March 2, 2009

DW.1. The commenter asserts that the NEVP Master EIR must be updated in order to reflect changes (further detailed in the comment) that have occurred since the original Master EIR was adopted. The comment also states that the update to the Master EIR should be a Supplemental EIR.

As the Lead Agency under CEQA (Pub. Res. Code Section 21000 et seq.) the District prepared a Final Master EIR (SCH No. 99031037) to evaluate the potential environmental impacts associated with implementation of the NEVP. The Board of Port Commissioners (BPC) originally certified the final NEVP Master EIR on April 25, 2000.

Where a Master EIR was certified more than five years prior to the filing of an application for a subsequent project, the Master EIR shall not be used unless the Lead Agency does one of the following (1) Reviews the Master EIR and finds that no substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, or (2) Reviews the Master EIR and finds that no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, becomes available.

In order to maintain the viability of the Master EIR, District staff with the assistance of an environmental consultant, reviewed and evaluated the Master EIR to determine if "substantial changes have occurred with respect to the circumstances under which the Master EIR was certified." The District determined that, although some aspects of the original NEVP had been developed, evolved, or eliminated, these were not substantial changes and had neither changed the fundamental analysis contained in the Master EIR, nor had they affected the integrity of the conclusions in the Master EIR or the need for the Mitigation Measures contained in the Master EIR. The District found that none of these changes would require major revisions to the Master EIR because overall development intensity has decreased compared to that anticipated in the Master EIR and that the overall level of impacts analyzed in the Master EIR has been reduced due to current circumstances in the project area.

On August 8, 2006, the BPC adopted Resolution 2006-131 and found that: (1) no substantial changes have occurred with respect to the circumstances under which the Final Master EIR was certified; (2) the Master EIR is adequate for use in the review of subsequent projects; and, (3) the mitigation measures contained in the Final Master EIR and MMRP adopted by the BPC under Resolution 2000-82 remain in effect and are applicable for subsequent projects described in the Master EIR. Considering that the District recertified the Master EIR in 2006 the Master EIR does not need to be updated through a Supplemental EIR as requested in the comment to be used as the basis for the Addendum/Initial Study for the Proposed Project.

The Addendum/ Initial Study prepared for the Proposed Project concluded that the Proposed Project is described in the Master EIR and that the Proposed Project would not cause any additional significant effect on the environment not previously examined in the Master EIR. As a result, neither a new environmental document nor the preparation of findings pursuant to CEQA Guidelines Section 15091 is required

for the District to satisfy the requirements of CEQA for a project that is identified as a subsequent project in the NEVP and the Master EIR.

The following responses to comments DW.1.a – DW.1.f provide more detailed rationale to support the conclusion of the District that the Master EIR does not need to be updated though a Supplemental EIR, as requested in the comment, to address the projects listed in the comment.

DW.1.a The comment asserts that the Master EIR failed to consider the conversion of Broadway Pier from open space to a cruise ship terminal. The use of Broadway Pier as a cruise ship facility is not a new circumstance. The pier was constructed for such use in 1913 and has been in continual use for cruise ships since that time. It was used for cruise ships in 2000 and use of the Broadway Pier for cruise ships was described in the Master EIR.

Chapter 6.3 of the Master EIR included evaluation of cruise ship as well as excursion cruise facilities on Broadway Pier. A separate Addendum/Initial Study was completed for the Broadway Pier Cruise Ship Terminal and Infrastructure Improvement Project (April 2007) for which the District held a public hearing, approved a Coastal Development Permit and filed a Notice of Determination with the County Clerk on June 13, 2007. Pursuant to Public Resources Code § 21157.1 and CEQA Guidelines § 15177, the District determined that the use of Broadway Pier as a cruise ship terminal was within the scope of the Master EIR and no new environmental document was required.

As described above, the Broadway Pier Improvements project was covered by the NEVP and determined to be within the scope of the Master EIR. As a result the Master EIR was updated with the April 2007 Addendum and does not need to be updated through a Supplemental EIR to address the Broadway Pier Improvements project as requested in the comment.

DW.1.b The comment asserts that the Master EIR failed to consider purchase of 1220 Pacific Highway by the Port for redevelopment. The Master EIR explained that 1220 Pacific Highway is owned by the U.S. Navy and that redevelopment of the site cannot occur unless or until the Navy agreed to transfer ownership or otherwise allow development. Nonetheless, to ensure comprehensive environmental review of the potential environmental impacts associated with the development of Lane Field, the Master EIR assumed a development concept in which 1220 Pacific Highway would be used as a multi-level parking structure. The District takes this opportunity to clarify that, no development at 1220 Pacific Highway is proposed at this time. Redevelopment of 1220 Pacific Highway will be subject to environmental review upon establishment of a concept plan or proposal.

The Proposed Project was subject to environmental analysis as part of the NEVP Master EIR as a subsequent project. The intent of Master EIRs under CEQA is to streamline later environmental review and include evaluation of cumulative impacts, growth inducing impacts, and irreversible significant effects on the environment of subsequent projects (CEQA Guidelines §15175(a)). The Master EIR contained a comprehensive cumulative project analysis which included projects along North

Harbor Drive and West Broadway such as the Navy Broadway Complex and the Bosa and Irvine Company developments as well as addressing the entire build out of the NEVP improvements and subsequent projects on adjacent piers and on the Lane Field property. The evaluation presented in the Initial Study concludes that no project-specific additional environmental effects would result.

In addition, the Superior Court, County of San Diego found in Unite Here Local 30 vs. San Diego Unified Port District (Case number 37-2008-00077646-CU-MC-CTL) that the Lane Field Development Project involves development of only two of the three parcels contemplated in the NEVP Master EIR and replaces 400,000 square feet of office space with 80,000 square-feet for retail, restaurant, and other uses. Also, the Lane Field Development Project will have a substantially lower floor area ration and maximum height and substantially wider street setbacks at the west side of Broadway. Thus, the Lane Field development, including future development of 1220 Pacific Highway, would result in lesser impacts than identified in the Master EIR.

DW.1.c The commenter asserts that the Master EIR failed to consider plan changes to redevelop the Navy Pier. No plans for redevelopment of the Navy Pier have been submitted to the District and the District is not processing any application for a permit to redevelop the Navy Pier. The redevelopment of a portion of the Navy Pier for passive park uses is covered by the NEVP and within the scope of the Master EIR. Any future development on Navy Pier would require environmental review.

The Proposed Project was subject to environmental analysis as part of the NEVP Master EIR as a subsequent project. The intent of Master EIRs under CEQA is to streamline later environmental review and include evaluation of cumulative impacts, growth inducing impacts, and irreversible significant effects on the environment of subsequent projects (CEQA Guidelines §15175(a)). The Master EIR contained a comprehensive cumulative project analysis which included projects along North Harbor Drive and West Broadway such as the Navy Broadway Complex and the Bosa and Irvine Company developments as well as addressing the entire build out of the NEVP improvements and subsequent projects on adjacent piers and on the Lane Field property. The evaluation presented in the Initial Study concludes that no project-specific additional environmental effects would result.

DW.1.d The commenter asserts that that the Master EIR failed to consider a recent proposal to expand the San Diego Convention Center. No plans for Convention Center expansion have been submitted to the District for review. In December 2008, the BPC authorized a Memorandum of Understanding (MOU) between the Port of San Diego, the San Diego Convention Center Corporation and Fifth Avenue Landing, and LLC. The MOU will allow the three parties to negotiate terms for a new lease and option agreement for a new hotel and the expansion of the Convention Center. In addition, expansion of the Convention Center would occur outside of the NEVP and Master EIR project area.

If and when expansion of the San Diego Convention Center is proposed by the City and CCDC, additional CEQA review will be required at that time based on the specific project proposed. As a result the Master EIR does not need to be updated

through a Supplemental EIR to address redevelopment of the Convention Center expansion project as requested in the comment.

The Proposed Project was subject to environmental analysis as part of the NEVP Master EIR as a subsequent project. The intent of Master EIRs under CEQA is to streamline later environmental review and include evaluation of cumulative impacts, growth inducing impacts, and irreversible significant effects on the environment of subsequent projects (CEQA Guidelines §15175(a)). The Master EIR contained a comprehensive cumulative project analysis which included projects along North Harbor Drive and West Broadway such as the Navy Broadway Complex and the Bosa and Irvine Company developments as well as addressing the entire build out of the NEVP improvements and subsequent projects on adjacent piers and on the Lane Field property. The evaluation presented in the Initial Study concludes that no project-specific additional environmental effects would result.

DW.1.e The commenter asserts that that the Master EIR failed to consider required improvements to the Downtown Community Plan update Traffic Planning Element. The Element update was required as a part of a legal action against the City and CCDC and has not yet been completed. The City and CCDC will complete the necessary environmental review under CEQA prior to approval of the Element update. As a result the Master EIR does not need to be updated through a Supplemental EIR to address the update to the Downtown Community Plan as requested in the comment.

DW.1.fThis comment asserts that the evaluation failed to consider cumulative traffic impacts associated with the Broadway Pier Improvements project and other projects planned along Harbor Drive. The Master EIR contained a comprehensive analysis which addressed traffic impacts of the NEVP and subsequent projects including the Midway, Land Field, Cruise ship Terminal Expansion, and County Administration Center Parking Lots. The cumulative traffic analysis conducted for the Master EIR also addressed the Navy Broadway Complex and Convention center expansion.

The Proposed Project was subject to environmental analysis as part of the NEVP Master EIR as a subsequent project. The intent of Master EIRs under CEQA is to streamline later environmental review and include evaluation of cumulative impacts, growth inducing impacts, and irreversible significant effects on the environment of subsequent projects (CEQA Guidelines §15175(a)). The Master EIR contained a comprehensive cumulative project analysis which included projects along North Harbor Drive and West Broadway such as the Navy Broadway Complex and the Bosa and Irvine Company developments as well as addressing the entire build out of the NEVP improvements and subsequent projects on adjacent piers and on the Lane Field property. The evaluation presented in the Initial Study concludes that no project-specific additional environmental effects would result.

DW.2. The commenter asserts that the NEVP MASTER EIR is inadequate as it does not contain a sufficient cumulative analysis and substantial changes have occurred. The comment summarizes the statements made in comment DW.1. Please refer to response to comment for DW.1. and the Introduction to the responses to comments.

The cumulative analysis completed for the Master EIR does not need to be updated as requested in the comment considering the Master EIR was reevaluated and recertified by the BPC in 2006. On August 8, 2006, the BPC adopted Resolution 2006-131 and found that: (1) no substantial changes have occurred with respect to the circumstances under which the Final Master EIR was certified; (2) the Master EIR is adequate for use in the review of subsequent projects; and, (3) the mitigation measures contained in the Final Master EIR and MMRP adopted by the BPC under Resolution 2000-82 remain in effect and are applicable for subsequent projects described in the Master EIR. In addition the cumulative traffic analysis conducted for the Master EIR addressed traffic generated by the cruise ship terminal improvements anticipated by the NEVP as well as subsequent projects along Harbor Drive including the Lane Field development. The cumulative traffic analysis conducted for the Master EIR also addressed the Navy Broadway Complex and Convention center expansion.

Considering that the District recertified the Master EIR in 2006 the Master EIR does not need to be updated through a Supplemental EIR as requested in the comment to be used as the basis for the Addendum/Initial Study for the Proposed Project. In addition, the Initial Study prepared for the Proposed Project concluded that the Proposed Project is described in the Master EIR and that the Proposed Project would not cause any additional significant effect on the environment not previously examined in the Master EIR. As a result, neither a new environmental document nor the preparation of findings pursuant to CEQA Guidelines Section 15091 is required for the District to satisfy the requirements of CEQA for a project that is identified as a subsequent project in the NEVP and the Master EIR.

Responses to comments DW.1.a – DW.1.f provide more detailed rationale to support the conclusion of the District that the Master EIR does not need to be updated though a Supplemental EIR, as requested in the comment, to address the projects listed in the comment.

Marti Kranzberg (MK) March 2, 2009

MK.1. The commenter recommends a light purple color palate with additional colors be used for the wayfinding signage proposed by the project. This comment does not address the adequacy of the Addendum/ Initial Study for the Proposed Project. However, the District has taken note of this recommendation.

MK.2. The commenter conveys confusion over the word choices for the artist's (Pei) public art/buildings proposed by the project. The commenter recommends that the word choices be more specific to the community. This comment does not address the adequacy of the Addendum/ Initial Study for the Proposed Project. However, the Port has taken note of this recommendation.

MK. 3. The commenter asserts that the color palate of the proposed art pieces is too muted. The commenter recommends that the color saturation be increased for the proposed art pieces. This comment does not address the adequacy of the Addendum/ Initial Study for the Proposed Project. However, the Port has taken note of this recommendation.

Ian S. Trowbridge (IT) March 2, 2009

IT.1. The commenter states that all comments submitted refer to the District's failure to comply with Public Resources Code Section 21166 by continuing to utilize the NEVP Master EIR. The comment asserts that the District is in violation of Public Resources Code subsections 21166(a), (b), and (c) because substantial changes have occurred since the Master EIR was certified in 2000 and a supplemental or subsequent EIR should be prepared.

As noted in the Introduction to the Final Addendum/Initial Study, on August 8, 2006, the Board reviewed the adequacy of the NEVP Master EIR and adopted Resolution No. 2006-131 in which it found no substantial changes had occurred with respect to the circumstances under which the NEVP Master EIR was certified. The Board also found that the NEVP Master EIR was adequate for use in the review of subsequent projects. Considering that the District recertified the Master EIR in 2006 the Master EIR does not need to be updated through a Supplemental EIR as requested in the comment to be used as the basis for the Addendum/Initial Study for the Proposed Project.

In addition, the Addendum/ Initial Study prepared for the Proposed Project concluded that the Proposed Project is described in the Master EIR and that the Proposed Project would not cause any additional significant effect on the environment not previously examined in the Master EIR. As a result, neither a new environmental document nor the preparation of findings pursuant to CEQA Guidelines Section 15091 is required for the District to satisfy the requirements of CEQA for a project that is identified as a subsequent project in the NEVP and the Master EIR.

IT.2. The commenter cites Public Resources Code Section 21166 Please refer to response to comment IT.1.

IT.3.a The commenter asserts the importance of the North Embarcadero and states that the Port, County, and CCDC are undertaking piecemeal development of the area with little public input. The intent of Master EIRs under CEQA is to streamline later environmental review and include evaluation of cumulative impacts, growth inducing impacts, and irreversible significant effects on the environment of subsequent projects (CEQA Guidelines §15175(a)). The assertion that piece-mealing is occurring is incorrect. The intent of the NEVP was a comprehensive planning effort in association with the NEVP Alliance (City of San Diego, County of San Diego, CCDC, the U.S. Navy and the District) and numerous other stakeholders. The District has complied with all CEQA requirements related to public participation opportunities.

IT.3.b The commenter asserts that the Port and Board's responsibility to create a great waterfront. This comment does not address the adequacy of the Addendum/Initial Study evaluation of whether the Proposed Project would result in a project-specific additional significant impact not evaluated in the Master EIR for the NEVP. No further response is warranted.

IT.3.c The commenter asserts that the District is piece-mealing the development in their own jurisdiction and misleading the public about the history of projects and their environmental impacts. The comment does not address the adequacy of the Addendum/Initial Study evaluation of whether the Proposed Project would result in a project-specific additional significant impact not evaluated in the Master EIR for the NEVP. Please refer to response to comment IT.3.a for discussion of environmental review conducted for past projects in association with the Master EIR.

IT. 3.d The commenter asserts that the NEVP Master EIR requires additional analysis in the form of a subsequent or supplemental EIR based on Public Resource Code Section 21166. Please refer to response to comment IT.1.

IT.3.e The commenter asserts its relevance to the Coastal Commission regarding their responsibility to maintain waterfront access and view corridors. This comment does not address the adequacy of the Initial Study evaluation of whether the Proposed Project would result in a project-specific additional significant impact not evaluated in the Master EIR for the NEVP. No further response is warranted.

IT.4. The commenter contends that the Master EIR should be updated in accordance with Public Resource Code Section 21166. Please refer to response to comment IT.1 and responses to comments IT.6 - IT.7 for discussion of how the District complied with CEQA and the rationale for not requiring an update to the Master EIR.

IT.5.a The commenter provides an introduction to the specific issues raised in the remaining portion of the comment letter. Please refer to responses to comments IT.5.b - IT.5.h below.

IT.5.b The commenter asserts that the NEVP Master EIR failed to consider the conversion of Broadway Pier from open space to a cruise ship terminal and a new or subsequent EIR is required. This comment does not address the adequacy of the Addendum/Initial Study evaluation of whether the Proposed Project would result in a project-specific additional significant impact not evaluated in the Master EIR for the NEVP.

The following background information on environmental review completed by the District in accordance with CEQA for the Broadway Pier Cruise Ship Terminal and Infrastructure Improvements Project is provided for clarification. An Addendum/Initial Study was completed for the Broadway Pier Cruise Ship Terminal and Infrastructure Improvements Project (April 2007) for which the District held a public hearing, approved a Coastal Development Permit and filed a Notice of Determination with the County Clerk on June 13, 2007. Pursuant to Public Resources Code § 21157.1 and CEQA Guidelines § 15177, the District determined that the use of Broadway Pier as a cruise ship terminal was within the scope of the Master EIR and no new environmental document was required.

Chapter 6.3 of the Master EIR included evaluation of cruise ship as well as excursion cruise facilities on Broadway Pier, as set out in the Initial Study prepared for the redevelopment of the Broadway Pier. The Initial Study is the streamline review, tiering from the Master EIR in accordance with the requirements of CEQA Guidelines

§15175 and §15177. The evaluation presented in the Broadway Pier Cruise Ship Terminal and Infrastructure Improvements Project Initial Study concludes that no project-specific additional environmental effects would result. The use of Broadway Pier as a cruise ship facility is not a new circumstance. The pier was constructed for such use in 1913 and has been in continual use for cruise ships since that time. It was used for cruise ships in 2000 and use of the Broadway Pier for cruise ships was described in the Master EIR.

Commissioner Black's comments relate to her recollection of events prior to the adoption of the NEVP by the District and the other member agencies of the North Embarcadero Alliance. Commissioner Black clearly stated that her comments reflected her and other businesses understanding not those of the Commissioners and makes no reference to District staff assurances alluded to by the commenter[2]. Notwithstanding Commissioner Black's recollections, the best evidence of representations made regarding the future use of Broadway Pier are the adopted NEVP and the certified Master EIR. Further, Broadway Pier is a separate element of the NEVP and is not part of the Proposed Project.

As described above, the Broadway Pier Cruise Ship Terminal and Infrastructure Improvements Project was covered by the NEVP and determined to be within the scope of the Master EIR. As a result the Master EIR was updated with the April 2007 Addendum and does not need to be updated through a Supplemental EIR to address the Broadway Pier Cruise Ship Terminal and Infrastructure Improvements Project, as requested in the comment.

IT.5.c This comment asserts that a rendering identifying Broadway Pier as open space was presented by the Port to the public in 2007. This comment does not address the adequacy of the Initial Study evaluation of whether the Proposed Project would result in a project-specific additional significant impact not evaluated in the Master EIR for the NEVP. Please see response to comment Trowbridge 5.a for background discussion of environmental review completed by the District in accordance with CEQA for the Broadway Pier Improvements Project.

IT.5.d This comment asserts that cumulative traffic and water quality, and cumulative impacts resulting from the Broadway Cruise Ship Terminal have not been adequately evaluated. This comment does not address the adequacy of the Addendum/ Initial Study evaluation of whether the Proposed Project would result in a project-specific additional significant impact not evaluated in the Master EIR for the NEVP. Please see response to comment IT. 5.a for background discussion of environmental review completed by the District in accordance with CEQA for the Broadway Pier Cruise Ship Terminal and Infrastructure Improvements Project.

IT.5.e The commenter contends that the Broadway Cruise Ship Terminal degrades the overall quality of life. This comment does not address the adequacy of the Addendum/ Initial Study evaluation of whether the Proposed Project would result in a

[2] A transcript of the minutes from the Feb 3, 2009 Board of Port Commissioners meeting, where the referenced comments by Commissioner Black were made, is available on the District web site : http://www.portofsandiego.org/read-board-agendas.html

project-specific additional significant impact not evaluated in the Master EIR for the NEVP. Please see response to comment IT.5.a for background discussion of environmental review completed by the District in accordance with CEQA for the Broadway Pier Improvements Project.

IT. 5.f This comment asserts that the Broadway Cruise Ship Terminal violates the goals of the California Coastal Act, but does not identify any specific goal or provision of the Act which is violated. This comment does not address the adequacy of the Addendum/ Initial Study evaluation of whether the Proposed Project would result in a project-specific additional significant impact not evaluated in the Master EIR for the NEVP. Please see response to comment IT.5.a for background discussion of environmental review completed by the District in accordance with CEQA for the Broadway Pier Improvements Project. The Broadway Pier Improvement Addendum/ Initial Study correctly states that Broadway Pier Cruise Ship Terminal is consistent with the approved Port Master Plan as a result of the Amendment associated with the NEVP. The determination regarding the project's consistency with the Coastal Act was part of the California Coastal Commission's approval of the Port Master Plan Amendment associated with the NEVP. The District's authority to approve developments consistent with the approved Port Master Plan is explicitly permitted under Chapter 8 of the California Coastal Act.

IT.5.g. The commenter asserts that, based on Public Resources Code Section 2116(b), a supplemental of subsequent EIR must be completed. The commenter notes changes in traffic conditions and Navy Broadway Complex plans as well as inadequate mitigation measures for traffic impacts in the Master EIR. In response to the need for a subsequent Master EIR, refer to response to comment IT.1 for discussion of environmental review completed by the District for the Master EIR.

The Proposed Project was subject to environmental analysis as part of the NEVP Master EIR as a subsequent project. The intent of Master EIRs under CEQA is to streamline later environmental review and include evaluation of cumulative impacts, growth inducing impacts, and irreversible significant effects on the environment of subsequent projects (CEQA Guidelines §15175(a)). The Master EIR contained a comprehensive cumulative project analysis which included projects along North Harbor Drive and West Broadway such as the Navy Broadway Complex and the Bosa and Irvine Company developments as well as addressing the entire build out of the NEVP improvements and subsequent projects on adjacent piers and on the Lane Field property. The evaluation presented in the Initial Study concludes that no project-specific additional environmental effects would result.

The cumulative analysis completed for the Master EIR does not need to be updated as requested in the comment considering the Master EIR was reevaluated and recertified by the BPC in 2006. On August 8, 2006, the BPC adopted Resolution 2006-131 and found that: (1) no substantial changes have occurred with respect to the circumstances under which the Final Master EIR was certified; (2) the Master EIR is adequate for use in the review of subsequent projects; and, (3) the mitigation measures contained in the Final Master EIR and MMRP adopted by the BPC under Resolution 2000-82 remain in effect and are applicable for subsequent projects described in the Master EIR. In addition the cumulative traffic analysis conducted for

the Master EIR addressed traffic generated by the cruise ship terminal improvements anticipated by the NEVP as well as subsequent projects along Harbor Drive including the Lane Field development. The cumulative traffic analysis conducted for the Master EIR also addressed the Navy Broadway Complex and Convention center expansion.

In contrast to the potentially significant downtown traffic conditions described in the comment, the Phase 1, Coastal Access Requirements Project is entirely consistent with the analysis presented in the Master EIR. Section II.O of the Addendum/Initial Study for the Proposed Project concluded that The Proposed Project area currently is developed with commercial uses, parking areas and existing roadways, and the cruise ship terminal. The proposed improvements would consist of realignment of Harbor Drive and improvement to the Esplanade. Considering the project would consist of modifications to existing uses and does not propose destination land uses such as hotels or other commercial businesses the proposed improvements would not substantially increase the number of visitors to the area. Implementation of the Proposed Project would, therefore, not generate additional visitor vehicle traffic beyond that associated with existing uses. As a result, the project would not contribute to deceased levels of service on local roadways beyond that identified by the Master EIR.

The commenter states that the NEVP and Master EIR do not take into account the recent comprehensive transit study prepared by SOFAR. As stated in the Introduction above, the Board of Port Commissioners considered the existence of changed circumstances and new available information which was not known and could not have been known at the time the Master EIR was certified and adopted by resolution the finding that no substantial changes occurred with respect to the circumstances under which the Master EIR was certified, that the Master EIR was adequate for use in the review of subsequent projects pursuant to CEQA, and the mitigation measures contained in the Master EIR and the Mitigation Monitoring Program, previously adopted by the Board, remain in effect and applicable with respect to the subsequent projects which were described in the Master EIR.

Furthermore, the Master EIR identified that significant unmitigable cumulative impacts to traffic would result from implementation of the NEVP and cumulative projects. Specifically the NEVP would contribute considerably to the cumulatively significant impacts to the I-5 on ramps within the NEVP area resulting in operation at LOS F and the segment of I-5 between Pacific Highway and Front Street resulting in operation at LOS F in the PM peak hour. The intent of Master EIRs under CEQA is to streamline later environmental review and include evaluation of cumulative impacts, growth inducing impacts, and irreversible significant effects on the environment of subsequent projects (CEQA Guidelines §15175(a)). The assertion that traffic issues have not been evaluated is incorrect. The Initial Study is the streamline review, tiering from the Master EIR in accordance with the requirements of CEQA Guidelines §15175 and §15177. The Initial Study evaluates whether the Proposed Project is consistent with the subsequent project evaluated in the Master EIR for the NEVP. Per CEQA Guidelines §15177(3) the evaluation determines whether a project-specific additional significant environmental effect not evaluated in the Master EIR would result. The evaluation presented in the Initial Study concludes

that no project-specific additional environmental effects would result. Cumulative effects are not project specific.

IT.5.h. The commenter asserts that the NEVP Master EIR fails to analyze climate change, water shortage, and rise in ocean water levels. CEQA does not require preparation of a subsequent or supplemental MEIR unless there is 'new information, which was not known and could not have been known at the time that the [MEIR] was certified.' (Pub. Res. Code ' 21157.6(b)(1).) Information regarding the consequences of climate change does not constitute 'new information' because such information was well known many years before the MEIR was certified. (See, e.g., Massachusetts v. EPA (2007) 549 U.S. 497, 127 S.Ct. 1438, 167 L.Ed.2d 248, in which the United States Supreme Court discussed the numerous legislative and executive actions prior to the year 2000 which devoted 'serious attention' to GHG emissions and global climate change.) In addition, neither CEQA nor the CEQA Guidelines requires the District to perform environmental review of the Proposed Project's GHG emissions. The Legislature recently enacted S.B.97, which requires the Governor's Office of Planning and Research (OPR) to adopt CEQA Guidelines concerning the effects and mitigation of GHG emissions. Although OPR has circulated draft guidelines for public review and comment, the final guidelines will not be adopted or implemented until January 1, 2010. (Pub. Res. Code ' 21083.05.) The comment's claim that the District is required to consider the effects of GHG emissions on global climate change, before OPR adopts CEQA Guidelines concerning GHG emissions, is contrary to applicable law. CEQA does not require a public agency to consider proposed or draft regulations when evaluating a project. (Chaparral Greens v. City of Chula Vista (1996) 50 Cal.App.4th 1134, 1145.) CEQA also expressly prohibits its provisions from being interpreted in a manner which imposes procedural or substantive requirements beyond those explicitly stated in CEQA or the CEQA Guidelines. (Pub. Res. Code ' 21083.1.)

However, the Proposed Project has been subject to CEQA analysis previously and the current document serves the function of evaluating whether there are any additional project-specific significant impacts from implementation of this project compared to that described as a subsequent project in the Master EIR for the NEVP. The District emphasizes that it takes the issue of global warming very seriously and is in the process of establishing a position with regards to requirements for projects undertaken within the District's jurisdiction. The District adopted a sustainability policy for District facilities at the December 11, 2007 Board of Port Commissioners meeting (BPC Policy 736, Resolution 2007-213).

The Initial Study evaluates whether the Proposed Project is consistent with the subsequent project evaluated in the Master EIR for the NEVP. Per CEQA Guidelines §15177(3) the evaluation determines whether a project-specific additional significant environmental effect not evaluated in the Master EIR would result. The Master EIR was prepared at a time when global climate change was not considered an issue for analysis under CEQA. Functionally the Initial Study is complete in purpose per CEQA Guidelines §15177 as a check as to whether the Proposed Project is consistent with the Project in the Master EIR and would not result in a project-specific additional environmental effect. As such the additional information provided

in this response identifies no new or additional project-specific significant environmental effects.

In addition, the Superior Court, County of San Diego found in Unite Here Local 30 vs. San Diego Unified Port District (Case number 37-2008-00077646-CU-MC-CTL) that information on Greenhouse Gas Emission (GHG) emissions do not constitute new information requiring an updated Master EIR because the information was available before the Master EIR was certified and neither Assembly Bill 32 or Senate Bill 97 require CEQA review of GHG emissions.

It should also be noted that features of the project are designed to reduce GHG emissions. The proposed improvements would consist of realignment of Harbor Drive and improvement to the Esplanade. As discussed in Section I of the Initial Study for the Proposed Project, the main components of the Proposed Project are development of an Esplanade and Promenade that provides additional landscaped open space and pedestrian amenities between Ash Street and F Street; realignment of North Harbor Drive to provide for a wider Esplanade; and pedestrian and bicycle pathways interspersed with landscaped areas. The proposed improvements would consist of realignment of Harbor Drive and improvement to the Esplanade. Considering the project would consist of modifications to existing uses and does not propose destination land uses such as hotels or other commercial businesses the proposed improvements would not substantially increase the number of visitors to the area. Implementation of the Proposed Project would, therefore, not generate additional visitor vehicle traffic beyond that associated with existing uses. Increasing opportunities for pedestrian and bicycle access to the North Embarcadero would result in a beneficial impact with respect to climate change and GHG emissions by enhancing opportunities for pedestrian access and reducing the number of vehicle trips within the North Embarcadero.

The proposed project is not expected to result in significant, direct sources of GHG emissions, because it does not include significant stationary sources, vehicle trips and vehicle miles traveled, and/or the demand for electricity. As discussed in Section I of the Initial Study for the Proposed Project, the main components of the Proposed Project are development of an Esplanade and Promenade that provides additional landscaped open space and pedestrian amenities between Ash Street and F Street; realignment of North Harbor Drive to provide for wider Esplanade; and pedestrian and bicycle pathways interspersed with landscaped areas. The proposed improvements would consist of realignment of Harbor Drive and improvement to the Esplanade. Without the development land uses such as hotels or other commercial businesses, the proposed improvement would facilitate rather than generate an increase in the number of visitors to the area. Therefore, the Proposed Project does not include new uses that would generate additional vehicular traffic over the existing condition level of vehicular traffic in the area.

The Proposed Project has several components that promote the use of alternative modes of transportation that reduce vehicle miles traveled (VMT), produce less GHG emissions than vehicular travel, or avoid such emissions. First, the proposed development is designed to encourage people to walk or ride bicycles for short trips and take public transportation for longer trips by providing pedestrian linkages

between land uses and trolley/commuter train routes. Second, the overall design and land use plan of Esplanade and Promenade creates a compact village park development pattern that encourages walking and biking and shortens auto trips by providing amenities that will be served by bike and pedestrian paths.

In addition to targeting GHG emissions through the transportation sector, the Port's Clean Air Plan contains several design guidelines that will reduce energy consumption from power plants and non-transportation sources of fossil-fuel consumption. For example, streetscapes are required to have continuous tree planting, and parking lots are to have trees planted at specified intervals throughout in order to provide shade and reduce heat reflection, thereby lessening the use of electricity, dependent cooling and irrigation systems. Additionally, new statewide measures to be mandated under AB 32, SB 1368, and other state initiatives in the future will help contribute to a Port-wide reduction of GHG emissions. These prospective measures will meet AB 32's goal of reducing statewide GHG emissions to 1990 levels by 2020 (Health & Safety Code Section 38550).

The project site is approximately 10.37 to 13.25 feet above mean lower low water level (MLLW). Highest high tide in the Bay at this location is 7.79 feet above MLLW. The project site would only be subject to inundation under a sea level rise scenario of more than two feet, which is not anticipated to occur within this century. Based on the modeling data from the California Climate Center's White Paper entitled *Projected Future Sea Level* (March 2006), the District anticipates a sea level rise of 16 inches over the course of the rest of the century. The project is designed to nominally change the levels of water used in the area currently and would be implemented such that gray water could/would be used for irrigation purposes.

California Coastal Commission (CCC) April 2, 2009

CCC.1. This comment expresses Coastal Act support for the provision of new public access and recreational features and describes the provisions of the PMP and the NEVP for new landscape and streetscape improvements in the North Embarcadero Civic Zone. Because this comment does not raise any environmental issues, no further response is required.

CCC.2. The Commenter identifies differences in details between Figure 3 of the Initial Study/Addendum for the Proposed Project and the NEVP Figure 5.3. This comment does not address the adequacy of the Addendum/ Initial Study evaluation of whether the Proposed Project would result in a project-specific additional significant impact not evaluated in the Master EIR for the NEVP. The differences are in detail only (partly driven by the need to maintain four lanes for traffic until all of North Harbor Drive is realigned and B Street is opened through from Pacific Highway) and Figure 5.3 of the NEVP is an 'illustration'. The cycling component of the Esplanade is incorporated into the expanded promenade; page5 of the Initial Study/Addendum states "a continuous 30-foot wide bayfront promenade adjacent to the Bay, for mixed pedestrian and bicycle use" and shown in Figure 3 of the Initial Study/Addendum. The 9-foot wide path adjacent to the road is not a bike path but rather a running/walking path as described on page 5 of the Initial Study /Addendum. The Port Master Plan, page 60, describes the Esplanade as, "a grand pedestrian-orientated esplanade (no less than 100-feet wide)". The Proposed Project achieves a 105-foot wide Esplanade While the sidewalk provided by the Proposed Project is not the full width described in the NEVP, the full width is achieved through additional area associated with the Lane Field and other developments providing for plaza/public use including seating for activating uses as depicted on Figure 5.3 of the NEVP. The comment does not raise an environmental issue or address the adequacy of the Addendum/Initial Study. Accordingly, no further response is required.

CCC.3. The Commenter identifies differences in the proposed plaza area at the foot of the Broadway Pier compared to that described in the Port Master Plan and that grassy parks have been omitted. This comment does not address the adequacy of the Addendum/ Initial Study evaluation of whether the Proposed Project would result in a project-specific additional significant impact not evaluated in the Master EIR for the NEVP.

The Broadway Plaza is reconfigured as part of the Proposed Project. The use does not change compared to that provided in the Port Master Plan and NEVP. The use of the Broadway Pier for cruise ships would be unaffected and vehicular access across the plaza at the foot of Broadway is necessary. Pages xi – xii describe that the change in the oval is part of the rationale for preparing an Addendum to the Master EIR as follows: "This Addendum incorporates minor project changes and details into the MEIR. The changes include making the oval shaped landscaped park known as Broadway Plaza rectangular in shape and would be developed as a hardscape plaza."

The PMP does not describe 'grassy' parks for the area. The Proposed Project does propose 'formal gardens' as described on page 4 of the Initial Study /Addendum "formal gardens on the north and south sides of the open space plaza located at the foot of Broadway", consistent with the language on page 63 of the Port Master Plan ("passive green spaces (parks) are proposed between the plazas on the esplanade").

CCC.4. The Commenter identifies differences in the proposed project compared to the Port Master Plan and that a Port Master Plan Amendment is necessary. This comment does not address the adequacy of the Addendum/ Initial Study evaluation of whether the Proposed Project would result in a project-specific additional significant impact not evaluated in the Master EIR for the NEVP.

The differences described do not change the use of any component of the project compared to the Port Master Plan or Master EIR and are viewed as a refinement of the concepts in the NEVP that reflect practical implementation of the vision. Page viii of the Addendum states "The Port has developed more detailed site plans and elevations for the North Embarcadero in order to implement the concepts identified in the NEVP. These subsequent plans involve additional detail and reconfiguration of features from that shown in Figure 3.3-1 of the Master EIR. " The changes outlined by California Coastal Commission staff are minor in nature, no alteration in use is described and the District disclosed that the project is a refinement of the concepts of the visionary plan as referred to in the Port Master Plan. The commenter does not provide substantial evidence that a Port Master Plan is necessary. The District takes this opportunity to clarify that the Proposed Project does not result in any changes to existing land use designations within the Port Master Plan and achieves the specifics identified in the Port Master Plan text for this area (Port Master Plan page 63). A consistency evaluation regarding the Proposed Project's consistency with the Port master Plan and the Coastal Act has been provided to the commenter and will be included in the information provided to the Board of Port Commissioners as part of the decision making process for issuance of a Coastal Development Permit for the project.

