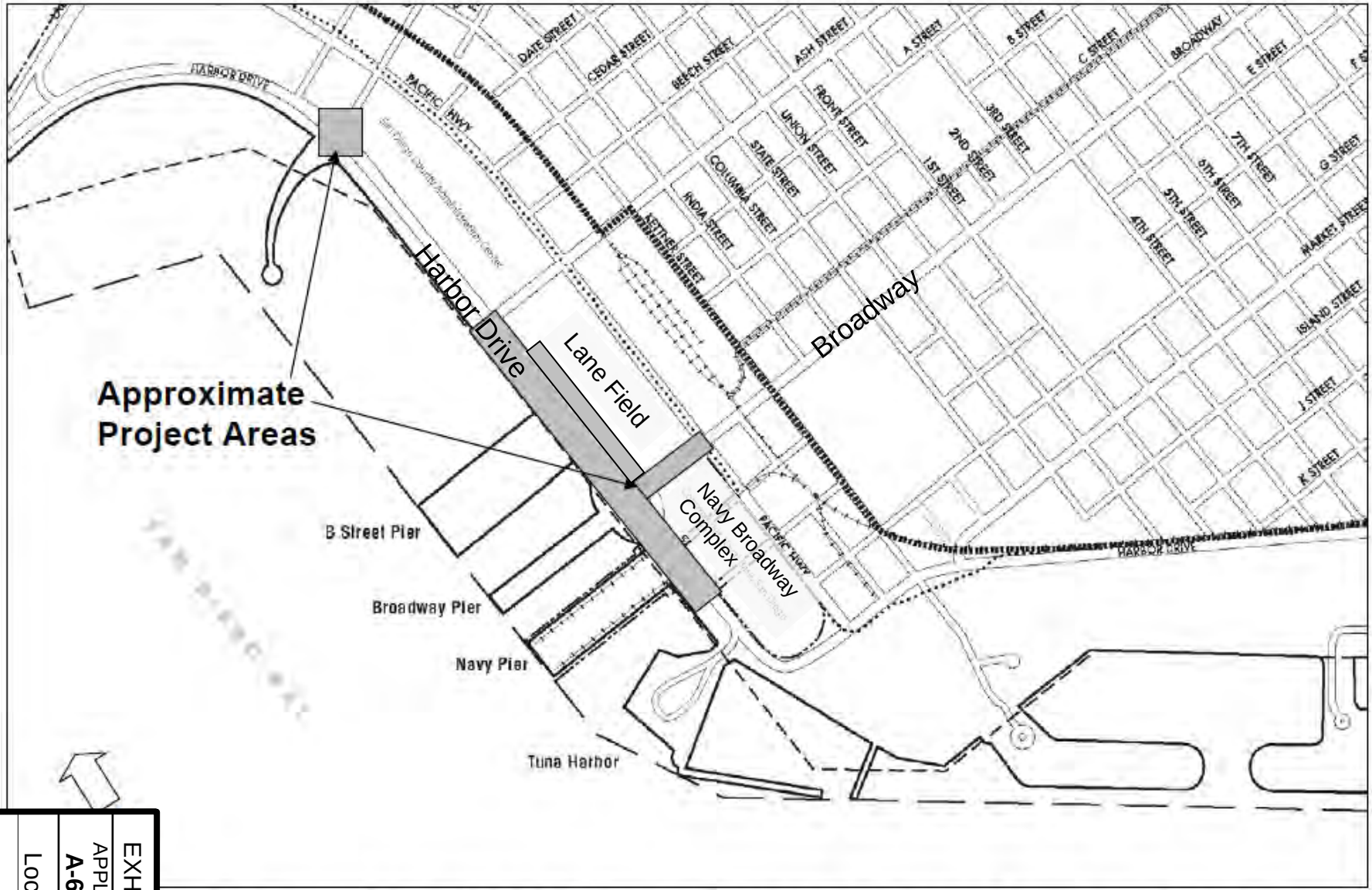
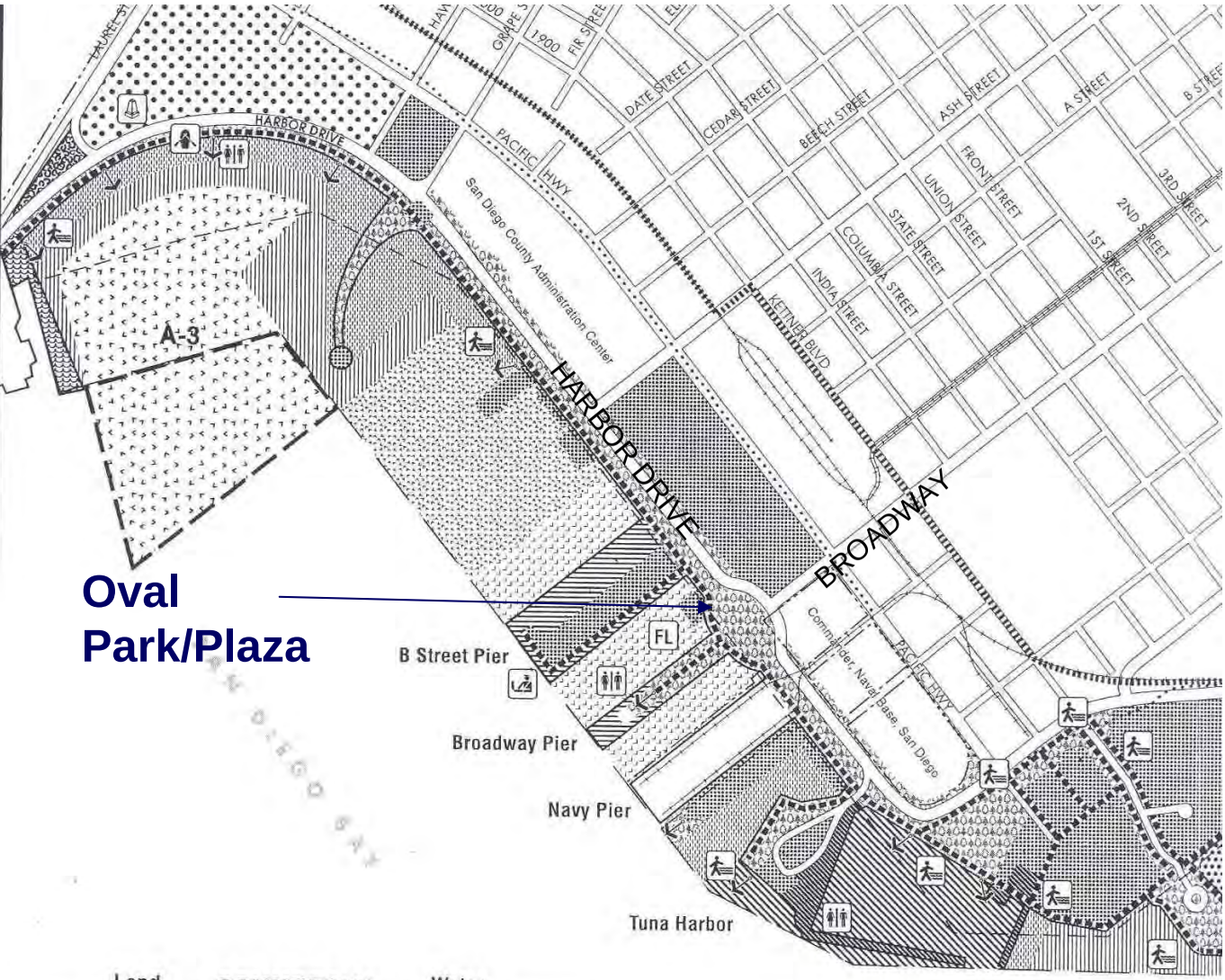


Location Map: NEVP Phase 1 Coastal Access Features Project

EXHIBIT NO. 1
APPLICATION NO.
A-6-PSD-11-6
Location Map

California Coastal Commission



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. 2
APPLICATION NO.
A-6-PSD-11-6
Land Use Map
California Coastal Commission

Certified Port Master Plan

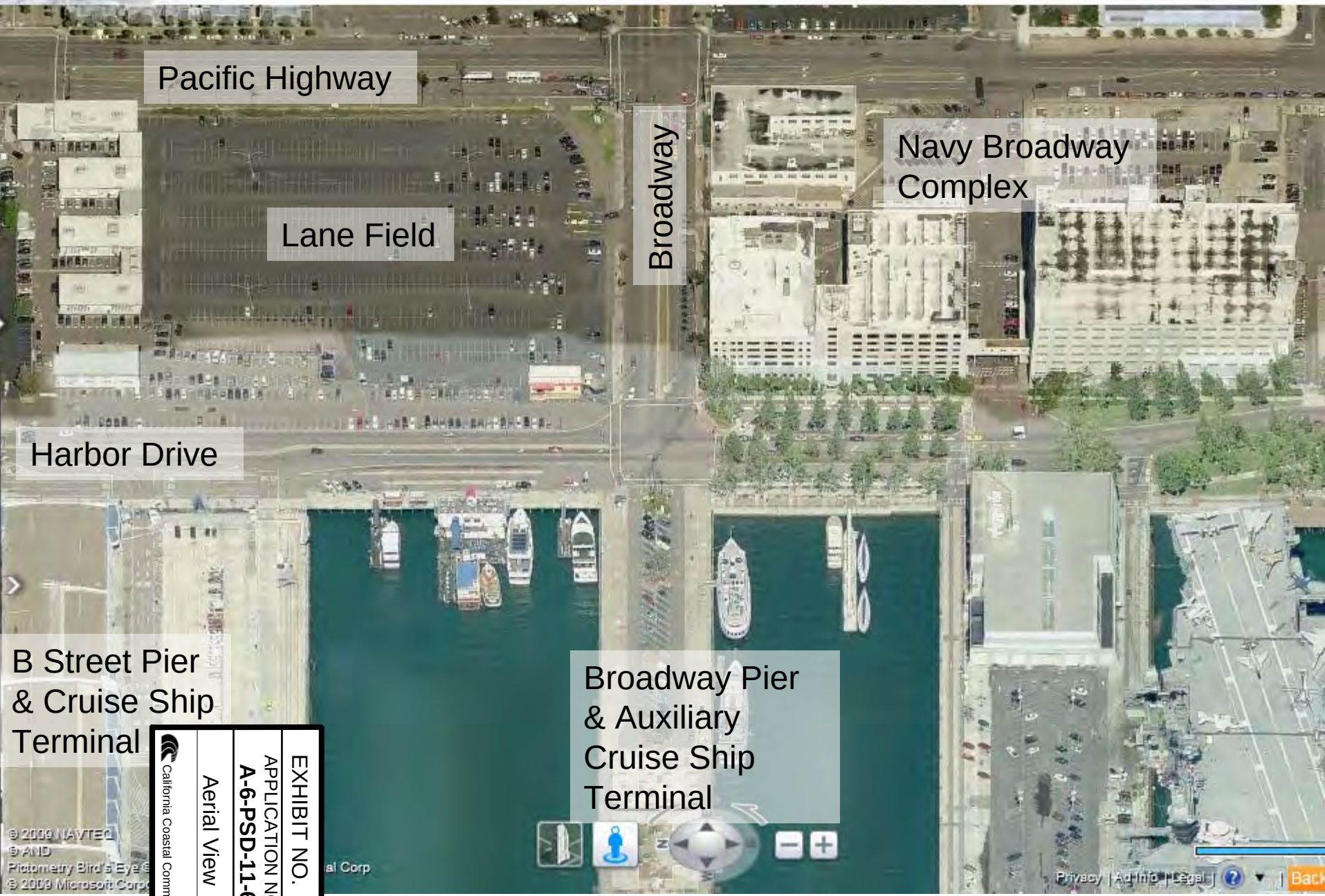


EXHIBIT NO. 3
APPLICATION NO.
A-6-PSD-11-6
Aerial View
California Coastal Commission

N

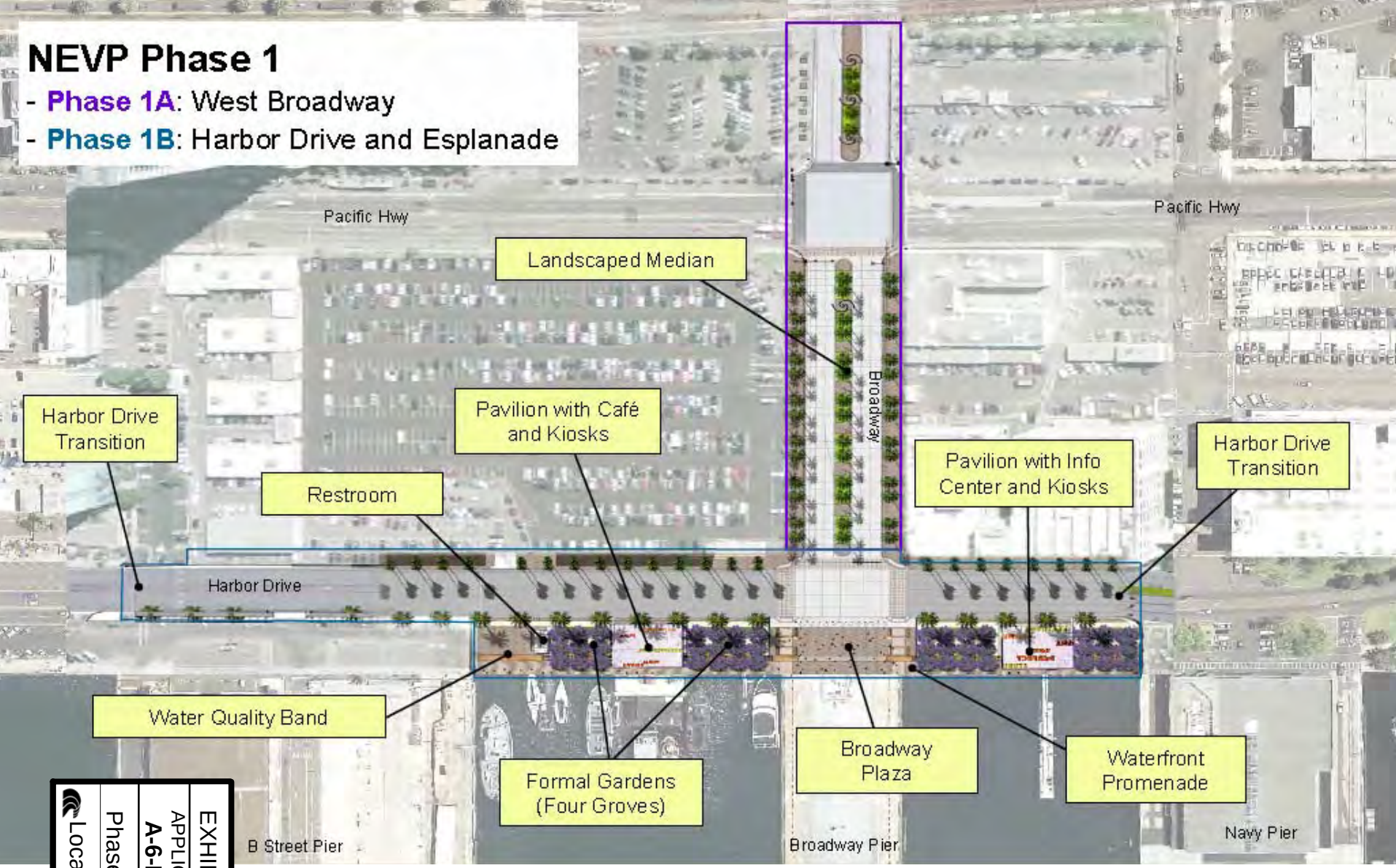


EXHIBIT NO. 4

APPLICATION NO. **A-6-PSD-11-6**

Phase 1A & 1B

Location Map

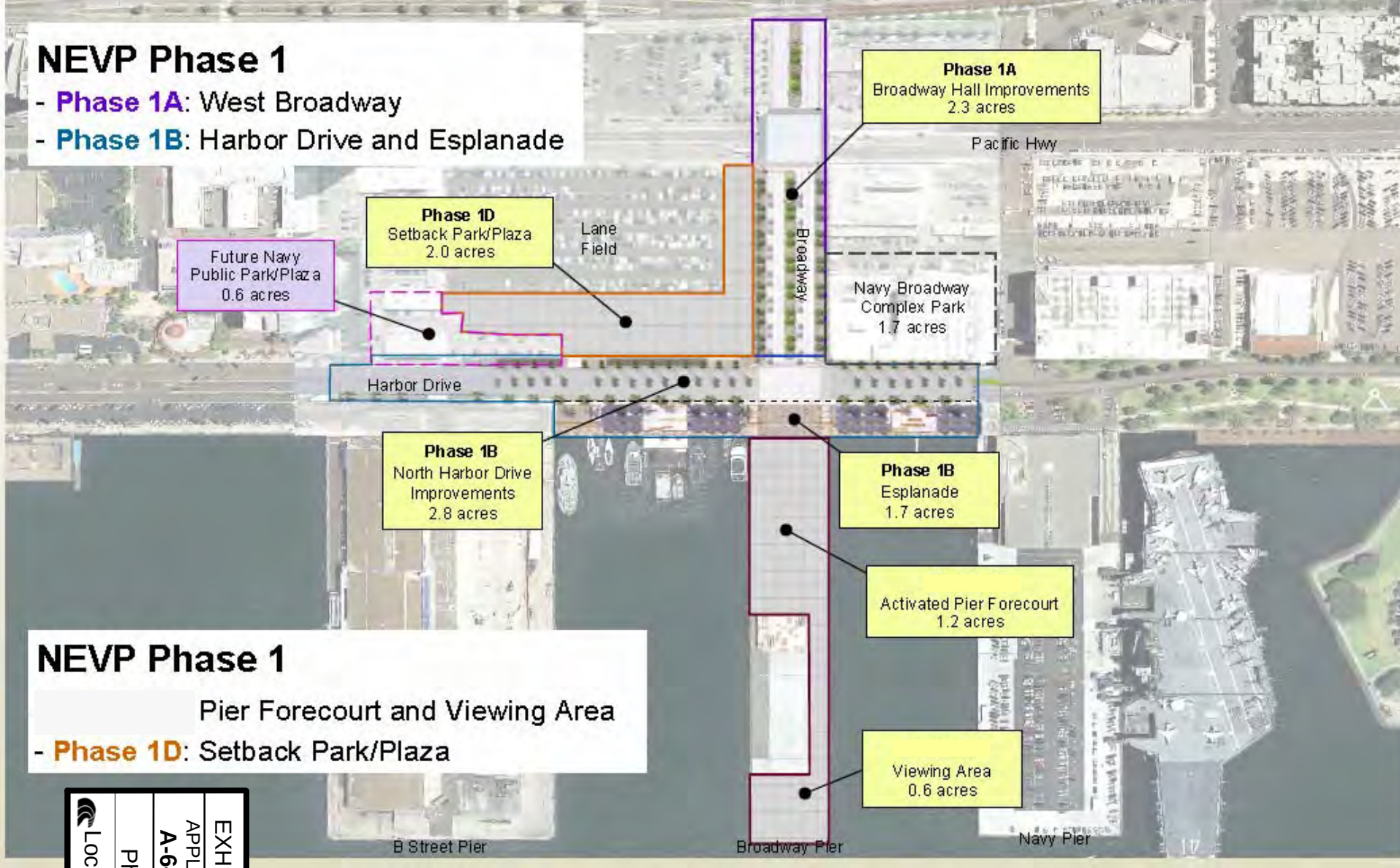


EXHIBIT NO. 5
APPLICATION NO.
A-6-PSD-11-6
Phase 1D
Location Map

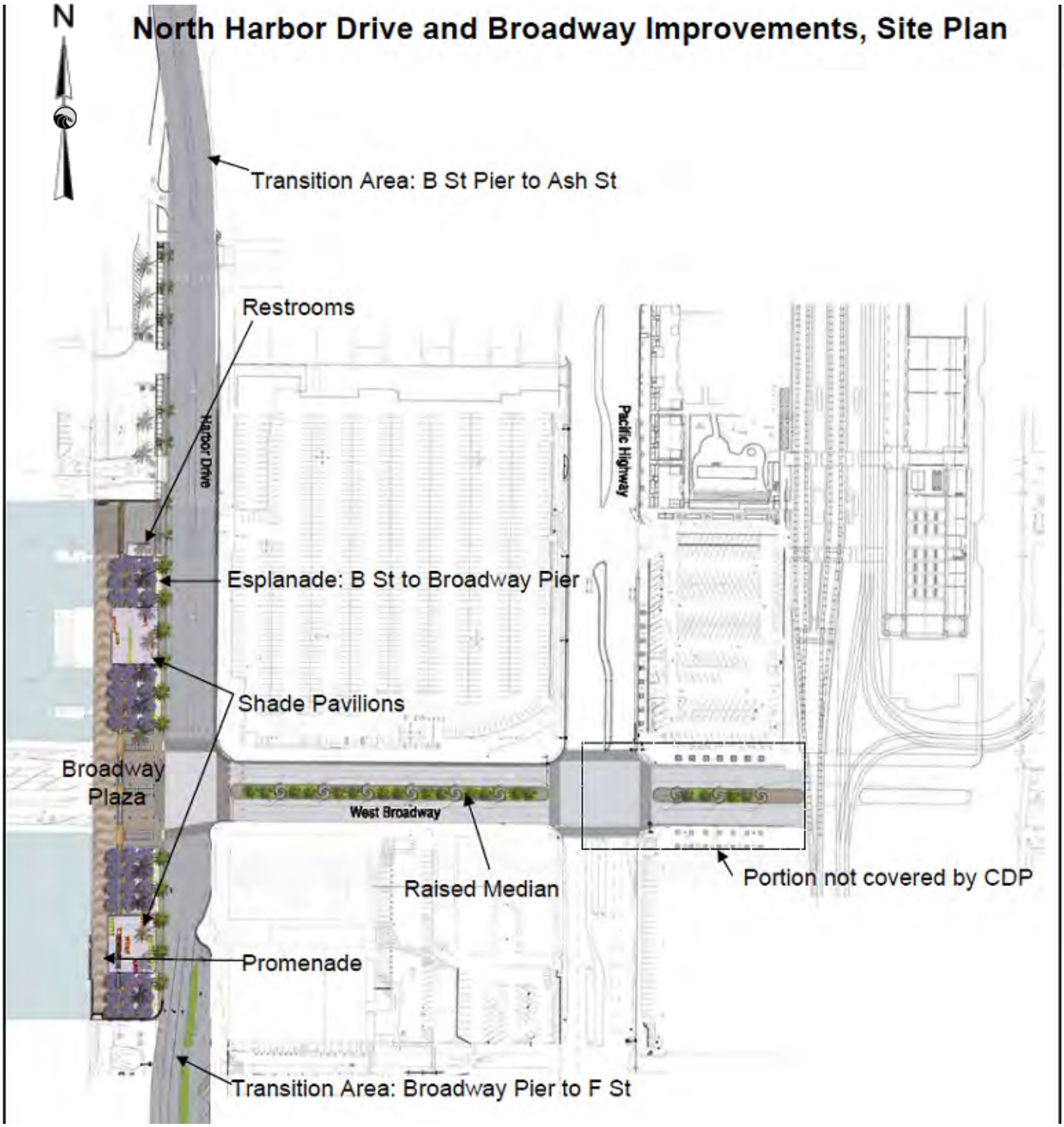
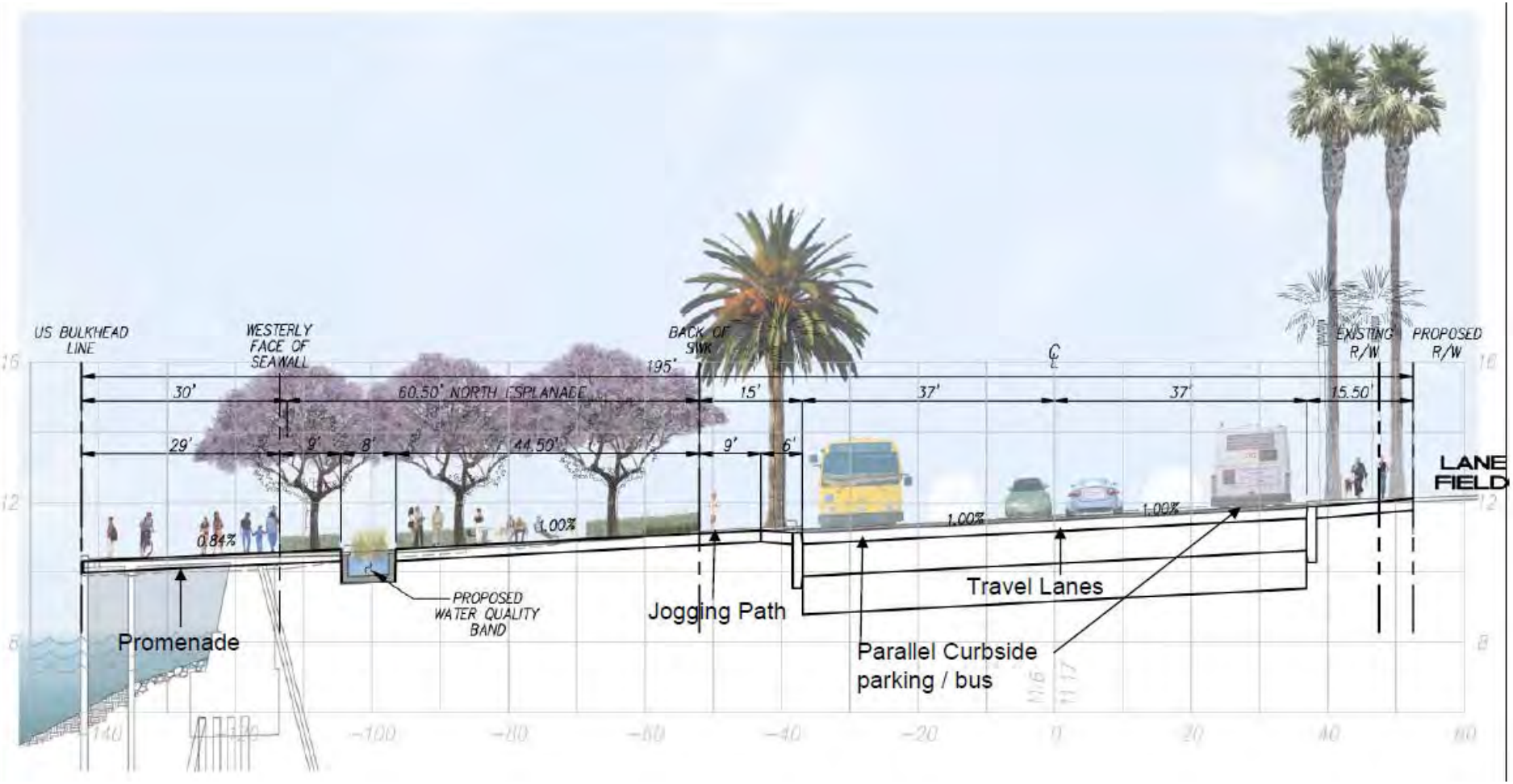


EXHIBIT NO. 6
APPLICATION NO. **A-6-PSD-11-6**
Phase 1A & 1B
Improvements



North Harbor Drive, Esplanade and Roadway, Typical Cross Section

EXHIBIT NO. 7
APPLICATION NO. **A-6-PSD-11-6**
Harbor Drive
Cross-Section

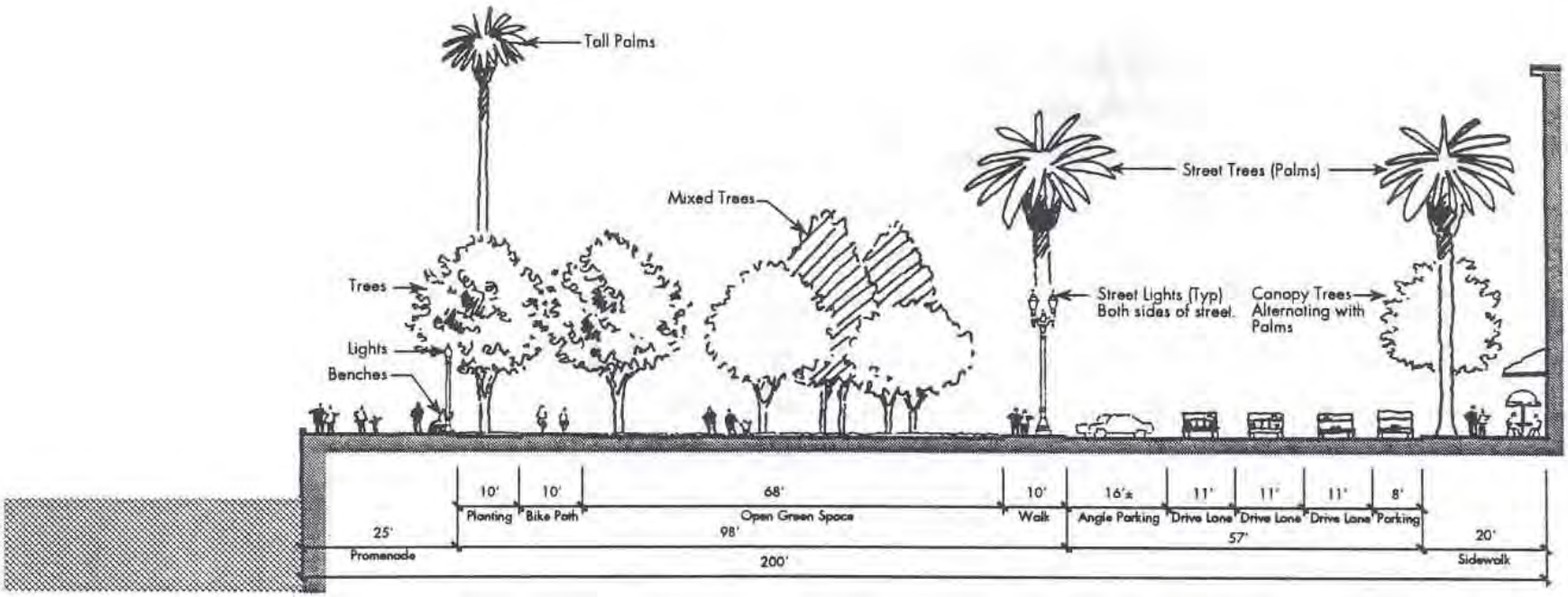
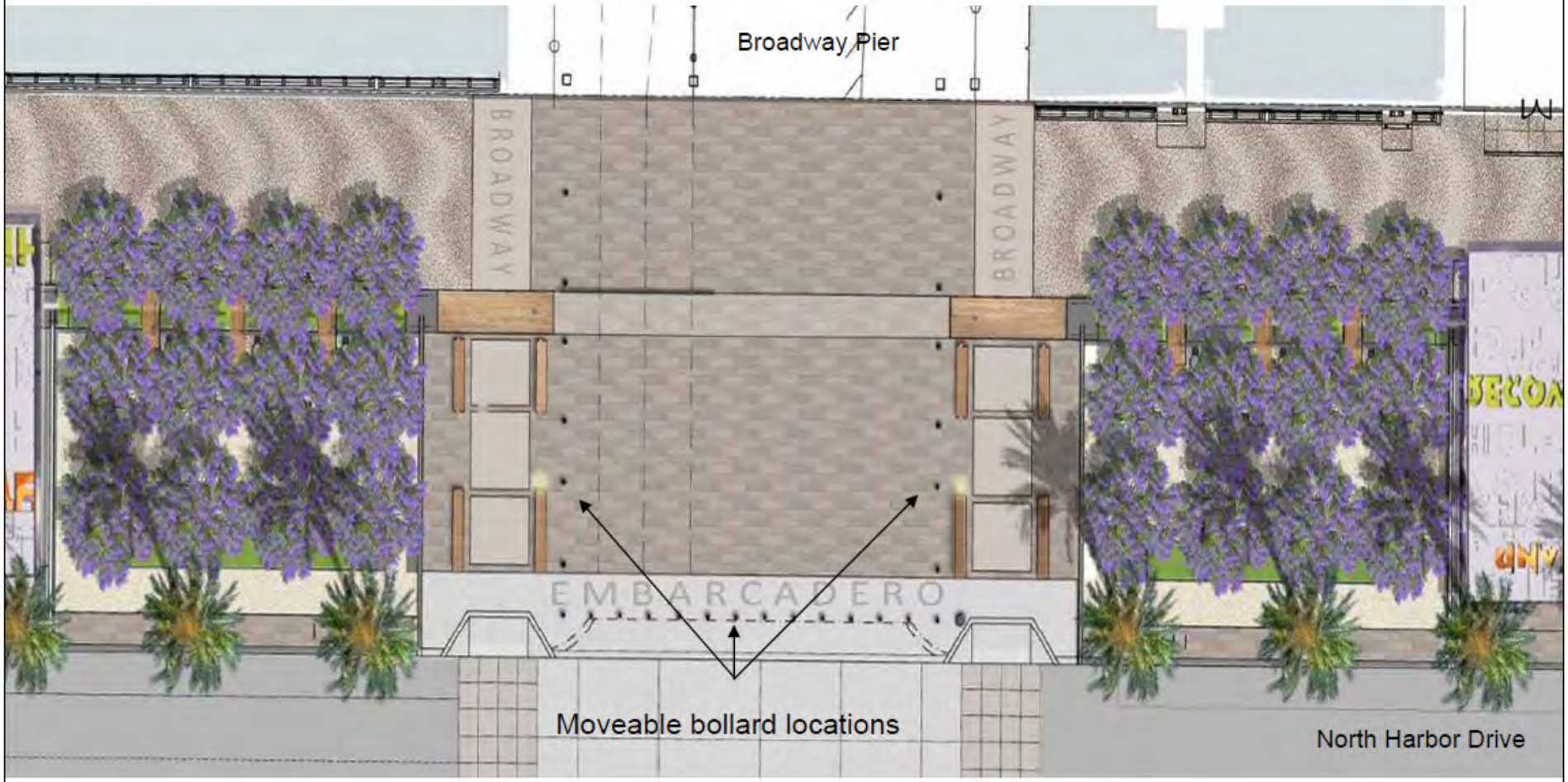


Figure 5.3

Section of Bayfront Esplanade

The Promenade

EXHIBIT NO. 8
APPLICATION NO.
A-6-PSD-11-6
Figure 5.3 of NEVP
(Incorp. by Ref. into PMP)
California Coastal Commission



Broadway Plaza, Site Plan

N

EXHIBIT NO. 9
APPLICATION NO.
A-6-PSD-11-6
Broadway Plaza
California Coastal Commission

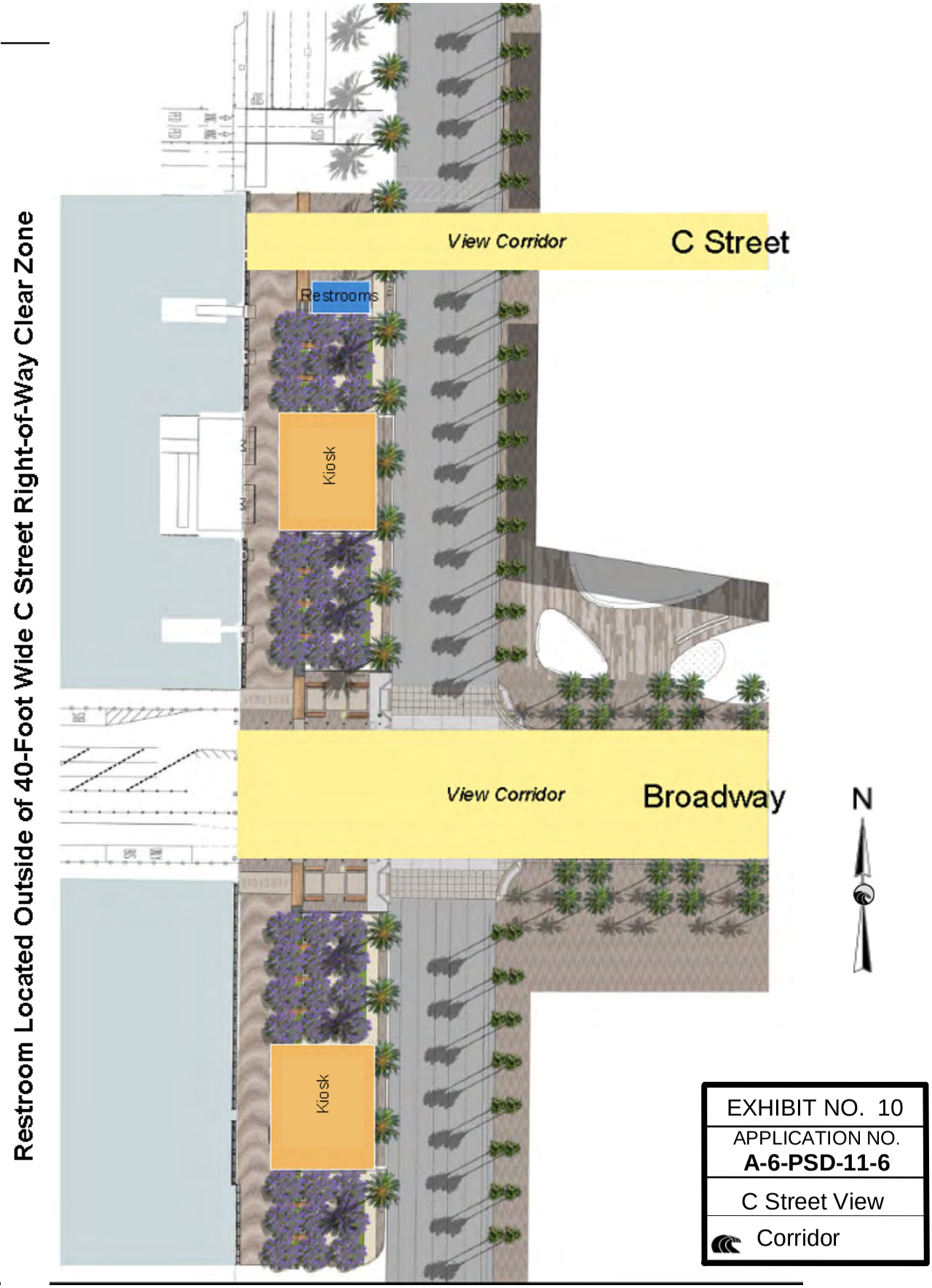
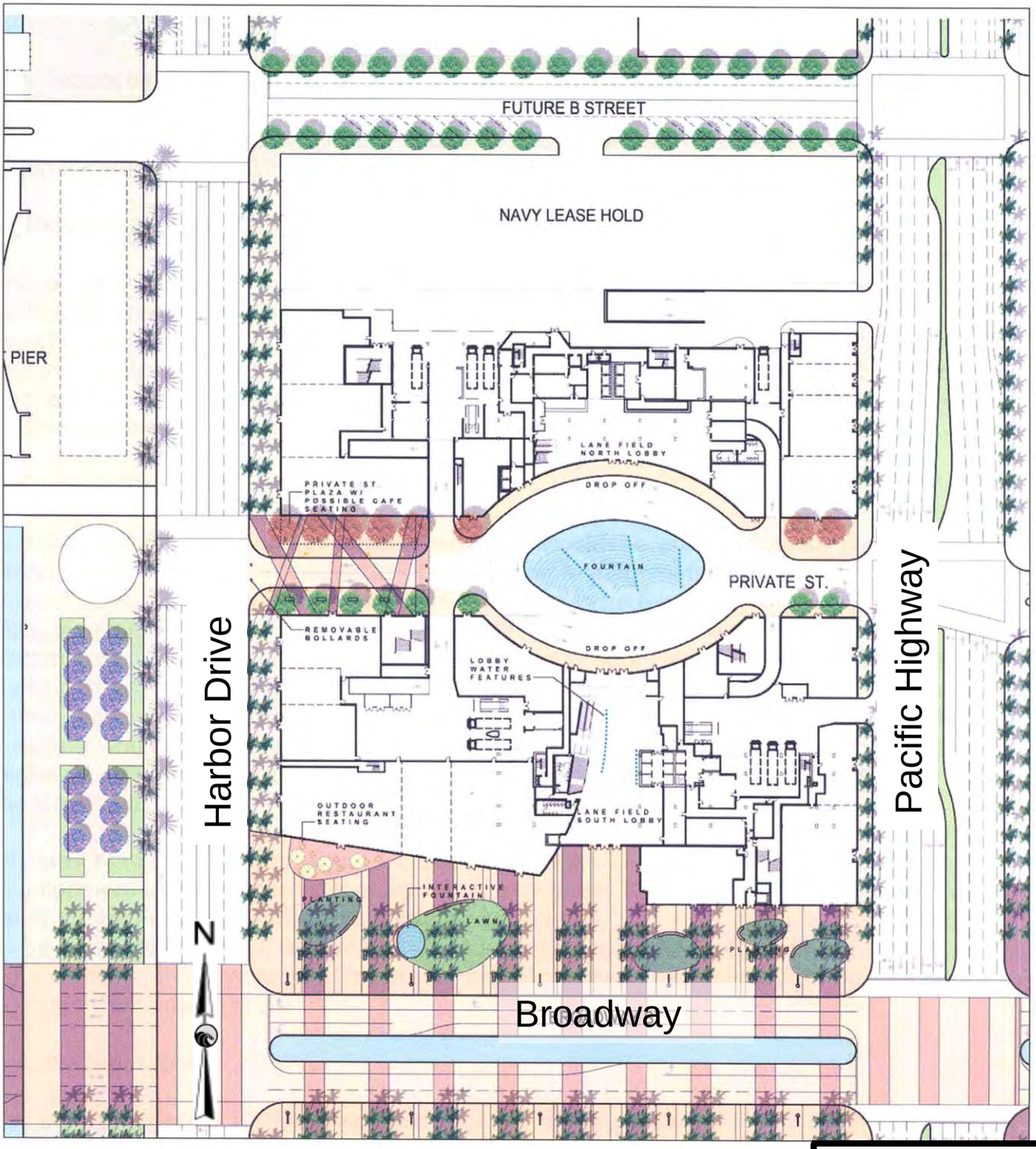


EXHIBIT NO. 10

APPLICATION NO.
A-6-PSD-11-6

C Street View Corridor

Conceptual Site Plan



Lane Field Development Project
October 2007

Approved Lane Field Project (would require amendment to include Setback Park/Plaza)

EXHIBIT NO. 11
APPLICATION NO. **A-6-PSD-11-6**
Previously Approved
Lane Field Plan

COASTAL DEVELOPMENT PERMIT

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

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. 80-198, 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: January 11, 2011

Board of Port Commissioners Resolution Number: 2011-09

Date of Permit: X

Application Number: 2010-26

Permit Number: CDP-2011-01

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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EXHIBIT NO. 12
APPLICATION NO.
A-6-PSD-11-6
Approved Port CDP
California Coastal Commission

DEVELOPMENT

The North Embarcadero Visionary Plan (NEVP) Phase 1 Coastal Access Features Project ("NEVP Phase 1 Project") is a public improvement project in Downtown San Diego. The NEVP Phase 1 Project is divided into four distinct sub-phases:

- Phase 1A: West Broadway
- Phase 1B: North Harbor Drive
- Phase 1D: Lane Field Setback Park/Plaza

The NEVP Phase 1 Project will result in a significant destination and waterfront gathering point that will provide activated, cohesive, and flexible public open space for waterfront visitors. The planned open space area will include a mix of hardscape and landscape, with space designed for passive recreation such as sitting and picnicking. The realignment of North Harbor Drive will help create the foundation for 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 contiguous 105-foot wide linear Esplanade along the water's edge, and a significant approximately 2 to 2.5-acre public park/plaza. During special events and large public gatherings, North Harbor Drive and West Broadway (west of Pacific Highway) can all be managed to detour and relocate traffic away from the waterfront. It will also be possible to temporarily close West Broadway to vehicles and to use the space for people. The NEVP Phase 1 Project will result in a grand civic gathering place for the local community and San Diego visitors, and a public benefit amenity and enjoyment space that can be managed for large public gatherings, events, and festivals for visitors from throughout California and beyond.

Site plans and a cross section are provided in the attached exhibits and specific details about each sub-phase are provided below.

Phase 1A: West Broadway

Phase 1A would improve the existing West Broadway street from North Harbor Drive east to the railroad tracks located between Pacific Highway and Kettner, though the limits of the District's permitting jurisdiction under the Coastal Act extend only to the mean high tide line in Pacific Highway. Phase 1A consists of the following features:

- Lowering an existing crest, or high point, in the West Broadway roadway
- Reconstructing the existing West Broadway roadway in its present alignment
- A raised, landscaped median in the West Broadway roadway that would respect existing views on north and south side of Broadway Pier building
- Traffic improvements including signalization and striping

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- Wet utility improvements including storm drain, sewer, and water
- Street lighting improvements

Phase 1B: North Harbor Drive

Phase 1B would realign North Harbor Drive eastward from its present location generally from the "B" Street Pier south to the former Navy Pier, and transition back to the present roadway alignments at Ash and "F" Streets. Realignment of the roadway would enable development of a contiguous approximately 105-foot wide esplanade from the south edge of "B" Street Pier to the north edge of the former Navy Pier. An approximately 30-foot wide continuous promenade would also be developed within the 105-foot wide esplanade closest to the water's edge. The Esplanade will also include a storm water capture and treatment system, a running/walking path, improved landscaping, and a public plaza at the foot of West Broadway flanked by formal gardens. Replacement kiosks and two small retail structures, currently planned as a walk-up café and information building, would be constructed under two open shade pavilions. In addition, a restroom would be constructed south of the future "C" Street view corridor.

Phase 1B consists of the following features:

North Harbor Drive Roadway

- An approximately 76-foot roadway within the existing 200-foot North Harbor Drive right-of-way to enable construction of a 105-foot bayfront Esplanade
- Striping for two travel lanes north and south with a center turn lane, which in the future could be re-striped to three travel lanes in accordance with Exhibit 1 (attached)
- Removal of approximately 146 existing on-street and off-street metered parking spaces, and adding approximately 30 on-street parking spaces
- 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
- Add wayfinding signage
- Provide sewer and storm drain improvements
- Provide street lighting improvements
- 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 wide sidewalk on the west side of North Harbor Drive
- Relocate existing traffic signals to accommodate the realigned Harbor Drive

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- Provide transportation hubs on either side of North Harbor Drive, north of West Broadway, to integrate District Tidelands into the regional transportation network and encourage development of non-automobile linkage systems. The transportation hubs would include facilities such as transit and shuttle stops, signage, information, and bicycle racks
- Relocate underground and aboveground utilities in the right of way

Esplanade within the North Harbor Drive Right of Way

- Develop an approximately 105-foot wide Esplanade between North Harbor Drive and the Bay, from the northern edge of Navy Pier to the southern edge of B Street Pier. The Esplanade would improve public access and views to the water, provide pedestrian linkages, and enhance recreational opportunities
- Provide recreational features and public amenities consisting of:
    - a continuous bayfront promenade
    - a running/walking path, improved landscaping and structural architecture, a public plaza at the foot of West Broadway
    - lighting along the street and water's edge to promote pedestrian activity (i.e. running, walking) after sunset
    - formal gardens on the north and south sides of the open space plaza located at the foot of West Broadway
- Install low water use landscaping and low energy lighting enhancements throughout the Esplanade
- Install new street furniture including items such as benches, chairs, tables, bike racks, bollards, drinking fountains and news racks
- Install street lighting and lighting along the water's edge
- Install trash and recycling bins along the Esplanade
- Provide ticket collection/entrance to existing floating docks
- Implement a comprehensive way-finding signage 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 away from the water's edge, resulting in four new approximately 13 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, resulting in a new approximately 48 feet long, 23 feet wide, and 16 feet tall structure on the eastern portion of the Esplanade beneath shade pavilions

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- Relocate existing walk-up café building away from the water's edge, resulting in a new approximately 31 feet long, 22 feet wide, and 16 feet tall structure on the eastern portion of the Esplanade beneath shade pavilions
- Provide a universal-design restroom approximately 33 feet long, 23 feet wide and 13 feet tall on the eastern portion of the Esplanade, south and outside of the C Street view corridor
- Provide an approximately ten-foot wide running/walking path near the eastern edge of the Esplanade

Promenade within the Esplanade

- Provide a continuous approximately 30-foot wide bayfront promenade for mixed pedestrian and bicycle use within the Esplanade
- Replace existing railings where necessary for public safety along the promenade
- 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

Utilities

- Remove existing sewer pump station and associated above-ground utility boxes
- The plazas would include water and electric infrastructure connections to support activating uses

Plazas at West Broadway and "C" Street within the Esplanade

Construct an approximately 16,000-square foot open space plaza on the Esplanade between the head of Broadway Pier and the intersection of West Broadway and North Harbor Drive. The plaza is designed to provide a wide open space for daily recreational activities and large gatherings, sitting and strolling areas for tourists and nearby workers, and to increase the sense of destination for Embarcadero visitors. The plaza will be framed with groves of jacaranda trees and enhanced with signature hardscape unit paving, benches, and pedestrian/bicycle path. As a flexible and multi-purpose space, the plaza may also be temporarily cordoned off to allow vehicular access to Broadway Pier for special events and cruise ship calls, as necessary. The plazas include water and electric infrastructure connections to support activating uses. There will also be a public open space plaza on the Esplanade between the south face of "B" Street Pier and the northern grove of jacaranda trees, within the "C" Street view corridor.

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Water Quality Improvements

- Storm water in the area currently discharges directly into the Bay without any treatment. The proposed Project will construct storm water drainage system improvements along North Harbor Drive to enhance and maintain the bay and tidelands as an attractive physical and biological entity. The improvements will result in biological or structural water treatment within an approximately eight-foot wide "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. This water quality band will treat storm water discharges that currently sheet into the bay. A secondary stormwater filter will capture any discharges not initially treated by the water quality band. As a result, there would be a net decrease in existing untreated stormwater discharges to the bay. The water quality band will be described in educational signage and integrated into the design of the Esplanade.

- Storm water in the area currently discharges directly into the Bay, or from nearby outfalls, without any treatment. The proposed Project will construct two storm drain outlets. 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 will be approximately 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 Navy Pier. The maximum discharge from the outlet in the southern portion of the water quality band will be approximately three cubic feet per second.

Americans with Disabilities Act Improvements

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

Public Art

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

North Harbor Drive / Grape Street Intersection

Re-stripe (from approximately 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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Phase 1D: Lane Field Setback Park/Plaza

Lane Field is currently a surface parking lot bounded by 1220 Pacific Highway to the north, Pacific Highway to the east, West Broadway to the south, and North Harbor Drive to the west. Both the Lane Field Development Project and the NEVP public improvements were integral parts of the North Embarcadero Port Master Plan Amendment (PMPA #27) certified by the California Coastal Commission in 2001.

On January 8, 2009, the California Coastal Commission approved a de novo Coastal Development Permit for the proposed Lane Field Development Project (CDP A-6-PSD-08-04/101) consisting of up to 800 hotel rooms, retail stores and restaurants, public park/plazas, and parking. The Lane Field Development Project applicant, Lane Field San Diego Developers, LLC (LFSDD) will work in cooperation with the NEVP Phase 1 Project applicants (San Diego Unified Port District and Centre City Development Corporation) to develop a public park/plaza within a setback of 150 feet from the North Harbor Drive right-of-way.

Construction of the Phase 1D Lane Field Setback Park/Plaza ("Setback Park/Plaza") is conditioned upon approval of the NEVP Phase 1 Project CDP (CDP-2011-01). This approximate two-acre public park/plaza would be significant both in quantity and quality, complement the proposed public spaces along West Broadway, and provide more opportunities for public access and recreation beyond those described in the approved Coastal Development Permit for the Lane Field Development Project. The Setback Park/Plaza would be one contiguous space that functions as a significant destination and gathering point for the local community and San Diego visitors. Designed with a mix of hardscape and landscape, the Setback Park/Plaza would contain lawn or turf space appropriate and available for passive recreation such as sitting and picnicking.

The District is currently exploring funding opportunities for acquisition of the 1220 Pacific Highway site. As soon as feasible following acquisition of the 1220 Pacific Highway site from the United States Navy, the Setback Park/Plaza will be extended north from the Lane Field site to the prolongation of "B" Street.

Development of this new park/plaza will be informed by public outreach, and may require additional environmental analysis and discretionary approvals. See Special Condition #1 for specific details regarding the proposed Setback Park/Plaza.

STANDARD PROVISIONS

1. Permittees shall adhere to the current plans for the project as approved by the District.

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

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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.

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 Environmental and Land Use Management Department of the District, upon which the copies signed by the Permittees includes 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). 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 Program (JURMP) document. The JURMP is available on the District website: http://www.portofsandiego.org/sandiego_environment/stormwater.html or by contacting the Environmental and Land Use Management Department, (619) 686-6254.

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11. This project is subject to the District 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) using the District USMP template meeting all District USMP 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/sandiego_environment/stormwater.html

    The implementation and maintenance of the USMP BMPs constitute regulatory obligations for the Permitees, and failure to comply with the Municipal Permit, the JURMP, or the District 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, 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.

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

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

5. 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. Permittees shall require all employees that are exposed to noise levels 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. 2009-0009-DWQ (NPDES General Permit No. CAS000002), 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 to the District the required registration information, submittal of a complete Storm Water Pollution Prevention Plan (SWPPP) and applicable permit fees. All required documents and fees shall be submitted to the District at least one month prior to construction. Once all required documents are received and approved by the District, the District will process the Permit registration documents with the State Water Board. After the information is submitted, the State Water Board will issue a waste discharge identification (WDID) number for the project. A State Water Board WDID number shall be obtained prior to the start of work. Once approved, the SWPPP document shall be maintained on the construction site at all times and made available for review by the District or other regulatory agencies.

   The Permittees and/or contractor is responsible for ensuring that the SWPPP document is maintained on the site, implemented, and amended as required throughout construction. No discharges of any material or waste, including potable water, wash water, dust, soil, trash, and debris, may contaminate stormwater or enter the stormwater conveyance system. Any such material that inadvertently contaminates stormwater or enters the stormwater conveyance system as part of site operations shall be removed immediately. All unauthorized discharges to the

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stormwater conveyance system or the Bay or the ocean shall be reported immediately to the District Environmental and Land Use Management Department, in order to address any regulatory permit requirements regarding spill notifications.

SPECIAL CONDITIONS

1. Lane Field Setback Park/Plaza Plan. As part of Phase 1D of the Project, the District and the Lane Field developer must establish a 150-foot setback from North Harbor Drive for the entire distance between the prolongation of "B" Street to the north and West Broadway to the south. Within the setback, the District and the Lane Field developer must design, permit, and construct public space (the "Setback Park/Plaza") as part of the NEVP Phase 1 project or as part of the Lane Field project, whichever comes earlier as further defined on Attachment "A". Prior to the earlier of the substantial completion of the NEVP Phase 1 project or the opening of the first hotel to be constructed as part of the Lane Field project, the Setback Park/Plaza must be designed and constructed and the District must allocate funding sufficient to complete the remainder of the Setback Park/Plaza on 1220 Pacific Highway. The Lane Field Setback Park/Plaza shall be designed and constructed in accordance with Attachment "A." In the event of a conflict between the other requirements of this paragraph and Attachment "A," the other requirements of this paragraph shall control.

   (a) The District must adopt an appropriate land use designation for the Setback Park/Plaza and, to the extent feasible, incorporate the Setback Park/Plaza into the Coastal Walk.

   (b) The eastern boundary of the Setback Park/Plaza may be curvilinear or otherwise articulated so long as the gross land area within the setback is the same as if the eastern boundary were drawn as a straight line.

   (c) The Lane Field developer has the right to develop an area extending approximately 25 feet west from the eastern boundary of the setback for uses ancillary to the Lane Field project. The planning and design of this area must occur through a public process and public access must not be excluded in the area any more than is necessary to comply with laws governing the activities proposed for the area by the Lane Field developer.

   (d) The Lane Field developer has the right to develop underground structured parking beneath its project site which may extend under the Setback Park/Plaza to the extent required, if necessary, to accommodate all project parking requirements plus the 300 public parking spaces required by the North Embarcadero Visionary Plan Master EIR.

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(e) The Lane Field developer must conduct various design studies for the Setback Park/Plaza with an emphasis on creating a viable program that will activate both the public and private spaces within and contiguous to it, and seek public input in the form of public outreach forums for the proposed designs.

(f) The public has the right to comment on any selected designs for the Setback Park/Plaza before they are finalized.