CCC.5. The commenter asserts that the project description in the Initial Study / Addendum is insufficient and existing conditions are not described clearly. Pages iv – vii and 3 – 5 of the Initial Study /Addendum provide a detailed description of the Proposed Project. The text of the Initial Study/Addendum pages iv through vi and 3 through 6 describe the proposed changes to existing conditions. The existing conditions were described in the Master EIR for the NEVP. For example the roadway configurations were described in Section 4.1 page 4.1-2 through 4.1-4 of the Master EIR. The function of the Initial Study/Addendum is to determine whether or not new additional project-specific environmental impacts would result from the proposed project that was not described in the Master EIR.

The project does not eliminate the future implementation of the entire NEVP as envisioned, rather represents the first step towards that. The revisions do not change the use of any component of the project compared to the Port Master Plan or Master EIR and are viewed as a refinement of the concepts in the NEVP that reflect practical implementation of the vision. The refinements from the concepts sketched

in the NEVP, including the Figure 5.3 referenced by the commenter, do not result in physical changes in the environment that may result in significant adverse impacts. Page viii of the Addendum states "The District has developed more detailed site plans and elevations for the North Embarcadero in order to implement the concepts identified in the NEVP. These proposed plans involve additional detail and reconfiguration of features from that shown in Figure 3.3-1 of the Master EIR. " The purpose of the Initial Study/Addendum is to determine whether or not the Proposed Project would result in the creation of any new significant impacts not previously identified in the NEVP Master EIR. In response to this comment the District has provided graphics to the commenter that depicts the existing conditions and the Proposed Project (Exhibit CCC-1 below).

CCC.6. The commenter suggests that the Initial Study Addendum should describe future phases of implementation of the NEVP and the timing. The Initial Study / Addendum evaluates whether the NEVP Phase 1 Public Access Features Project would result in the creation of any new significant impacts not previously identified in the NEVP Master EIR. Future phases of NEVP will be subject to environmental review once they are proposed. The Proposed Project is intended to commence the NEVP, highlighting the benefits and potential such that commitment for continuing and completing the NEVP can be attained. The build out of the entire NEVP is described and evaluated in the Master EIR. The roadway portion of the North Harbor Drive right-of-way has been designed as four lanes for the Proposed Project but the width is consistent with that described in the Master EIR for a three lane road. This is achieved by providing parallel parking at the curb as part of the Proposed Project, which would be converted to diagonal parking once full realignment of North Harbor Drive is achieved. The change from parallel to diagonal parking necessitates the removal of a travel lane, all of which can be accomplished with restripping of the road with no changes to the proposed Esplanade. In response to this comment the District has provided graphics to the commenter that depicts transformation from parallel to diagonal parking (Exhibit CCC-2 below).

CCC.7. The commenter contends that the visual analysis in the addendum does not show any of the context of the area and that new structures should be located where water views do not currently exist. The project is designed to move structures away from the water's edge and provide improved areas from which people can enjoy views of the water for pedestrians compared to existing conditions, consistent with the text on page 63 of the Port Master Plan. As stated in the Initial Study/Addendum, Section A. Aesthetics pages 12 through 15, the project would result in an improved aesthetic along North Harbor Drive and enhanced views along the Bayfront consistent with analysis provided in the Master EIR for the NEVP.

CCC.8. The commenter states that he Initial Study Addendum should include more information regarding the restroom encroachment into the C Street View Corridor (such as an exhibit) and that alternatives, such as a different location, size or design should be provided. In response to this comment an exhibit has been prepared showing the precise location of the restroom as it relates to the (future) C Street View Corridor. The Initial Study/Addendum, Section A. Aesthetics page 13 includes discussion regarding the restroom encroachment into the view

corridor and concludes the impact of such would be less than significant for the following reasons. The Proposed Project provides facilities and structures generally outside of the 80-foot wide alignment of right-of-ways, including the future C Street alignment right-of-way. While a portion of the restroom/comfort station is within the future C Street alignment right-of-way, the feature would do so only minimally (five feet or less), is one story tall, an integrated art piece, and would not detract from the view corridor down the future C Street (which terminates at the Santa Fe Depot train station).

CCC.9. The commenter requests information regarding demolition of structures and whether any demolition would occur of structures over the water. The intent is that no existing structures would remain within the boundary of esplanade improvements. Structures on the existing promenade would be removed. They are temporary structures and removal rather than demolition is all that is necessary to clear the promenade. The existing wharf structure that supports the promenade and any structures would not be demolished. No structures over the water that are not on top of the wharf would be altered through implementation of the project.

CCC.10. The commenter requests more information or exhibits that show the Esplanade improvements north of C Street, grassy areas, hardscape, green space, and the plazas at B Street and Broadway piers. There are no Esplanade improvements proposed north of C Street. Improvements north of C Street involve only the transition between existing and proposed alignments of North Harbor Drive. In response to this comment, the District provided an exhibit to the commenter that further clarifies the project components (Exhibit CCC-3 below). The Proposed Project does not include any 'grassy' areas and no such description is provided in the Port Master Plan. The proposed project does propose 'formal gardens' as described on page 4 of the Initial Study/Addendum "formal gardens on the north and south sides of the open space plaza located at the foot of Broadway", which is consistent with the "passive green spaces (parks) are proposed between the plazas on the esplanade" language on page 63 of the Port Master Plan. In response to this comment an exhibit has been provided to the commenter that identifies the different landscape and hardscape features of the Proposed Project (Exhibit CCC-4 below). The Initial Study/Addendum contains Figure 4 and describes the plaza at the foot of Broadway on page 7 identifying an approximately 16,000 square feet open space plaza on the 107-foot wide Esplanade between the head of Broadway Pier and the intersection of West Broadway and North Harbor Drive. The 16,000 square-foot plaza area at the foot of Broadway will be clear of obstacles suitable for public gatherings, when cruise ships are not berthed at the Broadway Pier. Moveable bollards can be arranged to allow vehicular access to Broadway pier and safe crossing for pedestrians during cruise ship berths, or arranged to prevent vehicular traffic accessing the plaza leaving it clear for pedestrians when cruise ships are not berthed at the Broadway Pier. The public plaza at the foot of Broadway Pier will compliment the plaza area available on the Broadway Pier itself (400-foot from the foot of the pier to the Cruise Ship Terminal Building) when cruise ships are not berthed at the Broadway Pier. The plaza at the foot of B Street Pier is not proposed as part of this project.

CCC.11.a The commenter request greater discussion on the rationale for redesigning the oval shown in the Port Master Plan and described in the NEVP to a rectangle reduced in scale. This comment does not address the adequacy of the Addendum/ Initial Study evaluation of whether the Proposed Project would result in a project-specific additional significant impact not evaluated in the Master EIR for the NEVP.

The oval changes recognize that the roadway and plaza configuration shown in the NEVP cannot be achieved because of the ownership of property on the southeast corner of the intersection is not a JPA member agency, the road alignment would present safety concerns, and the oval extending out of the water would result in additional water coverage not addressed as part of the NEVP 2000 Master EIR and Port Master Plan Amendment. The Proposed Project in combination with plaza requirements for the Lane Field development set out in the Coastal Development Permit issued by the California Coastal Commission (see page 5 of the public access plan that describes the Broadway plaza component on Lane Filed, which would be about 1 acre) and the 1.9 acre park proposed as part of the Broadway Complex, would result in an increased public area compared to that envisioned.

CCC.11.b The commenter requests additional analysis be prepared regarding the function of the plaza in conjunction with cruise ship operations on Broadway Pier and how that achieves the "destination" for Embarcadero visitors envisioned in the PMP. This comment does not address the adequacy of the Addendum/ Initial Study evaluation of whether the Proposed Project would result in a project-specific additional significant impact not evaluated in the Master EIR for the NEVP.

The Port Master Plan does not identify the plaza at the foot of Broadway as a 'destination' as inferred, rather it states on page 63 "These plazas will be designed to provide open space, sitting and strolling areas fro tourists and nearby workers and to increase the sense of destination for Embarcadero visitors." The Proposed Project includes the design of the plaza that will provide an open space as described in the PMP and, when necessary, allow for vehicular access to the Broadway Pier as envisioned in the NEVP and the Port Master Plan. Moveable bollards can be arranged to allow vehicular access to Broadway pier and safe crossing for pedestrians during cruise ship berths, or arranged to prevent vehicular traffic accessing the plaza leaving it clear for pedestrians when cruise ships are not berthed at the Broadway Pier. Pages 43 through 46 of the Initial Study/Addendum evaluates whether the project would result in the creation of any new significant Land Use and Planning impacts not previously identified in the NEVP Master EIR.

CCC.12.a The commenter contends that details of the parking management plan should be provided and that it is impossible to assess the adequacy of the parking mitigation measures without knowing how much parking will be lost. The impacts of implementation of the NEVP to parking were identified in Section 4.2 of the Master EIR as significant and mitigation measures are prescribed. Those mitigation measures have been incorporated into mitigation for the Proposed Project. Pages 56 through 59 of the Initial Study/Addendum evaluates whether the project would result in the creation of any new significant Transportation / Traffic

impacts, which includes parking, not previously identified in the NEVP Master EIR. The existing approximately 170 public parking spaces would be displaced by the Project and replaced with commercial loading and unloading zones to service both land and water-dependent uses along with transit stops and parallel street parking along the curb of North Harbor Drive providing approximately 24 spaces. The conversion of public parking from metered spaces to commercial zones and transit stops results in a net decrease of public parking in the Phase 1 area. However, this decrease was identified and mitigated as part of the NEVP and the associated amendment to the PMP. To compensate, public parking serving the North Embarcadero area will be provided in accordance with the NEVP Parking Management Plan(s) as required by the NEVP Master EIR. Since the time of the NEVP and Master EIR, 300 public parking spaces have been provided on the E Street (Navy) Pier. Since the significant impacts to parking were identified in the Master EIR and the mitigation prescribed the implementation of those mitigation measures consistent with the Master EIR is appropriate. Furthermore the District is preparing a more detailed NEVP Parking Management Plan in coordination with stakeholders along the North Embarcadero to further refine and implement the mitigation measure consistent with the Master EIR. The NEVP Parking Management Plan will be completed prior to commencement of construction of this project. A copy of the Draft NEVP Parking Management Plan has been provided to the commenter.

CCC.12.b The commenter requests clarification of whether the mitigation measure to "plan for shuttle stops at two locations on Harbor Drive within the Plan area such as at Ash Street and at Broadway" is referring to the Lane Field shuttle service. The stops must be provided for a shuttle service, that service could be the Lane Field Shuttle or a broader waterfront shuttle, the shuttle stops would be for public use and part of a shuttle stop system that enables convenient public access/transport along the waterfront.

CCC.12.c The commenter suggests that requiring "approval of a parking management plan" prior to issuance of a grading permit is not sufficient; implementation of the measures should be required either prior to removal of the parking spaces where feasible, or immediately after project completion. Issuance of a grading permit would be prior to removal of parking spaces, the Parking Management Plan for NEVP is under final revision and identifies specific measures that can be implemented individually or in combination with other measures, depending on the projects that are completed, underway, imminent, and upcoming. The mitigation measures prescribed were identified in Section 4.2 of the Master EIR and incorporated into mitigation for the Proposed Project. Since the significant impacts to parking were identified in the Master EIR and the mitigation prescribed the implementation of those mitigation measures consistent with the Master EIR is appropriate.

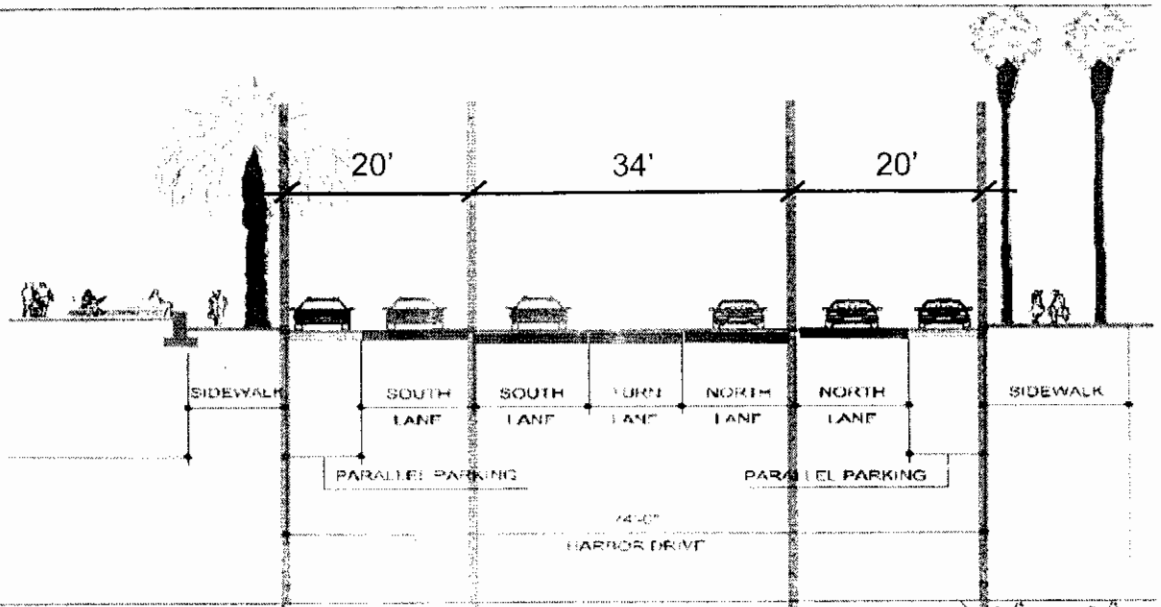
CCC.13. In summary, staff believes the Coastal Access Features Project is not consistent with the certified Port Master Plan. Furthermore, while the overall goal of the project of improving public access and recreation is supported by the Coastal Act, at this point, the description and analysis of the project does not support a finding that the development is consistent with the public

access, public recreation, and visual quality policies of the Coastal Act. Specific comments alluded to in this summary comment are addressed in responses to comments CCC.1 through CCC.12. The District takes this opportunity to clarify that the Proposed Project does not result in any changes to existing land use designations within the Port Master Plan and achieves the specifics identified in the Port Master Plan text for this area (Port Master Plan page 63). A consistency evaluation regarding the Proposed Project's consistency with the Port Master Plan and the Coastal Act has been provided to the commenter and will be included in the information provided to the Board of Port Commissioners as part of the decision making process for issuance of a Coastal Development Permit for the project. This comment does not address the adequacy of the Addendum/ Initial Study evaluation of whether the Proposed Project would result in a project-specific additional significant impact not evaluated in the Master EIR for the NEVP.

Exhibit CCC-1 Existing Conditions and the Proposed Project

Exhibit CCC-2 Transformation from parallel to diagonal parking

Phase 1 Harbor Drive
4 travel lanes



Buildout Harbor Drive
3 travel lanes

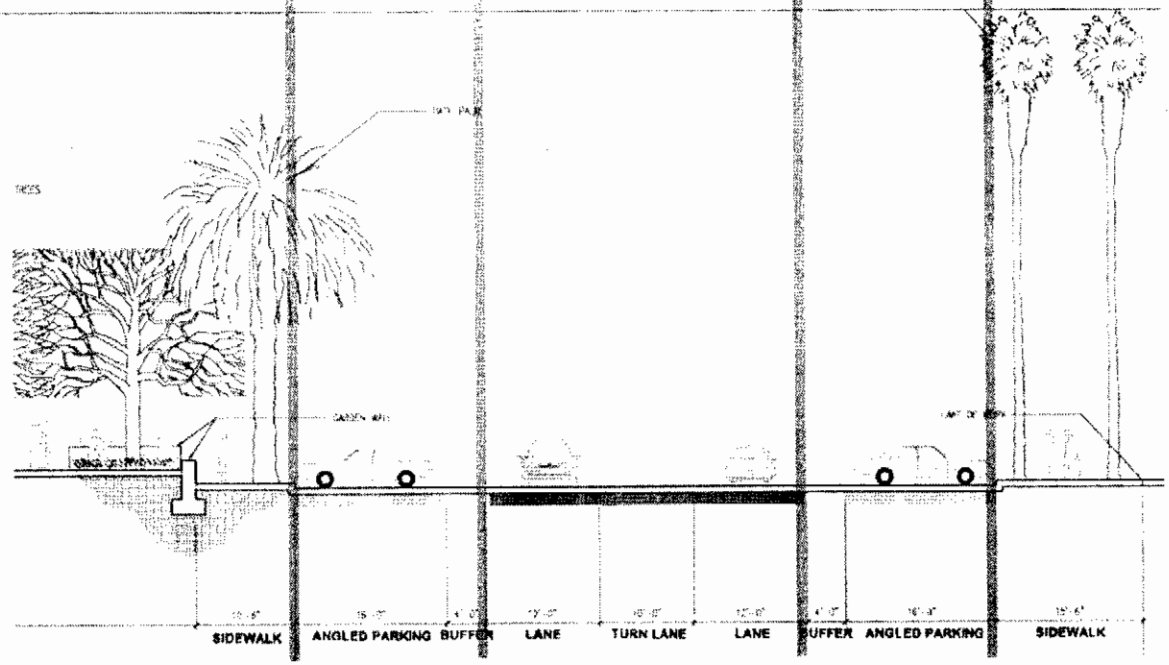


Exhibit CCC-3 Project Components

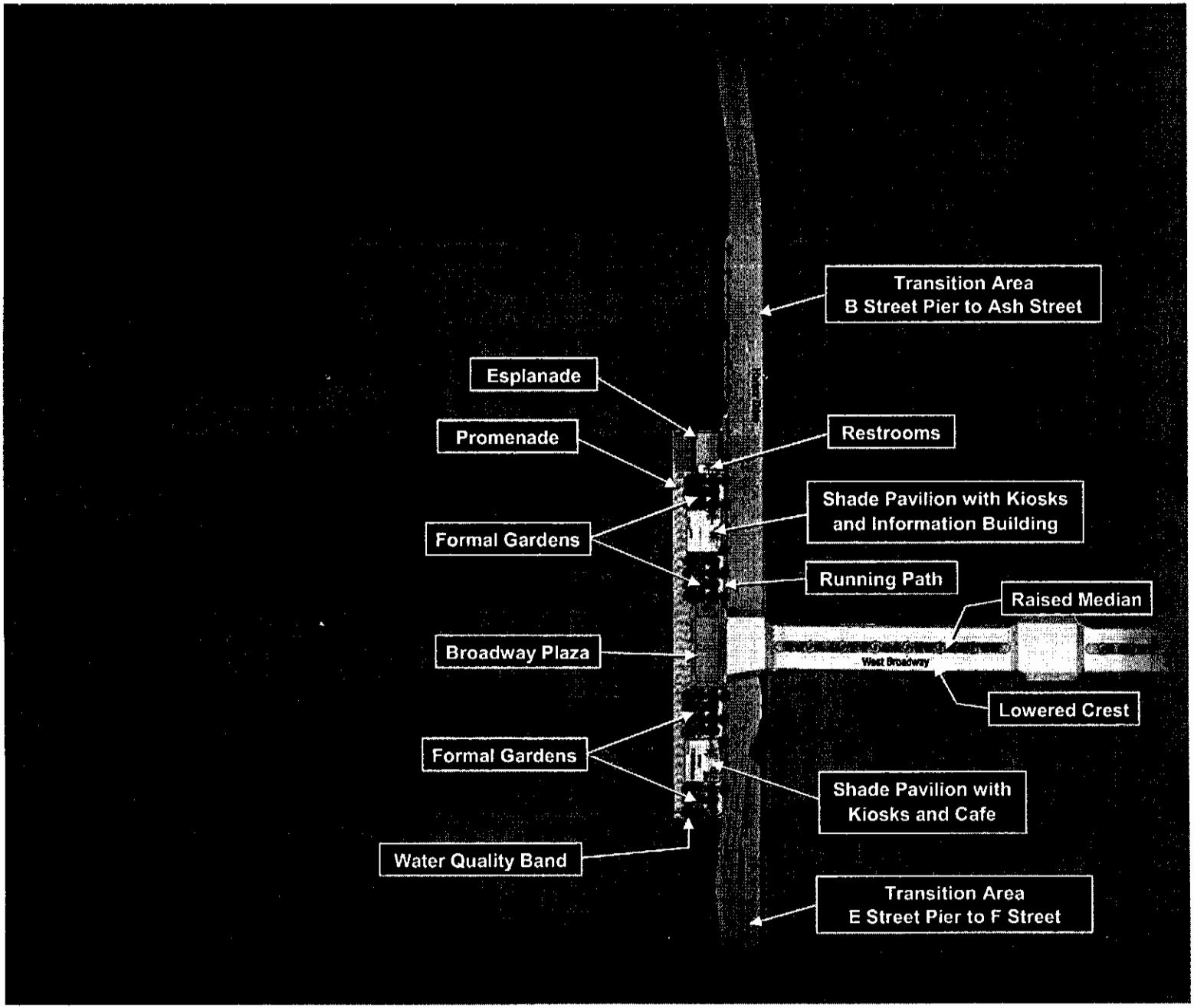
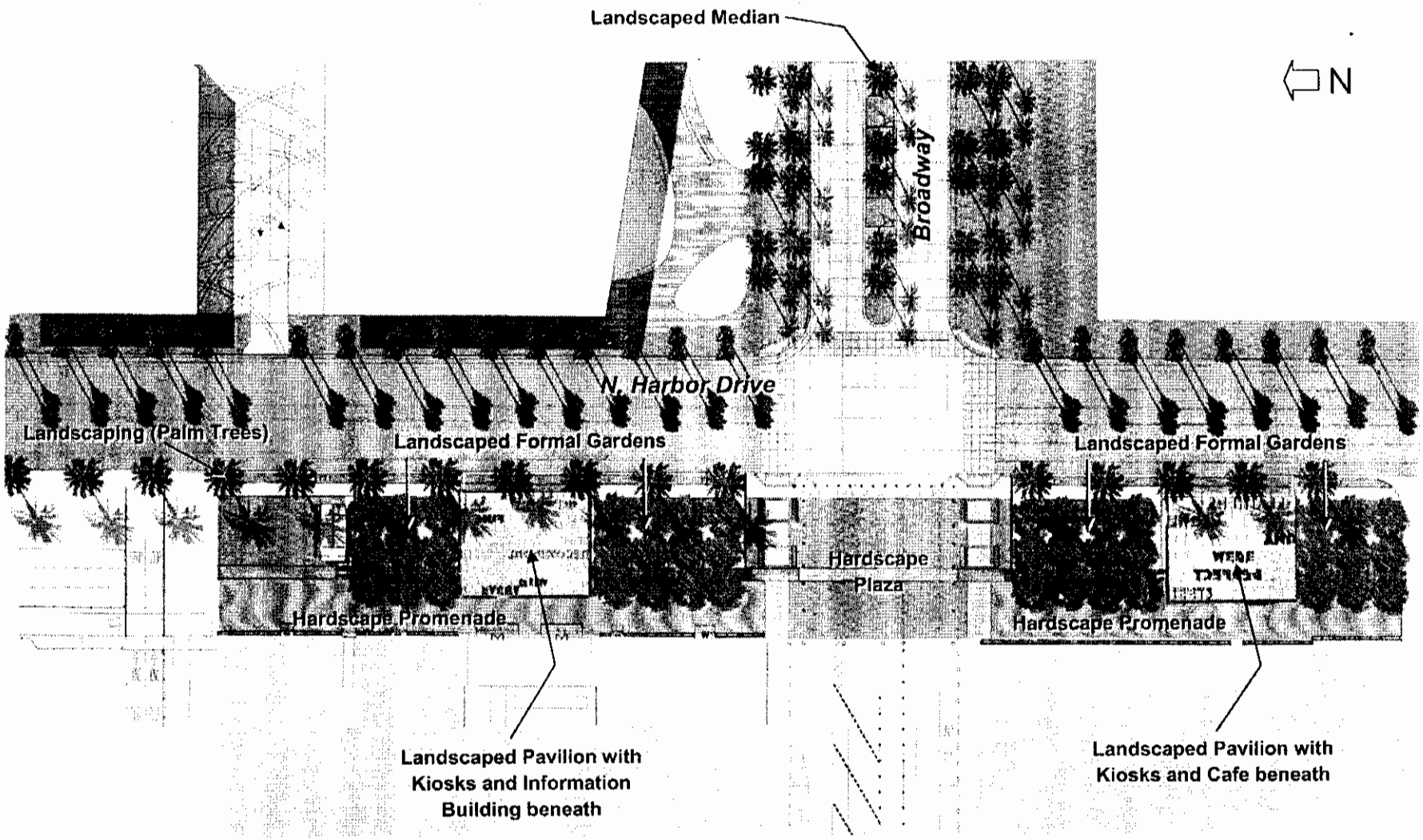


Exhibit CCC-4 Proposed Project Landscape and Hardscape features



The Broadway Complex Coalition

March 22, 2009

John Helmer, Manager
Land Use Planning Department
Unified Port of San Diego
3165 Pacific Highway
San Diego, CA 92101
jhelmer@portofsandiego.org

Broadway Complex Coalition Comments on the February, 2009 "Addendum to the Master Environmental Impact Report and Initial Study (UPD #83356EIR-351; SCH #99031037) Phase 1, Coastal Access Features Project

Table of Contents

Topic	Page
1. Summary	3
2. Structural problems with the Initial Study (IS) document and the Port's planning process.	4
3. Proposed project changes appears to ignore the California Public Tidelands Trust Doctrine, undermine the goals of the California Coastal Act and violate the California Environmental Quality Act.	5
4. The 2000 North Embarcadero Visionary Plan (NEVP) Master Environmental Impact Report (MEIR) did not propose or consider the construction of a permanent cruise ship terminal on the Broadway Pier. The MEIR must be amended and updated to reflect this change, and the loss of the proposed Broadway Landing Park before being used to support a final NEVP MEIR amendment and Initial Study.	7
5. IS fails to address the cumulative impacts associated with the construction and operation of surrounding projects, including the Navy Broadway Complex redevelopment project, a new permanent Broadway Pier cruise ship terminal, construction of the proposed Lane Field hotels project, expansion and reconstruction of the existing B Street cruise ship terminal, planned redevelopment of Navy Pier, and the planned fate of the 1220 Pacific Highway site	10
6. NEVP approvals have been based on obsolete traffic studies associated with the downtown community plan update.	11
7. IS fails to identify and mitigate risks associated with toxic spills and hazardous material related accidents associated with the nearby railroad right of way.	12
8. The NEVP MEIR amendment and IS fail to identify, address or mitigate potential risks associated with terrorist attacks on the proposed regional Navy headquarters on the adjoining Navy Broadway Complex (NBC) project site.	13

BCC.1. Summary

BCC.1.a
The Bayfront Complex Coalition is an 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 along the city's bayfront.

BCC.1.b
The original North Embarcadero Visionary Plan (NEVP) proposed significant improvements to downtown San Diego's waterfront, including enhancements to Harbor Drive and the creation of a wide bayfront esplanade, construction of a 16,000 square foot oval Broadway Landing Park at the foot of Broadway with public fountains, and preservation of the Broadway Pier as a year round public gathering place and viewing platform. The public amenities proposed in the original NEVP were designed to increase public acceptance of the construction of proposed new highrise structures along the east side of Harbor Drive, including two hotels on the Lane Field site and new structures proposed to be built on the Navy Broadway Complex site, and other unnamed future highrise projects along the east side of Harbor Drive. The result was a carefully balanced mix of new bayfront structures and new public amenities along downtown's bayfront.

BCC.1.c
The proposed addendum to the North Embarcadero Visionary Plan (NEVP) Master Environmental Impact Report (MEIR) amendment Initial Study (IS) regarding phase 1 of the NEVP project propose significant changes to the original NEVP vision, and fails to address a number of key coastal public access issues and environmental impacts that must be addressed per the California Coastal Act and are required by the California Environmental Quality Act (CEQA), and is based on obsolete 2000 MEIR information that must be updated before any further action is taken.

BCC.1.d
Limiting the environmental review of this proposed project to an Initial Study of only one phase of the project, while ignoring future phases of the project as well as adjoining proposed projects along Harbor Drive and on nearby bay piers, artificially limits public review and input into the process, limiting comments only to those issues chosen by the Port staff. The Port's traditional piecemeal, intentionally fragmented land use and facilities planning practices force the public into a game of "whack-a-mole", trying to keep up with changes put forward by Port staff that undercut and renege on promises made to the public in previous Port planning efforts.

BCC.1.e
Because of these planning deficiencies, it is impossible for the public to identify and assess a wide range of public access reductions and environmental impacts associated with the proposed project changes and adjoining projects along the bayfront. We are also not able to assess the longer-term cumulative impacts of the project and projects planned

for surrounding tidelands parcels, and a number of adjoining construction projects being undertaken concurrently by the Port District and other agencies, as required by CEQA.

BCC.1.f
For example, the Port now proposes to renege on its promise that the Broadway Pier would be preserved as an open year round public gathering place, and now proposes to block public access and views from lower Broadway to the water with a large permanent cruise ship terminal not envisioned in the original NEVP or the 2000 MEIR. Ongoing public access to Broadway Pier is a key element of the NEVP vision adopted in 2000, but the Port has insisted on treating it as a separate planning issue, and has tried to ignore the impact that changes to the pier would have on the overall NEVP effort.

BCC.1.g
In addition, Port staff now proposes to eliminate Broadway Landing Park, the promised 16,000 square foot oval landscaped public plaza at the foot of Broadway envisioned in the original NEVP and the 2000 MEIR, and replace it with a simple traffic intersection designed to accommodate trucks serving a new permanent cruise ship terminal on the pier.

BCC.1.h
These are fundamental changes that would substantially reduce public access and views to the bay from downtown for the benefit of private special interests, and would undercut the carefully balanced NEVP deal and the vision addressed in the 2000 MEIR. In the proposed MEIR amendment and the Initial Study, the Port does not propose any new forms of mitigation for the proposed loss of this public access and these key public amenities promised in the original NEVP and the 2000 MEIR.

BCC.1.i
Because it is impossible, given the fundamental changes now being proposed by the Port to the original NEVP, to determine whether environmental impacts of the project, and the proposed changes from the 2000 MEIR, both those identified in the IS and those the IS fails to address, can be completely mitigated, we believe that current California state law - (CEQA) - requires that a supplement to the MEIR and a new NEVP project Environmental Impact Report (PEIR) must be completed before this project can be approved and construction begun.

BCC.2. Structural problems with the Port's planning process

BCC.2.a
We have identified a significant number of proposed NEVP project changes, which we discuss below, that must be fully addressed and mitigated under the California Coastal Act (CCA) and the California Environmental Quality Act (CEQA) that are not mentioned in the MEIR amendment IS. At the very least, the proposed IS must be updated to consider adjoining planned and proposed projects on nearby tidelands and piers, address the impacts those projects will have on the NEVP project and show how they will be fully mitigated before being approved by the Board of Port Commissioners (BPC) and

forwarded to the California Coastal Commission and other regulatory agencies with jurisdiction over this project for their review.

BCC.2.b
Too often in the past, the Port has planned and approved long-term projects, only to be swayed later on by private interests who covet control over public tidelands parcels and Port facilities. In the past these special interests have included hotel developers, the Convention Center Corporation and other Port tenants.

BCC.2.c
In this case, the special interest that has undermined the original NEVP and Broadway Pier plans is the cruise ship industry, threatening Port executives and Commissioners that if the cruise lines don't get everything they demand, and utilize more of our downtown waterfront as a parking lot for their floating hotels, they may take their business and sail away to some other unnamed Ports along the west coast of North America.

BCC.2.d
The Port has never worked with the Navy, the City of San Diego and the Centre City Development Corporation (CCDC), and the public to develop a Precise Bayfront Plan, one which would clearly identify what will be built on every parcel of land on downtown's waterfront tidelands, and has never identified parcels that will be preserved for the public to enforce the Public Tidelands Trust Doctrine by maintaining east/west public pedestrian access and view corridors to the bay from downtown's urban core area.

BCC.2.e
We believe that before any further action is taken in this direction on the North Embarcadero, the Port should first seek clarification from the State Lands Commission, the California Coastal Commission, and the Courts if need be, as to whether it's current planning processes comply with state tidelands trust doctrine laws and policies, and the Coastal Commission's public access preservation policies.

BCC.2.f
We strongly suggest that the California Coastal Commission order the Port to conduct a precise public bayfront planning process that identifies what will be built on each parcel between Harbor Drive and Pacific Highway from Lindbergh Field to Seaport Village before it agrees to consider the latest changes to the NEVP being proposed by the Port.

BCC.2.g
At the very least, the Coastal Commission should require that the Port submit its proposed Bay Master Plan amendments associated with the Broadway Pier and the latest proposed changes to the NEVP project itself, so that these two related project changes can be considered at the same time.

BCC.3. The proposed project changes appears to ignore the California Public Tidelands Trust Doctrine, undermine the goals of the California Coastal Act and violate the California Environmental Quality Act.

BCC.3.a

The Port of San Diego has legislative jurisdiction over state tidelands extending from the San Diego Bay Bulkhead to east of Pacific Highway in downtown San Diego. The Public Trust provides that state tidelands must be held in trust for the benefit of all the people of California. These tidelands became state property when California joined the Union on September 9, 1850 and are held by the State in trust for the people of California. Since 1938, the California State Lands Commission has been the administrator and the guardian of these valuable public lands. These lands include tidelands that have been filled and are no longer under water.

BCC.3.b

According to "The Public Trust – Your Rights to Enjoy California's Waterways, California State Lands Commission, 2007, "Public Trust Lands cannot be bought and sold like other state-owned land." Under state legislation creating the San Diego Unified Port District (Port), the district is charged with administering state tidelands held in trust for the benefit of all Californians. This includes preserving local resident's public access to San Diego Bay.

BCC.3.c

Section 30210 of the California Coastal Act mandates that "maximum access (to the bay), which shall be conspicuously posted, and recreational opportunities shall be provided for all the people". Section 30211 mandates that "Development shall not interfere with the public's right of access to the sea".

BCC.3.d

Instead, local government appointees on the Board of Port Commissioners (BPC) have traditionally treated state tidelands under the district's control as their own private property, managing them not for the benefit of the public, but in a manner intended to maximize financial revenues to the Port and favored tenants.

BCC.3.e

To do this, previous Boards of Port Commissioners and Port staff has engaged in a practice of fragmented, piecemeal land use planning, zoning, environmental review and redevelopment. The Port has traditionally focused on one tidelands parcel at a time and has studiously ignored each projects impacts on adjoining tidelands parcels, and has failed to take into account plans for adjoining parcels as part of its master and individual project environmental reviews. Even the original NEVP effort was flawed, in that it did not address what was going to be built on adjoining property parcels along the east side of Harbor Drive. What gets built on those parcels will surely impact what happens along both sides of Harbor Drive and on the planned esplanade.

BCC.3.f
In this instance, Port staff insists that public parties comments focus only on the changes proposed to NEVP improvements along Harbor Drive, and ignore planned redevelopment of adjoining tideland parcels and the bayfront piers along the North Embarcadero. All of those adjoining projects will affect and be impacted by phase 1 of the NEVP project. Therefore they should all be considered as part of a new comprehensive public bayfront precise planning process.

BCC.3.g
The changes the Port is now proposing would sacrifice public access to our bay in order to benefit the private cruise ship industry, further undercutting the Public Trust Doctrine that holds the Port accountable for stewardship of the tidelands for their public owners.

BCC.3.h
If anything, the North Embarcadero should be designed with increased and enhance east/west public access corridors and views, to partially mitigate the devastating loss of public waterfront access and views already caused by the construction of the South Embarcadero wall.

According to the wording in the proposed MEIR amendment IS,

> *The Port and the NEVP joint powers authority (JPA) should conduct an inventory of remaining existing potential public access corridors and public viewsheds from inland downtown to the bay on our downtown waterfront.*

BCC.3.i
We believe the Port and the NEVP JPA should consider going beyond conducting an inventory, and adopt a new bayfront public access and viewshed loss mitigation policy requiring that for every parcel along the North Embarcadero that is blocked by new redevelopment projects, an equivalent east/west public access corridor area will be identified and preserved in the form of new public plazas or parkland to ensure public access and view corridors to San Diego Bay.

BCC.3.j
This step would begin to mitigate the ongoing loss of public access and viewsheds to our downtown waterfront. Without it, redevelopment along the North Embarcadero will continue to be an unmitigated disaster for residents of downtown and the rest of the public who live in our region. This concept should be fully addressed in the NEVP MEIR amendment IS and a follow up project EIR (PEIR).

BCC.4. The Port staff has based its MEIR amendment Initial Study on the original 2000 North Embarcadero Visionary Plan Master Environmental Impact Report, which did not envision construction of a permanent cruise ship terminal on the Broadway Pier, redevelopment of Navy Pier, or redevelopment of 1220 Pacific Highway and neighboring Harbor Drive parcels. The 2000 MIER must be updated

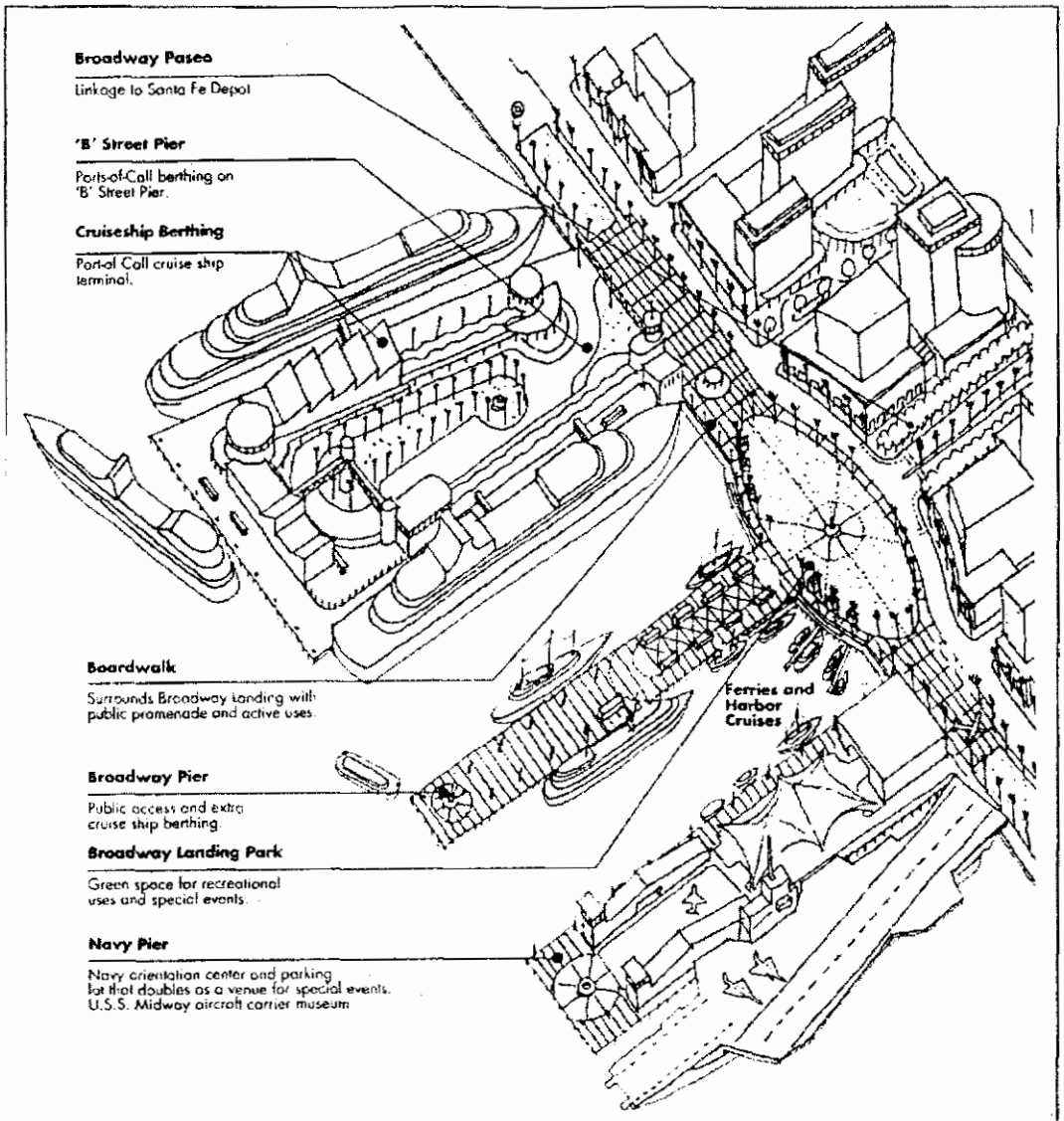
to address the impacts of all those adjoining redevelopment projects, before it can be used to support a NEVP MEIR amendment or IS.

BCC.4.a

The 2000 NEVP MEIR was based on a number of rendering and schematics, which showed the Broadway Pier as an open public community gathering plaza area at the foot of the ceremonial Broadway Hall corridor. Colored pavers would extend down Broadway onto the Pier, where public celebrations and events were planned to take place.

BCC.4.b

This concept is reflected in Figure 3.3-16 of the 2000 final Master Environmental Impact Report reprinted below:



SOURCE: Sasaki Associates, Inc., 1998. 2/8/00

BRG CONSULTING, INC.

North Embarcadero Alliance Visionary Plan MEIR

Proposed Cruise Ship Terminal Expansion Site Plan

FIGURE 3.3-16

BCC.4.c
A key concept of the 2000 NEVP concept was that Broadway Pier would provide public views and access to the bay, without any physical or visual obstructions. As noted in Figure 3.3-16 Broadway Landing Park would provide for a 16,000 square foot oval landscaped park at the foot of Broadway, while the Broadway Pier would be preserved for public gathering and occasional overflow cruise ship berthing. While these was some footnote language in the MEIR regarding FARs related to the pier, and discussion of putting up and taking down temporary tent structures when overflow cruise ship traffic necessitated use of the Broadway Pier for temporary berthing, no party in the NEVP development effort ever brought up the idea of constructing a permanent cruise ship terminal on the Broadway Pier when the original NEVP plan was developed or the 2000 MEIR was developed, reviewed and approved.

BCC.4.d
Now Port staff is suggesting that the Broadway Landing Park and its fountains be eliminated, and replaced with a standard paved traffic intersection primarily designed to accommodate large trucks turning onto and off of the Broadway Pier to service the proposed cruse ship terminal. Public access to both the pier and the intersection will be blocked on days when cruise ships are tied up to the pier. Port staff has recently projected that cruise ships will tie up at San Diego Bay piers more than 200 days a year. During the multi-year period when the B Street Pier cruise ship terminal is under reconstruction, all those ships would be berthed on the Broadway Per.

BCC.4.e
The preservation of public access to the Broadway Pier and construction of the Broadway Landing Park were significant mitigations for the loss of public access and views that will be caused by the construction of new hotels on the Lane Field site and other sites along Harbor Drive. Now Port staff is suggesting that both of these critical original NEVP components be eliminated, while at the same time asserting that nothing has changed since the original NEVP was developed and the 2000 MEIR, which required these key elements, was approved.

BCC.4.f
During a recent Board of Port Commissioners (PBC) meeting convened to consider approval of a permanent cruise ship terminal on Broadway Pier, Port Commissioner Laurie Black noted that she and the parties that she had represented as part of the original NEVP planning process had been assured by Port staff that the Broadway Pier would remain an open public community gathering place.

BCC.4.g
Beginning in 2005, increased cruise ship traffic in San Diego Bay caused Port staff to begin considering alternative uses for Broadway Pier that were not addressed in the 2000 MEIR. The Port determined that cost and environmental considerations precluded the construction of a three ship "super terminal" alternative to the B Street Pier cruise ship redevelopment project considered in the 2000 MEIR. Under pressure from the cruise ship lines to accommodate more ships in the future and a threat of the loss of cruise ship

business, the concept of replacing the Broadway Landing Park and preserving ongoing public access to Broadway Pier with a permanent cruise ship terminal began to be discussed.

BCC.4.h
In 2006, the BPC approved such a project in concept, but the Port has taken no actual steps to modify or update the original 2000 NEVP MEIR, or to address all the new environmental, view shed, public access losses, and traffic impacts the construction of such a permanent terminal will create until recently. Recently, the BPC approved a staff proposed "de minimus" amendment to the Port Master Plan that would allow such a permanent terminal to be constructed, but to date the Port staff has not forwarded the proposed amendment to the California Coastal Commission for review and approval, to our knowledge. Note that this change to the original NEVP concept and MEIR is being considered by the Port separately from the currently proposed amendment to the initial NEVP concept MEIR, as part of the Ports piecemeal planning practice.

BCC.4.i
CEQA guidelines section 15177(b)(3) states that a certified MEIR cannot be used for tiering subsequent projects if "(ii) a project not identified in the original certified MEIR as an anticipated subsequent project is approved and the approval project may affect the adequacy of the MEIR".

BCC.4.j
In order to comply with the California Coastal Act and state CEQA law, we believe that the Port District must prepare a subsequent NEVP Project EIR that updates or revises the original MEIR to address the individual project changes and cumulative impacts construction of a new permanent cruise ship terminal on the Broadway Pier and the loss of the planned Broadway Landing Park would create. The new proposed MEIR amendment and IS do not indicate how the Port proposes to mitigate the loss of these two key NEVP elements to compensate the public for the loss of the public park and year round public access to the Broadway Pier. We believe that such new mitigation elements must be addressed in a new NEVP Project EIR.

BCC.4.k
We believe that compliance with the State Public Tidelands Trust Doctrine law and policies requires that a full Project EIR for the proposed Broadway Pier cruise ship terminal, conducted in conjunction with any proposed changes in the original NEVP concept, must be undertaken by the Port District and reviewed and approved by the State Lands Commission and the California Coastal Commission before construction of the Broadway Pier cruise ship terminal and NEVP Phase 1 can be undertaken.

BCC. 5. The proposed MEIR amendment IS fails to address the cumulative impacts associated with the concurrent construction and operation of surrounding tidelands projects, including the Navy Broadway Complex redevelopment project, construction of a new permanent Broadway Pier cruise ship terminal, expansion

and reconstruction of the existing B Street cruise ship terminal, redevelopment of Navy Pier, and redevelopment of the adjoining 1220 Pacific Highway site

BCC.5.a
CEQA requires that environmental reviews address cumulative impacts associated with a proposed project. "Cumulative" includes environmental impacts created by the project over time after its construction, and the impacts of the proposed project along with new projects proposed to be build on surrounding properties that when taken together, will produce more impacts than the instant project would as a stand-alone project. This legal requirement has historically been overlooked by the Port District and the US Navy, who have insisted on treating each parcel they control along the waterfront as individual stand-alone development projects, ignoring the impacts the new project will have on surrounding parcels, and the impacts that redevelopment of surrounding parcels will have on it.

BCC.5.b
In the case of NEVP Phase 1, it will be built in conjunction with a large number of other projects in the same downtown bayfront area, during the same timeframe. These surrounding projects include, but are not limited to the proposed Navy Broadway Complex redevelopment project, the construction of a new permanent Broadway Pier cruise ship terminal, expansion and reconstruction of the existing B Street cruise ship terminal, redevelopment of the Navy Pier, and redevelopment of the adjoining 1220 Pacific Highway site to the immediate north of Lane Field.

BCC.5.c
The Navy Broadway Complex project is subject to several lawsuits, and may be substantially modified in response to those lawsuits and further design reviews by the Centre City Development Corporation (CCDC). Until the design of that project has been finalized and it has cleared legal hurdles, it is impossible to determine what cumulative impacts it will have on NEVP Phase 1 and other surrounding proposed tidelands projects, and how those impacts can be mitigated.

BCC.5.d
The final designs of the proposed Broadway Pier cruise ship terminal and B Street cruise ship terminal have not yet been developed or approved. The Ports current plans for redevelopment of the Navy Pier have not been made public, and the Port has not announced what it plans to build on the 1220 Pacific Highway site. That site will certainly be impacted by what is built on Lane Field, and what gets built on that site will certainly impact the NEVP project.

BCC.5.e
The Port has agreed to build the Navy a new multi-million dollar building offsite in return for the Navy giving up its long-term lease on 1220 Pacific Highway. Since it is willing to fund such an offset project, the Port must have some idea of what it plans to build on the site, but has not addressed that project in the NEVP Phase 1 MEIR amendment IS. By ignoring that project in its initial study, the Port staff failed to address

the cumulative environmental impacts of the adjoining projects. The original 2000 MEIR mentioned plans to construct a six story parking garage on this site, but no mention is made of that project in the proposed MEIR amendment and IS. Despite public requests, Port staff has failed to provide us with any information regarding current Port plans for the portion of this site that will not be covered by the north hotel portion of the Lane Field project.

BCC.5.f
Because the impacts of all these surrounding projects have not been identified or addressed in the MIER amendment IS, and the cumulative impacts of those projects are not addressed in the IS, it is impossible for public to understand what impacts will be produced by the combined projects, what the impacts of constructing all these projects during the same timeframe will be, and whether or not all those impacts can be partially or completely mitigated.

BCC.5.g
Therefore, we believe that CEQA law requires that a full NEVP Project EIR be undertaken and completed, addressing all phases of the project and the impacts of adjoining tidelands projects, before the project can legally be allowed to proceed. Continued piecemeal redevelopment of bayfront parcels by the Port District is an open invitation to further legal challenges.

BCC. 6. Traffic planning and impact issues

BCC.6.a
In 2000 the Port adopted the NEVP MEIR with the disclosure of significant and unmitigatable impacts. At that time, the Port proposed to deal with this problem by cooperating with SANDAG and Caltrans on a future traffic study, which we assume would have identified and funded actions to fully mitigate the cumulative traffic impacts of the NEVP project and projects like this one. Since that time, the Port to our knowledge has conducted no such study.

BCC.6.b
The 2000 NEVP MEIR and subsequent BPC approvals were based on traffic studies done as part of the Downtown Community Plan Updated conducted by the City of San Diego and the Centre City Development Corporation. Since that plan update was adopted, the city and CCDC have agreed to update their downtown traffic studies and issue a new downtown mobility study report as part of a legal settlement with Save our Farms and Ranchlands (SOFAR). No mention of that change is contained in the latest proposed NEVP Phase 1 MEIR amendment and Initial Study currently being considered, and Port staff continues to claim that nothing has changed since the original NEVP concept was approved and the 2000 MEIR was adopted. This assertion is simply unreasonable.

BCC.6.c
The IS also refers to various Traffic Demand Management measures, but provide no concrete steps it proposes to take or timelines for resolving the massive downtown traffic

problems that would be created by construction and operation of this project and all the surrounding bayfront projects the Port is considering. Since the IS does not provide information needed to determine whether or not those impacts can be mitigated, we believe a full PEIR is required.

BCC.6.d
According to the IS, six years later that traffic study has still not been completed. We believe that instead of continuing our march toward total traffic gridlock (the IS notes that a large number of area streets and surrounding freeways will be at LOS level F when downtown bayfront redevelopment is completed), the study proposed in the 2000 MEIR be completed as soon as possible.

BCC.6.e
The final report should clearly identify and provide funding for specific actions to mitigate the cumulative traffic impacts of downtown bayfront redevelopment, and those costs should be shared by the Port, the cruise ship lines, the city and all the bayfront project developers. Since this IS identifies unmitigated substantial impacts, we believe CEQA requires that a full PEIR be completed.

BCC.7. The proposed NEVP MEIR amendment and Initial Study fail to identify and address risks associated with toxic spills and hazardous material related accidents associated with the nearby railroad right of way

BCC.7.a
The NEVP area extends east to several major rail lines supporting major freight trains, the Coaster commuter rail line and the San Diego Trolley. We believe that freight trains traveling on those tracks regularly carry explosives, toxic substances and hazardous materials (hazmat). In reviewing the proposed MEIR amendment and IS, we find no mention of this issue. Therefore we are unable to determine whether or not the Port District has identified potential environmental impacts and risks associated with toxic spills or HAZMAT accidents, and what mitigation is being proposed to address these potential risks. Therefore we believe that a full PIER is required to identify and address these risks.

BCC.8. The NEVP MEIR amendment and IS fail to identify, address or mitigate potential risks associated with terrorist attacks on the proposed regional Navy headquarters on the adjoining Navy Broadway Complex (NBC) project site.

BCC.8.a
The Navy Broadway Complex project, immediately east of the NEVP project, includes a proposal to rebuild the regional Naval headquarters as part of a complex of new structures on the site. Given ongoing terrorist threats facing our nation, it would be irresponsible to ignore the potential for terrorist attacks in the consideration of potential risks to the NEVP phase 1 project. Navy Admiral Len Hering has stated publicly that the new NBC project headquarters will become the worldwide logistics center for the global war on terror.

BCC.8.b
With the growth and consolidation of Naval planning in San Diego over the last decade, the regional headquarters building will become a key target for terrorists and other agencies intent on disrupting Navy operations in the middle east and other parts of the world. It is conceivable that a terrorist group could attack the headquarters building using car or truck bombs, or even "dirty nukes", bombs constructed of regular explosives wrapped in radioactive materials. It is also conceivable that they might attack the site using chemical weapons.

BCC.8.c
Given the location of the new Navy headquarters at the NBC site, it can be expected that the office buildings on the site will be filled with military contractors doing business with the Navy, making the site an even more inviting target for terrorist attack. In reviewing the MEIR amendment IS, we are unable to find any addressing these risks, or proposing actions to mitigate them. Therefore we are unable at this time to determine whether or not these risks can be mitigated. We therefore recommend that the Port District develop a new PIER for NEVP phase 1 addressing this issue.

Comments or questions should be directed to:

Don Wood
Bayfront Complex Coalition
619-463-9035
dwood8@cox.net

John Helmer, Manager
Land Use Planning Department, Unified Port of San Diego
3165 Pacific Highway, San Diego, CA 92101
jhelmer@portofsandiego.org

Re: Addendum to the Master Environmental Impact Report and Initial Study (UPD #83356EIR-351; SCH #99031037) Phase 1, Coastal Access Features Project

SOFAR.1

We are writing to submit comments on the proposed addendum to the MEIR referenced above. Our area of concern is exclusively reserved to the circulation section of the report. The report states that in every category that there will be no significant impacts either to the traffic volumes and flow, or to capacity for parking. These statements fly in the face of the *Complete Community Mobility Plan* commissioned by CCDC last year, which describes a traffic Armageddon descending on the entire downtown area roadways. In fact, business and population growth projections for the downtown area and the consequent traffic increases are so great that *road infrastructure is completely inadequate to meet the demands that development will place on it*

SOFAR.2

For example, the proposed amendment fails to note the following crucial baseline data from the *Complete Community Mobility Plan:* "The downtown area will experience a peak hour trip increase of **112%** to100,000 trips and daily trips downtown will increase by **112%** to 1,000,000 trips." Since the existing roads carry a peak hour capacity of 50,000 trips, the required transit mode share must increase by 48%, to 47,700 trips. Without the dramatic transit mode share increase, all freeway segments will have LOS F service conditions and sixty-two downtown intersections will have LOSF in one or both peaks. In other words, the above information alone requires a complete rethinking of the circulation element of the North Embarcadero Plan.

SOFAR.3

Missing from the NEVP Amendment is the following data:

No Development Growth Numbers
No Trip Numbers
No Road Capacity Analysis
No Quantifiable Transit Mode Share Goals
No Exchange Space Vs Movement Space Analysis

All of these facts and figures and analysis is found in the complete mobility downtown plan.

SOFAR.4

In conclusion, dramatic new information has surfaced regarding circulation impacts that renders the original master plan and the amendment obsolete. It would be a dereliction of planning principles and the CEQA mandate, to not include this vital new

information in your amended document. In order to to accurately inform decision makers and the public, it is essential when you redraft your document that you consult the *Complete Community Mobility Plan.*

Duncan McFetridge,
Save Our Forest And Ranchlands

Addendum to the Master Environmental Impact Report & Initial Study for the NEVP Phase 1, Coastal Access Features Project

COMMENTS

PLEASE PRINT CLEARLY

NAME: MARTI KRANZBERG

ORGANIZATION:

MAILING ADDRESS: 1625 Hotel Circle So C106 SD 92108

EMAIL ADDRESS: ~~[illegible]~~ → martik@cox.net

* Wayfinding Signage - Please incorporate the color of the

MK1 Jacarandas - light purple - in the signage to keep that color "alive" when trees are not in bloom - I think additional colors would be nice to use the orange + blue that we find in bird of paradise

MK2 I don't get the text choices for Pei's buildings - Ladybug? I think the concept of text is good but the word choices should be more specific to the Community, the environment, the cultures of the people, the hopes & aspirations we have as residents who live & visit here. I think the Jonathan Livingston Seagull concept was actually moving in the right direction. I love the idea of the words actually being part of a haiku poem.

MK3 The color palette has the right concept, but it seems just a bit too muted - One of the key elements/features of San Diego is its LIGHT (painters have been coming here for over a century to capture the light) + our foliage + flowers are Bright! - I'm not saying to go 1960's day glow - just bump up the color saturation a tiny bit

Comments will be accepted in writing until **5:00 pm** on **Monday, March 23, 2009**.
Please submit via fax to: 619.686.6508, OR via personal delivery or mail service to:

San Diego Unified Port District
Land Use Planning Department
3165 Pacific Highway
San Diego, CA 92101

Plant for Marty to check out cerinthe

Addendum to the Master Environmental Impact Report & Initial Study for the NEVP Phase 1, Coastal Access Features Project

COMMENTS

PLEASE PRINT CLEARLY

NAME: Dan Wood

ORGANIZATION: C-3, BCC (speaking for myself, NOT orgs)

MAILING ADDRESS: 4539 Lee Ave. La Mesa

EMAIL ADDRESS: dwood8@cox.net

DW1 Prior to Phase 1 construction, the NEVP MASTER EIR must be updated to reflect the following changes that have taken place since the original MEIR was adopted, in order to comply w. the California Environmental Quality Act:

DW1a 1. conversion of B Street Pier from an open public gathering place to a permanent cruise ship terminal,

DW1b 2. Purchase of 1220 Pacific Highway by the Port for redevelopment, reflecting what the Port and LANE FIELD PARTNERS currently plan to build on the 1220 Pacific Highway site and Harbor Drive,

DW1c 3. changes in plans to redevelop the Navy pier,

DW1d 4. City and convention center corporation's recent proposal to build a second convention center expansion,

DW1e 5. legal settlement requiring city and CCDC to further update the Downtown community plan update traffic planning element that the original MASTER EIR was based on,

DW1f 6. An updated plan to accomodate all the traffic generated by two cruise ship terminals and all the other projects planned along Harbor Drive., both during construction and after ~~they~~ the projects became operational.

THIS supplimental EIR must be conducted to comply w. CEQA.

Comments will be accepted in writing until **5:00 pm** on **Monday, March 23, 2009**.
Please submit via fax to: 619.686.6508, OR via personal delivery or mail service to:

San Diego Unified Port District
Land Use Planning Department
3165 Pacific Highway
San Diego, CA 92101

Addendum to the Master Environmental Impact Report & Initial Study for the NEVP Phase 1, Coastal Access Features Project

COMMENTS

PLEASE PRINT CLEARLY

NAME: Don Wood

ORGANIZATION: SELF (MEMBER of C-3, BCC)

MAILING ADDRESS: 4539 LEE AVENUE LA MESA, CA

EMAIL ADDRESS: dwood8@cox.net

DW2 CEQA REQUIRES THAT BOTH MASTER AND PROJECT EIRS EXAMINE the CUMULATIVE ENVIRONMENTAL IMPACTS of an INDIVIDUAL project and all surrounding projects that are CONSTRUCTED or proposed prior to project construction. Since THE NEVP MASTER EIR WAS ADOPTED, the following changes have taken place: The Port has decided to build a permanent cruise ship terminal (CSTT) on the BROADWAY PIER, reneging on its promise in the MEIR that the pier would remain an open public gathering place at the foot of BROADWAY, the NAVY has signed a lease w MANCHESTER to build a new NAVAL HQ along w multiple HOTELS and office buildings on the NBC site, the city and CCDC settled a LAWSUIT by agreeing to conduct a new downtown traffic study replacing elements of the Downtown community plan update that the NEVP MEIR WAS BASED on, plans for redevelopment of the NAVY PIER have evolved, and the city and the convention center corporation have proposed a second convention center expansion project. To comply w CEQA the NEVP JPA should conduct a supplemental EIR to reflect these changes and reflect today's realities, before beginning NEVP construction.

Comments will be accepted in writing until **5:00 pm** on **Monday, March 23, 2009.**
Please submit via fax to: 619.686.6508, OR via personal delivery or mail service to:
San Diego Unified Port District
Land Use Planning Department
3165 Pacific Highway
San Diego, CA 92101

COMMENTS ON THE NORTH EMBARCADERO VISIONARY PLAN AMENDMENT (Port Document UDP #83356 EIR; SCH #99031037)

1.

These comments are submitted by me as an individual. All my comments refer to the failure of the Port to follow Public Resources Code 21166 in finding that the amendment to the 2000 NEVP EIR was *de minimus*.

In fact, the Port's finding is in violation of subsections, 21166 (a), (b) and (c), Substantial changes since 2000 have occurred; there are substantial changes with respect to circumstances; and new information is now available that was not available at the time of the original EIR.

2.

"21166. When an environmental impact report has been prepared for a project pursuant to this division, no subsequent or supplemental environmental impact report shall be required by the lead agency or by any responsible agency, unless one or more of the following events occurs:
(a) Substantial changes are proposed in the project which will require major revisions of the environmental impact report.
(b) Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report.
(c) New information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available."

Background

3.a

The North Embarcadero is a unique asset of the City of San Diego. It requires long-term visionary resolute planning to create a world class waterfront equal or

better than those other cities have created in the United States and worldwide. This can be achieved without compromising shorter term goals. Unfortunately, the North Embarcadero is in the purview of the City, the Port, the County and CCDC acting for the city. These agencies pursue their parochial interests to the detriment of the public interest. Developments along the waterfront are planned piecemeal with no long-term plan as the public is frozen out of the process.

3.b.
As the stewards of public tidelands, the Port and its commissioners bear a greater responsibility than the other agencies to ensure the creation of a waterfront which is greater than the sum of its parts.

3.c.
It is disappointing that, in many respects, the Port is the least interested of the agencies in long-term planning even piece-mealing the development in their own jurisdiction and misleading the public about the history of projects and their environmental impacts. Put simply, the Port is operated as a marketing-driven private business that seeks to maximize profits.

3.d.
The North Embarcadero Visionary Plan requires additional environmental analysis based on Section 21166 and the proposed amendment is not *de minimus*.

3.e.
The issues I raise are relevant to the Coastal Commission because they address access to the waterfront and maintaining view corridors to the ocean. The Coastal Commission also has an important role in promoting a visionary approach to the development of the North Embarcadero and a responsibility to do so.

The Facts

4.
It is not my intention to exhaustively discuss the reasons the amendment should not go forward but to lay down markers on environmental issues that trigger action based on Section 21166.

THE BROADWAY PIER: A BETRAYAL OF THE PUBLIC TRUST

5.a
Any discussion of the environmental effects of the North Embarcadero Visionary Plan must begin with the proposed development of the Broadway Pier.

5.b.
The proposed action by the Port to build a second cruise ship terminal was not

anticipated in the NEVP and epitomizes the cavalier manner in which the Port ignores the public interest. This change alone triggers a new or subsequent EIR under CEQA Section 21169(a). Less there by any doubt that this development is a new significant change in the NEVP, I quote from current Port Commissioner Laurie Black at the February 3, 2009 Port Board meeting as follows:

"....there never was going to be a terminal on Broadway Pier, it was always going to be walkable."

"....the process by which this happened [the decision to build a cruise terminal] , *it was disjointed, it wasn't always honest, at least from her perspective."*

5.c.
In fact, as recently as September 2007, the Port had a rendering of the Broadway Pier it presented to the public that showed the Pier as open space as envisaged in the original 2000 NEVP. With the minimum of public input to this plan morphed into the present proposal.

5.d.
The Broadway Cruise Ship Terminal has significant a impact on traffic that have not been studied adequately, it could degrade water quality that has not been studied. The cumulative effects of the the Cruise Ship Terminal have not even been considered.

5.e.
Overall, it significantly degrades quality of life. It was always envisaged as the public place at the end of the grand esplanade of a widened Broadway providing a vista of the ocean. It was the crown jewel of any plan for an enduring world class water front and it has been discarded by the Port by a misguided market-driven plan for *potential* short term profit.

5.f.
It egregiously violates the goals of the California Coastal Act.

5.g.
The NEVP is subject to a new or subsequent EIR based on CEQA Section 2116(b) because circumstances have changed significantly since the original 2000 EIR was certified. While the Broadway Pier Cruise Ship Terminal is a key change, traffic conditions have changed downtown, the Navy Broadway Complex is unlikely to be developed as envisaged. The proposed mitigation for traffic impact is inadequate and has not been subject to public input. The Port ignores the recent comprehensive transit study commissioned by SOFAR.

5.h.
Finally, the NEVP requires a new or subsequent EIR based on CEQA Section 2116(c). The consequences of climate change were not known in 2000 and not

discussed in the original NEVP EIR. The issues of water shortage and rise in ocean water levels have not been adequately considered by the Port.

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

April 2, 2009

John Helmer
Port of San Diego
P.O. Box 120488
San Diego, CA 92112-0488

Re: Addendum to the Master Environmental Impact Report and Initial Study and Proposed Coastal Development Permit for the North Embarcadero Visionary Plan Phase 1 Coastal Access Features Projects

Dear Mr. Helmer:

Staff has reviewed the above-referenced MEIR addendum and Draft Coastal Development Permit for the Phase I Coastal Access Features, and have the following comments.

Consistency with the Certified Port Master Plan

CCC1

In general, the Coastal Act supports the provision of new public access and recreational features, and the certified Port Master Plan (PMP) clearly provides for the redevelopment of the North Embarcadero Civic Zone with new landscape and streetscape improvements, including plazas, parks and recreational opportunities. The language of the PMP is fairly general about how and where these public improvements will be designed and located, with several significant exceptions: the plan requires plazas at Beech and Ash Streets, B Street Pier, and Broadway Piers; Harbor Drive will be narrowed to three lanes and curved at West Broadway Street to accommodate an oval-shaped park at the foot of Broadway Pier; 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; the wharf side is to remain clear of objects or furnishings that would block Bay views and a 10-foot-wide bike path borders the landward side of the promenade, as shown in Figure 5.3 (Section of Bayfront Esplanade) of the North Embarcadero Visionary Plan (NEVP).

CCC2

However, Figure 3 of the EIR addendum shows a cross-section of North Harbor Drive that is significantly different than Figure 5.3. For example, the promenade is 29, not 25 feet wide; the bike path has been relocated next to Harbor Drive and has been reduced from 10 to 9 feet wide; the width of the esplanade from the inland curb of Harbor Drive to the western extent of the seawall would be 105.5 feet rather than 123 feet; the sidewalk on the inland side of Harbor Drive would be 15.5 feet wide instead of 20 feet wide.

CCC3

The curve in Harbor Drive at the intersection of West Broadway has been eliminated, and the oval-shaped park/plaza shown on the PMP Precise Plan has been redesigned to a smaller rectangular-shaped plaza that must also function as a driveway to the proposed

new cruise ship terminal on Broadway Pier. There do not appear to be grassy parks between the proposed plazas.

CCC4 There may be valid planning reasons for these revisions; no discussion of why these changes were made is included in the EIR addendum or findings for the coastal development permit. However, regardless of the appropriateness of the changes, the proposed project is different than the project described and approved in the Port Master Plan, and thus, staff feels the project cannot proceed without a Port Master Plan Amendment approving these changes.

MEIR Addendum and Coastal Development Permit

CCC5 Overall, staff believes that the environmental document does not describe the project in a way that facilitates understanding of the project and the issues raised by the development. The text and exhibits should clearly describe the existing condition. For example, the project includes numerous roadway improvements such as realigning portions of North Harbor Drive east; re-striping; providing a 74-foot roadway; providing two travel lanes in each direction and a turn lane; removing existing on and off-street parking; lowering the crest in West Broadway, and so on. The document does not show or describe how far east North Harbor Drive will be realigned, how wide the existing roadway is, how many and what existing travel lanes are on Harbor Drive, how many parking spaces will be removed and where, how many new spaces will be provided, how far the crest in West Broadway will be lowered, and for what purpose. All of the existing conditions should be clearly documented and shown on exhibits, which as appropriate should also show the proposed revisions. As noted above, the addendum should explain why the promenade has been designed as proposed, in particular pointing out why the revisions from Figure 5.3 of the NEVP were made.

CCC6 The proposed project does not include reducing the number of lanes on Harbor Drive to three lanes, because traffic improvements on Pacific Highway must occur first. However, the MEIR addendum should explain and show how the proposed promenade and roadway has been designed to be converted to three lanes in the future; for example, there should be a discussion and description of how the proposed promenade, sidewalks, landscaping, parking etc. would be changed or expanded when the roadway is eventually narrowed. The addendum should explain what the timeframe for these future phased improvements is.

CCC7 The visual analysis provided in the addendum does not show any of the context of the area. 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. Ideally, new structures should be located where water views do not currently exist. An analysis of how the buildings were sited to minimize view impacts should be included. More information on the encroachment of the restroom into the view corridor at C Street must also be provided.

CCC8 There should be analysis of why the restroom is proposed in this location, along with a discussion of alternatives that might avoid visual impacts, such as a different location,

size or design. An exhibit showing how the C Street view corridor is being defined (i.e., from the street or the sidewalk, etc.) that shows the extent of the proposed encroachment, should be provided.

CCC9 The plan indicates that "existing kiosks and buildings within the limits of the proposed Esplanade" will be demolished. Please clarify if any existing structures are proposed to remain, and if there will be any demolition occurring for structures located on the water. If any changes are being made to structures in the water, impacts from sea-level should be considered.

CCC10 Figure 7 of the addendum shows the proposed esplanade improvements from south of Broadway to C Street, but there are no exhibits showing the proposed improvements north of C Street, and this information needs to be included. The addendum should clearly indicate what areas will be hardscape and what will be green space, and if no open grassy areas are proposed as described in the existing PMP, this should be explained. More details on the plazas at the B Street Pier and Broadway, defining landscaped and hardscaped areas, public amenities, etc., must be provided.

CCC11a With regard to the plaza at the foot of Broadway, the addendum does not contain any discussion of why it has been redesigned from the large oval approved in the PMP to a smaller rectangle. This feature is a major component of the esplanade in the certified plan, and there should be a detailed discussion of why this amenity has been scaled back.

CCC11b Staff is also very concerned that the plan does not include any discussion of how the redesigned Broadway plaza will function in conjunction with the proposed adjacent new cruise ship terminal on Broadway Pier. As proposed, it appears that the "plaza" will be little more than a driveway for the cruise ship terminal. Staff believes this is substantially different than the "destination" for Embarcadero visitors envisioned in the PMP, and additional analysis is warranted.

CCC12a In addition to identifying the amount of location of parking proposed to be removed, further detail on the parking management program is necessary. It is impossible to assess the adequacy of the parking mitigation measures without knowing how much parking will be lost. Further, the mitigation measure to "plan for shuttle stops at two locations on

CCC12b Harbor Drive within the Plan area such as at Ash Street and at Broadway" is unclear. Staff assumes the shuttle referred to is the recently approved Lane Field shuttle, but this should be clarified. The phasing of the parking demand reduction strategies is also of

CCC12c concern. Requiring "approval of a parking management plan" prior to issuance of a grading permit is not sufficient; implementation of the measures should be required either prior to removal of the parking spaces where feasible, or immediately after project completion.