(g) The Lane Field developer has the right to occupy and use the Setback Park/Plaza for staging during construction of its Lane Field project. The Lane Field developer's staging will be permitted through the District's standard right of entry agreement or such other agreement as the District and the Lane Field developer determine.

(h) The Lane Field developer has the right to occupy and use the Setback Park/Plaza consistent with the District's permitting policies for public parks.

2. 1220 Pacific Highway. The District must make a good-faith effort to acquire that portion of property within the 150-foot setback on the Navy's leasehold at 1220 Pacific Highway to incorporate it into the Setback Park/Plaza.

(a) The District must continue to explore private and public funding options for acquisition of the Navy leasehold interest at 1220 Pacific Highway.

(b) Prior to commencement of construction on the earliest of the NEVP Phase 1 subphases 1A and 1B, the District must request funding from the City of San Diego Redevelopment Agency for the acquisition of 1220 Pacific Highway.

(c) Within thirty (30) days after the District acquires the 1220 Pacific Highway leasehold, and the Navy vacates 1220 Pacific Highway, and the existing structures within the 150-foot setback are demolished, the District must commence construction to incorporate the vacated leasehold area within the 150-foot setback into the Setback Park/Plaza.

3. North Embarcadero Port Master Plan Amendment (PMPA). In the North Embarcadero PMPA, the District must study, at a minimum, (i) one alternative for an average 205-foot setback adjacent to North Harbor Drive as presently aligned, running from Hawthorn to the prolongation of "B" Street; and (ii) one alternative for the realignment of North Harbor Drive to the east of its present location, with the 205-foot-average setback to the immediate west of the realigned North

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Harbor Drive, to the immediate east of the promenade planned under the NEVP adjacent to San Diego Bay, and again running from Hawthorn to the prolongation of "B" Street. The purpose of the 205-foot setback under these two alternatives is the same as the Setback Park/Plaza. The project description and the NOP for the North Embarcadero PMPA must also be revised to include the study of these alternatives, which shall be studied on an equal footing with the primary project that is the subject of the NOP and not merely as two alternatives among the range of reasonable alternatives that must be studied under CEQA for any project. The study may include an economic analysis of the funding, feasibility, and impacts of the alternatives.

(a) The eastern boundary of the setback may be curvilinear or otherwise articulated so long as the gross land area within the setback is the same as if the eastern boundary were drawn as a straight line.

(b) The District must request from the City of San Diego Redevelopment Agency that funds be set aside for Future NEVP Phases identified through the North Embarcadero PMPA.

(c) The District reserves the right to consider other alternatives in the North Embarcadero PMPA, including those without a 205-foot setback.

(d) The public has the right to fully participate in the public environmental review and public processes for the North Embarcadero PMPA.

(e) Alternatives evaluated in the North Embarcadero PMPA must consider enhanced pedestrian connectivity within, to, and from the waterfront, and traffic circulation strategies that prioritize pedestrians over cars.

4. Additional Waterfront Public Space. In order to fulfill the Coastal Commission's April 2010 requirement that at least half (50%) of the 2.5-acre park/plaza must be on the waterfront (bayward of Harbor Drive), the District shall develop a minimum of 1.25 acres of waterfront public space as part of the proposed Project and/or in future phases described in the North Embarcadero Port Master Plan Amendment (commenced in 2010). The public space must be located west of North Harbor Drive and must include passive recreation opportunities. The 1.25 acres of waterfront park/plaza may include, but not be limited to:

   a. A portion of the waterfront park/plaza space at the foot of Broadway within the proposed Phase 1B subphase (North Harbor Drive realignment and esplanade)
   b. The esplanade near Navy Pier, in the area between the Navy Broadway Complex and the waterfront, including an evaluation of closing Harbor

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Drive (except for emergency or shuttle access) in this location to all but non-auto circulation

c. The esplanade across from or near the County Administration Building
d. Areas identified in the North Embarcadero Port Master Plan Amendment, which includes study areas including, but not limited to, those described in Special Condition #3 above.

5. Public Access Program. The purpose of the Public Access Program is to define the proposed public access integrated throughout the Project and identify the management of the public access. The Public Access Program provides a description of public access to Broadway Pier, along the proposed Esplanade, and surrounding area during cruise ship operations. Permittees shall comply with the Public Access Program, attached to this Coastal Development Permit as Attachment "B". Any proposed changes to the approved Program shall be reported to the Director. No material changes to the Program shall occur without an approved amendment to this Coastal Development Permit unless the Director determines that no amendment is legally required.

6. Parking Management and Transit Opportunity Plan. Prior to issuance of a Coastal Development Permit, Applicants shall submit a Final Parking Management and Transit Opportunity Plan to the Director for approval. The Applicants shall comply with all requirements contained in the Final Parking Management and Transit Opportunity Plan, which must include the elements outlined below. In addition, Permittees and/or contractor shall implement a Construction Parking Management Plan throughout project construction to the satisfaction of the District.

a) Parking Removal Plan. The Parking Removal Plan indicates the location of the approximately 146 parking spaces to be removed as part of Phases 1A and 1B. No removal of public parking shall occur until replacement parking is identified pursuant to subsection (b) below, and no more than 50% of the existing public parking may be removed until operation of the Embarcadero Circulator Shuttle ("Circulator Shuttle") is instituted. The Circulator Shuttle shall provide the public with shuttle service along the Embarcadero, including stops at bayfront destinations, the Convention Center, and bayfront hotels.

b) Replacement Parking. The Parking Management Plan shall identify the location of replacement parking spaces for a minimum of 50% of the proposed parking spaces to be permanently removed from the Project site (i.e. approximately 73 spaces). The parking spaces will be relocated to one or more sites immediately adjacent NEVP Phase

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1, which may include Lane Field and/or Navy Pier. The Plan shall document and include the following provisions:

- The replacement spaces are excess spaces not currently in demand;
- The replacement spaces are within 10 minutes walking distance[1]
- The replacement spaces shall be available at least until the Circulator Shuttle is operating;
- Limitations and restrictions associated with the replacement spaces shall be identified, specifically, any potential fee structure and any time limitations placed on the parking;
- The replacement spaces shall be available and priced for short-term parking, rather than all-day use;
- The replacement spaces shall be secured prior to or concurrent with the removal of the parking spaces, and;
- Signage directing the public to nearby parking opportunities shall be provided at the project site.

c) Embarcadero Circulator Shuttle. The Parking Management Plan shall include a plan for implementation of the Circulator Shuttle prior to the loss of the remaining 50% of the parking spaces. The Plan shall address the following:

- Retention of at least 50% of the parking spaces until the Circulator Shuttle has begun operation;
- Identification of the shuttle route along Harbor Drive within the North Embarcadero to be developed in coordination with the Lane Field Development Project shuttle and other ongoing efforts toward providing a dedicated, non-automobile circulation system connecting off-site parking and the airport to District leaseholds in both the North and South Embarcadero and to adjacent downtown properties;
- Identification of the hours and months of operation to include, at a minimum, summer months daily from June 1 through August 31, between 10 am and 9 pm.
- Fee structure which must be equal to or less than the cost of existing transit options between the airport and the Amtrak station;
- A timetable for implementation of the Circulator Shuttle.

[1] The walking distance referenced here was based on distance (feet) and time (minutes) that were traveled during actual field work conducted while businesses were open and ambient pedestrian and vehicular traffic was considered typical (NEVP Parking Management Plan, dated June 29, 2009).

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d) Wayfinding Signage. The Parking Management Plan shall include a signage program with a multifaceted wayfinding signage element addressing pedestrians, vehicles, and bike paths. The signs will be designed to maximize public access within the Project limits. The Parking Management Plan shall identify the location and message of the signage and shall require the signage to be installed prior to or concurrent with the loss of any public parking spaces.

e) Transportation Hubs. The Parking Management Plan shall include one of the three transportation hubs that are recommended to make it easier for the public to move about the North Embarcadero. The recommended hub within the NEVP Phase 1 Project limits is near Broadway Plaza. The transportation hub shall include a consistent set of facilities, services, and signage including an Embarcadero Circulator Shuttle stop, bike racks, transportation information displays, pedicab access, passenger and commercial loading and unloading zones, and clearly marked pedestrian paths. Plans for the hub facilities shall be included in the Parking Management Plan. Recognizing the potential impacts of construction activity that may damage permanent facilities proposed as part of the Project, Permittees may install temporary-type facilities with the loss of any public parking spaces. However, permanent facilities shall be installed prior to completion of construction of Phases 1A and 1B.

Permittees shall undertake development in accordance with the approved Parking Management Plan. Any proposed changes to the approved plans shall be reported to the Director. No changes to the plans shall occur without an approved amendment to this Coastal Development Permit unless the Director determines that no amendment is legally required.

7. Landscape Plan. Permittees shall submit to the Director for review and written approval, final landscape plans. Said plans shall demonstrate that all landscaping on the site shall be drought-tolerant (or irrigated via an irrigation system designed to accommodate reclaimed water when it becomes available) and (1) native or (2) non-invasive plant species. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plan Council (CAL-IPC) Inventory Database, or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized within the property. Mexican Fan Palms and Canary Island Date Palms shall be removed from the proposed plant palette.

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8. View Corridors
   - In accordance with Exhibit 3, the restroom located across from C Street will be located outside of the 40-foot wide C Street right-of-way clear zone.
   - The proposed Project includes a raised, planted median with non-invasive palms. Any additional landscaping resulting from the proposed Project will respect existing views down West Broadway.

9. Pedicab Use of the North Harbor Drive and the Esplanade. Unless and until such time as the District adopts its own ordinance, the District will enforce the City of San Diego's Pedicab Ordinance (Ordinance No. 19898 in the San Diego Municipal Code, Chapter 8, Article 3, Division I (effective 10-11-2009)). Bicyclists are not subject to the Pedicab Ordinance.

10. Permittees shall undertake development in accordance with the approved final plans. Any proposed changes to the approved plans shall be reported to the Director. No changes to the plans shall occur without an approved amendment to this Coastal Development Permit unless the Director determines that no amendment is legally required. Permittees and/or contractor shall implement the measures detailed in the NEVP Phase 1 Project Mitigation Monitoring and Reporting Program (Attachment C). Where measures listed in the Mitigation Monitoring and Reporting Program appear to conflict with provisions listed in this Coastal Development Permit, the most stringent requirement shall prevail.

11. At minimum, Permittees shall be responsible for compliance with ADA and Title 24 specifications in accordance with Standard Provision #5. Documentation of compliance shall be provided by the Permittees when building plans are filed. Permittees shall integrate to the extent feasible energy conservation measures towards achieving a 20 percent reduction compared to satisfying Title 24 requirements. Plumbing for reclaimed water (purple pipe) shall be installed such that reclaimed water shall be used to irrigate landscaping when available.

12. 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 of over-watering occurs.

13. 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

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recovered and associated records shall be curated at an appropriate San Diego County institution.

14. 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.

15. 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.

16. 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 April 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.

17. Permittees shall ensure that dewatering discharge meets the effluent limits specified by the RWQCB (Order No. R9-2007-0034) and NPDES requirements. Order No. R9-2007-0034 regulates the temporary (during construction) discharge of extracted water to San Diego Bay and does not allow 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.

18. 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.

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

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20. 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.

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

22. All earthwork activities shall be governed by the provisions of the NPDES General Construction Storm Water Permit, which includes the preparation and implementation of a SWPPP and BMPs to control runoff and sedimentation during construction and post construction.

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

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

25. 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:

    (a) The type and quantity of solid waste expected to enter the waste stream

    (b) Source separation techniques to be used and the location of on site storage for separated materials

    (c) The method of transport and destination of separated waste and/or construction debris not re-used on site

    (d) A "buy-recycled" program for the project

    (e) 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

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(f) Onsite re-use of demolition material in the construction of the development activities

(g) Separating construction debris for recycling-reuse by others

26. Bicycles are expressly permitted to share the Promenade with pedestrians, without limitation. Bicyclists are not subject to the Pedicab Ordinance described in Special Condition #10.

27. 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.

28. Permittees and/or contractor shall provide signage that directs visitors to parking locations and opportunities.

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

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

WAYNE DARBEAU
President/CEO

By:_____
DARLENE NICANDRO
Director, Environmental and Land Use Management

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

By:_____
GARY BOSSE
Assistant Vice President, Public Works
Centre City Development Corporation

By:_____
LINDA SCOTT
Capital Development Manager II
San Diego Unified Port District

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Attachments

Attachment A: Lane Field Setback Park/Plaza Plan
Attachment B: Public Access Program
Attachment C: Mitigation, Monitoring, and Reporting Program

Exhibits

Exhibit 1: Section of North Harbor Drive and Esplanade
Exhibit 2: NEVP Phase 1 Project Site Plans
Exhibit 3: Restroom Located Outside of 40-Foot Wide C Street Right-of-Way Clear Zone

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Attachment "A" to CDP 2011-01

Lane Field Setback Park/Plaza Plan

Background

On January 8, 2009, the California Coastal Commission ("Coastal Commission") approved a de novo Coastal Development Permit (CDP) for the proposed Lane Field Development Project (CDP A-6-PSD-08-04/101) issued to Lane Field San Diego Developers, LLC (LFSDD) consisting of up to 800 hotel rooms, retail stores and restaurants, public park/plazas, and parking. In the interest of improving the North Embarcadero Visionary Plan (NEVP) Phase 1 Project, LFSDD has agreed to revise its Lane Field Development Project to provide additional public space on its current Premises if the District wishes that it do so.

LFSDD will work in cooperation with the NEVP Phase 1 Project applicants (San Diego Unified Port District and Centre City Development Corporation) to develop a public park within a setback of 150 feet from the North Harbor Drive right-of-way, referred to herein as the "Setback Park," which is identified as Phase 1D of the NEVP Phase 1 Project. While Phase 1D is a condition of approval for the permit (Special Condition #1), LFSDD and the NEVP Phase 1 Project CDP Permittees recognize that development of the Setback Park/Plaza would require Coastal Commission approval of an Amendment to the Lane Field Development Project CDP (CDP A-6-PSD-08-04/101). However, other than a design revision to add a 150-foot setback to enable construction of a public park on the Lane Field site, the co-applicants understand the Lane Field project intends to proceed as currently entitled.

Purpose and Intent

The purpose of the Lane Field Setback Park/Plaza Plan ("Plan") is to describe and define the "Phase 1D: Lane Field Setback Park/Plaza" portion of the NEVP Phase 1 Project. The Plan consists of the evaluation of the Setback Park/Plaza as a destination park that would serve as an alternative to, and replacement of, the park/plaza at the foot of Broadway depicted on Figure 11 of the certified Port Master Plan. Development of this new park/plaza would require environmental analysis, public outreach, and discretionary approvals. This Plan identifies the requirements of the Setback Park/Plaza and establishes milestones which must be met to ensure the Setback Park/Plaza will be constructed in a timely manner.

EXHIBIT NO. 13
APPLICATION NO.
A-6-PSD-11-6
Port Approved Lane Field
Setback Park/Plaza
California Coastal Commission

Framework and Composition

As part of Phase 1D of the Project, the District and the Lane Field developer must establish a 150-foot setback from North Harbor Drive for the entire distance between the prolongation of "B" Street to the north and West Broadway to the south. Within the setback, the District and the Lane Field developer must design, permit, and construct public space (the "Setback Park/Plaza") as part of the NEVP Phase 1 project or as part of the Lane Field project, whichever comes earlier as further defined on Attachment "A". Prior to the earlier of the substantial completion of the NEVP Phase 1 project or the opening of the first hotel to be constructed as part of the Lane Field project, the Setback Park/Plaza must be designed and constructed and the District must allocate funding sufficient to complete the remainder of the Setback Park/Plaza on 1220 Pacific Highway.

The Setback Park/Plaza shall be approximately 2.0 acres in size, expandable to approximately 2.5 acres in size with the addition of land from the 1220 Pacific Highway site, to form a significant destination and gathering point that replaces the approximate quality and quantity of the park/plaza at the foot of Broadway depicted on Figure 11 of the certified Port Master Plan. The Setback Park/Plaza can have a mix of hardscape and landscape, but it must contain some lawn or turf space appropriate and available for passive recreation such as sitting and picnicking. Additionally, the Setback Park/Plaza must include a significant focal point at its southernmost boundary adjacent the West Broadway and North Harbor Drive intersection. This focal point may be a public art installation, a water feature, or some other element.

Should the Port and/or LFSDD acquire the 1220 Pacific Highway site, then the 150-foot setback will continue onto that site up to the prolongation of "B" Street, and the Setback Park will be extended onto that additional space up to an additional approximately 0.5 acres, thus creating a contiguous approximately 2.5-acre Setback Park.

Other requirements pertaining to the Setback Park/Plaza are described below:

(a) The District must adopt an appropriate land use designation for the Setback Park/Plaza and, to the extent feasible, incorporate the Setback Park/Plaza into the Coastal Walk.

(b) The eastern boundary of the Setback Park/Plaza may be curvilinear or otherwise articulated so long as the gross land area within the setback is the same as if the eastern boundary were drawn as a straight line.

(c) The Lane Field developer has the right to develop an area extending approximately 25 feet west from the eastern boundary of the setback for uses ancillary to the Lane Field project. This area shall balance public vs.

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semi-private uses (i.e. no permanent barriers, outdoor seating, etc.).The planning and design of this area must occur through a public process and public access must not be excluded in the area any more than is necessary to comply with laws governing the activities proposed for the area by the Lane Field developer.

(d) The Lane Field developer has the right to develop underground structured parking beneath its project site which may extend under the Setback Park/Plaza to the extent required, if necessary, to accommodate all project parking requirements plus the 300 public parking spaces required by the North Embarcadero Visionary Plan Master EIR.

(e) The Lane Field developer must conduct various design studies for the Setback Park/Plaza with an emphasis on creating a viable program that will activate both the public and private spaces within and contiguous to it, and seek public input in the form of public outreach forums for the proposed designs.

(f) The public has the right to comment on any selected designs for the Setback Park/Plaza before they are finalized.

(g) The Lane Field developer has the right to occupy and use the Setback Park/Plaza for staging during construction of its Lane Field project. The Lane Field developer's staging will be permitted through the District's standard right of entry agreement or such other agreement as the District and the Lane Field developer determine.

(h) The Lane Field developer has the right to occupy and use the Setback Park/Plaza consistent with the District's permitting policies for public parks.

Milestones and Timeframes

An outline of the required milestones for review of the Plan and construction of the Setback Park/Plaza is provided below. All timeframes below shall commence following commencement of construction of the earliest of the NEVP Phase 1A and 1B sub-phases (including all applicable statutes of limitation under CEQA and all appeal periods under the Coastal Act) such that completion of the Setback Park/Plaza occur within four years following final approval of commencement of construction of the earliest of the NEVP Phase 1A and 1B sub-phases.

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Construction Timeline

Public outreach, design, and permitting of the Setback Park/Plaza must be complete within two years of commencement of construction of the earliest of the NEVP Phase 1A and 1B sub-phases. Construction must be complete within two years of completion of design.

Task 1: Concept for Setback Park/Plaza. Within six months following commencement of construction of the earliest of the NEVP Phase 1A and 1B sub-phases, the Permittees must develop a conceptual plan for the Setback Park/Plaza.

Task 2: Public Outreach and Project Design. Within two years following commencement of construction of the earliest of the NEVP Phase 1A and 1B sub-phases, the Permittees must complete public outreach, design, and any entitlements required for development of the Setback Park/Plaza.

Task 3: Setback Park Construction. Within four years following commencement of construction of the earliest of the NEVP Phase 1A and 1B sub-phases, the Permittees must complete construction of the Setback Park/Plaza.

Design Principles

1. Create a unified waterfront design in accordance with the North Embarcadero Visionary Plan (NEVP) Phases 1A and 1B sub-phases, including landscaping, lighting, site furnishings, and hardscape.

2. Establish a world-class design for San Diego and the waterfront.

3. Enhance the livability of the San Diego residents and downtown workers through both active and passive recreation opportunities, which may include lawn space for passive recreation and plazas, water features, kiosks, activating uses, and public art.

4. Create an environmentally responsible design.

5. Promote a sense of ownership by including the community in the planning and design process through public workshops.

6. Usable for large gatherings such as public events, community festivals, outdoor art exhibits, and concerts.

7. Include universal design public restrooms.

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8. Include site improvements to, and including, the curbs and gutters for North Harbor Drive and West Broadway.

9. Comply with the District's Public Art Program, BPC Policy No. 609.

10. Comply with other design principles developed through public outreach.

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Attachment "B" to CDP-2011-01

NEVP Phase 1
Coastal Access Features Project
Public Access Program

San Diego Unified Port District
3165 Pacific Highway
San Diego, California 92101

January 2011

EXHIBIT NO. 14
APPLICATION NO.
A-6-PSD-11-6
Port Approved Public
Access Program
California Coastal Commission

1.0 Introduction

The North Embarcadero Visionary Plan (NEVP) Phase 1 Coastal Access Features Project (Project) is divided into four distinct sub-phases:

Phase 1A: West Broadway
Phase 1B: North Harbor Drive
Phase 1D: Lane Field Setback Park/Plaza (condition of approval)

The purpose of this Public Access Program is to define the proposed public access integrated throughout the Project and identify the management of the public access. The program is consistent with the public access and recreation policies of the Coastal Act and it furthers the certified Port Master Plan's planning goals, most notably Planning Goal IX: "The Port District will Insure Physical Access to the Bay Except as Necessary to Provide for the Safety and Security, or to Avoid Interference with Waterfront Activities."

The Public Access Program includes the following elements:

- Site Access and Circulation
- Public Access During Cruise Ship Operations
- Parking Management Plan
- Comprehensive Signage Program

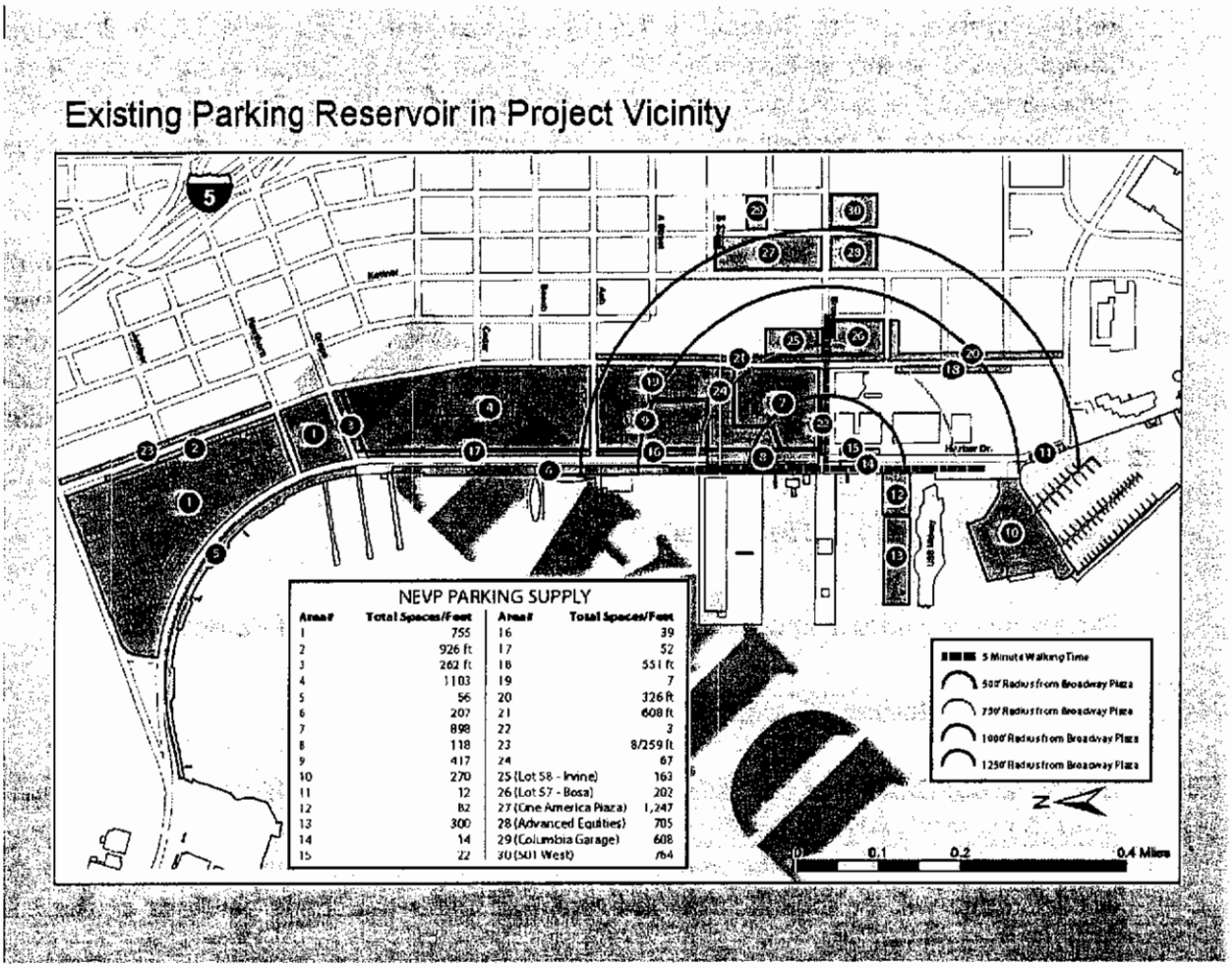
2.0 Site Access and Circulation

The fundamental purpose of the proposed Project is to provide infrastructure to improve and enhance public access to the San Diego Bay. By design, the Project enhances public access to the waterfront and establishes strong connections to downtown San Diego. Phases 1A and 1B will be fully accessible to all with design features that exceed ADA requirements, including the universal design of the public restroom.

A critical feature of the Public Access Program is the connectivity between multiple modes of transportation. The Project accommodates pedestrians, bicycles, private vehicles, and public transit. It serves to connect the land transportation modes with water services such as dinner cruises, bay tours, water taxi and cruise ships.

The Santa Fe Depot, which currently serves Amtrak and the Coaster, is located within close proximity, just eastward of the Project area. The One America Plaza station, serving the San Diego Trolley Orange Line and Blue Line, is another block to the east. Additionally, several bus routes go through the area.

The proposed Project will provide approximately 30 public parking spaces, two Metropolitan Transit System bus stops, shuttle bus stops, and loading areas for waterfront visitor-serving businesses. A significant number of public parking spaces already exist within close proximity to the proposed Project, as demonstrated in the exhibit below.



The proposed Project will result in a loss of parking spaces in the Project area as a result of relocating Harbor Drive to the east to create the landscaped esplanade along the bayfront. This issue is further addressed in the Parking Management & Transit Opportunity Plan outlined in the attached CDP 2011-01

The proposed Project is a fundamental part of the NEVP, providing public improvements along West Broadway, Harbor Drive, and at the Lane Field Development site. The access and circulation includes the streetscapes and esplanade areas, including plazas at West Broadway and the C Street corridor.

2.1 West Broadway

The NEVP Phase 1 Project provides street and median improvements in West Broadway. It will provide a 9-foot wide interim sidewalk until adjacent parcels are redeveloped.

Redevelopment of the Broadway frontage across from Lane Field (Navy Broadway Complex) and on the eastern side of Pacific Highway (Irvine Company and Bosa) will also provide expansive public spaces to create the "Broadway Hall." The development plans for those three frontages are under the jurisdiction of Centre City Development Corporation (CCDC).

The NEVP design principles for the four adjacent projects are documented in the "North Embarcadero Visionary Plan Uniform Control Plan," as approved by the Joint Powers Authority (JPA) Board on January 22, 2009, with revision approved by the JPA Board on March 26, 2009. That plan describes tree species and spacing, paver type and color, light fixtures and details such as tree grates, fire hydrants and trash/recycling receptacles.

2.2 North Harbor Drive (east side)

The Project provides a nine-foot wide sidewalk on the east side of Harbor Drive.

2.3 North Harbor Drive (Esplanade)

North Harbor Drive is narrowed and realigned to the east, shifting vehicular traffic away from the water's edge to create an approximately 105-foot wide public esplanade, open to the public. Ticket kiosks and newspaper racks that are currently located on the water's edge will be consolidated and replaced under the shade pavilions on the east side of the promenade.

This Project facilitates north-south pedestrian and bicycle circulation. A sidewalk and recreational path borders the west side of North Harbor Drive, while an approximately 30-foot wide promenade along the water's edge runs the length of the Project site. The promenade shall accommodate many types of users, including pedestrians, joggers, runners, and recreational bicyclists. Additional north-south circulation is available through the formal gardens and shade pavilions.

The entire Project area is permeable for pedestrians, allowing them to transition seamlessly from the sidewalks along North Harbor Drive to the promenade along the water's edge. Special events occurring in and around Broadway Plaza may require a

Port-issued Park Permit consistent with the Port's then-applicable policies and practices. The public promenade will be open for general public use during these times.

2.4 Broadway Plaza

Broadway Plaza, the area in front of the Broadway Pier, can accommodate daily pedestrian traffic, limited vehicular access, and major civic events such as parade viewing and festivals. Broadway Plaza will be managed so as to provide (a) daily public access, (b) meet the needs of the cruise ship terminal at Broadway Pier, and (c) leverage opportunities for special events. Infrastructure for temporary power, communications and water for use during special events will be provided.

During normal conditions (non-cruise ship operation), removable bollards will be installed at the eastern edge of the esplanade abutting North Harbor Drive to prevent vehicles from entering Broadway Plaza. The Project will remove the existing sewer pump station and above ground utility boxes that currently encroach onto the promenade. The removal of this obstacle will allow straight north-south pedestrian travel along the promenade.

The design of Broadway Plaza will encourage pedestrians to access the Broadway Pier when cruise ship operations do not require restricted access to the Pier. The full 1000-foot length of the Broadway Pier will typically be open to the public, as shown in Figure 1.

Public Access Plan

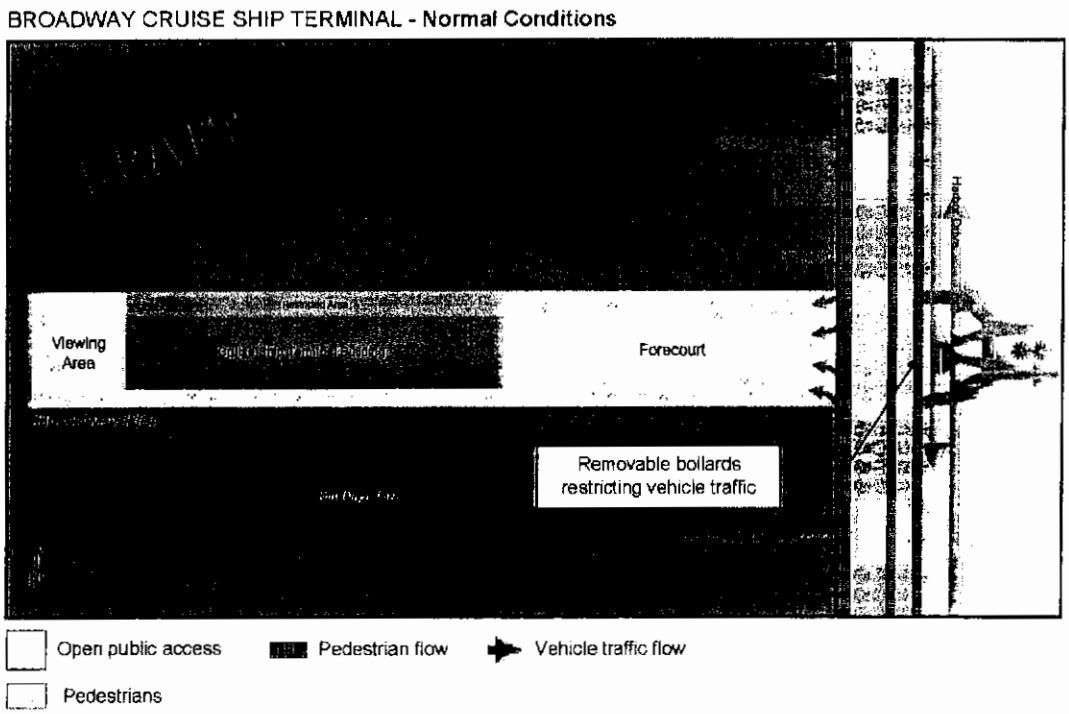


Figure 1, Public Access during Normal Conditions

It is anticipated that new fence and gates will be constructed. Specifically, two sets of security fences will be constructed, one set at the front of Broadway Pier and the other fronting the Broadway Pier facility building. The fencing material will be selected to provide security as required by the U.S. Coast Guard, but will also be aesthetically attractive. The fence will extend the 130-foot width of the pier, with two pedestrian and two vehicle gates that can be typically left open. The gate openings total approximately 81 feet, over 60% of the length of the fence. Most of the stationery fence is in front of existing utility facilities which cannot be publicly accessible.

The Broadway Pier forecourt and gates at the front of Broadway Pier will be open to the public 24 hours a day, 7 days a week, unless it is in use by a cruise ship or an exclusive event properly scheduled through the Port. The viewcourt (west building face to end of Broadway Pier) gates fronting the Broadway Pier facility building will be open from sunrise to sunset unless it is in use by a cruise ship or an exclusive event properly

scheduled through the Port. For public safety and for security purposes immediately prior to and during a cruise ship visit, access to the pier is limited to passengers and operational personnel. Public access signage shall be provided at the front of Broadway Pier that clearly identifies these hours of operation. No revisions shall be made to the operating hours without an amendment to this Coastal Development Permit, unless the Director determines no amendment is legally required.

The management of vehicles and pedestrians in the Broadway Plaza when the Pier is open to traffic is further addressed below in *Section 3.0, Public Access during Cruise Ship Terminal Operations*.

2.5 C Street Corridor

C Street physically and visually connects Santa Fe Depot (Amtrak, Coaster and Trolley services) to the Bay, serving visitors, tourists, residents and local employees. The Lane Field Public Access Program provides a link for the public between Pacific Highway and Harbor Drive. The proposed Project will not place any structures in the extension of the 40-foot wide C Street view corridor established in the Lane Field Coastal Development Permit.

3.0 Public Access during Cruise Ship Terminal Operations

During cruise ship calls at Broadway Pier, Broadway Plaza will be managed to ensure pedestrian safety, facilitate vehicular access to Broadway Pier, and allow public access consistent with security regulations. The management of vehicular and pedestrian traffic is provided by Port, City of San Diego and security contract personnel, all trained to be responsive to members of the public.

Public access in the vicinity of the Broadway Pier must be managed in accordance with the requirements of the U.S. Department of Homeland Security and the U.S. Coast Guard during cruise ship operations. Every Port is unique, and the Captain of the Port with the U.S. Coast Guard has discretion over security when cruise ships are in port. The U.S. Coast Guard has historically not required the Port to close any portion of the esplanade while cruise ships are in port and it is not expected to do so when the new Broadway Pier cruise ship terminal opens for business. The following description of public access accommodations is based on current regulations and practices. There are several stages of cruise ship operations, and public access will be permitted within the framework of security regulations.

Prior to arrival of a cruise ship at the Broadway Pier, the Pier is subject to a full security sweep. The Pier will not be accessible to the public during those operations and until the cruise ship departs. It is not anticipated that the preparatory security sweep will affect public access on the esplanade or plaza.

Early in the morning of a cruise ship arrival, during passenger disembarkation, is a period of two to three hours of heavy vehicular traffic. Trucks bringing provisions for the ship and buses, taxis and other vehicles picking up passengers will be entering and exiting the Pier. Bollards at the eastern edge of Broadway Plaza will be removed to allow vehicles to cross the plaza east-west onto Broadway Pier. To maximize public safety during periods of heavy vehicular traffic, removable bollards and rope will guide pedestrian to two north-south crossing locations at Broadway Plaza: (1) the promenade along the water and (2) the sidewalk along the bayward side of Harbor Drive. As in any managed intersection, security personnel will alternately stop vehicles and pedestrians as needed to maximize east-west and north-south circulation and limit congestion, as shown in Figure 2. As the day progresses, vehicular traffic onto and off the Pier is typically more sporadic and public transit through the plaza can be more free-flowing, with continued management by security personnel to assure pedestrian safety.

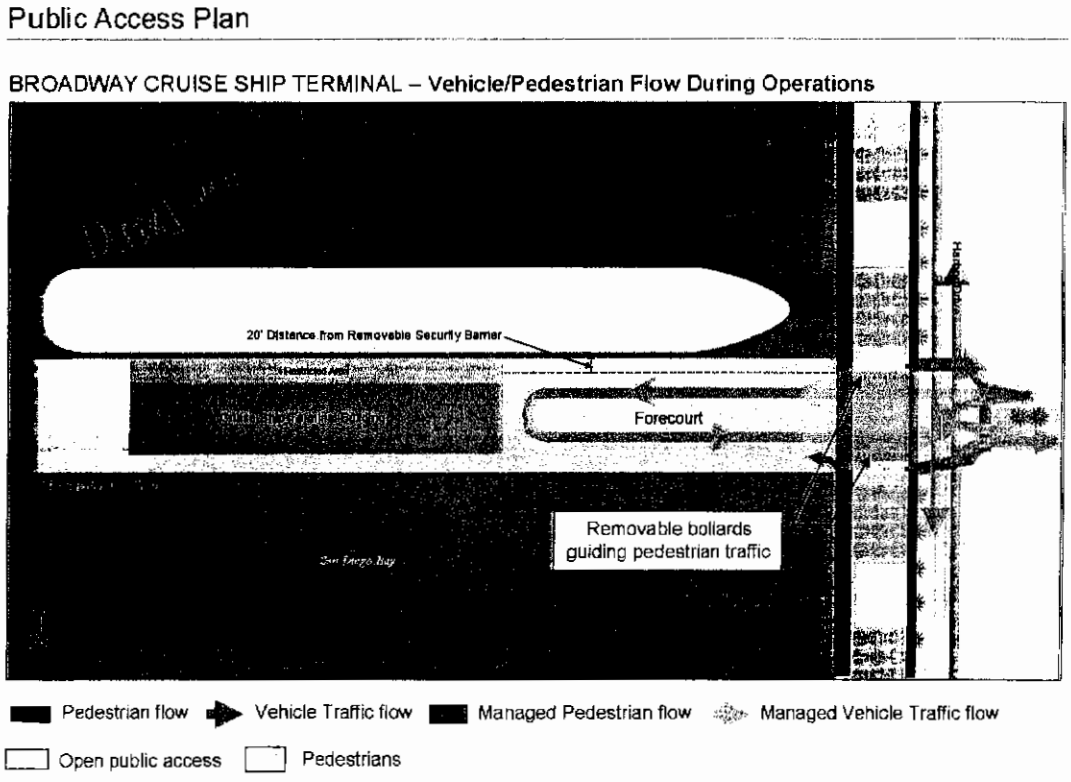


Figure 2, Public Access during Cruise Ship Operations

Due to the Pier's relatively small size, transit of trucks, buses and taxis onto and off of the Pier will be actively managed. Throughout the day, congestion in the Broadway Plaza will be avoided through off-site staging of vehicles. Trucks and buses are currently and will continue to be staged at an off-site location (Pacific Highway at this time) and called in when they can be accommodated on the Pier. Taxis are staged in front of the B Street Pier and will only be called to the Broadway Pier when needed for immediate passenger pick-up. Taxis and privately-owned vehicles will be allowed on the Pier for immediate pick-up and drop-off of ticketed passengers.

With the wider esplanade in which to manage the vehicle and pedestrian interface and the removal of the utility obstacle in the promenade, the pedestrian experience along the esplanade during cruise ship operations will be enhanced by the Project. Pedestrians will not be required to cross North Harbor Drive to circulate north-south along the promenade.

The Port remains subject to the control and direction of the U.S. Department of Homeland Security and the U.S. Coast Guard when a cruise ship calls at any of its cruise terminals. As a result, changing security conditions could require changes to cruise ship operations at Broadway Plaza. The Port will work with these federal agencies to minimize public access impacts.

The Director shall be notified of any changes to security measures that affect public access that the Port is mandated by law to implement immediately. Any permanent security revisions that affect public access shall require an amendment to this Coastal Development Permit, unless the Director determines that no amendment is legally required.

4.0 Comprehensive Signage Program.

The NEVP Phase 1 Project includes a comprehensive signage program. The program is divided into four elements: Identity, Wayfinding, Tenant Identity, and Information. Following is a brief overview of each.

a. **Identity:** threshold identifiers, street intersection identifiers, area-specific graphics, and restrooms.

b. **Wayfinding:** pedestrian wayfinding, vehicular wayfinding, and bike path trailblazers.

c. **Tenant Identity:** tenant kiosks, pier identities, and ship gangways.

d. **Information:** information kiosks, landmark and recreational attraction directories, and interpretive signage.

ATTACHMENT "C"

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

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 District Centre City Development Corporation	Prior to issuance of a grading permit.	Approval of parking management plan	Port District

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 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	Plan preparation, implementation, field monitoring and submittal of a final archaeological report.	Port District Centre City Development Corporation	Prior to issuance of a grading permit.	Approval of final Archaeological study report and field notes documenting compliance with subsurface mitigation plan.	Port District	

Mitigation Measure(s)	Monitoring Requirement	Responsible for Mitigation Implementation	Time Frame of Mitigation	Completion Requirement	Agency Responsible for Verification	Date of Completion
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 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						

Mitigation Measure(s)	Monitoring Requirement	Responsible for Mitigation Implementation	Time Frame of Mitigation	Completion Requirement	Agency Responsible for Verification	Date of Completion
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. 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						

Mitigation Measure(s)	Monitoring Requirement	Responsible for Mitigation Implementation	Time Frame of Mitigation	Completion Requirement	Agency Responsible for Verification	Date of Completion
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** 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						

Mitigation Measure(s)	Monitoring Requirement	Responsible for Mitigation Implementation	Time Frame of Mitigation	Completion Requirement	Agency Responsible for Verification	Date of Completion
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 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						

Mitigation Measure(s)	Monitoring Requirement	Responsible for Mitigation Implementation	Time Frame of Mitigation	Completion Requirement	Agency Responsible for Verification	Date of Completion
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 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						

Mitigation Measure(s)	Monitoring Requirement	Responsible for Mitigation Implementation	Time Frame of Mitigation	Completion Requirement	Agency Responsible for Verification	Date of Completion
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 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						

Mitigation Measure(s)	Monitoring Requirement	Responsible for Mitigation Implementation	Time Frame of Mitigation	Completion Requirement	Agency Responsible for Verification	Date of Completion
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** 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.						

Mitigation Measure(s)	Monitoring Requirement	Responsible for Mitigation Implementation	Time Frame of Mitigation	Completion Requirement	Agency Responsible for Verification	Date of Completion
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.						
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 interminent 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						

Mitigation Measure(s)	Monitoring Requirement	Responsible for Mitigation Implementation	Time Frame of Mitigation	Completion Requirement	Agency Responsible for Verification	Date of Completion
the following morning, if possible. (b) Discoveries All discoveries shall be processed and documented using the existing procedures detailed in Sections III - 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						

Mitigation Measure(s)	Monitoring Requirement	Responsible for Mitigation Implementation	Time Frame of Mitigation	Completion Requirement	Agency Responsible for Verification	Date of Completion
of Parks and Recreation 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 Port and the Native American representative, as applicable. 2. The PI shall include the Acceptance Verification from the						

Mitigation Measure(s)	Monitoring Requirement	Responsible for Mitigation Implementation	Time Frame of Mitigation	Completion Requirement	Agency Responsible for Verification	Date of Completion
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. 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. Field inspection to ensure site remediation is implemented in compliance with applicable laws and permits.	Port District Centre City Development Corporation	Prior to issuance of grading permit.	Written evidence that the final site assessment has been reviewed and approved by the DEH.	Port District	
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, state and local regulations prior to development of the site.	Consultation with County DEH prior to soil/groundwater sampling. Preparation, submittal and implementation of Remediation Plan, if required, for DEH review.	Port District Centre City Development Corporation	Prior to issuance of grading permit.	Written evidence that the final site assessment has been reviewed and approved by the DEH.	Port District County of San Diego DEH	
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	Consultation with County DEH prior to testing program, and submittal or final report to DEH for review.	Port District Centre City Development Corporation	Prior to issuance of grading permit.	Written evidence that the final report on asbestos and lead-based paints has been reviewed and	Port District 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
consultant's recommendations.				approved by the County DEH.		
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 Centre City Development Corporation	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 County of San Diego	
5. A Phase II investigation shall be conducted if necessary to test soils in the Project Area to determine if regulatory action and/or hazardous waste limits are exceeded. This investigation shall 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 in consultation with County DEH prior to implementation of Phase II report requirements	Port District Centre City Development Corporation	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 County of San Diego	
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. R9-2007-0034) and Federal National Pollution Discharge Elimination System (NPDES)	Preparation of a dewatering plan approved by RWQCB. Field inspection to verify plan is implemented in compliance with applicable laws and permits.	Port District Centre City Development Corporation	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	Port District County of San Diego RWQCB	

Mitigation Measure(s)	Monitoring Requirement	Responsible for Mitigation Implementation	Time Frame of Mitigation	Completion Requirement	Agency Responsible for Verification	Date of Completion
requirement. Order No. R9-2007-0034 regulates the temporary (during construction) discharge of extracted water to San Diego Bay and does not allow 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.				laws and regulations. Implementation of a dewatering plan.		
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 Centre City Development Corporation	Prior to issuance of demolition permits.	Copy of issued permit and field notes documenting permit condition implementation	Port District 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. 6. Remediation shall be conducted according to applicable federal, State and local regulations prior to development of the site.	Consultation with County of San Diego DEH prior to soil/groundwater sampling, preparation and submittal of Remediation Plan for DEH review. Implementation of approved Remediation Plan.	Port District Centre City Development Corporation	Prior to issuance of demolition permits.	Issuance of grading permits constitutes completion of this requirement.	Port District 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
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 in report and/or on final plans.	Port District Centre City Development Corporation	Prior to issuance of grading permit.	Issuance of grading permits constitutes completion of this requirement.	Port District	
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 Centre City Development Corporation	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 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. 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.	Preparation, review and approval of Geotechnical Report. Plan check and/or site inspection to verify all structures constructed in accordance with UBC and recommendations of Geotechnical Report.	Port District Centre City Development Corporation	Prior to issuance of building permit.	Issuance of building permit and site inspection/field notes documenting compliance.	Port District 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
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. Report and/or field inspection to verify plan is implemented in compliance with applicable laws and permits.	Port District Centre City Development Corporation	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 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 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 could be reduced by implementing any or all of the following mitigation	Preparation and implementation of a solid waste management plan.	Port District Centre City Development Corporation	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	

Mitigation Measure(s)	Monitoring Requirement	Responsible for Mitigation Implementation	Time Frame of Mitigation	Completion Requirement	Agency Responsible for Verification	Date of Completion
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.						

CALIFORNIA COASTAL COMMISSION
SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
(619) 767-2370

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

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

SECTION I. Appellant(s)

Name: Esther Sanchez
Mailing Address: City of Oceanside
300 North Coast Hwy
Oceanside, CA 92054
Phone Number: 760-435-0971

RECEIVED
FEB 01 2011
CALIFORNIA COASTAL COMMISSION SAN DIEGO COAST DISTRICT

SECTION II. Decision Being Appealed

1. Name of local/port government: Port of San Diego
2. Brief description of development being appealed: Realign Harbor Dr eastward from B Street Pier to south of Broadway Pier, construct 105-foot wide esplanade; public plaza at the foot of West Broadway; gardens; shade pavilions; ticket kiosks; information building; walk-up café; restroom; median improvements on West Broadway between Harbor Dr and Pacific Highway; restriping to provide additional turn lane at Grape St and Harbor Dr intersection; construct public park/plaza in 150-foot setback from Harbor Dr on Lane Field.
3. Development's location (street address, assessor's parcel no., cross street, etc:) Harbor Dr, from B Street Pier to south of Broadway Pier; Grape St and Harbor Dr intersection, West Broadway, Lane Field site at the northwest corner of Harbor Drive and West Broadway, San Diego. (San Diego County)
4. Description of decision being appealed:
   a. Approval; no special conditions: ☐ b. Approval with special conditions: ☒
   c. 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-11-006

DATE FILED: February 1, 2011

EXHIBIT NO. 15
APPLICATION NO. A-6-PSD-11-6
Appeal Forms
California Coastal Commission

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

   a. ☐ Planning Director/Zoning Administrator

   c. ☐ Planning Commission

   b. ☐ City Council/Board of Supervisors

   d. ☒ Other: Port Commission

Date of local government's decision: January 11, 2011

Local government's file number (if any): 2010-26

SECTION III. Identification of Other Interested Persons

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

Name and mailing address of permit applicant:

Darlene Nicandro	Gary Bosse
San Diego Unified Port District	Centre City Development Corp
P.O. Box 120488	401 B Street, Suite 400
San Diego, CA 92112	San Diego, CA 92101

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.

See Attachment #1.

SECTION IV. Reasons Supporting This Appeal

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, which continues on the next page.

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.)

See Appendix A
Dated February 1, 2011

Note: The above description 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.

SECTION V. Certification

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

Signed: Seth P. Sandy
Appellant or Agent

Date: 2/1/11

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: _____

Date: _____

Appendix A

February 1, 2011
NEVP Phase 1 Access

For descriptive purposes, the Embarcadero Visionary Plan (NEVP) Phase 1 Coastal Access Features project has been divided into four phases. Phase 1A: West Broadway, would improve the existing West Broadway street from North Harbor Drive east to the railroad tracks located between Pacific Highway and Kettner. The existing high point of the street would be lowered, raised, landscaping median would be installed, and signalization, striping, utilities, and lighting would be installed.

Phase 1B: North Harbor Drive, 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 for pedestrians and bicyclists, a storm water treatment system, a running/walking path, improved landscaping and structural architecture, and a public plaza at the foot of West Broadway flanked by formal gardens. Two open shade pavilions 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, along the southern edge of the future C Street alignment. The project would also provide median and storm water improvements along West Broadway between North Harbor Drive and Pacific Highway. In addition, restriping to provide an additional turn lane to the Grape Street and North Harbor Drive intersection would be undertaken.

Phase 1C was to include various public access and recreation improvements to the landward portion of Broadway Pier, but has been removed and is not part of the proposed project.

Phase 1D: Lane Field Setback Park/Plaza would create a "park/plaza" in a 150-foot wide setback from Broadway on the Lane Field site. Lane Field is currently a surface parking lot on the northeast corner of West Broadway and North Harbor Drive. On January 8, 2009, the Commission approved, on appeal, a permit for construction of up to 800 hotel rooms, retail stores, and restaurants (A-6-PSD-08-04/Lane Field). Construction of the setback park/plaza would require the Commission to approve an amendment to this permit, and may require additional environmental analysis and discretionary approvals.

The permit contains a number of potential significant inconsistencies with the following Port Master Plan goals and policies:

VI. THE PORT DISTRICT WILL INTEGRATE THE TIDELANDS INTO A FUNCTIONAL REGIONAL TRANSPORTATION NETWORK

- Encouraging development of improved major rail, water and air systems linking the San Diego region with the rest of the nation.

- Improved automobile linkages, parking programs and facilities, so as to minimize the use of waterfront for parking purposes

- Providing pedestrian linkages

- Encouraging development of non-automobile linkage systems to bridge the gap between pedestrian and major mass systems.

VIII. THE PORT DISTRICT WILL ENHANCE AND MAINTAIN THE BAY AND TIDELANDS AS AN ATTRACTIVE PHYSICAL AND BIOLOGICAL ENTITY.

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

IX. THE PORT DISTRICT WILL INSURE PHYSICAL ACCESS TO THE BAY EXCEPT AS NECESSARY TO PROVIDE FOR SAFETY AND SECURITY, OR TO AVOID INTERFERENCE WITH WATERFRONT ACTIVITIES.

- Provide "windows to the water" at frequent and convenient locations around the entire periphery of the bay with public right-of-way, automobile parking and other appropriate facilities.

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

X. THE QUALITY OF WATER IN SAN DIEGO BAY WILL BE MAINTAINED AT SUCH A LEVEL AS WILL PERMIT HUMAN WATER CONTACT ACTIVITIES.

- Insure through lease agreements that Port District tenants do not contribute to water pollution.

- Cooperate with the Regional Water Quality Control Board, the County Health Department, and other public agencies in a continual program of monitoring water quality and identifying source of any pollutant.

- Adopt ordinances, and take other legal and remedial action to eliminate sources of pollution.

XI. THE PORT DISTRICT WILL PROTECT, PRESERVE, AND ENHANCE NATURAL RESOURCES, INCLUDING NATURAL PLANT AND ANIMAL LIFE IN THE BAY AS A DESIRABLE AMENITY, AN ECOLOGICAL NECESSITY, AND A VALUABLE AND USABLE RESOURCE.

- Keep appraised of the growing body of knowledge on ecological balance and interrelationships.

- Administer the natural resources so that impacts upon natural resource values remain compatible with the preservation requirements of the public trust.

The project is a revised version of a permit previously approved by the Port District on July 7, 2009. That permit was appealed to the Commission, and denied on April 14, 2010 (A-6-PSD-09-43/NEVP Phase I). Phases IA and IB are identical to the previously proposed project; Phase ID is new. (The now-removed Phase IC was not part of the previous project).

Although the project is identified as the "North Embarcadero Visionary Plan (NEVP)" Phase 1 Coastal Access Features project, the NEVP is not the standard of review. In 2001, the Commission approved an amendment to the Port Master Plan (PMPA #27) incorporating many of the goals and projects identified in the Visionary Plan, but only the PMP itself, including the text of the PMP, the exhibits, the project list, and those portions of the NEVP specifically referenced in the PMP are the standard of review for coastal development permits issued by the Port District. In addition, because much of the proposed project is located on tidelands between the Bay and the first public roadway, the standard of review also includes the public access policies of the Coastal Act.

The previous project was denied for a variety of reasons. First, the NEVP Improvements Phase I, if constructed as approved in the previous Port CDP, would have precluded the construction of Broadway Plaza Landing Park in the configuration shown in the certified PMP. This is still the case with the subject permit. Specifically, 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 2.5 acres in size, with another 24,300 sq.ft. shown as potentially needing to be located in a new over-water structure. The esplanade is shown continuing on either side of the park.

Both the previously approved and the subject Port CDP would instead construct an approximately 16,000 sq.ft. rectangular plaza/pier entrance, with esplanade on either side of the plaza. The existing plan also shows Harbor Drive being reconfigured in a curve around the new park; the proposed permit would realign Harbor Drive to the east, but not in the curved manner shown in the certified PMP.

The Commission found that amending the PMP through a CDP on a piecemeal, project-by-project basis, where the overall context of the impacts could not be evaluated or mitigated to ensure consistency with the PMP and the Coastal Act, could set an adverse precedent, and that to preserve the integrity of the PMP, the changes proposed to the PMP should be reviewed and approved as a PMP Amendment.

This continues to be a concern with the subject CDP. The proposed public esplanade and Lane Field setback park would undoubtedly improve public access and recreation over existing conditions, but these projects are clearly significantly different than the 2.5 acre oval-shaped public park/plaza shown in the certified PMP.

In addition to finding that the previous Port permit would have resulted in a significantly different configuration of parkland than shown in the certified PMP, the Commission found previously that the public space provided would be significantly smaller and of lower quality—less useful and meaningful to the public—than those adopted in the approved Port Master Plan.

The proposed project attempts to address this concern through the inclusion of Phase 1D, the Lane Field Setback Park/Plaza. However, while this is clearly an improvement over the previous project, as proposed, construction of this park would not be the equivalent of the public space shown in the certified plan. Instead of a contiguous 2.5 acre waterfront park, the Lane Field Park/Plaza is a linear park on the inland side of Harbor Drive. The Park is described as being approximately 2 acres in size, but gives the Lane Field developer "the right to develop an area extending approximately 25 feet west from the eastern boundary of the setback for uses ancillary to the Lane Field project." While this area must "balance public vs. semi-private uses," the actual nature of this space has not yet been determined and it is unclear just how public this area will be. Thus, the area specifically reserved and committed to public use would be approximately 1.66 acres.

The permit requires the Port to make a good faith effort to acquire and develop the portion of the property at 1220 Pacific Highway within the 150 foot setback, but this is not expected to occur within the near future, if ever.