CCC13 In summary, staff believes the Coastal Access Features Project is not consistent with the certified Port Master Plan. Furthermore, while the overall goal of the project of improving public access and recreation is supported by the Coastal Act, at this point, the description and analysis of the project does not support a finding that the development is

consistent with the public access, public recreation, and visual quality policies of the Coastal Act.

Please provide a copy of these comments to the Board of Port Commissioners for their April 7, 2009 hearing for the coastal development permit. I apologize for the lateness of these remarks, and thank for you the opportunity to comment.

Sincerely,

Signature on file

Diana Lilly
Coastal Planner

cc: Deborah Lee
Sherilyn Sarb

I:\San Diego\DIANA\PORT\NEVP addendum Phase 1 coastal access features comment ltr.doc)

Attachment 2

STATE OF CALIFORNIA – THE NATURAL RESOURCES AGENCY ARNOLD SCHWARZENEGGER, *Governor*

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

July 2, 2009

John Helmer
Port of San Diego
P.O. Box 120488
San Diego, CA 92112-0488

Re: North Embarcadero Visionary Plan Phase 1 Coastal Access Features Draft CDP

Dear Mr. Helmer:

Staff has reviewed the Draft Coastal Development Permit (CDP) and consistency analysis dated July 2009, and have the following comments.

Consistency with the Certified Port Master Plan

We respect the time and effort Port staff have put into designing this development, and the public access improvements which are the goal of the project. However, while we appreciate the on-going correspondence and meetings between our two staffs, we continue to think the proposed project is inconsistent with the certified Port Master Plan (PMP), and that moving ahead with this permit seriously compromises the integrity of the certified PMP.

As you know, the issue is not whether the Draft CDP is consistent with the North Embarcadero Visionary Plan (NEVP). Staff and the Coastal Commission have consistently maintained that while the NEVP should be used as guidance, the certified Port Master Plan is the standard of review by which all new development must be measured in review of the CDP. Unlike the NEVP, the Port Master Plan is *not* a guidance document; the policies and standards contained within it are to be followed closely and specifically. If and when circumstances change, the authorized procedure is to amend the PMP after evaluating any necessary Plan revisions for consistency with the Coastal Act 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.

Figure 11 of the PMP graphically demonstrates Harbor Drive curving at West Broadway Street to accommodate an oval-shaped park at the foot of Broadway Pier. Port staff have estimated that this park would be approximately 79,200 sq.ft. in size, (including some amount of area that would be necessary to allow access to the pier from Harbor Drive), with another 24,300 sq.ft. potentially needing to be located in a new over-water structure. In its place, an approximately 16,000 sq.ft. rectangular plaza/pier entrance is proposed, along with 63,000 sq.ft. of esplanade on either side of the plaza, and approximately

124,500 sq.ft. of sidewalk setbacks and plaza on the north and south side of Broadway, including the proposed park on the northwest corner of the Navy Broadway Complex/Manchester Pacific Gateway.

There is no question that the revised park/plaza configuration is not the same as that in the existing PMP. Furthermore, we cannot agree with Port staff's assessment that the redesigned rectangular plaza "maintains the same level of park/plaza land use area available to the public as that discussed in the PMP." It is simply not possible to achieve a comparable level or quality of public open space in a fragmented arrangement of sidewalks and setbacks than would exist in a large, continuous open park. 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 plaza and setbacks bear little resemblance to this guidance vision in scope or value.

Furthermore, because the revisions are not being made through a Port Master Plan Amendment, the area being offered as part of the revised plaza on Lane Field, is and will remain designated for commercial recreation uses, not for open space. Should the Lane Field project not go forward for any reason, the certified plan does not protect that area as public open space, but only as a "special setback" which provides little assurance or clarity on the public availability or use of the area.

The Coastal Development Permit Consistency Analysis indicates that this configuration is no longer considered feasible, in part because it would have required the Port District to acquire Navy property, and the oval was not made part of the Lane Field project, which has been approved by the Port and the Coastal Commission. In addition, Port staff has indicated that changed circumstances since the including of the oval park into the

PMP may have resulted in a greater amount of public open space being provided elsewhere along the North Embarcadero.

The NEVP coastal access features project has been in development for years, and it is evident from our meetings 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. The PMP cannot simply be amended in practice through a CDP on a project-by-project basis, where the overall context of the impacts cannot be evaluated or mitigated.

The certified PMP also incorporates by reference Figure 5.3 of the NEVP. 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 significantly different than the one in Figure 5.3. Perhaps most significantly, a 10-foot wide designated bike path has been combined with the pedestrian walkway to make a 29-foot wide multi-use promenade. 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. Commission staff agree with the intent of the revised plan to still accommodate bicycles on the Esplanade, but in other areas, we have seen significant conflicts between bicycles and pedestrians on shared-use paths. Again, the shifting of the primary bicycle route to Pacific Highway and the joint accommodation of bicyclists and pedestrians on one path, 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.

Draft Coastal Development Permit

Aside from our acknowledgement of the permit's inconsistency with the certified PMP, we believe there are several additions and revisions to the proposed permit which would increase or help ensure the project's consistency with the Coastal Act.

The permit has three Exhibits attached. These Exhibits provide specific details on the lane revisions and Esplanade which may not be as clear or comprehensive in the text of the CDP. A condition should be added that states any changes to the project, including to the Exhibits, will require an amendment to the CDP.

We support the addition of the two new permit conditions addressing water conservation. In addition, we believe an additional condition(s) should be added requiring a final landscape plan that 1) requires all landscaping to be native or non-invasive, and either drought-tolerant or supported entirely by re-claimed water. We suggest that Special Provision #3 be revised to require that reclaimed water shall be used to irrigate landscaping when available.

We are concerned that the conceptual landscape plan may not have adequately evaluated the impact the proposed palms may have on public views of the Bay down Broadway. A

condition should require the final landscape plan to be designed with the protection and preservation of public views on Broadway.

As noted above, we are concerned about future conflicts between bicyclists and pedestrians on the proposed shared-use path, and the potential for future pressure to exclude bicyclists. A condition should be added specifically acknowledging that bikes are permitted on the waterside promenade, to ensure that if user conflicts do arise, any attempt to limit bicycle usage will require a permit amendment.

A condition of the permit should specifically require that north-south access along the esplanade be maintained (though controlled) when cruise ships are present, and that the esplanade be fully open and accessible when no cruise ships are docked.

In order to create commercial loading and unloading zones, the project would eliminate 170 existing spaces, to be replaced with 24 parallel parking spaces, with the possibility of increasing to a total of 58 diagonal parking spaces in the future. The August 25, 2008 Draft North Embarcadero Visionary Plan Parking Management Plan is a fairly comprehensive analysis of parking needs and strategies for the area, but few of the Actions identified in the Parking Management Plan are addressed in the CDP or will be implemented within the time frame that the parking spaces will be lost.

The Mitigation Monitoring Program attached to the permit identifies several transit related measures for the proposed project, specifically, promoting subsidized transit passes for employees of study area businesses; providing information to downtown hotel guests about transit opportunities; planning for shuttle stops at two locations on Harbor Drive within the Plan area; promoting pedi-cab use; and providing trailblazing signage. However, it is unclear when these measures must be implemented. The permit consistency analysis states "the NEVP Parking Management Plan(s) shall be completed prior to the commencement of Project construction." This should be a condition of the permit. Furthermore, the permit should require that the mitigation measures themselves be implemented prior to commencement of construction.

In addition to the above measures, more information on where proposed transit/shuttle stops, pullouts, etc. should be provided in the permit, either textually or graphically. The NEVP Parking Management Plan identifies the project site as an appropriate location for a designated Transportation Hub. These hubs are to have facilities and services including circulator stops, bicycle storage devices, transportation information displays, pedi-cab waiting areas, passenger loading zones, etc. The presence and location of a Transportation Hub with associated facilities should be specifically acknowledged and integrated into this permit.

Pricing strategies are part of the draft NEVP Parking Management Plan. Anticipated changes in pricing between the existing metered spaces and the remaining spaces should be identified. In addition, most, if not all, of the existing spaces are metered spaces appealing to waterfront visitors for short-term parking, but it appears that the majority of the surrounding alternative spaces are in lots that are priced for all-day users, such as

downtown workers. Some acknowledgement and analysis of the ability and opportunities for short-term parking should be included in the coastal analysis.

The permit includes a comprehensive 'way-finding' sign program. The description of this program should be expanded, or a condition included, requiring signage that directs visitors to parking locations and opportunities.

We continue to be concerned that the plan includes construction of a new building in the designated view corridor on C Street, which is supposed to "enhance the physical and visual access to the Bay." We have repeatedly requested 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, but no such survey has been forthcoming. The statement in the consistency analysis that "no adopted applicable document describes or infers that nothing should be located within the view corridors" is extremely troubling and calls into the question the validity of all of the view corridors in the PMP. The purpose of a view corridor is to provide an unobstructed view, which is not achieved when blocked with a solid structure. The certified PMP states "Views should be enhanced through view corridors." While the encroachment is minor, it remains to be seen how even the most artistic restroom enhances views to the bay.

In summary, staff believes the Coastal Access Features Project as proposed is not consistent with the certified Port Master Plan. However, we believe the above suggestions and revisions to the proposed project are at a minimum necessary to increase the project's consistency with the Coastal Act. Please provide a copy of these comments to the Board of Port Commissioners for their July 7, 2009 hearing for the coastal development permit. Thank you for the opportunity to comment.

Sincerely,

Signature on file

Diana Lilly
Coastal Planner

cc: Deborah Lee
Sherilyn Sarb
Matthew Valerio
Irene McCormack

Ian Trowbridge
3444 Hawk St.
San Diego, CA 92103

Phone/FAX 619 795-0155
Cell 619 248 3242
E-mail chris70@cox.net

July 25, 2009

Diana Lilly, Coastal Planner

CALIFORNIA COASTAL COMMISSION
San Diego Area Office
7575 Metropolitan Drive, Suite 163
San Diego, California 92108-4462

2009

Dear Ms. Lilly:

Please transmit this letter to all California Coastal Commissioners on behalf of myself as an individual and the Navy Broadway Complex Coalition.

RE: NORTH EMBARCADERO VISIONARY PLAN COASTAL DEVELOPMENT PERMIT

First, as appellants in the matter of the North Embarcadero Visionary Plan (NEVP) Phase 1 Coastal Development Permit (CDP), we respectfully request an opportunity to either meet with, or participate in a conference call with, each Commissioner at a time convenient for them. The purpose is to explain the major objections we have to the CDP issued by the Port to itself. If any Commissioner, for whatever reason, will not meet with us, we respectfully request they acknowledge receipt of this letter.

There would be no reason to oppose this project if the Port had not unilaterally and substantially altered it to create a grossly inferior version of the NEVP that substantially conflicts with the Port Master Plan (PMP). The CDP offers no mitigation for the elimination of significant public benefits and access associated with blocking off the Broadway Pier and the loss of the proposed Broadway Landing Park.

We enthusiastically endorse the original plan described in the approved PMP as a world class project.

The major objection we have to the CDP is that the currently proposed project is inconsistent with the PMP in many respects. However, one issue stands out above all others: the CDP does not conform to the PMP with regard to the development of the oval Grand Plaza at the foot of Broadway. In the 2009 PMP this plaza is still shown as a 79,000 sq. ft. open space with a children's fountain and park amenities (Fig 11 in the Precise Plan). This figure also shows the Broadway Pier as an open space/park as consistently described in earlier versions of the PMP.

The PMP also notes that the Broadway Pier shall remain open to the public except for "rare" occasions when overflow cruise ship traffic that cannot be accommodated at the existing B St. Pier must tie up there. The final project proposal calls for cruise ships to tie up at a new Broadway Pier cruise ship terminal up to 200 days per year, during which the public would not be allowed access to the pier.

The Grand Broadway Esplanade opening up onto the 79,000 sq. ft oval public space with public access to the Broadway pier and an unimpeded public view corridor to the bay was always the crown jewel of the planned world-class North Embarcadero. The CDP is not only inconsistent with the PMP, it converts the crown jewel into a tawdry bauble because of the emphasis on private commercial operations at the expense of the California public to gain access to the water front and enjoy unimpeded view corridors of the bay.

The fact that this essential element of the NEVP contained in the 2009 PMP is debased by the proposed changes in the CDP certainly raises a substantial issue that requires the Commission to hold a *de novo* hearing on the CDP. We strongly believe that if the Port wants to go forward with this project as currently described, a PMP amendment is required triggering a subsequent Environmental Impact Review (SEIR).

There are many other flaws in the CDP that would also trigger an SEIR. The proposal for transit improvements are so vague that it is impossible to evaluate them in either the 2009 PMP or the CDP. The CDP pays lip service to public access and public views of the shore and bay. The CDP relies on assertions and generalizations to justify conclusions that should be supported by specifics and hard data.

Rather than dilute the force of the issues already raised with the many other objections that can be made, we will reserve a broader discussion for the future.

Sincerely yours,

Signature on file

Ian Trowbridge

Unified Port
of San Diego

3165 Pacific Highway, San Diego, CA 92101
P.O. Box 120488, San Diego, CA 92112-0488
619.686.6200 • www.portofsandiego.org

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COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

DV
CC:SS

VIA HAND DELIVERY AND EMAIL

January 19, 2010

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

RE: North Embarcadero Visionary Plan (NEVP) Phase 1 Coastal Access Features Project; Appeal No. A-6-PS-09-43

Dear Ms. Lilly:

San Diego Unified Port District ("District") staff understands that California Coastal Commission ("Coastal Commission") staff may still have questions regarding how the Project's development of the foot of West Broadway (between C and E Streets) is consistent with the certified Port Master Plan (PMP) and California Coastal Act. As a quick summary of what we have previously sent you:

- In 2001, the Coastal Commission approved the Port Master Plan and the City of San Diego's Local Coastal Plan without inclusion of the oval-shaped park because it did not undergo sufficient planning and environmental review.

- The Project would provide significant and free public open spaces at the foot of Broadway including a 105 foot wide waterfront promenade, formal gardens, running/bicycle path, new public restrooms and other public plazas. The promenade completed in this first phase would eventually total approximately 1.3 miles in length extending from the Navy Pier to Laurel Street.

- The Project places pedestrians first by realigning Harbor Drive and placing all vehicular traffic landward of the new pedestrian waterfront promenade.

- The Project includes a number of sustainable features including continuous Water Quality Band that collects and filters storm water runoff before discharging previously untreated runoff into the Bay.

- The Project represents the alliance of two public agencies (the District and Centre City Development Corporation) which have provided both the funding and the long-term maintenance of an unprecedented waterfront amenity, one that will likely not be duplicated anywhere in the State of California.

EXHIBIT NO. 6
APPLICATION NO.
A-6-PSD-09-43
Correspondence
from Port District
California Coastal Commission

In the end, this is a plan that implements exactly the type of plan as certified by the Coastal Commission in 2001 and is much improved over the original concept, not only for the local region but for the People of California. And, it comes at no cost to the public.

Thank you for your consideration. Please call me at (619) 686-6468 should you have any questions regarding this letter or the Project. We look forward to working with you again in the future.

Sincerely,

Signature on file for

John Helmer, Director
Land Use Planning
San Diego Unified Port District

cc: Sherilyn Sarb, Deputy Director, South Coast District

DM#: 400901

Unified Port
of San Diego

3165 Pacific Highway, San Diego, CA 92101
P.O. Box 120488, San Diego, CA 92112-0488
619.686.6200 • www.portofsandiego.org

December 10, 2009

VIA HAND DELIVERY AND EMAIL

RECEIVED
DEC 10 2009
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Ms. Sherilyn Sarb, Deputy Director
California Coastal Commission, San Diego Area
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4421

RE: Quality and Quantity of Public Space at West Broadway within the NEVP Phase 1 Coastal Access Features Project (Appeal No. A-6-PSD-09-43)

Dear Ms. Sarb:

Thank you for meeting with staff from the City of San Diego, Centre City Development Corporation (CCDC), and San Diego Unified Port District (Port) on November 12, 2009 regarding the appeals of North Embarcadero Visionary Plan (NEVP) Phase 1. During the meeting, we committed to assist you in arriving at a favorable recommendation for NEVP Phase 1 at the February 2010 Coastal Commission meeting by delivering the following items this week:

- **Public Space Inventory** for NEVP Phase 1 and Adjacent Projects (Attachment "A")
- **Qualitative Appraisal** of Public Space within NEVP Phase 1 (Attachment "B")
- **Pre-Schematic Design Process and Public Outreach, 2002** (Attachment "C")

As you can see from Attachment "A," the proposed public space within NEVP Phase 1 and Lane Field is at least 179,800 square feet. This will meet or exceed the approximately 166,800 square feet of public space within the Port's jurisdiction depicted in Figure 11 of the certified Port Master Plan.

Additionally, as described in Attachment "B," NEVP Phase 1's design will create a quality urban park with a sense of place, celebration, memory, recreation, and relaxation, while remaining compatible with the maritime character of this working waterfront consistent with the certified Port Master Plan.

Finally, Attachment "C" includes relevant NEVP pre-schematic design documentation from 2002, just one year after certification of the NEVP Port Master Plan Amendment. These excerpts demonstrate that the process by which Broadway Landing became Broadway Hall was systematic, thorough, transparent, and consistent with the concepts in the NEVP and the policies and text of the certified Port Master Plan. This was accomplished through an extensive public process.

Each of these attachments demonstrates that the quality and quantity of public space being provided is not only comparable to what was originally intended, but exceeds those expectations. Because the NEVP Phase 1 project is consistent with the public access policies of the Coastal Act and the certified Port Master Plan, we respectfully request that you recommend approval of a Coastal Development Permit at the **February 2010** Coastal Commission meeting in San Diego. Placement adjacent to the Point Loma treatment plant waiver on your agenda would be convenient for the City and the Port. We appreciate your time and consideration of this matter.

Regards,

Signature on file

John W. Helmer
Director of Land Use Planning
San Diego Unified Port District

Enclosures (3)

Attachment A
NEVP Phase 1 Public Space Inventory

This public space inventory covers quantifiable public space on Lane Field and within the limits of NEVP Phase 1. In this inventory, public space includes all landscaping, both hardscaped and softscaped, that is freely accessible to the public for passive or active public recreation.

Figure 1 shows existing public space calculated according to existing parcels, right of way, and aerials. The available public space that exists today totals approximately 32,700 square feet.

Figure 2 shows the public space planned or already permitted by the Coastal Commission for Lane Field and within the Port's jurisdiction over NEVP Phase 1. Figure 2 was generated using approved design drawings. Planned public space totals 179,900 square feet, which is consistent with the certified PMP totals.

Figure 3 shows the public space in the NEVP Phase 1 Project area and immediate vicinity illustrated in the certified Port Master Plan (PMP). Existing jurisdictional boundaries and dimensions specified in the certified PMP were used to interpret the Figure 11 illustration from the PMP. The southeast quadrant of the oval is not in Port jurisdiction, and is further precluded from implementation by the existing Navy administration building. The portions of the oval that extend over the water are not shown or included in the area calculation because these elements have not been entitled and will not be constructed. The remaining oval illustrated public space area totals 166,800 square feet.

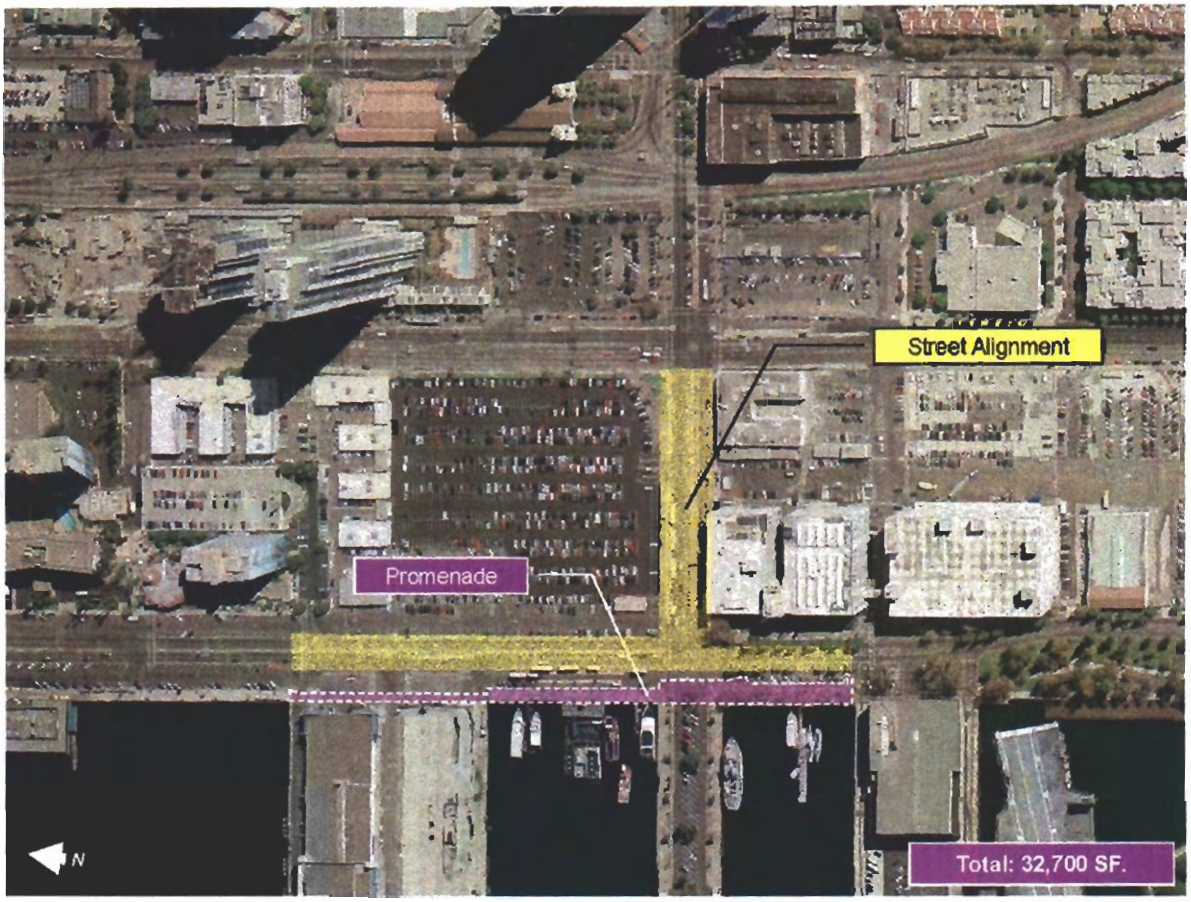
The figures in this inventory support the following conclusions:

1. The quantity of public space planned for implementation within and adjacent NEVP Phase 1 is 147,000 square feet greater than that existing.

2. The planned implementation of NEVP and the Lane Field project will result in approximately 12,200 square feet more public space than if the oval illustrated configuration were implemented.

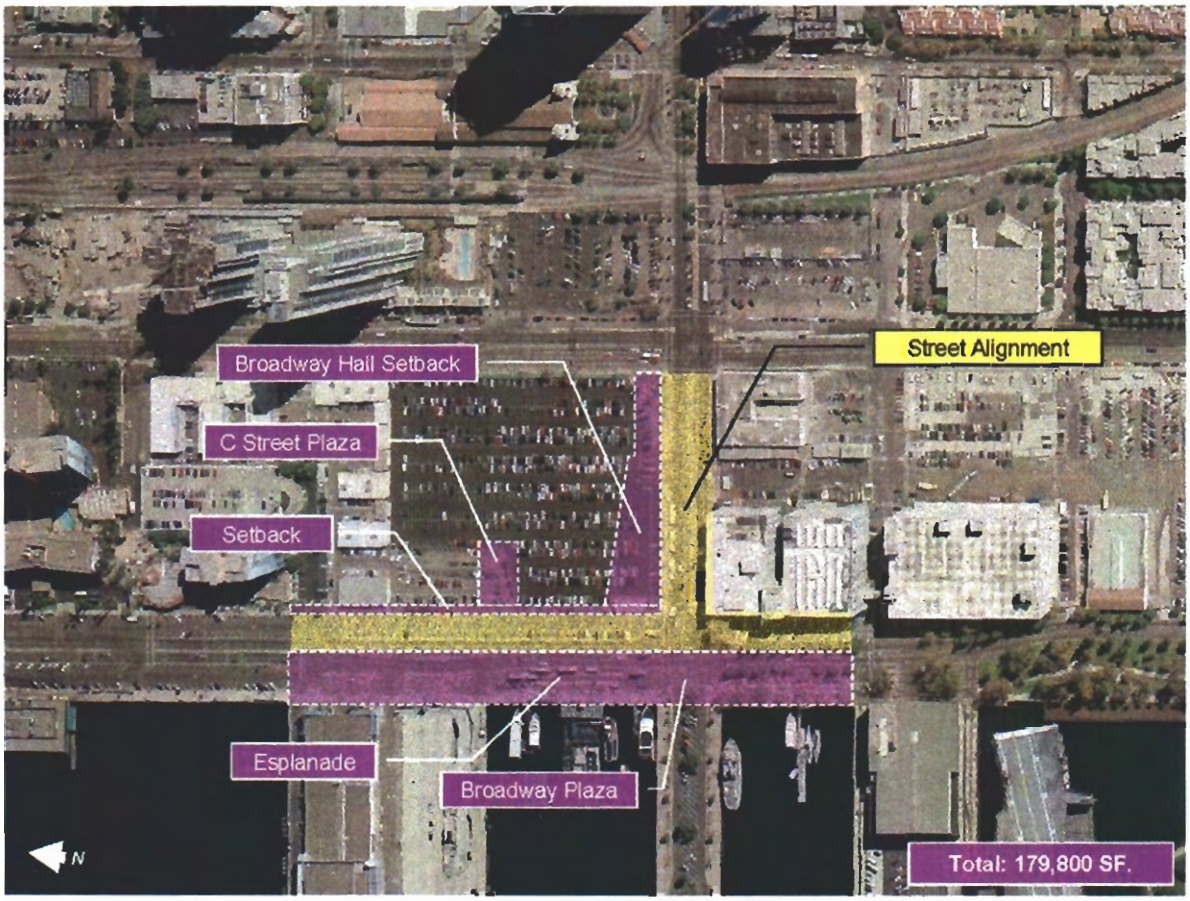
Additionally, Figure 2 does not include the public podium on the Lane Field Project required by the Coastal Development Permit issued by Coastal Commission. The public podium will be accessible to the public via a clearly labeled transparent elevator from street level. The public podium will provide additional public space at a raised elevation creating a multi-layered public experience.

The Port is in the process of a PMP Amendment that will bring the former Navy Pier into the PMP to incorporate additional public space on the former Navy Pier. This additional public space is not considered in any of the figures.



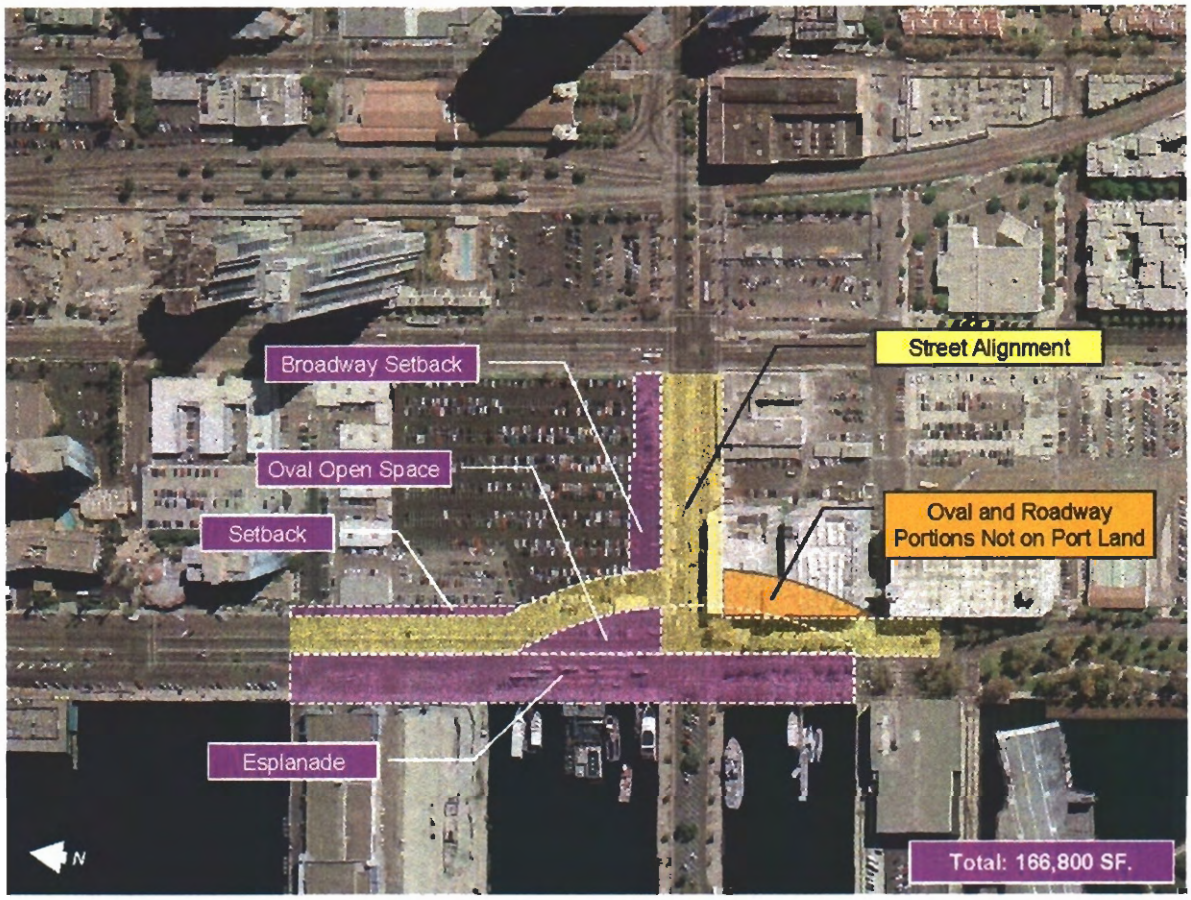
Existing Public Space

Attachment A - Figure 1
December 3, 2009



Proposed NEVP Phase 1 and Lane Field Public Space

Attachment A - Figure 2
December 3, 2009



Oval Illustration Public Space

Attachment A - Figure 3
December 3, 2009

Attachment B
Qualitative Appraisal

A Waterfront for the Public - The North Embarcadero

The North Embarcadero Final Design is the culmination of years of public process and a succession of public planning efforts. The Joint Powers Authority approved the Schematic Design for the full length of the North Embarcadero in 2005. The public process for the Schematic Design achieved three important elements that are critical to making San Diego's waterfront a world-class place for people, while also supporting maritime operations.

First, Broadway has been defined and designed as a grand "Hall" for all of downtown leading to the Bay. This space was defined as a view corridor, as a grand promenade leading to the water, and as a flexible public space that can be managed for events and festivals of all scales. The design makes it possible to allow temporary closures of Broadway to vehicles and to use the space for people, a major achievement that is made possible by the re-routing of traffic along Harbor Drive described below.

Second, prior concepts for the North Embarcadero have always included the idea of broadening the space surrounding Broadway as it approaches the Bay. The Schematic Design and subsequent conditions placed on the Navy Broadway Complex and the Lane Field Site require that private development along Broadway conform to substantial, specific setbacks and use restrictions. On the Lane Field site, a setback has been established which runs from 55 feet on the east to 110 feet where the site meets Harbor Drive. The restrictions that have been placed on the private development require that the setback area be landscaped, designed and managed as a public space, fully usable and accessible to the public at all times.

Third, the approved Schematic Design creates a dramatic change for the waterfront as public space. Harbor Drive will become connected at Grape and Hawthorn Streets to provide free-flowing traffic to pass on to Pacific Highway heading into downtown instead of remaining on Harbor Drive as it does today. This allows Harbor Drive to be reduced in width and shifted to the east. This shift creates the foundation of making the North Embarcadero a world class waterfront that can be both a grand public space and a place that accommodates maritime operations, visitors, a linear park almost a mile long, and an esplanade that averages roughly 105 feet in width immediately adjacent to the water's edge. With through traffic relocated away from the waterfront, this Esplanade, Harbor Drive and Broadway (west of Pacific Highway) can all be managed on a daily basis for flexible operations ranging from a balance of vehicular and pedestrian activity to complete closure to vehicles for events and festivals.

A Waterfront for the Future

This conception of a waterfront that is multi-functional, flexible and balanced in design, is at the forefront of thinking world wide on how public spaces and waterfronts should be

designed and managed. The concept of single-use spaces is dated and is no longer supported by the world's leading planners. Instead, today's most vibrant and sustainable destination public spaces support a mix of uses that are actively managed to provide multiple benefits to multiple groups; to support a mix of activities that can be scaled up or down based on need, season, and changing desires; to provide a diversity of activities and places within the larger public space; to include significant elements of green design and sustainable systems; and to be adaptable to events, festivals, and future uses which are emerging. The design of the North Embarcadero adheres to these principles and will provide a public space that can perform as a park, as a place of celebration, as a place of memory, as a place for daily recreation and relaxation, and as a place that remains vibrant and alive because it also supports maritime operations along an active, sustainable Port.

A Refined North Embarcadero Design

After the approval of the Schematic Design the Joint Powers Authority proceeded into detailed design of Phase One of the project. Two years had passed since approval of the Schematic Design. A new public process was organized to assure that the community's interests were incorporated into the Final Design. Through the Final Design process 25 public meetings were held to continually involve the public in the design refinement. As a result of this process, numerous enhancements were made possible which are directly responsive to public comment and ideas. The Final Design is faithful to both the Schematic Design and to the many comments received. As a result, the North Embarcadero will be truly world class.

A high quality open space will be achieved through the implementation of the following components of the North Embarcadero:

Broadway Hall
Broadway has been designed as a Grand Hall connecting downtown to the Bay. With 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, welcoming downtown residents and visitors to the water, and welcoming people arriving on the water to the City.

The design of Broadway is grand in scale and dramatic in its presentation of the City to the Bay, 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. This street will become a signature of San Diego as well as a great place to be.

Harbor Drive
Harbor Drive will be come 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. With the narrowing of the

roadway to roughly half of its current width, Harbor Drive will become part of the pedestrian waterfront instead of the dangerous barrier that it is today.

The Esplanade

The Esplanade is a continuous park space roughly 105 feet wide and includes a wide range of active and passive elements designed to support a full range of activities. The Esplanade will be a pedestrian space, with continuous paths for a walk at Harbor Drive, a jogging path accessible to bikes, a sequence of formal garden spaces, a significant water quality facility that is designed as both an eco-garden and a beautiful feature, and a Promenade that is at least 30 feet wide for the entire length of the waterfront. The entire Esplanade is designed for all forms of activity that people want near the water: sitting; strolling; gathering; special events; jogging; cycling; eating; reading; socializing; accessing water vessels; and, most importantly, gazing across the Bay. There will be views of boats, ships, North Island and Point Loma, the skyline of the City, the people around you, and the water itself. The Esplanade will be a public space of the caliber of the Bund in Shanghai, the Copacabana in Rio, and the Embankment of the Thames in London.

The arrival at the Esplanade at Broadway will be a large, open plaza designed for multiple uses and framed by a pair of sitting gardens with a canopy of flowering Jacaranda trees. These areas are supported by public facilities that are important to support the public nature of the space - restrooms, food concessions, sales for dinner cruises and other water-based activities, and visitor information. These structures are more than just buildings - they have been designed as art works by the public artist Pae White. Her work has taken what may have been mundane structures and turned them into beautiful pieces of functional sculpture with a vivid signature design and poetic content.

The North Embarcadero will be of great significance to San Diego's global identity. Designed to fit the grand scale of the Bay while being intimate and comfortable for people, the design borrows themes, colors and materials that are unique to San Diego. The North Embarcadero will become a distinctly recognizable and memorable icon for the City and her visitors. As a working waterfront, the design of the North Embarcadero is structured and functional for maritime operations, while being free flowing and relaxed for people. The design craftsmanship and material selection reflect the robust nature of the ships, the historic bits and cleats, and gangways. Timber, metal and concrete comprise the majority of the palette for structures; a locally made paver reflects the color and textures of the natural environment and plantings reflect both the native and ornamental palettes that are iconic to San Diego. With the use of water conserving plants, native plants, bio-filtration of storm water, LED light sources and emphasis on renewable and locally sourced materials, the project is responsive to the environment and is highly sustainable.