The permit includes a requirement to develop, either with the subject permit, or in the future, a minimum of 1.25 acres of waterfront park/plaza (an amount that includes the plazas that are within the proposed esplanade). This additional acreage would be studied in the North Embarcadero Port Master Plan Amendment, which is currently underway. However, there are no requirements that this acreage be provided by any particular time frame. Thus, as proposed, the project does not appear to adequately replace the destination waterfront park planned for the certified PMP.

The project requires that the Lane Field park be completed within four years of the commencement of construction of the permitted improvements. Given that the site has been identified and most if not all of the site constraints have been identified through the previously approved hotel development project, this timeframe for completion of only a portion of the park needed to replace the oval park appears to be unreasonably long.

If both the 1.66 acre Lane Field setback park/plaza, and the 1.25 acre of waterfront park/plaza space are provided, this would replace the 2.5 contiguous oval park/plaza with a series of small park/plazas totaling 2.91 acres. Depending on the ultimate configuration of these public spaces, these might be able to provide a public access and recreational benefit similar to that envisioned in the certified PMP; but not without a commitment to plan and construct the facilities within a reasonable but aggressive timeframe, and this ultimate build out timeframe has not been provided for in the approved permit.

Other potential inconsistencies with the Coastal Act include impacts to public access from the removal of public parking spaces. The proposed projects include removal of the

vast majority of the existing street and off-street parking spaces in the project area; in total, 146 parking spaces would be removed. The project includes a requirement that a Final Parking Management and Transit Opportunity Plan be developed prior to issuance of the permit. Under the approved permit, this plan would allow the removal of half of the 146 spaces as part of Phases 1A and 1B (the roadway and esplanade improvements) when replacement parking is identified. This replacement parking must be shown to not be currently in demand, within 10 minutes walking distance, and priced for short-term (not all day) parking. These parking spaces must be available until an Embarcadero circulator shuttle is implemented, at which time, the other 50% of parking spaces may be removed.

The certified PMP and the public access policies of the Coastal Act support the implementation of public shuttle services that improve circulation and access to the waterfront. However, some of the approved condition language is currently unclear (for example, it is not entirely clear if only 50% of the parking can removed and replaced prior to implementation of the shuttle, or if only 50% of the removed parking need be replaced prior to the shuttle), and additional specificity on the implementation of the shuttle must be provided, to ensure that the removal of 146 prime waterfront spaces does not adversely impact public access.

The project also includes a Public Access Program that establishes site access and circulation through the area, and includes some clarifications and restrictions on how public access shall be maintained along the proposed esplanade and onto the cruise ship terminal, particularly when cruise ships are or will be docked. The Public Access Program is generally protective of public access, but does include language allowing access to the Broadway Pier facility to be closed to the public when reserved for an exclusive event scheduled through the Port District. The Broadway Cruise Ship Terminal was approved as an auxiliary terminal designed to be open to the public when not being used for cruise ship operations. The subject permit should include language ensuring that the building will not be used exclusively for private uses and giving community, civic, and/or public uses first priority.

After the previous permit was denied by the Commission, the Port developed a preliminary program for increasing public access and recreation opportunities on the newly constructed Broadway Pier, and for increasing activity and circulation between the proposed Lane Field Setback Park/Plaza, the esplanade, and the Pier. This program, which was to include specifics for street furniture, public events planning, and other pedestrian-oriented facilities and activity, was intended to help offset and mitigate for the loss of the 2.5 acre destination oval park/plaza. However, this program (previously Phase 1C) was not included in the approved permit. The lack of specific commitments ensuring the proposed esplanade functions in concert with the adjacent Broadway Pier and the proposed Lane Field Park, is not consistent with the public access policies of the Coastal Act, or the policies of the certified PMP requiring the provision of pedestrian linkages, promenades, and paths.

The project will be in a location where there very likely are active faults traversing the area. Although there are no habitable structures proposed with the project, rupture of sewer and water lines could cause erosion and adverse impacts to water quality. Flexible

pipelines or above-ground utilities on sliders or other mitigation measures may be appropriate requirements for project utilities. However, seismic risk was not analyzed or evaluated in the permit, thereby raising potential inconsistencies with the natural resource and water quality protection policies of the certified PMP.

Because the project may adversely impact public access, public recreation, and water quality, the project is potentially inconsistent with the policies of the certified PMP and public access provisions of the Coastal Act.

Attachment #1 List of Interested Parties

Don Wood
4539 Lee Avenue
La Mesa, CA 91941

Katheryn Rhodes
Conrad Hartsell, MD
371 San Fernando Street
San Diego, CA 92106

Ian Trowbridge
3444 Hawk Street
San Diego, CA 92103

Scott Andrews
Save Everyone's Access
2241 4th Avenue
San Diego, CA 92101

Diane Coombs
Citizens Coordinate for Century 3
6424 Del Paso Avenue
San Diego, CA 92120

Janet Laurain
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080-7037

Graham Forbes
UNITE HERE Local 30
3737 Camino Del Rio South, #300
San Diego, CA 92108

Cathy O'Leary Carey & John Carey
17696 Cumana Terrace
San Diego, CA 92128

CALIFORNIA COASTAL COMMISSION
SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
(619) 767-2370

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

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

SECTION I. Appellant(s)

Name: Mary Shallenberger
Mailing Address: P.O. Box 354
Clements, CA 95227-354

Phone Number: 415-904-5200

RECEIVED
FEB 01 2011
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

SECTION II. Decision Being Appealed

1. Name of local/port government: Port of San Diego
2. Brief description of development being appealed: Realign Harbor Dr eastward from B Street Pier to south of Broadway Pier, construct 105-foot wide esplanade; public plaza at the foot of West Broadway; gardens; shade pavilions; ticket kiosks; information building; walk-up café; restroom; median improvements on West Broadway between Harbor Dr and Pacific Highway; restriping to provide additional turn lane at Grape St and Harbor Dr intersection; construct public park/plaza in 150-foot setback from Harbor Dr on Lane Field.
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4. Description of decision being appealed:
   a. Approval; no special conditions: ☐ b. Approval with special conditions: ☒
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   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-11-006

DATE FILED: February 1, 2011

DISTRICT: San Diego

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

a. ☐ Planning Director/Zoning Administrator

c. ☐ Planning Commission

b. ☐ City Council/Board of Supervisors

d. ☒ Other: Port Commission

Date of local government's decision: January 11, 2011

Local government's file number (if any): 2010-26

SECTION III. Identification of Other Interested Persons

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

Name and mailing address of permit applicant:

Darlene Nicandro	Gary Bosse
San Diego Unified Port District	Centre City Development Corp
P.O. Box 120488	401 B Street, Suite 400
San Diego, CA 92112	San Diego, CA 92101

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.

See Attachment #1.

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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, which continues on the next page.

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See Appendix A
Dated February 1, 2011

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SECTION V. Certification

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

Signed: *Signature on file* *Signature on file*
Appellant or Agent

Date: 2/1/11

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: _____

Date: _____

Appendix A

February 1, 2011
NEVP Phase 1 Access

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VI. THE PORT DISTRICT WILL INTEGRATE THE TIDELANDS INTO A FUNCTIONAL REGIONAL TRANSPORTATION NETWORK

- Encouraging development of improved major rail, water and air systems linking the San Diego region with the rest of the nation.

- Improved automobile linkages, parking programs and facilities, so as to minimize the use of waterfront for parking purposes

- Providing pedestrian linkages

- Encouraging development of non-automobile linkage systems to bridge the gap between pedestrian and major mass systems.

VIII. THE PORT DISTRICT WILL ENHANCE AND MAINTAIN THE BAY AND TIDELANDS AS AN ATTRACTIVE PHYSICAL AND BIOLOGICAL ENTITY.

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

IX. THE PORT DISTRICT WILL INSURE PHYSICAL ACCESS TO THE BAY EXCEPT AS NECESSARY TO PROVIDE FOR SAFETY AND SECURITY, OR TO AVOID INTERFERENCE WITH WATERFRONT ACTIVITIES.

- Provide "windows to the water" at frequent and convenient locations around the entire periphery of the bay with public right-of-way, automobile parking and other appropriate facilities.

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

X. THE QUALITY OF WATER IN SAN DIEGO BAY WILL BE MAINTAINED AT SUCH A LEVEL AS WILL PERMIT HUMAN WATER CONTACT ACTIVITIES.

- Insure through lease agreements that Port District tenants do not contribute to water pollution.

- Cooperate with the Regional Water Quality Control Board, the County Health Department, and other public agencies in a continual program of monitoring water quality and identifying source of any pollutant.

- Adopt ordinances, and take other legal and remedial action to eliminate sources of pollution.

XI. THE PORT DISTRICT WILL PROTECT, PRESERVE, AND ENHANCE NATURAL RESOURCES, INCLUDING NATURAL PLANT AND ANIMAL LIFE IN THE BAY AS A DESIRABLE AMENITY, AN ECOLOGICAL NECESSITY, AND A VALUABLE AND USABLE RESOURCE.

- Keep appraised of the growing body of knowledge on ecological balance and interrelationships.

- Administer the natural resources so that impacts upon natural resource values remain compatible with the preservation requirements of the public trust.

The project is a revised version of a permit previously approved by the Port District on July 7, 2009. That permit was appealed to the Commission, and denied on April 14, 2010 (A-6-PSD-09-43/NEVP Phase I). Phases IA and IB are identical to the previously proposed project; Phase ID is new. (The now-removed Phase IC was not part of the previous project).

Although the project is identified as the "North Embarcadero Visionary Plan (NEVP)" Phase 1 Coastal Access Features project, the NEVP is not the standard of review. In 2001, the Commission approved an amendment to the Port Master Plan (PMPA #27) incorporating many of the goals and projects identified in the Visionary Plan, but only the PMP itself, including the text of the PMP, the exhibits, the project list, and those portions of the NEVP specifically referenced in the PMP are the standard of review for coastal development permits issued by the Port District. In addition, because much of the proposed project is located on tidelands between the Bay and the first public roadway, the standard of review also includes the public access policies of the Coastal Act.

The previous project was denied for a variety of reasons. First, the NEVP Improvements Phase I, if constructed as approved in the previous Port CDP, would have precluded the construction of Broadway Plaza Landing Park in the configuration shown in the certified PMP. This is still the case with the subject permit. Specifically, 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 2.5 acres in size, with another 24,300 sq.ft. shown as potentially needing to be located in a new over-water structure. The esplanade is shown continuing on either side of the park.

Both the previously approved and the subject Port CDP would instead construct an approximately 16,000 sq.ft. rectangular plaza/pier entrance, with esplanade on either side of the plaza. The existing plan also shows Harbor Drive being reconfigured in a curve around the new park; the proposed permit would realign Harbor Drive to the east, but not in the curved manner shown in the certified PMP.

The Commission found that amending the PMP through a CDP on a piecemeal, project-by-project basis, where the overall context of the impacts could not be evaluated or mitigated to ensure consistency with the PMP and the Coastal Act, could set an adverse precedent, and that to preserve the integrity of the PMP, the changes proposed to the PMP should be reviewed and approved as a PMP Amendment.

This continues to be a concern with the subject CDP. The proposed public esplanade and Lane Field setback park would undoubtedly improve public access and recreation over existing conditions, but these projects are clearly significantly different than the 2.5 acre oval-shaped public park/plaza shown in the certified PMP.

In addition to finding that the previous Port permit would have resulted in a significantly different configuration of parkland than shown in the certified PMP, the Commission found previously that the public space provided would be significantly smaller and of lower quality—less useful and meaningful to the public—than those adopted in the approved Port Master Plan.

The proposed project attempts to address this concern through the inclusion of Phase 1D, the Lane Field Setback Park/Plaza. However, while this is clearly an improvement over the previous project, as proposed, construction of this park would not be the equivalent of the public space shown in the certified plan. Instead of a contiguous 2.5 acre waterfront park, the Lane Field Park/Plaza is a linear park on the inland side of Harbor Drive. The Park is described as being approximately 2 acres in size, but gives the Lane Field developer "the right to develop an area extending approximately 25 feet west from the eastern boundary of the setback for uses ancillary to the Lane Field project." While this area must "balance public vs. semi-private uses," the actual nature of this space has not yet been determined and it is unclear just how public this area will be. Thus, the area specifically reserved and committed to public use would be approximately 1.66 acres.

The permit requires the Port to make a good faith effort to acquire and develop the portion of the property at 1220 Pacific Highway within the 150 foot setback, but this is not expected to occur within the near future, if ever.

The permit includes a requirement to develop, either with the subject permit, or in the future, a minimum of 1.25 acres of waterfront park/plaza (an amount that includes the plazas that are within the proposed esplanade). This additional acreage would be studied in the North Embarcadero Port Master Plan Amendment, which is currently underway. However, there are no requirements that this acreage be provided by any particular time frame. Thus, as proposed, the project does not appear to adequately replace the destination waterfront park planned for the certified PMP.

The project requires that the Lane Field park be completed within four years of the commencement of construction of the permitted improvements. Given that the site has been identified and most if not all of the site constraints have been identified through the previously approved hotel development project, this timeframe for completion of only a portion of the park needed to replace the oval park appears to be unreasonably long.

If both the 1.66 acre Lane Field setback park/plaza, and the 1.25 acre of waterfront park/plaza space are provided, this would replace the 2.5 contiguous oval park/plaza with a series of small park/plazas totaling 2.91 acres. Depending on the ultimate configuration of these public spaces, these might be able to provide a public access and recreational benefit similar to that envisioned in the certified PMP; but not without a commitment to plan and construct the facilities within a reasonable but aggressive timeframe, and this ultimate build out timeframe has not been provided for in the approved permit.

Other potential inconsistencies with the Coastal Act include impacts to public access from the removal of public parking spaces. The proposed projects include removal of the

vast majority of the existing street and off-street parking spaces in the project area; in total, 146 parking spaces would be removed. The project includes a requirement that a Final Parking Management and Transit Opportunity Plan be developed prior to issuance of the permit. Under the approved permit, this plan would allow the removal of half of the 146 spaces as part of Phases 1A and 1B (the roadway and esplanade improvements) when replacement parking is identified. This replacement parking must be shown to not be currently in demand, within 10 minutes walking distance, and priced for short-term (not all day) parking. These parking spaces must be available until an Embarcadero circulator shuttle is implemented, at which time, the other 50% of parking spaces may be removed.

The certified PMP and the public access policies of the Coastal Act support the implementation of public shuttle services that improve circulation and access to the waterfront. However, some of the approved condition language is currently unclear (for example, it is not entirely clear if only 50% of the parking can removed and replaced prior to implementation of the shuttle, or if only 50% of the removed parking need be replaced prior to the shuttle), and additional specificity on the implementation of the shuttle must be provided, to ensure that the removal of 146 prime waterfront spaces does not adversely impact public access.

The project also includes a Public Access Program that establishes site access and circulation through the area, and includes some clarifications and restrictions on how public access shall be maintained along the proposed esplanade and onto the cruise ship terminal, particularly when cruise ships are or will be docked. The Public Access Program is generally protective of public access, but does include language allowing access to the Broadway Pier facility to be closed to the public when reserved for an exclusive event scheduled through the Port District. The Broadway Cruise Ship Terminal was approved as an auxiliary terminal designed to be open to the public when not being used for cruise ship operations. The subject permit should include language ensuring that the building will not be used exclusively for private uses and giving community, civic, and/or public uses first priority.

After the previous permit was denied by the Commission, the Port developed a preliminary program for increasing public access and recreation opportunities on the newly constructed Broadway Pier, and for increasing activity and circulation between the proposed Lane Field Setback Park/Plaza, the esplanade, and the Pier. This program, which was to include specifics for street furniture, public events planning, and other pedestrian-oriented facilities and activity, was intended to help offset and mitigate for the loss of the 2.5 acre destination oval park/plaza. However, this program (previously Phase 1C) was not included in the approved permit. The lack of specific commitments ensuring the proposed esplanade functions in concert with the adjacent Broadway Pier and the proposed Lane Field Park, is not consistent with the public access policies of the Coastal Act, or the policies of the certified PMP requiring the provision of pedestrian linkages, promenades, and paths.

The project will be in a location where there very likely are active faults traversing the area. Although there are no habitable structures proposed with the project, rupture of sewer and water lines could cause erosion and adverse impacts to water quality. Flexible

pipelines or above-ground utilities on sliders or other mitigation measures may be appropriate requirements for project utilities. However, seismic risk was not analyzed or evaluated in the permit, thereby raising potential inconsistencies with the natural resource and water quality protection policies of the certified PMP.

Because the project may adversely impact public access, public recreation, and water quality, the project is potentially inconsistent with the policies of the certified PMP and public access provisions of the Coastal Act.

Attachment #1 List of Interested Parties

Don Wood
4539 Lee Avenue
La Mesa, CA 91941

Katheryn Rhodes
Conrad Hartsell, MD
371 San Fernando Street
San Diego, CA 92106

Ian Trowbridge
3444 Hawk Street
San Diego, CA 92103

Scott Andrews
Save Everyone's Access
2241 4th Avenue
San Diego, CA 92101

Diane Coombs
Citizens Coordinate for Century 3
6424 Del Paso Avenue
San Diego, CA 92120

Janet Laurain
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080-7037

Graham Forbes
UNITE HERE Local 30
3737 Camino Del Rio South, #300
San Diego, CA 92108

Cathy O'Leary Carey & John Carey
17696 Cumana Terrace
San Diego, CA 92128

STATE OF CALIFORNIA – THE RESOURCES AGENCY

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

RECEIVED
JAN 24 2011
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

ARNOLD SCHWARZENEGGER, *Governor*

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 rhodes@laplayaheritage.com

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.

2. Brief description of development being appealed:

January 11, 2011 Port Meeting Agenda Item No. 16 – Coastal Development Permit (CDP) North Embarcadero Visionary Plan (NEVP) Phase 1 Coastal Access Features Project. San Diego, California. www.tinyurl.com/20110111a

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

Public Trust Tidelands in the North Embarcadero of downtown San Diego, California 92101

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

☒ 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-11-006

DATE FILED: 1/24/11

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: Tuesday January 11, 2011.

7. Local government's file number (if any): Agenda Item No. 16 - Phase 1

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, Don L. Nay Port Administration Building, 3165 Pacific Highway, San Diego, California 92101
Darlene Nicandro, Manager Land Use Planning.
Shaun Sumner, Area Asset Manager Real Estate.

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) Scott Andrews.

(2) Katheryn Rhodes and Conrad Hartsell MD, 371 San Fernando Street, San Diego, CA 92106

(3) Navy Broadway Complex Coalition.

(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.

Please see the attached document.

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 of Appellant(s) or Authorized Agent

Date: January 23, 2011 01/23/11

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: _____

January 11, 2011

Port of San Diego
Don L. Nay Port Administration Building
3165 Pacific Highway
San Diego, California 92101

Subject: January 11, 2011 Port Meeting Agenda Item No. 16 – Coastal Development Permit (CDP) North Embarcadero Visionary Plan (NEVP) Phase 1 Coastal Access Features Project. San Diego, California. www.tinyurl.com/20110111a

Dear Port of San Diego,

Our previous public concerns regarding public park land and open space have been satisfied. Thank you for the changes to the NEVP Phase 1. However this project is still not Consistent with the Port's Master Plan. As such, all our ongoing issues should be discussed and resolved in the upcoming Port Master Plan Amendment (PMPA).

After 5 years we still have two outstanding issues for the NEVP including the lack of parking solutions and seismic analysis that have yet to be acknowledged, let alone finalized. Therefore, unless the proper Environmental Review on Parking and Seismic issues are resolved, we will again be appealing the Coastal Development Permit (CDP) to the California Coastal Commission (CCC) based upon inadequate Environmental Analysis that could be completed within one 8-hour day at a cost of approximately $12,870 for the Seismic Reflection Testing and zero dollars for the regional NEVP Transportation and Parking Demand Plan that has yet to be published.

The public outstanding concerns regarding the lack of a Parking Management and Transit Opportunity Plan for the North Embarcadero area was first acknowledge by Port Director, Don L. Nay of whom the Port building is named, in his Comment letter to the Navy's EIR/EIS for the Navy Broadway Complex (NBC) project dated May 31, 1990, documented in EIR/EIS Issue D-4 and Topical Response TR-3. Former Port Director Don L. Nay's comments included the following:

> **"(4) a continuation of a serious deficit in the provisions of on-site parking facilities... All of the Navy's proposed development alternatives contain severe deficiencies in on-site parking supply. Since the proposals only provide from 50 to 55 percent of the total parking demand, an unusually heavy reliance is placed upon transportation demand management techniques and on adjacent areas to fully meet the parking demand generated by the proposed development. The Navy appears to be providing only about 21 percent of its total on-site parking demand, which has placed undue competition for available parking spaces in the surrounding streets, adjacent parking areas, and in those areas allocated for commercial activities at G Street Mole, Seaport Village, and Lane Field. In the future, it is not anticipated that these areas will be available to meet the parking demand of the Navy property development. The project tends to continue the adverse impact of inadequate parking facilities on Navy property, both at the proposed Broadway Complex development and at the Engineering Facilities Command on Pacific Highway."**

As part of the backup documentation for this Agenda item, the Port has acknowledged the need to replace 146 low-cost, hourly parking spaces that would be deleted as part of the NEVP Phase 1 project. However, the Port has still forgotten and has refused to acknowledge the missing 1,542 parking spaces needed for the already approved Navy Broadway Complex (NEVP) in the North Embarcadero area. Which the Port of San Diego by its silence, lack of action, and lack of coming to a final resolution and understanding with the City of San Diego, CCDC and the Navy, has approved by default.

For Seismic Issues, specifically Phase 1A – West Broadway, please see our attached Public Comments Letter dated November 8, 2010. Phase 1A: West Broadway is described as: *"Phase 1A would improve the existing West Broadway street from North Harbor Drive east to the railroad tracks located between Pacific Highway and Kettner, though the limits of the District's permitting jurisdiction under the Coastal Act extend only to the mean high tide line in Pacific Highway. Phase 1A consists of the following features:"* Also this project I part of the North Embarcadero Visionary Plan (NEVP) Joint Powers Authority (JPA) with CCDC and the City and Port of San Diego. For this development project, the Port of San Diego is the lead agency under CEQA, therefore any seismic analysis should includes all the area of Phase 1A on Broadway to the train tracks, including lad not normally under the Port of San Diego's jurisdiction.

A valid geotechnical fault investigation has never been compiled as part of the Master EIR for the NEVP. However, we have been promised by Port Staff that a valid fault investigation to confirm to deny active faulting in the NEVP area will be conducted as part of the ongoing Port Master Plan Amendment (PMPA).

Excerpt regarding seismic issues in the Port's Addendum to the Master Environmental Impact Report and Initial Study includes the following:

> "Impacts related to Seismic Activity/Liquefaction/Groundwater Table/Corrosive Soils. The Proposed Project Area is within fault zones that are characterized as active. All developments that occur within the geographical boundaries of Southern California have the potential of exposing people and/or structures to potentially substantial adverse effects involving the rupture of a known earthquake fault, a strong seismic ground shaking, seismic-related ground failure (including liquefaction), or landslides. As discussed on page 4.11-6 of the MEIR, based on a review of geotechnical reports, the Proposed Project area is not underlain by known active fault splays that exhibit evidence of ground displacement during the last 11,000 years."

From the Geology and Soils section

> "Question 1a. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of known fault? Refer to Divisions of Mines and Geology Special Publication 42."

The Port has documented that the Environmental Impacts of Surface Rupture was analyzed in the Master EIR for the NEVP, and no new impact has occurred. However, the Master EIR was approved before the Rose Canyon Fault Zone (RCFZ) in San Diego Bay was considered "active" in the mid-1990's. Therefore, the Seismic Hazard issues of active faulting and surface rupture are still outstanding.

From the Port's Mitigation Monitoring and Reporting Program for Seismic and Geologic Hazards section:

> "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."

The Port states that a valid fault investigation approved in writing by the Port and/or City of San Diego will be published *"Prior to Issuance of Building Permit."*

Instead of non-compliance, and a delay, deny, and deceive planning tactic, in order to save the taxpayer's money active faulting should be confirmed or denied at the CEQA planning stage in order to design for deformation from active faulting in underground utilities and paved surfaces. Using flexible connections across known active fault lines would improve the performance and life-span of the public utilities and roadways under the Port's control, and would result in far fewer Water and Sewer Main breaks in San Diego. The City of San Diego is known State-wide for their frequent broken subsurface public utilities, and the resulting water pollution problems.

San Diego Municipal Code Section 113.0103 defines Environmentally Sensitive Lands (ESL) as *"steep hillsides, sensitive biological resources, **coastal beaches, sensitive coastal bluff,** or Special Flood Hazard Areas."* Although filled with reclaimed bay mud, we believe the NEVP Phase 1 project is within both the Coastal Beaches and Sensitive Coastal Bluff area. San Diego Bay was created by an approximate 20+ foot vertical drop at the exact location of the presumed active Coronado Fault of the Rose Canyon Fault Zone (RCFZ), which before it was reclaimed, created the toe of the coastal bluff and the coastal beach in the Project Area.

As shown in the attached Information Bulletin 515, II B. *"In zones 31 or 32, considered at risk for liquefaction, the study can be deferred to the construction permit phase if no **Environmentally Sensitive Lands are likely to be impacted**, or where no habitable space is proposed."* Therefore, due to the Environmentally Sensitive Land designation of Coastal Beaches and Sensitive Coastal Bluffs, a report should be turned in ASAP so the outstanding 5 year issue will be resolved for everyone's benefit. Thankfully if active faulting is denied or confirmed and plans need to be modified, engineering issues of designing for the planned deformation can be analyzed and mitigated at virtually no cost and no time delay.

San Diego City Charter Section 225 – Mandatory Disclosure of Business Interests states: http://docs.sandiego.gov/citycharter/Article%20XIV.pdf

> "No right, title or interest in the City's real or personal property, nor any right, title or interest arising out of a **contract,** or lease, may be granted or bargained pursuant to the City's general municipal powers or otherwise, nor any franchise, right or privilege may be

granted pursuant to Section 103 or 103.1 of this Charter, **unless the person applying or bargaining therefore makes a full and complete disclosure of the name and identity of any and all persons directly or indirectly involved in the application or proposed transaction and the precise nature of all interests of all persons therein.** Any transfer of rights, privileges or obligations arising from a franchise, right or privilege granted under Charter Section 103 or 103.1, or any transfer of any right, title or interest in the City's real or personal property, or any right, title or interest arising out of a contract, or lease, which may be granted or bargained pursuant to the City's general municipal powers or otherwise, shall also require a full and complete disclosure as set forth above. **Failure to fully disclose all of the information enumerated above shall be grounds for denial of any application or proposed transaction or transfer and may result in forfeiture of any and all rights and privileges that have been granted heretofore.** For purposes of this Charter section, the term "person" means any natural person, joint venture, joint stock company, partnership, association, firm, club, company, corporation, business trust, organization or entity. *(Addition voted 06-02-1992; effective 07-13-1992.)"*

City Charter Section 225 was established by the San Diego voters on June 2, 1992. Since then, in order to get around potential conflicts-of-interests and corruption safeguards; as Standard Operating Practices (SOP) Developers, Lessees, and private business partners in San Diego that receive public funding; started incorporating the majority of individual San Diego development projects in Delaware due to the State of Delaware's General Corporation Law, the Delaware Court of Chancery, and the hard to penetrate Delaware Corporate Veil.

As seen on the attached Business Entity Detail, Lane Field San Diego Developers, LLC is a Delaware Limited Liability Company whose ownership has not been fully disclosed in writing to the public and government officials. Please start enforcing City Charter Section 225 – Mandatory Disclosure of Business Interests to create a legal precedent, so that the public is assured and confident that no conflicts-of-interests occur between Port of San Diego, City of San Diego, and Redevelopment Agency (CCDC) Officials and unknown entities and persons hiding behind Delaware LLC and LP status.

As stated by former Port Director Don L. Nay, ***"If a development is determined not to be consistent with the Port Master Plan (PMP), then the project could not proceed or a plan amendment would be filed for review and certification by the California Coastal Commission."***

In conclusion, the NEVP Phase 1 project is not consistent for the Port Master Plan (PMP). Please follow the recommendation of the former Port Director Don L. Nay, and require that all outstanding issues be analyzed as part of the existing and ongoing Port Master Plan Amendment (PMPA) process.

Regards,

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

OFFICE OF THE
PORT DIRECTOR

0000004

Port of San Diego

and Lindbergh Field Air Terminal

(619) 291-3900 • P.O. Box 488, San Diego, California 92112

May 31, 1990

Officer in Charge
Western Division Naval Facilities Engineering
Command Detachment, Broadway Complex
555 West Beech Street, Suite 101
San Diego, CA 92101-2937

Subject: Navy Broadway Complex Project EIS/EIR

Dear Sir:

Our review of this document has prompted the identification of areas where it is felt that there is a deficiency in the information provided. These matters deal with: (1) the ability of the project to stand on its own merits without shifting development costs to other entities, (2) encroachments into the Lindbergh Field flight path, (3) curtailment of direct access by the closure of Broadway from downtown, and (4) a continuation of a serious deficit in the provision of on-site parking facilities.

The project should be evaluated so that it would stand on its own merits rather than to continue the efforts to use adjacent properties not owned or controlled by the Navy to add amenities. The District retains planning jurisdiction for its area, and has not assumed responsibility to carry forward the Navy's general proposals on Port lands. In particular, the public cost created by this development plan should be documented for the cost of suggested off-site open space, street closures, and new street systems. Public subsidies necessary for the museum operations proposed in the project should also be identified in the EIS. D-1

The Navy's plan proposes a 400 foot tall building which is a 100 foot encroachment into the aircraft flight path at the foot of Broadway. The EIS should discuss the cumulative impacts of flight path height clearance encroachments by individual buildings in this area. D-2

The closure of Broadway to direct vehicular traffic will curtail access from downtown to Harbor Drive and the adjacent shoreline. In the area between Ash Street and Market, which consists of a six block length, D-3

Broadway is the only street at present which links downtown to the shoreline. The District's current planning policies encourage retention of Broadway as well as a new street to serve B Street Pier which would run across Port properties on an alignment close to B Street extended. The streets proposed by the Navy's plan for C Street and the linkage from C to Broadway are not consistent with our planned development. The Navy's illustration also shows C Street severing Port property in a way which would cause a diminution in value. The EIS should not assume that C Street and its proposed link to Broadway will be built, and under those circumstances, draw conclusions as to the impact of traffic on the intersections in the area. D-3

All of the Navy's proposed development alternatives contain severe deficiencies in on-site parking supply. Since the proposals only provide from 50 to 55 percent of the total on-site parking demand, an unusually heavy reliance is placed upon transportation demand management techniques and on adjacent areas to fully meet the parking demand generated by the proposed development. The Navy appears to be providing only about 21 percent of its total on-site parking demand, which has placed undue competition for available parking spaces in the surrounding streets, adjacent parking areas, and in those areas allocated for commercial activities at G Street Mole, Seaport Village, and Lane Field. In the future, it is not anticipated that these areas will be available to meet the parking demand of Navy property development. The project tends to continue the adverse impact of inadequate parking facilities on Navy property, both at the proposed Broadway Complex development and at the Engineering Facilities Command on Pacific Highway. D-4

Corrections to the contents of the EIS are suggested. On page 3-6, the report states, "...provision of open space outside of the project boundaries is not part of this project...," yet numerous illustrations show a dependent interface with a proposed open space area outside the project (Figures 3-4, 3-5, 3-6, 3-9, 3-14, and 4-4). The referenced maps should be corrected to reflect the current status of the adjacent area as shown in Figures 3-10, 3-11, 3-12, and 3-15. D-5

On page 4-11, the illustration of pedestrian oriented streets, walkways, and plazas, should be corrected to show the planning policies of the Port Master Plan if this document (the EIS) insists on covering those areas outside of the jurisdiction of the military. As presented, the representation seems to imply official sanction where none exists. D-6

The discussion on page 4-20 dealing with the Port's planning jurisdiction and review by the California Coastal Commission should D-7

be revised. The California Coastal Commission would only review a project already identified in the Port Master Plan if it falls within the definition of an appealable development in the California Coastal Act. If a development is determined not to be consistent with the Port Master Plan, then the project could not proceed or a plan amendment would be filed for review and certification by the California Coastal Commission.

D-7

Very truly yours,

Signature on file

DON L. NAY
Port Director

DLN:jr

D. Don L. Nay, Port of San Diego, May 31, 1990

D-1. Please see topical response TR-2 concerning the economics and financing of the proposed project, as well as possible financing alternatives for infrastructure improvements. The financing alternatives discussed therein are not inclusive of all potential financing options that may be considered in the implementation of the project. The EIS assumes that financing for necessary infrastructure improvements will occur. Note that the intent of the EIS is to evaluate the environmental impacts of the proposed project. The financing of the project is not a factor in the extent and type of impacts that the project would create. If various infrastructure improvements can not be financed, and the lack of such improvements result in environmental impacts, then the findings of the EIS would need to be changed, with such changes disclosed in environmental documents circulated to the public.

With respect to the museum, as noted on page 3-6 of the DEIS, up to 55,000 square feet of unimproved space would be made available to a community-sponsored organization for a museum. The draft development agreement with the City of San Diego provides that the organization's qualifications are to include reasonable initial capital and operating reserve requirements. Public subsidies, if any, would be minimized. The agreement further provides that if no such organization is willing or able to undertake such a venture, the space would be utilized by the Navy or publicly-oriented commercial uses. The cost of providing the museum has not been determined, but the cost would not alter the potential environmental impacts of the project.

D-2. The Navy notified the Federal Aviation Administration (FAA) that it proposed to construct buildings that would encroach into FAA-determined imaginary surfaces. It is the FAA's responsibility to review plans for each new development and to determine if there would be a hazard to air navigation. The FAA considers a number of factors when making this determination, including existing and proposed (that the FAA has considered) buildings that are in the area.

As discussed on page 4-221 of the DEIS, the FAA reviewed the plans for Alternative A. The FAA issued a Determination of No Hazard to Air Navigation and indicated the alternative would not adversely affect air navigation. Any future building in the overlay zone would undergo the same evaluation by the FAA, including an evaluation of cumulative impacts.

D-3. The seven study alternatives provide a range of scenarios that allow for the identification of impacts both with and without the closure of Broadway between Pacific Highway and Harbor Drive. The potential closure of Broadway is discussed in both the DEIS (Section 4.5) and the supporting Transportation Study. Through these documents, the DEIS provides a comprehensive discussion of the impacts both with and without the street closure.

The development of open space at the foot of Broadway, as identified in Alternatives A and F, could result in a closure of Broadway between Pacific Highway and Harbor Drive, if adjoining lands are made available for open space. Alternative A provides an internal route through the open space that would connect the intersection of Broadway/Pacific Highway to Harbor Drive via a new connection to Harbor Drive

north of Broadway (i.e., B Street or C Street) and E Street, and would require a partial vacation of Broadway. The open space shown in Alternative F is bounded by Pacific Highway, E Street, Harbor Drive, and the new connection to Harbor Drive north of Broadway (i.e., B Street or C Street). The resulting alignments and traffic diversions were shown in Figures 4-18 and 4-19 of the DEIS.

The draft EIS and Transportation Study indicates that either the B Street or C Street alignment could be used to provide a connection between Pacific Highway and Harbor Drive to the north of Broadway. Finally, it should be noted that the project would result in an increased level of access from the core area to Harbor Drive and the adjacent shoreline by providing through links at E, F, and G Streets.

D-4. Please see topical response TR-3.

D-5. The figures shown in the DEIS are illustrative and show a concept that could be developed in conjunction with the proposed project. It is not the intent of the Navy to dictate the land uses outside of the boundaries of the Navy Broadway Complex. Clear project boundaries are shown in each of these figures.

It is further clarified that the proposed project covers the area located within the boundaries shown on several figures in the EIS (see particularly Figure 3-3 on page 3-4). Any proposed open space or other uses outside the boundaries of the Navy Broadway Complex are conceptual and are shown for illustrative purposes. The actual uses outside of these boundaries are subject to proposals and approvals of agencies other than the Navy. Also, please see topical response TR-2.

D-6. The comment refers to a figure that is replicated from the CCDC's Urban Design Plan for the Centre City. This figure is discussed on pages 4-9 and 4-12. The figure does not imply Navy jurisdiction, and is referenced to the City of San Diego (see page 4-11). Figure 4-5a, which is replicated from the Port of San Diego's Master Plan, is included in response to this comment. This figure depicts planned port facilities in the vicinity of the project site. A "park/plaza" is shown along Harbor Drive along the frontage of the project site and extending to Grape Street, approximately 1/2 mile to the north. The Precise Plan within the Master Plan describes this as a landscaped promenade. The project (Alternative A) would allow for development of a 25-foot-wide sidewalk along the project frontage, which is sufficient area to accommodate the port's plans.

D-7. The commentator's clarification of the California Coastal Commission's review responsibilities within the Port of San Diego jurisdiction is acknowledged. The commentator's description more accurately reflects the commission's role than the Draft EIS discussion on page 4-20, first paragraph.

fiscal analysis (see DEIS pages 4-141 and 4-142, as revised by response to comment G-27). In accordance with California redevelopment laws, the property tax increment from the project is available to the Redevelopment Agency of the City of San Diego for expenditure in connection with projects of this type. The staff of Centre City Development Corporation (CCDC) (an advisory body to the Redevelopment Agency) has suggested that the Port District participate in the improvements to Harbor Drive and E, F, and G Streets because the Port District owns land underlying Harbor Drive, E, and F Streets and because of the favorable impact of the opening of these streets on adjoining Port District waterfront properties, especially the G Street Mole. The Port District has not agreed to such participation.

TR-3: Parking Supply and Transportation Demand Management (TDM)

The provision of on-site parking for the Navy Broadway Complex was addressed in the DEIS (Section 4.2) and in the supporting Transportation Study for the Navy Broadway Complex. The analysis of current parking demand in the surrounding blocks used an industry standard indicating facilities are effectively at capacity at 90 percent occupancy levels. Off-street lots and structures within 15 minutes' walking time from the project site average 74 percent occupancy, while on-street spaces average 83 percent occupancy. The study acknowledges that one of the largest off-street public parking lot facilities in this area, adjacent to the Santa Fe Station, will be removed upon its development in 1992. Therefore the long-term parking conditions scenario (at build-out) focuses on provision of an adequate on-site supply and accommodation of a portion of demand in alternative transportation modes.

Standard estimation techniques were used to forecast parking demand for the project. The parking demand totals, without TDM, were based on demand rates that do not consider the increased use of alternative transportation modes (transit, carpooling, shared parking, etc.) that occurs in urbanized downtown areas. The parking supply rates for the project were based on surveys conducted by Wilbur Smith and Associates for typical supply levels provided in recent Centre City projects.

Table 14 of the Transportation Study addresses the proportion of on-site demand that is projected to be satisfied by on-site parking, and by diversion of single-occupant auto trips to other modes. Without a TDM program, Alternative A, provides that 80 percent of parking demand will be accommodated onsite assuming a 15 percent transit mode share; 20 percent of spaces would be provided offsite. The transit share is a reasonable assumption given that the current average proportion of employees in the Centre City who take transit to work is 15 percent, according to surveys by Commuter Computer, San Diego. This may be a conservative estimate for the project given the availability of two LRT lines in the vicinity of the project.

The addition of a TDM program to the seven project alternatives provides a scenario where the full parking needs of the project are provided onsite, based on the diversion of a proportion of trips by alternative modes. For Alternative A, 24 percent of office workers were projected to commute by alternative modes. For hotel workers and retail workers, 15 percent of demand would be diverted due to alternative mode use. This is also a reasonable assumption of the proportion of employee trips that would be diverted to alternative modes based on current travel patterns. According to Commuter Computer, approximately 24 percent of all Centre City employees carpool or arrive by alternative modes. An additional 15 percent take transit. Since office workplaces are among the easiest to implement ridesharing programs, the full existing percentage was used to estimate project ridesharing for office. Much lower percentages were assumed for hotel and retail, reflecting the nature of these workplaces.

Statewide experience shows that federal, state, and local employees achieved ridesharing rates of 30 percent or more. For example, survey data for County of San Diego Courthouse employees show that less than half drive alone (48 percent); more than half rideshare or take transit, and the transit ridership is very high at 39 percent. The above data is consistent with rates seen statewide and summarized in the Metropolitan Transportation Commission's "Commute Alternatives Program Evaluation" study (January 1984), which evaluated ridesharing programs in six northern California counties. The study indicated that standard employer coordination and minimal benefits resulted in ridesharing levels of up to 31 percent for Contra Costa County employers.

The projected mode splits with TDM are intended to provide a reasonable forecast of commuter modes and the resulting parking needs for typical Centre City uses. In all cases, the mode splits with TDM are comparable with existing patterns in San Diego and the Central Business Districts of other major metropolitan areas in California.

Therefore, the assumption of parking demand reductions due to TDM are reasonable. They do not represent a statement of goals for the project, but a reasonable estimate of TDM-related parking demand reductions expected for a project of this size, given standard TDM program measures that are commonly implemented by employers in the Centre City area, according to the regional ridesharing agency. The listed TDM measures approximate the types of employee TDM program measures implemented by Centre City employers. An actual program should be tailored to the employee population and is expected to be coordinated onsite.

TR-4: Project Planning in the Context of the Central Bayfront and Centre City

Comments on the EIS which assert the project is not consistent with the City's planning direction for the waterfront do not appear to recognize the most recent community plan. Since the release of the Draft EIS in April 1990, the Centre City Planning Committee (CCPC), appointed by the City Council, has completed the Preliminary Centre City San Diego Community Plan and Interim Development and Design Ordinance, both dated July 1990. The plan incorporates the Central Bayfront Design Principles that were adopted by the Broadway Complex Coordinating Group (BCCG) in September 1989. The community plan updates the city's land use and development policy for the Centre City. The CCPC, Centre City Development Corporation, and Planning Commission recommended adoption of the plan and ordinance to the City Council. The City Council concurred and recently adopted the plan and ordinance (first reading).

The project site is located within the Commercial/Office District of the plan where professional office, retail, restaurant, hotel, motel, and multifamily or single-room residential uses are emphasized. Inclusion in this district is important to note, because it recognizes the appropriateness of the office, hotel, and retail uses proposed for the Navy Broadway Complex. The designation as a commercial/office district reflects the importance of the project site as a complementary part of the downtown core, rather than a location of unplanned competition for development opportunity with the downtown. (This is also confirmed by the market analysis prepared for the project. Please see Response TR-2.)

Mitigation Measure(s)	Monitoring Requirement	Responsible for Mitigation Implementation	Time Frame of Mitigation	Completion Requirement	Agency Responsible for Verification	Date of Completion
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 in report and/or on final plans.	Port District Centre City Development Corporation	Prior to issuance of grading permit.	Issuance of grading permits constitutes completion of this requirement.	Port District	
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 Centre City Development Corporation	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 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. 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.	Preparation, review and approval of Geotechnical Report. Plan check and/or site inspection to verify all structures constructed in accordance with UBC and recommendations of Geotechnical Report.	Port District Centre City Development Corporation	Prior to issuance of building permit.	Issuance of building permit and site inspection/field notes documenting compliance.	Port District County of San Diego	

A valid geotechnical fault investigation has never been compiled as part of the Master EIR for the NEVP. However, we have been told that a valid fault investigation to confirm to deny active faulting in the NEVP area will be conducted as part of the ongoing Port Master Plan Amendment (PMPA) process.

F. GEOLOGY AND SOILS

Would the project:	New Potentially Significant Impact; EIR Required	New Potentially Significant Impact Unless Mitigation Incorporated	Impact Analyzed in Master EIR; No New Impact	No Impact
1. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
a. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of known fault? Refer to Division of Mines and Geology Special Pub 42.	☐	☐	☒	☐
b. Strong seismic ground shaking?	☐	☐	☒	☐
c. Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
d. Landslides?	☐	☐	☒	☐
2. Result in substantial soil erosion, or the loss of topsoil?	☐	☐	☒	☐
3. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☒	☐
4. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☒	☐

Impact Discussion

1 and 3.

The Proposed Project involves the redevelopment of an area encompassing approximately 10 acres in total. Approximately 7.3 acres would consist of physical improvements including the esplanade and roadway modifications. The remaining 2.7 acres would consist of minor/restriping improvements. All development associated with the Proposed Project would occur on disturbed

THE CITY OF SAN DIEGO

DEVELOPMENT PERMIT AND GRADING PERMIT

Geotechnical Study Requirements

CITY OF SAN DIEGO DEVELOPMENT SERVICES
1222 FIRST AVENUE, MS 301, SAN DIEGO, CA 92101
CALL (619) 446-5300 FOR APPOINTMENTS AND (619) 446-5000 FOR INFORMATION

INFORMATION BULLETIN
515
MARCH 2009

This information bulletin describes the minimum submittal requirements for geotechnical and geological reports that may be required for development permits, subdivision approvals or grading permits. Geotechnical report requirements for building permits are contained in Land Development Code Section 145.1802, Table 145-1802.

Geologic conditions exist within the City of San Diego that can pose serious problems when land is developed. Unstable slopes, slide-prone geologic formations, faults and liquefaction-prone soils occur in many parts of the City. The relative risk of these potential conditions has been mapped as part City of San Diego Seismic Safety Study (SSS). The maps indicate where potentially adverse geological conditions may exist. The conditions will require some level of evaluation by a State licensed geologist or civil engineer, or both. Correction of these conditions may often create unintended environmental impacts which must be addressed during the development permit phase of the project. The Geologic Hazard Category is identified on the SSS maps and is provided with the Parcel Information (DS-302).

Documents Referenced in this Information Bulletin

- San Diego Municipal Code, (SDMC)
- Information Bulletin 513, Preliminary Review
- Parcel Information, DS-302
- Technical Guidelines for Geotechnical Reports

I. REQUIRED GEOTECHNICAL STUDY

Table 515A describes which type of geotechnical study is required based upon the geologic hazard category as identified on the San Diego Seismic Safety Study (SSS) and the Land Use Group (see Table 515B). The study identified in Table 515A is required at project submittal unless a written request for exception is provided. Such request must identify the criteria under which the exception is justified per the "Exceptions to Study Requirements" listed below.

II. EXCEPTIONS TO STUDY REQUIREMENTS

Geotechnical reports are not required for development permits for the following conditions. Exceptions are not allowed for Tentative Maps, Subdivision Approvals or Grading Permits.

A. In zones 53 or 54 - where the topography is flat (slope angle less than 4:1 or 14 degrees), where no Environmentally Sensitive Lands (as defined by Land Development Code Section 143.0101) will be impacted, or where no habitable space is proposed.

B. In zones 31 or 32, considered at risk for liquefaction, the study can be deferred to the construction permit phase if no Environmentally Sensitive Lands are likely to be impacted, or where no habitable space is proposed.

C. In zones 12 or 13 - Studies may be deferred to construction permit phase where no habitable space is proposed.

D. In zones 32, 48 and 51-55 - Residential additions up to 500 square feet may not require a geotechnical study at the time of submittal. The determination for a geotechnical study will be made during the first review. To determine if a report will be required prior to project submittal, you may request a preliminary review, see Information Bulletin 513, Preliminary Review, for information on the preliminary review process.

III. REPORTS

There are three types of geotechnical reports that may be required at submittal for development permits, subdivision approvals, or grading permits. A brief description of each is as follows (for complete descriptions and minimum standards refer to the City's "Technical Guidelines for Geotechnical Reports" available at the Records Section of the Development Services Department):

A. Preliminary Soils Report (SR). This report is the result of an initial geotechnical investigation conducted to evaluate existing site conditions in order to obtain general soil and stability information. This basic report is required for all projects involving grading, and when development is located within geologic hazard zones considered risky for the type of development proposed.

B. Geologic Reports.

1. Geologic Reconnaissance Report (GR) A preliminary study called a GR is required for minor projects or when the level of risk is considered low due to the suspected geologic hazard mapped at the site. This report generally includes a visit to the site and a review of available records, maps, and photographs that might provide information about the geotechnical conditions at the site.

2. Geotechnical Investigation Report (GI). When there is a higher risk, such as when a fault or landslide is suspected nearby or when the reconnaissance finds evidence of a significant hazard on the site, a GI may be required. The investigation would include field work, such as trench excavations and/or borings, geologic mapping, soil samples, laboratory analysis, and a thorough evaluation of all encountered geotechnical hazards.

Refer to Table 515A and 515B to determine which type of report is required for your project.

Note: These are minimum submittal requirements. The geotechnical study and subsequent review may discover or identify adverse geologic or geotechnical conditions which cannot be addressed without more extensive investigation as determined by the consultant. In that case, additional investigation may be required to evaluate and provide recommendations to correct the condition prior to approving the project or prior to issuing subsequent construction permits.

Table 515A / Required Geotechnical Study

Hazard Category	Group I	Group II	Group III	Group IV	Group V	Group VI	Group VII
11,13, 21, 31, 41	GI	GI	GI	GI	GI	GI	SR
12, 22-27,42-47	GI	GI	GI	GI	GR	GI	SR
32, 48, 51-55	GR	GI	GR *	GR	--	--	SR

GI = Geotechnical Investigation Report
GR = Geologic Reconnaissance Report
SR = Preliminary Soils Report
* = Recommended

Table 515B / Project Approval Group

Group I	Tentative and Vesting Tentative Maps, Map Waivers not listed in Group VI
Group II	Grading Permits(including self certification) (also see Group VII)
Group III	Neighborhood or Site Development Permits for Environmentally Sensitive Lands and Coastal Development Permits
Group IV	Planned Development Permits
Group V	Conditional Use Permits
Group VI	Map Waivers and Tentative Maps for Condominium Conversions/Creations (residential or commercial)
Group VII	Grading Permits for underground storage tank removal and/or soil remediation

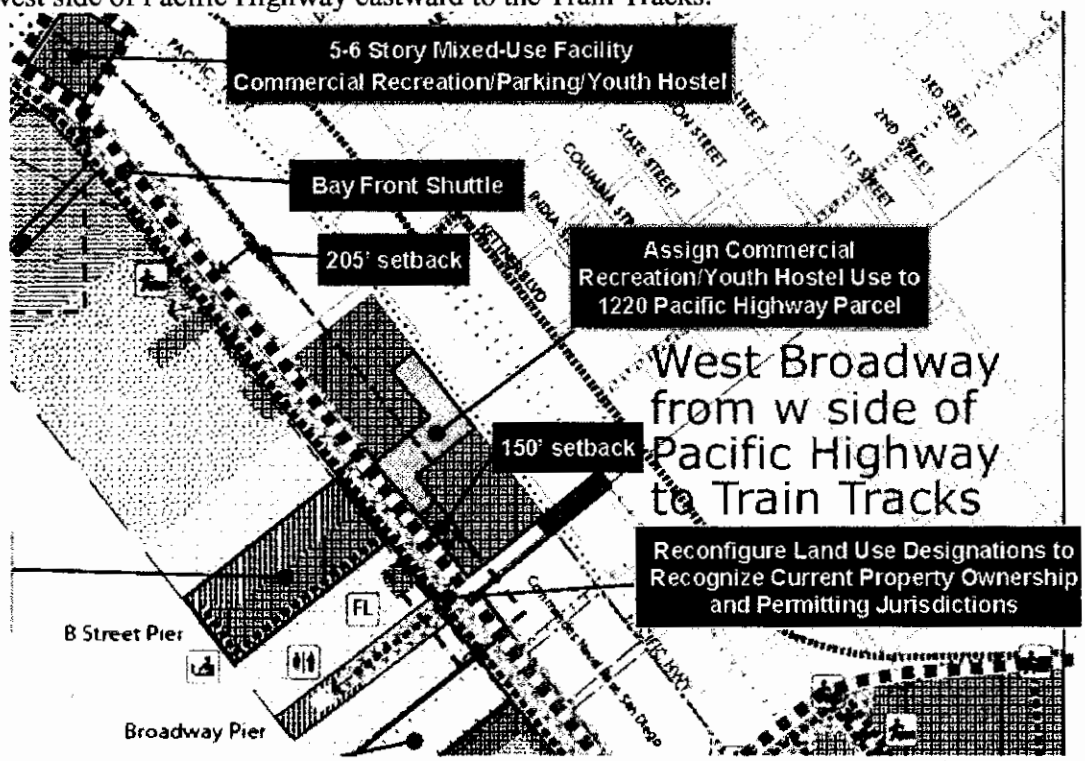
November 8, 2010

Mr. Shaun Sumner
Port of San Diego
3165 Pacific Highway
San Diego, California 92101
ssumner@portofsandiego.org wdarbeau@portofsandiego.org lscott@portofsandiego.org jhelmer@portofsandiego.org

Subject: **STANDARD OF PRACTICE FOR UNDERWATER FAULT INVESTIGATIONS.**
Portions of Phase 1A Improvements of the North Embarcadero Visionary Plan Project
On West Broadway, from the west side of Pacific Highway eastward to the Train Tracks
Downtown San Diego, California.

Dear Port of San Diego:

The proposed Phase 1A Improvements of the North Embarcadero Visionary Plan Project consist of the reconstruction of West Broadway between Harbor Drive eastward to the Railroad Right-of-Way (ROW), the lowering of the crest in West Broadway between Harbor Drive and Pacific Coast Highway, the installation of a median in West Broadway, and the construction of other ancillary below grade infrastructure improvements (Phase 1A Improvement). Our only area of concern is shown below in pink, which includes West Broadway from the west side of Pacific Highway eastward to the Train Tracks.



Active faulting is assumed in the City of San Diego Downtown Special Fault Zone. Prior to planning activities in Seismic Hazard Zones, such as the Downtown Special Fault Zone, a valid geotechnical investigation denying or confirming the northern extension of the active Coronado Fault of the active Rose Canyon Fault Zone (RCFZ) in the jurisdiction of the North Embarcadero Visionary Plan Joint Powers Authority is required. As of today, the Port and/or the NEVP JPA has yet to provide scientific evidence, or acknowledge the need for the normal due diligence study prior to planning activities during the CEQA checklist stage, let alone the current Coastal Development Permit approval stage. Therefore, if nothing has changed before tomorrow's Port Commissioners meeting, we will again be Appealing the Port of San Diego's November 9, 2010 decision to the California Coastal Commission.

On Wednesday, April 14, 2010, the California Coastal Commission (CCC) denied the North Embarcadero Phase 1 Coastal Development Permit (CDP), and upheld our Appeal No. A-6-PSD-09-43. The CCC panel was split 5 to 5 on the vote, which resulting in the project being rejecting. Subsequent to the CCC's rejection, as shown on Attachment A – NEVP Phase 1 Project limits, the Port of San Diego further subdivided the NEVP Phase 1 into Phase 1A (West Broadway from Harbor eastward to train tracks) and Phase 1B (Harbor Drive reconfiguration and public esplanade). All our issues and concerns regarding the North Embarcadero Visionary Plan Phase 1B Coastal Development Permit have been solved. We heard that an agreement on setbacks and open space was reached between the Navy Broadway Complex Coalition and the Port of San Diego.

Today we discussed possible solutions in order to quell our ongoing 5 year concerns of active faulting in the North Embarcadero Visionary Plan Phase 1A boundary only. Several solutions/scenarios exist including the following:

1. Do nothing and we will appeal the NEVP Phase 1A to the California Coastal Commission for failure to acknowledge, evaluate, and mitigate normal seismic hazards. This appeal will cost the Port of San Diego thousands of dollars, will waste additional time and money, and will not solve the ongoing problem.

2. For the North Embarcadero Visionary Plan Phase 1A, delete the area shown in pink on West Broadway from the west side of Pacific Highway eastward to the Train Tracks from the Coastal Development Permit (CDP) boundary.