Design details follow standards that derive from the historic waterfront as well. Connections are exposed and unadorned. Regular geometry creates an organized system, revealing the joining of materials. The site furnishings honor the North Embarcadero as a working waterfront as well. The shape, form and materiality of each furnishing are

predicated by its intended function or purpose. While this aesthetic reinforces the authentic industrial personality of the North Embarcadero, all site furnishings cater to the visitor's comfort and experience. They are basic and comfortable, simple and amenable, and in some cases moveable and removable.

The design resolves the functional complexities inherent to a working waterfront while creating an attractive, comfortable environment for San Diegans to enjoy. As the project is a renovation of a coastal environment, the resolutions of technical challenges were integral to the design process. As the first phase of the North Embarcadero, the quality of construction will set the precedent for successive phases. The highest level of integrity is essential for the long-term durability of the built environment, a key to sustainability and lasting beauty. Exceptional craftsmanship will exemplify the character of the North Embarcadero and reflect the quality associated with a world class civic waterfront.

Attachment C
Pre-Schematic Design Process and Public Outreach, 2002

In 2002, the North Embarcadero Alliance, composed of the Port District, the City of San Diego, the Redevelopment Agency of the City acting through Centre City Development Corporation (CCDC), the County of San Diego and the U.S. Navy, retained Ehrenkrantz Eckstut & Kuhn Architects (EEK) to develop the schematic design for the North Embarcadero Waterfront. The EEK design team included Spurlock Poirier Landscape Architects, who have continued to work on the NEVP through the design of Phase 1.

The first task for the EEK team was to review the 1998 Visionary Plan and to recommend options to advance its concepts closer to construction through additional study and design. Their review of the Visionary Plan included analysis of existing site conditions that prevented implementation of the Plan. This initial feasibility work was performed through a pre-schematic design process. The team identified site organization and design principles, developed alternative concept designs, refined the preferred concept design and developed an illustrative plan.

The pre-schematic design process was based on building consensus. The team met with multiple stakeholders on a frequent basis, including the alliance members, local businesses, local community groups and other agencies. In addition, three public meetings were held on March 13, April 17 and May 29 of 2002. A final presentation was made on August 1, 2002 presenting the results of their work. Following are relevant excerpts from those presentations that demonstrate the analysis that occurred during the open and transparent process by which the Broadway Landing concept became the Broadway Hall as currently proposed for NEVP Phase 1.

In the first public presentation on March 13, 2002, the EEK team presented many precedent images of world class waterfronts, discussed the NEVP vision, and introduced implementation constraints and opportunities for the NEVP. Figure 1 shows their discussion of the Visionary Plan and design modifications needed due to site and regulatory constraints such as CEQA and the certified Port Master Plan, including "no oval overhang at the foot of Broadway, the existing Navy Facilities…"

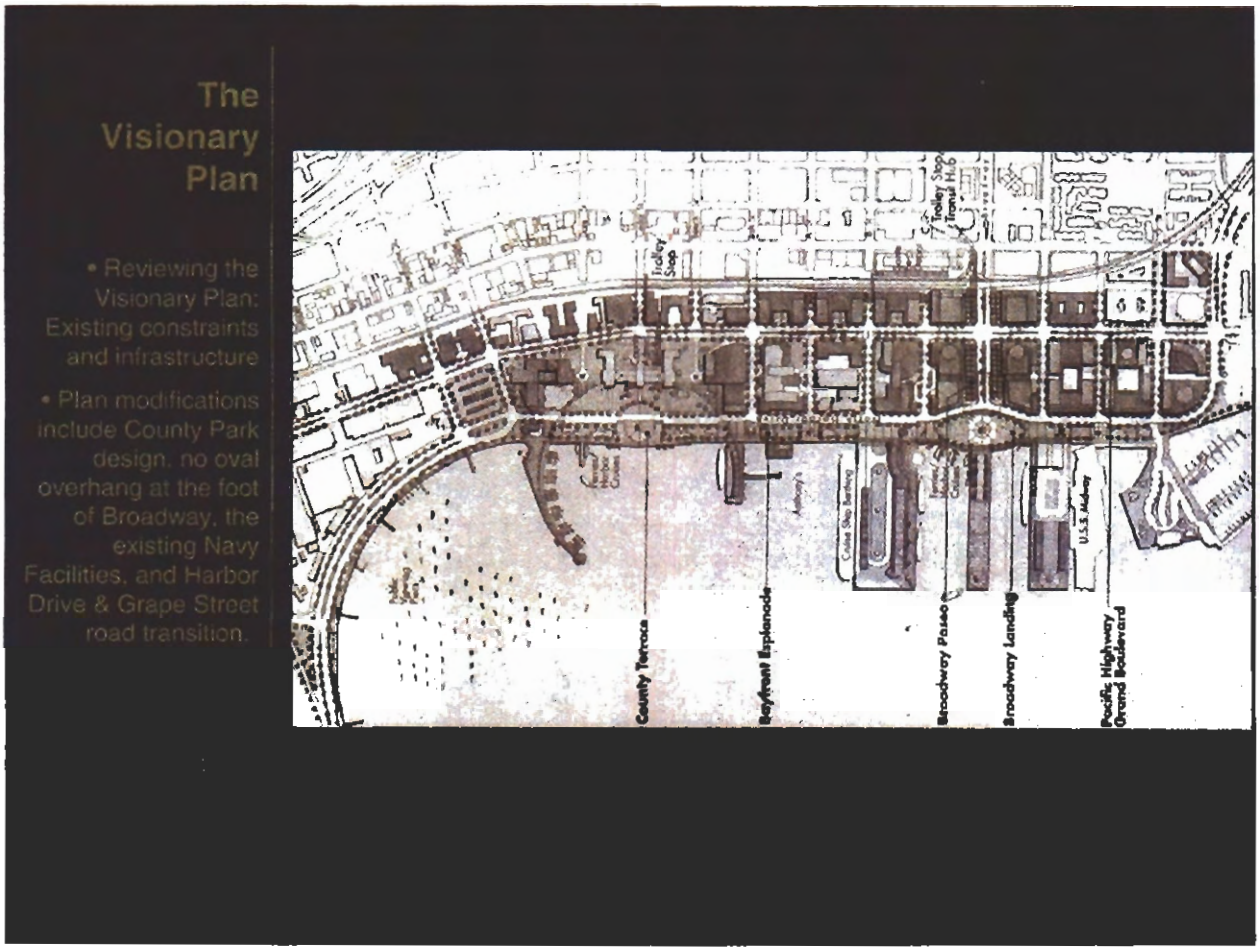


FIGURE 1

Optional concepts for the foot of Broadway, as shown in Figure 2, were studied and subsequently presented to the public on April 17, 2002. As can be seen, just one year after certification of the NEVP PMPA, without additional wharf area and constrained by the existing Navy buildings, the idea of a broader setback along West Broadway was beginning to take shape in lieu of an oval shaped plaza.

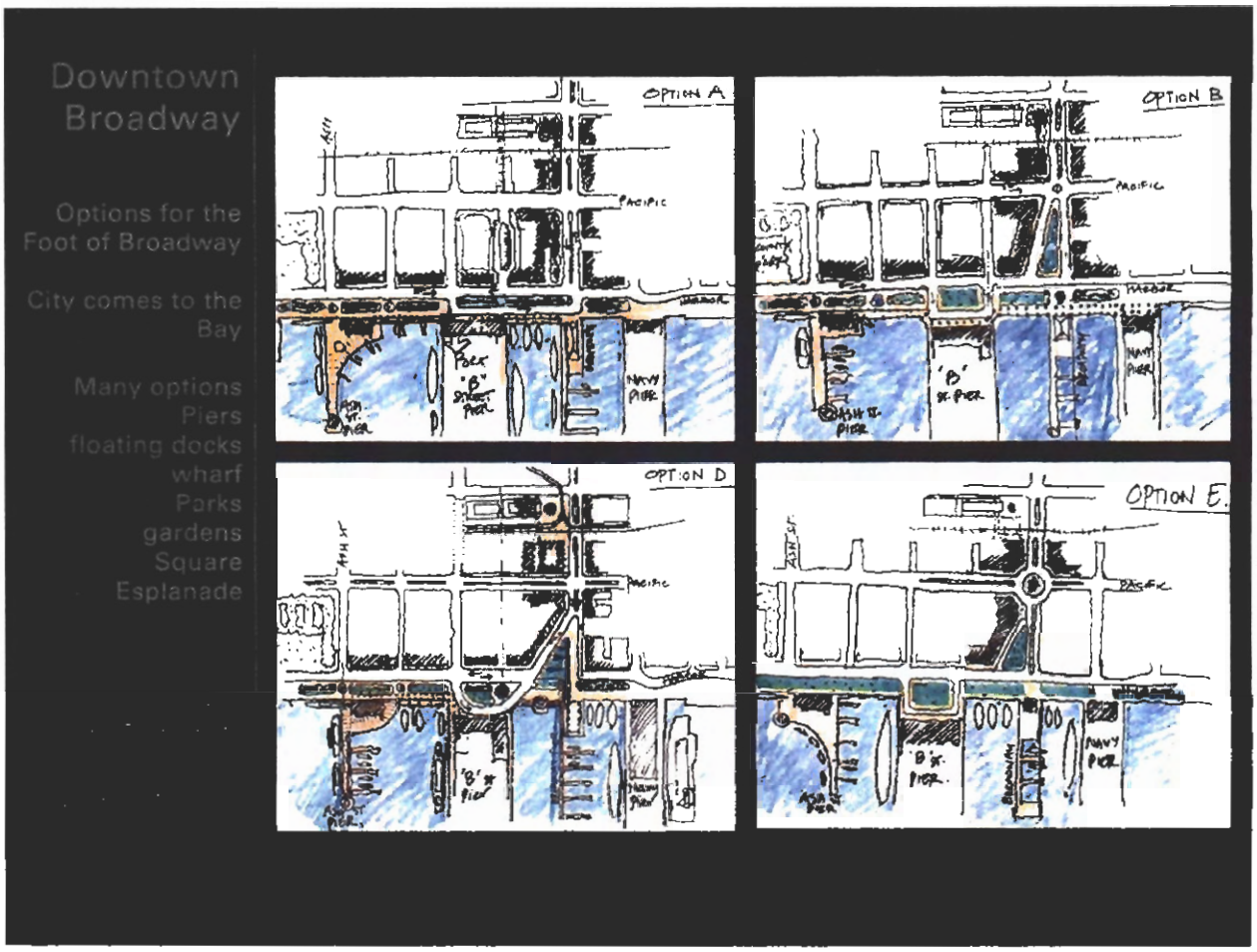


FIGURE 2

On May 28, 2002, in the third public presentation, the EEK team presented two options for the intersection of West Broadway and Harbor Drive, as shown in Figures 3 and 4. The figures depict the dissolution of the oval concept, and Option B in Figure 4 illustrates wider setbacks at Lane Field on Broadway to increase connection from downtown to the water and to provide better view of the Bay.

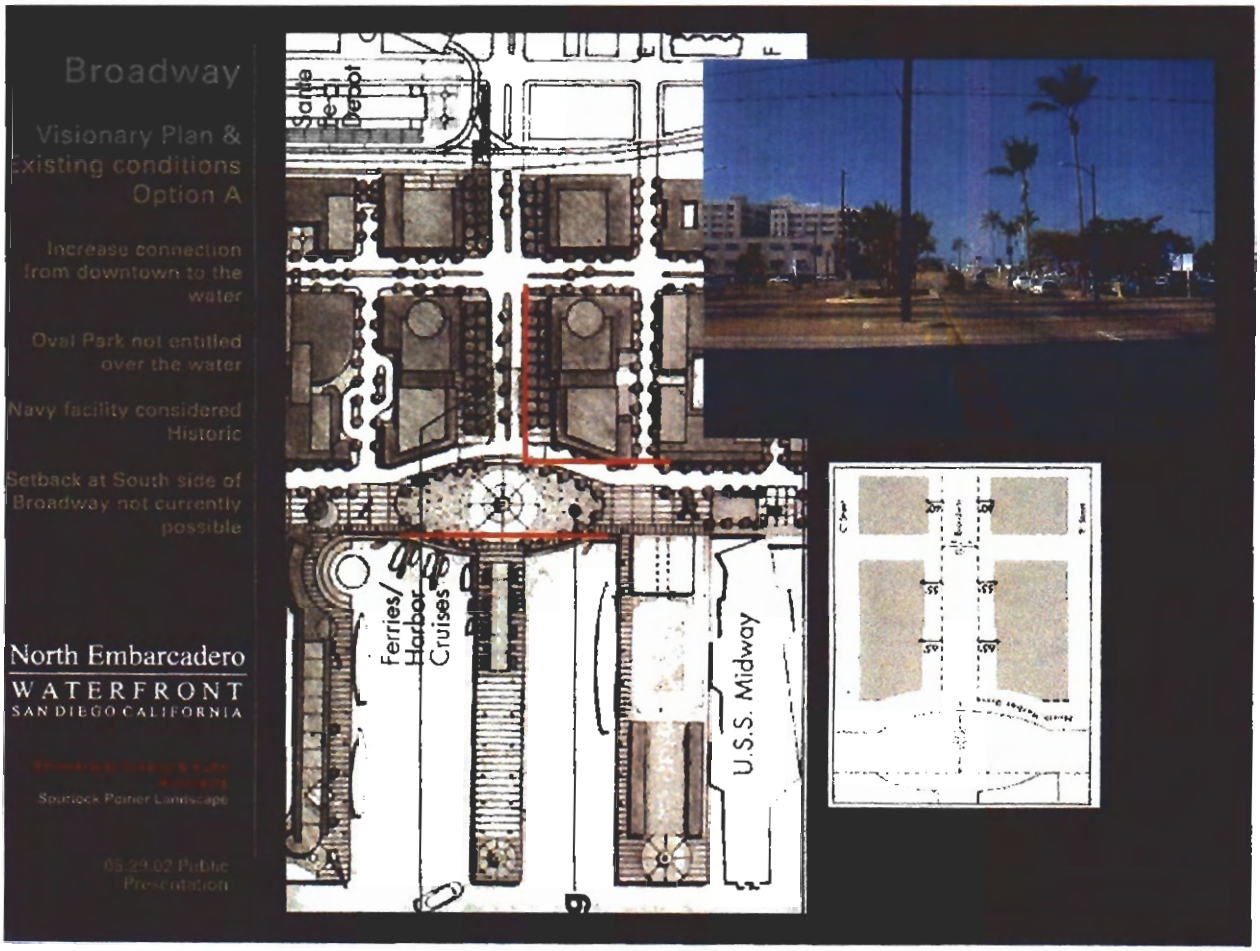


FIGURE 3

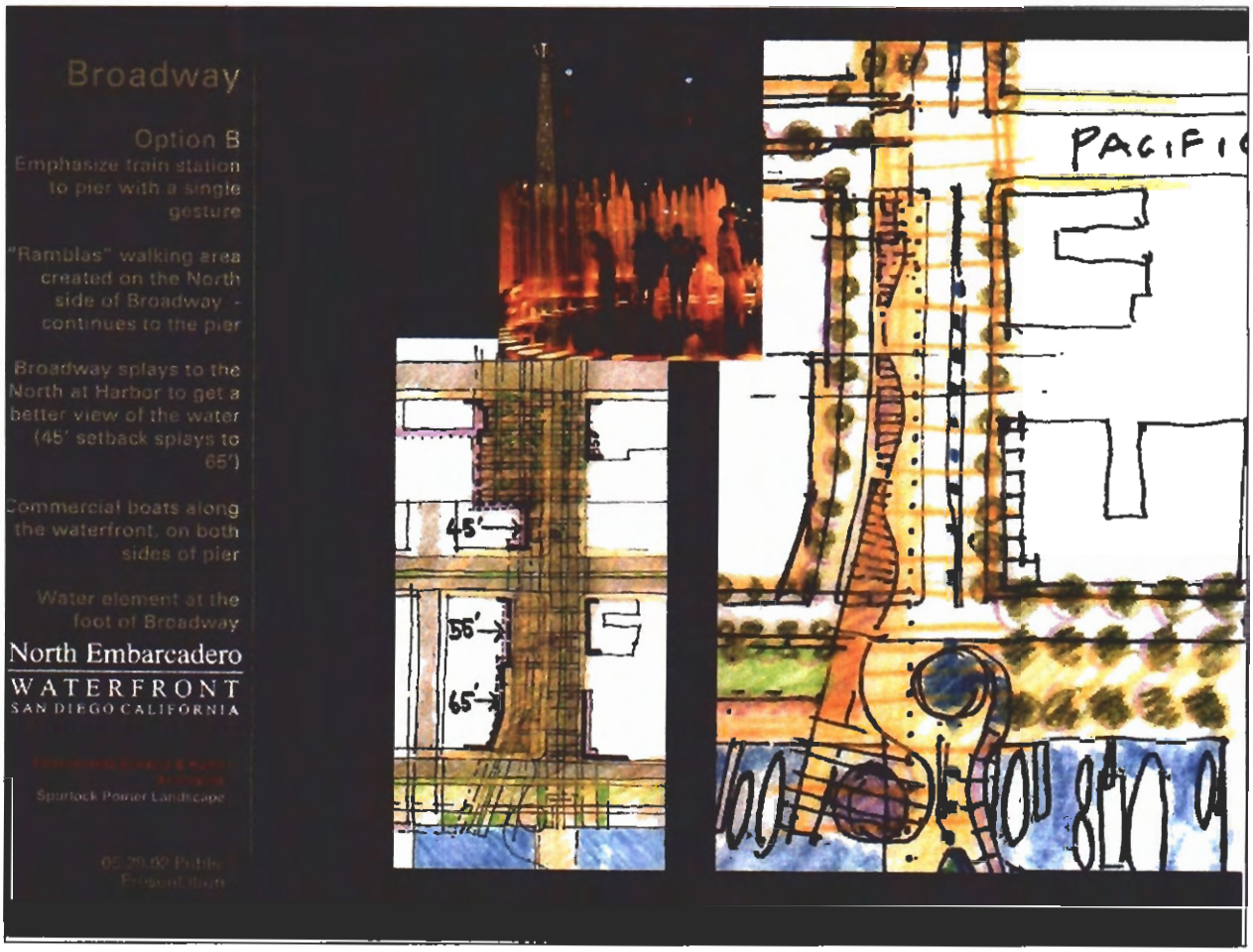

Broadway
Option B
Emphasize train station to pier with a single gesture
"Ramblas" walking area created on the North side of Broadway - continues to the pier
Broadway splays to the North at Harbor to get a better view of the water (45' setback splays to 65')
Commercial boats along the waterfront, on both sides of pier
Water element at the foot of Broadway
North Embarcadero
WATERFRONT
SAN DIEGO CALIFORNIA
Sportlock Porter Landscape
45'
55'
65'
PACIFI

FIGURE 4

In their Pre-schematic Report, dated July 12, 2002, NEVP was modified as shown in Figure 5. The report identifies the following key design elements for Broadway to the water's edge:

- "The foot of Broadway celebrates the ceremonial place where the City meets the Bay. Provide a design element that reveal (sic) the dynamic natural forces of the Bay environment – water, wind, fog, light and shadow.
- Enhance views to the water (which now are obscured by the pier, cars, etc) by shifting the view angle at the northeast corner of Broadway and Harbor.
- Create a link between the Santa Fe Depot and the Bay, a great strolling street.
- Broadway will serve to improve the intermodal transportation potential where the downtown's main street meets the Bay and railroad. A place for safe drop-off and pick up of buses (public transit & charter), taxis and cars.
- Address the design issues on the south side of Broadway, at the existing Navy Broadway Complex, which will remain in place for now. Provide a plan for long-term development."

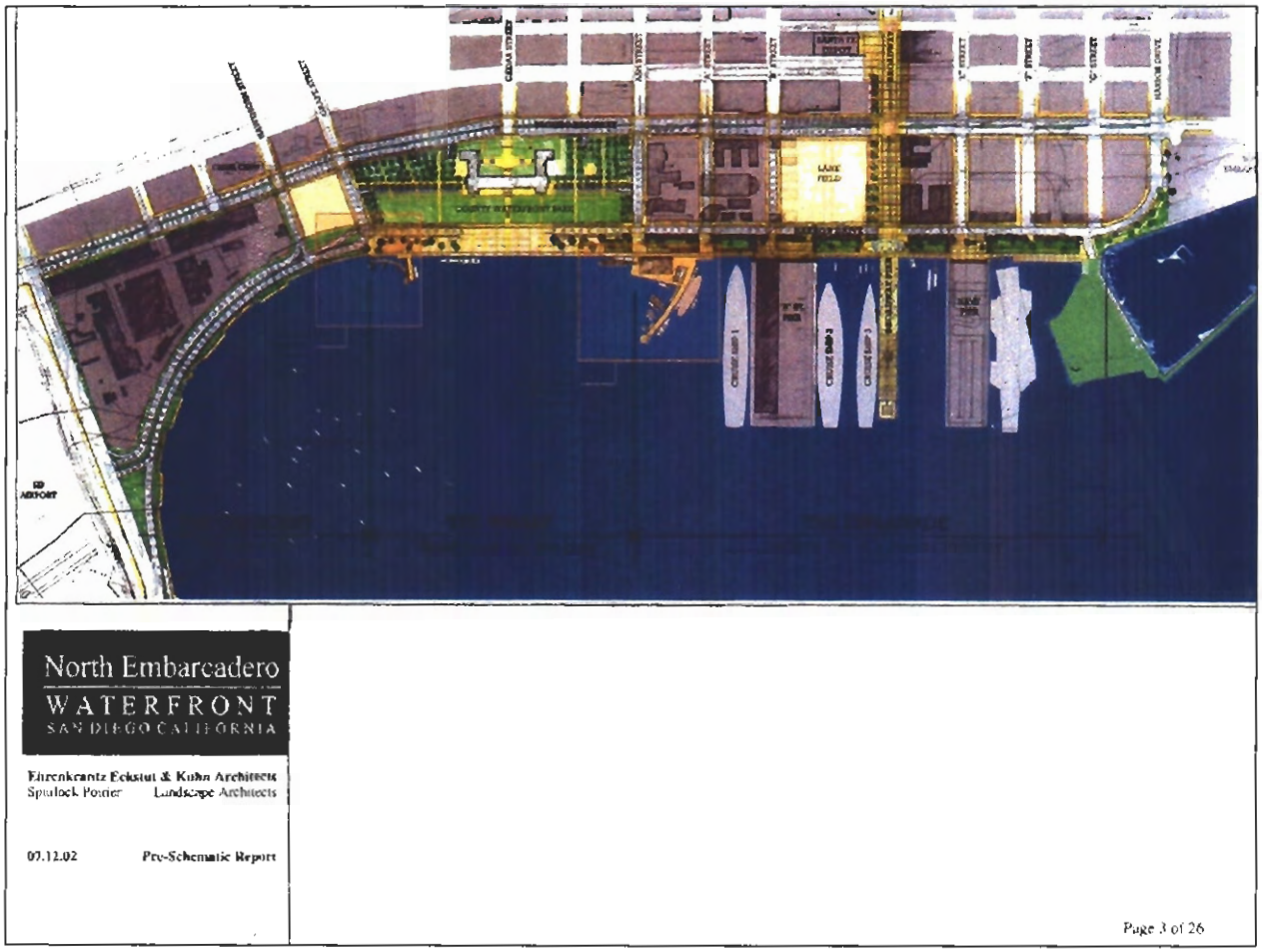


FIGURE 5

In a summary presentation on August 1, 2002, the EEK team presented Figures 6 and 7 showing their updated pre-schematic design concepts. This concept illustrates the wider setbacks on Lane Field and a hardscaped plaza at the foot of Broadway.

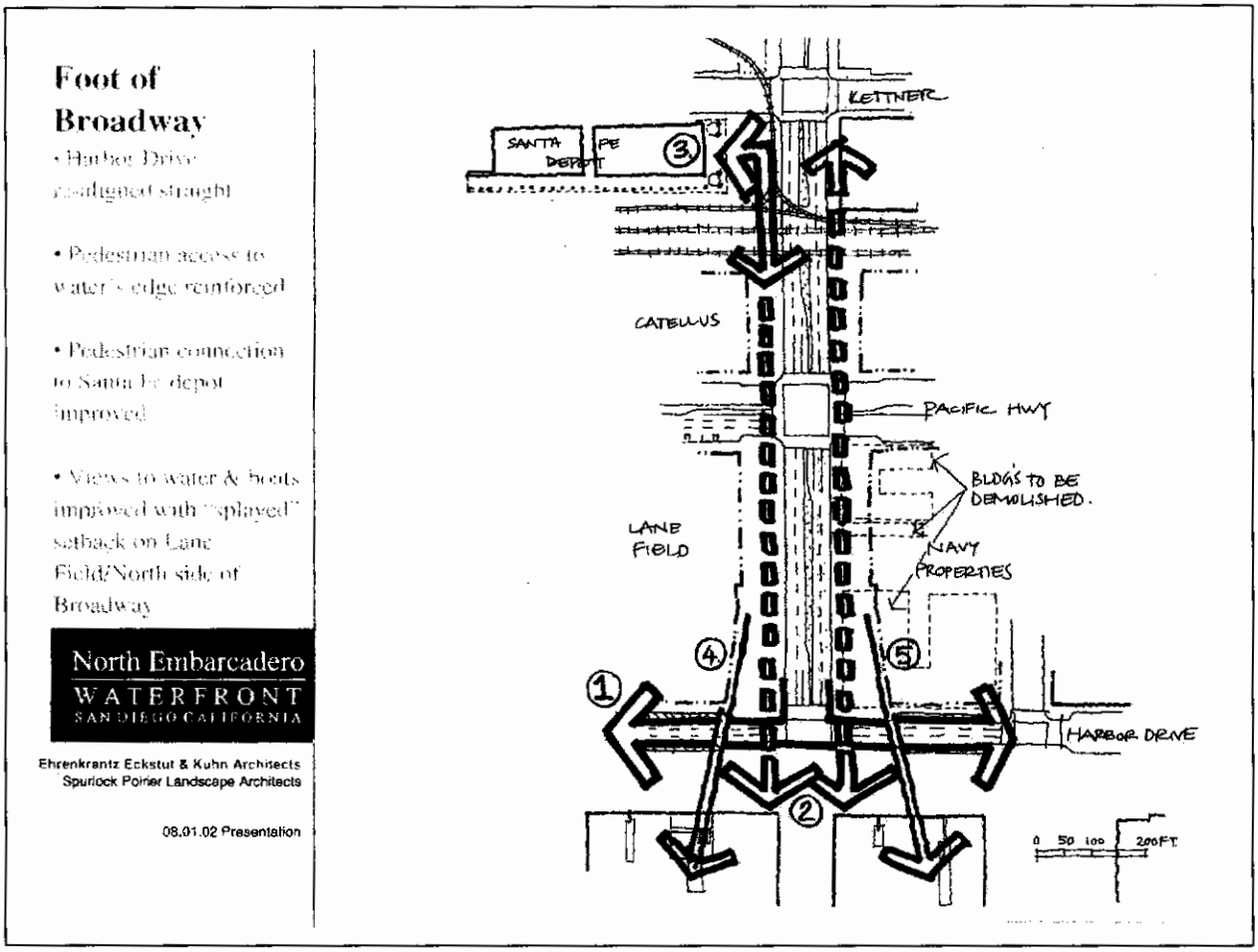


FIGURE 6

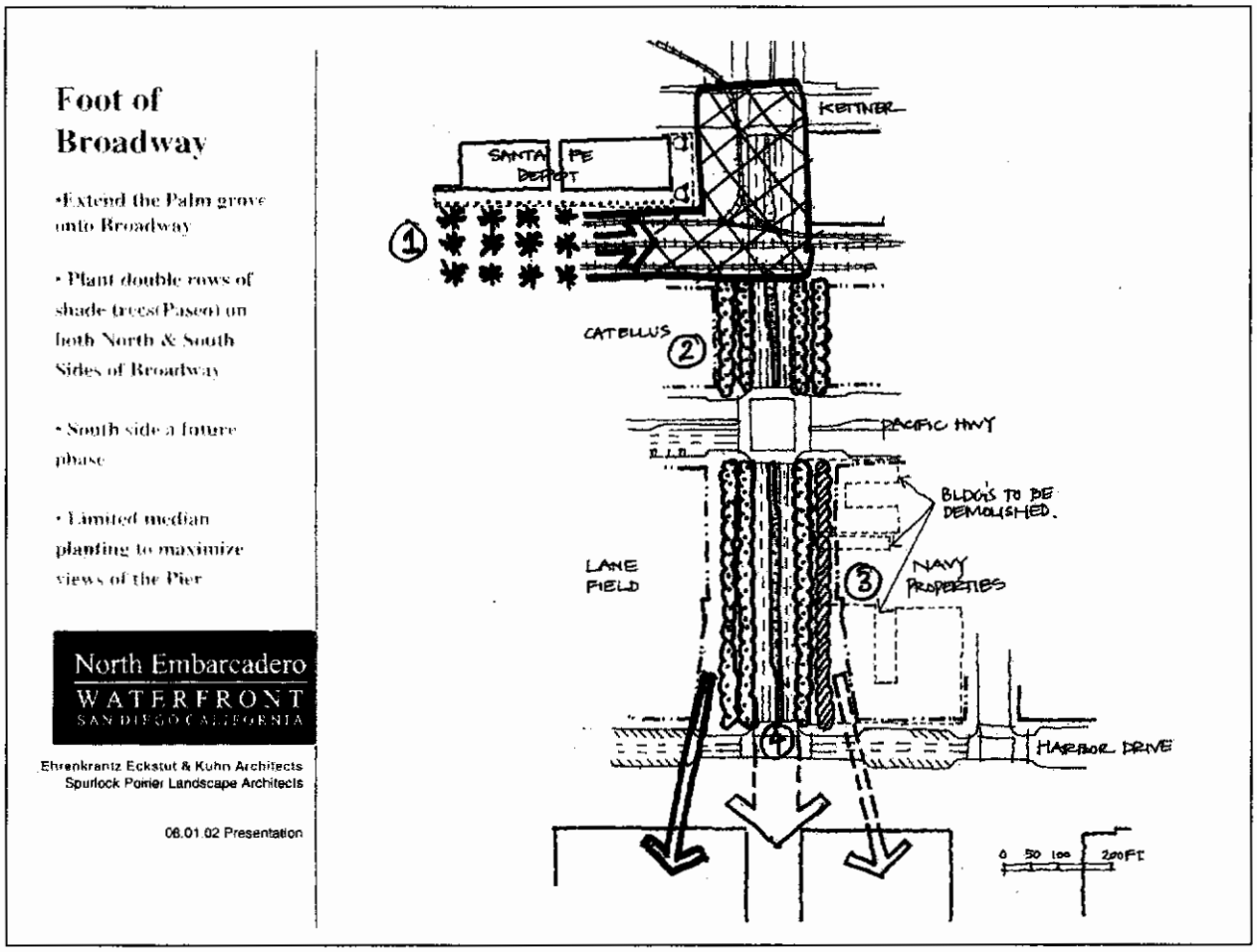

Foot of Broadway
•Extend the Palm grove onto Broadway
• Plant double rows of shade trees(Paseo) on both North & South Sides of Broadway
• South side a future phase
• Limited median planting to maximize views of the Pier
North Embarcadero
WATERFRONT
SAN DIEGO CALIFORNIA
Ehrenkrantz Eckstut & Kuhn Architects
Spurlock Poirier Landscape Architects
06.01.02 Presentation
KETTNER
SANTA FE DEPOT
CATALINA
PACIFIC HWY
BLDGS TO BE DEMOLISHED
LANE FIELD
NAVY PROPERTIES
HARBOR DRIVE
0 50 100 200FT

FIGURE 7

Unified Port
of San Diego

3165 Pacific Highway, San Diego, CA 92101
P.O. Box 120488, San Diego, CA 92112-0488
619.686.6200 • www.portofsandiego.org

VIA HAND DELIVERY AND EMAIL

November 6, 2009

Ms. Sherilyn Sarb, Deputy Director
California Coastal Commission, San Diego Area
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4421

RE: Information Requested on NEVP Phase 1 and Adjacent North Embarcadero Projects Appeal No. A-6-PS-09-43

Dear Ms. Sarb:

Thank you again for meeting with San Diego Unified Port District (Port), City of San Diego, and Center City Development Corporation (CCDC) staff on August 31, 2009 to discuss the appeals to the Coastal Development Permit 2009-02 approved by the Port for the North Embarcadero Visionary Plan (NEVP) Phase 1 Coastal Access Features Project ("Project").

This document has been prepared to provide the information requested and to clarify the responses given to California Coastal Commission staff questions during our recent meeting. This document provides information regarding five principal areas:

1) History of Broadway Landing Park;
2) Project Benefits;
3) (former) Navy Pier;
4) NEVP Parking Management Plan; and
5) Jurisdictional Boundaries.

HISTORY OF BROADWAY LANDING PARK

During the course of this past year, Broadway Landing Park has become a topic of contention and misunderstanding. Contrary to claims made by project opponents, the certified Port Master Plan contains no references to a "large grassy park", nor does it describe the quality or quantity of open space planned for the foot of Broadway. The claims made by project opponents that a '10-acre park' and an 'oval' park have been promised to the public are inaccurate.

The following provides an explanation of the Broadway Landing Park's history and evolution into the Broadway Plaza/Broadway Hall area that is now proposed as part of the Project. To provide a comprehensive summary, the Park's history has been assembled using various documents reaching back 20 years. The documents used consist of: the 1989 Central Bayfront Design Principles; the 1990 Navy Broadway Complex Environmental Impact Statement (EIS);

the 1998 North Embarcadero Visionary Plan (NEVP); the 2001 certified Port Master Plan Amendment; and the 2005 NEVP Schematic Design.

The Central Bayfront Design Principles (1989)

In the late 1980's, the Navy requested help from the San Diego Association of Governments (SANDAG) to evaluate impacts from the proposed Navy Broadway Complex project (p. 1, Central Bayfront Design Principles). SANDAG established the Broadway Complex Coordinating Group (BCCG) to develop a set of design recommendations to guide land use decisions along the North and South Embarcadero. Among the many recommendations of the BCCG was an open space at the foot of Broadway to be "defined by adjacent buildings," expanding to "approximately ten acres in size" from "the Bayfront to the Santa Fe Depot." (p. 18, Central Bayfront Design Principles).

These and other recommendations were captured in the Central Bayfront Design Principles adopted by the BCCG on September 22, 1989. Some of the individuals who have submitted comments on this Project or filed appeals with the Coastal Commission were members of BCCG or are current members of Citizens Coordinate for Century Three (C3), a citizen's group consulted by the BCCG during formation of the design principles.

While the City and CCDC endorsed the principles, the Port did not. In turn, those principles were not incorporated into the certified Port Master Plan.

Navy Broadway Complex EIS (1990)

Shortly after the City and CCDC's endorsement of the design principles, the Navy completed environmental review through an EIS for the proposed Navy Broadway Complex. Alternative A studied in the EIS included a 1.9 acre open space at the foot of Broadway to "implement a long-standing desire by the City of San Diego to provide a gateway to the City from the waterfront." (p. 3-6, EIS). Although that alternative discusses the possibility of creating a ten-acre open space at the foot of Broadway, it cautions that "coordination with the City and the Port District would be needed to reserve the adjacent area as open space," and that "open space outside of the project boundaries is *not a part of this project* (emphasis added)." (p. 3-6, EIS).

The Navy ultimately completed the EIS in October 1990 and adopted Alternative A as the project for the Navy Broadway Complex. The adopted alternative included depictions and descriptions of park area beyond the boundaries of the jurisdiction approving the project. In the years that followed, the City and the Navy negotiated a development agreement to implement the Navy Broadway Complex, an agreement consistent with the Central Bayfront Design Principles and EIS. At no time did the City, the Navy, and the Port agree to provide adjacent land sufficient to create a ten-acre park. Beyond the public promenade planned for the Embarcadero, the Port did not commit to a major open space at the foot of Broadway until the process leading to the 2001 PMPA resulted in wider setbacks to create a major public plaza and open space on Lane Field.

The NEVP Concept Plan (1998)

In the summer of 1997, the City, CCDC, the County of San Diego, the Navy, and the Port signed a memorandum of understanding (MOU) establishing the North Embarcadero Alliance. Through the Alliance, the member agencies developed the NEVP. The NEVP establishes a concept for:

> " ... public improvements, and strategies to finance them, befitting the setting and regional significance of the area, and to guide private development in a way that optimizes property values and reinforces the public realm." (p. 1, NEVP)

The NEVP included a civic precinct "at the foot of Broadway, defined by publicly-accessible piers and activated by cultural facilities, public parks, overlooks, cruise and harbor boat activity, and commercial development." (p. 3, NEVP). The NEVP included a graphic depiction of an approximately two city block oval park at the foot of Broadway, extending in part over the water, and wide setbacks resulting in significant open space on the Lane Field site. It also contemplated many competing uses for that open space including cruise activity, traffic circulation, and outdoor cafes and kiosks. (pp. 45-49, 99-10, NEVP).

The NEVP makes specific reference to the inconsistencies associated with the plaza at the foot of Broadway and espouses refinement of the oval, as stated below.

> "The Visionary Plan and the 1992 Broadway Complex Development Plan are generally consistent with one another. However, the two differ in some aspects, particularly in the configuration of the proposed open space at the foot of Broadway.
>
> The discrepancy does not inhibit moving forward on the Plan since the issue will be resolved in the course of implementation. At the time the LCP is evaluated by the Coastal Commission, the subject of the Navy footprint will be considered. At that time, the rationale for a smaller Broadway plaza can be made in the context of the overall North Embarcadero Visionary Plan public facilities/public access discussions." (p. 156, NEVP)

Port Master Plan Amendment (2001)

Following endorsement of the NEVP, the Port commenced a PMPA process including environmental review under California Environmental Quality Act (CEQA). The resulting Master Environmental Impact Report (MEIR), certified by the Board of Port Commissioners on April 11, 2000, studied the public improvements recommended in the NEVP, including a public esplanade, but did not study the impacts of an oval park at the foot of Broadway extending over the water or assume any specific size or character of the esplanade. Analysis that would have been required would have included shading issues, water quality, and effects on traffic and circulation.

The certified Port Master Plan does not contain figures or text regarding the Broadway Landing Park. Rather, the Port Master Plan simply denotes a park/plaza land use designation for the Project area and describes the public plaza as follows:

"The esplanade expands into plazas at Beech and Ash Streets, B Street Pier, and Broadway Pier. These plazas will be designed to provide open space, sitting and strolling areas for tourists and nearby workers, and to increase the sense of destination for Embarcadero visitors." (p. 63, Port Master Plan)

The PMPA submitted to the Coastal Commission for certification on March 14, 2001 did not include references to text describing an oval plaza area at the foot of Broadway. California Coastal Commission Item 10c, staff report dated June 28, 2001, pages 6 & 15 included revised findings and staff analysis that directed the oval plaza be deleted from the City's local coastal program amendment precisely because it had already been deleted from the proposed PMPA. Correspondence between CCDC and Coastal Commission staff dated February 7, 2001, as well as between the Port and Coastal Commission staff dated September 25, 2000, confirms that the agencies were in agreement that the oval should not be included because environmental review had not been conducted for such a feature and it was not part of the PMPA. The illustration in Figure 11 of the Precise Plan should not have included depiction of an oval because the Port, CCDC, and California Coastal Commission staff agreed that it should be removed `from the plan.

Neither the Port Master Plan nor the Coastal Act prescribe the quality or quantity of open space required at Broadway. Together with this Project, the wide public plazas and expansive setbacks prescribed in the Port Master Plan for the Lane Field project recently approved by the Coastal Commission constitute significant public open spaces at the foot of Broadway. As currently designed, the Broadway plaza feature of the Project is consistent with both the available text descriptions of the certified Port Master Plan, however general, and the specific land use designations for Planning District 3 – Centre City Embarcadero.

Schematic Design (2005)

Through an extensive public process during 2004 and 2005, the schematic design of the park/plaza area at the end of Broadway evolved as the actual physical constraints of the site were considered. These constraints included: constructing over the Bay; existing Navy property lines and buildings; and geometrics necessary for safe pedestrian and vehicular circulation. The result was that throughout the public process for the schematic design a rectangular configuration of the plaza was depicted and setbacks along West Broadway were increased to enhance the Broadway Hall.

Thus the plan for the foot of Broadway has evolved through several extensive public processes. It was once contemplated to be a vast space by interest groups, but not approved or adopted by any agency; later the NEVP process refined the space to be a grand area that was oval in shape; finally, through the public process for the schematic design of NEVP, the space has been further refined to fit the practical constraints of the area – still a grand space – now rectangular in shape.

The 'Broadway Landing' referred to in the NEVP evolved into the 'Broadway Hall'. The Broadway Hall is designed to be available for large public events for which portions of North Harbor Drive and West Broadway roadways would be closed to accommodate large gatherings of people. The public plaza area on the Broadway Pier as well as portions of the new terminal

that will be available to the public further enhance the splendor of the Broadway Plaza. The park/plaza area has not gone, the shape has changed.

NEVP Phase 1 Project (2009)

The NEVP Phase 1 Project is the first section of the NEVP to be implemented, consistent with the specifics of the Schematic Design. The Project has been thoroughly evaluated for consistency with environmental evaluations (CEQA and the NEVP Master EIR), adopted planning (Port Master Plan and City's Local Coastal Plan), and design documents (Schematic Design and Uniform Control Plan) through a public process. Through this process, comments have surfaced asserting rights and promises associated with efforts completed up to 20 years ago. These comments ignore the extensive public processes and evolution of plans that have occurred in the intervening 20 years.

PROJECT BENEFITS

The North Embarcadero looks and functions today much the same as it has for the past forty years. West Broadway meets San Diego Bay in an intersection of asphalt filled with parking meters, newspaper racks, and assorted ticket vendors. The Project will change that. The Port Master Plan describes the change envisioned by the NEVP, for which Phase 1 takes the first step toward realization. The plaza at the foot of Broadway has always been intended to be a plaza rather than a grassy park space.

> "The esplanade expands into plazas at Beech and Ash Streets, B Street Pier, and Broadway Pier. These plazas will be designed to provide open space, sitting and strolling areas for tourists and nearby workers, and to increase the sense of destination for Embarcadero visitors" (Port Master Plan, pg. 63).

The Project will increase and enhance the public's access to San Diego Bay through a wide esplanade and a dedicated public promenade. Through its groves of jacaranda trees and world-class public art, the public will feel invited and welcomed into the project area – only the first leg of a signature linear public park eventually to run the entire 1.2 mile length of the North Embarcadero. Visitors need not even visit the project site to enjoy its many benefits, because NEVP Phase 1 frames and enhances upland views down Broadway and "C" Street. But the project goes beyond coastal access and aesthetics, enhancing the capture and treatment of storm water on North Harbor Drive and West Broadway to improve the water quality of San Diego Bay. And through the contribution of construction and tenant jobs, along with laying the foundation for adjacent developments, NEVP Phase 1 will make a significant economic benefit to the region and to the State of California.

(FORMER) NAVY PIER

Entitlement Process for the former Navy Pier

Also during our meeting, Commission staff requested that we provide a summary for bringing Navy Pier into the Port Master Plan. On March 14, 2001, the California Coastal Commission

(Commission) approved Port Master Plan Amendment (PMPA) #27 for the North Embarcadero. Commission staff recommended denial for the portion of the PMPA relating to the proposed Midway Aircraft Carrier Project ("Midway"). The PMPA was modified at the Commission hearing to address concerns regarding potential coastal impacts of the proposed Midway museum and associated mitigation.

In addition to the Port agreeing to include biological requirements to the Midway Coastal Development Permit, project proponents offered a long-term goal of creating a memorial park on the existing Navy Pier to complement the Midway. Specifically, the proposal involved "creating a free, visually attractive public open space area next the Midway where currently the pier is occupied by a two-story Navy building and as proposed would contain the parking required for the Midway museum" (PMPA #27 Commission Staff Report, pg. 2).

Furthermore, the conceptual plan presented to the Commission in 2001 proposed demolition of the existing Navy Building 11A and redevelopment of the Navy Pier as a "pedestrian oriented memorial park with plazas, grassy lawns, benches, promenades, design features, and even a Navy wives club and chapel for small social functions and public food service" (PMPA #27 Commission Staff Report, pg. 15). Ultimately, additional language was inserted into the certified PMPA that acknowledged the conversion of the Navy Pier into a memorial park, following the completion and success of a series of requirements.

Currently, Navy Pier does not have a specific land use designation under the Port Master Plan. The Centre City Embarcadero Precise Plan text, however, includes the following language in regards to the future of Navy Pier:

> "Parking for visitors to the Midway and its museum will be provided, on an interim basis, at the Navy Pier, pursuant to the museum's lease with the United States Navy. When and if the Navy determines that its use of the Navy Pier is no longer necessary, the Port will accept the proposal by the San Diego Aircraft Carrier Museum to convert the Navy Pier into a "public park" use, thereby allowing the pier to be converted into a memorial park complementing the Midway and its museum, while affording additional public open space and bay vistas. Vehicle parking for museum visitors will then be shifted to nearby offsite locations. However, since the Navy Pier's future is uncertain and will be determined by decisions of the federal government, the conversion of the pier to a 5.7-acre memorial park is a specific planning goal of the Port, and environmental analysis for the park conversion will be conducted prior to the Navy relinquishing ownership and/or control of the Navy Pier such that construction of the park can occur as soon as feasible thereafter. The park conversion will be subject to all appropriate laws at the time the Navy Pier Park is proposed" (certified Port Master Plan, 2009, pg. 64).

In 2003, the Port issued a coastal development permit (CDP 2003-03) and executed the lease to allow permanent berthing of the Midway along the south side of Navy Pier per the above-mentioned agreements made at the 2001 Commission hearing. The CDP and Midway lease include the following conditions:

- Special Provision #10 of the CDP addresses the parking issue, requiring the establishment of a ten year fund to purchase parking offsite to allow for a "Veterans Memorial Park."
- Paragraph 47 of the Midway lease implements Special Provision #10 through the establishment of an interest bearing "Parking Contingency Fund." Although the CDP is silent as to the effective date of the fund, the lease clearly states that it begins in 2005. The Midway must contribute $100,000 annually for the first five years and $150,000 annually thereafter. Provided offsite parking is not found sooner and the fund is needed for the full ten-year period, the Midway will contribute a total of $1.25 million. From a practical standpoint, $1.25 million is not sufficient funding to provide adequate parking for the Midway.
- Special Provision #11 of the CDP covers construction of the park. It requires the Midway to submit plans for the park as soon as "practicable," but no later than three years prior to the conclusion of the ten-year period (by no later than October 2012). Paragraph 48 of the Midway lease implements this Special Provision.

Additionally, the Port District adopted a Midway public access program that provides for free public access to the bayward side of the deck of the Midway and partially offsets the loss of views from surrounding areas.

In June 2004, the Midway opened as a museum at Navy Pier. The Midway Museum has succeeded far beyond the most optimistic projections of its sponsors, the Port, and the Coastal Commission. This success would not have been possible without strong local volunteer and financial support, along with an accessible commercial waterfront location at the Navy Pier. The Navy Pier is an important Port asset which deserves a comprehensive planning effort, but an effort that cannot ignore the importance of public access, parking, and the proximity of a deep-water maritime berth. Attached are news articles reporting on the Midway's unexpected success and popularity.

According to the Port Master Plan, the environmental analysis for the proposed memorial park should occur as soon as "feasible" once the Navy "relinquish[es] ownership and/or control" of the pier. Although the Port received title to Navy Pier in August 2003, the Navy continued to occupy Building 11A through late 2007. That same year, the Port began meeting with Midway representatives to discuss the future of Navy Pier.

Since 2008 we have been working with a design consultant to develop a scope of work to create feasible plans for Navy Pier. We anticipate executing an agreement with the consultant by the end of 2009.

On October 6, 2009, the Board of Port Commissioners authorized staff to commence the PMP amendment process to entitle Navy Pier. In turn, Port staff has undertaken the following actions: issued the Notice of Preparation on October 1, 2009, with a public comment submittal deadline of November 2, 2009; held a public scoping meeting on October 15, 2009; and sent out a Request for Proposals on November 2, 2009. Through this process, the Port intends to resolve, in

light of the challenges presented above, the important concerns expressed by the Coastal Commission regarding the Port's planning goal to develop a 5.7 acre public park on the pier.

PARKING MANAGEMENT PLAN

The NEVP Parking Management Plan does not rely on parking on the Navy Pier for the Project. The NEVP Parking Management Plan includes an inventory of existing spaces within the North Embarcadero area, in which the Navy Pier is situated. The Navy Pier spaces are included in the Plan inventory to enable consideration and management of the loss of spaces on Navy Pier. The loss will be managed within and as part of the broader parking plan for the North Embarcadero. The NEVP Phase 1 Project includes implementation of certain measures described in the NEVP Parking Management Plan. These include providing Transportation Hubs, WayFinding, and a Shuttle service. The Parking Management Plan is also being revised to provide recommendations to ensure adequate parking is provided for the NEVP under a scenario where parking is removed from the Navy Pier (except specialty parking such as ADA). The NEVP Parking Management Plan enables comprehensive management of the parking supply and demand within the North Embarcadero, providing a balancing analysis of the entire area.

JURISDICTIONAL BOUNDARIES

The jurisdictional layers associated with the NEVP Phase 1 Project area are complicated and affect the manner in which the project can be achieved. Exhibit 2 attached is a copy of Figure 1.4 from the NEVP showing the jurisdictions at play then. Exhibit 3 shows the current jurisdictional boundaries in the vicinity of the NEVP Phase 1 Project.

The NEVP Phase 1 Project is a collaborative effort undertaken by the JPA and is distinct from projects in the area that are being undertaken outside of the JPA's influence, including the Navy Broadway Complex. While the multiple jurisdictions with authority in the area are coordinating efforts and developers have agreed to a Uniform Control Plan, there are several distinct projects active in the area. While the NEVP Phase 1 Project is not a part of any of the other projects in the area, it is clear that the NEVP Phase 1 Project is not being undertaken in a vacuum; rather it is being coordinated through the JPA with the other projects in the area.

Port, City and CCDC staff look forward to continuing discussions with Coastal Commission staff and we hope that this information is useful. Please call Matt Valerio at (619) 686 7269 or me at (619) 686-6468 should you have any questions regarding this letter or the Project.

Sincerely,

John W. Helmer
Director of Land Use Planning
San Diego Unified Port District

EXHIBITS

Exhibit 1 - Correspondence(s) regarding Broadway Plaza
Exhibit 2 - Figure 1.6 from the NEVP Jurisdictional Boundaries
Exhibit 3 - Current Jurisdictional Boundaries in the vicinity of the NEVP Phase 1 Project
Exhibit 4 - Articles Related to the Success of the Midway

Centre City
Development
Corporation

RECEIVED
FEB 2 0 2001
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

February 7, 2001

Ms. Diana Lilly
Coastal Analyst
California Coastal Commission
3111 Camino del Rio North, Suite 200
San Diego, CA 92018-1725

Dear Ms. Lilly:

We received the Coastal Commission staff's report and recommendation on our proposed Local Coastal Program (LCP) amendment. The purpose of this letter is to summarize our response to the suggested modifications to the proposed plan and ordinance amendments (numbers correspond to the proposed modifications in the staff report of December 21, 2000, page 7-10):

We agree with the following modifications as proposed:

1. Delete the "grand oval shaped landscaped park" that extends out over the water because it was deleted from the Port Master Plan Amendment (PMPA) for lack of environmental review (specifically with regard to shading and filling impacts).

8. The Waterfront District map, which contained a graphical mistake on the shading of the Waterfront area, will be corrected.

10. The research & development use that was added to the land use table in the B - Recreation Visitor Marine district will be changed back to a NON-PERMITTED use.

We agree in principle with the modification, but prefer an alternative "implementation":

2. Coastal staff would like language pertaining to a subsequent project, the docking of the U.S.S. Midway, to be inserted into the Community Plan (See p. 8 of staff report). We would propose that the following modifications be made to the language:

The Port Master Plan may allow for the docking of the aircraft carrier Midway on the south side of the Navy Pier to operate as a museum. Interim parking for the Midway may be located on Navy Pier; however, the ultimate goal for the area in the Port Master Plan is to relocate any parking on the Pier to inland of Harbor Drive and convert the Pier into a public memorial park associated with the Midway museum. ~~Relocation of the parking and conversion of the park should~~

225 Broadway Suite 1100 San Diego California 92101-5074 619 235-2200 FAX 619/236-9148

~~*occur as part of the Navy's plan to vacate its use of Navy Pier prior to or concurrent with the redevelopment of the Navy Broadway Complex.*~~

4. View Corridor exhibit in the Community Plan should be revised to reflect the proposed stepbacks on Ash, A and B streets at 25 feet rather than 15 feet.

   We would prefer to take the view corridor table out of the Community Plan for the following reasons:
   - *There is no reference to the table in the text of the Community Plan,*
   - *The table is currently inconsistent with the Centre City PDO, and*
   - *The Centre City PDO–not the Community Plan–regulates view corridor setbacks and stepbacks.*

   Deleting the table in the Community Plan only will make the view corridor setback and stepback standards clearer, with no effect on the substance of the regulations governing setbacks and stepbacks. The paragraph preceding the table on page 45 of the Community Plan would be modified as such: "~~The following~~ vView corridors are designated..." The table would be deleted, as well as the paragraph following the table "View Corridor access along..." and ending "right-of-way for each street, e.g. 80 feet." The remainder of the section will be retained, and the Centre City PDO will continue to regulate setbacks and stepbacks.

5. The Coastal Commission proposed modification to the text and map in the PDO pertaining to the County Administration Center (CAC) property. In short, the proposed change would state that the PDO does not apply to the CAC property (see p. 8 of staff report). The Centre City PDO does apply to private development at the CAC property. Normally, developers applying for development permits within the Coastal Zone (but not in the Port District's jurisdiction) would also apply to CCDC for a Coastal Development Permit under the Centre City PDO functioning as the LCP. According to the Coastal Commission staff's report, development at the CAC property (public or private) would not be subject to the PDO.

   In any case, all development at CAC is subject to review by the Coastal Commission for the purpose of issuing a Coastal Development Permit. This is because the CAC property is an "LCP Deferred Certification Area" within the Coastal Zone downtown (the only Deferred Certification Area in Centre City). Deferred certification means that the Coastal Commission issues the Coastal Development Permit instead of the local agency. It does not, however, mean that private development is not subject to the Centre City PDO.

The PDO serves the function of both downtown zoning and as the LCP, which the Coastal Commission is exclusively concerned with. We would propose instead the following solution which accurately represents the dual role of the Centre City PDO:

1.) to modify the text in Section 103.1903 of the proposed PDO amendment to state that the County property is subject to the PDO, and;

2.) clarify on the map that the property is an "LCP Deferred Certification Area", leaving the reference that "only private use of the property is subject to the PDO" in place.

The description of the property as appeared in the staff report of December 21, 2000 was partially inaccurate. The City Attorney's office supplied a corrected version of the language contained in the staff report for use (see Attachment 1) in the staff report for the March 2001 hearing.

6. Coastal staff would also like the map revised to make the CAC property a "Deferred Certification Area".

See p. 9 of December 21, 2000 Coastal Commission staff report and comment above.

7. The Commission staff suggested revising the height limit map (See Attachment 2, "Proposed Building Heights - North Embarcadero") in the Centre City Planned District Ordinance (PDO) to only show height limits on property within CCDC's jurisdiction.

We would like to keep the map as shown in the proposed amendments for consistency. All other maps in the Centre City PDO encompass the entire Community Planning area. Also, the intent of this information is to show comprehensively the relationship of development–especially within North Embarcadero–to Centre City.

9. The Centre City PDO Table II of Section 103.1925, View Corridors Setbacks & Stepbacks has a number of problems that should have been caught earlier, but that we would like to resolve. By way of explanation, the stepbacks listed in the Centre City PDO View Corridor table (Attachment 3 is "PDO Table II of Section 103.1925") correspond to the View Corridor map (Attachment 4 is "Proposed View Corridor Stepbacks"). In the PDO, the view corridor map is "connected" to the table, unlike in the Community Plan. The following streets need correction for accuracy. Please use attachments 3 and 4 for reference:

Beech and Date streets - Beech Street view corridor does not currently fully extend west. We would propose to add the view corridor on Beech Street. Additionally, we proposed to add a 20' setback requirement to Beech and Date Streets on the PDO Table that regulates stepbacks.
C Street - Note that the demarcation of view corridor stepbacks begins at California Street. Therefore, the table should read simply "25 feet at 50 feet" rather than calling out "west of California" separately, because it only occurs west of California.
E Street - The stepback requirement on E Street is currently west of Kettner. The Visionary Plan calls for a 25 foot stepback at 50 feet, and not at 30 feet.
F Street - The stepback at F Street should be extended on the map to Kettner, and should remain a 25-foot stepback at 50 feet in height as prescribed in the Visionary Plan, not 30 feet. Also, the notation "west of California" should be deleted (See Attachment 5 from the Visionary Plan, "Stepbacks").
G Street - "West of California" should be deleted for the same reason. We are not proposing to extend the view corridor notation on the map because the areas to the east are already developed.

Requested changes to staff's proposed modifications:

3. Coastal Commission staff report proposed that Figure 19 of the Community Plan remain as it exists–that is, indicating that the entire length of Pacific Highway should remain as a view corridor street.

We recognize the Coastal Commission staff's desire to retain Pacific Highway as a view corridor on the map. However, we would request Coastal Commission staff's consideration of a request to delete the View Corridor on Pacific Highway from the maps in both the Community Plan and Centre City PDO, and in the corresponding PDO table (Table II of Section 103.1925) for the following reasons:

- *The Visionary Plan specifically noted that there should not be View Corridor stepbacks on Pacific Highway because there are no existing or planned views southerly. The South Embarcadero Redevelopment Program 1 and Port Master Plan Amendment did not include a view corridor through Seaport Village.*
- *The Centre City PDO still contains "bulk criteria" that require buildings to step back between 25 feet at a height anywhere between 30 and 130 feet.*
- *The San Diego Unified Port District, which has regulatory authority over the west side of Pacific Highway, will not require a stepback on Pacific Highway. Page 73 of the proposed PMPA–consistent with the Visionary*

Plan–specifically states that "There are no stepback requirements along Pacific Highway".

- *The wide street width (130 feet) is one of the widest downtown and naturally results in a significant view corridor on its own.*

11. Coastal staff correctly points out that there was an inconsistency in the height limits table shown in the proposed amendment to the Centre City PDO and the height limits prescribed in the proposed amendment to the Marina PDO. The proposed modification would add language stating that height limits shall not exceed the limits in the Centre City PDO.

We would prefer to keep regulations in the Marina District self-contained and not have the Marina PDO refer to the Centre City PDO.

During the drafting of the Visionary Plan, there was confusion in the boundaries of the Marina District, and a misunderstanding of the height limits allowed through the bonus program contained in the Marina PDO. Base heights are allowed by right, with bonuses, there is no height limit except as required by the FAA. When the North Embarcadero map was drawn, a mistake was made in limiting the heights to the base allowable height. Heights should have been in the 400-500-foot range on the blocks south of E Street between Pacific Highway and California, consistent with the gradually declining heights from Broadway south and from east to west. Our proposal would be to delete the three height limits (120, 160 and 500) on Figure 4 ("Proposed Building Height - North Embarcadero") from the map in favor of the existing Marina PDO since the blocks in question are developed or under construction.

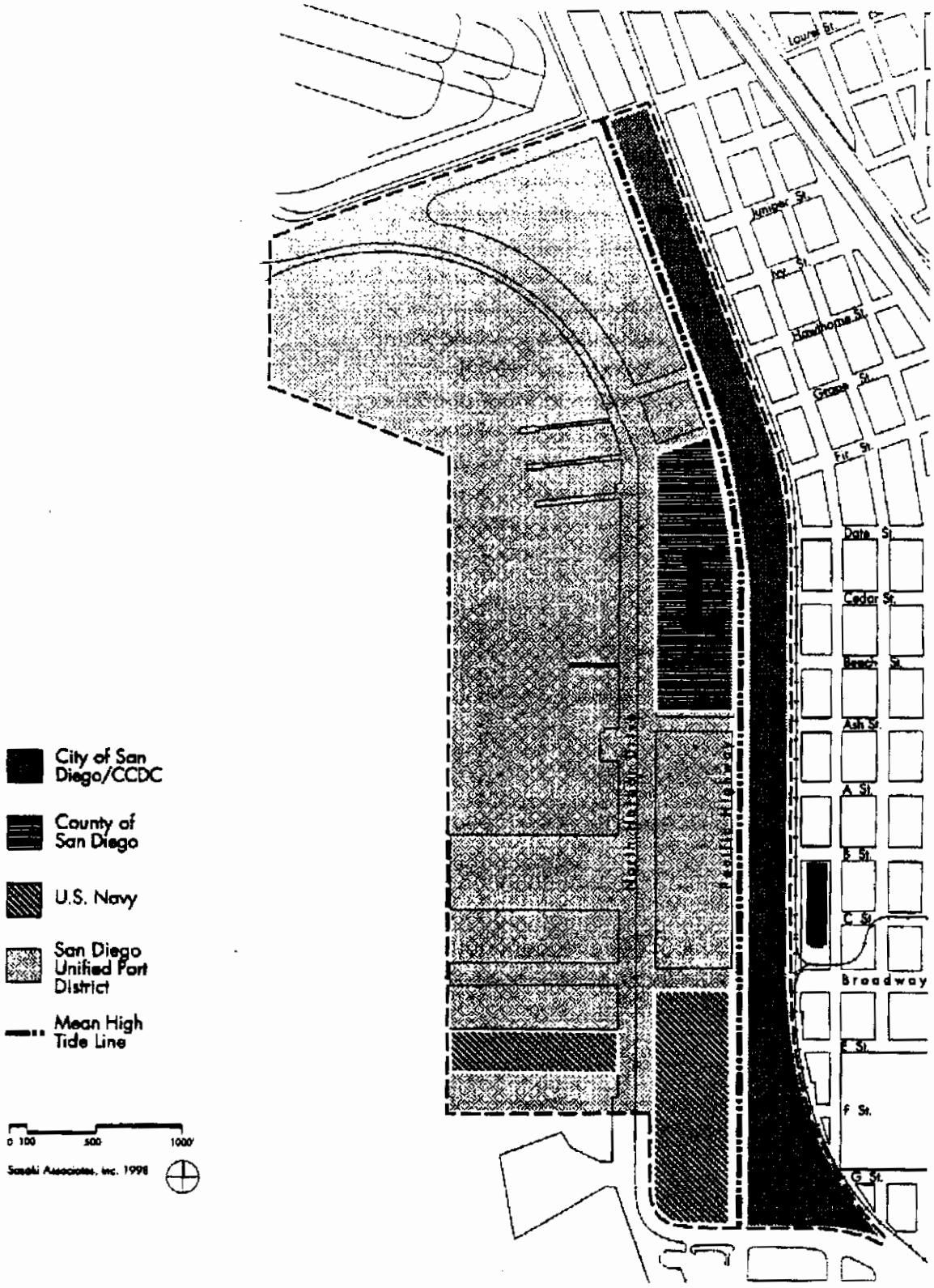
Also, we would request consideration of a modification on the block between E, F, California streets and Pacific Highway for a height limit of 450 feet. This block is not currently at its highest use, and redevelopment opportunities would be more appropriate at a higher intensity. The request is consistent with blocks surrounding this site–see the height limit of 450 feet on the block between B, C, California streets and Pacific Highway; as well as E, F and the east side of Pacific Highway (see Attachment 2). The likelihood for redevelopment of this block was apparently overlooked during the Visionary Plan process.

I would be happy to go over these proposed changes in person and could set up a meeting at your earliest convenience. We trust that the Coastal Commission staff will find our proposal reasonable, and we look forward to the successful resolution of these issues prior to or during the Coastal Commission's hearing on this subject. In the meantime, please call me at 619/533.7117 if we can be of further assistance.

Sincerely,

ALEXANDRA ELIAS
ASSOCIATE PLANNER

cc: Alliance staff members


City of San Diego/CCDC
County of San Diego
U.S. Navy
San Diego Unified Port District
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Laurel St.
Juniper St.
Hawthorne St.
Grape St.
Fir St.
Date St.
Cedar St.
Beech St.
Ash St.
A St.
B St.
C St.
Broadway
E St.
F St.
G St.
Harbor Drive
Pacific Highway

Exhibit 2

COASTAL ACCESS FEATURES PROJECT JURISDICTIONS
Port of San Diego Jurisdiction
City of San Diego Jurisdiction
NEVP Phase 1 Project Boundaries
Port Land Use and Permitting Authority and City right-of-way
US PIERHEAD LINE
Grape Street
San Diego County Administration Center
N Harbor Drive
Ash Street
Navy
Pacific Highway
Railroad
Coastal Commission Permit
Commander Naval Base San Diego
F Street
N
0 100 200 400 600 800 Feet

Exhibit 3

San Diego Business Journal

Midway Museum Completes Successful First Mission

By BRAD GRAVES - 5/16/2005
San Diego Business Journal Staff

Nearly a year since the decommissioned aircraft carrier USS Midway opened as a museum at the Navy Pier, an organizer admitted he and fellow museum officials had been conservative in estimating crowds for the first 12 months.

Generally, mistakes aren't good on a ship that used to launch and retrieve fighter jets — but this has been a happy mistake.

"Everything's running about two times what the first-year projections were," said Scott McGaugh, the marketing director for the San Diego Aircraft Carrier Museum.

In its first 11 months of operation, the Midway has attracted 800,000 visitors, McGaugh said. Museum officials had projected first-year attendance of 440,000.

While museum officials had planned on taking on 5,000 members, the membership tally is at 11,500.

Though he declined to give dollar amounts, McGaugh said the museum has been profitable since the day it opened. And with more funds than expected, the museum is running ahead of schedule in its plan to open more of the ship to visitors.

The Midway hosts a wide range of people, McGaugh said, not just "military buffs and the History Channel crowd."

But those people come too.

"The Midway is just a natural draw for Navy guys," said Ray Casey, a Dallas-area businessman who organizes military reunions for a living and is familiar with the San Diego market.

Louis Sander, who is organizing a reunion of the USS Rankin in September at a Mission Valley hotel, said one of his former shipmates enthusiastically told him he's not going to miss the Midway during his visit.

Still, two-thirds of the visits to the ship are not military-related, McGaugh said.

Since it opened June 7, the Midway has hosted school groups (some spend the night), has been the scene of military re-enlistments and retirements, and has seen its share of convention and corporate get-togethers. Allstate, the Illinois-based insurance company, recently held an event aboard the ship. Hewlett-Packard Co. plans a return visit.

There has also been interest from Hollywood. McGaugh said producers of "Fear Factor" have indicated an interest in filming on the 1,001-foot-long carrier.

It's been a memorable year, said McGaugh, seated one recent morning at a table reminiscent of Starbucks on a sponson, or gun platform.

Museum officials prepared as best they could, but there were inevitable surprises. For example, they hadn't counted on the second-wettest winter on record, and what that might do to the Navy Pier, where the ship is tied up. "You never think about 3 inches of standing water," McGaugh said.

One of the museum's current challenges, McGaugh said, is creating safe, civilian-style access in a ship where sailors have long used ladders to go from deck to deck.

The museum has set a mid-June deadline to finish construction on a pair of elevators to take people with disabilities from the pier to the ship.

The Midway is booked for conventions and parties for most of 2005, and museum officials are taking reservations for 2006 and 2007. Yet they are still taking the cautious approach to planning and budgeting. McGaugh said he does not know how long the Midway's honeymoon lasts, or how to tell when it ends.

SANDIEGOSOURCE
The Daily Transcript

Thursday, October 04, 2007 editor@sddt.com http://www.sddt.com Source Code: 20071004crc

Midway Museum brings history to life

Thursday, October 4, 2007

After serving eight U.S. presidents over 47 years, the USS Midway was decommissioned in 1992 in San Diego. She was then towed to the Navy's mothball fleet in Bremerton, Wash. Within months, a community groundswell of support for Midway as a San Diego museum began to develop.

It ultimately took 12 years of volunteer effort to sail the gauntlet of regulatory reviews and permits by a nonprofit organization completely funded by private donations. But in December 2003, Midway returned to San Diego and two days short of six months later in June 2004 she embarked on her final deployment as an aircraft carrier museum.

In its first year of operation, the museum doubled attendance projections by welcoming 879,281 guests aboard. More than 10,000 individuals and families enrolled as annual members and more than 500 signed up as volunteers. Midway shattered every grand opening record for a historic ship museum.

The San Diego Aircraft Carrier Museum aboard the USS Midway is a popular venue for special events, in the heart of San Diego Bay. Photo courtesy: Midway Museum

The museum also has gained national recognition. Only a year after opening, it was named Special Event Site of the Year in a national poll of meeting planners. Five or six evening events are held aboard Midway every week. Midway now books events three years in advance.

In addition, the museum's education and youth sleepover programs have proven to be enormously successful and are expanding rapidly.

At the same time, the museum is in the midst of a master 10-year buildout program, adding restored spaces and aircraft to the public tour every few months.

47-year odyssey of service to country

"Midway Magic" was a term known throughout the Navy as the USS Midway steamed through a 47-year career of service to country -- the longest serving carrier in the history of the U.S. Navy. Time and again, Midway remained on station when other carriers broke down and headed for port. It was almost magical how the crew and carrier responded to every call, both military and humanitarian.

The USS Midway set new standards of naval aviation in the latter half of the 20th century.

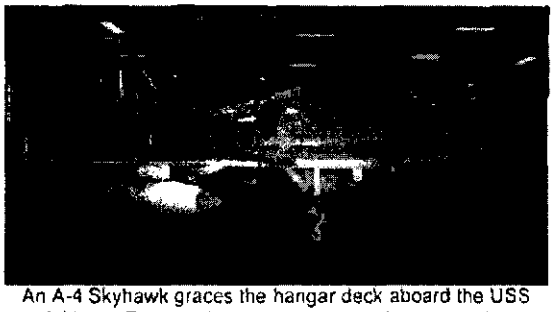
A captured German V-2 rocket was launched off the USS Midway in September 1947, the dawn of naval missile warfare. The USS Midway blazed new trails of sub-Arctic air operations off the coast of Greenland. It was the first carrier homeported in a foreign country, calling Yokosuka, Japan, home for 18 years.

When others came home, the USS Midway remained at the "tip of the sword" on an odyssey shared by 225,000 Americans that spanned the end of WWII, the Cold War, Vietnam, the era of détente and Desert Storm.

No other carrier carries such a proud tradition of diligence, vigilance and mission completion.

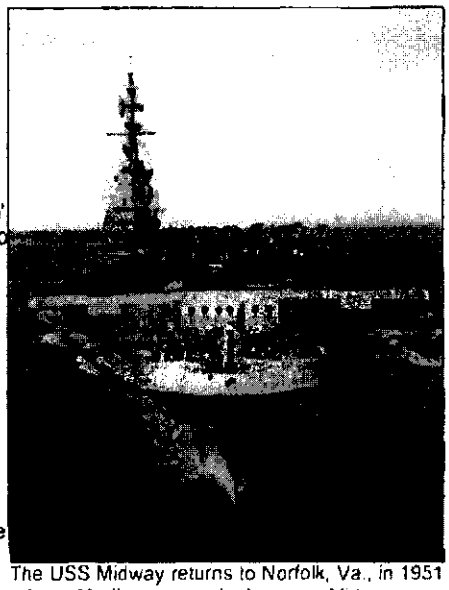
Midway's air wing

Every few months, restored vintage aircraft are added to Midway's onboard inventory, the result of hard work by hundreds of volunteers. From a Korean War-vintage F9F Panther to the powerful F-14 Tomcat of Desert Storm, museum visitors stroll through aviation history. They can even climb into authentic aircraft cockpits and walk through restored helicopters.