3. Approve Phase 1B, and delete all of Phase 1A of the North Embarcadero Visionary Plan CDP boundary.

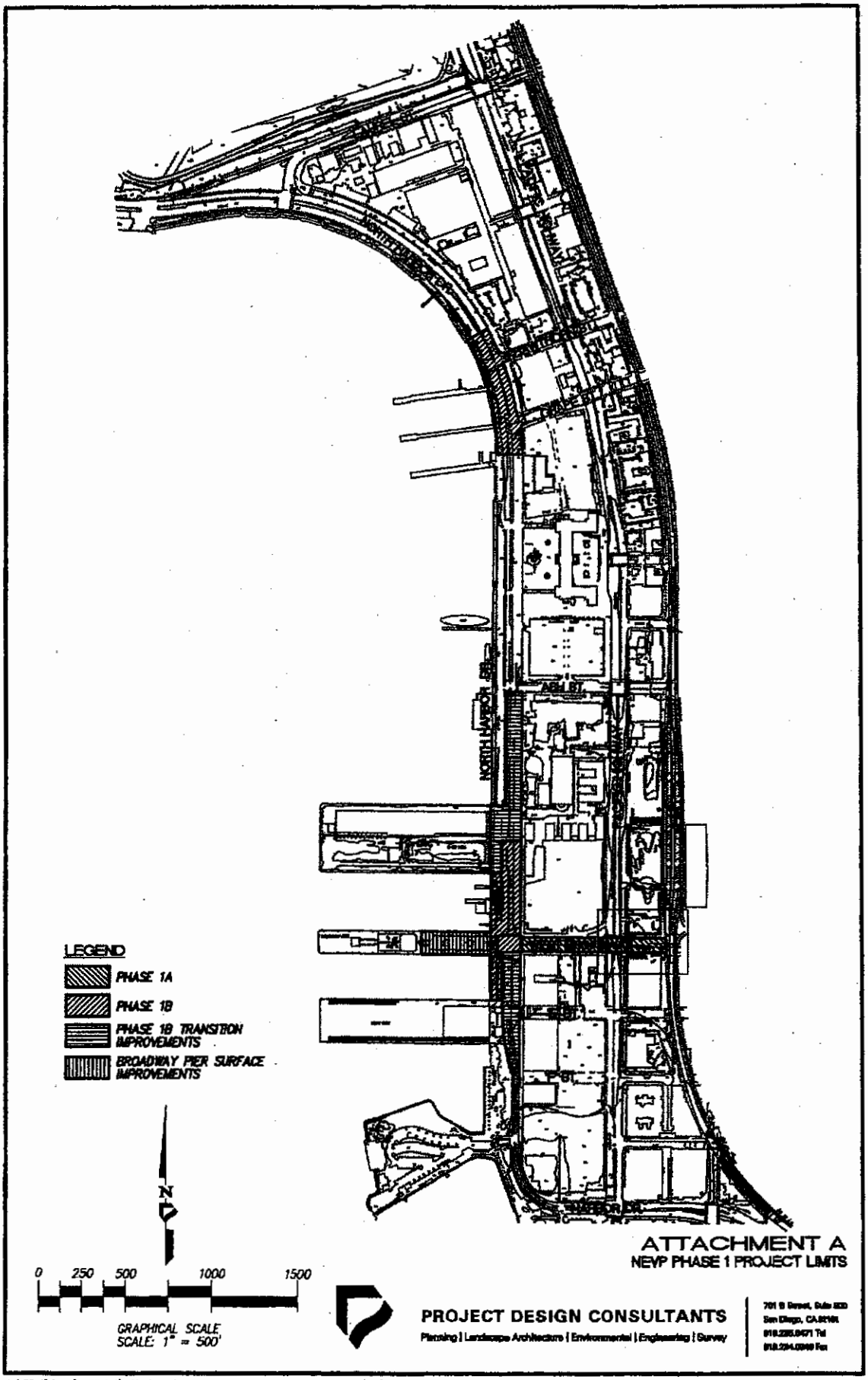
Subsequent to tomorrow's Port meeting, in accordance with the normal Standard of Practice, and after consultation with the City and State Geologists, the Port will conduct a **valid** fault investigation in accordance with the California Geological Survey's Special Publication 117A (revised September 2008) subject to Third Party Review. http://www.consrv.ca.gov/cgs/shzp/webdocs/Documents/sp117.pdf
Note 49 – Guidelines for Evaluating the Hazard of Surface Fault Rupture, and the Applied Technology Council ACT-57 are linked below for reference.
http://www.conservation.ca.gov/cgs/information/publications/cgs_notes/note_49/Documents/note_49.pdf
http://www.nehrp.gov/pdf/atc57.pdf Also attached please find our December14, 2006 correspondence to the Port of San Diego regarding non-invasive Seismic Reflection Survey testing on Public Tidelands for a cost estimate of $12,870 for a 400 foot long profile, which can be conducted in one day, to resolve the problem.

The minimum Standard of Practice for fault investigations on reclaimed tidelands in the City of San Diego was established in 2006 by Werner Landry, the former (now retired) City Geologist. The Standard of Practice has been met for three Port projects: the Old Police Headquarters (active fault found), Lane Field (no faulting), and the Sunroad leasehold on Harbor Island (active fault found). As a minimum, we expect the same Standard of Practice to be followed for the North Embarcadero Visionary Plan improvements. According to Warner Landry, the Standard of Practice for underwater fault investigations in San Diego consists of a three part Field investigation starting with Seismic Reflection Testing; followed by Cone Penetrometer Tests (CPT) traversing anomalies shown in the Seismic Reflection Testing; and ending with a Continuous sample boring to confirm the data from the Geophysical Seismic Reflection Testing and CPT data.

In conclusion, please resolve our outstanding seismic concerns in the NEVP Phase 1A boundaries so everyone can move forward, public safety is secured, and construction can start on our public improvements.

Regards,

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



ATTACHMENT A
NEVP PHASE 1 PROJECT LIMITS

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December 14, 2006

Port of San Diego

Subject: Seismic Reflection Survey on Public Tidelands
Port of San Diego Public Parking Lot
Northwest Corner of Harbor Drive and Pacific Highway
Downtown San Diego, California

Dear Port of San Diego:

I spoke regarding the lack of required fault investigations on tideland properties in downtown San Diego last week. The active Coronado fault of the Rose Canyon Fault Zone is trending toward port property. Government official do not seem to be concerned about the lack of required fault investigations. I am very concerned; therefore, I am going to pay for the required $12,870 seismic reflection study myself.

I am asking permission to conduct the non-invasive seismic reflection survey on Port of San Diego property at the northwest corner of Harbor Drive and Pacific Highway, directly south of the Navy Broadway Complex. Photographs of the seismic reflection method and the proposal from Geovision are attached.

Work would be done at night and should be completed within 8 hours. I am asking the Port close the small, usually empty, public parking lot from @ 5 pm to 5 am. I do not have a specific date as of yet, but I am working on schedule the project ASAP.

The work consists of placing geophone on top of the asphalt parking lot and using a small portable vibrator to produce seismic waves. The asphalt will not be harm. After the survey, I will personally sweep the parking lot and leave it in better condition then at the start of the survey. This same survey was conducted on Coronado, with no problem.

Please allow me to conduct the non-invasive survey and tell me if a permit is required to due the scientific study. Your help will be appreciated. If you have any questions, please do not hesitate to contact me.

Regards,

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

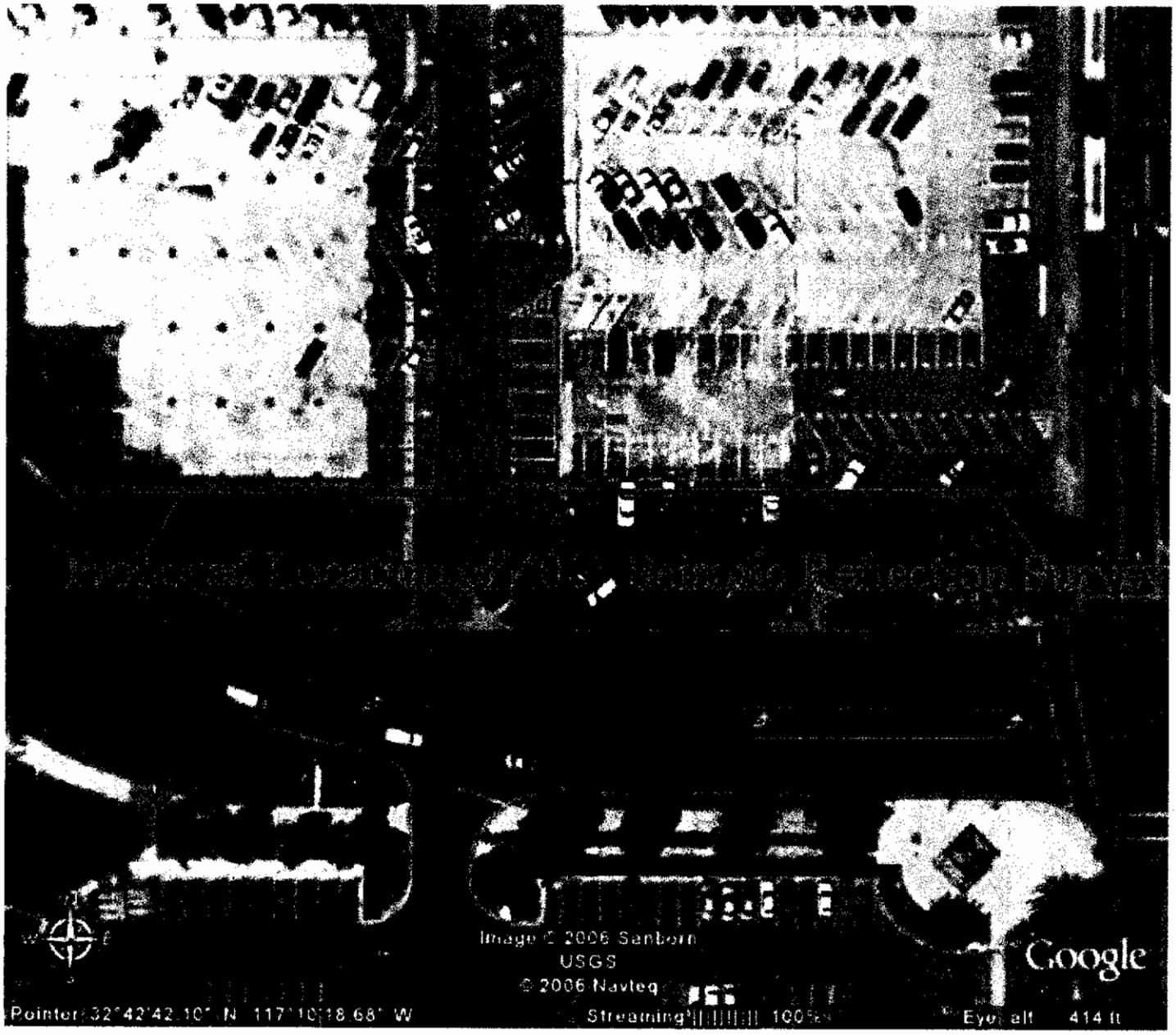


Figure 1 - Location of Proposed Non-Invasive, Seismic Reflection Survey on public tidelands.

Example of Seismic Reflection Survey & Vibrator

Figure 4 Electromechanical Vibrator in S-Wave Mode and Land Streamer

3.2 Site Preparation

The S- wave seismic line was marked at 2 ft intervals using surveyors paint with every 10th station labeled for reference during data acquisition. The locations of the seismic lines were plotted on a site map provided by Kleinfelder and surveyed using a Sokkia engineers transit to obtain relative elevation data. S-wave reflection data was acquired using 96 Oyo SMC-70 40 Hz active horizontal geophones hot glued temporarily to the 4th Street sidewalk at 2-ft intervals and cabled into the seismograph. Seismic equipment was then set up for parameter testing and data acquisition as discussed in following sections.

3.3 Parameter Testing

Source parameter testing was carried out prior to data acquisition. The receiver interval and geophone array (single geophone) had been determined before the start of the survey. Sweeps of varying frequency bandwidths were recorded into a full (96 trace) split spread configuration in an effort to bracket the usable frequencies returning to the geophones from the subsurface. The initial testing, aided by frequency filtering in the recording instruments, determined that a sweep range of 20-300 Hz achieved the objectives of

Figure 2 – Photograph of typical non-invasive Seismic Reflection Survey and portable vibrator.

SEISMIC REFRACTION AND REFLECTION METHODS

GEO*Vision*
geophysical services
a division of Blackhawk GeoServices

GEO*Vision* geophysicists conduct high-resolution seismic refraction and seismic reflection surveys in support of a variety of engineering, environmental, and hydrogeologic investigations.

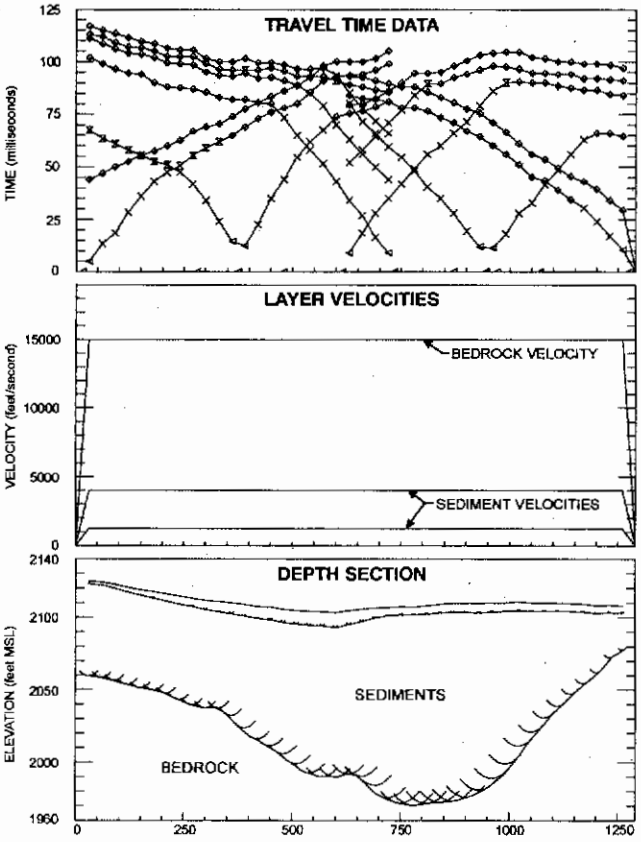
When conducting seismic surveys, acoustic energy is input to the subsurface by an energy source such as a sledgehammer impacting a metallic plate, weight drop, vibratory source, or explosive charge. The acoustic waves propagate into the subsurface at a velocity dependent upon the elastic properties of the material through which they travel. When the waves reach an interface where the density or velocity changes significantly, a portion of the energy is reflected back to the surface, and the remainder is transmitted into the lower layer. Where the velocity of the lower layer is higher than that of the upper layer, a portion of the energy is also critically refracted along the interface. Critically refracted waves travel along the interface at the velocity of the lower layer and continually refract energy back to surface. Receivers (geophones), laid out in linear array on the surface, record the incoming refracted and reflected waves. The seismic refraction method involves analysis of the travel times of the first energy to arrive at the geophones. These first arrivals are from either the direct wave (at geophones close to the source), or critically refracted waves (at geophones further from the source). The seismic reflection method involves the analysis of reflected waves, which occur later in the seismic record.

GEO*Vision* typically uses the Oyo DAS-1 or Geometrics R24/60 seismograph for refraction and reflection investigations. Seismic energy sources used on past projects have included a sledgehammer, Betsy Seisgun™, EG&G Geometrics Dynasource (a vacuum-assisted weight drop), Bison Elastic Wave Generator (accelerated weight drop), IVI Minivib, and explosives.

GEO*Vision* geophysicists use the seismic refraction method to:

- **Map bedrock topography**
- **Map faults in bedrock**
- **Estimate depth to groundwater**
- **Estimate bedrock rippability**
- **Evaluate rock properties**

Seismic Refraction Survey in the Borrego Valley



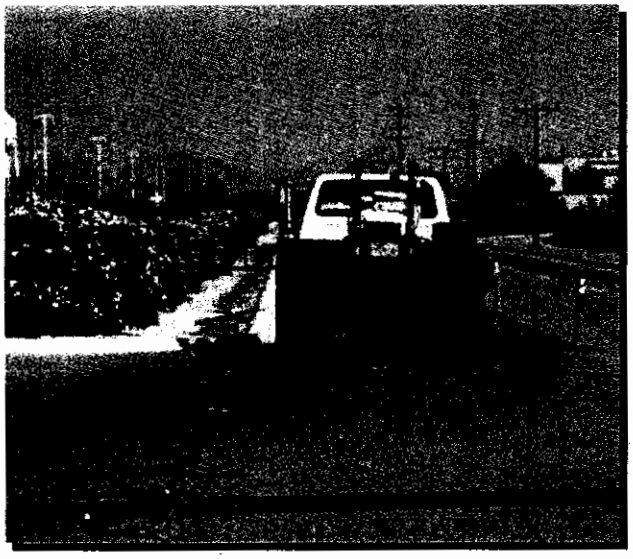
Seismic Refraction Survey to Map Bedrock Topography

"a bold new vision in geophysical services"

GEO*Vision* geophysicists typically use the generalized reciprocal method (GRM) to analyze high-resolution seismic refraction data. Several computer programs are used in processing seismic refraction data including the program FIRSTPIX™ by Interpex, Ltd., which allows manual or automatic picking of first breaks, the program VIEWSEIS™ by Viewlog Systems, Ltd., which implements the GRM, and the program SeisOpt by Optim LLC for data modeling.

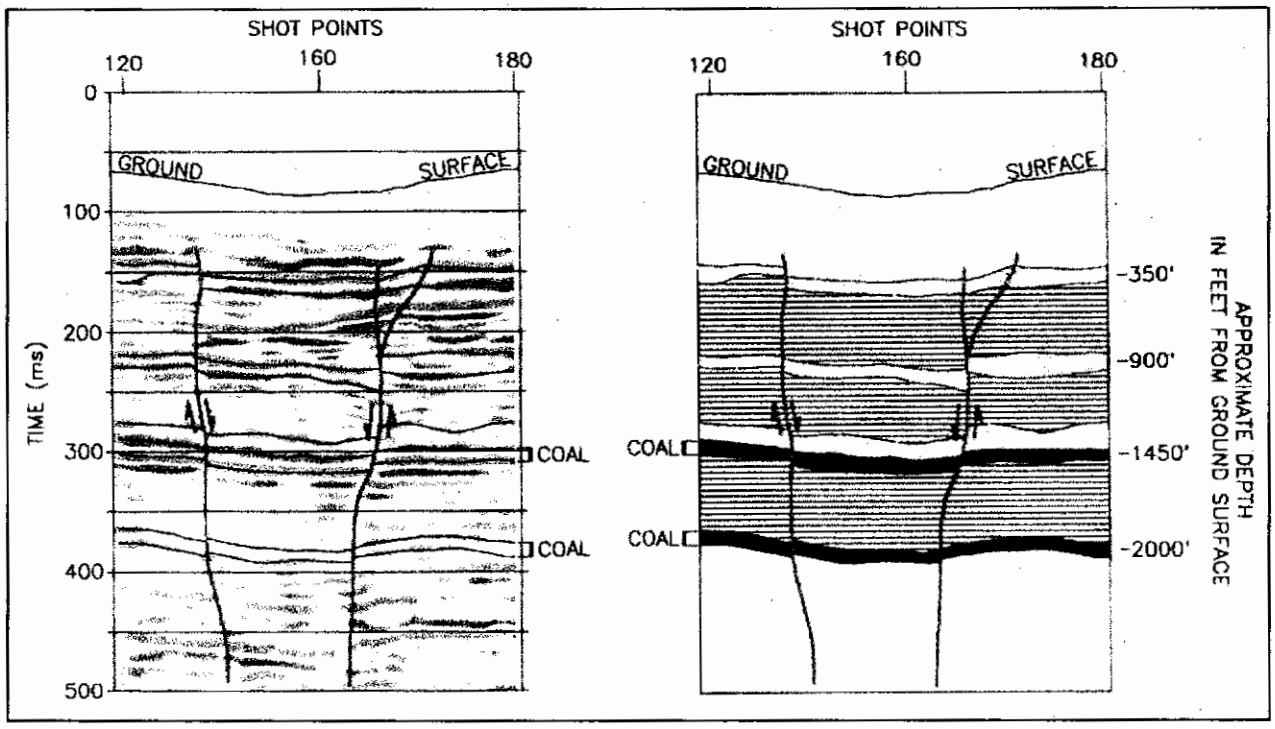
GEO*Vision* geophysicists use the seismic reflection method to:

- **Map subsurface stratigraphy**
- **Map lateral continuity of geologic layers**
- **Map buried paleo-channels**
- **Map faults in sedimentary layers**
- **Map basement topography**



IVI Minivib Seismic Reflection Source

GEO*Vision* geophysicists often use the program SPW by Parallel Geosciences to process seismic reflection data and the program 2Dpak by Seismic Micro-Technology Inc. for seismic interpretation. Processing steps generally applied to reflection data include format conversion, trace editing, pre-processing (description of field geometry), spectral whitening or deconvolution, velocity analysis, surface consistent statics, velocity analysis, normal moveout corrections, prestack filtering, prestack gains, residual statics, and migration.



Seismic Reflection Survey to Map Coal Seams

GEO*Vision*
geophysical services

December 6, 2006

Proposal No. P06-0965

Ms. Katherine Rhodes
371 San Fernando Street
San Diego, CA 92106

PROPOSAL
Seismic Reflection Survey
San Diego, California

Dear Ms. Rhodes:

GEO*Vision* Geophysical Services is pleased to present this proposal to conduct a high-resolution S-wave seismic reflection survey in the parking lot of a facility in San Diego, California.

OBJECTIVE

The objective of the seismic reflection survey is to identify potential faulting along one 400-foot-long profile.

TECHNICAL APPROACH

We expect that the S-wave reflection method will be capable of imaging continuous geologic structures below a depth of about 20 feet providing there is sufficient contrast in velocity or density between the layers and the effects of subsurface infrastructure and noise can be overcome. We recommend S-wave methods because they can image geologic structure to shallower depth and have better resolution than P-wave methods. S-wave methods, however, cannot image to as great a depth. The S-wave reflection survey proposed for this investigation is designed to image from 20 ft to about 150 ft.

An Oyo DAS-1 48-channel signal-enhancement seismograph with one to two 48-channel expansion modules (96 to 144-channel system) and Input Output, Inc. RLS240 roll box will be used during this investigation. We recommend that a proprietary portable S-wave vibratory source (Microvib) be used during this investigation. Being a vibratory seismic source, the Microvib spreads its energy over time and is often successful in urban environments where signals generated from impulsive sources are overwhelmed by background noise (i.e. vehicle

traffic, construction noise). The microvib also generates much higher frequency signals than possible with impulsive sources such as a hammer or weight drop and in shear-wave mode can often map reflectors as shallow as 20 feet and map fault offsets as small as 1 to 2 feet (S-wave mode).

We will acquire S-wave reflection data at the site using a 2 ft geophone and source spacing. We expect to use 28 or 40 Hz horizontal geophones and to record 96 to 144 live channels. Seismic data will be stored on digital tape. Relative elevations of geophone locations will be surveyed with an engineer's transit and rod. It is assumed that the client will have the endpoints of each seismic line surveyed by a licensed surveyor to tie the survey to the State Plane Coordinate System, if necessary. Otherwise we can plot the approximate locations of the seismic lines on maps provided by the client, or survey the lines using a submeter GPS.

An outside seismic data processing specialist using sophisticated Unix workstation based software such as Promax will process the seismic reflection data. For each traverse the output of the data processing will be a time-section with distance along the horizontal axis and travel time along the vertical axis. As the primary purpose of the investigation is to determine the approximate dip and dip direction and not to map depth to geologic strata, time-sections will be sufficient and depth conversion will not be necessary. If it is necessary to correlate seismic reflections with specific geologic strata encountered in boreholes then it will be necessary to obtain borehole velocity data. Two methods are generally used to obtain this information: vertical seismic profiles (VSPs) and Oyo P-S Suspension logging. Costs will not be provided for this option, as it is our understanding that deep boreholes will not be available for velocity logging. If subsurface velocity data is provided by the client, it will be used to determine approximate depth on the seismic section.

A California professional geophysicist who will oversee field activities, data processing, and reporting will manage this project.

REPORT

The final report will include a discussion of field procedures, data processing, interpretation, and the results of the survey. A time-section with interpretation of potential faults will be included in the report. The report will be reviewed and approved by a California professional geophysicist.

SCHEDULE

One field day is anticipated to complete the field investigation. Field work should be conducted at night and can typically be scheduled within 3 weeks of receiving notice to proceed. Results of the investigation will be available within 2 weeks of completing the field investigation.

COST

This project will be conducted on a Unit Price basis as summarized in the following table.

High Resolution S and P-wave Reflection Survey with Vibratory Source

Item	Unit	Unit Price	Estimated Quantity	Estimated Price
Mob/Demob	Each	$3,250	1	$3,250
Field Investigation	Day	$5,250	1	$5,250
Data Processing	Shot	$14.25	200	$2,850
Report/Interpretation	Each	$1,500	1	$1,500
Total Cost				**$12,850**

TERMS

We require written authorization (purchase order or letter) and a signed copy of the attached Standard Services Agreement prior to beginning work.

Please do not hesitate to contact me at (951) 549-1234 or by FAX at (951) 549-1236 should you have any questions regarding this proposal or require additional information.

We look forward to working with you on this project.

Yours truly,

Signature on file

Antony J. Martin, P.GP.
Technical Director
GEO*Vision* Geophysical Services

Enclosures:
Standard Services Agreement

GEOVISION GEOPHYSICAL SERVICES
STANDARD SERVICES AGREEMENT
Reference GEOVision Proposal _____

1. DEGREE OF CARE

In performing their professional services, GEOVision Inc., herein after called GEOVISION, will use that degree of care and skill ordinarily exercised, under similar circumstances, by reputable members of their profession practicing in the same or similar locality. No warranty, express or implied, is made or intended by this proposal for GEOVISION's services or by furnishing oral or written reports of the findings made.

2. RISK ALLOCATION

(a) GEOVISION's liability and Client's exclusive remedy for any cause of action arising hereunder whether based in contract, negligence, or any other cause of action, shall be limited to the amount of $25,000 or 1.5 times the total contract value, whichever is greater. All claims, including those for negligence or any other cause whatsoever shall be deemed waived unless made in writing and received by GEOVISION within one (1) year after GEOVISION's completion of the Services hereunder, or if such Services are furnished in connection with the construction or modification of any installation by client, within one(1) year from the date of substantial completion of such installation, but in no event more than three (3) years after GEOVISION's completion of each such Service performed hereunder.

(b) In the event the Client is unwilling or unable to limit liability to the amount set forth in Paragraph 2(a) hereinbefore, GEOVISION agrees to raise the limitation to $1,000,000 and Client agrees to pay GEOVISION an additional fee equivalent to 5% of the total fee to be charged for the professional services, but never less than $200. This charge will in no way be construed as being a charge for insurance of any type, but will be increased consideration for assuming a greater portion of the inherent risks connected with the work. If Client elects to have the limitation raised as set forth in this Paragraph 2(b) he is to so indicate by dating and initialing this paragraph in the space indicated hereafter.

_____

3. CLAIMS BY CLIENT

In the event the Client makes a claim or brings an action against GEOVISION for any act arising out of the performance of GEOVISION's professional services, and the client fails to prove such claim or action, then the Client shall pay all legal and other costs incurred by GEOVISION in defense of such claim or action

4. WARRANTY OF AUTHORITY TO SIGN

The person signing this contract warrants he has authority to sign as, or on behalf of, the Client for whom or for whose benefit GEOVISION's services are rendered. If such person does not have such authority, he agrees that he is personally liable for all breaches of this contract, and that in any action against him for breach of such warranty a reasonable attorney's fee shall be included in any judgment rendered.

5. PAYMENT

Statements for services of GEOVISION will be submitted at GEOVISION's option either upon completion of work or on a monthly basis. Statements will be mailed to the Client at the address on the proposal or purchase document, and will be due immediately. Payments are to be made not later than 30 days following the date of the invoice. If payment is not so made, interest will be due on the amount of the statement at the rate of one (1) per cent per month from the date of the statement until the same is paid, and it is agreed that if suit is filed or informal proceedings are needed to obtain it to enforce payment of the statement, Client is to pay GEOVISION, in addition to the amount of the statement and interest thereon, all costs of collection including court costs, and such reasonable attorney's fees as the court may fix, or if collection is obtained without court action, then in the amount of fifteen (15) per cent of the total amount due, including interest.

6. INSURANCE

GEOVision Inc. maintains for its own account General Liability Insurance for bodily injury and property damage with an aggregate limit of $1,000,000 per occurrence and Workers Compensation Insurance as required by law and will furnish certificates of such insurance upon request. In the event the Client desires additional coverage, we will, upon the Client's written request, obtain additional insurance (if possible) at the Client's expense.

7. DEFICIENCIES

The Client shall promptly report to GEOVISION any defects or suspected defects in GEOVISION's services in order that GEOVISION may take such prompt, effective measures as will, in GEOVISION's opinion, correct or minimize the consequences of such defect.

8. DISPUTE RESOLUTION

In the event of any dispute, claim, question or disagreement (the "Controversy") arising from or relating to this Agreement or the breach thereof, the parties hereto shall use reasonable efforts to settle the Controversy. To this effect, upon notice from one party to the other of a Controversy, they shall consult and negotiate with each other in good faith and, recognizing their mutual interests, attempt to reach a just and equitable solution satisfactory to both parties.

8.1. Rules of Arbitration -- If the parties do not reach such solution within a period of sixty (60) days of the giving of notice of the existence of a Controversy by either party, then, upon notice by either party to the other, the Controversy shall be finally settled by arbitration administered by the American Arbitration Association in accordance with the provisions of its Commercial Arbitration Rules under the Emergency Interim Relief Procedures, which may be implemented even during the sixty (60) day negotiation period noted above.

8.2. Selection of Arbitrators the case shall be heard by a sole arbitrator, such arbitrator shall be an attorney with experience working with engineering contracts or disputes.

8.3. Governing Law for Arbitration -- This Agreement shall be governed by and interpreted in accordance with the internal laws of the State of California, excluding rules of conflict of laws. All arbitration proceedings shall be conducted in the County of Los Angeles, CA.

8.4. Authority of Arbitrators -- The arbitrators will have no authority to award punitive, special, consequential or incidental damages. The award shall be limited to actual direct damages suffered by the prevailing party. The arbitrators shall award to the prevailing party, if any, as determined by the arbitrator(s), all of its costs and fees. "Costs and fees" mean all reasonable pre-award expenses of the arbitration, including arbitrators' fees, administrative fees, travel expenses, out-of-pocket expenses such as copying and telephone, court costs, witness fees and attorneys' fees.

8.5. Confidentiality -- Except as may be required by law, neither a party nor an arbitrator may disclose the existence, content or results of any arbitration hereunder without the prior written consent of both parties.

9. HAZARDOUS MATERIALS/CONTAMINATED SOILS

GEOVISION's services do not include the performance of an environmental assessment. GEOVISION will make note of any evidence of contaminated soils or hazardous materials observed during site characterization or drilling but Client specifically waives any claim against GEOVISION as a result of GEOVISION's discovery of, or failure to discover, the presence of such conditions. In the event evidence of contaminated soils or hazardous materials is observed, Client agrees to make any disclosures required by law to the appropriate governing agencies and also authorizes GEOVISION to make such disclosures. Client acknowledges that the presence of contaminated soils or hazardous materials may result in disposal or other costs not currently contemplated and Client agrees to compensate GEOVISION for all such additional costs.

10. TERMINATION OF SERVICES

This agreement may be terminated by the Client or GEOVISION should the other fail to perform its obligations hereunder. In the event of termination, the Client shall pay GEOVISION for all reimbursable expenses and services rendered to the date of termination and any additional expenses necessarily incurred as a result of the termination.

The Terms and Conditions set forth herein as well those provisions described in the accompanying written proposal constitute the entire understanding of the Parties relating to the provision of services by GEOVISION to the Client. All previous proposals, offers, and other communications relative to the provisions of these Services by GEOVISION, oral or written, are hereby superseded, except to the extent that they have been properly incorporated. Any modifications or revision of any provisions hereof or any provisions contained in any Purchase Order, Acknowledgement or other form of the Client is hereby expressly objected to by GEOVISION and shall not operate or modify the Agreement. This agreement shall take effect upon acceptance and execution by GEOVISION.

Agreed to and accepted this _____ day of _____, 20 _____.

GEOVision Inc.
1151 Pomona Rd., Suite P, Corona, CA 92882

Client_____

By

_____

Title

_____

Date

_____

By

_____

Title

_____

Date

_____

Revised 5-1-05 J.G. Diehl

Business Entity Detail

Data is updated weekly and is current as of Friday, August 20, 2010. It is not a complete or certified record of the entity.

Entity Name:	LANE FIELD SAN DIEGO DEVELOPERS, LLC
Entity Number:	200633510031
Date Filed:	11/30/2006
Status:	ACTIVE
Jurisdiction:	DELAWARE
Entity Address:	12671 HIGH BLUFF DRIVE, STE. 300
Entity City, State, Zip:	SAN DIEGO CA 92130
Agent for Service of Process:	NATINOAL CORPORATE RESEARCH, LTD. (C2003899)
Agent Address:	*
Agent City, State, Zip:	*

* Indicates the information is not contained in the California Secretary of State's database.

* **Note:** If the agent for service of process is a corporation, the address of the agent may be requested by ordering a status report.

- For information on checking or reserving a name, refer to Name Availability.
- For information on ordering certificates, copies of documents and/or status reports or to request a more extensive search, refer to Information Requests.
- For help with searching an entity name, refer to Search Tips.
- For descriptions of the various fields and status types, refer to Field Descriptions and Status Definitions.

STATE OF CALIFORNIA – THE RESOURCES AGENCY

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

RECEIVED
FEB 01 2011
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

ARNOLD SCHWARZENEGGER, *Governor*

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

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

SECTION I. Appellant(s) SEE ATTACHED

Name: SCOTT ANDREWS
Mailing Address: 4745 DEL MAR AVE
City: SAN DIEGO, CA Zip Code: 92107 Phone: 6192215947

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 (NEVP)
   - PHASE I COASTAL FEATURES PROJECT
   COASTAL DEVELOPMENT PERMIT W/ MOU ATTACHED

3. Development's location (street address, assessor's parcel no., cross street, etc.):
   DOWNTOWN SAN DIEGO'S N. EMBARCADERO
   - HARBOR DRIVE
   - PHASE I EXTENTION DOWN BROADWAY ST.

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

☒ 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-11-006

DATE FILED: 2-1-11

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 of SAN DIEGO

6. Date of local government's decision: TUE JAN 11, 2011

7. Local government's file number (if any): AGENDA ITEM NO. 16 - PHASE 1

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
3165 PACIFIC HIGHWAY
SAN DIEGO, CA 92101

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) NAVY BROADWAY COMPLEX COALITION

(2) KATHERYN RHODES & CONRAD HARTSELL M.D.
371 SAN FERNANDO ST.
SAN DIEGO, CA 92106

(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.

SEE ATTACHED

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 of Appellant(s) or Authorized Agent

Date: 1/31/11

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
7575 Metropolitan Dr. St. 103
San Diego, CA 92108-4421

January 31, 2011

APPEAL:
Deny Coastal Development Permit (CDP): North Embarcadero Phase 1 Project

Dear Ms. Lilly,

The California Coastal Commission has voted down three times the Port of San Diego's NEVP Phase 1 Port Master Plan (PMP) rewrite scheme.
We ask CCC denial of the Port of San Diego's CDP re NEVP Phase 1.

The Port Master Plan (PMP), San Diego's LCP, states San Diego's waterfront will be a greened expanse, totaling about 20 acres of public parks connecting 3 public piers that extend out over the blue waters of San Diego Bay. Like Santa Barbara or San Francisco, only on a much smaller scale.

This is the Local Coastal Program the port appointees' CDP is trying to void, and the Port's serial rewrite of the PMP has led to serial inconsistencies with the Coastal Act.

We support CCC Findings to "...deny the permit based on adverse impacts to land use, public access, and public recreation."
The Port has failed first to implement PMP-sanctioned public spaces for decades, then refuses to mitigate CDP significant takings of most all North Embarcadero public parks, public piers, coastal parking, low cost recreation, and coastal view shed:

- The Port CDP's public element takings violate both Coastal Act and Port Act requirements for balanced development.
- The Port attempts to illegally fast track the CDP by suspending the PMPAmendment process.
- The CDP voids the Local Coastal Program for downtown's San Diego Bayfront.
- The CDP would fill bayfront public space and view shed with the view obstructors of *6 rows* of trees and *five* Carnival support buildings - all to serve a PMP redesign for a new cruise ship terminal for Port partner Carnival Corporation, who just left town.

This appeal supports the conservation and stewardship - consistent with the Public Trust Doctrine - of the last contiguous publicly-accessible tidelands on San Diego Bay's downtown waterfront.

- The Port CDP would void two area Coastal Commission mitgation precedents --

1) Broadway Pier is the CCC-ordered downtown view shed mitigation for the Midway Museum berthing. The CDP would cancel said CCC mitigation a for Carnival Cruise Lines that is *leaving* San Diego, and privatize tidelands for a specific private interest.

2) The 5.7 acre Navy Pier Park is CCC mitigation for the Midway's bay frontage & view shed. **PMP P64** Port CDP takings of Broadway Landing Park, esplanade parks, and public bayfront piers demands similiar one-to-one project area water access mitigation.

San Diego's North Embarcadero Visionary Plan (NEVP) became our Port Master Plan (PMP) -

PMP P 58: "The specific recommendations of the **NEVP** that pertain to Port District land and water areas... are incorporated into the **Master Plan**."

The CDP is out of compliance with PMP Figure 11's substantial mapped public elements, which the CDP would eliminate or degrade:

NEVP: Broadway Landing Park will be "two city blocks" in size: "Broadway Landing is intended as one of San Diego's most important civic spaces, commanding a prominent position at the foot of Broadway." "Broadway Landing is an expansive public space that reaches from the grand oval-shaped landscaped park on the Bay front esplanade out over the water."

PMPlan P 59: "The Plan recommends a substantial linear esplanade park on the urban waterfront, with public art, street furniture, public spaces, expansive bay views, and public parking."

PMPlan P 60: "The Plan proposes *two* major parks at the County Building and at the foot of Broadway, and includes recreational piers...."

"In order to emphasize the pedestrian-oriented waterfront experience, through traffic is rerouted to Pacific Highway, and considerable effort is directed toward improving the amenities and people spaces of the thoroughfare along N. Harbor Drive."

PMPlan P 63: Re the downsized Harbor Drive moved inland: "Parking areas along the street...and lawn areas."

PMPlan P 64: "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."

Of PMP parks, how big is central "two city block "Broadway Landing Park?

Broadway Landing Park is near 5 acres in size, states ex-Port Chairman Michael McDade [who convened NEVP public meetings in 1997]:

McDade: "At the foot of Broadway, at Broadway Pier, there's been a dream for a long time of having a park space down there, something that really recognizes the fact that Broadway is our symbolic Main Street, and under this plan almost a five acre park will be created for that purpose." source: YouTube: "Path to Paradise: Downtown" http://www.youtube.com/watch?v=uEqXxhJmto

The size of N. Embarcadero San Diego city blocks argues that Broadway Landing Park alone is to be over 5 acres: the blocks between Harbor Drive and Pacific Highway at the intersection of Broadway and Harbor at Navy Broadway are known to be 3.49 acres and 3.29 acres, (excluding E St.) source: Navy Broadway EA 2008 P 2-3

In its four public NEVP CDP meetings, Port of San Diego misinformation tried to call into question the very existence of Broadway Landing Park:

Port Handout quote: **" What happened to Broadway Landing Park?"**

"Contrary to claims made by some, the certified Port Master Plan (PMP) contains no references to Broadway Landing Park, nor to any "large grassy park", nor does it describe the quality or quantity of open space planned for the foot of Broadway."

source: "NEVP, Questions from Public Outreach Meetings of August 2010"

FACT 1: The CDP eliminates all PMP NEVP parks!

There is not one blade of park grass inside the CDP's Phase 1 project boundaries! The (PMP) promises a Broadway Landing Park of 'two city blocks", "almost five acres", 3 public piers, and a greened North Embarcadero. The CDP would exchange the PMP's approx. 20 acres of public space for the off-project Lane Field Hotel developer's "2 acre" Setback park/plaza - sited way away from the water's edge inland of the busy Harbor Dr.

FACT 2: The Port's CDP eliminates the majority of N. Embarcadero coastal access parking

The Port CDP lacks any current seismic, circulation, or parking studies.

Adopted Findings p 16: "...the project would eliminate the vast majority of the existing street and off-street public parking spaces."

Adopted Findings p 16: "The parking being removed is short-term, inexpensively metered, prime waterfront parking, and the the replacement parking in surrounding lots is further away...."

The Port and City are ignoring coastal access in continuing to grant numerous embarcadero permits that reduce coastal public parking -- including the Lane Field hotel, Navy Broadway Complex, the Marriott expansion, the Convention Center expansion, the commercialization of 1220 Pacific Highway, the Holiday Inn high rise redevelopment, and the new Convention Center hotel.

This new massed high rise coastal development will dramatically reduce coastal zone parking by eliminating existing lots, and increasing on and off street parking demand.

No new embarcadero development should be approved prior to comprehensive area parking and traffic studies. Such comprehensive traffic and parking studies could and should be done as part of a proper Port Amendment review process, not as an adjunct to evaluating Coastal Development permits.

The number of coastal access spaces these projects will eliminate and require needs to be quanitified, and fully mitigated by both spaces and tram.

FACT 3: The CDP violates Coastal Act view shed provisions and the PMP goal of an open Bay view shed for downtown San Diego

The CDP proposes filling the middle of the N. Embarcadero along Harbor Drive with the view obstructions of *five buildings, a pier terminal, and 6 rows of trees*!:

PMPlan P 63: "The wharf side shall remain clear of objects and furnishings that would block Bay views."

The Port's CDP proposes a view shed-blocking commercial building complex of five Carnival Corp. support structures built *in the middle* of the N.Embarcadero - ignoring the fact Carnival just pulled out of San Diego:

CDP:
- "Relocate existing Convention and Visitors Bureau building... 48 feet long...16 feet high tall structure"
- "Two open shade pavillions approximately 80 feet long...and 18 feet in height."
- "...walkup cafe building...31 feet long...and 16 feet tall"
- "...restroom approximately 33 feet long...13 feet tall."

Port tideland privatization is so extreme that Port-sanctioned highrise has totally walled off San Diego Bay's South Embarcadero along Harbor Drive. The open NEVP should be required CCC mitigation for this wall -- not its extension under Port CDP.

FACT 7: The Port further eliminates and weakens PMP public elements in its Phase 2 Notice of Preparation (NOP) -

Re the Port's NEVP Phase 2 PMPAmendment, nobody believes a Port $12M in the red will tear out $28M+ in brand new CDP N. Embarcadero buildings and concrete to reinstate legal PMP public parks and piers.

In fact, the Port's Phase 2 NOP language exposes Port intent to discard or weaken the few PMP public elements that survive Phase 1:

- **Port Phase 2 NOP** Re B Street Pier: "Change Commercial Recreation use to Marine Terminal use"
- **PMPlan P 60** Re new public Grape St. Pier: "three existing piers no longer function...they will be replaced with a 30,000 square-foot curvilinear pier at Grape Street...with a public boat dock."

  Port Phase 2 NOP re public Grape St. Pier: "Remove reference and graphic providing a new curvilinear pier at Grape Street."
- **PMPlan P 64** re Navy Pier Park: "convert the Navy Pier into a "public park" use...conversion of the pier to a 5.7 acre memorial park is a specific planning goal of the Port...."

  Port Phase 2 NOP re Navy Pier Park: Weasel language: "Assign land use designation(s) and future projects to the Navy Pier, including a park."

FACT 8: Endangering public coastal visitors, the CDP removes federal protection for DOD High Risk Target cruise ship operations on the N. Embarcadero.

The incompatible use of a public embarcadero as "Working Waterfront" cruise ship loading zone creates gridlocked Harbor Drive traffic - buses, trucks, vans and cabs for thousands of passengers and crew that the Port allows to enter the piers *next* to target ships and terminals uninspected.

In order to defeat a coalition challenge to the new Broadway Terminal, the Port got the Coast Guard to suspend its federal on-land security responsibility under **33CFR165.** However, this suspension was done without public review and comment, to the detriment of public safety and security, and raising serious risk managment exposure issues.

FACT 9: The Port's NEVP Phase 1 CDP Project is rife with conflicts of interest that demand investigation by the State of California.

- Knowing the company Project Design Consultants (PDC) has contracts with four developers' projects that directly abut Phase 1, the Port nevertheless gave PDC the Port's NEVP Phase 1 design contracts.
- Knowing Bermello Ajamil & Partners (BA&P) did the Port's 2004 cruise ship terminal feasibility studies, the Port awarded BA & P the Carnival Cruise Ship Terminal design contract.

  To prevent such conflicts of interest, City Charter Section 225 requires the City to reveal who it is doing business with. The City refuses to comply with Section 225 on the NEVP Phase 1 CDP project.
- Project Design Consultants is donating a huge bundle of donations to downtown's NEVP area District 2 Councilmember Faulconer, on the NEVP Joint Powers Authority.
- Port officials excluded public appealants from its secret CDP negotiations with a coaliton and union.

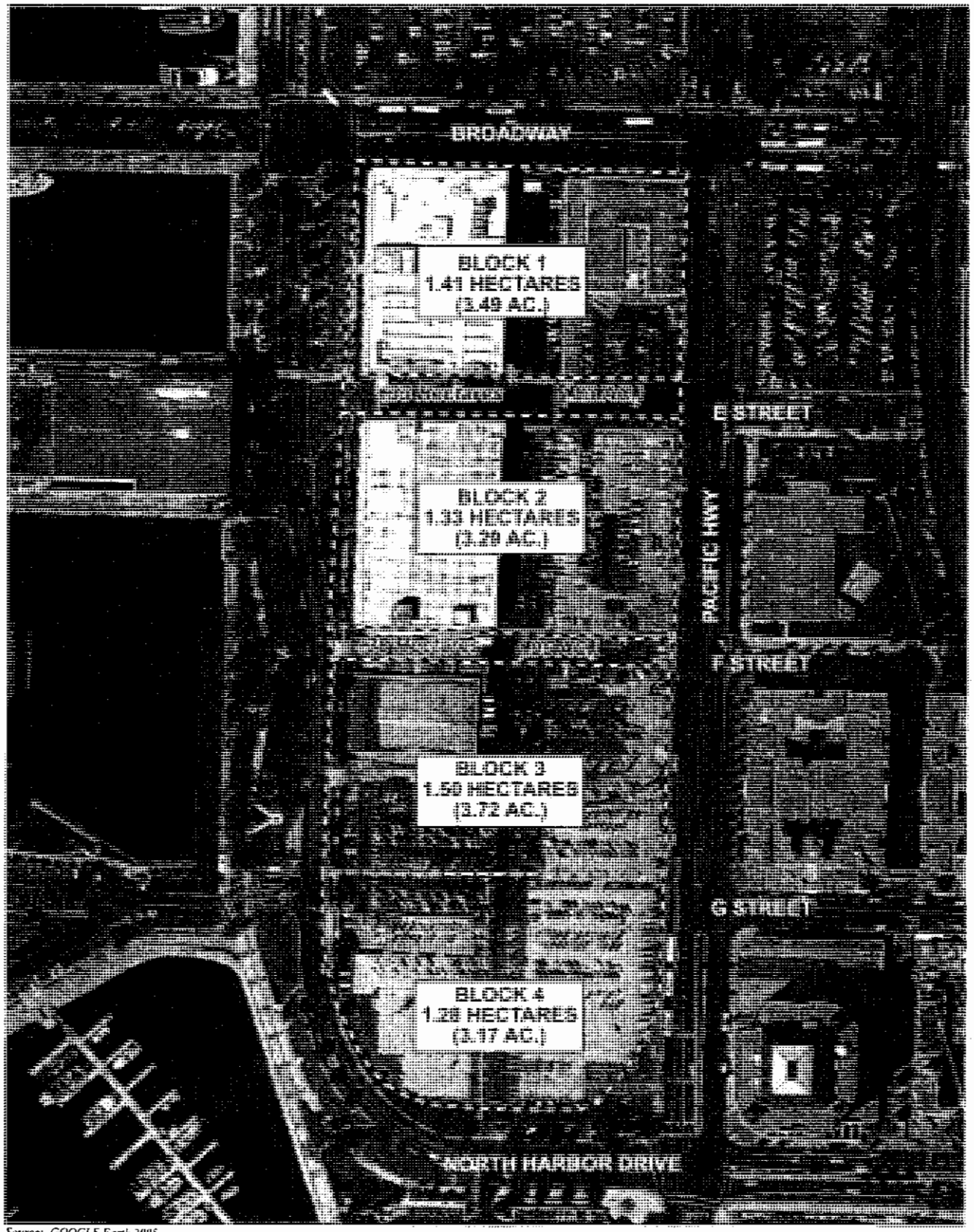
FACT 10: As negotiated, the Port's NEVP Phase 1 CDP Project would reverse over a century of San Diego citizen planning to locate public coastal access and civic/ recreational activities on the North Embarcadero.

Prior to even the first Nolen Plan (1908), San Diego civic organizations were supporting plans for this vision of a great public place along San Diego Bay north of Broadway.

APPEAL SIGNATORS

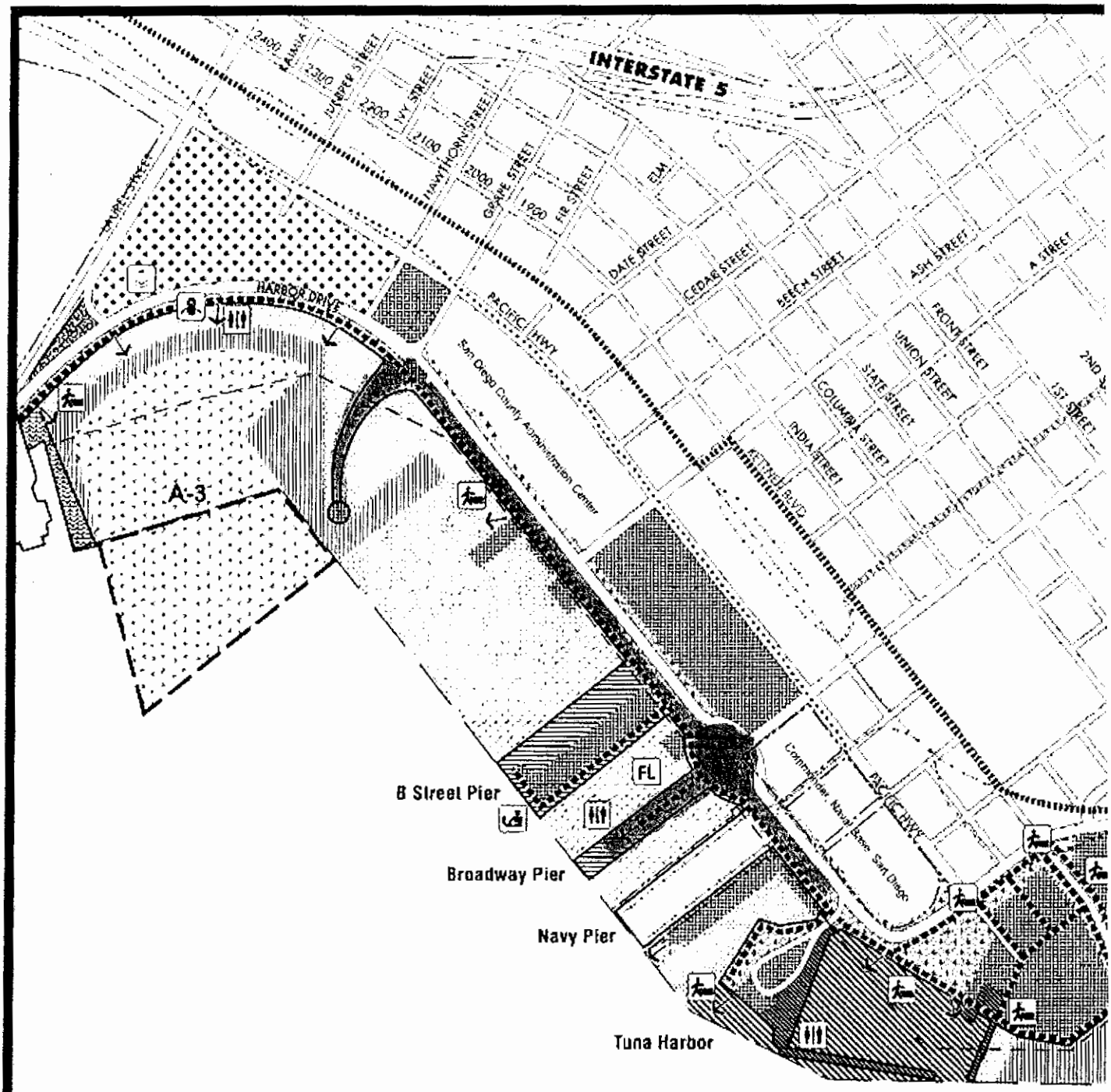
Scott Andrews
Dan Beeman
Cathy OLeary Carey & John Carey
Mike Copass
Anna Daniels
John McNab
Mignon Sherer
Michael Warburton

ATT:
Port Master Plan Public Elements Figure 11 Map
Navy Broadway Environmental Assessment Sept. 17, 2008



Source: GOOGLE Earth 2005.

Figure 2-2
Project Blocks



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:

PREC

CDP Appealants 1/31/11 CONFIDENTIAL

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FORM FOR DISCLOSURE OF EX PARTE COMMUNICATIONS

Name or description of project, LCP, etc.:	North Embarcadero Visioning Plan (San Diego Port District)
Date and time of receipt of communication:	3/8/11 4:45 pm
Location of communication:	Office of the Board of Supervisors, Santa Cruz, CA
Type of communication:	In-person Meeting
Person(s) initiating communication:	Graham Forbes
Person(s) receiving communication:	Mark Stone

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

Graham was representing UNITE HERE and the Navy-Broadway Complex Coalition. He said that the coalition has signed an MOU with the Port District and they feel that they have worked out their issues with respect to public access and public parks. The issues that were the reason for the previous denial have been addressed. They agree that the Broadway Pier issues are better left to phase 2 at this point.

Date: 3/8/11 Signature of Commissioner: *Signature on file*

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

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

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

RE
MA
C
COASTA
SAN DIEG

EXHIBIT NO. 16
APPLICATION NO.
A-6-PSD-11-6
Ex Parte Forms
California Coastal Commission

Unified Port
of San Diego

3165 Pacific Highway, San Diego, CA 92101
P.O. Box 120488, San Diego, CA 92112-0488
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VIA E-MAIL AND CERTIFIED MAIL

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MAR 10 2011
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

March 7, 2011

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

RE: Response to Appeals of North Embarcadero Visionary Plan (NEVP) Phase 1 (SDUPD CDP #A-6-PSD-11-006)

Dear Ms. Lilly:

On January 11, 2011 the Board of Port Commissioners ("Board") of the San Diego Unified Port District ("District") authorized issuance of an appealable Coastal Development Permit (CDP) for NEVP Phase 1. Subsequently, four appeals were filed: two by Coastal Commissioners Shallenberger and Sanchez and one each by Katheryn Rhodes and Scott Andrews. We understand the appeals concern five Coastal Act-related issues:

1. Public process and integrity of the Port Master Plan
2. Adequacy of the replacement park/plaza
3. Public access to Broadway Pier
4. Parking impacts and mitigation
5. Seismic and geologic concerns

Following is District staff's response to each of the issues above, including, where appropriate, recommendations for special conditions. We remain committed to working with you to obtain a staff recommendation of approval for the NEVP Phase 1 CDP at the April 2011 Coastal Commission hearing.

1. Public Process and Integrity of the Port Master Plan (PMP)

NEVP Phase 1 has been refined through a nearly year-long public process that culminated in the support of former project opponents, the San Diego Navy Broadway Complex Coalition ("Coalition"), and a new NEVP Phase 1 CDP. As a result of these efforts, NEVP Phase 1 is much improved in terms of public access and recreational opportunities on San Diego's bayfront over the project previously denied by the Coastal

EXHIBIT NO. 17
APPLICATION NO.
A-6-PSD-11-6
Letter from Port
District
California Coastal Commission

Commission in April 2010. Nevertheless, the appeals raise concerns regarding the integrity of the PMP with respect to public participation and the process of addressing impacts.