An A-4 Skyhawk graces the hangar deck aboard the USS Midway. The naval aviation museum showcases the Midway's unique history

The museum' restoratio facility is located on Naval Air Station North Island. The staff is comprise of volunteers and a small number of San Diego Aircraft Carrier Museum paid employees, many of whom were involved in aviation maintenance when they were on active duty with the U.S. Navy and other services. Some served in USS Midway or embarked units. We also have volunteers aboard the Midway to maintain the aircraft and equipment in exhibit quality condition.



The USS Midway returns to Norfolk, Va., in 1951 after a Mediterranean deployment. Midway was the most sophisticated and powerful ship in the world at the time, with a crew of more than 4,500.

USS MIDWAY FACTS & FIGURES

Dimensions:

¥ 1,001 feet long, 258 feet wide

¥ 45,000 tons displacement at commissioning in 1945

¥ 74,000 tons at decommissioning in 1992

Power plant:

¥ Conventionally powered, producing 212,000 horsepower by 12 boilers

¥ Enough electrical power generated to support a city of 1 million residents

¥ Each of four 18-foot propellers weighed 22 tons; maximum speed was 33 knots

¥ Fuel capacity: 3.4 million gallons (ship and aviation)

¥ Fuel economy: 100,000 gallons per day/260 gallons to the mile

A city at sea:

¥ Crew: 4,500

¥ Monthly payroll: $1.2 million

¥ Telephones: 1,500

¥ Compartments: 2,000

¥ Electric motors: more than 2,000

¥ Miles of piping: 200

¥ Miles of copper conductor: 3,000

¥ Miles of fire hose: 4.5

¥ Fresh water produced: 240,000 gallons daily

Daily food requirements:

¥ Meals served: 13,000

¥ Bread: 1,000 loaves

¥ Pies, for one serving each: 650

¥ Beef, for one large serving each: 4,250 lbs.

¥ Vegetables: 5,000 lbs.

¥ Meat: 4,500 lbs.

¥ Dry provisions: 20,000 lbs.

¥ Potatoes: 3,000 lbs.

MiamiHerald.com

Posted on Mon, Jun. 18, 2007

San Diego's Midway offers voyage of history and thrill rides

BY JEANNE COOPER

Talk about a time warp: To relive a scene from *Top Gun* -- more like *Upside-Down Gun* in my case -- three minutes aboard the USS Midway is way too long. But to explore real life aboard the mammoth aircraft carrier-turned-museum, three hours is far too short.

Both, however, offered insight into time spent -- during war and peace -- aboard the veteran warship that in 2004 was frozen in time as the San Diego Aircraft Carrier Museum. It has been a huge hit with the public, offering audio-guided tours, restored quarters, light dining far from the mess hall, exhibits that run from informational to emotional and, of course, the chance to play Tom Cruise in three aircraft simulators on the hangar deck.

The well-crafted audio tour of the Navy's longest-serving carrier winds through the 1,001-foot-long vessel, takes about 3½ hours and covers the tales of sacrifice, achievement and ingenuity -- "Midway Magic," as sailors called it -- during its 47 years of service, from just after World War II through combat in Vietnam and the first Gulf War. And its displays are continuing to expand.

Starting last month, the museum is revealing the admiral's quarters, conference room, war room and the combat information center, found in a deck between the hangar deck, where tours begin, and the flight deck, which seems to stretch all the way to Coronado. Also new to visitors: the captain's in-port cabin, the ship's communications center and the brig on the second deck.

"From an ex-sailor's perspective, the brig doesn't look any different from anywhere else on the ship, but it's a room you can't get out of," said Jim King, who served aboard the USS Constellation and now operates the

20

Desert Storm mission simulator aboard the Midway.

There is one other difference, King added: a sign outside the brig's cells that says "bread and water" and lists a date.

"That was the ultimate punishment -- confinement for up to three days with only bread and water. The skipper can put you on it for as long as he wants, for three days on, one day off," King said.

Even when not compared to the brig, the admiral's and captain's lodgings look pretty plush to this former sailor. "Good thing I didn't see those when I was active duty," King said. ``They give new credence to the word mutiny."

Homeported in Alameda from 1958 to 1973, the Midway housed more than 4,500 men at its peak capacity. Most enlisted personnel slept in narrow, triple-tiered bunks, with 6 cubic feet of storage under their mattress and another 3 cubic feet in a nearby locker.

The most intriguing displays and audio comments involve what such close living entailed.

"Never, ever sleep facing another man. If he's just come back from liberty, his beer breath can kill you," reads one sign, quoting a sailor in 1960.

Navigating the dozens of "kneeknocker" doorsills along the tour, I also learned how to take a Navy shower: Push a button on the shower-head nozzle to get wet, soap up without water, push the nozzle to rinse. The Midway could produce 240,000 gallons of fresh water daily, but it wasn't to keep its sailors squeaky clean. In fact, they swore their ablutions had a whiff of jet fuel to them, due to the fuel lines running through the showers.

The mess deck is a lot less fancy than the dining rooms on the cruise ships next door at the Port of San Diego, but their galleys have scope in common. The Midway served 13,000 meals a day, typically consuming 5,000 pounds of vegetables, 4,500 pounds of meat, 1,000 loaves of bread and 650 pies (no seconds on dessert).

All this talk of food might make you want to stop at the open-air Fantail Cafe before heading up to the flight deck. High above the harbor walkway, the cafe has such a great view of downtown San Diego that you feel like

you're in downtown.

The flight deck's air wing -- about two dozen planes and helicopters -- has also increased since the museum opened.

Among the Midway's long list of aviation successes, before its decommissioning in 1992: It was first to launch an aircraft above the Arctic Circle, first to host a jet takeoff from a carrier, first to launch a missile from a ship and first to conduct a fully automated landing. The first to launch aircraft in Desert Storm, it was also the only carrier not to lose an aircraft, according to the museum. (If you're more interested in what can go wrong, check out the "Ejection Seat Theater" videos on the hangar deck.)

My own achievements in the flight simulators were not so noteworthy. Trying to save time for the extensive audio tour I picked the shortest ride, the three-minute StrikeFighter 360, which has room for a pilot and gunner in an enclosed, movable cockpit that spins and rolls at the pilot's command (or lack thereof).

Missing a gunner, I tried desperately to keep the horizon right side up while fighter planes attacked, but I couldn't stop the cockpit from wildly careening like a ride on the other kind of midway. The best lesson from the pre-ride briefing: where to find the panic button. Ending 15 seconds short of the 180 paid for was no sacrifice for this aviator.

The most popular attractions on the flight deck during my recent visit, though, weren't made of metal but of flesh and blood. On board for a special event, uniformed Navy officers -- especially women -- kept getting asked to pose for photos in front of the aircraft, gleaming under a brilliant blue sky.

Although simulating *Top Gun* might be fun for some, the real deal is even more impressive.

IF YOU GO

• Getting there: From the airport, it's about a 10-minute cab ride to the USS Midway at Navy Pier. Amtrak's Santa Fe Depot is two blocks away. Paid parking at the pier and nearby.

22

• Where to eat: Fantail Cafe, aboard ship. Outdoor cafe serves light fare (under $10) during museum hours. On land, the nearby Gaslamp District and Seaport Village have the most options.

• What to do: San Diego Aircraft Carrier Museum, aboard the USS Midway, Navy Pier, 910 N. Harbor Drive, San Diego; 619-544-9600; www.midway.org. 10 a.m.-5 p.m. daily (closed Thanksgiving and Christmas). $15 adults; $10 seniors, students and military (with ID); $8 ages 6-17; free for ages 5 and younger and active-duty military in uniform. Includes self-guided audio tour. Flight simulators, $6-$25.

• Special museum events: Family Overnight Program. Contact Barry Holm, 619-398-8247; bholm@midway.org. July 21 and Aug. 18. Tour, dinner and breakfast, sleepover, $125; optional flight simulators $4-$5.

• Information: San Diego Convention & Visitors Bureau, www.sandiego.org.

OTHER AIRCRAFT CARRIER MUSEUMS

• USS Hornet, Alameda. www.uss-hornet.org.

• USS Lexington, Corpus Christi, Texas. ww.usslexington.com.

• USS Yorktown, Charleston, S.C. www.patriotspoint.org.

• USS Intrepid, New York City (closed until fall 2008 while under renovation in Bayonne, N.J.). www.intrepidmuseum.org.

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RECEIVED
SAN DIEGO COAST DISTRICT

January 21, 2010

Chairwoman 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 Chairwoman Neely and Commissioners:

On behalf of the San Diego Regional Chamber of Commerce, 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,

Ruben Barrales
President & CEO

RB:av

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

EXHIBIT NO. 7
APPLICATION NO.
A-6-PSD-09-43
Letters of Support
California Coastal Commission

WERTZ MCDADE WALLACE MOOT & BROWER

LAWYERS A PROFESSIONAL CORPORATION

Sandra J. Brower
Amberlynn Deaton
John P. Fiske
Richard T. Forsyth
Sarah H. Lanham
Joseph C. Lavelle
John S. Moot
Elaine A. Rogers
John H. Stephens
Bruce R. Wallace
John Ross Wertz
Pamela Lawton Wilson
Senior Counsel
J. Michael McDade
Of Counsel
Rebecca Michael
Evan S. Ravich
Administrator
Fred Mahady, Jr.

January 22, 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 the initial Chairman of the North Embarcadero Alliance, and a former Port Commissioner, 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.

The NEVP Phase 1 is the product of a community-wide and unprecedented planning process which began in 1997. The planning process brought together five governmental agencies to create a public amenity that is in San Diego, but truly is for all Californians, and will create international acclaim. Throughout the multi-year planning process, it set new standards for public outreach and community participation. When completed, it will be a civic landscape equal to Balboa Park and Mission Bay.

945 Fourth Avenue, San Diego, California 92101
Telephone 619-233-1888 • Facsimile 619-696-9476 • www.wertzmcdade.com

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.

Very truly yours,

Signature on file

J. Michael McDade

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

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Kristin Peterson
DIRECTOR OF OPERATIONS

* SDPTA Past Chairmen

SAN DIEGO PORT TENANTS ASSOCIATION

January 21, 2010

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

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 Ms. Lilly:

On behalf of the San Diego Port Tenants Association, we 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 while strengthening Downtown's connection to the Waterfront.

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 for public use will promote and support San Diego's recreational, retail, and hospitality industries. This project will be financed entirely by redevelopment dollars and Port lease revenue, and it will be delivered at no additional cost to the public. NEVP

2390 SHELTER ISLAND DRIVE, SUITE 210 • SAN DIEGO, CALIFORNIA 92106 • (619) 226-6546 • FAX (619) 226-6557 • EMAIL: sharon@sdpta.com, kristin@sdpta.com
www.sdpta.com

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,
San Diego Port Tenants Association

Signature on file

Sharon Cloward
President

CC: Chair Bonnie Neely and Commissioners, California Coastal Commission

HOSTELLING INTERNATIONAL USA
SAN DIEGO COUNCIL
739 Fourth Avenue Ste 203 San Diego CA 92101 T 619.338.9981 F 619.525.1533 www.sandiegohostels.org

January 19, 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:

Growing up in San Diego, I remember the area near Broadway and Harbor to be a place to avoid. A location filled with bars and tattoo parlors, the only visitors to that location were the sailors on leave. Today, I can see the beginnings of a vibrant neighborhood, where tourists and residents would feel comfortable frequenting. With the NEVP, the place would not only become safer and more-tourist friendly, but could be the next hot spot location for the City of San Diego, one that can rival the Gaslamp Quarter.

On behalf of Hostelling International in San Diego, 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.

As a potential tenant of the Port of San Diego, we are excited by the prospect of the public having unprecedented free coastal access to San Diego's working waterfront. We know hostel guests would appreciate the garden and walking, jogging, and bike paths.

As an organization that is committed to environmental sustainability, we applaud the plans proposal for improving storm water capture and treatment and eliminating or reducing roadway contaminants along North Harbor Drive.

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.

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,

Sue Schaffner, Executive Director
Hostelling International USA, San Diego Council

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

January 18, 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:

Please excuse this form letter, but as a board member of Hostelling International in San Diego, 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.

I have seen the plans and am excited that the ugly parking lot and the area will be converted to a beautiful and pedestrian friendly promenade.

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,

Signature on file

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

2400 Fifth Avenue, Suite #101
San Diego, CA 92101
TEL. : (619) 237-1214
CELL: (619) 313-3447
pechil@sbcglobal.net

IRVINE COMPANY Since 1864 | OFFICE PROPERTIES

January 18, 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 Irvine Company, 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.

Signature on file

Thomas F. Sullivan
Vice President, Irvine Company

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

Receive
JAN 25 2010
California
San

600 West Broadway Suite 300, San Diego, CA 92101 619.615.8000

January 18, 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 Hostelling International in San Diego, 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.

I believe the Lane Field Development Project and the proposed new Hostelling International hostel are a positive part of the Port Tidelands future development.

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,

Lynda Sterns
Organizational & Management Services
lsterns@aol.com

Michael Sterns
michaelasterns@aol.com

LANE FIELD SAN DIEGO DEVELOPERS, LLC
655 West Broadway, Suite 1450
San Diego, CA 92101
(619) 702-5655

RECEIVED
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

January 18, 2010

Chair Bonnie Neely & 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:

We are writing on behalf of Lane Field San Diego Developers, LLC, to suggest to your Commission that despite your earlier finding of Substantial Issue regarding the subject Appeal, issuance a Coastal Development Permit for the North Embarcadero Visionary Plan (NEVP) Phase 1 Coastal Access Features project is warranted. Your Commission's approval is a critical step toward the transformation of San Diego's waterfront into a world-class public space.

By the time you vote at the De Novo hearing on this Appeal, you will have heard testimony about how the NEVP creates unprecedented free coastal access to San Diego's waterfront and adds heretofore non-existent amenities including a public plaza at the foot of Broadway, publically accessible gardens, public restrooms, and walking, jogging, and bicycling paths. These amenities will provide a world-class experience for visitors to the San Diego bayfront.

We understand that a significant portion of the subject Appeal deals with an alleged oval shaped public park at the foot of Broadway in San Diego and that such a park was shown in the Port Master Plan (PMP) as a result of an incorrect drawing being attached to the PMP by the Port at the time the PMP was approved by the Coastal Commission.

We hasten to point out that, had the Oval Park concept ever been endorsed by the Commission (which we believe is not the case), your Commission has since invalidated that concept by your action on January 8, 2009 wherein you issued a Coastal Development Permit for Lane Field. Our project is a part of the NEVP and is subject to the NEVP Uniform Control Plan which contains a public space design significantly different from the Oval Park concept. Beyond that, for the Park to be built as shown on the PMP drawing, it would have induced a land mass into San Diego Bay and would also have encroached on property owned by the Federal Government on the south side of Broadway. Clearly, this was not the Commission's intent at the time the PMP was approved.

The existing topography of both Broadway (from approximately 75' west of Pacific Highway to North Harbor Drive) and of North Harbor Drive from Broadway to B Street has created a condition where today, the "first flush" of any major stormwater event drains to the west, over the bulkhead and directly into San Diego Bay. Both the NEVP and our Lane Field project are designed to mitigate this condition. Lane Field is designed as a zero runoff site. The NEVP design includes provisions to capture and treat the first-flush of stormwater through a landscaped water quality system in the esplanade. Roadway contaminants along North Harbor Drive which today would have been discharged directly into San Diego Bay will be reduced or eliminated.

Phase 1 of the NEVP is an important catalyst for economic growth along San Diego's bayfront. Absent this project going forward, previously approved projects such as Lane Field will require significant redesign to accommodate current stormwater accumulation levels and drainage patterns, all of which will lead to continued pollution of San Diego Bay. Not only will the NEVP provide a beautiful and accessible waterfront, it will promote and support San Diego's recreational, retail, and hospitality industries while enhancing public access to the bayfront. The NEVP improvements will be financed by redevelopment dollars and Port lease revenue; the project will be delivered and maintained at no additional cost to the public.

We respectfully request that the California Coastal Commission support this important Public Improvement Project and allow it to move forward by denying the Appeal before you and issuing a Coastal Development Permit.

Very truly yours,

LANE FIELD SAN DIEGO DEVELOPERS, LLC

Signature on file

Jerome M. Trammer
Project Executive

cc: Craig W. Clark
Samuel A. Hardage
Robert V. Lankford
Shaun D. Sumner
Gary Bosse
Dist List C

CALIFORNIA COASTAL COMMISSION ROSTER

COMMISSIONER	CONTACT INFORMATION
Steve Blank	4100 Cabrillo Hwy (Hwy 1) Pescadero, CA 94060 (415) 999-9924
Steven Kram	45 Fremont Street, Suite 2000 San Francisco, CA 94105 (415) 904-5200
Sara Wan	22350 Carbon Mesa Road Malibu, CA 90265 (415) 904-5200
Mary K. Shallenberger	45 Fremont St., Suite 2000 San Francisco, CA 94105 (415) 904-5200
Dr. William A. Burke	45 Fremont St., Suite 2000 San Francisco, CA 94105 (415) 904-5200
Patrick Kruer	The Monarch Group 7727 Herschel Ave. La Jolla, CA 92037 (858) 551-4390 pkruer@monarchgroup.com
Bonnie Neely, **Chair**	Board of Supervisors 825 Fifth Street, Room 111 Eureka, CA 95501 (707) 476-2394

COMMISSIONER	CONTACT INFORMATION
Khatchik Achadjian	Board of Supervisors 1055 Monterey Street, Room D-430 San Luis Obispo, CA 93408 (805) 781-4337
Ross Mirkarimi	City and County of San Francisco City Hall 1 Dr. Carlton B. Goodlett Place, Room 282 San Francisco, CA 94102 (415) 554-7630
Richard Bloom	Santa Monica City Council's Office PO Box 2200 Santa Monica, CA 90407-2200 (415) 904-5200
Mark Stone	Board of Supervisors County Government Center 701 Ocean Street, Room 500 Santa Cruz, CA 95060 (831) 454-2200
Esther Sanchez	Oceanside City Council City of Oceanside 300 North Coast Hwy Oceanside, CA 92054 (760) 435-0971

Distribution List C

NON-VOTING MEMBERS	
Michael Chrisman, Secretary (or Karen Scarborough or Brian Baird)	Resources Agency 1416 Ninth Street, Room 1311 Sacramento, CA 95814-5570
Paul Thayer / Dwight Sanders	Office of the Lieutenant Governor 701 B Street, #376 San Diego, CA 92101 (619) 525-4305
Dale E. Bonner, Secretary or James Bourgart	Business, Transportation and Housing Agency 980 9th Street, Suite 2450 Sacramento, CA 95814 (916) 323-5408

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January 15, 2010

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COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

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 USS Midway Museum, 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, a vision that Midway fully supports.

Through NEVP Phase I, the public will have unprecedented free coastal access to San Diego's working waterfront. The significant project amenities will create a pleasant experience for visitors and residents alike, while greatly improving the appeal of the bay front in San Diego.

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 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, 2040 Coastal Commission meeting.

Sincerely,

Signature on file

John P. McLaughlin
President & CEO

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

WALK SanDiego

Promoting Walkable Communities
740 13th Street Suite 220, San Diego, CA 92101

January 15, 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 WalkSanDiego, a nonprofit organization that promotes walkable communities and support efforts to maximize the available public space and minimize the necessary roadway space, I 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.

NEVP Phase 1 will greatly improve the pedestrian experience and access to San Diego's waterfront. Harbor Drive will become a more pedestrian-friendly street with comfortable walks, trees, plantings and lighting that creates a pedestrian emphasis on the waterfront. The over 100-foot wide esplanade will be a pedestrian space, with continuous paths for a walking, running or bicycling, as well as spaces for sitting, special events, eating, reading, socializing, accessing water vessels, or just contemplating.

Significant project amenities will include an unobstructed multi-purpose waterfront promenade over 30-feet wide, an expansive public plaza at the foot of Broadway; contemplative gardens; open shade pavilions; public restrooms; an additional 10-foot recreational path, and strong pedestrian connectivity to the Sante Fe Depot and downtown. These amenities will create a pleasant experience for visitors and residents alike.

Harbor Drive is relocated away from the waterfront and all pedestrian crossings are enhanced with wide textured crosswalks and audible count-down pedestrian signals. Signage will help guide pedestrians through the area. Storm water capture and treatment will be significantly improved through a landscaped water quality system.

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

Kenneth Grimes
Executive Director

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

THE VOICE OF DOWNTOWN

RECEIVED
CALIFORNIA COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

January 15, 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 Downtown San Diego Partnership, 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,

Signature on file

Shirley Horton
President

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

401 B Street, Suite 100 • San Diego, CA 92101 • Phone (619) 234-0201 • Fax: (619) 234-3444 • www.dtsd.org

Tiffany Olson
1961 Pentuckett Ave.
San Diego, CA 92104

January 15, 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 Hostelling International in San Diego, 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. 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 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,

Signature on file

Tiffany Olson

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

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January 14, 2010

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

Dear Chair Neely,

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

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.

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COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

January 14, 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 Star & Crescent Boat Co., dba San Diego Harbor Excursion, 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, residents, and tenants alike. Tenants will have the opportunity to grow and expand their businesses resulting in increased tax revenue to the City, County, and CCDC, and increased rents to the Port.

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.

PO Box 120751, San Diego CA 92112-0751
Phone [619] 234-4111 • Fax [619] 522-6150
Toll Free 1[800] 442-7847

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

Brad Engel
Director of Business Development
San Diego Harbor Excursion
1050 N. Harbor Dr.
San Diego, CA 92101
(619) 522-6183

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

January 12, 2010

San Diego
CONVENTION & VISITORS BUREAU

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 San Diego Convention & Visitors Bureau, 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,

Signature on file

Joe Terzi
President & CEO

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

DATE

January 12, 2010

CITYMARK DEVELOPMENT

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 CityMark Development, 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.

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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.

Signature on file

Richard Gustafson, President
CityMark Development

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

PHONE 619 231 1161
FACSIMILE 619 235 4691
ADDRESS 701 B Street, Suite 1140, San Diego CA 92101
WEBSITE www.citymark.com

Received
JAN 25 2010
California Coastal Commission
San Diego Coast District

100 YEARS OF HOSTELLING WORLDWIDE
2009
75 YEARS OF AMERICAN YOUTH HOSTELS

January 12, 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 Hostelling International in San Diego, 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.

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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*

Jan & Larry Sorge, Merced Home Hostel, Hostelling International

Received
JAN 25 2010
California Coastal Commission
San Diego

RECEIVED

January 12, 2010

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

RECEIVED
JAN 2 0 2010

CALIFORNIA
COASTAL COMMISSION

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 Maritime Museum of San Diego, 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.

As a stakeholder and a participant in the North Embarcadero Visionary Plan process from its very inception, I have been present at each phase of the concept as the plan has evolved. After reviewing the project Phase I plan as it appears presently, it is clear that while the most recent design does vary from past versions in some details, these changes seem consistent with the original aesthetic and in keeping with the objective of the process to produce an attractive and effective urban space that provides public access, represents appropriate scale and openness, makes affective use of a waterfront setting, and reflects best practices in design for stewardship of the environment. From the standpoint of our own mission as a Maritime Museum, the site maintains and supports the historic use of this waterfront location for continuing maritime passenger operations, which in turn themselves provide public access to San Diego Bay and the Pacific. In no category of public use can I discern any degradation in this design by comparison with its earlier iterations.

I am concerned that should deliberation and delay continue indefinitely a design process that has already consumed many years, the ongoing accumulation of public expense may ultimately render any improvement to our waterfront infeasible, or worse, result many years hence in a different kind of waterfront for San Diego – one where the Bay is nothing more than a static and sterile water feature, reposing solely for the benefit of those wealthy enough to live or vacation next to it.

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.

Sincer
Signature on file

Raymond Ashley, PhD
President/CEO, maritime Museum of San Diego

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

URBAN
HOUSING PARTNERS, INC.

January 12, 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 Downtown San Diego Residents, 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.

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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, *Signature on file*

Sherman D. Harmer, Jr.
URBAN HOUSING PARTNERS
President

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

URBAN HOUSING PARTNERS, INC
620 First Avenue
San Diego, CA 92101
619-325-0444

ACCESS
to independence

January 12, 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 Access to Independence, 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,

Signature on file

Louis Frick
Executive Director

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

8885 Rio San Diego Dr., Suite 131 • San Diego, CA 92108 • Tel (619) 293-3500 • TTY (619) 293-7757 • Fax (619) 704-2054 • accesstoindependence.org

January 12, 2010

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

JAN 15 2010

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 the former President of Centre City Development Corporation and my integral involvement in the conceptualization and a 5 year public process of adopting the comprehensive North Embarcadero Visionary Plan (NEVP) between 4 public agencies, I strongly urge the California Coastal Commission to issue a Coastal Development Permit (CDP)) for the 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 which will change its character from that of a "1-mile long parking lot" for commercial purposes into a pedestrian friendly "front porch" for our city, facilitating greater public access and enjoyment. As is always the case in large scale master plans, the public process represented numerous competing needs and demands in its journey to find the balanced approach that is embodied in its final plan that has been adopted. By approving this CDP, the public will finally realize its long sought dream of embracing our waterfront as treasured public asset similar to the great visions that resulted in the great regional assets done over the past century such as Balboa Park and Mission Bay Park.

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.

I 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. Feel free to contact me, if I can provide you with any additional information.

Thank you for your time and consideration.

Sincerely,

Signature on file

Peter J. Hall
(619) 857-3793

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

RECEIVED
SAN DIEGO COAST DISTRICT

January 12, 2010

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

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 Cityof San Diego Mayors Committee for Persons with Disabilities, 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.

I use a wheelchair for mobility and 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 for all persons, 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 for persons traveling here from all over our world.. 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*

Christopher L Schaefer

City of San Diego Mayors Committee for Persons with Disabilities
CC: Diana Lilly, Coastal Planner, San Diego Coast District

(619) 228-9691

January 12, 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:

I am the Chair of the Access Subcommittee of the Mayor's Committee on Disability. On behalf of the committee, 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. In response to advocacy for Universal Design for the full spectrum of our diverse pedestrian community, the North Embarcadero will serve as a model for accessibility and usability.

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.

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

Sincerely,

Signature on file

Helen Elias

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

January 12, 2010

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

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 Diana Lilly, Coastal Planner:

On behalf of the Old Town Trolley and SEAL Tours of San Diego, 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.

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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,

David T...
Signature on file

General Manager
Old Town Trolley and SEAL Tours of San Diego

CC: Chair Bonnie Neely, California Coastal Commission, San Francisco

January 12, 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 Hostelling International in San Diego, 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.

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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,

LucyGrace Garceau

January 12, 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:

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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,

Christie Ritter
6574 Edmonton Ave.
San Diego, CA 92122

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

KEVIN G. KENNEDY
705 De La Toba Road
Chula Vista, CA 91911

RECEIVED
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

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 A-6-PSD-09-43)

Dear Chair Neely and Commissioners:

On behalf of Hostelling International in San Diego, 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.

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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

Kevin G. Kennedy

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

Diana Lilly

From: Daniels, Anna [adaniels@ucsd.edu]
Sent: Tuesday, January 12, 2010 8:22 AM
To: Diana Lilly; Deborah Lee; Sherilyn Sarb
Subject: NO FEBRUARY HEARING WITHOUT PORT DISCLOSURE OF NEVP REDESIGN

Dear Coastal staff,

I urge staff not commit to a Feb. hearing until you can review all the relevant documentation
-- and the vital information the Port has yet to disclose.

NEVP phase 1, as extended up West Broadway by the City, entails a huge, complex coastal zone where the City, for Carnival, is moving many chess pieces -- canceling multiple parks, trying to cancel one pier, commercialize another, add another, eliminate most existing parking, block views, downsize a coastal access road, and move bay-access vessels up-Embarcadero.

Also, if the area is bookended by terminals under federal security regulations, we all must have those regulations mapped out before anyone can assess remaining public access, or mitigation.

This remains a phantom project covering a proposed complete redesign of San Diego's public waterfront.

We need to keep pressure on the Port to deliver the missing documentation to address LCP, PMP, and Coastal Act compliance. And appropriate LCP mitigation based on CCC staff's North Embarcadero Midway model precedent.

We appreciate your service, and will continue to push for full disclosure of Port intentions.

Anna Daniels
4084 45th Street
San Diego, CA 92105
619-563-8090

EXHIBIT NO. 8
APPLICATION NO.
A-6-PSD-09-43
Letters of Opposition
California Coastal Commission

Diana Lilly

From: Scott Andrews [scott300@earthlink.net]
Sent: Tuesday, December 29, 2009 1:10 PM
To: Diana Lilly; Sherilyn Sarb; Deborah Lee
Subject: Local Coastal Program Inquiries

Dear staff,

The City of San Diego is trying to gut its LCP by refusing to release to the design studies and security documents re the total North Embarcadero redesign for a foreign firm.

Please find this letter a request the California Coastal Commission demand City agencies come clean
and produce key documents.

1) Is the N. Embarcadero currently scheduled for any Commission hearing dates?

2) Has Commission staff responded to the Port letter of November 6, 2009, wherein the Port asserts
CCC staff agrees Broadway Landing Park is excluded from the LCP Port Master Plan because
the Port chose to exclude the Park from the MEIR?

3) Under the de novo ruling, will staff require the new N. Embarcadero EIR be a valid *cumulative* EIR --
including all piers, Broadway Landing Park and Broadway Pier?

The Port EIR NOP intends to "Adjust the Port Master Plan boundary to incorporate the Navy Pier".
The Port EIR NOP proposes to cancel the public "curvilinear pier at Grape St" without any mitigation.

4) Can the Port now exclude Broadway Pier from a second North Embarcadero EIR?

5) The Port letter makes no mention of the Bermello Ajamil & Partners Port of San Diego studies,
which the Port refuses to release under Public Record Act request.

6) The 60-page Port letter has no mention of the proposed Carnival Cruise Ship Terminal
on Broadway Pier.

7) The Port letter makes no mention of new U.S. port Homeland Security regulations.

These regulations list the Port's proposed cruise ship terminal and cruise ships themselves as terrorist targets requiring the removal of public coastal access.
The Port should release these regulations and plans of their impacts to public tidelands.

8) If approved without EIR study, hearings, LCP Amendments, and mitigation under the area Midway
Museum model, these facilities will replace and eliminate PMP LCP public access

protections.

They will deny the major parks and recreation and cultural facilities downtown San Diego lacks.

If approved, these targets will gut San Diego's Local Coastal Program --
the new targets, under new post 9/11security regulations, will:
increase liability and risk to coastal visitors, *eliminate* much of existing N. Embarcadero public parking, *eliminate* low cost access in favor of high ticket customers, *eliminate* bay views on the city's front porch, and *gridlock* area traffic by downsizing Harbor Drive's coastal access artery in redesigning the waterfront as an industrialized, militarized staging area for cruise support vehicles.

We ask Coastal staff demand the Port release the applicable regulations, maps, and diagrams re required
North Embarcadero blast zones, ship and terminal security zone setbacks, no parking zones, road and cueing configurations, truck bomb barriers, power station view impediments, security fencing, guard house locations, and canceled LCP parks?

The City is using deceptive practices. The City has the above information . Knowing this, Port officials
still used the PMP figure showing the PMP-promised Broadway Landing Park and open public water frontage end to end on the North Embarcadero as late as the November 15 scoping meeting.

These documents already exist. While the public thought CCDC and the Port staffs were designing the
N. Embacadero to the standard of review, the PMP, these agencies have spent months secretly producing road and utility infrastructure diagrams for Carnival Cruise Lines facilities, while eliminating
public coastal access LCP PMP features one by one -- namely parks, parking, the children's fountain at the foot of Broadway Pier, picnic space, open public piers' plazas for bay viewing and waterside access,
and sports and recreation fields.

The public, and Commissioners and burdened Coastal staff, needs full disclosure now.

<u>Area-wide EIR study and mitigation for Port Carnival takings needs Commission intervention now, informed by the documents being withheld by City of San Diego officials.</u>

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

Diana Lilly

From: scott300@earthlink.net
Sent: Tuesday, January 12, 2010 8:30 AM
To: Diana Lilly; Sherilyn Sarb; Deborah Lee
Subject: Port document "disclosure"

Dear staff,

Where is the Port and CCDC's project?

In the Dec. 10 Port document packet ...
-- there is no mention of a new Carnival Broadway Pier, new 5-story Carnival Cruise ship terminal, new Carnival street design, or new Carnival ticket pavillions.
-- There is no proposed project disposition of 1220 Pacific Highway.
-- There are no N. Embarcadero security features required under Homeland Security -- no maps of new blast zones, bollard and fence placements, banned public parking areas.
-- There is no new truck and bus circulation map for Harbor Drive and Broadway and B Street.

Exhibit 2 (ten pages from the back) apparently claims the San Diego Unified Port District
has jurisdiction over all North Embarcadero piers except Navy Pier.

Why then is CCC staff letting the Port exclude Crescent Pier, commercialize Broadway Pier, and add Navy Pier to the PMP, while letting the Port take the critical Broadway Pier off the table re taking, impact, and mitigation discussion?

<u>It is these new projects' impacts that will determine the North Embarcadero forever.</u>

<u>Where in the de novo ruling does it say the Port keeps its militarized Carnival project secret</u>?

Diana Lilly

From: Daniels, Anna [adaniels@ucsd.edu]
Sent: Tuesday, January 12, 2010 8:22 AM
To: Diana Lilly; Deborah Lee; Sherilyn Sarb
Subject: NO FEBRUARY HEARING WITHOUT PORT DISCLOSURE OF NEVP REDESIGN

Dear Coastal staff,

I urge staff not commit to a Feb. hearing until you can review all the relevant documentation
-- and the vital information the Port has yet to disclose.

NEVP phase 1, as extended up West Broadway by the City, entails a huge, complex coastal zone where the City, for Carnival, is moving many chess pieces -- canceling multiple parks, trying to cancel one pier, commercialize another, add another, eliminate most existing parking, block views, downsize a coastal access road, and move bay-access vessels up-Embarcadero.

Also, if the area is bookended by terminals under federal security regulations, we all must have those regulations mapped out before anyone can assess remaining public access, or mitigation.

This remains a phantom project covering a proposed complete redesign of San Diego's public waterfront.

We need to keep pressure on the Port to deliver the missing documentation to address LCP, PMP, and Coastal Act compliance. And appropriate LCP mitigation based on CCC staff's North Embarcadero Midway model precedent.

We appreciate your service, and will continue to push for full disclosure of Port intentions.