Public Participation

With respect to public outreach, since April 2010 the District offered over a dozen opportunities for public comment, including four interactive public workshops to solicit feedback. At these meetings, the District shared the Coalition's proposal for additional public space on Lane Field; this additional public space has now become NEVP Phase 1D. Comments were posted to the District website for public review, and staff met with several citizens including Ms. Katheryn Rhodes, Mr. Jim Frost, and Mr. Phil Bona to hear their concerns. Staff also attempted to meet with Mr. Scott Andrews, but he declined. Project revisions were also presented at no less than three Board meetings, a Joint Powers Authority meeting, and a public workshop held at the Port's planning center and sponsored by Citizens Coordinate for Century Three, the Coalition, the League of Women Voters San Diego, the Public Trust Alliance, the New School of Architecture, Partners for Livable Places San Diego, the Urban Land Institute: San Diego/Tijuana, San Diego Council of Design Professionals, and the Ilan Lael Foundation (see Attachment "E" for the public workshop's summary report).

Procedural Safeguards

The appeals also raise concerns about the analysis of impacts in the context of the entire North Embarcadero. In its approval of the NEVP Phase 1 CDP, the District determined that there will be no additional impacts not otherwise addressed by the special conditions. The Coastal Commission will also have the opportunity to review the NEVP Phase 1 CDP and coordinating amendments to the Lane Field CDP. Moreover, impacts elsewhere along the North Embarcadero will be addressed through the comprehensive North Embarcadero PMP Amendment currently underway – as required by NEVP Phase 1 CDP Special Condition #4 and as described in the Notice of Preparation for the North Embarcadero PMP Amendment. The revised NEVP Phase 1 CDP, as conditioned, ensures far more specificity on the quality and quantity of public space than the original CDP brought before the Coastal Commission in April 2010. Moreover, these safeguards ensure that NEVP Phase 1 will further the public access and recreation policies of the Coastal Act.

2. Adequacy of the Replacement Park/Plaza

The Commission Appeals suggest that the additional public space to be developed as Phase 1D: Lane Field Setback Park/Plaza and as the product of the North Embarcadero PMP Amendment could replace the oval park/plaza if delivered within a reasonable but aggressive timeframe. We understand these concerns and propose the special conditions below to address them against the background of the District's recent experience on other park projects such as Ruocco Park.

General Timelines for Park/Plaza Design and Construction

Recent District experience on the Ruocco Park project suggests it takes approximately 12 to 18 months to produce a set of designs for a public park/plaza, and an additional 12 to 18 additional months to bid and construct. For reference, Attachment "A" is the actual design and construction schedule from the Ruocco Park project. These timelines can vary depending upon public outreach and entitlement delays. District staff is concerned that committing to additional public space without sufficient time for design and construction may place the District in the position of not being able to reasonably deliver the replacement park/plaza as conditioned. It is for these reasons that a specific design for the Phase 1D Lane Field Setback Park/Plaza will not be ready prior to Coastal Commission action in April 2011. Notwithstanding, District staff understands the timing concerns raised and suggests the special conditions below.

Proposed Special Conditions: Timeline for Phase 1D and Additional 1.25 Acres

Regarding Phase 1D, we recommend a special condition requiring its design and construction prior to the earlier of the substantial completion of Phase 1A and 1B or opening of the first hotel on the Lane Field project, subject to force majeure extensions for legitimate delays not to exceed 540 calendar days. Under this scenario, Phase 1D will be delivered in three years.

With respect to the additional 1.25 acres of public space, District staff recommends a special condition requiring it to be designed and constructed within four years from commencement of construction of NEVP Phase 1, along with one and a half years of force majeure for legitimate delays, and that it must be delivered as the next phase of NEVP, the boundaries of which are to be determined.

3. Public Access to Broadway Pier

The appeals raise concerns about the lack of specific commitments to ensure public access connections among the NEVP Phase 1 esplanade, the Phase 1D Lane Field Setback Park/Plaza, and the Broadway Pier. The District included a public access program in the NEVP Phase 1 CDP which provides for public access to Broadway Pier consistent with the Coastal Commission's 2009 approval of the Broadway Pier de minimis PMP Amendment. Phase 1C, which the District did not include in the revised NEVP Phase 1 CDP, would have provided for the design and programming of the Broadway Pier forecourt and viewing areas. The District remains committed to improving Broadway Pier in the future but is still determining whether it should be included in the North Embarcadero PMP Amendment underway or as a separate effort. The Commission Appeals also suggest that Broadway Pier should be integrated with the esplanade and provide that "the building will not be used exclusively for private uses and giving community, civic, and/or public uses first priority."

Proposed Special Condition: Public Access on Broadway Pier

The Broadway Pier cruise terminal building will not be exclusively private, and it will accommodate a mix of public, semi-public, and private events – in addition to the auxiliary cruise terminal use. The Coastal Commission could include such a special condition or similar statements in the public access program. Additionally, we welcome a special condition or policy statement requiring Broadway Pier surface public improvements to be designed through a future public process.

4. Parking Impacts and Mitigation

The CDP addresses the parking concerns the Coastal Commission raised in its denial of the original NEVP Phase 1 CDP in April 2010 by requiring replacement of 50% of the removed metered parking spaces and implementation of a shuttle system. District staff understands that there may be some ambiguity in the District's conditions of approval, and as a result, we propose the special condition below. There are also unrelated parking issues raised in the Rhodes Appeal which do not apply to the NEVP Phase 1 project to which we must respond.

Proposed Special Condition: Parking Space Removal and Shuttle Implementation

To address concerns regarding parking impacts, District staff recommends a special condition that clearly requires the District to replace all 146 metered parking spaces prior to removal during construction of the NEVP Phase 1 Project. Based on the North Embarcadero Parking Management Plan (see Attachment "C"), the District believes the parking demand reflected in these 146 metered spaces can be absorbed elsewhere along the North Embarcadero. District staff also understands the Coastal Commission's concerns regarding convenience and accessibility for waterfront visitors. Therefore, the replacement spaces will remain available until the District implements the proposed Cabrillo Circulator Shuttle, or the Lane Field summer shuttle, or a comparable or more comprehensive bayfront shuttle, to connect visitors to the NEVP Phase 1 Project area with parking supplies elsewhere along the North Embarcadero.

Unrelated Parking Issues at the Navy Broadway Complex Site

The Rhodes Appeal suggests that 1,542 parking spaces for the adjacent Navy Broadway Complex project should be added through a "Parking Management and Transit Opportunity Plan for the North Embarcadero" for NEVP Phase 1 project. As you know, the Navy Broadway Complex is not a District project, nor is it subject to the District's permitting authority. The District should not be required to mitigate for the impact of projects over which it has no jurisdiction. Neither the Coastal Act nor the PMP requires this. We believe parking impacts generated by the NEVP Phase 1 project will be adequately resolved through our proposed special condition above.

5. Seismic and Geological Concerns

The District takes very seriously concerns regarding life safety and mitigation for seismic activity. As such, the District conducted all seismic and geological studies

required by California law for the NEVP Phase 1 project. District staff have considered the seismic issues raised in the appeals, we have complied with all necessary geotechnical requirements, and we have concluded that additional requirements are not required. For your consideration, attached please find a memorandum from a third-party consultant retained to evaluate and peer-review the seismic and geologic studies performed for the NEVP Phase 1 project (see Attachment "B").

Completed Geologic and Soils Studies

The Commission Appeals state that seismic risk was not evaluated in the CDP. But both the 2000 NEVP Master EIR and the Addendum and Initial Study that entitled the NEVP Phase 1 project specifically evaluated seismic risk as required by CEQA. Neither study concluded that flexible utility connections or other comparable mitigation measures would be required for construction of the roadway, esplanade, and landscape public improvements proposed as NEVP Phase 1. Section "F" of the December 2010 Addendum and Initial Study specifically analyzed geology and soils impacts, and found no new impacts not otherwise identified in the 2000 NEVP Master EIR. All identified impacts relate to habitable structures, and mitigation measures were developed accordingly (see Attachment "D"). NEVP Phase 1 contains only small kiosks and non-habitable structures. While utility relocations and improvements are an important part of NEVP Phase 1, if flexible pipelines or above-ground utilities on sliders were requirements either during environmental review or during the City of San Diego's review of the project plans, then they would have been built into the project.

Beyond the NEVP Phase 1 studies, the seismology of the Phase 1D Lane Field Setback Park/Plaza has already been reviewed in depth as part of the Lane Field seismic study conducted during the developer's entitlement process. The information was provided to and accepted by the Coastal Commission during the de novo permitting process for Lane Field which culminated in a CDP in January 2009.

Further Seismic Study is Not Required for NEVP Phase 1

Over the past few months, District staff corresponded and met with Ms. Rhodes several times over her concerns about NEVP Phase 1. Although we appreciate her enthusiasm for seismic safety, her allegations of "non-compliance, and a delay, deny, and deceive planning tactic" are unfounded. Specifically, her concern is that issues of "active faulting and surface rupture" are still outstanding from earlier environmental review. But as she acknowledges, those issues were analyzed in the Master EIR approved by the Board in 2000 and forwarded to the Coastal Commission during approval of the March 2001 PMP Amendment that originally entitled the NEVP Phase 1 improvements. Additionally, according to Ms. Rhodes, seismic studies of the type she proposes are required for "human-occupancy structure[s]," but the area she requests for further study, the West Broadway roadway, is a dedicated street with utilities but without habitable structures. Further study at additional cost - without demonstrable additional benefit - is not required either by the Coastal Act or PMP.

Conclusion

The District and its partner, the Centre City Development Corporation (CCDC), have worked tirelessly to improve NEVP Phase 1 since the April 2010 Coastal Commission meeting. In these few weeks before the Coastal Commission considers the revised project, we remain open to working together with your staff to resolve outstanding differences and to provide additional information as needed. We look forward to meeting with you soon to discuss this letter and any proposed concerns you may have in person. As always, feel free to contact us directly anytime.

Respectfully,

Signature on file

Darlene Nicandro
Director, Environmental and Land Use Management

CC: Scott Andrews
Gary Bosse
Cory Briggs (for the Coalition)
Randa Coniglio
Wayne Darbeau
Katheryn Rhodes
Linda Scott
Shaun D. Sumner

Attachment "A"	Ruocco Park Project Schedule
Attachment "B"	Geotechnical Memorandum (Peer Review)
Attachment "C"	North Embarcadero Parking Management Plan
Attachment "D"	NEVP Phase 1 Mitigation, Monitoring, and Reporting Program
Attachment "E"	Re-Envisioning the Waterfront Report

SDUPD Docs No. 453543

URS

Attachment B

March 1, 2011

Gary J. Bosse
Assistant Vice President - Public Works
Centre City Development Corporation
401 B Street, Suite 400
San Diego, CA 92101

RECEIVED
MAR 10 2011
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Subject: Geotechnical Review
North Embarcadero Visionary Plan
San Diego, California
URS Project No. 03003261

Dear Gary:

As you requested, this letter presents our review of the geotechnical report prepared by TerraCosta Consulting Group (TerraCosta) for the proposed North Embarcadero Visionary Plan (NEVP), namely, "Geotechnical Report, North Embarcadero Visionary Plan, prepared for Project Design Consultants, dated February, 26, 2010, TerraCosta project No. 2531". As requested, we have also reviewed from a geotechnical perspective, the project structural plans prepared by Flores Lund Consultants (FLC) dated April 1, 2010.

PROJECT DESCRIPTION

We understand the NEVP project includes the general area of the Broadway right-of-way, from the railroad tracks on the east to the intersection with Harbor Drive on the west; and the Harbor Drive/Embarcadero area from the north side of Navy Pier to the north side of the B Street Pier. TerraCosta's report addressed the proposed public amenities within the NEVP which include hardscape, landscape and access features, and several small structures, including: restrooms, ticket kiosks, an information center, pavilions, and a walk-up café. The proposed structures will be lightly loaded, with small footprints on the order of 12 to 13 feet in plan dimension, and will have relatively low human occupancy.

PURPOSE OF REVIEW

The purpose of our review was to comment on the TerraCosta report's conclusion with respect to site faulting, potential liquefaction effects and proposed structural mitigation of liquefaction. TerraCosta's investigation indicated the absence of earthquake faults that might impact the project. Some nearby faults are known near the project area, however TerraCosta's investigation had shown that there were no faults projecting towards or underlying the proposed structures. As further elaborated below, we agree with the fault investigation methodology and the report's conclusions.

URS Corporation
4225 Executive Square, Suite 1600
La Jolla, CA 92037
Tel: 858.812.9292
Fax: 858.812.9293

TerraCosta had also determined that the general site area (like all the San Diego bay front) is in an area of potential liquefaction and lateral spreading. To accommodate liquefaction effects (if strong seismic shaking were to occur), TerraCosta provided geotechnical recommendations for the structural design of a reinforced structural mat foundation for the proposed structures. As discussed below, the proposed foundations planned for the small structures should be able to accommodate the estimated liquefaction effects with only minor, if any damage.

FAULTING

The NEVP is in the City of San Diego's "Downtown Fault Zone" that requires investigation of potential faulting for proposed new developments. The project area is not in an Alquist-Priolo Earthquake Fault Zone (EFZ, established by the State Geologist) inasmuch as there are no active faults known in the general area. The nearest EFZ is along the San Diego Fault, located more than six city blocks east of the project area. The TerraCosta report discusses their three-fold fault investigation approach, namely: information review, subsurface exploration, and geophysical survey.

TerraCosta performed a review of available geologic literature and maps, and previous geological investigations by other consultants which cover a nearby broader area than the project site. We are familiar with the cited geotechnical reports, two of which were prepared by our firm. The nearby fault investigations included exploratory trenching and building excavation observations; therefore, the potentially active faults that were located at those sites are well documented. None of the known faults project towards the proposed structures.

The project area is underlain by fill soils and bay deposits that preclude exploratory trenching. As an alternative exploration method, TerraCosta performed a series of relatively deep cone penetration tests (CPTs) to depths up to about 100 feet below ground surface (bgs), encompassing a broader area than the proposed structures. At these depths, the CPTs penetrated several laterally continuous layers in the Pleistocene age Bay Point Formation. The Pleistocene sands, silts and clays within the depth of the CPTs are nearly flat-lying (with only a very low northerly dip) with very little difference in the thickness of these soils units between the CPTs. We have also used the same CPT investigative approach on past fault investigations along the bay front, and would make similar geologic interpretations of the CPT data. We agree with TerraCosta that the uniform layering in the deep Bay Point Formation indicates the absence of faulting.

Terracosta's geologic evaluation of the project area benefitted from the previous marine geophysical (seismic reflection) surveys performed for the B Street Pier improvements. The "over water" investigations performed along the eastern edge of the bay had mapped several "new" faults near the embarcadero seawall, but none of these fault features project to within 50-feet of the proposed structures. The seismic reflection data would also indicate the absence of faulting along and between the marine survey track lines. The marine survey results, in our opinion further increase the level of confidence that active faults do not cross the site. Moreover, given the small building footprints, we agree with TerraCosta that the fault rupture hazard is negligible.

In our opinion, the TerraCosta investigation was performed in manner that is consistent with local geotechnical practice. In lieu of exploratory trenching, CPT data generally provides a meaningful way to investigate faulting, and the City of San Diego typically allows this approach. The fault investigation's use of adjacent marine geophysical data is in our view above the local standard of geotechnical practice. Marine geophysical surveys adjacent to piers and bulkheads have only been performed in a few limited areas of the bay, to our knowledge.

LIQUEFACTION AND LATERAL SPREADING

TerraCosta reported that seismic-induced ground settlements could occur due to soil liquefaction. TerraCosta further reported that if liquefaction were to occur, the soils behind the embarcadero bulkhead seawall could undergo lateral and vertical movements estimated on the order of 1 to 4 feet and of 1 to 4 inches respectively, with differential settlements of similar order of magnitudes. These findings are consistent with previous studies by URS in the area with similar geologic and geotechnical conditions.

To accommodate the potential for differential settlement and loss of ground support (partial loss of soil strength and bearing capacity) from seismic-induced liquefaction, TerraCosta recommended using structural mat foundations to support the buildings. The proposed structures have small footprints, with relatively light and uniformly disturbed loads. For these types of structures, mat foundations can bridge areas where there is differential settlement and/or the loss of ground support from seismic-induced liquefaction.

We note that The Seismic Design Handbook (Naeim, 1989), indicates "for structures of low profile and uniform mass distribution, a mat foundation may be feasible" under the section of the reference titled "Mitigation of Liquefaction by Structural Design". We further note that SCEC (1999) in their "Recommended Procedures for Implementation of DMG Special Publication 117 Guidelines for Analyzing and Mitigating Liquefaction Hazards in California" state the following:

- Houses and small buildings with reinforced perimeter footings and connected grade beams have performed well in Japan, and similar performance should be expected in the United States.
- Light buildings also may be supported on continuous spread footings having isolated footings interconnected with grade beams. For heavier buildings with a low profile and relatively uniform mass distribution, a mat foundation may be feasible.

Considering the above listed reference sources, and our previous experience providing geotechnical design recommendations in similar settings, the use of a structural mat foundation to support the proposed structures is, in our opinion, justified and conservative.

TerraCosta recommended assuming the length of loss of support to be 15 percent of the dimension of the building (0.15 times the length of the building) and restricting the length of unsupported slab to a maximum distance of 10 feet. TerraCosta further recommended designing embedded footings to accommodate lateral pressures equal to 500 pounds per cubic foot that could develop from

differential lateral movement of the foundation soils. The project structural plans prepared by FLC dated April 1, 2010 summarize and appear to have adopted the above described geotechnical design criteria, along with other pertinent geotechnical design recommendations.

If you have any questions, or if we can be of further service, please contact us.

Sincerely,

URS CORPORATION

Signature on file

David L. Schug, C.E.G. 1212
Principal Geologist.

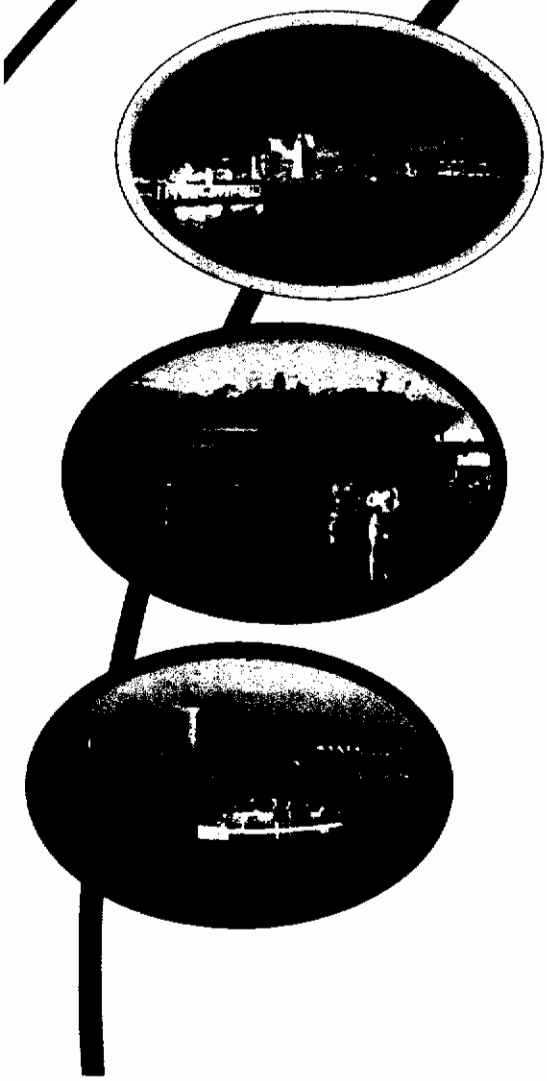
Signature on file

Charles Robin (Rob) Stroop, G.E. 2298
Senior Project Geotechnical Engineer

DLS/CRS:

Attachment C

North Embarcadero Visionary Plan



Parking Management Plan

June 29, 2009

RECEIVED
MAR 10 2011
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Prepared For:

Unified Port of San Diego

The Unified Port of San Diego
P.O. Box 120488
San Diego, CA 92112

Prepared By:

TMS

Transportation Management Services
236 North Chester Avenue, Suite 200
Pasadena, California 91106

North Embarcadero Visionary Plan
Parking Management Plan

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Figure 7: Generalized Locations for Transportation Hubs

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Table 2: Parking Management Toolkit

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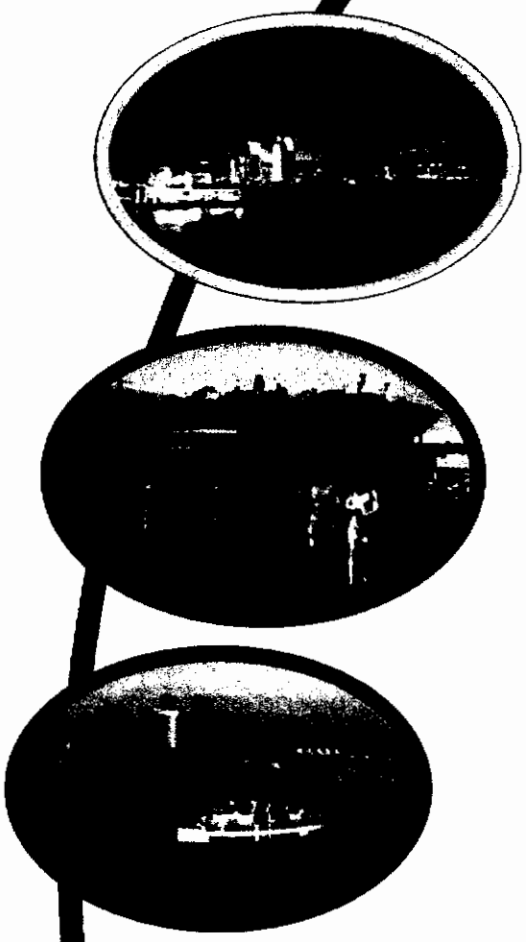
Appendices

Appendix A: How Parking Supports NEVP Activities

Appendix B: Glossary of Terms



Section 1
Overview

SECTION 1.0: OVERVIEW

The North Embarcadero Visionary Plan Parking Management Plan (i.e., NEVP-PMP) recommends measures for the Unified Port of San Diego (i.e., the Port) to employ that respond to the effects on parking supply and demand of real estate and public infrastructure development that may occur in the NEVP area of San Diego's waterfront.

1.1 Purpose and Scope

The Unified Port of San Diego's Board of Port Commissioners adopted Findings of Fact for the NEVP Final Master Environmental Report in March 2000[1], including "Finding 4.1.1" which identified the need for implementation of a Parking Management Plan and measures to mitigate the effects of the proposed NEVP development. The Parking Management Plan must consider existing weekday and weekend conditions affecting parking, including the demand for parking, anticipated effects of proposed development on parking and access to the NEVP area prior to the issuance of a Coastal Development Permit, or construction of public improvements within the NEVP.

The NEVP-PMP recommends a series of actions that could be assembled by the Port in response to specific development proposals that may emerge. This approach of assembling a parking management program from a set of measures allows for flexibility in delivering actions that are appropriate for future development the order and precise scope of which may change. Section 1.6 recommends a process for considering, assembling, and implementing recommended NEVP-PMP actions. The recommended parking management actions are outlined in Section 2.0, which comprises a 'toolbox' of parking management actions from which solutions to specific parking concerns could be implemented if and when changes in parking conditions are defined. Section 2.3 illustrates the application of how parking management actions would be applied to a potential change in parking supply and demand.

1.2 Methodology

The NEVP-PMP was built on knowledge of existing weekday and weekend parking conditions, including:

- Parking supply and demand as called for in the EIR Finding 4.1.1 (See ***Appendix A***);
- The effect on parking of development projects proposed for the NEVP; and
- A review of parking management measures that is suitable for the NEVP area.

[1] North Embarcadero Alliance Visionary Plan Final Master Environmental Impact Report (UPD # 83356-EIR-351; SCH # 1999031037)" April 25, 2000.

Data utilized in developing the NEVP-PMP included:

- The North Embarcadero Alliance Visionary Plan Parking Analysis and Parking Management Plan, October 1999
- An inventory of parking spaces conducted by the Port of San Diego in January 2008 (See ***Appendix A***)
- Observations of parking utilization conducted by the project Team (See ***Appendix A***)
- Interviews with representatives of NEVP lessees, County of San Diego, City of San Diego agencies, Port departments, and commercial facilities that provide long term parking for NEVP users that are located outside of the NEVP area

1.3 Plan Area

The NEVP-PMP recommends actions for the area between Laurel Street to the north, the railroad tracks to the east, the intersection of Pacific Highway and Harbor Drive to the south, and San Diego Bay to the west, as shown on ***Figure 1***.

1.4 Parking Environment

Approximately 4,600 parking spaces are available throughout the NEVP area in publicly and privately owned facilities and on the street, as shown in ***Figure 2***).[2] Approximately 2,700 (or 59%) of these spaces are available without time or user restrictions.

The supply of publicly available parking in the NEVP is adequate to support most existing activities if the NEVP area is looked at in its entirety, without regard to spatial or temporal variations; however, parking to support public activities may not be adequate in selected subareas of the NEVP where the demand for parking exceeds the supply and/or there is greater utilization of more desirable parking areas (i.e., those that are better known, more easily found, or closer to destinations). For example, a review of demand and supply showed that well-known parking areas, such as Lane Field parking along the Embarcadero and at the Midway Museum, commonly exceed 90% occupancy, whereas on-street parking in the same areas may be only 40% utilized. Compounding the imbalance in utilization is the patchwork nature of the parking supply in the NEVP Area (i.e., on and off-street; public and private; very limited parking dedicated to specific destinations).

The need for parking in a specific area of the NEVP is based on the proximity of a parking facility or other means of access to a chosen destination (i.e., restaurants, cruise ships, special events, cultural, or passive recreation pursuits). Travelers choose where to park based on what activity they intend to pursue along the Embarcadero. For example, visitors to the Midway Museum are likely to

[2] Port Internal Study – Winter2007/Spring 2008

want to park in facilities close to that destination and not in areas more distant, such as in the vicinity of the Grape Street Pier. Thus an examination of parking in the NEVP area that only looked at overall conditions instead of localized conditions would not represent circumstances faced by NEVP area users and would provide little guidance to the development of parking management actions.

Park & Walk Areas

The NEVP area was broken into four smaller zones, referred to as "Park & Walk" areas, to better represent parking conditions facing NEVP users, guide development of Parking Management recommendations, and establish a basis for monitoring parking conditions. The Park & Walk areas are semi-circle-shaped zones positioned around four key destinations along the Embarcadero (i.e., Grape Street Pier, Star of India, B Street Cruise Ship Terminal, and the Midway Museum) that extend from 500 to 1,400 feet from the Embarcadero to reach parcels that pedestrians could likely walk to within five to ten minutes.[3] The supply of parking in each "Park & Walk" area was identified and the utilization of that supply was counted to understand conditions that NEVP users face in making use of waterfront. The four "Park & Walk" areas shown on ***Figures 3*** through ***6*** include:

1. Grape Street Pier
2. Star of India
3. B Street Cruise Street Terminal
4. Midway Museum

1.5 NEVP Development Program

Development of real estate on Port owned parcels will displace existing publicly-available parking temporarily when sites are undergoing construction and may affect the number of parking spaces available on a parcel after proposed projects are completed. ***Table 1*** shows development proposed and/or envisioned for 13 sites in the NEVP along with existing parking spaces.[4] As shown on ***Table 1***, the schedules and scopes of the development programs for most of the sites are not well defined. The Parking Management Plan considers this condition in identifying a series of actions that could be taken throughout the NEVP area and/or in response to more specific development proposals.

[3] The size of each "Park & Walk" area is based on distance (feet) and time (minutes) that were traveled during actual field work as modified by consideration of standards for how far pedestrians would be willing to walk to transit and parking facilities. See ***Appendix A*** for a description of how "Park & Walk" areas were developed and the parking conditions in each area.

[4] Port of San Diego, Real Estate Division, December 2007

1.6 Process for Assembling NEVP-PMP Programs

Addressing parking and accessibility needs in the NEVP before, during, and after expected real estate and/or public infrastructure development requires active management of existing and potential parking resources in order to provide NEVP area users with convenient access to the region's urban waterfront. Actively managing parking is critical, since conditions in the NEVP will change as development of real estate and investment in public infrastructure varies with economic cycles. The impacts of this changing environment are even harder to anticipate as the nature and timing of development activity is not known for most NEVP area parcels.

There are a number of parking management actions contained in the NEVP-PMP Toolkit (i.e., ***Table 2***) that the Port should implement if and when well-defined proposals for changes in land use and/or public infrastructure materialize. Some of these measures are best implemented throughout the NEVP to ensure ease of use for travelers, consistent parking pricing and curb use practices, and to affect travel across the NEVP, while other actions are more applicable in specific Park & Walk Areas based on the nature of a proposed development.

Port planners should engage the process described below to assemble parking management tools appropriate for addressing parking needs associated with well defined land use and/or public infrastructure proposals:

I. Consider Existing Parking Conditions

I.1: Review data contained in ***Appendix A*** to understand existing conditions (i.e., pre-development proposal) and use it as the basis for measuring the effects of a proposed project(s) on the adequacy of parking.

II. Develop and Implement Areawide/Pre-Project Measures

II.1: Identify areawide NEVP-PMP measures (see ***Table 2***) that should be taken in advance of loss of any parking in the NEVP area. The review should include creating detailed plans to guide development of a measure and its implementation.

III. Project Specific NEVP-PMP Measures

III.1: Assess changes in the adequacy of parking no less than annually at a parcel(s) on which a change in land use and/or land use intensity has occurred when a new proposal is submitted. The assessment should identify effects on parking during and after construction of the proposed project at the site and in the Park & Walk area in which the proposed project is located.

III.2: Determine if the supply of parking in the Park & Walk area (i.e., considering supply of non-project parcels) is sufficient[5] to absorb the demand expected to be displaced temporarily and/or permanently by the proposed project.

III.3: Identify possible shortages of temporary and/or long-term parking in Park & Walk areas that may remain after absorption of parking demand

III.4: Review potential NEVP-PMP actions (see ***Table 2***) to determine applicability to areawide, affected Park & Walk area(s), and parcel-specific parking concerns.

III.5: Select candidate NEVP-PMP measures that address potential changes in parking conditions for further consideration and describe their effect on meeting expected parking demand, costs, effects on Port tenants, actions to mitigate potential negative effects, and contingency actions.

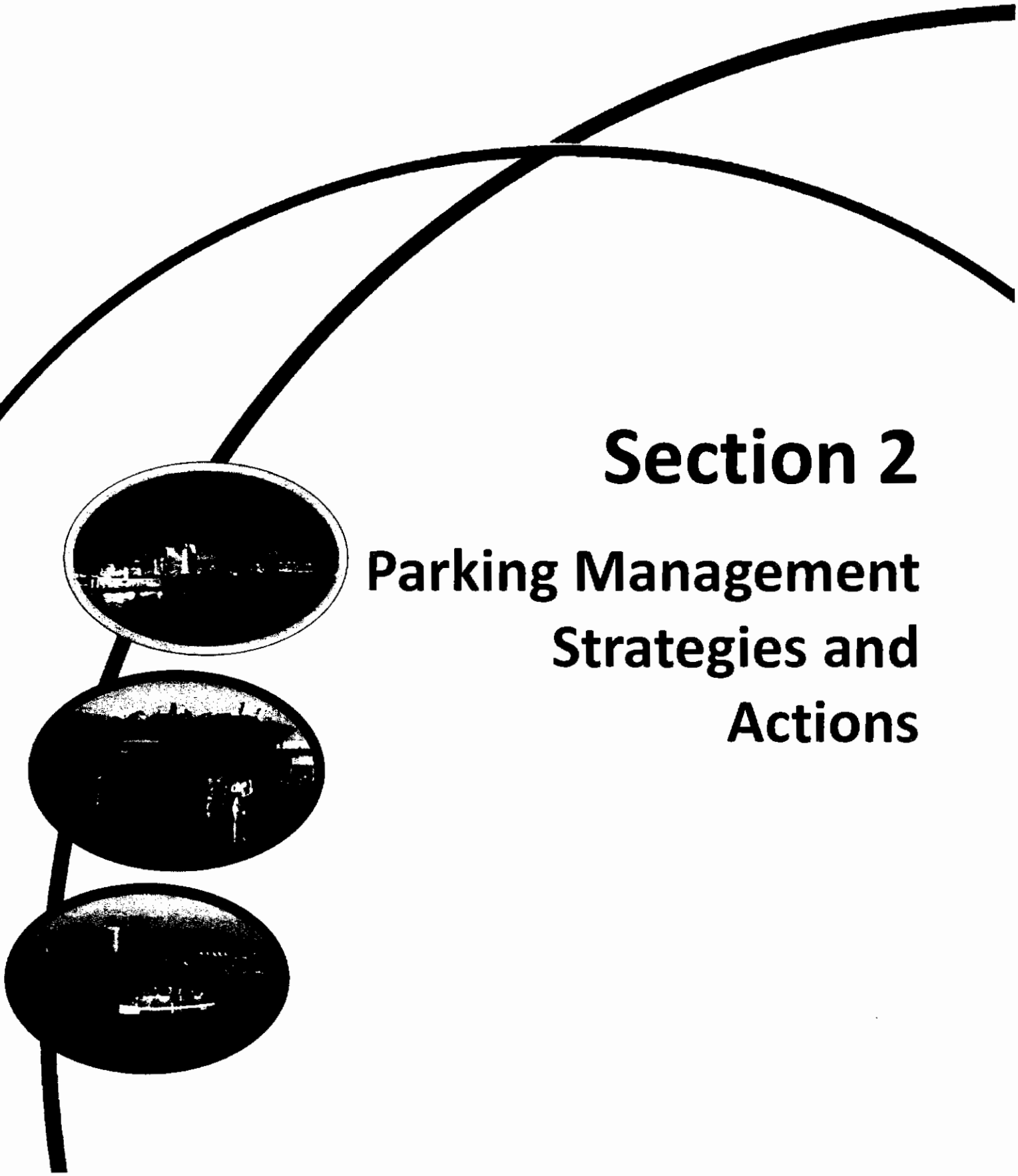
III.6: Coordinate with stakeholders, lessees, parking operators, Metropolitan Transit System (i.e., MTS, elected officials, etc.) to review candidate actions.

III.7: Rank candidate proposal-specific NEVP-PMP measures and select measures for implementation.

III.8: Prepare a development proposal-specific "NEVP-PMP Implementation Program" that schedules tasks to address temporary parking concerns expected to arise during construction and permanent changes expected to occur after construction.

III.9: Engage the proposal-specific "PMP Implementation Program" prior to obtaining the first permit for grading/building.

[5] See ***Appendix A*** for calculation of Park & Walk area parking conditions



Section 2

Parking Management Strategies and Actions

SECTION 2.0: PARKING MANAGEMENT STRATEGIES AND ACTIONS

2.1 Strategies

The following strategies should guide consideration and selection of NEVP-PMP measures:

1. **Make it easy for NEVP users to locate and use transportation services** in each "Park & Walk" area that allows them to park once and circulate throughout the NEVP area without a private vehicle.

2. **Shift long term parking demand**, especially parking demand associated with the Cruise Ship Terminal on the B Street Pier, to Port-owned property on the north side of Lindbergh Field, adjacent to the SanPark long term parking facility. This parking area could be used to meet other long-term parking needs (e.g., air races) depending on availability and need to reserve spaces for expected cruise patron demand. It would be necessary to have a high frequency, convenient transportation service to move long term parkers to their destinations.

3. **Make it easier for travelers to find available parking** by creating a highly visible and easy to understand parking wayfinding system. There is excess capacity in many parking facilities in the NEVP Area; however, these parking spaces are located on street segments and in facilities that are not readily known (or visible) to visitors, are separated by private and public parcels, and may not meet the needs of NEVP visitors in terms of pricing, length of stay, and location relative to destinations.

4. **Shift midweek parking demand to the Grape Street Park & Walk Area** where there is existing parking and possibly, in the future, even greater excess capacity for absorbing surplus demand from other areas where the supply of parking may be reduced. This area includes the site where the Port is considering construction of a structure to provide parking for Solar Turbines and additional parking spaces for the public. It would be necessary to have transportation for parking users to circulate to other parts of the NEVP in order for parking in the Grape Street Park & Walk Area to be attractive. The movement of parking demand to this area should be a priority if and when the Port constructs a parking facility on a parcel that is used by Solar Turbines for employee parking.

5. **Provide transportation for NEVP users to circulate between parking facilities and destinations** without using their vehicles including long term parking facilities that are not in the NEVP. This ability to move without a private vehicle will allow for visitors to park vehicles once and access multiple destinations, thus reducing the need for having sufficient parking in each Park & Walk Area to support that area's activities. The success of a circulator will depend, in part, on the presence of signage conveying where to access the transportation service at parking facilities

and destinations. Passenger loading areas at vehicle stops will need to be visible, clean, safe, and have amenities for users (e.g., lighting and weather protection). There have been discussions with MTS regarding operation of a circulator. There should be one circulator stop in each area that can serve multiple destinations along the Embarcadero. This approach to locating stops will improve vehicle operations, reduce travel time for riders, and minimize the loss of curb parking spaces.

6. **Direct contractors to have construction-related vehicles park at parcels programmed for development**, but not under active development. Potential areas include parcels on the east side of Pacific Highway north and south of Broadway with the capacity to park approximately 190 and 250 vehicles respectively and the parcel at the northeast corner of Grape Street and Pacific Highway with the capacity to park approximately 50 vehicles.[1]

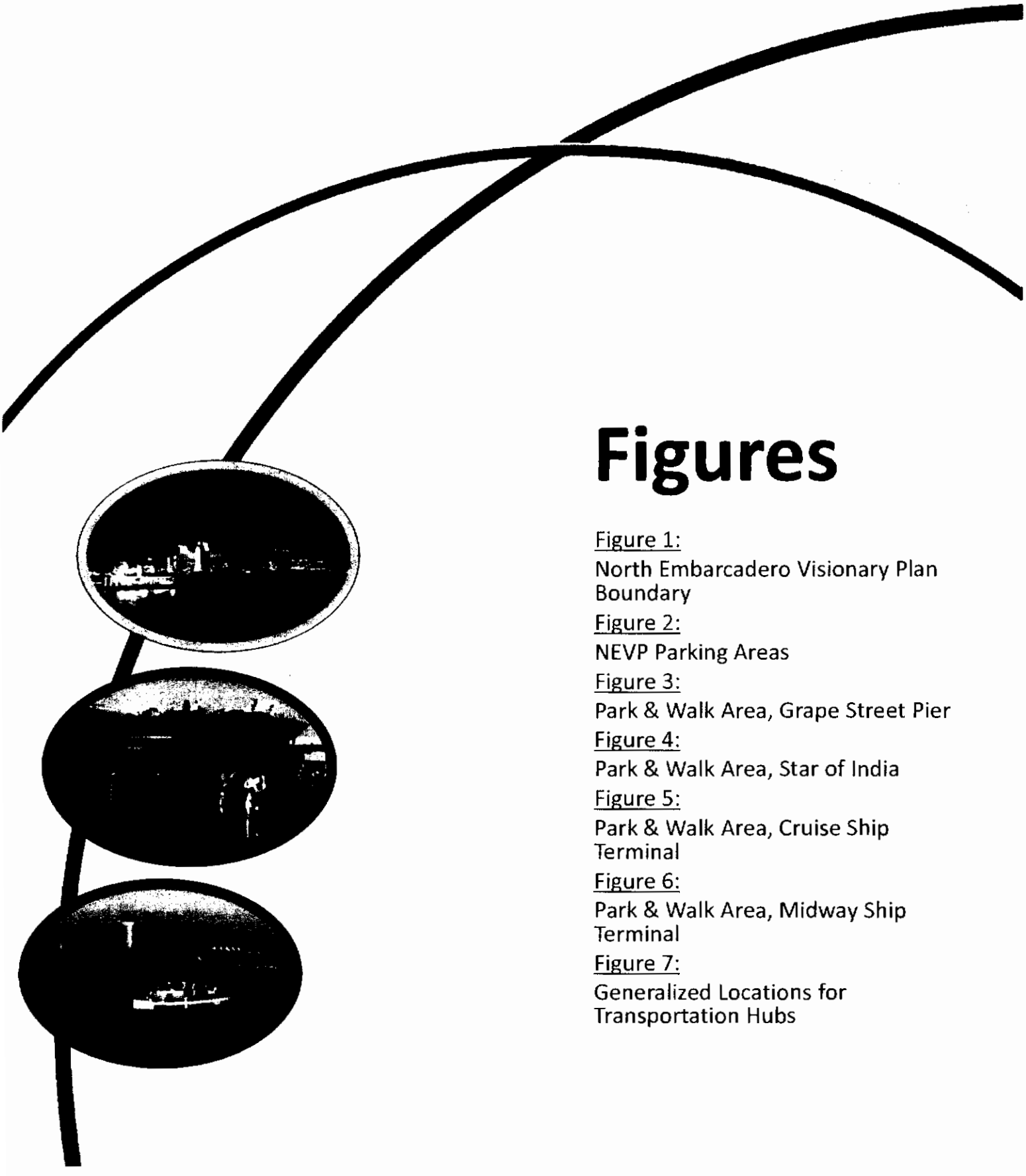
2.2 NEVP-PMP Measures

The measures presented in ***Table 2*** were assembled using the strategies noted above. The description of NEVP-PMP measures include the level of applicability (i.e., entire NEVP, Park & Walk area, parcel), the level of effect (i.e., high, medium, low), the timeframe of when the measure could be implemented based on the expected complexity of development and implementation (i.e., Immediate Term – 2009/10, Mid-Term – 2011/2012, and Long-Term – 2013/2014), and the level of cost (i.e., high, medium, low), and implementation considerations.

2.3 Sample NEVP-PMP Toolbox Solutions

Port staff created three potential NEVP project scenarios that may emerge as the basis for illustrating parking management measures that would address expected changes in parking conditions. ***Table 3*** describes the three potential development scenarios, identifies changes in parking conditions that could be expected from the project scenarios, and recommends NEVP-PMP measures that could address the expected changes in parking conditions.

[1] Drawn from materials provided by Port of San Diego Real Estate Department that was prepared by Five Star Parking, June 2008



Figures

Figure 1:
North Embarcadero Visionary Plan Boundary

Figure 2:
NEVP Parking Areas

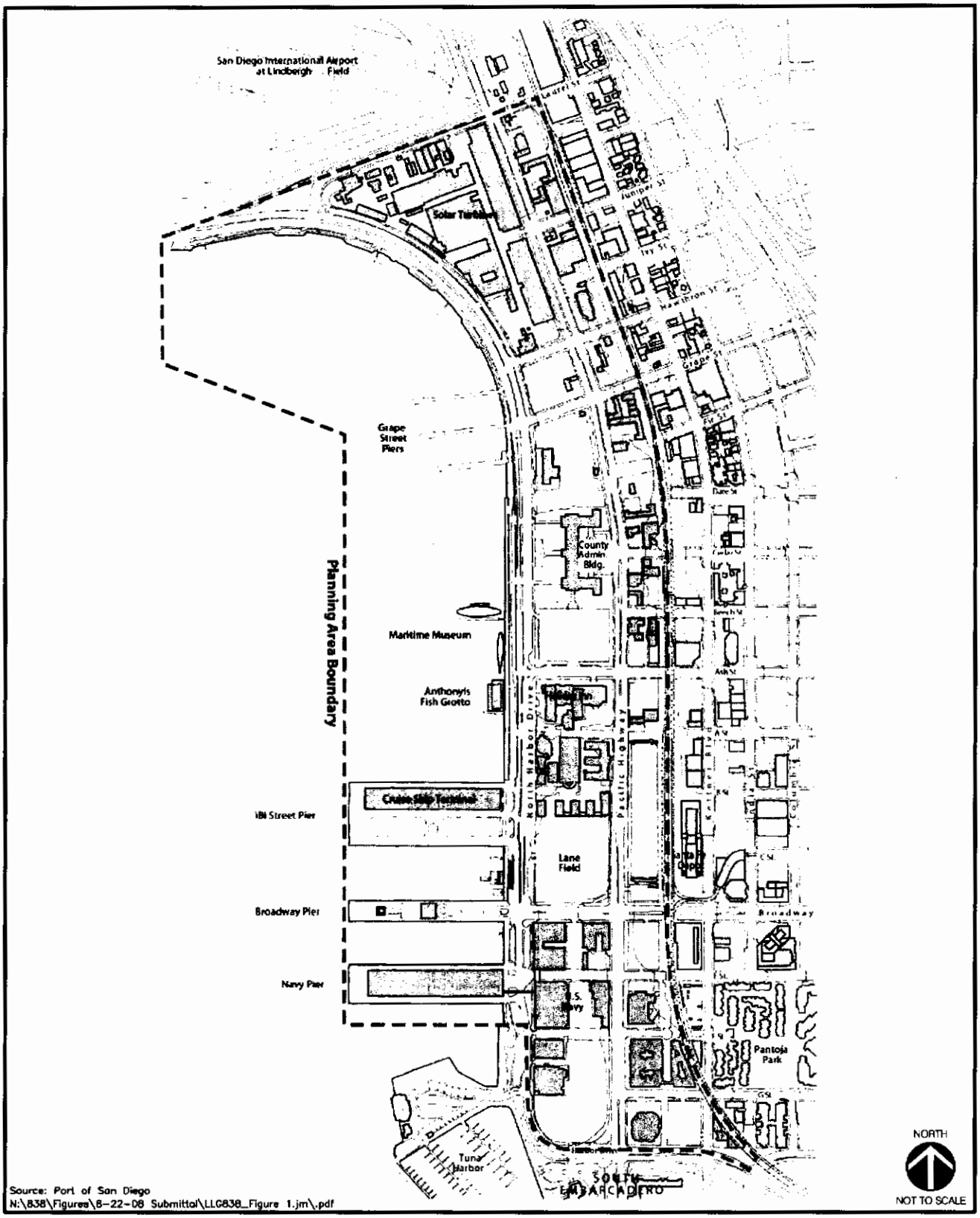
Figure 3:
Park & Walk Area, Grape Street Pier

Figure 4:
Park & Walk Area, Star of India

Figure 5:
Park & Walk Area, Cruise Ship Terminal

Figure 6:
Park & Walk Area, Midway Ship Terminal

Figure 7:
Generalized Locations for Transportation Hubs



Source: Port of San Diego
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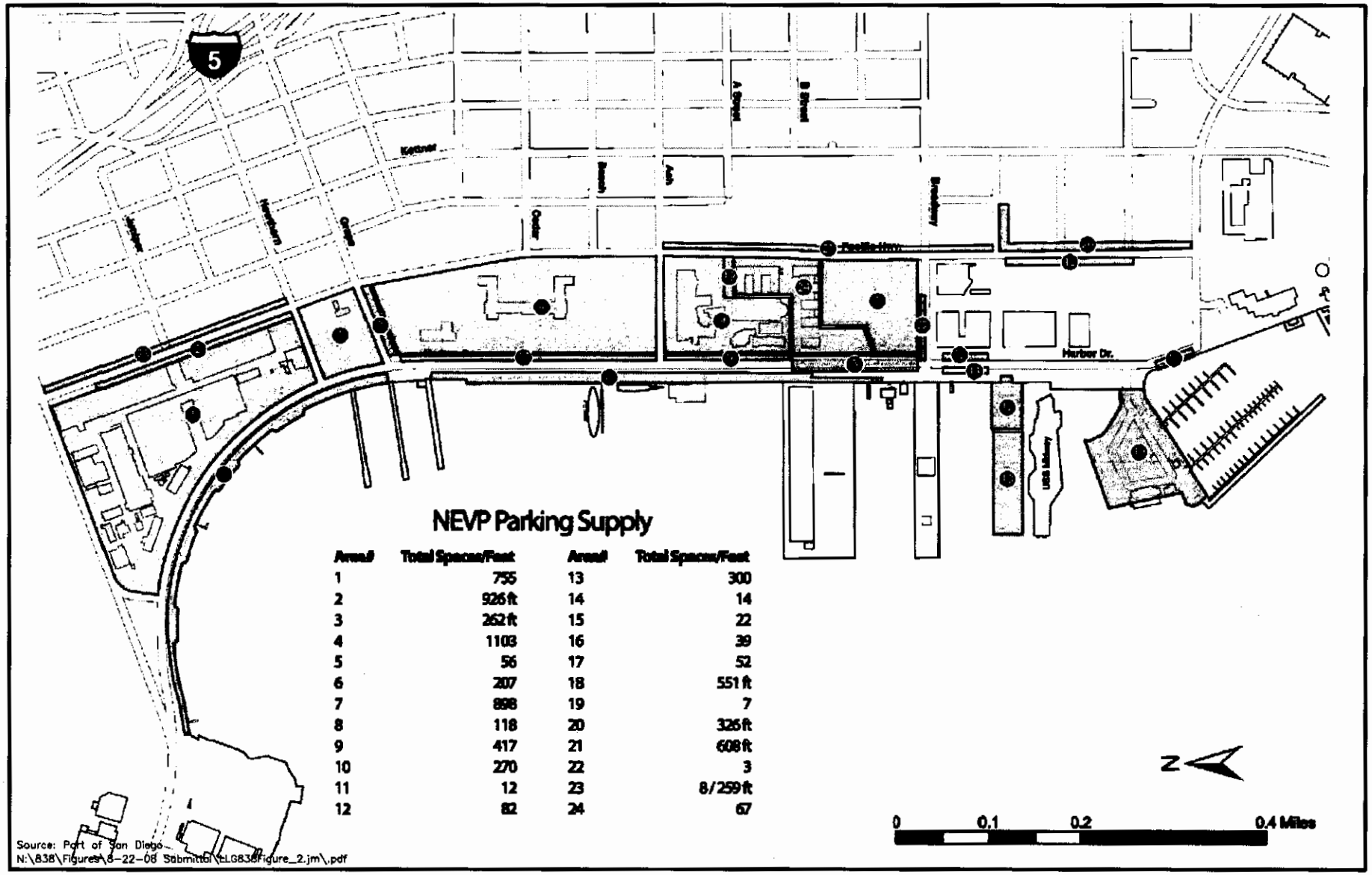
Figure 1

North Embarcadero Visionary Plan Boundary



NEVP Parking Supply

Area#	Total Spaces/Feet	Area#	Total Spaces/Feet
1	755	13	300
2	926 ft	14	14
3	262 ft	15	22
4	1103	16	39
5	56	17	52
6	207	18	551 ft
7	898	19	7
8	118	20	326 ft
9	417	21	608 ft
10	270	22	3
11	12	23	8/259 ft
12	82	24	67

Source: Port of San Diego
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TMS

Figure 2

NEVP Parking Areas

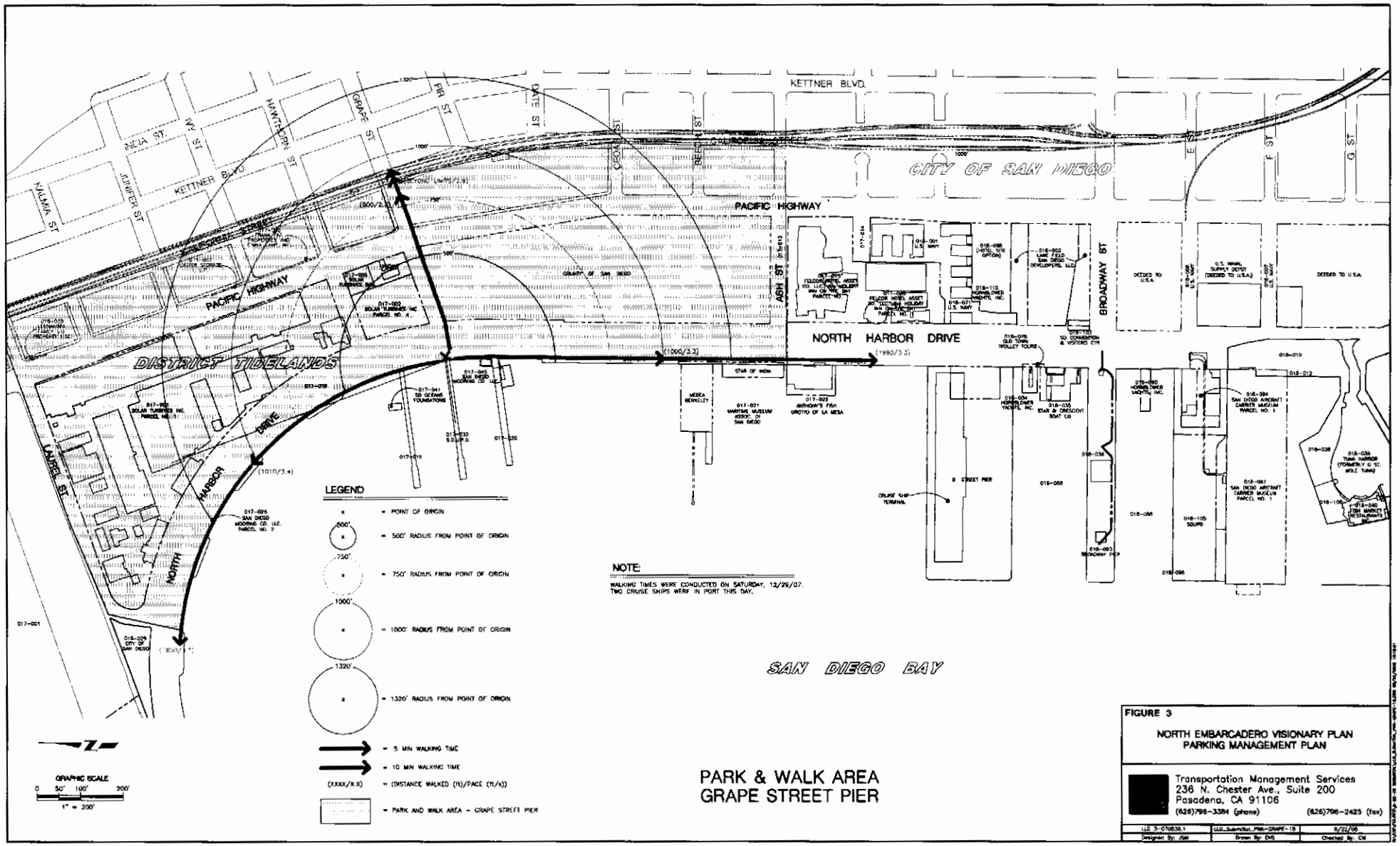
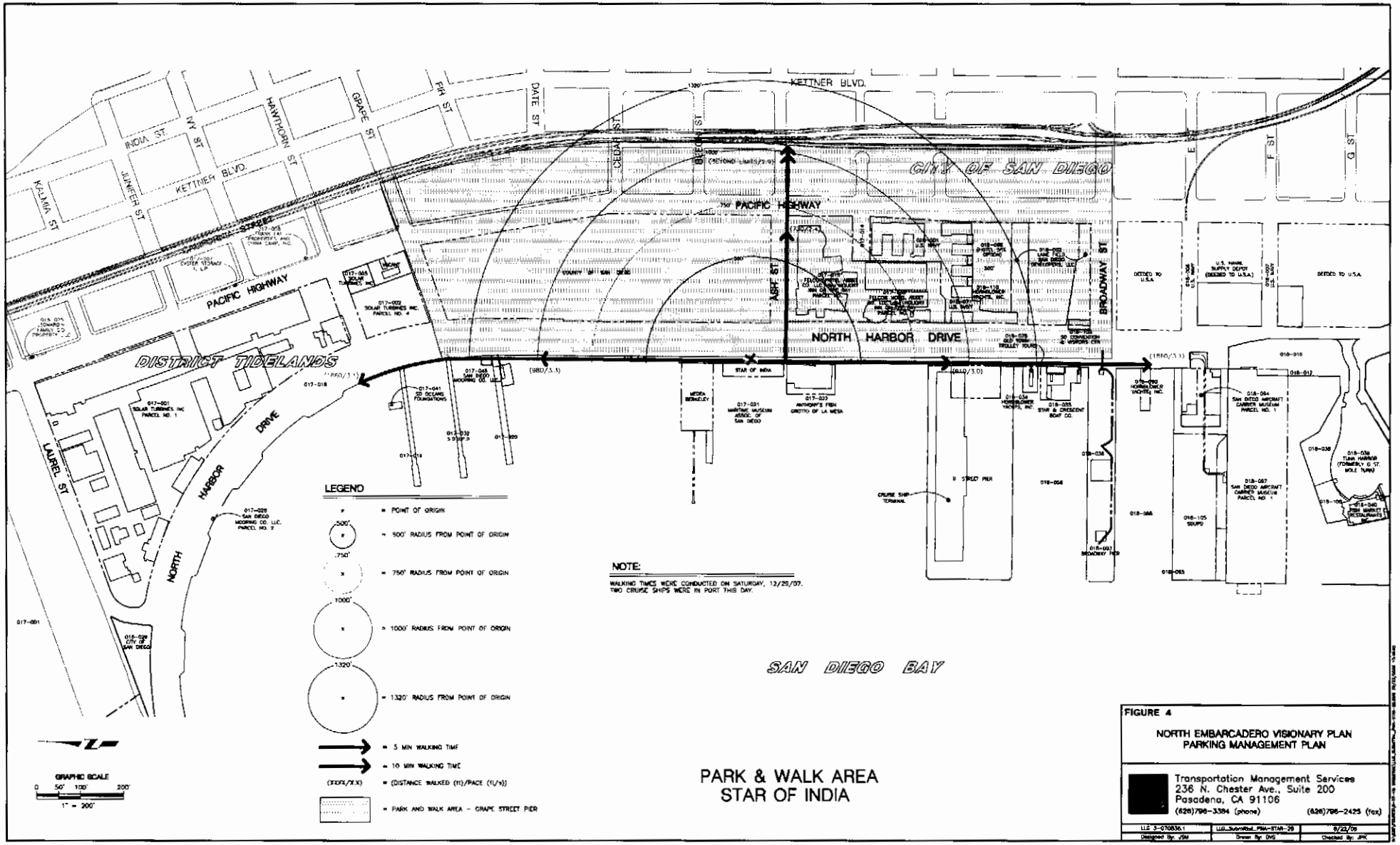


FIGURE 3

NORTH EMBARCADERO VISIONARY PLAN
PARKING MANAGEMENT PLAN

Transportation Management Services
236 N. Chester Ave., Suite 200
Pasadena, CA 91106
(626)796-3384 (phone) (626)796-2425 (fax)

LLE 3-070838.1	LLG_Submittal_PMP-GRAPE-1B	5/22/08
Designed By: JSM	Drawn By: DVS	Checked By: CM



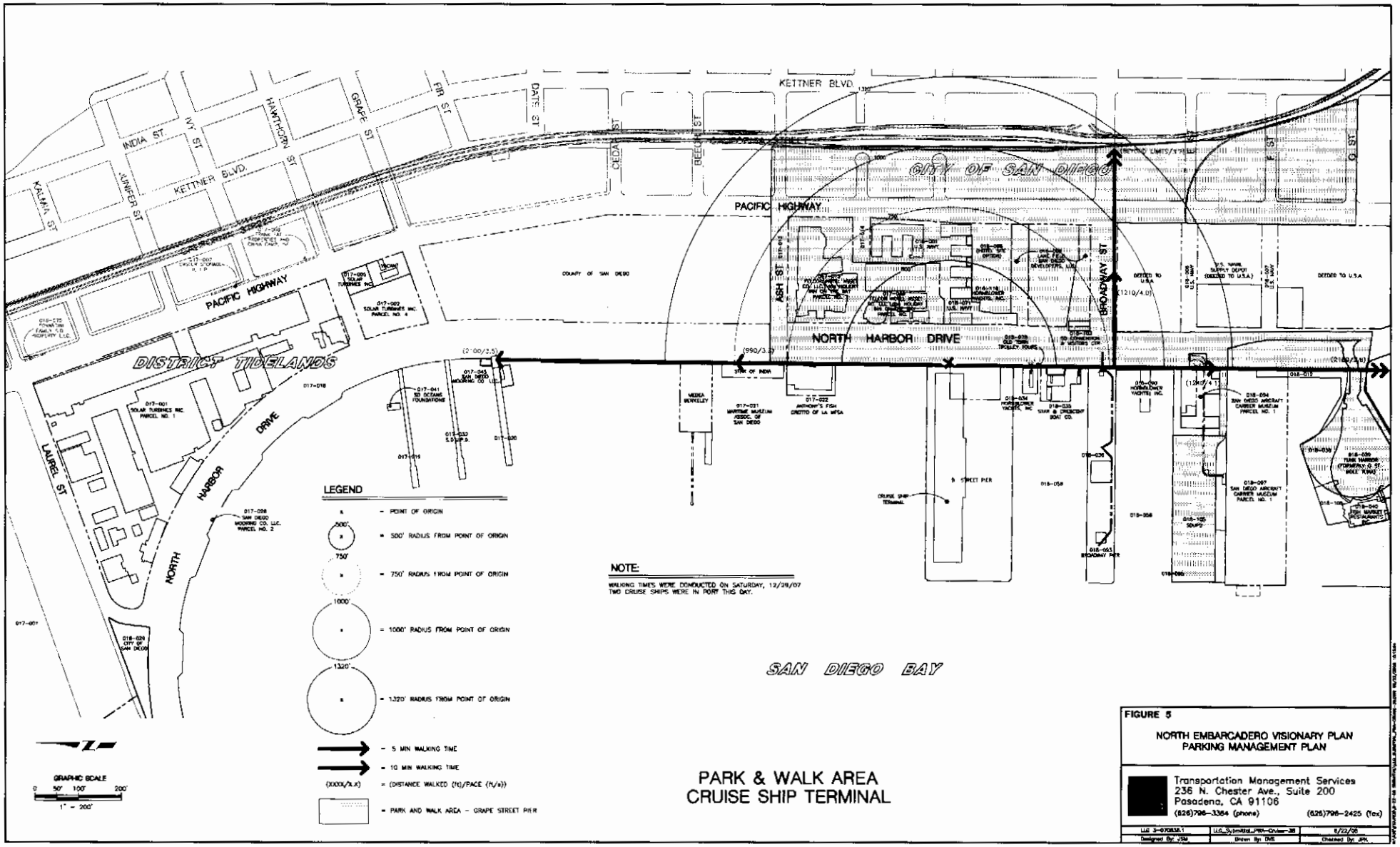
PARK & WALK AREA
STAR OF INDIA

FIGURE 4

NORTH EMBARCADERO VISIONARY PLAN
PARKING MANAGEMENT PLAN

Transportation Management Services
236 N. Chester Ave., Suite 200
Pasadena, CA 91106
(626)796-3384 (phone) (626)796-2425 (fax)

LLG 3-070836.1	LLG_SubmitRpt_PMP-STAR-2B	9/23/08
Designed By: JSM	Drawn By: DMS	Checked By: JPK



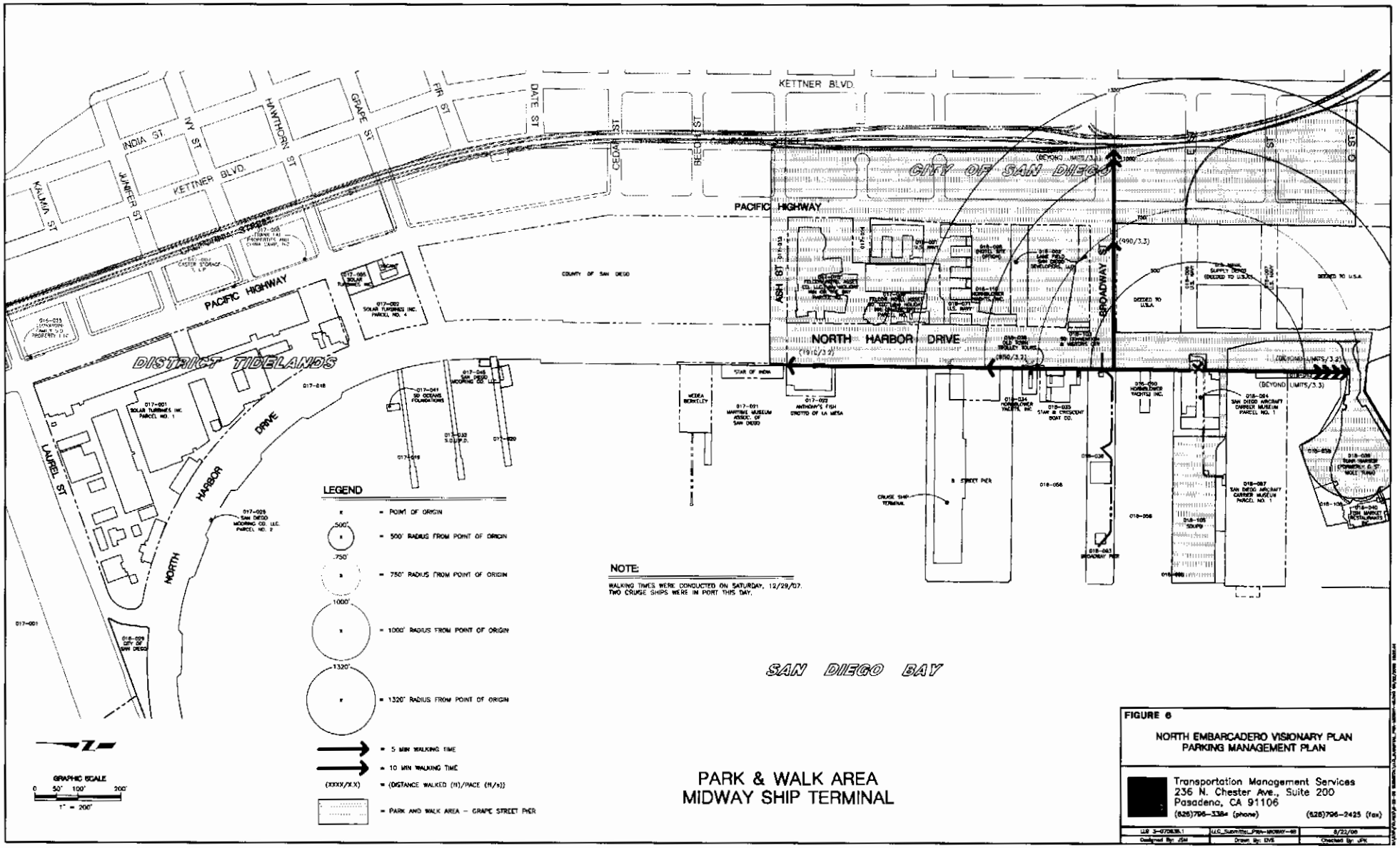
PARK & WALK AREA
CRUISE SHIP TERMINAL

FIGURE 5

NORTH EMBARCADERO VISIONARY PLAN
PARKING MANAGEMENT PLAN

Transportation Management Services
236 N. Chester Ave., Suite 200
Pasadena, CA 91106
(626)796-3364 (phone) (626)796-2425 (fax)

LUE 3-070838.1	LUE_Submittal_PRH-Cruise-38	8/22/08
Designed By: JSM	Drawn By: DVE	Checked By: JPK


KETTNER BLVD.
INDIA ST.
IVY ST
HAWTHORN ST
GRAPE ST
FIR ST
DATE ST
CEDAR ST
BEECH ST
KALMIA ST
JUNIPER ST
KETTNER BLVD.
CITY OF SAN DIEGO
PACIFIC HIGHWAY
PACIFIC HIGHWAY
COUNTY OF SAN DIEGO
ASH ST
BROADWAY ST
NORTH HARBOR DRIVE
DISTRICT TIDELANDS
LAUREL ST
NORTH HARBOR DRIVE
SAN DIEGO BAY
LEGEND
= POINT OF ORIGIN
= 500' RADIUS FROM POINT OF ORIGIN
= 750' RADIUS FROM POINT OF ORIGIN
= 1000' RADIUS FROM POINT OF ORIGIN
= 1320' RADIUS FROM POINT OF ORIGIN
= 5 MIN WALKING TIME
= 10 MIN WALKING TIME
(XXXX/X.X) = (DISTANCE WALKED (ft)/PACE (ft/s))
= PARK AND WALK AREA – GRAPE STREET PIER
GRAPHIC SCALE
0 50' 100' 200'
1" = 200'
NOTE:
WALKING TIMES WERE CONDUCTED ON SATURDAY, 12/29/07.
TWO CRUISE SHIPS WERE IN PORT THIS DAY.
PARK & WALK AREA
MIDWAY SHIP TERMINAL
FIGURE 6
NORTH EMBARCADERO VISIONARY PLAN
PARKING MANAGEMENT PLAN
Transportation Management Services
236 N. Chester Ave., Suite 200
Pasadena, CA 91106
(626)796-3384 (phone)
(626)796-2425 (fax)
Designed By: JSM
Drawn By: DVS
Checked By: JPK

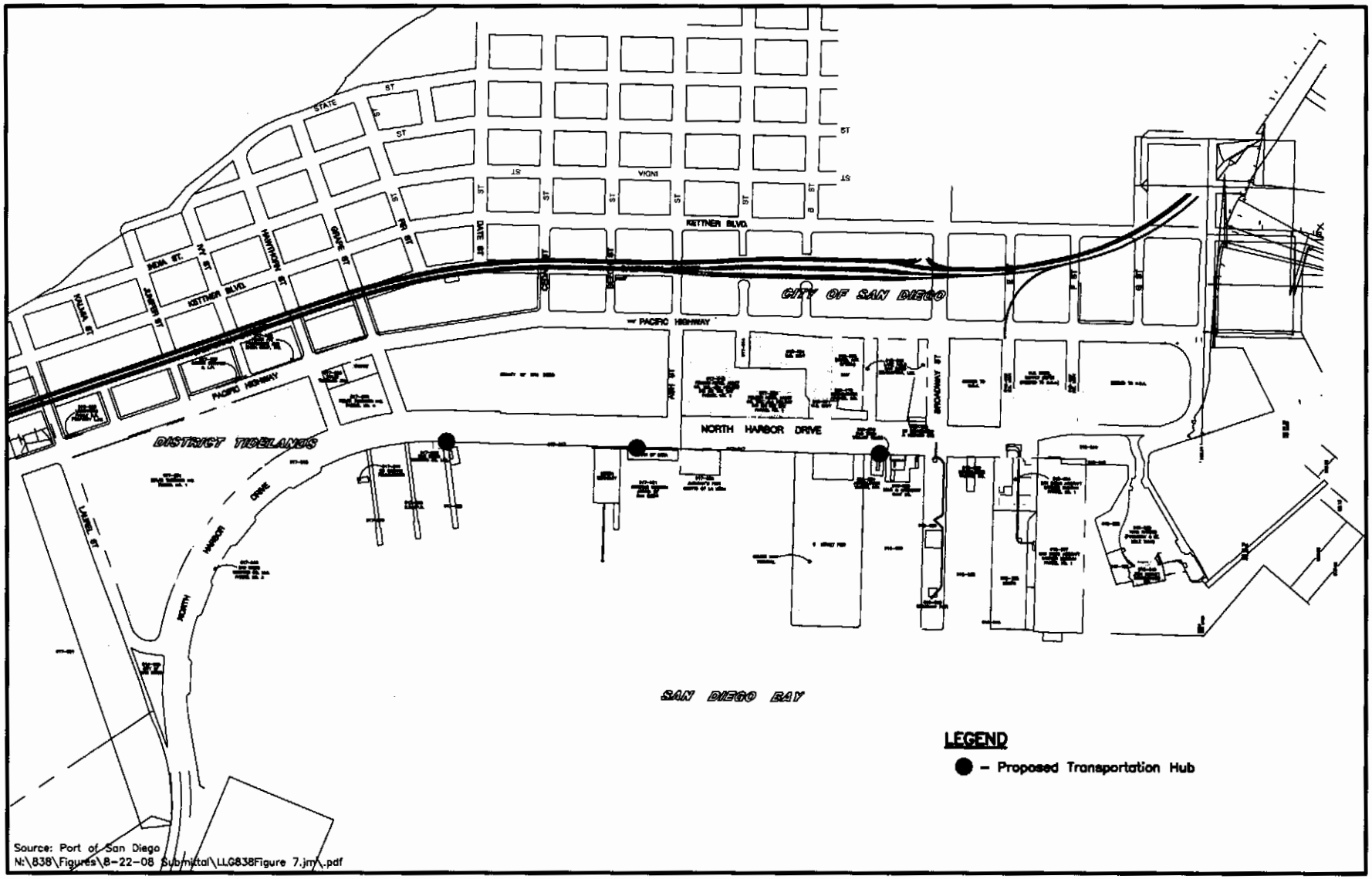


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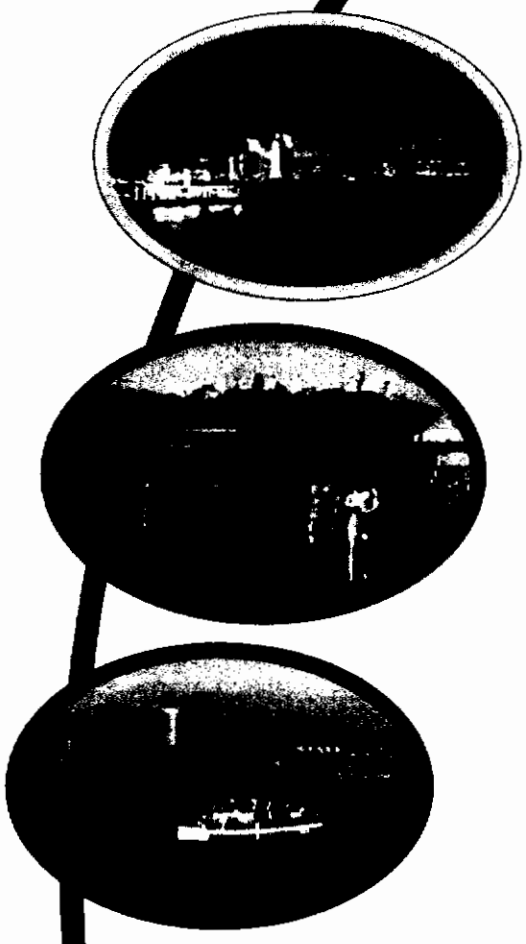
Figure 7

Generalized Locations For Transportation Hubs



Tables

Table 1:

Potential Development Program - Spring 2008

Table 2:

Parking Management Toolkit

Table 3:

Parking Management Development Scenarios

Table 1
NEVP Parking Management Plan
Potential Development Program - Spring 2008

Tenant	Address	Type	Existing Parking Spaces	Period	Comments/Projects
Solar Turbines	2200 Pacific Highway	Industrial	996	Unknown	NA
Maritime Museum	1492 North Harbor Drive	Museum	6	Unknown	NA
Holiday Inn on the Bay	1355 North Harbor Drive	Hotel and Retail	453	Unknown	NA
Anthony's	1360 North Harbor Drive	Restaurant	-	Unknown	Potential redevelopment plan. No specific information.
United States Navy	1220 Pacific Highway	Government Offices	41	LT	Potential relocation from office buildings to a yet to be identified location off tidelands. Likely to be completed within the next five years.
Hornblower	1066 North Harbor Drive	Harbor Tours and Charters	-	Unknown	Potential relocation to another facility, perhaps at Grape Street. No specific information at this time. See Maritime Department for more details.
Star & Crescent Boat Co.	1050 North Harbor Drive	Harbor Tours and Charters	-	Unknown	Potential relocation to another facility, perhaps at Grape Street. No specific information at this time. See Maritime Department for more details.
Next Level Sailing	North Harbor Drive	Harbor Tours and Charters	-	Unknown	Potential relocation to another facility, perhaps at Grape Street. No specific information at this time. See Maritime Department for more details.
Lane Field	Broadway and Harbor Drive	Parking Facility	880	IM	Development of parking facility into two hotels (800 rooms), retail (80,000 sf), and two levels of underground parking (1,300 spaces) to commence Spring 2008
Convention and Visitors Bureau	1040-1/3 West Broadway	Information Offices	3	IM	Trailer to relocate to head of former Navy Pier 11A or Holiday Inn premises
Old Town Trolley Tours	W/s Harbor Dr. at Broadway Pier	Commercial/Recreation	-	Unknown	Likely to be relocated/consolidated depending upon outcome of NEVP Phase One design validation.
USS Midway Museum	910 North Harbor Drive	Museum	67	NA	NA
Coastal Access Feature Project - Phase 1	1500-2100 North Harbor Drive	Infrastructure Improvements	170	IM	
Broadway Pier Cruise Ship Terminal	1140 North Harbor Drive		42	IM	May take place at same time as Coastal Access Features Project
Former Navy Pier 11A	Prolongation of "E" Street North Harbor Drive	Parking Facility	400	LT	Likely to be redeveloped within the next five years. Parking will likely be reduced, but remain to some extent on the pier.
		TOTAL	**3,068**		

29-Jun-09

Development Program Periods

Immediate (IM) =	2009 – 2010
Short Term (ST) =	2011 – 2012
Long Term (LT) =	2013 – 2014

Table 2 North Embarcadero Visionary Plan Parking Management Toolkit[1]		
#1: Create Transportation Hubs at Park & Walk Areas		
1.1: Designate Transportation Hubs in Park & Walk Areas	Clustering transportation facilities and services will make it easier for travelers to know where to access means for moving to, from, and about the NEVP Transportation hubs should have a consistent set of facilities, services, and imagery in each of the "Park & Walk Areas," including circulator stops, bicycle storage devices, transportation information displays, information on nearby activities, Pedicab waiting areas, valet parking, Pay and Display parking services, passenger loading zones, and clearly marked pedestrian walkways for travelers to circulate safely and conveniently to and from Transportation Hubs. Consolidating transportation facilities and services will help in managing movement of people and vehicles to avoid conflicts Transportation hubs should have loading zones that enable peripheral parkers to return to the NEVP to collect passengers and/or goods,	Primary Application: Areawide Time Horizon: ST[2] $$[3] See ***Figure 7*** for general locations for Transportation Hubs

[1] Many strategies noted in this table are drawn from parking management techniques, including the "Downtown Comprehensive Parking Plan" being developed by the Centre City Development Corporation

[2] Refers to time horizon for initial implementation; Immediate (IM) - 2009/20010; Short Term (ST) - 2011/2012; Long Term (LT) – 2013/2014

[3] $ = Up to $100K; $$ = $100K to $1M; $$$ = $1M to 10M+

	thus eliminating concerns regarding movement of mobility impaired individuals and/or transporting goods purchased in the NEVP on shuttles. Creation of three Transportation Hubs are recommended (i.e., Grape Street Pier, Star of India, and at the Broadway Pier) to serve the four Park and Walk Areas. Placement of a Transportation Hub to serve the Midway area would be too close to a Hub at the Broadway Pier to have value and creating a Transportation Hub at the far south end of the NEVP would not serve destinations within the NEVP well. Designating a Transportation Hub further south than the B Street Cruise Terminal may be warranted if and when more activity emerges in this area.	

Table 2
North Embarcadero Visionary Plan
Parking Management Toolkit

#2: Improve Transportation Services		
2.1: Operate Circulator-Type Transportation Service	A transportation service that provides a means to move throughout the NEVP : ▪ Allows motorists to park vehicles and travel to NEVP venues ▪ Allows motorists to park in facilities not in the NEVP that are designated for long-term NEVP Parking (e.g., for cruise ship passengers, event attendees, etc.) Place a circulator stop at each "Park & Walk Area" Transportation Hub (Measure 1.1). Vehicles should allow for fast passenger boarding and alighting. Facility and sign design should match graphic treatments on vehicles to make identification easy for travelers. MTS should be given opportunity to consider providing service and integrating it into service for downtown Examples: *Downtown/Waterfront - Long Beach, CA* http://www.lbtransit.com/Services/Passport.aspx	Primary Application: Serving designated long term parking areas (IM) Secondary Application: Transportation between Park & Walk area Transportation Hubs (ST) $$$ Minimize number of stops to short headways Cluster distribution at center of Park & Walk Area

	Santa Monica, CA – Tide Service http://www.bigbluebus.com/miniblue/tidemap.html	
2.2: Provide for Safe and Attractive Pedicab Operations	Designate pedicab stops at each Transportation Hub (See Measure #1.1) to minimize conflicts with pedestrians and motor vehicles Limit the number of places pedicabs are allowed to stop to make it easy for users to access service and to minimize conflicts	Primary Application: Areawide Time Horizon: IM $

Table 2 North Embarcadero Visionary Plan Parking Management Toolkit		
#3: Increase Parking Supply		
3.1: Construct Parking Facility on Parcel 017-002 (Solar Turbines parcels)	Add 1,500 spaces to Grape Street Park & Walk Area parking supply Would provide parking for Solar Turbines and general public: ▪ Solar Turbines parking demand occurs on mid-week days during the day ▪ General public demand expected during the evening and on weekend days	Primary Application: Grape Street Park & Walk Area Time Horizon: LT $$$ Could serve entire NEVP Area if served by transportation service
3.2: Create Long-Term Parking Area on Property on North Side of Airport	Provides parking for long term parked vehicles: ▪ Absorbs loss of cruise-related parking demand at Lane Field (approximately 500 passenger and 130 employee vehicles)[4] ▪ Long-term events ▪ Employees Frees up parking for short-term visitors	Primary Application: Cruise Ship Terminal Park & Walk Area Time Horizon: ST $$$: ▪ Site modification ▪ Motorist/user

[4] Port of San Diego, Real Estate Department

	Examples: *Chattanooga, Tennessee* 1,200 remote parking spaces in two facilities support the Tennessee Aquarium http://www.tnaqua.org/VisitorInfo/Parking_tips.asp *Aspen, Colorado* http://www.aspenpitkin.com/depts/61/riogrande.cfm	information ▪ Shuttle start-up and annual operation (See Action 2.1) Would require: ▪ Lower rates than on-site parking ▪ Communication with cruise industry and passengers ▪ Static and changeable message signs at NEVP destinations ▪ Ambassadors to assist at Terminals and remote parking ▪ Improvements to airport parking area ▪ Frequent shuttle service between off-NEVP and the NEVP including the Cruise Terminal ▪ Secure baggage drop-off area at Terminal

3.3: Increase Bicycle Facilities and Storage Devices	Install bicycle storage devices at transportation hubs Contract with Bikesharing System Provider	Primary Application: Area-wide Time Horizon: Bicycle Storage – IM Bikesharing – M $

Table 2
North Embarcadero Visionary Plan
Parking Management Toolkit

#4: Use Pricing to Shape Parking Demand		
4.1: Change Parking Rates to Shift Demand to Desired Locations, Time of Day, and Length of Stay	The pricing of parking can vary by: ▪ type of user ▪ season ▪ special events ▪ locations ▪ time of day and day of the week Pricing shapes where, when, and how long a vehicle is parked (Note: A 10% increase in parking fees reduces vehicle trips by 1 to 3%)[5] The price of parking should be lower in areas of the NEVP that demand should be shifted toward (e.g., rates should be reduced in Grape Street Park & Walk Area to attract demand from other areas) The price of parking should be increased at or near parcels where the parking supply is reduced permanently to reflect an increased scarcity of parking, or due to development of parcels and/or construction of public infrastructure Consider allocating <u>new</u> parking revenue from increases noted above to support NEVP area improvement projects that improve access to	Primary Application: Area-wide Parcel Time Horizon: ST $ Existing off-street parking prices vary by individual parking area and may vary by time of day and day of week An area-wide parking pricing scheme would establish rates to shape demand either temporally or spatially Higher prices will move demand toward less costly

[5] *Victoria Transportation Policy Institute – TDM Encyclopedia*

	leaseholder sites and/or general conditions Example: *Pasadena, CA - Old Pasadena Parking Meter District* The City of Pasadena, CA dedicates all revenues from on-street parking fees to public improvements in Old Pasadena instead of delivering these local area funds to the City's General Fund. The revenues are used for improvements in Old Pasadena. . Revenues from parking fund projects and services directly benefit merchant customers and businesses including street furniture and landscaping, more police patrols, street lighting, more street and sidewalk cleaning, pedestrian facility improvements and marketing, such as area maps showing local attractions and parking options. The pricing of parking has been sent to have 15% of parking spaces available. Parking is no longer a problem for customers, who can almost always find a convenient space. Local business activity and sales tax revenues have increased far faster than in other shopping districts with lower parking rates and nearby malls that offer free customer parking.	parking areas The Port may be able to set prices for spaces on land under its control (e.g., meters along Pacific Highway) The Port has indirect influence with the pricing of parking on leased land
4.2: Use Parking Payment Equipment that Allows for Variable Parking Pricing	There are many types of parking payment devices (e.g. meters, pay and display equipment) that allow for more payment options (e.g., cash, credit/debit cards), remote payment using cell phone/PDA, and changing pricing remotely. These devices allow for more efficient revenue collection and changes parking pricing dynamically. City of San Diego operates 50 'Pay & Display' parking payment	Primary Application: Area-wide Time Horizon: ST $$ - $7,800 per unit plus installation/maintenance

	stations in downtown San Diego. The City is purchasing an additional 75 units. The Pay & Display units can manage parking for 6 to 10 spaces Example: *City of Aspen* http://www.aspenpitkin.com/depts/61/payanddisplay.cfm *City of Seattle* http://www.seattle.gov/transportation/parking/paystation.htm	Short payback period to City to replace meters on PCH with Pay & Display devices

Table 2.5
North Embarcadero Visionary Plan
Parking Management Toolkit

#5: Develop and Maintain Information on Parking Supply and Demand		
5.1: Maintain Parking Supply/Demand Database	Maintain data assembled for Parking Management Plan in the "Park & Walk" area format for purpose of: ▪ Preparing status reports on parking conditions ▪ Assessing adequacy of parking if and when development proposals are tendered	Primary Application: Areawide Time Horizon: IM $ - based on data manual count technique
5.2: Prepare Parking Monitoring Reports	Prepare semi-annual NEVP Parking Conditions Report (as called for in EIR Finding 4.1.1) Use findings on supply and demand to identify parking management actions that may be needed to address changes in parking conditions resulting from reductions in supply of parking associated with real estate development and/or public infrastructure projects.	Primary Application: Areawide Time Horizon: IM $
5.3: Deliver Real-Time Parking Information to NEVP Users	Equip parking areas with technologies to report on availability of parking spaces; Create page on Port website to deliver parking location and availability information to visitors prior to start of trip using internet technology and to motorists on portable and/or	Primary Application: Areawide Time Horizon: LT

	stationary Changeable Message Signs ▪ Allows users to identify location of parking prior to making trips and/or find available parking once in the NEVP ▪ Fragmented location and ownership makes development of an automated data collection process impractical. ▪ Electronically collected data (e.g., counters installed at affected facilities and on-street parking spaces) allows for delivery of real-time data Example: *City of Santa Monica* http://parkingspacenow.smgov.net	$$$ Will require coordination with SANDAG 511 program
5.4: Provide Hotel Guests with Information on the North Embarcadero and Transit Service	Develop print and electronic materials regarding access to the NEVP and distribute to hotel guests Create page on Port website for out-of-town visitors that provides NEVP access information emphasizing traveling to and around without a personal vehicle.	Primary Application: Areawide Time Horizon: IM $
5.5: Create a Wayfinding Program to Guide Motorists to Desirable Parking and Pedestrians	Provide fixed and variable message signs and other equipment to direct pedestrians to/from parking, NEVP destinations (and between destinations), and other downtown locations. Develop graphic treatment for NEVP walking trails in and between	Primary Application: Areawide Time Horizon: ST

To Destinations and Parking	Park & Walk areas and is linked to other NEVP mobility services/facilities (e.g., Circulator, Transportation Hubs) Indicate walk times between sign location and 1) Transportation Hubs, 2) key intersections (e.g., Harbor Drive and Grape Street) and 3) destinations (e.g., Midway). Examples: *Downtown Charlotte, NC* http://www.charmeck.org/Departments/Transportation/Special+Programs/Park%21+Center+City.htm, http://www.charlottecentercity.org/nav.cfm?cat=19&subcat=108&subsub=27 *Seattle:* http://www.seattle.gov/transportation/docs/uptownMAP.pdf http://www.downtownseattle.com/images/visitors/CityParkMap.gif	$$ May involve placement of pedestrian paths, lighting, and signs designed to improve access and increase walkability of area Will require coordination with City of San Diego and CCDC.

Table 2
North Embarcadero Visionary Plan
Parking Management Toolkit

Measure	Description	Implementation Considerations
#6: Parking Operations		
6.1: Valet Parking Service	Vehicles can be parked more efficiently by attendants (Some facilities can accommodate stack parking of vehicles) Should be located at Transportation Hubs (See Action #1) Best provided at destinations with higher turnover, more distant from parking facilities, and impacted significantly by construction Could serve one (restaurant) or multiple locations in a Park & Walk area (e.g., attendant station serving Star of India Park & Walk Area)	Primary Application: • Midway Park & Walk Area (including G Street Mole) • Star of India Park & Walk Area Time Horizon: Short Term $ Should be offered as a revenue producing concession Located at Transportation Hubs (See Action #1)

Table 2
North Embarcadero Visionary Plan
Parking Management Toolkit

#7: Parking Demand Reduction		
7.1: Reduce Parking Demand through TDM Actions	Reduces demand for parking to free up spaces for visitors <u>Employees</u> Employees can more easily shift to modes that don't require or reduce parking (e.g., transit & carpool) than can visitors. Potential Employee TDM actions include: ▪ Reduce cost of transit pass/fare ▪ Provide financial incentives to commuter bicyclists and pedestrians ▪ Having employees pay the full cost of parking ▪ Offer reductions in parking fees for vehicles with more than one occupant ▪ Provide employee parking in remote parking on Airport grounds (or other areas as available); Would require circulator to provide access to work place ▪ Offer close-in preferential (in NEVP) parking for 3+ carpools and vanpools	Primary Application: Areawide Time Horizon: Short Term $$ Will require staffing and may require financial incentives Could be delivered directly to employees or through employers Employers could demonstrate participation as term of lease Could be implemented in key locations (e.g., cruise ship terminal) as a pilot program

	▪ Extensive marketing/communications ▪ Financial support for vanpools Visitors Event Oriented Ridematching – provides visitors with access to other visitors interested in sharing rides to events (e.g., concert, fireworks, cultural activity). Would require modification of regional rideshare software (Ridelink.org); Link to event ridematching could be placed on Port event webpage *Example:* Seattle, WA https://www.rideshareonline.com/eventmatching/logonframepubevent.asp	Would require extensive marketing and communications

Table 3
NEVP Parking Management Plan
Parking Management Development Scenarios

Scenario	Affected Parcels		Affected Park & Walk Areas	Project Development Timing	Changes in Public Parking Supply				Comments	Recommended Solutions (see *Table 2*) (a)
					Loss		Gain	Net		
	Number	Name			Temporary	Long Term	Long Term	Long Term		
Coastal Access Features Project/Broadway Pier Cruise Ship Terminal (a)	017-026	SD Mooring Company LLC Parcel 2	All (b)	Immediate	(146)	(135)	58	112	1) The distrbution of changes in parking supply within the NEVP area (i.e., parcels and /Park & Walk area) is not known thus affecting the ability to assess spatial effects more closely.	1) *Table A-5 in Appendix A* shows that between 1,700 and 2,100 parking spaces could have been available throughout the NEVP in 12/07 and 01/08. This availability of parking throughout the NEVP could absorb the estimated loss of 135 parking spaces.
	017-001	Solar Turbines Parcel 1							2) The perceived inconveinance of using parking that requires more than a .25 mile walk will retard interest in using parking that is not close to a traveler's destination and may mitigate against the ability of more remote parking to absorb the loss of parking spaces.	2) Measures: 1.1 (Transportation Hubs), 2.1 (Circulator), 2.2 (Pedicab Stops), 3.3 (Bicyle Storage), 4.1 (Parking Pricing), 4.2 (Parking Equipment), 5.4 (Hotel Guest Information), 5.5 (Wayfinding), 6.1 (Valet Parking), 7.1 (Employee Trip Raduction)
	016-036	Broadway Pier								
	018-093	Broadway Pier								
Lane Field Development	018-002	Lane Field	Cruise Ship Terminal and Midway Museum	Short-Term	(880)	(1,030)	1,330	300	1) 880 public spaces will not be available during construction of which most are used for long term parking by cruise ship patrons. 2) *Table A-5* (*Appendix A*) shows that the Cruise Ship Terminal Park & Walk area has between 600 and 730 short term spaces available which may satisfy short term (i.e., no more than 24 hour parking) demand. 3) Post-costruction replacement parking will provide 300 public parking spaces thus reducing on-site deficit for long term parking.	1) Measures: 1.1 (Transporation Hubs), 2.1 (Circulator), 2.2 (Pedicab Stops), 3.2 (Airport Long Term Parking), 4.1 (Parking Pricing), 4.2 (Parking Equipment), 5.1 (Parking Database), 5.2 (Parking Conditions Report), 5.4 (Hotel Guest Information), 5.5 (Wayfinding), 6.1 (Valet Parking), 7.1 (Employee Trip Reduction)
										2) Short term parking demand should be directed to use of alternative parking in the two Park & Walk areas using the combination of measures noted above. Use of pricing to shift long term parking demand to the off-site/airport property parking area will be an important tool.
Grape Street Parking Garage	017-005	?	Grape Street	Long-Term	0	0	1,000	1,000	1) Parking spaces that would not be available during and after construction unknown.	1) Measures: 1.1 (Transporation Hubs), 2.1 (Circulator), 2.2 (Pedicab Stops), 4.1 (Parking Pricing), 4.2 (Parking Equipment), 5.1 (Parking Database), 5.2 (Parking Conditions Report), 5.4 (Hotel Guest Information), 5.5 (Wayfinding), 7.1 (Employee Trip Reduction)
	017-002								2) Approximately 1,000 of the proposed 2,000 parking spaces would be available to the public.	

29-Jun-09

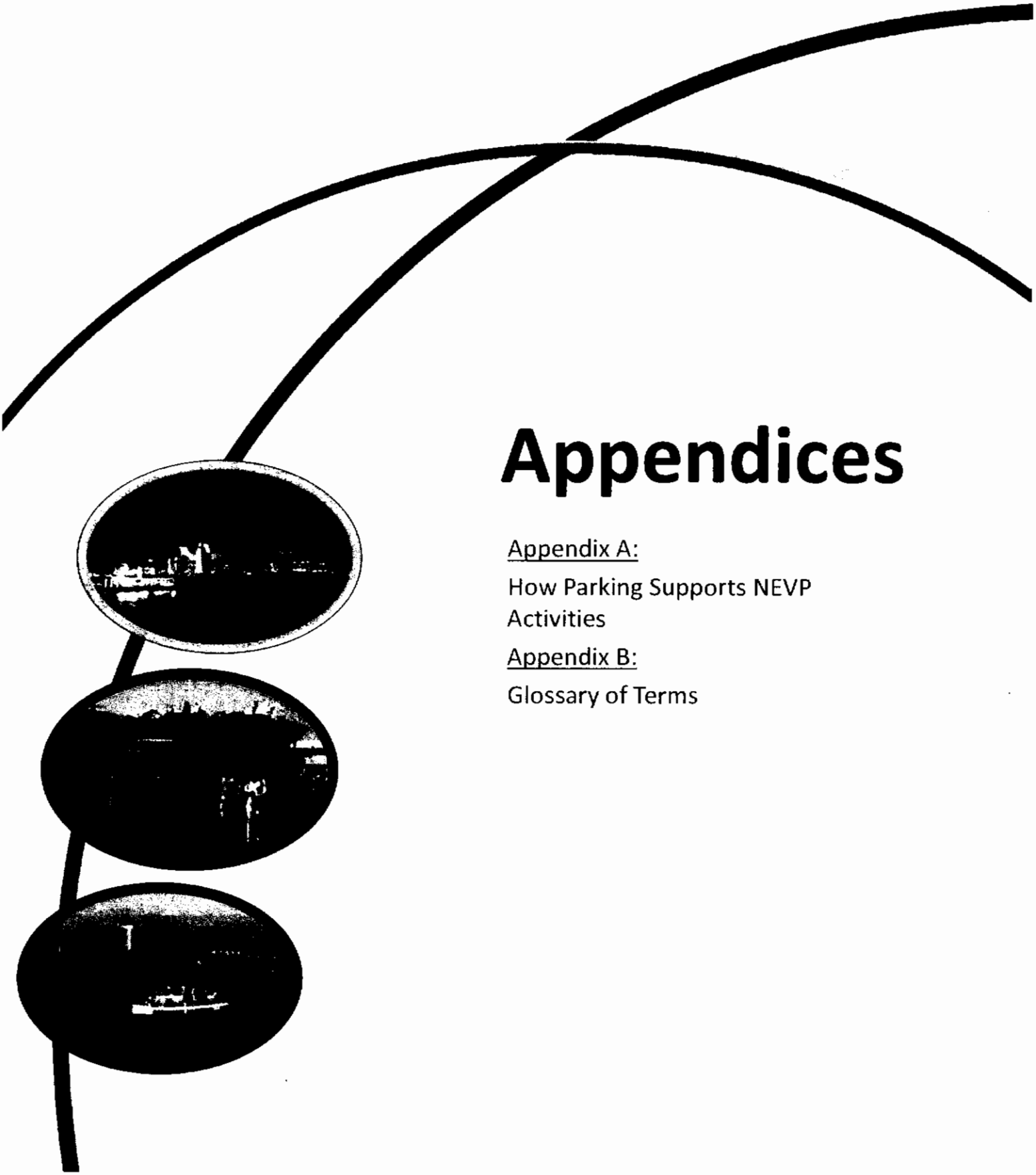
Source: Port of San Diego, April 2009

Notes:

a. Includes realignment of North Harbor Drive from Laurel Street to Ash Street (without esplanade improvements, but likely with additional on-street parking spaces)

b. The southern project boundary is Ash Street, which is included in all Park & Walk areas.

c. The Lane Field Development will build 1,330 spaces, of which 1,030 will be dedicated to the development (but available for special events). New public parking gained is 300 spaces.



Appendices

Appendix A:

How Parking Supports NEVP Activities

Appendix B:

Glossary of Terms

APPENDIX A: HOW PARKING SUPPORTS NEVP ACTIVITIES

1.0 Introduction

This section describes how parking supports NEVP activities and provides data needed to evaluate the type, extent, and timing for actions to mitigate the effects of proposed real estate development and public infrastructure improvements in the NEVP on parking.

The Port identified 24 public and private "Parking Areas" in the NEVP Area as shown in ***Figure A-1***. These Parking Areas represent the supply of on-street public parking and off-street public and private parking that support a variety of land uses, including government, commercial, retail, and recreational development activities. Port staff directed this study to develop a method of grouping the supply of parking in a manner that might more accurately reflect how travelers to the Embarcadero park vehicles in relation to their intended use.

2.0 Parking Supply

2.1 Overview

A parking inventory conducted by the Port[1] identified 4,608 parking spaces in the 24 Parking Areas in the NEVP study area, including public and privately owned off-street parking facilities and/or on-street spaces[2]. Approximately 58% or 2,683 of these spaces are available for use without user or time restrictions, as shown on ***Table A-1***.

Table A-1 NEVP Parking Management Plan Full-time Public Parking Calculations	
Total Area Supply (24 Parking Areas)	4,608 Spaces
Private Parking Areas Not Available to Public	
• Area 1 (Solar Turbines)	-755 Spaces
• Area 4 (County Administration building)	-1103 Spaces
• Area 24 (U.S. Navy)	-67 Spaces
Net Parking Available to Public w/o Restrictions	**2,683 Spaces**

[1] Port Internal Study – Winter 2007/Spring 2008
[2] On-street parking spaces are *18'* to 20' per vehicle.

2.2 Park & Walk Areas

Parking supports places of employment, access to restaurants, cruise ships, special events, cultural activities, passive recreation, and many more activities in the NEVP study area. Travelers choose where to park based on what activity they intend to pursue along the Embarcadero. For example, visitors to the Midway Museum are likely to want to park in facilities close to that destination and not in areas more distant, such as in the vicinity of the Grape Street pier. The description of parking in the NEVP recognizes this use of parking by creating "Park & Walk Areas" (See ***Figures A-2-1*** through ***A-2-4***) that group the previously referenced Parking Areas into four geographically distinct zones serving common destinations within the study area, including the following principal destinations along the Embarcadero:

- Grape Street Pier
- Star of India
- B Street Cruise Ship Terminal
- Midway Museum

2.3 Definition of Park & Walk Areas

Park & Walk Areas were defined by conducting pedestrian travel-time studies from each destination in three cardinal directions: north, east, and south. Staff walked each direction with a measuring wheel, stopping at five and ten minute intervals to mark the distance traveled[3] on Saturday, December 29, 2007, while businesses were open and ambient pedestrian and vehicular traffic was considered typical. Staff walked at a leisurely pace and obeyed traffic signals when crossing streets. As expected, greater distances (approximately 1,000 feet) were covered in the north/south directions along the Embarcadero.

The semi-circle areas created by these measurements were transposed onto a base map of the NEVP study area for each of the principal destinations. Concentric semi-circles were drawn from each principal destination at 500 feet, 750 feet, 1,000 feet, and 1,320 feet (or 1/4 mile) intervals. These distance intervals, like the time intervals, were chosen because they are typical benchmark intervals used by planners with respect to the distance pedestrians are willing to walk (i.e., the distance pedestrians are willing to walk for a service/destination).

[3] Five and ten minute intervals are commonly referenced in published documents as the amount of time pedestrians are typically willing to walk for amenities like retail and public transit.

The final step was to combine the walking-time vectors and concentric distance semi-circles for each of the four principal destinations. This revealed an approximate area (i.e., Park & Walk Area) for each principal destination, which would be considered reasonable from a pedestrian travel-time and distance perspective.

2.4 Parking Supply and Demand in Neighboring Areas

NEVP travelers, especially cruise patrons, currently use nine parking facilities outside of the NEVP for long-term parking. These parking areas are operated by private parking management contractors (e.g., Ace Parking, Aladdin Parking, etc.) some with agreements to serve cruise ship operations. ***Table A-2*** shows a general summary of each site's location, supply, and peak/off-peak utilization. This data is provided for informational purposes only, since these lots are outside of the NEVP study area, and are not considered fully under the Port's control.

3.0 Parking Demand

A parking demand exercise was conducted to examine the value of using Park & Walk Areas as a means to assess the impact of changes in parking supply on traveler access to parking. It is not intended to supplement or replace the parking demand calculations presented in the EIR prepared for the NEVP.[4]

The occupancy of parking spaces identified in each of the 24 Parking Areas making up the four Park & Walk Areas was observed and findings were documented during periods of "high" (i.e., two cruise ships in port) and "low" (i.e., no cruise ships in port) B Street Cruise Ship Terminal activity. Hourly occupancy counts were conducted from 9 AM to 1 PM and 2 PM to 5 PM (7 hours) on the following days in December 2007 and January 2008:

- Weekday High – Thursday, 12/20/07 (2 sailings: one 15-day and one 4-day)
- Weekday Low – Wednesday, 12/19/07 (no sailings)
- Weekend High – Saturday, 1/12/08 (2 sailings: one 7-day and one 5-day)

The 1:00 PM to 2:00 PM hour was not counted since occupancy is typically static during this period.

[4] North Embarcadero Alliance Visionary Plan Final Master Environmental Impact Report (UPD # 83356-EIR-351; SCH # 1999031037)" April 25, 2005.

Table A-2 NEVP Parking Management Plan Off-NEVP Area Parking Supply and Demand				
Parking Lot Location	**Address**	**Parking Supply**	**Peak Parking Utilization**	**Off-Peak Parking Utilization**
Aladdin	2548 Kettner Blvd	1,600	May/October 100%	70%
Laurel Travel Center	1025 W. Laurel	403	Weekends/holidays 100%	50%
Lindbergh Parking	3705 N. Harbor Dr	1,269	Weekends/holidays 100%	50%
Park 'N Fly	3298 Kettner Blvd	842[5]	Weekends/holidays 98%	65%
Park & Ride Lot 1	3550 Kettner Blvd	233	Weekends/holidays 80%	70%
Park & Ride Lot 5	3275 Kettner Blvd	274	Weekends/holidays 100%	70%
Park & Ride Lot 7	3405 Pacific Hwy	312	Weekends/holidays 100%	50%
Park & Ride Annex	1650 Sassafras	71	Weekends/holidays 100%	50%
Park Shuttle and Fly	2220 Lee Court	1,233	Weekends/holidays 100%	50%

Source: Unified Port of San Diego Website and telephone interviews with facility operators

[5] The capacity of this facility will increase by 250 spaces

Table A-3 shows the daily maximum parking occupancy for full-time Parking Areas within the entire NEVP study area (not divided into Park & Walk Areas). Based on this table, the observed utilization of the entire study area was about 70% to 73% for the time periods counted.

Table A-3
NEVP Parking Management Plan
Daily Maximum Parking Space Occupancy
(Full-Time Spaces)

Supply[1] & Availability	Weekday				Weekend	
	High Activity		Low Activity		High Activity	
	Occupied Spaces	% Occupied	Occupied Spaces	% Occupied	Occupied Spaces	% Occupied
Full Time 2,683[4]	1,958	73%	1,926	72%	1,887	70%

Source: TMS commissioned occupancy counts, December 2007/January 2008

1. Supply is based on summaries provided by Port of San Diego.
2. "High" = 2 cruise ship sailing; "Low" = 0 cruise ship sailings
3. "Full-Time" supply is for parking available to public at all times.

Appendix A-3 is a graphical summary of the AM and PM maximum occupancy for each Parking Area by time period.

The 24 Parking Areas were regrouped into their respective Park & Walk Areas and occupancy was recalculated for each. ***Table A-4*** summarizes the existing maximum occupancy for the NEVP study area, divided into the four Park & Walk Areas.

4.0 Assessment and Implications for Parking Management Strategies

An 85% occupancy threshold is considered to be the maximum desirable utilization in an area. The significance of this threshold is that above 85% occupancy, drivers' ability to find parking becomes significantly diminished while they simultaneously spend increasing time circulating parking areas in search of spaces. The efficiency of a parking facility diminishes while driver frustration increases in not being able to locate available parking as occupancy increases above 85%.

Table A-4
NEVP Parking Management Plan
Park & Walk Area Daily Maximum Occupancy Totals
(Full-Time Spaces)

Park & Walk Area	Supply[1]	Weekday				Weekend	
		High[2]		Low		High	
		Occupied Spaces	% Occupied	Occupied Spaces	% Occupied	Occupied Spaces	% Occupied
Grape Street Pier	408	294	72%	274	67%	342	84%
Star of India	1,794	1,429	80%	1,315	73%	1,217	68%
Cruise Ship Terminal	2,275	1,664	73%	1,652	73%	1,545	68%
Midway Museum	2,275	1,664	73%	1,652	73%	1,545	68%

Source: TMS parking space observations conducted in December 2007/January 2008

1. Supply is based on summaries provided by Port of San Diego, grouped by Park and Walk Area. These include only full-time spaces available to the public on a 24/7 basis.

2. Weekday/Weekend "High" = 2 cruise ship sailing; "Low" = 0 cruise ship sailings

Table A-4 shows that during the week, the mid-NEVP area represented by the Star of India Park & Walk Area is close to the 85% occupancy threshold (weekday "High" = 80%). This would be expected, given that the public perception of attractions at the Embarcadero area is likely still focused on the Star of India and adjacent features, such as the Maritime Museum, restaurants, and excursion tenants. Also, lower attendance at the Midway Museum would be expected during the week. Finally, less tourist demand would be expected in the Grape Street Park & Walk Area given the relative lack of amenities, coupled with industrial uses (i.e., Solar Turbines), and increased airport influence (i.e., noise, traffic, etc.). Lower utilization in this area confirms this.

On the weekend, the highest demand moves northward to the Grape Street Park & Walk Area (84%). However, this Park & Walk Area has about one-quarter of the supply of any of the others, so it could be expected to reach a higher occupancy. The Star of India, B Street Cruise Ship Terminal and Midway Park & Walk Areas demonstrate a lesser, but constant utilization ratio of 68%.

In summary, the existing parking supply in the NEVP study area is shown to be nearing the desired capacity of 85% daily occupancy needed to serve the area, whether considering full-time or part-time spaces. These results suggest that any temporary or permanent reduction in the existing parking supply as a result of real estate development and/or public infrastructure improvements

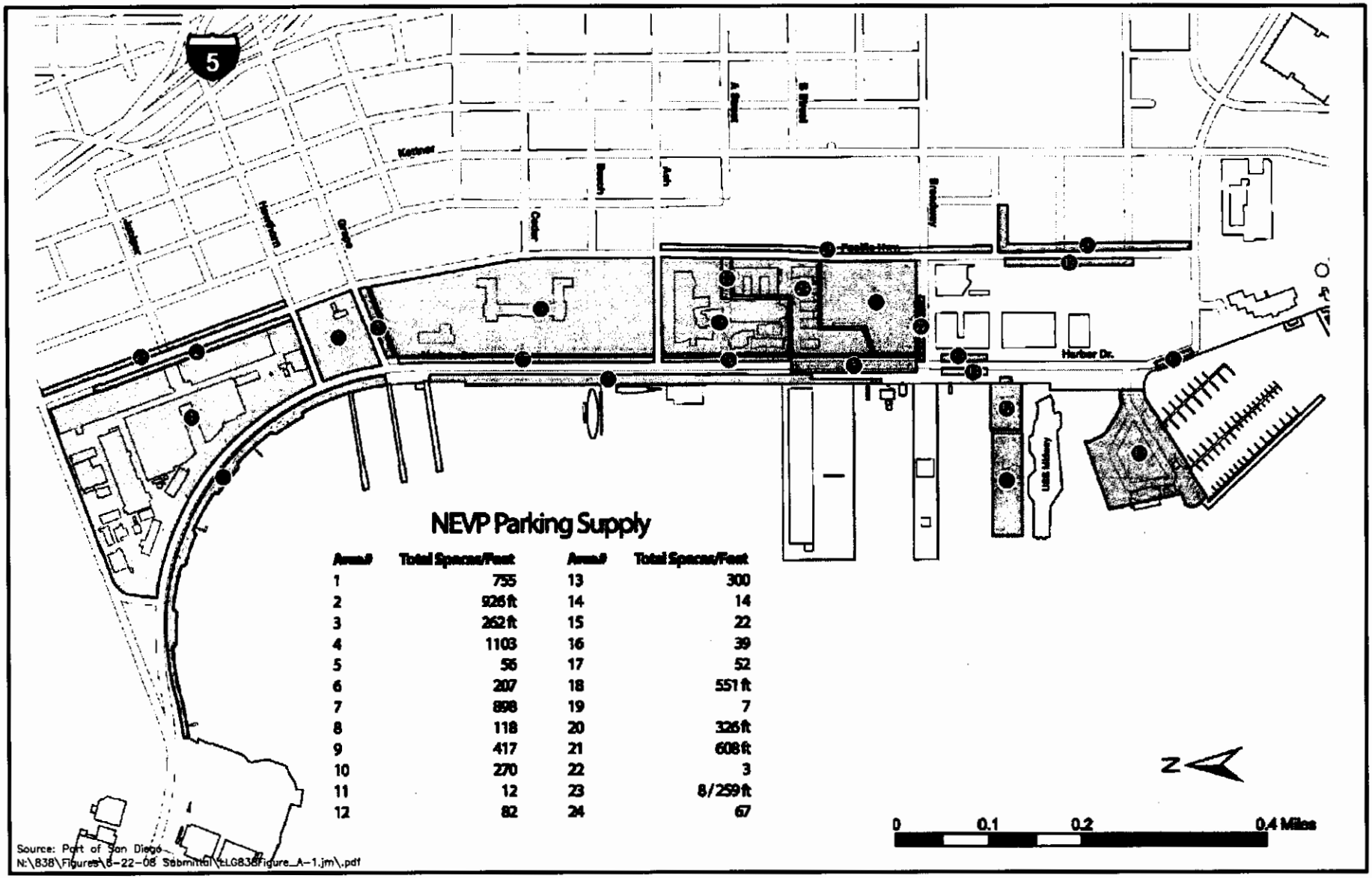
would quickly result in utilization ratios exceeding the desired 85% threshold level.[6] Conversely, the provision of additional parking and/or strategies to maximize the efficiency of the existing parking could maintain or even improve the occupancy ratios presenter herein.

There is a small amount of unoccupied parking scattered throughout the four Park & Walk areas as shown on ***Table A-5*** based on the occupancy observed in December 2007/January 2008.

The Park & Walk Areas shown in this report are an analytical tool to use when determining the potential impacts of the change in parking supply/demand on parcels within each Park & Walk Area.

[6] The assumption underlying this statement is that there is no corresponding change in demand at the venues that generate demand, i.e., assuming demand is constant.