Anna Daniels
4084 45th Street
San Diego, CA 92105
619-563-8090

Diana Lilly

From: scott300@earthlink.net
Sent: Sunday, January 24, 2010 7:29 PM
To: Diana Lilly; Deborah Lee; Sherilyn Sarb; Lee McEachern
Subject: Port's Helmer REFUSES NEVP fault study

----Forwarded Message-----
>From: rhodes@laplayaheritage.com
>Sent: Jan 24, 2010 10:12 PM
>To: 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
>Subject: NEVP at CCC Thursday, February 11, 2010 and ASCE Lucheon January 26 on the Coronado Fault of the RCFZ
>
>Hi All,
>
>The North Embarcadero Visionary Plan (NEVP) will be heard by the
>California Coastal Commission on Thursday Afternoon, February 11,
>2010. We are almost the last item for the day.
>
>On Tuesday, January 19, 2010 I met with John Helmer and Matt Valerio to
>confirm that the Port would confirm or deny the Coronado Fault on the
>NEVP area. Instead John Helmer felt there was no need for the
>environmental studies, and none would be done. They did contact the
>Seismic Safety Commission, but because of budget cuts the State program
>may be deleted and they may not be able to advise the Port. They will
>know in mid-February if the State Agency still exists.
>
>In addition, the American Society of Civil Engineer Luncheon on January
>26, 2010 will be a talk by Jim Gingery of Kleinfelder on the active
>Coronado Fault of the active RCFZ through the Coronado Tunnel study.
>
>Regards,
>
>Katheryn Rhodes and Conrad Hartsell, MD
>371 San Fernando Street
>San Diego, California 92106
>rhodes@laplayaheritage.com
>619-523-4350
>
>http://www.coastal.ca.gov/mtgcurr.html
>
>FEBRUARY 2010 DRAFT AGENDA
>OCEANSIDE CITY COUNCIL CHAMBERS, 300 NORTH COAST HWY., OCEANSIDE, CA
>92054 THIS HAS BEEN POSTED AT 2:15 P.M., THURSDAY, JANUARY 21, 2010.
>
>9:00 A.M. THURSDAY, FEBRUARY 11, 2010
>
>24. COASTAL PERMIT APPLICATIONS.
>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)
>
>http://www.asce-sd.org/events_detail.asp?ID=158
>
>January General Meeting Luncheon
>Tuesday, January 26, 2010
>Geotechnical and Seismic Design Aspects of the SR 75-282 Tunnel in
>Coronado, California Jim Gingery, PE, GE of Kleinfelder West, Inc., San
>Diego, California
>
>They City of Coronado is pursuing the SR 75/282 Transportation Corridor
>Project to alleviate traffic congestion from commuters traveling to and
>from Naval Air Station at North Island (NASNI). The project is
>currently in the environmental documents and preliminary engineering
>phase and eight alternatives, including six "build" alternatives, are
>under consideration. The tunnel alternatives being considered are
>cut-and-cover box tunnels and large diameter twin bore tunnels. The
>proposed alignment traverses a portion of Coronado from the west
>abutment of the San Diego-Coronado Bay Bridge, along 4th Street to the
>main entrance gate of NASNI. This presentation addresses the
>geotechnical and seismic aspects of the tunnel design. Particular
>focus is placed on evaluation of the unique fault rupture hazard posed
>by the Coronado fault, which crosses the alignment. Field and
>analytical studies were performed to characterize the fault rupture
>offset potential and the affects of the offset on the tunnel. The
>affect of seismic wave passage on the tunnel is also discussed.
>
>Speaker's Biography
>
>Jim Gingery is a principal engineer with Kleinfelder in their
>Transportation Division. A San Diego native, Mr. Gingery has also
>spent time working in northern California, New England and Australia.
>Mr. Gingery has extensive training and experience in the field of
>geotechnical earthquake engineering and is a member of the Earthquake
>Engineering Research Institute. His technical expertise includes
>soil-structure interaction, numerical modeling, and dynamic analysis.
>Mr. Gingery holds a BS in Civil Engineering from San Jose State
>University, an MS in Geotechnical Engineering from U.C. Berkeley and is
>currently pursuing a PhD in Geotechnical and Earthquake Engineering at
>the University of California, San Diego. He is a Registered Civil and
>Geotechnical Engineering in the State of California.
>
>
>PLACE: Crowne Plaza San Diego, 2270 Hotel Circle North, San Diego,
>92108. RESERVATIONS MUST be received by Friday, January 22nd, 2009,
>Noon. If you make a lunch reservation and fail to attend you will be
>invoiced. Please CANCEL your reservation(s) at least 24 hours in
>advance if you are UNABLE to attend. By Phone: 619-588-0641 E-Mail:
>sdcivil@asce-sd.org, Cathy Riley, Executive Secretary

Diana Lilly

From: Scott Andrews [scott300@earthlink.net]
Sent: Thursday, January 21, 2010 3:14 PM
To: Diana Lilly; Deborah Lee; Sherilyn Sarb; Lee McEachern
Subject: Waterfront LCP

Dear staff,

I am heartened by our meeting. It seems a very reachable goal for the Commission to intervene under de novo to save the key public element in San Diego's LCP -- Broadway Landing Park.

The Port and CCDC's design is disastrous to LCP-designated park and green space, waterfront parking,
San Diego Bay viewshed, and public park-provided recreation and culture. The public has depended
on City representation, to date, of a *public* N. Embarcadero in numerous models and publications.

The Commission should require the Port amend under an updated cumulative EIR, an EIR that
includes parks like Broadway Landing and LCP designated public piers like Crescent and Broadway.

The City (Port,CCDC) has amended over thirty times for unbalanced commercial development. Piecemeal study and development created the commercialized South Embarcadero Bay wall off.

The Commission should challenge the Broadway Pier de minimus ruling.
The Port lied in court that Broadway Landing Park is still possible if Broadway Pier is "terminalated".

The City has not acted in good faith re three new factors of significant impact:
1) The major national and cruise industry recession, Carnival's transfer out of its largest home port ship,
and Port loss of the Disney home port ship to Los Angeles.
2) The anti-public access port homeland security features that terminals and ships require. These features
are already in evidence at the B St. Teminal -- *anti-access* bollards, fences, guard house, and no parking
zones.
3) Harbor Drive traffic impacts -- significant, not minimal, impacts to coastal access roads by Broadway terminal Carnival busses and trucks are *proven* by CCDC NEVP designer Bosse's outrageous
emails -- that show he is trying to hide the Harbor Drive and Broadway intersection issue from City officials.

The Commission should demand the Port produce NEVP area-wide maps showing
1. Project design -- including Harbor Drive, remaining public parking slots, queing areas, and new proposed siting off center N. Embarcadero for any displaced harbor cruise and ferry vessels.

2. Homeland security zones, setbacks, and fence, bollard, and no parking areas.
3. The current and proposed N. Embarcadero truck route circulation map for the proposed terminal.

Carnival has their N. Embarcadero terminal. The LCP calls for extensive green grass and open space. This can happen if Carnival cement is replaced by open grass parks.

The Carnival N. Embarcadero redesign drastically reduces Coastal Act access provisions!
It would be a shame to allow one firm's new massed terminal and view blocking ships, public parking takings,
traffic gridlocking buses and trucks, and high cost ticket kiosk pavillions.
It is the proposed insider redesign, not LCP park, that cannot be mitigated.

Best,

Scott Andrews
619 221-5947

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@CBCEARTHLAW.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

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)

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

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

ATTACHMENT A

Changes to the North Embarcadero includes NBC, Lane Field North and South, Broadway Cruise Ship Terminal, B Street Cruise Ship Terminal, Old Police Headquarters, and Rocco 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 for NBC. 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.

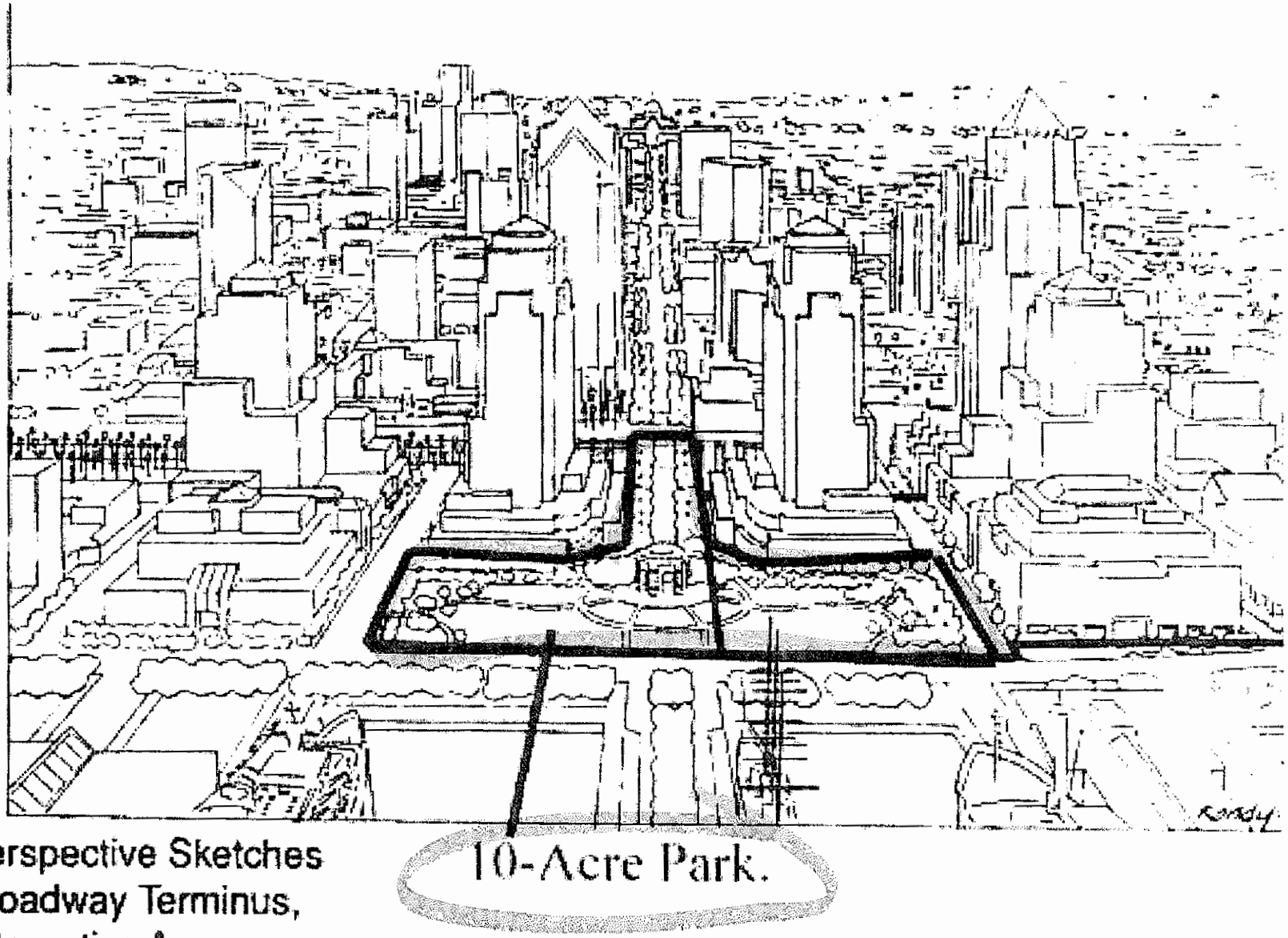
17-C

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

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

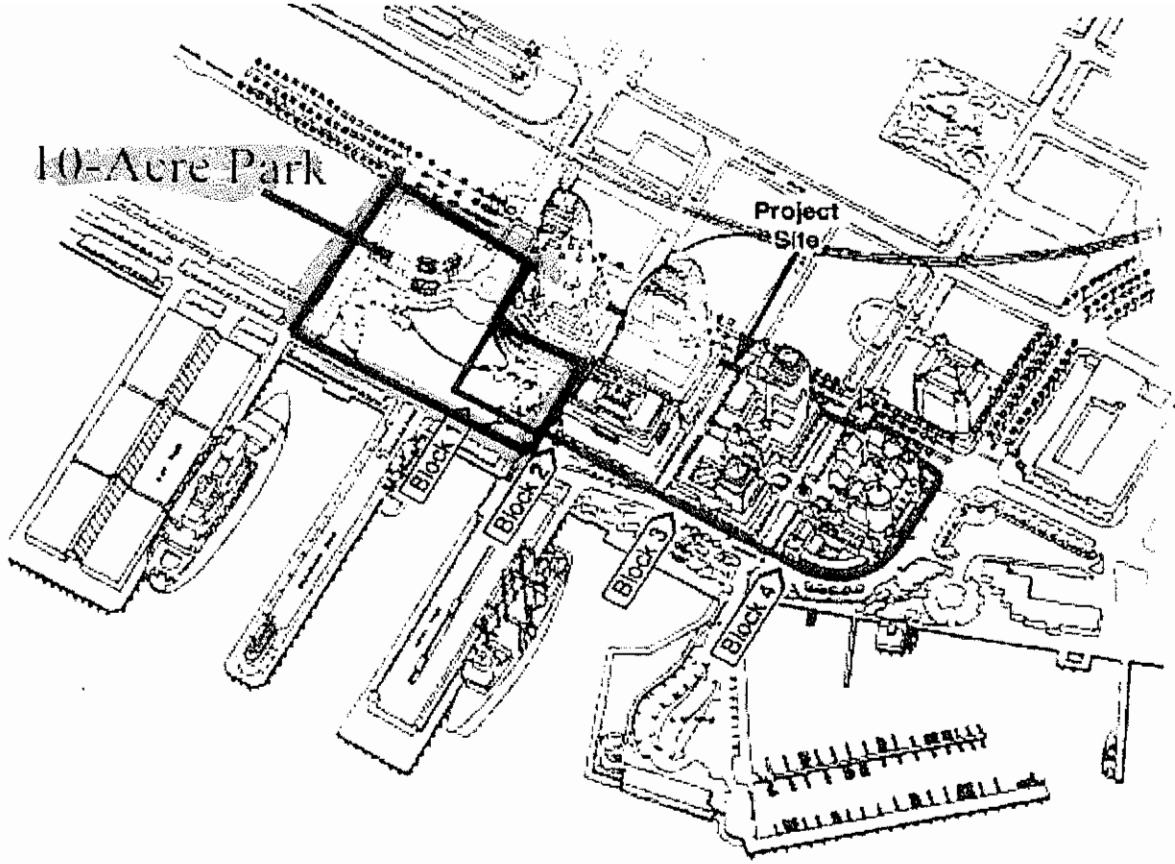
April 1990



Perspective Sketches
Broadway Terminus,
Alternative A

Navy Broadway Complex Project

Figure 1-4.



PROGRAM

Block Number	Land Use	Gross Square Footage	Parking	Max. Height (Feet)
1	Commercial Office Open Space (1.9 acres)	660,000	850 below-grade	400
2	Navy Office: - Bldg. 12 - Rear Museum	331,000 869,000 53,000	430 below-grade 600 above-grade	350
	Above-Grade Parking	300,000		
3	Hotel	745,000	750 below-grade	250
4	Hotel Retail	475,000 - 25,000	375 100 below-grade	150
Total	—	3,750,000	2,105	—

Site Density = 5.46 Gross FAR

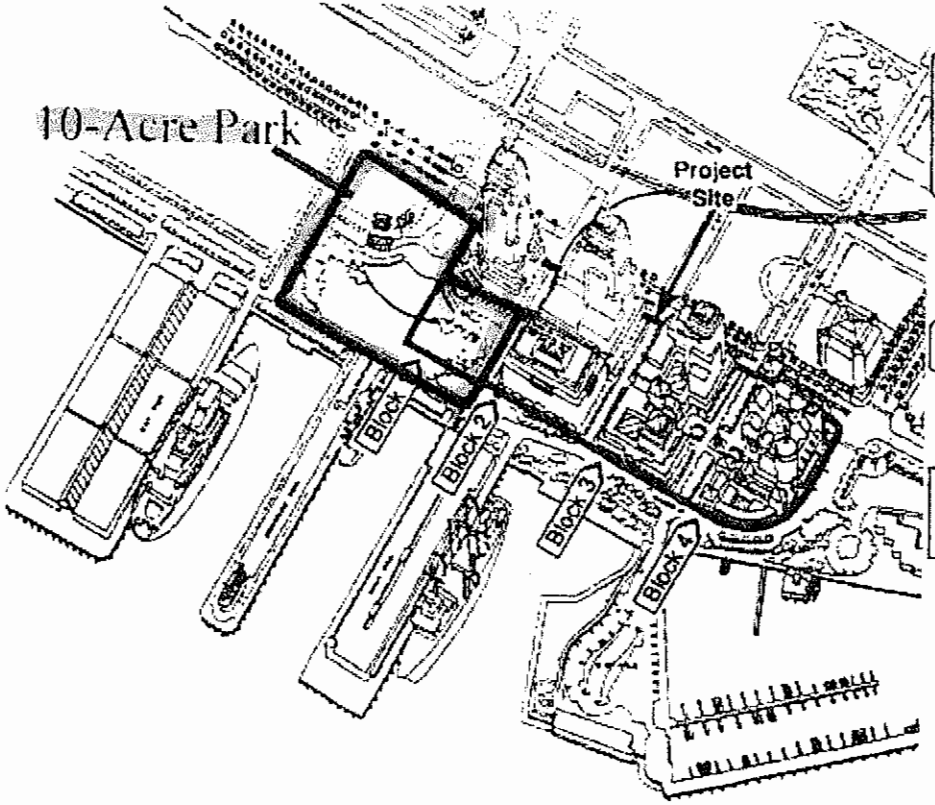
Alternative A Illustrative
Navy Broadway Complex Project

Figure 1-2.

NORTH

Figure 1-2

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.



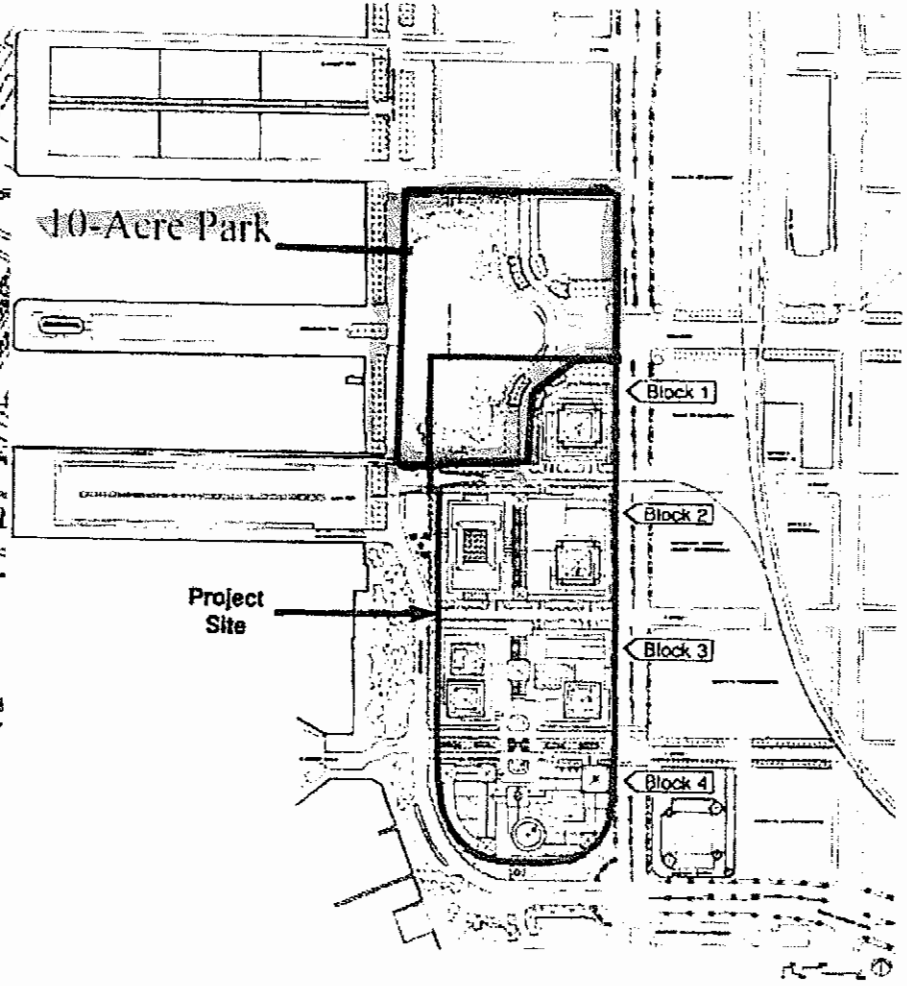
PROGRAM

Block Number	Land Use	Gross Square Footage	Parking	Max. Height (Feet)
1	Commercial Office Open Space (1.9 acres)	650,000	800 below-grade	400
2	Navy Office: - Bldg. 12 - New Museum	331,000 669,000 55,000	<30 below-grade	350
	Above-Grade Parking	300,000	800 above-grade	
3	Hotel	145,000	750 below-grade	250
4	Hotel Retail	475,000 25,000	375 100 below-grade	150
Total	—	3,250,000	3,100	—

Site Density = 5.45 Gross FAR

Alternative A
Navy Broadway Complex Project Figure 3-4

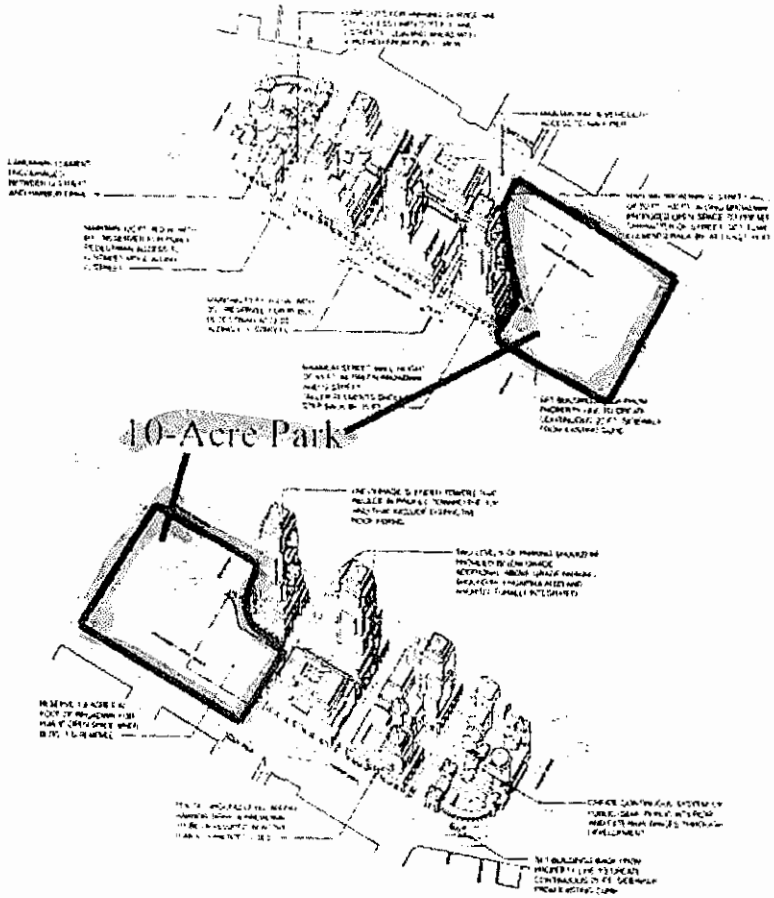
3-7



Illustrative Site Plan, Alternative A
Navy Broadway Complex Project Figure 3-5.

3-9

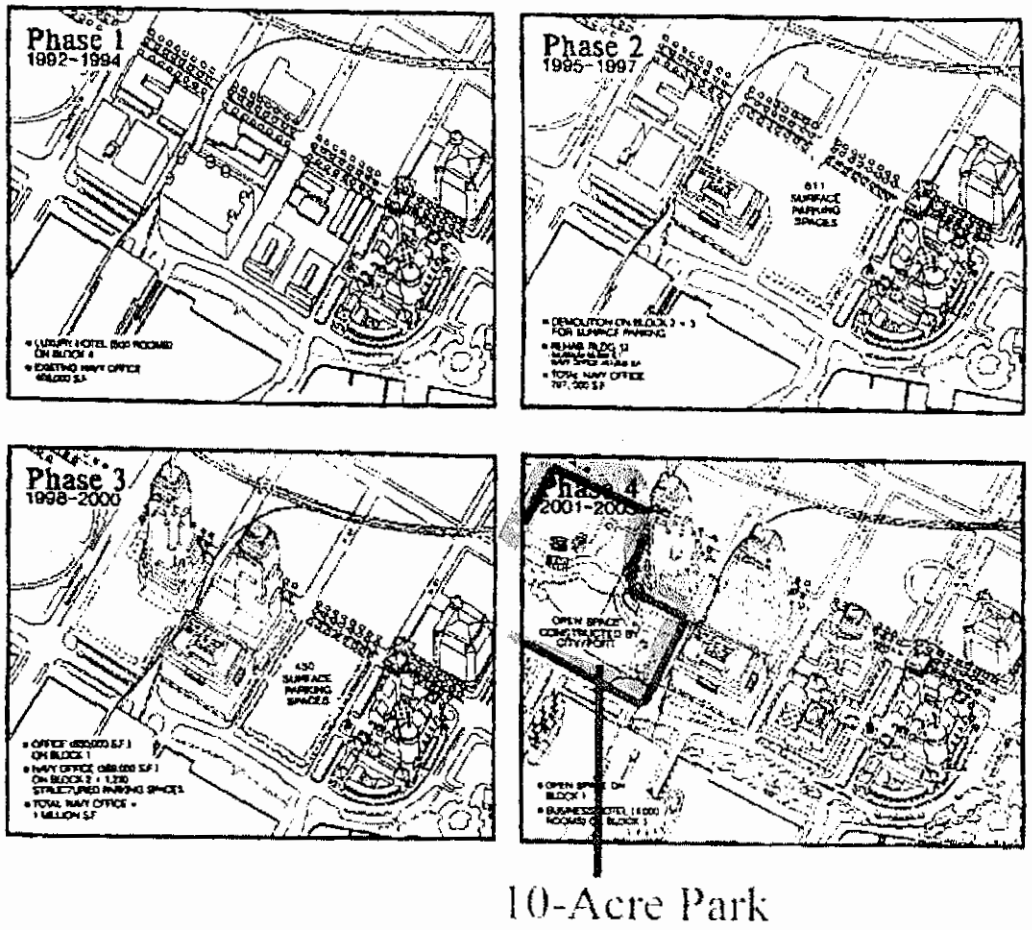
Figure 3-5



Draft Massing Guidelines
Alternative A
Navy Broadway Complex Project Figure 3-6.

3-10

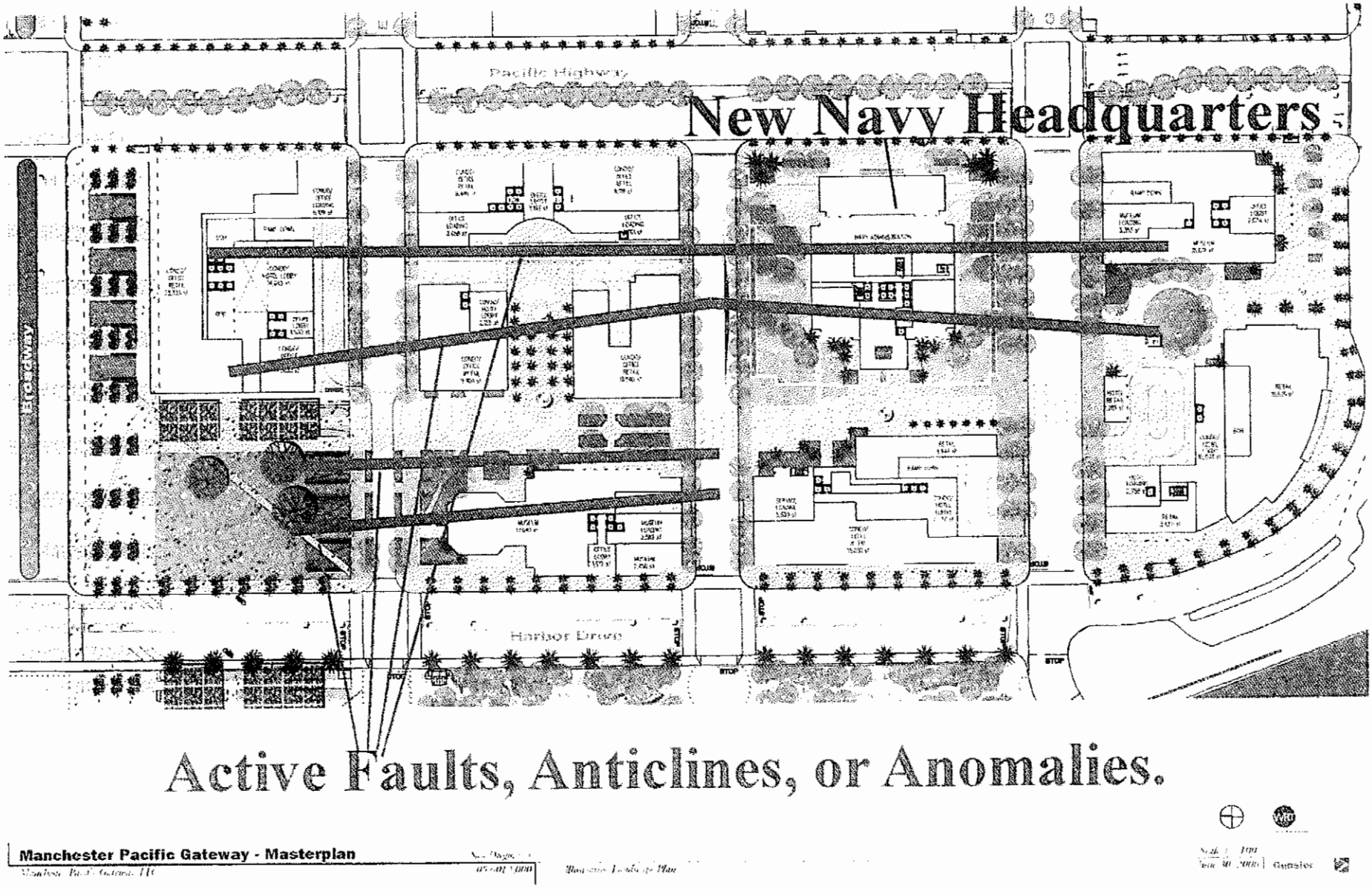
Figure 3



Possible Phasing Program
Alternative A
Navy Broadway Complex Project Figure 3-9

3-15

Figure 3-9



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

The Port's new Mitigation is the Rocco 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.

BOB FILNER
51ST DISTRICT, CALIFORNIA

VETERANS' AFFAIRS COMMITTEE
CHAIRMAN

TRANSPORTATION AND INFRASTRUCTURE
COMMITTEE
AVIATION
HIGHWAY AND TRANSIT
WATER RESOURCES AND ENVIRONMENT

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES

2428 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
TEL: (202) 225-8045
FAX: (202) 225-9073

333 F STREET, SUITE A
CHULA VISTA, CALIFORNIA 91910
TEL: (619) 422-5963
FAX: (619) 422-7290

1101 AIRPORT ROAD, SUITE D
IMPERIAL, CALIFORNIA 92251
TEL: (760) 355-8800
FAX: (760) 355-8802

website: www.house.gov/filner

August 4, 2009

The Honorable Eric Holder
Attorney General
U.S. Department of Justice
950 Pennsylvania Ave., N.W.
Room 4400
Washington, DC 20530

Dear Eric:

I am writing to bring attention to a few concerns that I and some of my constituents have regarding the Navy Broadway Complex.

It is my understanding that the Navy Broadway Complex in downtown San Diego, California should have had scientific studies completed before the high-rise structures were sited on the Port of San Diego's Master Plan. I am requesting that an investigation be conducted to uncover possible fraud as detailed in the enclosed citizen's complaint.

In accordance with Federal and State laws, it is important to the national Homeland Security of the United States' northern extension of the active Coronado and Rose Canyon Fault be delineated and confirmed, or be denied in the North Embarcadero area, specifically at the Navy Broadway Complex. The Navy's Environmental Assessment gave the wrong impression that the United States Geologic Survey (USGS) has approved the Navy Broadway Complex. My concern is that the United States Navy, CCDC and the City of San Diego have not engaged the public, nor provided them with the opportunity to review documents pertaining to the Navy Broadway Complex.

I would appreciate you looking into these concerns and provide me with a full report. In the meantime, if you have any questions, please feel free to contact me or Jessica Gomez of my staff at (619) 422-5963. I look forward to your timely response.

Sincerely,

Signature on file

BOB FILNER
Member of Congress

BF/jg
2517096
Enclosure

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BOB FILNER
51ST DISTRICT, CALIFORNIA

VETERANS' AFFAIRS COMMITTEE
CHAIRMAN

TRANSPORTATION AND INFRASTRUCTURE
COMMITTEE
AVIATION
HIGHWAY AND TRANSIT
WATER RESOURCES AND ENVIRONMENT

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES

2428 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
TEL: (202) 225-8045
FAX: (202) 225-9073

333 F STREET, SUITE A
CHULA VISTA, CALIFORNIA 91910
TEL: (619) 422-5963
FAX: (619) 422-7290

1101 AIRPORT ROAD, SUITE D
IMPERIAL, CALIFORNIA 92251
TEL: (760) 355-8860
FAX: (760) 355-8802

website: www.house.gov/filner

August 4, 2009

Stephen Cushman
Chairman
Port of San Diego
3165 Pacific Highway
San Diego, CA 92101

Dear Stephen:

I am writing to bring attention to a few concerns that I and some of my constituents have regarding the Navy Broadway Complex.

In accordance with Federal and State laws, it is important to the national Homeland Security of the United States' northern extension of the active Coronado and Rose Canyon Fault be delineated and confirmed, or be denied in the North Embarcadero area, specifically at the Navy Broadway Complex. It is the responsibility of United States Navy, Centre City Development Corporation (CCDC), and the City of San Diego to conduct a valid geotechnical fault investigation of the Navy Broadway Complex at the California Environmental Quality Act (CEQA) stage and the National Environmental Policy Act (NEPA) as there is a high likelihood that active faulting exist on the eastern portion of the project.

As mentioned in the reference report that I have enclosed, scientific studies should have been completed before the high-rise structures were sited on the Port of San Diego's Master Plan as stated in the July 2, 2009 California Coastal Commission letter for the North Embarcadero Visionary Plan Phase 1 Coastal Access Features Draft. My concern is that the United States Navy, CCDC and the City of San Diego have not engaged the public, nor provided them with the opportunity to review documents pertaining to the Navy Broadway Complex.

I would appreciate you looking into these concerns and provide me with a full report. In the meantime, if you have any questions, please feel free to contact me or Jessica Gomez of my staff at (619) 422-5963. I look forward to your timely response.

Sincerely,

Signature on file

BOB FILNER
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ATTACHMENT B

ATTACHMENT C

ADDENDUM TO THE MASTER EIR AND INITIAL STUDY

NORTH EMBARCADERO VISIONARY PLAN
BROADWAY PIER CRUISE SHIP TERMINAL AND
INFRASTRUCTURE IMPROVEMENT PROJECT

UNIFIED PORT OF SAN DIEGO

April 23, 2007

NOTE: THIS DOCUMENT CAN BE FOUND IN FULL AT THE FOLLOWING LOCATION:

http://www.portofsandiego.org/north-embarcadero/553-documents.html

ATTACHMENT D

North Embarcadero Port Master Plan Amendment
Environmental Impact Report Scoping Meeting
Thursday, October 15, 2009 (5 – 7 p.m.)

INFORMATION HANDOUT

Project Description

Welcome and thank you for attending the scoping meeting for the Environmental Impact Report (EIR) for the North Embarcadero Port Master Plan Amendment. The Port of San Diego is commencing review to address potential environmental impacts from amending components of the Port Master Plan in the North Embarcadero area. The propsoed components of the Port Master Plan Amendment include:

- Adjust the Port Master Plan boundary to incorporate the Navy Pier
- Assign land use designation(s) and future projects to the Navy Pier, including a park
- Remove reference and graphic providing a new curvilinear pier at Grape St
- Change Commercial Recreation use on B St Pier to Marine Terminal
- Incorporate the constraints of homeland security requirements on maritime facilities and public access
- Incorporate a Bayfront shuttle
- Incorporate a new youth hostel as a permitted use
- Specify excursion facility locations
- Recognize the G Street Mole park as a memorial park
- Assign development parameters and standards to 1220 Pacific Highway
- Incorporate Port Geographic Information Systems (GIS) into the delineation and area calculations throughout Planning District 3
- Incorporate other text, land use and graphic modifications as needed

The Port Master Plan is the primary planning document for the Port consistent with the Port Act and the California Coastal Act. The Port uses the Port Master Plan for assigning land and water use designations as well as stating public policies. Amendments to the Port Master Plan must be certified by the California Coastal Commission. The Port Master Plan can be viewed online at: http://www.portofsandiego.org/docman/doc_download/1112-port-master-plan.html

Meeting Purpose

The Port is inviting comments regarding the scope of environmental issues, potential mitigation measures, and potential alternatives that should be considered in the EIR in accordance with the California Environmental Quality Act (CEQA). CEQA is intended to inform governmental decision makers and the public about potential significant effects of proposed activities as well as ways to avoid those

effects. Potential environmental issues currently anticipated needing consideration include:

- Air Quality
- Geotechnical
- Land Use
- Water Quality/Hydrology
- Cumulative Impacts
- Climate Change
- Hazardous Materials
- Noise
- Traffic & Parking

Comment forms are available if you wish to submit comments this evening. Information is also provided on the comment forms as to how to submit comments after the meeting.

Future Public Input

There will be future opportunities to comment on the Draft of the Environmental Impact Report (a 45-day public review period) as well as at or prior to public hearings to consider approving the Amendment by the Board of Port Commissioners and by the California Coastal Commission.

13970

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