Table A-5 NEVP Parking Management Plan Parking Availability by Park & Walk Area													
Park & Walk Area	Supply	Weekday								Weekend			
		High				Low							
		Occupied Spaces		Available Spaces		Occupied Spaces		Available Space		Occupied Spaces		Available Spaces	
		#	%	#	%	#	%	#	%	#	%	#	%
Grape Street Pier	408	294	72%	**114**	28%	274	67%	**134**	33%	342	84%	**66**	16%
Star of India	1,794	1,429	80%	**365**	20%	1,315	73%	**479**	27%	1,217	68%	**577**	32%
Cruise Ship Terminal	2,275	1,664	73%	**611**	27%	1,652	73%	**623**	27%	1,545	68%	**730**	32%
Midway Museum	2,275	1,664	73%	**611**	27%	1,652	73%	**623**	27%	1,545	68%	**730**	32%
TOTAL	6,752	5,051	75%	**1,701**	25%	4,893	72%	**1,859**	28%	4,649	69%	**2,103**	31%



NEVP Parking Supply

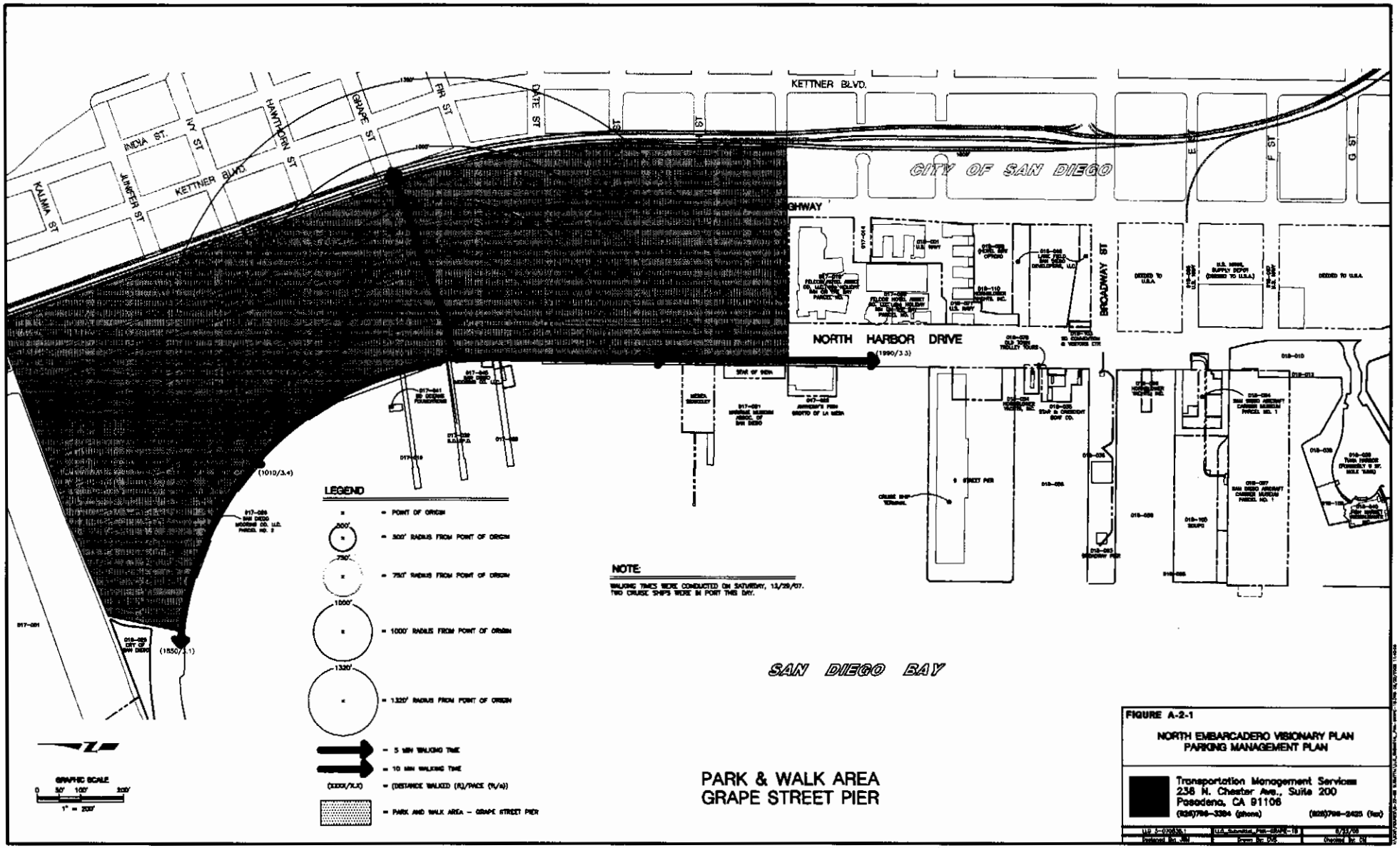
Area #	Total Spaces/Feet	Area #	Total Spaces/Feet
1	755	13	300
2	926 ft	14	14
3	262 ft	15	22
4	1103	16	39
5	56	17	52
6	207	18	551 ft
7	898	19	7
8	118	20	326 ft
9	417	21	608 ft
10	270	22	3
11	12	23	8/259 ft
12	82	24	67

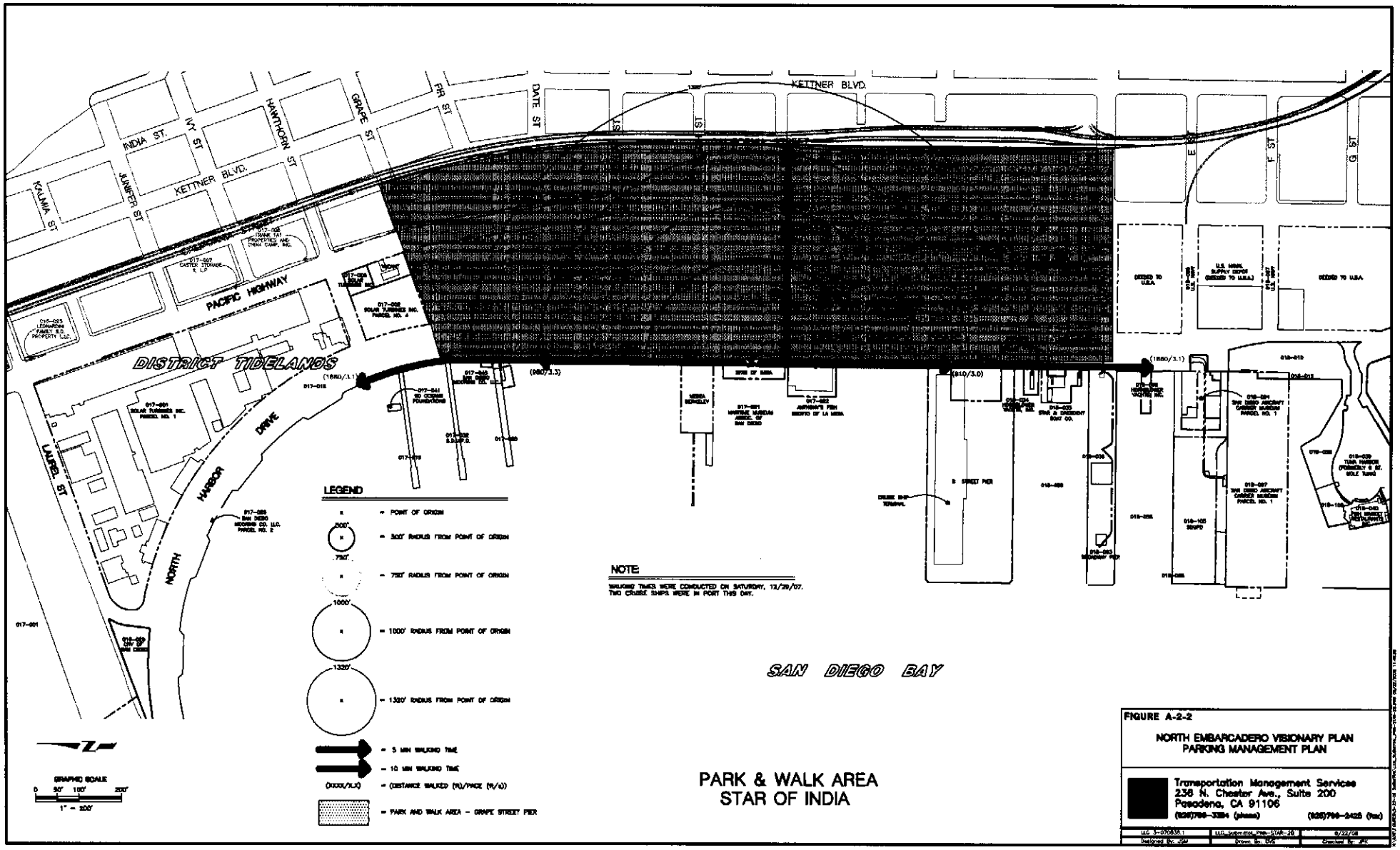
Source: Port of San Diego
N:\838\Figures\8-22-08 Submittal\LG838Figure_A-1.jm\.pdf

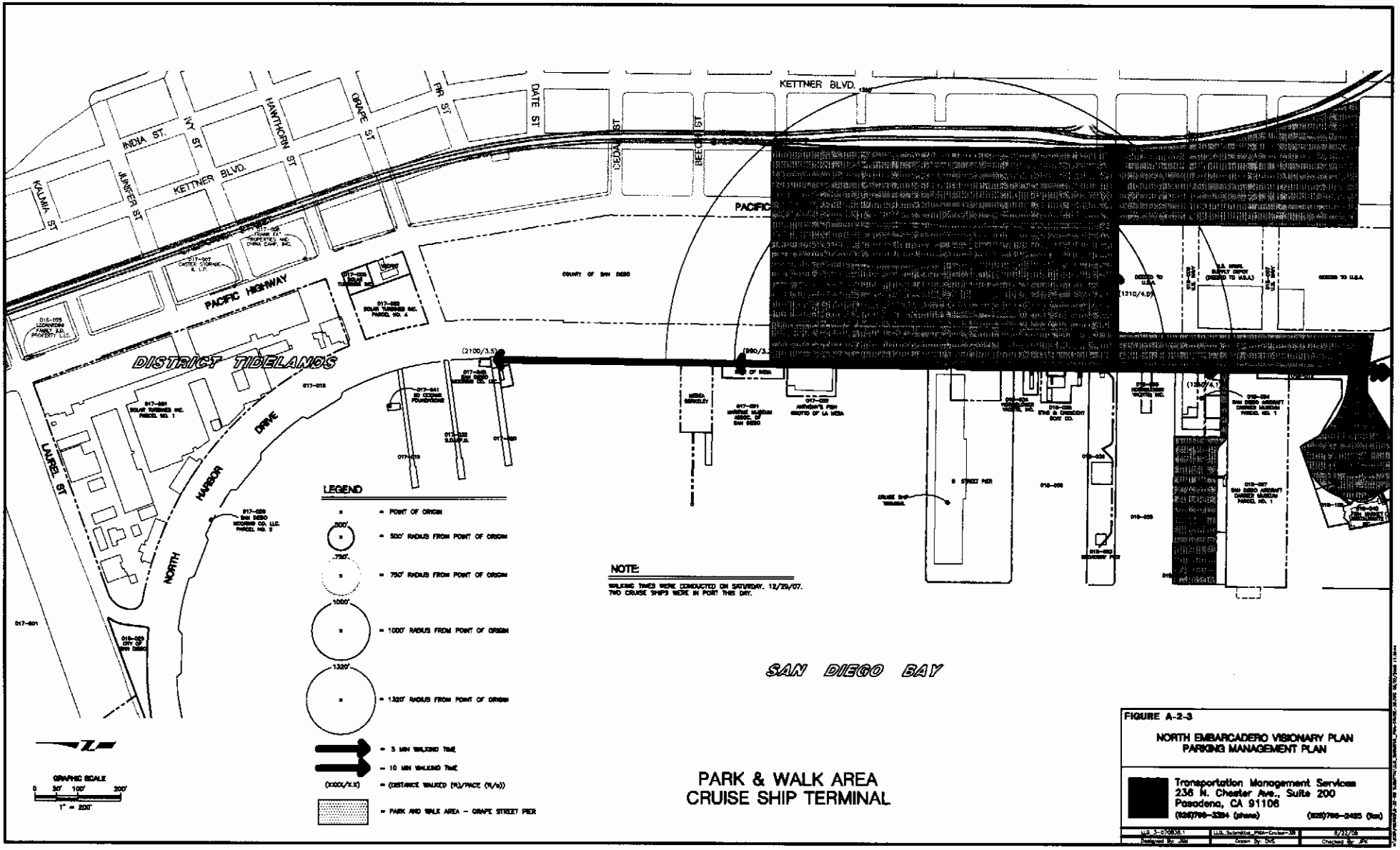
TMS

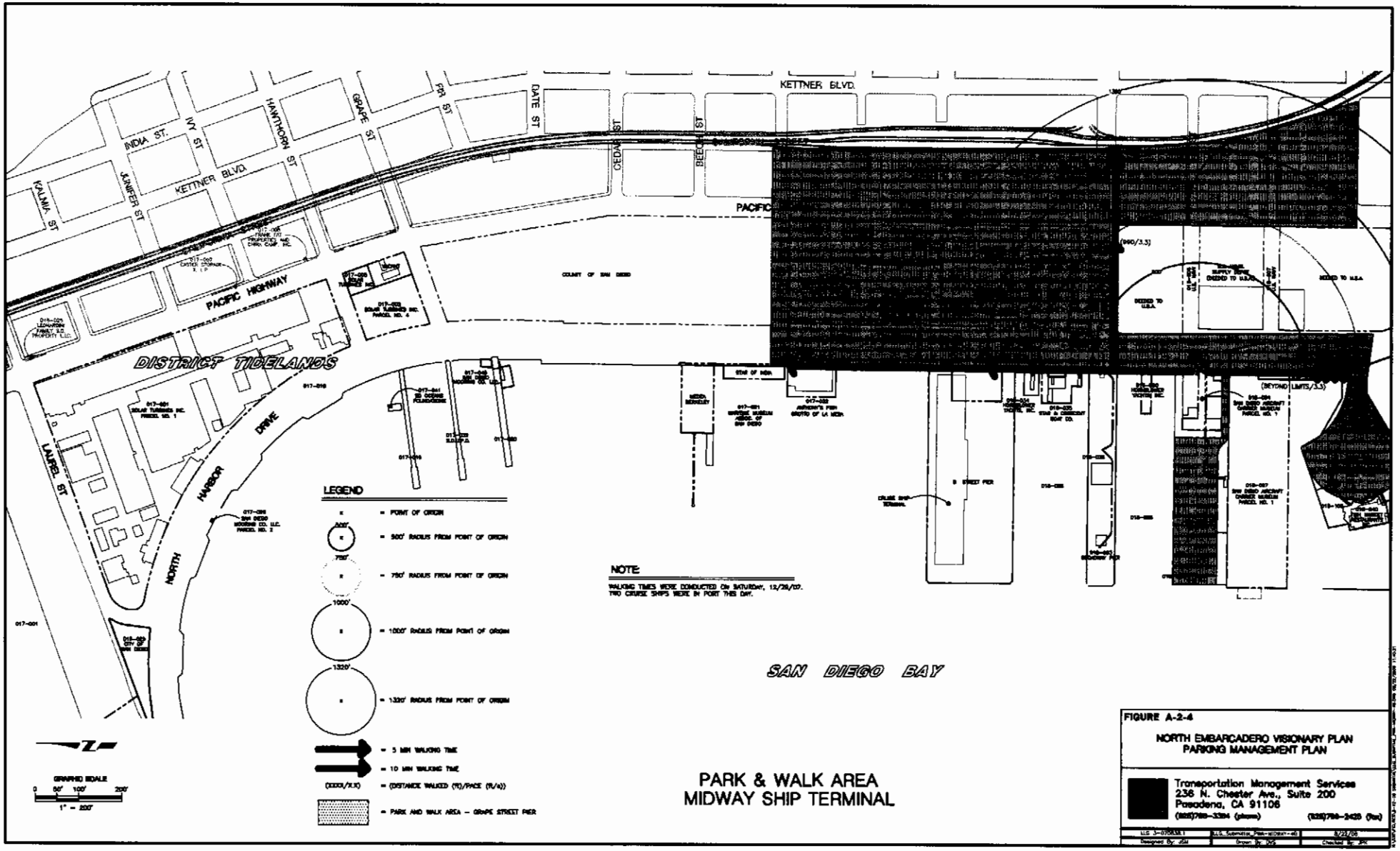
Figure A-1

NEVP Parking Areas


KETTNER BLVD.
CITY OF SAN DIEGO
NORTH HARBOR DRIVE
BROADWAY ST
SAN DIEGO BAY
KALMIA ST
INDIA ST.
JUNIPER ST
IVY ST
HAWTHORN ST
GRAPE ST
FIR ST
DATE ST
E ST
F ST
G ST
(1990/3.3)
(1010/3.4)
(1850/3.1)
LEGEND
= POINT OF ORIGIN
= 500' RADIUS FROM POINT OF ORIGIN
= 750' RADIUS FROM POINT OF ORIGIN
= 1000' RADIUS FROM POINT OF ORIGIN
= 1320' RADIUS FROM POINT OF ORIGIN
= 5 MIN WALKING TIME
= 10 MIN WALKING TIME
(XXXX/X.X) = (DISTANCE WALKED (ft)/PACE (ft/s))
= PARK AND WALK AREA – GRAPE STREET PIER
NOTE:
WALKING TIMES WERE CONDUCTED ON SATURDAY, 12/29/07.
TWO CRUISE SHIPS WERE IN PORT THIS DAY.
GRAPHIC SCALE
0 50' 100' 200'
1" = 200'
PARK & WALK AREA
GRAPE STREET PIER
FIGURE A-2-1
NORTH EMBARCADERO VISIONARY PLAN
PARKING MANAGEMENT PLAN
Transportation Management Services
236 N. Chester Ave., Suite 200
Pasadena, CA 91106
(626)796-3384 (phone)
(626)796-2425 (fax)


KETTNER BLVD.
INDIA ST.
IVY ST
HAWTHORN ST
GRAPE ST
FIR ST
DATE ST
1ST
ST
E
F ST
G ST
KALMIA ST
JUNIPER ST
PACIFIC HIGHWAY
DISTRICT TIDELANDS
LAUREL ST
HARBOR DRIVE
NORTH
SAN DIEGO BAY
LEGEND
= POINT OF ORIGIN
= 300' RADIUS FROM POINT OF ORIGIN
= 750' RADIUS FROM POINT OF ORIGIN
= 1000' RADIUS FROM POINT OF ORIGIN
= 1320' RADIUS FROM POINT OF ORIGIN
= 5 MIN WALKING TIME
= 10 MIN WALKING TIME
(XXXX/X.X) = (DISTANCE WALKED (ft)/PACE (ft/s))
= PARK AND WALK AREA - GRAPE STREET PIER
NOTE:
WALKING TIMES WERE CONDUCTED ON SATURDAY, 12/29/07. TWO CRUISE SHIPS WERE IN PORT THIS DAY.
GRAPHIC SCALE
0 50' 100' 200'
1" = 200'
PARK & WALK AREA
STAR OF INDIA
FIGURE A-2-2
NORTH EMBARCADERO VISIONARY PLAN
PARKING MANAGEMENT PLAN
Transportation Management Services
238 N. Chester Ave., Suite 200
Pasadena, CA 91106
(626)799-3384 (phone)
(626)799-3428 (fax)


KETTNER BLVD.
INDIA ST.
IVY ST
HAWTHORN ST
GRAPE ST
FIR ST
DATE ST
CEDAR ST
BEECH ST
KALMIA ST
JUNIPER ST
PACIFIC HIGHWAY
DISTRICT TIDELANDS
LAUREL ST
NORTH HARBOR DRIVE
COUNTY OF SAN DIEGO
SAN DIEGO BAY
LEGEND
= POINT OF ORIGIN
= 500' RADIUS FROM POINT OF ORIGIN
= 750' RADIUS FROM POINT OF ORIGIN
= 1000' RADIUS FROM POINT OF ORIGIN
= 1320' RADIUS FROM POINT OF ORIGIN
= 5 MIN WALKING TIME
= 10 MIN WALKING TIME
= (DISTANCE WALKED (R)/PACE (R/s))
= PARK AND WALK AREA – GRAPE STREET PIER
NOTE:
WALKING TIMES WERE CONDUCTED ON SATURDAY, 12/29/07.
TWO CRUISE SHIPS WERE IN PORT THIS DAY.
GRAPHIC SCALE
0 50' 100' 200'
1" = 200'
PARK & WALK AREA
CRUISE SHIP TERMINAL
FIGURE A-2-3
NORTH EMBARCADERO VISIONARY PLAN
PARKING MANAGEMENT PLAN
Transportation Management Services
236 N. Chester Ave., Suite 200
Pasadena, CA 91106
(626)796-3384 (phone)
(626)796-2425 (fax)
Designed By: JBM
Drawn By: DVS
Checked By: JPK


KETTNER BLVD.
INDIA ST.
IVY ST
HAWTHORN ST
GRAPE ST
FIR ST
DATE ST
CEDAR ST
BEECH ST
KALMIA ST
JUNIPER ST
KETTNER BLVD.
PACIFIC
PACIFIC HIGHWAY
DISTRICT TIDELANDS
LAUREL ST
NORTH HARBOR DRIVE
COUNTY OF SAN DIEGO
SAN DIEGO BAY
LEGEND
= POINT OF ORIGIN
= 500' RADIUS FROM POINT OF ORIGIN
= 750' RADIUS FROM POINT OF ORIGIN
= 1000' RADIUS FROM POINT OF ORIGIN
= 1320' RADIUS FROM POINT OF ORIGIN
= 5 MIN WALKING TIME
= 10 MIN WALKING TIME
(XXXX/X.X) = (DISTANCE WALKED (ft)/PACE (ft/s))
= PARK AND WALK AREA – GRAPE STREET PIER
NOTE:
WALKING TIMES WERE CONDUCTED ON SATURDAY, 12/29/07.
TWO CRUISE SHIPS WERE IN PORT THIS DAY.
GRAPHIC SCALE
0 50' 100' 200'
1" = 200'
PARK & WALK AREA
MIDWAY SHIP TERMINAL
FIGURE A-2-4
NORTH EMBARCADERO VISIONARY PLAN
PARKING MANAGEMENT PLAN
Transportation Management Services
236 N. Chester Ave., Suite 200
Pasadena, CA 91106
Designed By: JSM
Drawn By: DVS
Checked By: JPK

APPENDIX B: GLOSSARY

Cruise Ship Sailing – the number of cruise ships arriving and departing on a given day

Demand – the number of occupied spaces in any given parking area during an hour

Embarcadero – the commercial and public area along the immediate waterfront

Off-Street Private Parking – parking owned by private corporations and not available

Off-Street Public Parking – free or for-pay parking lots available to the public

On-Street Public Parking – free or metered parallel or angled parking available to the public 24 hours a day, 7 days a week

Parking Area – a parking lot or section of on-street parking defined by the Port of San Diego. Parking areas are numbered 1-24 by the Port

Park & Walk Area – a unique geographic area, based on principal destinations and containing parking areas within walking distance of the principal destination

Principal Destination – a primary location for NEVP users that is located along the Embarcadero in the NEVP study area including 1) the Grape Street Pier 2) the Star of India 3) the B Street Cruise Ship Terminal and 4) the U.S.S. Midway Museum

Restricted Public Parking – parking spaces that are available to the general public for only a portion of the day. The County of San Diego Administration Building has a portion of the "private" County-reserved parking spaces available to the public for periods of the evening and weekends

Supply – the number of actual parking stalls or parking spaces available in the study area

Utilization – the ratio of occupied vs. total available parking spaces in a parking area or Park & Walk area (i.e., 62 occupied spaces out of a total 200 available parking spaces equals 31% utilization)

Walking-Time Vector – the cardinal distance and corresponding time walked from each of the principal destinations to determine the boundaries of the park & walk area

85% Occupancy Threshold – this is a standard of practice in traffic engineering/parking planning that holds that 85% is the maximum desirable occupancy for typical parking operations. As parking occupancy increases from 85% towards 100%, drivers must circulate more to find less parking, leading to driver frustration and inefficient operations

ATTACHMENT "D"

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 District Centre City Development Corporation	Prior to issuance of a grading permit.	Approval of parking management plan	Port District	

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COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

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 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	Plan preparation, implementation, field monitoring and submittal of a final archaeological report.	Port District Centre City Development Corporation	Prior to issuance of a grading permit.	Approval of final Archaeological study report and field notes documenting compliance with subsurface mitigation plan.	Port District	

Mitigation Measure(s)	Monitoring Requirement	Responsible for Mitigation Implementation	Time Frame of Mitigation	Completion Requirement	Agency Responsible for Verification	Date of Completion
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 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						

Mitigation Measure(s)	Monitoring Requirement	Responsible for Mitigation Implementation	Time Frame of Mitigation	Completion Requirement	Agency Responsible for Verification	Date of Completion
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. 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						

Mitigation Measure(s)	Monitoring Requirement	Responsible for Mitigation Implementation	Time Frame of Mitigation	Completion Requirement	Agency Responsible for Verification	Date of Completion
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** 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						

Mitigation Measure(s)	Monitoring Requirement	Responsible for Mitigation Implementation	Time Frame of Mitigation	Completion Requirement	Agency Responsible for Verification	Date of Completion
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 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						

Mitigation Measure(s)	Monitoring Requirement	Responsible for Mitigation Implementation	Time Frame of Mitigation	Completion Requirement	Agency Responsible for Verification	Date of Completion
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 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						

Mitigation Measure(s)	Monitoring Requirement	Responsible for Mitigation Implementation	Time Frame of Mitigation	Completion Requirement	Agency Responsible for Verification	Date of Completion
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 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						

Mitigation Measure(s)	Monitoring Requirement	Responsible for Mitigation Implementation	Time Frame of Mitigation	Completion Requirement	Agency Responsible for Verification	Date of Completion
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** 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.						

Mitigation Measure(s)	Monitoring Requirement	Responsible for Mitigation Implementation	Time Frame of Mitigation	Completion Requirement	Agency Responsible for Verification	Date of Completion
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 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 interment 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						

Mitigation Measure(s)	Monitoring Requirement	Responsible for Mitigation Implementation	Time Frame of Mitigation	Completion Requirement	Agency Responsible for Verification	Date of Completion
the following morning, if possible (b) Discoveries All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction, and IV – Discovery of Human Remains. (c) Potentially Significaot 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						

Mitigation Measure(s)	Monitoring Requirement	Responsible for Mitigation Implementation	Time Frame of Mitigation	Completion Requirement	Agency Responsible for Verification	Date of Completion
of Parks and Recreation 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 Port and the Native American representative, as applicable. 2. The PI shall include the Acceptance Verification from the						

Mitigation Measure(s)	Monitoring Requirement	Responsible for Mitigation Implementation	Time Frame of Mitigation	Completion Requirement	Agency Responsible for Verification	Date of Completion
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. 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. Field inspection to ensure site remediation is implemented in compliance with applicable laws and permits.	Port District Centre City Development Corporation	Prior to issuance of grading permit.	Written evidence that the final site assessment has been reviewed and approved by the DEH.	Port District	
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, state and local regulations prior to development of the site.	Consultation with County DEH prior to soil/groundwater sampling. Preparation, submittal and implementation of Remediation Plan, if required, for DEH review	Port District Centre City Development Corporation	Prior to issuance of grading permit	Written evidence that the final site assessment has been reviewed and approved by the DEH	Port District County of San Diego DEH	
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	Consultation with County DEH prior to testing program, and submittal or final report to DEH for review.	Port District Centre City Development Corporation	Prior to issuance of grading permit.	Written evidence that the final report on asbestos and lead-based paints has been reviewed and	Port District 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
consultant's recommendations.				approved by the County DEH.		
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 Centre City Development Corporation	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 County of San Diego	
5. A Phase II investigation shall be conducted if necessary to test soils in the Project Area to determine if regulatory action and/or hazardous waste limits are exceeded. This investigation shall 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 in consultation with County DEH prior to implementation of Phase II report requirements	Port District Centre City Development Corporation	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 County of San Diego	
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. R9-2007-0034) and Federal National Pollution Discharge Elimination System (NPDES)	Preparation of a dewatering plan approved by RWQCB. Field inspection to verify plan is implemented in compliance with applicable laws and permits.	Port District Centre City Development Corporation	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	Port District County of San Diego RWQCB	

Mitigation Measure(s)	Monitoring Requirement	Responsible for Mitigation Implementation	Time Frame of Mitigation	Completion Requirement	Agency Responsible for Verification	Date of Completion
requirement. Order No. R9-2007-0034 regulates the temporary (during construction) discharge of extracted water to San Diego Bay and does not allow 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.				laws and regulations Implementation of a dewateriog plan.		
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 Centre City Development Corporation	Prior to issuance of demolition permits.	Copy of issued permit and field notes documenting permit condition implementation	Port District 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. 6. Remediation shall be conducted according to applicable federal, State and local regulations prior to development of the site.	Consultation with County of San Diego DEH prior to soil/groundwater sampling, preparation and submittal of Remediation Plan for DEH review. Implementation of approved Remediation Plan.	Port District Centre City Development Corporation	Prior to issuance of demolition permits.	Issuance of grading permits constitutes completion of this requirement.	Port District 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
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 in report and/or on final plans.	Port District Centre City Development Corporation	Prior to issuance of grading permit.	Issuance of grading permits constitutes completion of this requirement.	Port District	
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 Centre City Development Corporation	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 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 and/or site inspection to verify all structures constructed in accordance with UBC and recommendations of Geotechnical Report.	Port District Centre City Development Corporation	Prior to issuance of building permit.	Issuance of building permit and site inspection/field notes documenting compliance	Port District County of San Diego	
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.						

Mitigation Measure(s)	Monitoring Requirement	Responsible for Mitigation Implementation	Time Frame of Mitigation	Completion Requirement	Agency Responsible for Verification	Date of Completion
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. Report and/or field inspection to verify plan is implemented in compliance with applicable laws and permits.	Port District Centre City Development Corporation	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 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 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 could be reduced by implementing any or all of the following mitigation	Preparation and implementation of a solid waste management plan.	Port District Centre City Development Corporation	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	

Mitigation Measure(s)	Monitoring Requirement	Responsible for Mitigation Implementation	Time Frame of Mitigation	Completion Requirement	Agency Responsible for Verification	Date of Completion
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 E

Workshop Report

Re-Envisioning our Waterfront

October 23, 2010

Waterfront Workshop Report

Port of San Diego Planning Center
Re-Envisioning the Waterfront
October 23, 2010

Prepared By:

Howard M. Blackson III, CNU-A
Michael J. Stepner, FAIA, FAICP
Nick Marinovich
Don Wood

Prepared For:

Port of San Diego
City of San Diego
Centre City Development Corporation
Navy Broadway Complex Coalition
Council of Design Professionals
Citizens Coordinate for Century 3
League of Women Voters
NewSchool of Architecture & Design
Partners for Livable Places
Council of Design Professionals
Ilan Lael Foundation
Public Trust Alliance

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SAN DIEGO COAST DISTRICT

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Introduction

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Purpose and Goals of the Public Workshop

Past Planning Efforts

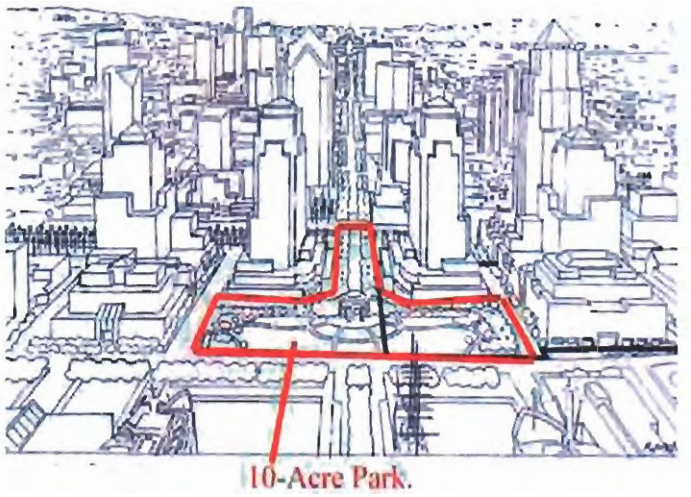
INTRODUCTION

On October 23, 2010, a unique community event was held in the Port of San Diego's Planning Center to discuss the public's opinion on re-envisioning the North Embarcadero Visionary Plan (NEVP). The event was unique in the fact that over 100 people attended the half-day event, and afternoon walking tour, that was initiated by an independent group of concerned citizens understanding the need to consider today's waterfront context. Several planning initiatives are now ongoing and the need for the public to discuss the interventions such as the newly constructed Broadway Pier Cruise Ship Terminal; the current and significant economic recession's effect on the Lane Field Development Plan; Navy Broadway Complex Development Agreement; the Convention Center expansion; and, Ruocco Park in Seaport Village.

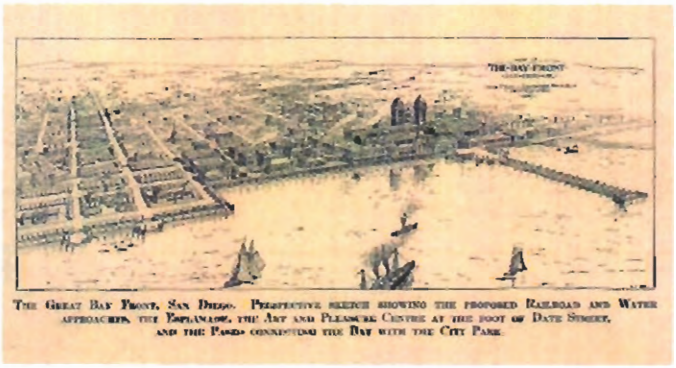
Howard Blackson and **Michael Stepner** introduced and moderated the event. Opening with ground rules to cultivate a spirit of communication, Michael led with restating the importance to plan and replan over time and talked of his personal experience with the site throughout his career. Howard expressed a sense of experiencing a 'Groundhog Day' or deja vu moment by seeing the same people and presenters to again discuss the important corner of Broadway Avenue and Harbor Drive.

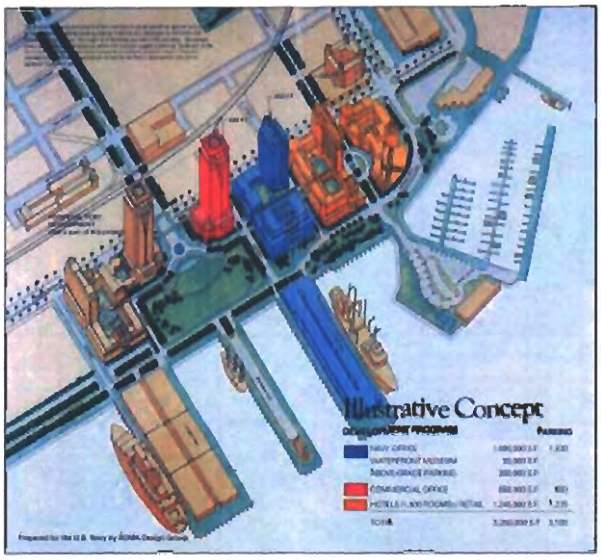
The purpose of the workshop was to provide a venue for citizen's to openly discuss, comment, and consider the forthcoming Port Master Plan Amendment (PMPA) in an informal, and collaborative format. The event was intended to supplement to the more formal Port of San Diego led public comment workshops. The goal of the event to simply provide information to citizens, Port staff and City officials in an open forum to make informed recommendations. Everyone was able to consider citizen project proposals and find consensus among the citizens for next steps to be considered in the Port NEVP Master Plan Amendment.

Michael J. Stepner, FAIA:
"The waterfront should be planned holistically as a civic space so that we don't look at the site as retail space with a park in it, but rather that we look at the site as a park that may have some retail."
- 2003 Waterfront Workshop

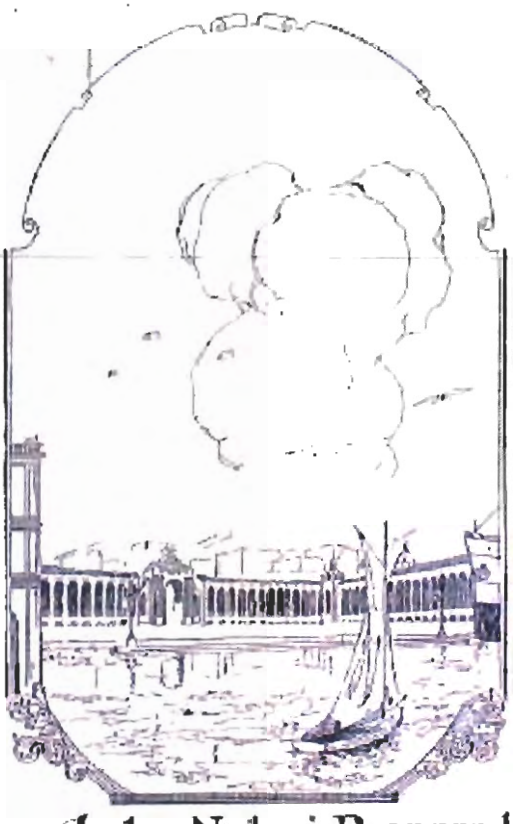


"I hope you in San Diego, whose city is just entering in its great period of development, will recognize what so many. old communities have failed to recognize. That beauty is not only worth while for its own sake but that it is also valuable commercially. Keep your waterfront and develop it so that it will add to the beauty of your city. Do not let a number of private individuals make it hideous with buildings and then force your children to pay for them an exorbitant sum to get rid of the ugliness they thev created"
- Theodore Roosevelt, July 29, 1915


THE GREAT BAY FRONT, SAN DIEGO. PERSPECTIVE SKETCH SHOWING THE PROPOSED RAILROAD AND WATER APPROACHES, THE ESPLANADE, THE ART AND PLEASURE CENTRE AT THE FOOT OF DATE STREET, AND THE PARKS CONNECTING THE BAY WITH THE CITY PARK.



"At present (the Water Front) is crude, inconvenient, unsightly. No one challenges the need for reform."
- John Nolen, 1908 San Diego Comprehensive Plan



John Nolen's Proposed Water Front Portal Entrance to San Diego

Citizen Presentations

Historical Context

Port of San Diego Update

Projects and Proposals

Citizen Context Presentations

History of San Diego's Waterfront Planning and Development:

Vonn Marie May

Don Wood

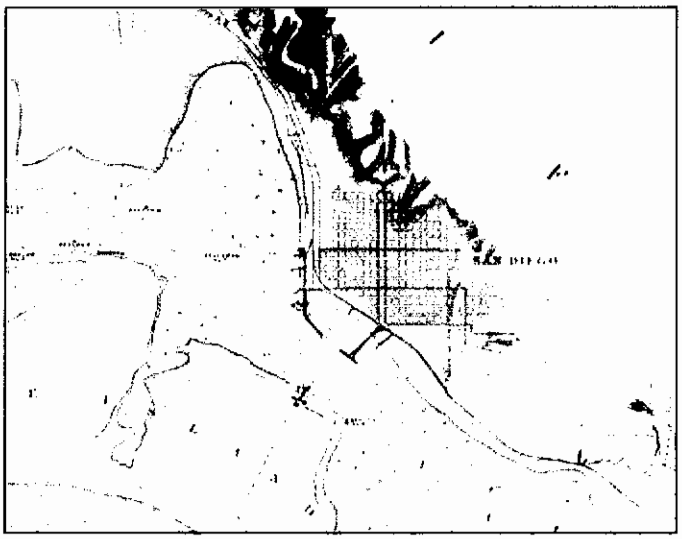
Nick Marinovich

Historic Perspectives

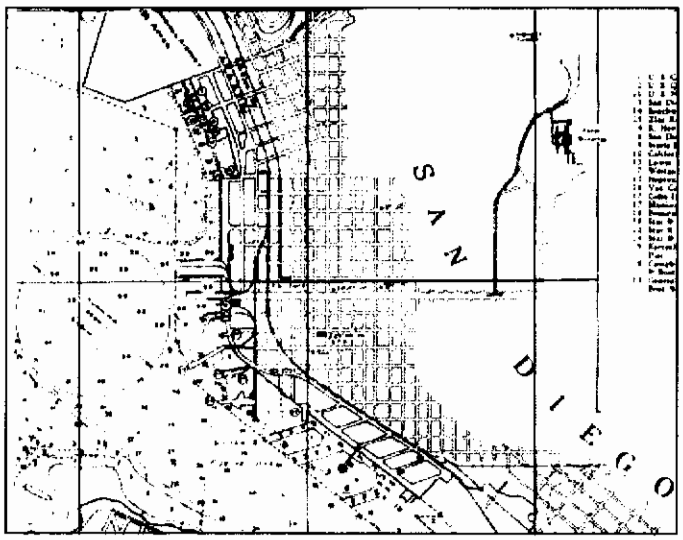
Historian **Vonn Marie May** gave a presentation on the history of San Diego Bay from the earliest Spanish visits through various surveys of the bay, and outlined several city plans by urban planner John Nolen in the early part of the 20th century that proposed visions of the downtown waterfront. She described Nolen's proposal for an eleven long mile road along the bayfront, which became Harbor Drive, and the development of the airport on the Dutch Flats. She described the commercial wharves in and around the foot of 5th Avenue, how Teddy and Franklin Roosevelt brought the Navy to San Diego, and how the Navy created large areas of fill on the tidelands west of the railroad tracks before and during WWII. Finally, she noted that Nolen's later plan called for the North Embarcadero to be a place of great civic buildings like the County Administration Center (CAC) and public parks, plazas and pleasure piers.

Activist **Don Wood** gave a brief history of the South Embarcadero, recounting how what began as tall thin towers morphed into large podium structures that, with the construction of the convention center, created a two mile long, almost unbroken wall of hotels and concrete structures severely limiting public access to the bayfront from Harbor Drive and central downtown.

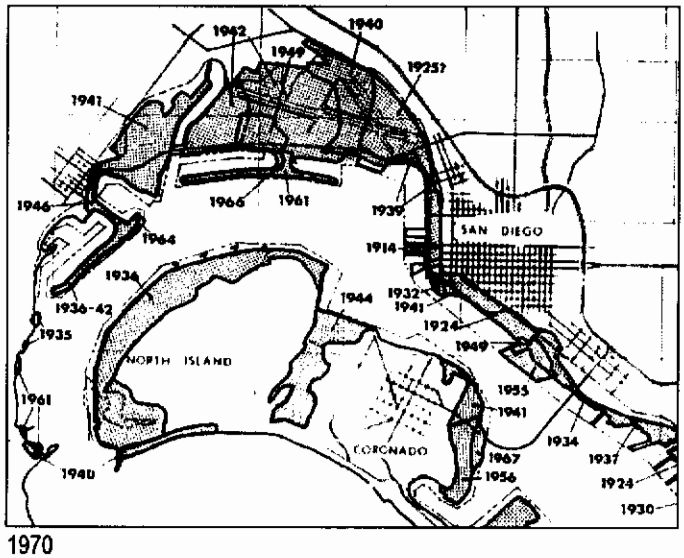
Retired County project manager **Nick Marinovich**, a who worked on the original 1998 North Embarcadero Visionary Plan (NEVP) process, explained how the NEVP Alliance and JPA were formed with membership by the Port, the city, the county, CCDC, the Navy, but broke up in 2003 over a disagreement between the county and the port over the alignment of North Harbor Drive in front of the CAC. He read some of the planning guiding principles from that plans and noted that those principles are part of the NEVP Memorandum of Understanding signed by the City and the Port which is still in effect.



1885



1935



1970

Past Planning Recommendations:

John Nolen's 1926 Comprehensive City Plan recognized the historic and dispositional importance of 'Dead Man's Point.' His plan applied a new connection between the current County Administration Center and his proposed 'Battery Park' at Dead Man's Point. In his 1908 Comprehensive Plan for San Diego, he states that the Bay Front would virtually be a park and little more is needed than a viewpoint, a foreground to a picture. Nature would supply the picture, and maintain it without cost.

Michael J. Stepner concluded in 1973's AIA Urban Design San Diego manual, "It is widely recognized that it is not height, development along the coast, or development of underdeveloped areas that are a problem, but rather how those developments physical relate to their natural framework and the economic and social community of which they are a part."

Neil Morgan wrote in his July 2, 2003 column regarding the Port Commission, (Peter Q.) "Davis urged commissioners to originate their own public plans for more park land at Deadman's Point instead of leaving the matter to a developer; that makes so much more sense than the tainted political system of signing an exclusive contract with a developer and then choosing his least objectionable (or most highly profitable) use of the land."

Roger Showley and Mike Stepner wrote in 2009, The Plan of Chicago @ 100, "From their city's beginning and continuing to the present, San Diegans debated whether their future should be industrial or recreational - 'Smokestacks and Geraniums,' as a 1917 mayoral campaign slogan neatly phrased the alternatives... The industrialized waterfront, filled with gritty shacks, all manner of boats, and railroad lines backing up to the wharves, competed with the vision of a San Diego whose beauty compared to the Bay of Naples."

Port of San Diego Presentations

San Diego's Waterfront Status:

Stacey Pennington
Jerry Trammer
(Lane Field)

Mark Johnson
Marty Poirier
John Helmer
(Port of San Diego)

Current Perspectives

Stacy Pennington and **Jerry Trammer** gave an update on plans for the new Lane Field hotel project. She said that they are beginning a redesign of the project to incorporate the new setback park on the west side of the site. She said that current plans are to keep the original design of two tower structures sited perpendicular to the water with a 50' high podium structure at the base of the towers. Stacy outlined project outreach plans, saying they want public review and input at the concept, initial design and final design stages of the project.

Port planning staff then gave a brief overview of various projects being planned along the bayfront, including the proposed second expansion of the convention center, the Marriott Hotel complex remodel, and Ruocco Park. **John Helmer** of the Port planning staff briefed the workshop participants on plans for Ruocco Park, a new park on the Navy Pier, changes to the lease option agreement with the Lane Field group, and plans to develop a new coastal development permit (CDP) for the NEVP Phase 1 project. He said that current plans are to take the new CDP to the Port Board on November 9. He also briefly outlined current plans for the Navy Broadway Complex and a new public park at the CAC site.

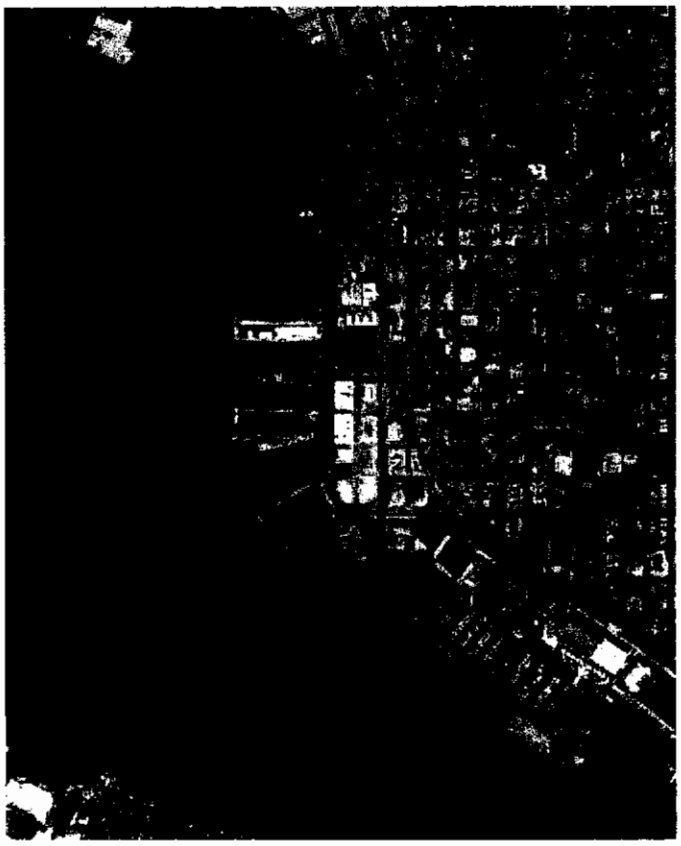
The Port's NEVP planning consultants, **Mark Johnson** (Civitas) and **Martin Poirier** (Spurlock Poirier) then gave a passionate presentation on current updates being considered to plans for the esplanade, the various segments planned along the waterfront and changes to the original plans for the Crescent Pier at the foot of Grape St. They described the original 1998 NEVP and modifications made when an NEVP schematic design was developed by the EEK firm in 2005. They explained how the Port's decision to build a cruise ship terminal on the Broadway Pier resulted in the elimination of the Broadway

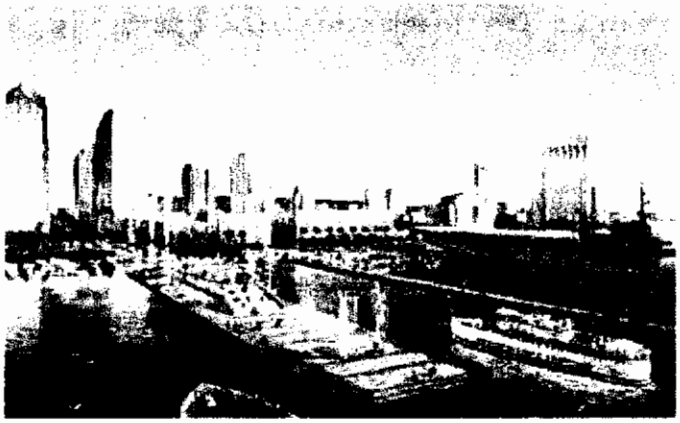
Landing Park called for in the original NEVP. The consultant team supported the concept of extending the various elements and landscaping of the esplanade onto the forecourt of the Broadway Pier cruise ship terminal complex.

They also outlined the proposal to build a new 150' wide setback park on the western portion of the Lane Field site east of Harbor Drive as partial mitigation for the elimination of the large oval Broadway Landing Park at the foot of Broadway called for in the 1998 NEVP. They said that the original 1998 NEVP would have allowed up to 83,000 people to gather for celebration at the foot or Broadway and on Broadway Pier, but that the new terminal blocks some of that venue.

While admittedly, mistakes have been made, they hoped that we could work together and find ways to mitigate those mistakes. They encouraged the workshop participants to attend the EIR NOP scoping meetings to be held October 27 and 28. They said the CAC Park would be one of the largest parks on the embarcadero and urged that the county get it back on track.

Don Wood told the workshop participants about the Port's North Embarcadero Port Master Plan Amendment EIR process, which began in the fall of 2009, and about planned EIR scoping meetings scheduled for October 27 and 28 by the Port. He noted that parties scoping comments on the EIR are due by November 18 and urged all workshop participants to file comments of their own.





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Citizen Project Presentations

San Diego's Waterfront Proposals:

Steve Peace
Carl Nettleton
Inter-modal Terminal

James Frost
Tenth Avenue Marine Terminal

Marriane Gerdes
Ilan Lael Foundation

Lindsay Brown
A Great Waterfront

Phil Bona
Comprehensive Waterfront Plan

Michael Stepner
Long-Term and Short-Term Vision

Steve Peace and **Carl Nettleton** gave a presentation on the proposal put forward by the California Independent Voters Project and County Supervisor Ron Roberts in 2007, which showed how existing entitlements along the north embarcadero could be re-configured to put more massing and density along Pacific Highway, freeing up open space for public use along the east side of Harbor Drive. That space would be about 205' wide, measured from the east side of Harbor Drive to the center of the west wall of the CAC. Peace said that this new public space would have to be programmed and activated, but that their proposal was to show that existing port tenants could retain their entitlements by redesigning their facilities in the future. They also discussed the proposal to move the cruise ships from the north embarcadero to the Tenth Avenue Marine Terminal (TAMT), noting that TAMT is currently working at only part of its potential capacity. They talked about their report "San Diego's Working Waterfront" and asked everyone to read it. They also talked about their concept for a new inter-modal transportation center to be located on the Pacific Highway of Lindbergh Field, which would better utilize and tie together the region's transportation systems, while attracting increased federal funding. Peace said "Good downtowns are pedestrian downtowns", and said we all needed to look for ways people could become less dependent in single passenger cars when traveling to and around downtown.

Architect **James Frost** presented an analysis of the concept of moving some cruises ships to TAMT, including to scale drawings showing how two large cruise ships could dock there while still leaving room for the Dole banana freighter and the bulk of the freight operations currently taking place there. He noted that a third cruise ship could also dock at TAMT whenever the Dole freighter is not in port. His drawings showed the location where a new cruise ship terminal could be built on the already secured marine terminal and how roads

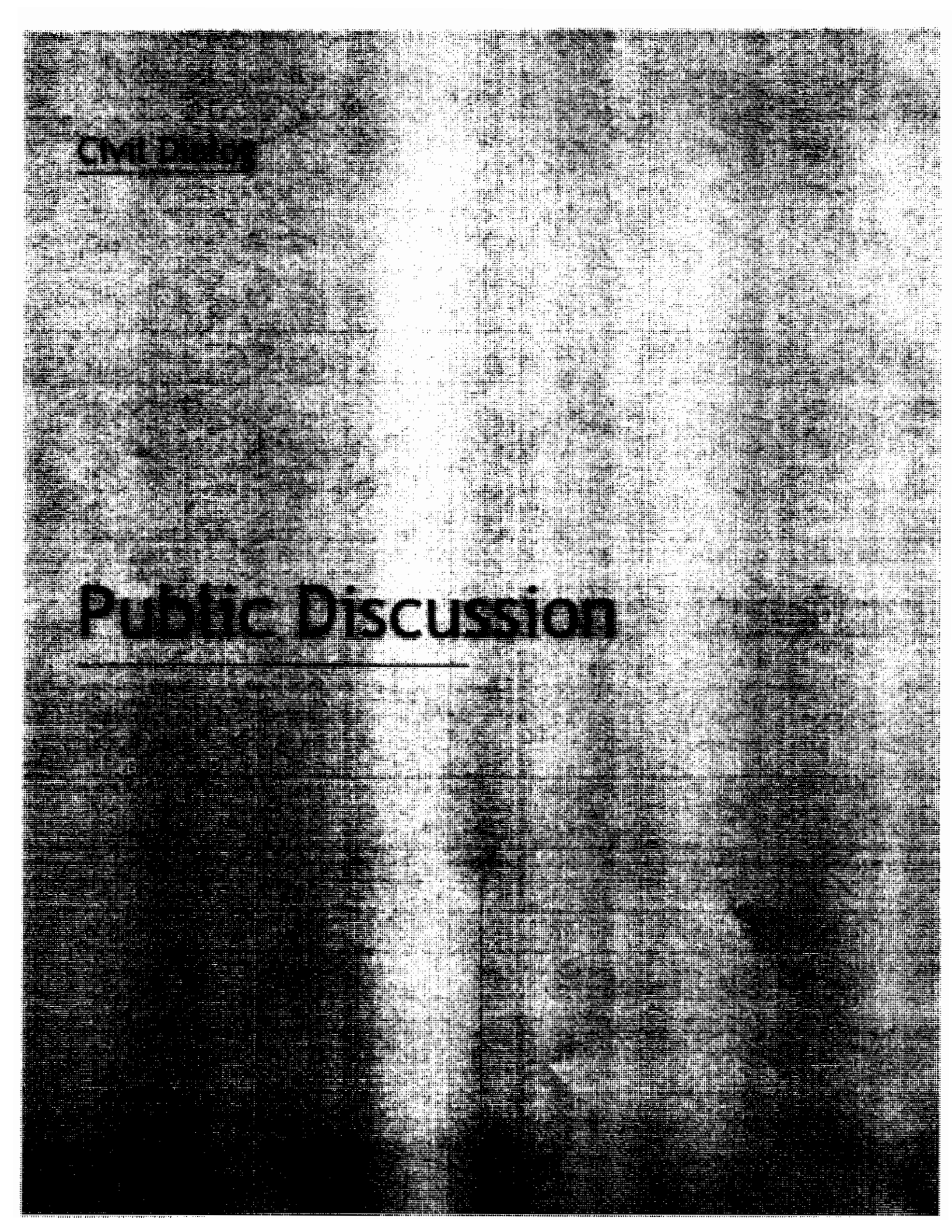
could be configured to serve the cruise ship operations on the site. He noted that the new parking garage at the Bayfront Hilton could also be used to accommodate cruise ship passengers. He noted that TAMT is very near the foot of 5th Avenue and the Gaslamp quarter and that the new footbridge being completed by CCDC could be used by cruise line passengers to get to and from Gaslamp and the rest of downtown, making it the focal point of exciting new uses of the South Embarcadero. Mr. Frost pointed out that moving the cruise ship operations to TAMT could free up as many as twelve acres on the Broadway Pier and B St. Pier for public recreational and commercial uses. He asked the port representatives to address the alternative of moving some or all of the cruise ships to TAMT in the PMPA EIR process.

Executive Director **Marriane Gerdes** of the Ilan Lael Foundation gave a presentation of a concept James Hubbell envisioned for the Navy Broadway Complex (NBC) site, which would include organic building designs, with the structures located along Pacific Highway, including a new amphitheater, museum, theatre and shops and a lake, children's pool and plaza areas, with public parking located one level below grade. She said that it is important to continuously search for San Diego's soul, and that what gets built on our downtown waterfront should reflect that effort.

Architect **Lindsay Brown** discussed an alterative vision for the NBC site, with a sloped grassy knoll, with sports fields and gathering places, leading down to a new public beach near the G St. Mole. He showed how Harbor Drive could run beneath the knoll, with shops and parking below the green roof on the knoll. He noted that the area below the knoll would include shops and other visitor serving commercial uses. He referred participants to his website: www.SaveSDWaterfront.com for more details of the concept. He said that he felt public momentum building for a more public waterfront and said he felt something good is coming.

Phil Bona, former VP for planning at the Centre City Development Corporation (CCDC), outlined work he is doing with the New School of Architecture and his urban design firm to look at alternative visions of the north embarcadero. He said that his planning assumes that the existing cruise ship operations will remain in the area and that the NBC project will be built as planned. He showed various slides showing a narrower Harbor Drive meandering from Ash St. to south of the foot of Broadway, and how curved, see through fencing would be built at the foot of Broadway and B St. piers to provide security which cruise ships are in port. Phil showed slides showing the new Lane Field Park and the proposed 205' setback park, with alternatives showing Harbor Drive running along the west and east sides of the setback park. He showed a rendering showing Navy Park with a new band shell structure for the pops orchestra and less parking. He showed how the port could create more park like open space at the foot of Broadway by realigning a narrower Harbor Drive. He spoke of three different schemes with several phases each to be taken over time. He suggested that a "Welcome to the Waterfront" sign or arch be constructed over Broadway at Pacific Highway. Finally, he talked about ways to locate shuttle bus and trolley zones along the embarcadero. He called for a resurrection of the original NEVP Alliance to bring back the county and the Navy into the process, and suggested that a public representative be added to the NEVP JPA board.

Mike Stepner talked about how Harbor Drive used to run right along the water all the way from the airport to TAMT, and how CCDC and the city decided to reroute it to the east along the south embarcadero to make space for the convention center. He said we need to create a long-term vision for the entire waterfront, and then think in term of short term, medium term and long-term projects to improve it to accomplish that vision.


Public Discussion

Civil Dialog

Comments and Question and Answer Session:

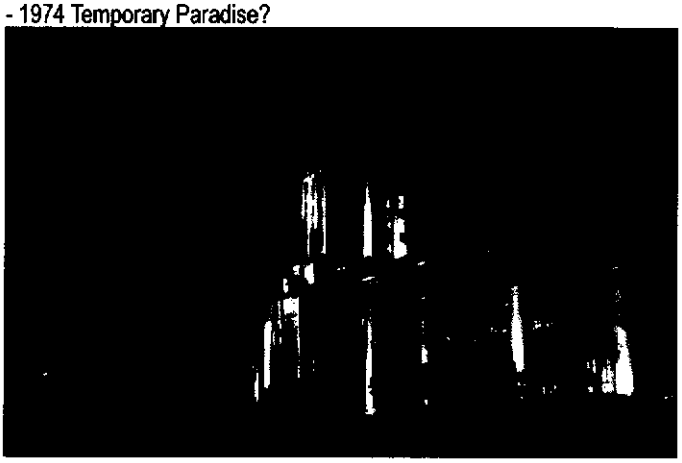
When the presentations finished, the workshop welcomed an open dialogue about that had been shown and for people to give their thoughts on NEVP planning.

Downtown architect and former C3 president **Tom Anglewitz** said that he was involved in the early NEVP planning process and thought that the original 1998 NEVP plan should be the foundation for what we do on the embarcadero. He asked what we could implement now, while remaining faithful to the longer-term vision? He said that mistakes were made when the original convention center was oriented parallel to the water. He said the original Sasaki planning team was concerned over conflicts between public uses of the north embarcadero and industrial cruise ship operations. He asked now that the oval park is gone, what should we do at the foot of Broadway? The original vision called for the Broadway Pier to be an open ceremonial pier. Now that that has been undercut, where should a new pier be built for similar uses? He complained about the location of SDG&E backflow preventers and transformers at the foot of Broadway Pier. He said let's acknowledge that a fundamental mistake was made on Broadway Pier, but move forward with the rest of Phase 1, and in the longer term focus on moving cruise ship operations to TAMT.

Michael Leonard Creditor said that we must first conceive a long-term vision for the whole embarcadero, and then consider individual projects within the context of that consensus vision. He said that time does not matter. What really matters is taking the time needed to get this plan right. He said that he liked the activities that having a cruise ship on the north embarcadero brings, but that he now supports the idea of moving cruise ship operations to TAMT.

In response to questions, the Port representatives said that the Port now has legal title to the Navy Pier, and that they remain open to the idea of putting a statue of

Kevin Lynch:
"San Diego Bay, a unique expanse, more intimate and less turbulent that San Francisco Bay, is scarcely accessible to its people..."
- 1974 Temporary Paradise?



baseball star Ted Williams at the new Lane Filed Park. **Stacey Pennington** confirmed that the idea would be considered.

Harry Zanville of Cityfront Terrace said that we need to look at the bigger picture, and that developer rights don't trump quality of life issues on the waterfront. He said that the NBC site could be a place with both public and commercial uses, citing places like Stanley Park in Vancouver and Battery Park in New York. He said we are trying to find and implement great ideas, instead of just saying no to everything.

Ken Victor said he lives on Kettner Blvd. North of the Santa Fe train station. He said he wants to see the NEVP plan implemented in his lifetime and thought we need an LT to help push the plan over the goal line. He noted that form should follow function; that we should decide what is going to happen along the embarcadero to attract the public down to the waterfront, then design roads and structures to support those activities. He said we need to activate our green space and be true to our harbor's history. He talked about public marketplaces on floating barges he's seen in other bay front cities. He said our waterfront needs to add "wow" factors to make it an active, attractive public space.

In response to a question from the audience **John Helmer** said that the Port staff still plans to take the Phase 1 CDP to the board in November that no delay was needed to modify Phase 1 to accommodate any of the ideas discussed at the workshop. He said the Port is taking comments on the PMPA amendment EIR (but not phase 1) up until Nov. 18.

Steve Peace noted that the rendering they did back in 2007 clearly shows that the existing development entitlements the port has awarded to developers could be accommodated while creating new park space along Harbor Drive if the massing of the projects were simply focused on the eastern sides of the various sites along the North Embarcadero on Pacific Highway instead of the west side along Harbor Drive. He said there is no need to create friction between waterfront public access activists and the port's developers, since both could be accommodated by moving building densities to the east side of the north embarcadero parcels.

David Malmuth asked if the port's new phase 1 CDP is likely to be appealed to the California Coastal Commission. Several workshop participants indicated that is likely to happen.

Jay Turner asked that any further waterfront planning efforts partner with the residents of Barrio Logan, whose community plan is in the middle of an update.

Ramona Salisbury Kiltz asked when the preliminary phase 1 traffic and parking study was going to be made available to the public? John Helmer said that the port intended to do more traffic studies as part of phase 2 planning, but did not say when the preliminary phase 1 report would be released.

Ian Trowbridge said it was time to bring the County and the Navy back on board the NEVP planning process.

Former C-3 board member **Tom Leech** said that the Port's current planning process ignores the public. He noted that Mission Bay is truly accessible to the public, but San Diego Bay is not. He said that Shelter Island has a nice mix of public and commercial uses. He complained that Harbor Drive is a dead zone, and that nobody ever walks along it. He warned that the Navy wouldn't listen to the public.

John Helmer announced that the Lane Field setback park will be addressed in the NEVP phase 1 CDP but depends on the Lane Field team convincing the coastal commission to approve an amendment to their CDP to allow the public park to go in on the west side of their leasehold.

Martin Poirier said that moving forward with the esplanade and Broadway Plaza portions of phase 1 would not preclude the option of narrowing and realigning Harbor Drive later in the PMPA planning process.

Unfortunately, **Scott Andrews** decided to challenge the civility of the dialog when he asked why we couldn't have a great waterfront, since the state tidelands belong to the public. He complained that moving ahead with phase 1 now would preclude mitigation for the loss of a public Broadway Pier and the public Broadway Landing Park. He said not to trust hollow promises about what might happen in phase 2 of the NEVP planning process, since the Port is not bound by those promises. He said the current Port Master Plan is the law, and the standard of review for any projects the Port proposes.

Nick Marinovich asked who is the regional leader championing the NEVP? He said we need someone who is regionally respected to take the lead on bringing about the vision in the original NEVP. He urged that we resurrect the original NEVP Alliance and expand the NEVP JPA to include representatives of the community. He suggested that an independent NEVP JPA website be put up, not one controlled by the Port or CCDC, so that no one agency dominates the planning process. He said we could encourage the County to come back into the JPA and finish the CAC Park that has already been approved by the coastal commission. He suggested that an NEVP JPA Parks Financing Committee be formed to focus solely on coming up with financing for new public space along the north embarcadero.

Vonn Marie May said we should create more active public space along the embarcadero. She supported moving the cruise ships to the TAMT. She explained logistics for the bayfront walking tour to be held after the workshop.

David Malmuth outlined his own effort to move waterfront planning along. He said that it's very important to decide what activities are going to happen on the north embarcadero. He said that programming of the space should take place before the design process moves too far along. He suggested two key planning principles that should be adopted by all parties: 1) the waterfront should be programmed and designed for San Diego residents first and for tourists last; and 2) our waterfront should be about and reflect what is unique about San Diego, not other cities ports, arts or culture.

Mr. Malmuth listed several planning imperatives he feels should be addressed:
- Activate the Broadway Pier and the new terminal building for public uses;
- Identify and create a "WOW!" art element at the foot of Broadway;
- Activate the esplanade for public uses;
- Recognize that we're on the water, so integrate bay water uses into planning.

Marilyn Field asked where were the representatives of the City of San Diego? The city should be more directly involved in waterfront planning for our downtown. Why isn't the city's Downtown Community Plan better integrated with the NEVP planning effort? She said that planning for Phase 1 is incomplete, so the port should not try to rush through a new Phase 1 CDP at this time. She said the port's current plans are not imaginative enough and we should take the time to get NEVP plans right, not fast. She said we needed something to draw people down to the waterfront with new restaurants and landscaping, with places for children to safely play baseball. She said we need a grown up waterfront performing arts center with "knock your socks off" architecture.

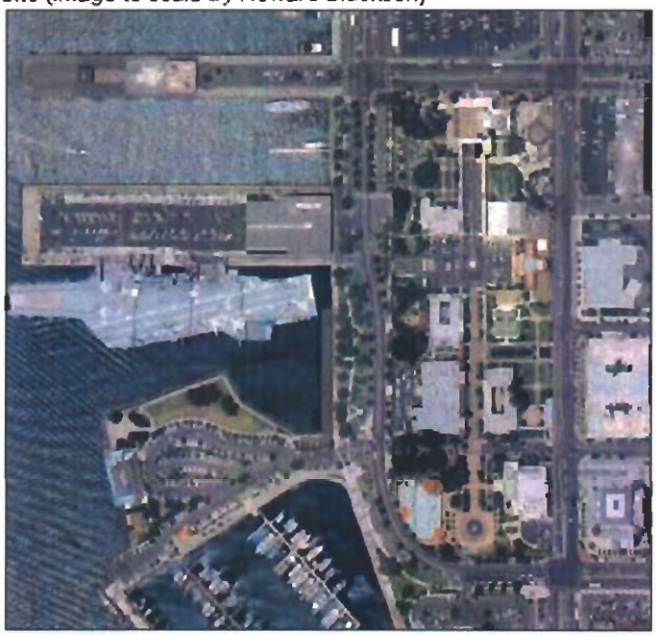
Don Wood noted that the existing Port Embarcadero Planning Center where we were holding the workshop is slated to be demolished around the end of the year to make room for the new Ruocco Park to be built on the site and

asked that the Port designate another facility along the embarcadero as the new Port Embarcadero Planning Center, so that this kind of cooperative community waterfront planning could continue without any hitches.

Howard Blackson wrapped up the workshop by announcing that **Vonn Marie May** would be leading the **walking tour** after lunch. He reminded everybody that great public spaces also need to work economically. He called on the Port, the city and CCDC to resuscitate the original NEVP alliance by bringing the county and the Navy back into the NEVP planning process.

NEVP Plan

Balboa Park's Prado relocated on the Navy Broadway Complex Site (image to scale by Howard Blackson)



Downtown's City Hall Complex relocated on the Navy Broadway Complex Site (image to scale by Howard Blackson)

Conclusions

Additional Information

Recommendations

Citizen Project Examples

Next Steps

Additional Information

The organizers of the event will continue to work with the Port and Citizens of San Diego Commission on improving the waterfront. All who attended appreciated the event and the spirit of collaboration.

Video of the workshop can be found here: www.youtube.com/watch?v=jQ5OvHRSMWU

Major Recommendations and Consensus Points

First, the Port should recruit the County of San Diego to rejoin the NEVP Alliance and re-purpose the NEVP Joint Powers Authority, in order to ensure that new parks and gardens planned the Port along the North Embarcadero are designed in coordination with the County's new park at the County Administration Center.

Second, the waterfront should be home to San Diego's iconic civic buildings, civic spaces and regional public parks. We need fewer single-use residential towers on Centre City Development Corporation (CCDC) controlled property near the tidelands and plan for more schools, museums and arts facilities built around the Embarcadero in order to better activate the area's public spaces. The Port should work more closely with CCDC and the City of San Diego to ensure that new buildings planned and built east of the tidelands will work with new public parks and other public amenities developed on the tidelands.

Third, the Port Master Plan Amendment (PMPA) planning process should start with the adoption of a clear set of planning principles and guidelines that will shape future redevelopment of the North Embarcadero. A set of such principles and guidelines were adopted as part of the original 1998 NEVP, but have not always been adhered to the Port since they where adopted. It is is time to revisit them and update them for today's environment. The updated planning principles guidelines should adhere to today's planning laws and regulations,

including but not limited to AB 32, SB 375, the California Environmental Quality Act (CEQA), the California Coastal Act, and modern urban planning principles that support the accommodation of people over ships, cars and trucks.

Fourth, there should be a long term Plan for the Long Term Relocation of Cruise Ships to Tenth Avenue. This issue was the most common and widespread comment received from the audience and comment cards. The construction/aesthetics of the Broadway Cruise Ship Terminal coupled with the additional security/operational requirements associated with 9/11 were frequently cited reasons. One of the most compelling reasons for a Port Master Plan Amendment should be a response to changes in institutional or physical conditions that did not exist at the time of preparation and adoption of the original North Embarcadero Visionary Plan. The 9/11 spillover impacts on operations and security have dramatically changed cruise ship operations and the waterfront access components that were so important in the North Embarcadero Plan.

Fifth, the current North Embarcadero Planning Area is significantly impacted by surrounding land uses particularly the Airport and potential realignments of Harbor Drive and diversion of traffic to Pacific Highway. While there was no clear consensus on the specific appropriate use of Harbor Drive (e.g. number of lanes and realignments), it was clear that this was a critical planning issue that must be dealt with now in order to guide the long term land use planning process. Given this consensus point and the view on the Cruise Ship Terminal, the North Embarcadero Planning Area probably needs to be expanded.

Sixth, all new structures planned for the North Embarcadero should be designed in a manner that adds no new net energy demand to the area. All new buildings should meet U.S. LEED - New Construction (Leadership in Energy Efficiency Design) certification standards and meet LEED Silver standards at a minimum.

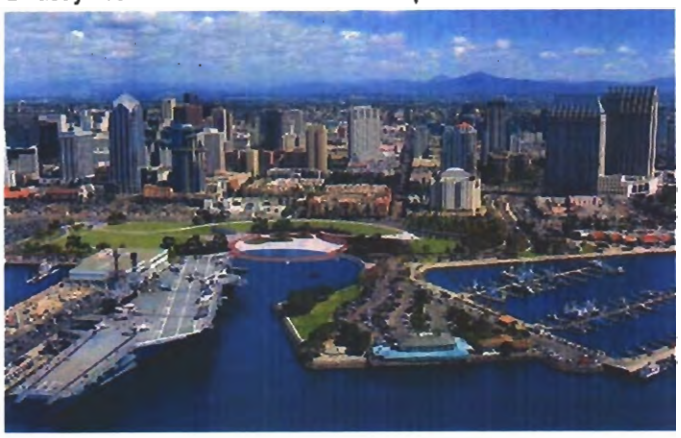
Seventh, identify transit stations along the North Embarcadero and implement the new Bayfront Shuttle operation, which should be designed to work seamlessly with existing trolley and bus operations along the embarcadero. People should be able to come to the downtown waterfront using the trolley or local busses, then walk to the esplanade, without having to bring a vehicle along. The transit and transportation circulation plan for the embarcadero should make full use of the region's trolley and bus capabilities. The Port should encourage SANDAG and the Metropolitan Transit System to extend the Trolley and local bus service to better serve Lindbergh Field and the North Embarcadero as well.

Next Steps

In response to current Port planning processes, Don Wood has submitted these and additional points to the Port Authority in response to the Notice of Preparation for the North Embarcadero Port Master Plan Amendment (NEVP MPA) EIR process. In addition, the goal in submitting these recommendations is to ensure that the NEVP PMPA EIR process fully considers alternatives that could create a more balanced and economically healthy embarcadero while increasing public access and utilization of this unique place in the world. Please ensure that the EIR process fully considers and vets the issues and concepts outlined in these public workshops and that the studies requested are completed as part of the EIR process before a draft EIR is developed.

Citizen Project Examples

Lindsay Brown's Waterfront Park Concept:



Lindsay Brown
Navy Broadway Complex Park

Phil Bona
North Embarcadero Plan

Jim Frost
Tenth Avenue Marine Terminal

David Saborio
Harbor Drive Promenade

Steve Peace and Carl Nettelton
Multi-Modal Station & Waterfront

Howard Blackson
B Street Plaza / Roundabout

Hubbell and Hubbell
Navy Broadway Complex Park

Phil Bona and NewSchool of Architecture's Sustainable Waterfront Concept:

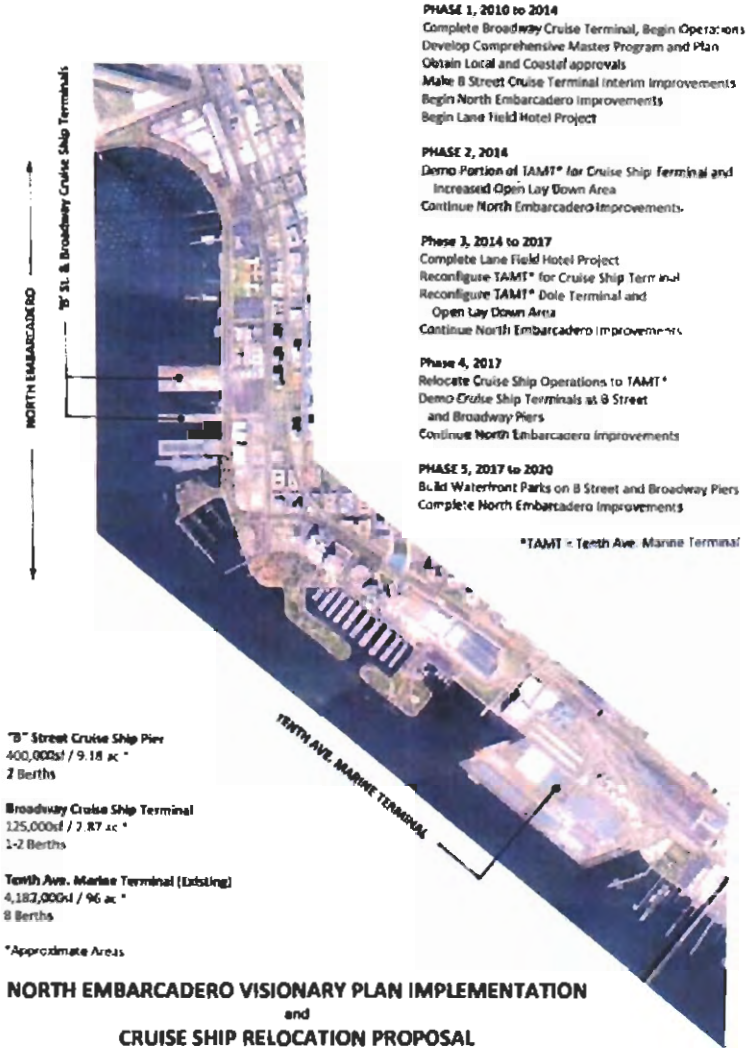
THE NEIGHBORHOOD APPROACH:
TO THE SAN DIEGO WATERFRONT

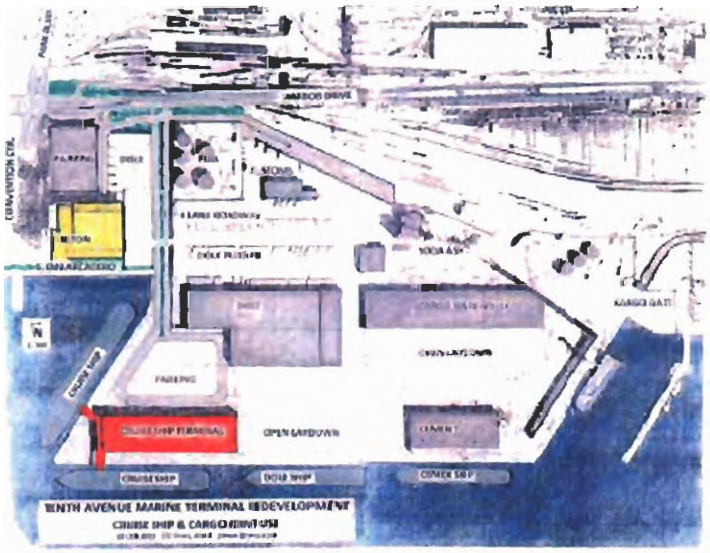
Utilizing the LEED for Neighborhood Design Criteria *Shooting for Platinum!*

American waterfront redevelopment offers some of the greatest challenges for our urban communities as they benefit from their rivers, bays, and lakes and create places of distinguished architecture, hospitality, public art and employment. Our program discusses the opportunities and challenges in creating a rich urban edge that is a unique response to the region, context, culture, and aspirations of the San Diego community. Our analysis covers subject matter that is crucial to contemporary waterfront redevelopment design and planning while addressing the sensitive balance of expectations between the Community, the City, the Redevelopment Agency, the Navy, and the Port Authority. This exercise will attempt to illustrate the implications of urban design's different strata: political, economic, social, cultural, environmental, architectural, and placemaking. We will examine critical issues including sustainable design, working waterfront planning, community open space planning, urban redevelopment, economic viability, and community outreach. Ultimately to be successful, the waterfront redesign must go beyond its separate entities to encompass a comprehensive and sustainable neighborhood design. This is the primary focus of Baucentrum Urban Studio.

Next - 4

Jim Frost's Tenth Avenue Marine Cruise Ship Terminal Concept:

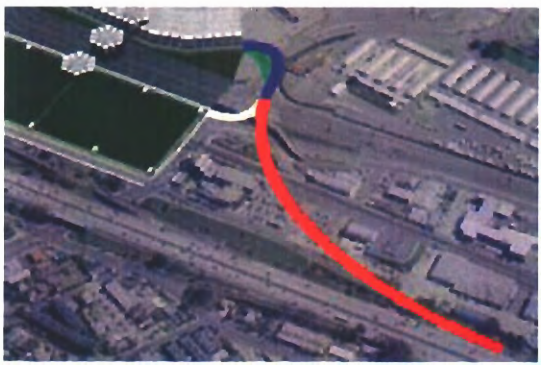




Next - 5

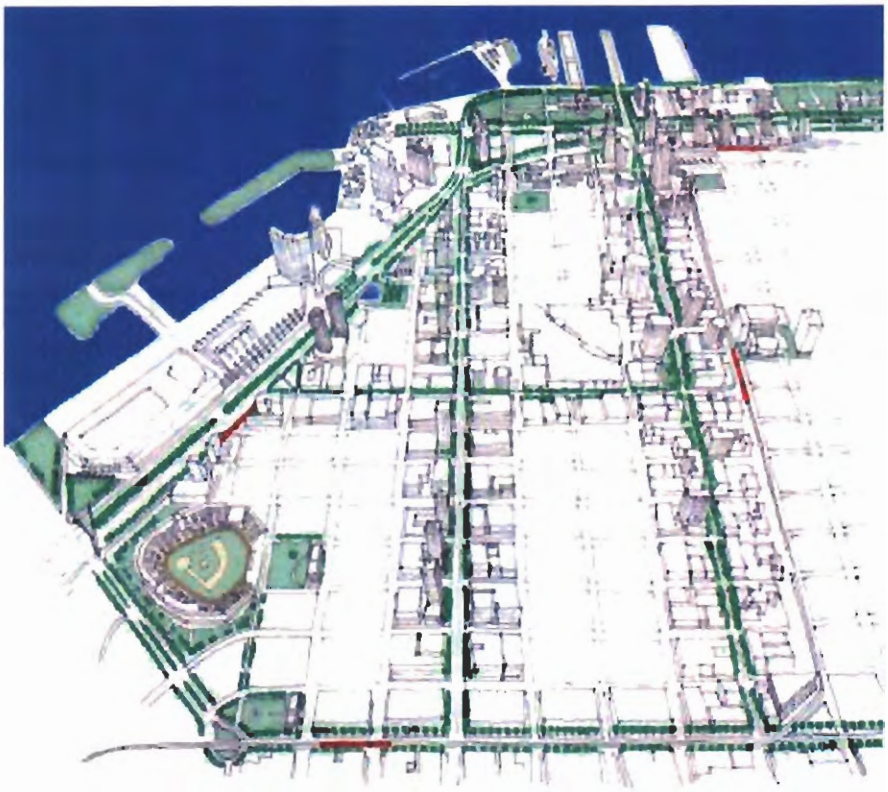
David Saborio Waterfront Promenade Concept:

Steve Peace and Carl Nettleton's Regional Waterfront Concept:

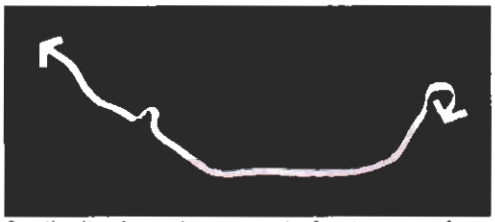


Next - 6

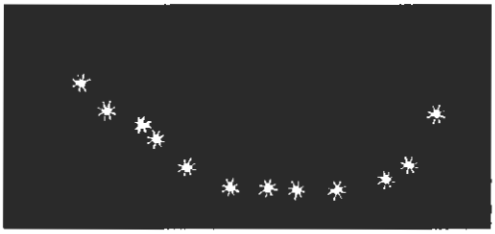
Howard Blackson's Downtown Civic Space Plan, Urban Design Manual and B Street Pier Civic Design Plans:



Connectivity: Visually and physically connect spaces along the waterfront and from the city to the bay (with views and piers).



Continuity: A continuous waterfront system for walking, jogging, biking and skating.

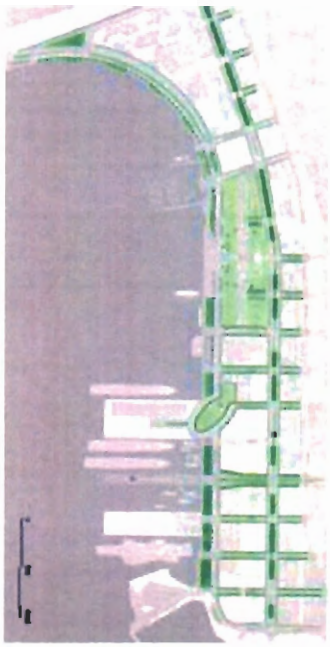


Sequence: A sequence of various recurring civic spaces at significant points along the waterfront. These places have special views or aligned with city streets.

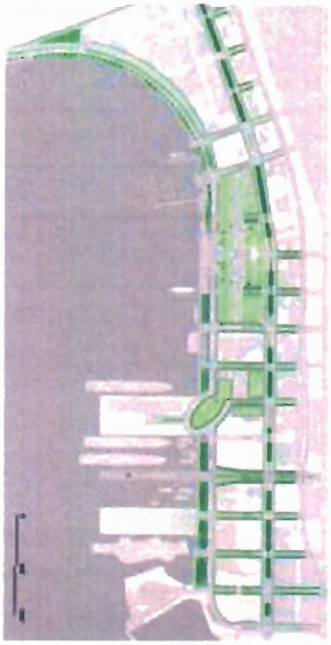
Port of SD's B NEVP Plan

B Street Roundabout

B Street Plaza

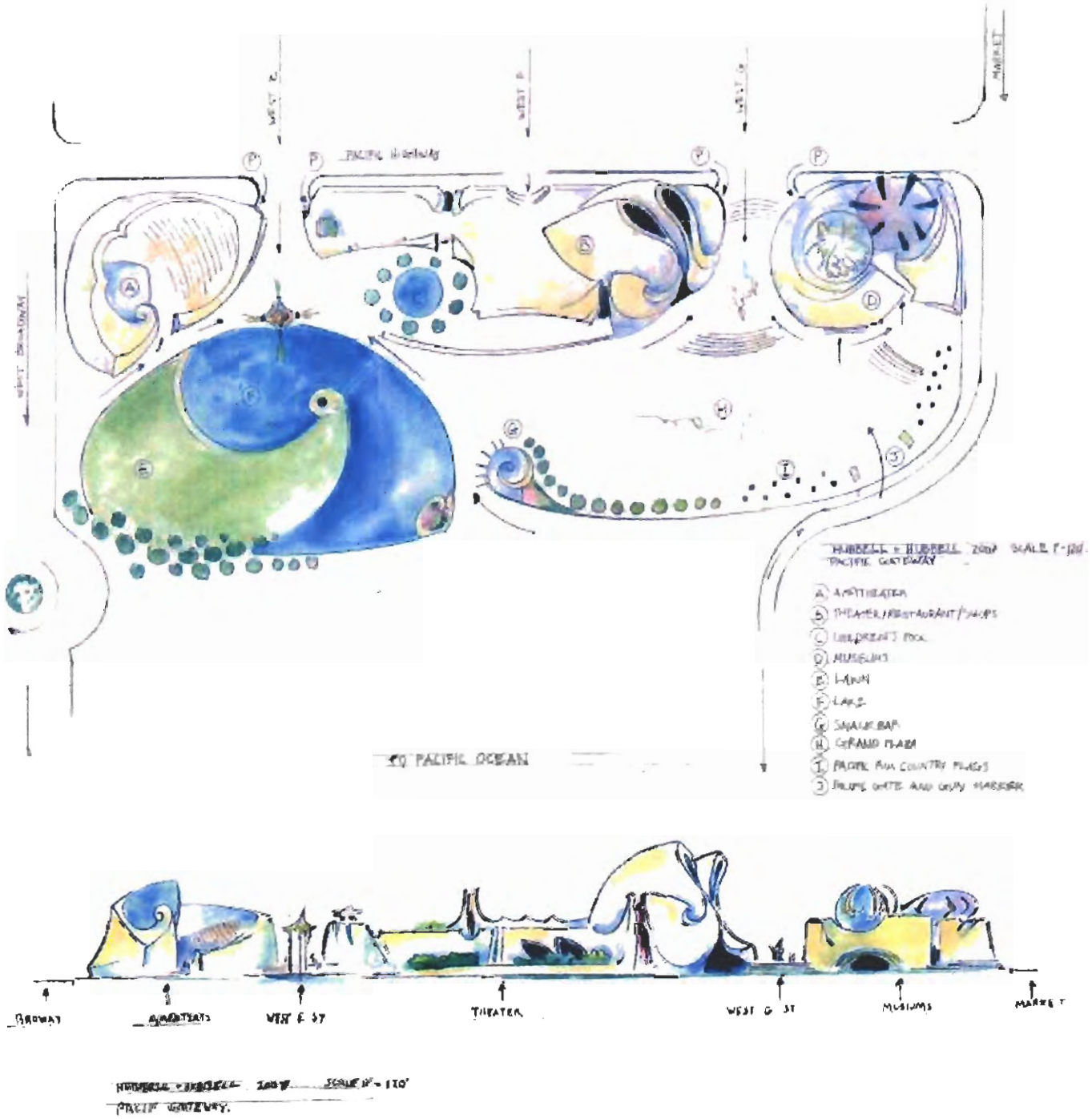


B Street Parks



Next - 7

Hubbell and Hubbell Broadway Complex Waterfront Park Concept:



James and Drew Hubbell:

"Rarely is a city given a chance to reinvent itself. But this is happening in San Diego. The Navy is vacating the land adjacent to San Diego Bay. We can change the image of our city from a community built around national defense into one that emanates outward, relating with peace and prosperity to the nations of the Pacific Rim. The land around San Diego Bay longs to be a civic and cultural center from which San Diego can grow as a gateway to the Pacific and the future. Developing this priceless site with courage and imagination can give us a new vision of ourselves and our role in the world. This can enhance the economy --as well as our identity. The people of San Diego have a unique part to play in the evolving Pacific culture. We have a chance to reshape San Diego's image into what we've been claiming it to be: America's finest city. We can become one of the most beautiful and dynamic cities on the Pacific." - 2010 Waterfront Workshop

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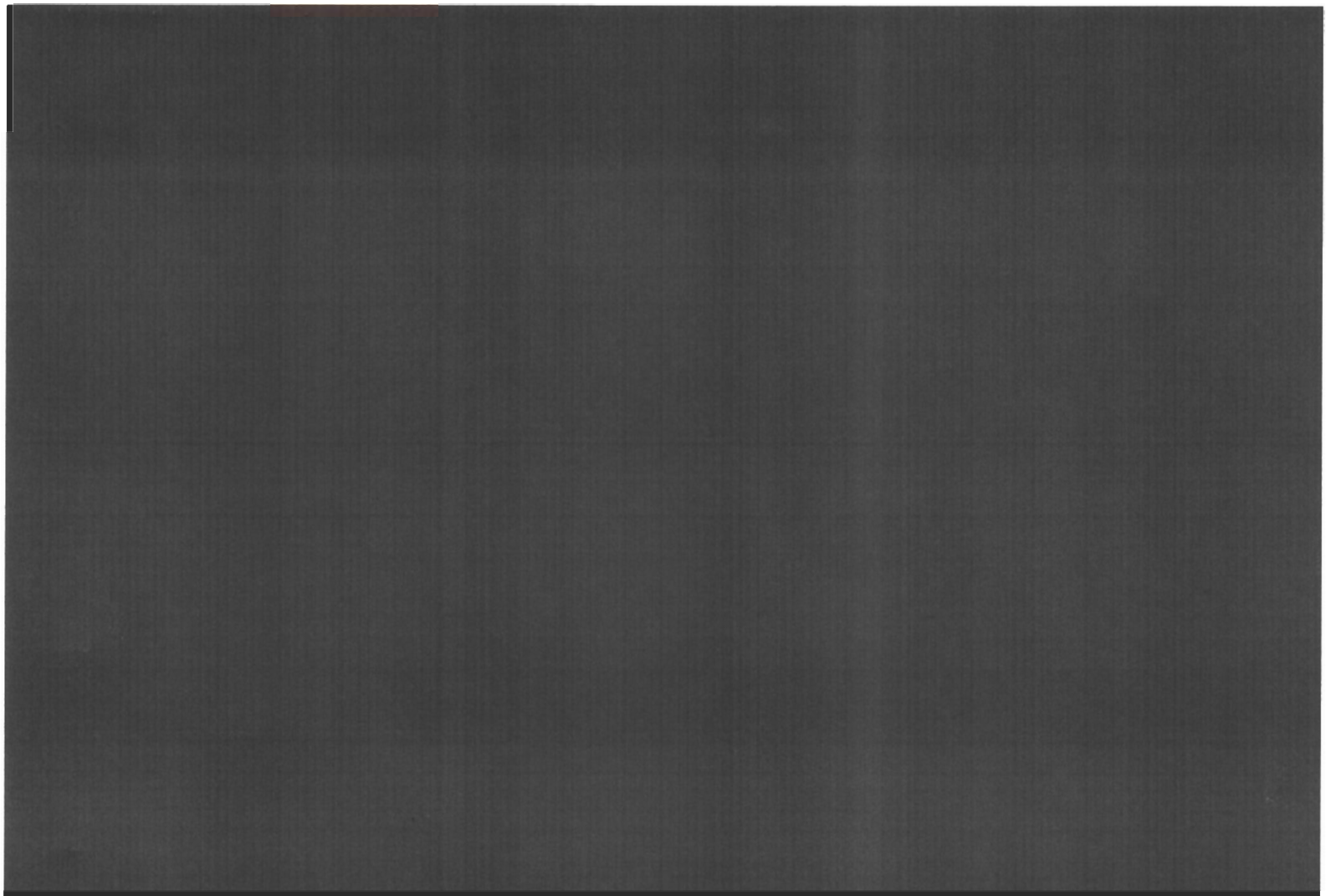

Re-Envisioning the Waterfront Report:
Publicly Initiated Workshop for the Citizens of San Diego
October 23, 2010
Port of San Diego Planning Center

BRIGGS LAW CORPORATION

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Please respond to: Inland Empire Office

BLC File(s): 1434.07

21 March 2011

Diana Lilly
California Coastal Commission
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4402

Via First-Class Mail and E-Mail

Re: North Embarcadero Visionary Plan Phase 1 Revisions--California Coastal Commission Meeting on April 13-15, 2011

Dear Ms. Lilly:

On behalf of the San Diego Navy Broadway Complex Coalition, I am writing to express my client's conditional support for the Commission's approval of the San Diego Unified Port District's coastal development permit for the revised Phase 1 of the North Embarcadero Visionary Plan (NEVP).

As you know, my client had been opposed to the Port's actions on Phase 1 because the Port was trying to develop Phase 1 in a manner inconsistent with the NEVP and the Port Master Plan. After the Commission's denial of the Port's plans in April 2010, the Port and my client, along with the developer of the proposed Lane Field hotel, began working together to achieve a mutually agreeable compromise. Those efforts culminated in a Memorandum of Understanding (MOU) between the Port, the developer, and my client late last year. Thus, my client is now pleased to be supporting the revised Phase 1 proposal provided that the conditions to such support, as spelled out in the MOU, are satisfied. (A courtesy copy of the MOU accompanies this letter.)

The compromise embodied in the MOU is significant in four ways. First, it achieves "labor peace" for the developer and UniteHERE. Labor peace is beneficial for the entire community.

Second, the MOU ensures that a 150-foot Setback Park/Plaza is created along North Harbor Drive between West Broadway on the south and the prolongation of "B" Street on the north. The Setback Park/Plaza must be designed and constructed before the substantial completion of the remainder of the revised Phase 1 development or before the first Lane Field hotel opens for business, whichever comes first. Prior to this deadline, the Port must also allocate funding sufficient to complete the Setback Park/Plaza on the affected portion of the Navy's property at 1220 Pacific Highway.

Third, the MOU obligates the Port to make a good-faith effort to acquire that portion of the Setback Park/Plaza to be located on the Navy's property and to request funding for the acquisition from the San Diego Redevelopment Agency before any construction on the revised Phase 1 may begin. However, the completion of the Setback Park/Plaza is not contingent. Since the Port already

EXHIBIT NO. 18
APPLICATION NO.
A-6-PSD-11-6
Letters of Support
California Coastal Commission

has an option to acquire the property from the Navy, the Port's overall commitment to "allocate funding sufficient to complete the remainder of the Setback Park/Plaza on 1220 Pacific Highway" before the rest of the revised Phase 1 development is substantially completed will ensure that the entire Setback Park/Plaza is funded, designed, constructed, and available for the public by the time that the rest of Phase 1 is finished. In effect, the MOU guarantees that the Port will complete the Setback Park/Plaza with or without the financial assistance of the Redevelopment Agency.

Fourth, the MOU requires the Port, as part of its work on NEVP Phase 2, to give consideration to two alternative 205-foot setback parks/plazas running west of the County Administration Center between the prolongation of "B" Street on the south and Hawthorn on the north. One setback park/plaza will be based on the current alignment of North Harbor Drive, while the other will assume that North Harbor Drive is re-aligned eastward so that the setback park/plaza lies on the San Diego Bay side of North Harbor Drive. Each of these proposals must receive the same consideration that the primary NEVP Phase 2 project receives (that is, they'll be considered on equal footing with the primary project and not merely as two alternatives among the reasonable range of alternatives normally evaluated in an environmental impact report).

My client believes that these four components of the MOU will substantially achieve the NEVP's goal of providing significant public amenities near the intersection of West Broadway and North Harbor Drive. The compromise is not perfect. But given the tremendous improvements made to Phase 1 over the last year, my client believes that the compromise goes a long way toward achieving the dream that the NEVP captured for San Diego's waterfront.

Before closing, I want to point out that the MOU explicitly reserves my client's rights with regard to Broadway Pier. As you know, my client is strongly opposed to the new cruise ship terminal on Broadway Pier because it is not part of the NEVP and was inappropriately added to the Port Master Plan through a *de minimis* amendment based on false pretenses. Among other things, the new terminal creates a home-port facility at a location that was intended to serve as a port-of-call facility when both berths at the "B" Street Pier are unavailable; enables the Port, by its own admission, to berth a fourth cruise ship at the North Embarcadero even though only three ships were contemplated; eliminates the views of San Diego Bay and downtown San Diego that were to have been maintained and enhanced on Broadway Pier as mitigation for the views lost on account of the Midway Museum; and renders substantial portions of the Pier unavailable to the public when cruise ships are berthed there (due to security rules) and even when cruise ships are not berthed there (*e.g.*, no access to the north side of the building, no ability to use the terminal for a private event without paying a large fee).

At this time, having not yet seen the staff report or the Commission's motion for the revised proposal, my client is unable to offer any specific comments related to Broadway Pier as part of the Commission's consideration of the revised Phase 1. Whatever the Commission does, however, my client believes that public access must be fully protected. In particular, the Commission must ensure that Broadway Pier is never used for a fourth cruise ship, is never used when there is an available berth at the "B" Street Pier, is used for private events (*e.g.*, weddings, dinners, or fundraisers) not more than 50 days between March 1 and October 31 and not more than every other weekend, and at all other times is open to the public without charge.[1] Approving the revisions to Phase 1 without

[1] These restrictions in no way compensate for the illegal new terminal on Broadway Pier. My client is challenging the terminal in court and will soon ask the Commission to reverse its approval of the *de minimis* amendment that allowed the Port to proceed with the terminal. Until those matters are decided, the Commission should take this

imposing restrictions to protect the public's access to Broadway Pier would effectively reward the Port for the misrepresentations it made in order to obtain the Commission's approval of the *de minimis* amendment and would render your approval of the revisions inconsistent with the Coastal Act.

I indicated at the beginning of this letter that my client's support for the NEVP Phase 1 revisions is conditional. That is because my client has not yet seen the staff report and recommended conditions for the proposal. My client's assumption is that anything recommended by staff and approved by the Commission will be fully consistent with the MOU. Until that assumption is proven true, my client can only offer its conditional support for the proposal.

If you have any questions or need any additional information, please do not hesitate to contact me. (Please note that I will be out of the country until April 5, 2011.)

Sincerely,

BRIGGS LAW CORPORATION

Cory J. Briggs

Enclosure

cc: Shaun Sumner (via e-mail only)
Jerry Trammer (via e-mail only)
Graham Forbes (via e-mail only)

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opportunity to lessen some of the harm that has been caused by the illegal new terminal.

(8)

San Diego Unified Port District
Document No. 57019
Filed NOV 15 2010
Office of the District Clerk

MEMORANDUM OF UNDERSTANDING

North Embarcadero Visionary Plan Phase 1, North Embarcadero Port Master Plan Amendment, and Lane Field Project

This Memorandum of Understanding (MOU) is entered into as of this 9 day of November, 2010, by and among the SAN DIEGO NAVY BROADWAY COMPLEX COALITION, a 501(c)(3) corporation (Coalition); LANE FIELD SAN DIEGO DEVELOPERS, LLC, a Delaware limited liability corporation (LFSDD); and the SAN DIEGO UNIFIED PORT DISTRICT, a municipal corporation (District) (in aggregate, the Parties).

RECITALS

A. As of the execution of this MOU, the Coalition includes Ian Trowbridge as co-chair, Diane Coombs as co-chair, Don Wood as board member, and Unite HERE as a member, as well as other members including community groups and members of the public.

B. On April 14, 2010, the California Coastal Commission (CCC) denied a Coastal Development Permit (CDP) for North Embarcadero Visionary Plan (NEVP) Phase 1. The CCC made several suggestions as to how the project could be modified to obtain CCC approval in the future, including, in general terms, additional public outreach and the provision of an additional 2.5 acres of public space (*e.g.*, park/plaza) along the North Embarcadero.

C. In response to the CCC and direction from the Board of Port Commissioners, the District worked closely with the public, the Coalition, and LFSDD to revise the NEVP Phase 1 project to satisfy CCC concerns and obtain CCC approval if necessary. The District provided nine additional opportunities for public comment and has arranged or will arrange to secure additional public space on the Lane Field site, including land currently leased to the Navy at 1220 Pacific Highway, within a 150-foot setback from North Harbor Drive. In addition, staff is recommending additions to NEVP Phase 2 and future phases of NEVP (collectively, "Future NEVP Phases") through the new North Embarcadero Port Master Plan Amendment and Environmental Impact Report (the "North Embarcadero PMPA") by amendments to the Notice of Preparation (NOP).

D. This MOU sets forth the Parties' expectations and commitments in the event certain actions are considered or taken by the Board of Port Commissioners, the CCC, and the Redevelopment Agency of the City of San Diego.

ORIGINAL

E. In order to avoid any potential legal action, litigation or other action challenging the NEVP Phase 1 project, the District desires to obtain the Coalition's support for approval of the NEVP Phase 1 project and the Coalition desires to obtain commitments for public access and public space (*e.g.*, park/plaza) as part of the NEVP Phase 1 project and to obtain additional commitments to study public access and public space (*e.g.*, park/plaza) both east and west of existing Harbor Drive.

F. This MOU is applicable only to the NEVP Phase 1 project, the North Embarcadero PMPA, Future NEVP Phases, acquisition of 1220 Pacific Highway, and the Lane Field project, and in no way affects (1) the Coalition's rights and claims in the civil proceeding known as *San Diego Navy Broadway Complex Coalition v. San Diego Unified Port District, et al.*, San Diego County Superior Court case no. 37-2009-00096726-CU-MC CTL or (2) the Coalition's rights and claims relating in any way to the USS Midway Museum, the Navy Pier, or the Broadway Pier.

AGREEMENT

NOW, THEREFORE, FOR VALUABLE CONSIDERATION THAT THE PARTIES ACKNOWLEDGE, THE PARTIES AGREE AS FOLLOWS:

1. **CONDITIONS.** As consideration for the commitments from the Coalition in Section 2 below, the conditions below must be satisfied.

   A. **Labor Peace.** LFSDD must achieve labor peace on the Lane Field project, evidenced by a written agreement fully executed prior to issuance of a Coastal Development Permit for NEVP Phase 1. The Parties acknowledge this condition has been satisfied as of the execution of this MOU.

   B. **Setback Park/Plaza.** The District and LFSDD must establish a 150-foot setback from North Harbor Drive for the entire distance between the prolongation of "B" Street to the north and West Broadway to the south. Within the setback, the District and LFSDD must design, permit, and construct public space (the "Setback Park/Plaza") as part of the NEVP Phase 1 project or as part of the Lane Field project, whichever comes earlier. Prior to the earlier of the substantial completion of the NEVP Phase 1 project or the opening of the first hotel to be constructed as part of the Lane Field project, the Setback Park/Plaza must be designed and constructed and the District must allocate funding sufficient to complete the remainder of the Setback Park/Plaza on 1220 Pacific Highway.

      (1) The District must adopt an appropriate land use designation for the Setback Park/Plaza and, to the extent feasible, incorporate the Setback Park/Plaza into the Coastal Walk.

(2) The eastern boundary of the Setback Park/Plaza may be curvilinear or otherwise articulated so long as the gross land area within the setback is the same as if the eastern boundary were drawn as a straight line.

(3) LFSDD has the right to develop an area extending approximately 25 feet west from the eastern boundary of the setback for uses ancillary to the Lane Field project. The planning and design of this area must occur through a public process and public access must not be excluded in the area any more than is necessary to comply with laws governing the activities proposed for the area by LFSDD.

(4) LFSDD has the right to develop underground structured parking beneath its project site which may extend under the Setback Park/Plaza to the extent required, if necessary, to accommodate all project parking requirements plus the 300 public parking spaces required by the North Embarcadero Visionary Plan Master EIR.

(5) LFSDD must conduct various design studies for the Setback Park/Plaza with an emphasis on creating a viable program that will activate both the public and private spaces within and contiguous to it, and seek public input in the form of public outreach forums for the proposed designs.

(6) The Coalition has the right to comment on any selected designs for the Setback Park/Plaza before they are finalized.

(7) LFSDD has the right to occupy and use the Setback Park/Plaza for staging during construction of its Lane Field project. LFSDD's staging will be permitted through the District's standard right of entry agreement or such other agreement as the District and LFSDD determine.

(8) LFSDD has the right to occupy and use the Setback Park/Plaza consistent with the District's permitting policies for public parks.

C. **1220 Pacific Highway.** The District must make a good-faith effort to acquire that portion of property within the 150-foot setback on the Navy's leasehold at 1220 Pacific Highway to incorporate it into the Setback Park/Plaza.

(1) The District must continue to explore private and public funding options for acquisition of the Navy leasehold interest at 1220 Pacific Highway.

(2) Prior to commencement of construction of NEVP Phase 1, the District must request funding from the City of San Diego Redevelopment Agency for the acquisition of 1220 Pacific Highway.

(3) Within thirty (30) days after the District acquires the 1220 Pacific Highway leasehold, and the Navy vacates 1220 Pacific Highway, and the

existing structures within the 150-foot setback are demolished, the District must commence construction to incorporate the vacated leasehold area within the 150-foot setback into the Setback Park/Plaza.

D. **North Embarcadero PMPA.** In the North Embarcadero PMPA, the District must study, at a minimum, (i) one alternative for an average 205-foot setback adjacent to North Harbor Drive as presently aligned, running from Hawthorn to the prolongation of "B" Street; and (ii) one alternative for the realignment of North Harbor Drive to the east of its present location, with the 205-foot-average setback to the immediate west of the realigned North Harbor Drive, to the immediate east of the promenade planned under the NEVP adjacent to San Diego Bay, and again running from Hawthorn to the prolongation of "B" Street. The purpose of the 205-foot setback under these two alternatives is the same as the Setback Park/Plaza. The project description and the NOP for the North Embarcadero PMPA must also be revised to include the study of these alternatives, which shall be studied on an equal footing with the primary project that is the subject of the NOP and not merely as two alternatives among the range of reasonable alternatives that must be studied under CEQA for any project. The study may include an economic analysis of the funding, feasibility, and impacts of the alternatives.

(1) The eastern boundary of the setback may be curvilinear or otherwise articulated so long as the gross land area within the setback is the same as if the eastern boundary were drawn as a straight line.

(2) The District must request from the City of San Diego Redevelopment Agency that funds be set aside for Future NEVP Phases identified through the North Embarcadero PMPA.

(3) The District reserves the right to consider other alternatives in the North Embarcadero PMPA, including those without a 205-foot setback.

(4) Except as expressly prohibited in this MOU, the Coalition has the right to fully participate in the public environmental review and public processes for the North Embarcadero PMPA.

(5) Alternatives evaluated in the North Embarcadero PMPA must consider enhanced pedestrian connectivity within, to, and from the waterfront, and traffic circulation strategies that prioritize pedestrians over cars.

2. **COMMITMENTS.** As consideration for and subject to satisfaction of the conditions described in Section 1 above, the Coalition makes the commitments below.

A. The Coalition will support and actively advocate for, in writing, and where practicable in person or orally: (1) all approvals of NEVP Phase 1, (2) the acquisition of 1220 Pacific Highway, (3) funding for Future NEVP Phases, and

(4) all approvals of a revised Lane Field project. This includes support and advocacy before the Board of Port Commissioners, the Centre City Development Corporation, the City of San Diego Redevelopment Agency, and the California Coastal Commission. This applies to judicial, administrative, and legislative proceedings.

B. The Coalition will take no action whatsoever, directly or indirectly, whether in writing, orally or otherwise, to oppose any governmental approval or funding request which is or may be required for: (1) all approvals of NEVP Phase 1; (2) the acquisition of 1220 Pacific Highway; (3) funding for Future NEVP Phases; (4) all approvals of a revised Lane Field project; and (5) subsequent studies associated with the North Embarcadero PMPA. This applies to judicial, administrative, and legislative proceedings.

C. The Coalition will provide no assistance whatsoever, directly or indirectly, whether financial, legal or otherwise, to any person, organization or other entity to oppose any governmental approval for: (1) all approvals of NEVP Phase 1; (2) the acquisition of 1220 Pacific Highway; (3) funding for Future NEVP Phases; (4) all approvals of a revised Lane Field project; and (5) subsequent studies associated with the North Embarcadero PMPA. This applies to judicial, administrative, and legislative proceedings.

D. Pursuant to its existing option agreements with the District, LFSDD intends to commence remediation of the currently defined Lane Field project site prior to January 7, 2011 in order to vest its existing Lane Field CDP for the Lane Field project as designed and entitled. The Coalition stipulates that it has no objection and will not object through administrative or legal proceedings to LFSDD proceeding in this manner.

E. Subsequent to execution of an amended, restated, and combined Lane Field Option and Lease currently planned to occur by December 7, 2010, LFSDD will commence design of the revised Lane Field project and will diligently exert its efforts to result in the filing of an amendment to its Lane Field CDP no later than May 31, 2011. The Coalition stipulates that it has no objection and will not object through administrative or legal proceedings to LFSDD proceeding in this manner.

3. **ACKNOWLEDGMENTS:** The Parties acknowledge the following:

A. The District has sought and received additional input from stakeholders concerned with the public space, community benefits, and the legal adequacy of NEVP Phase 1. The District, acting alone and in concert with LFSDD, anticipates incorporating significant and meaningful conditions into NEVP Phase 1, and through amendment to the Lane Field option agreements, and through agreement to study additional public space alternatives as part of the North Embarcadero PMPA. The parties further agree that the additional public outreach and this MOU have resulted in an improved NEVP Phase 1 and improved study of Future NEVP Phases.

B. Nothing in this MOU will limit the District's sole and absolute discretion with respect to the environmental review required by CEQA for the North Embarcadero PMPA and the District retains its sole and absolute discretion to consider alternatives in the CEQA documents for the PMPA in addition to those enumerated above, and may select an alternative, and adopt mitigation measures and conditions and statements of overriding considerations which it determines necessary and appropriate.

The contents of this MOU notwithstanding, District reserves its sole and absolute discretion to approve or disapprove all actions which require by law the exercise of discretion and which District cannot lawfully be committed to by contract. Such reservation of discretion will apply to all contemplated legislative and quasi-judicial actions including, without limitation, approval of land use entitlements, CEQA compliance, the exercise of eminent domain, code enforcement and the making of findings and determinations required by law.

C. This MOU may be used by District, Coalition or LFSDD as a full and complete defense to and may be used as the basis for an injunction against any action, suit, claim or other proceeding of any type which may be prosecuted, initiated or attempted in violation of the terms hereof.

D. Each party signing this MOU represents and warrants that it has full authority to obligate the party or parties on whose behalf it is signing and that no further action or authorization is necessary to execute this MOU on behalf of such party.

E. This MOU constitutes the entire agreement among the parties with respect to the subject matter of this MOU and may not be modified except by a written amendment executed by all parties. If any part of this MOU is held by a court of competent jurisdiction to be invalid, void or unenforceable, such decision will not affect the validity of any remaining portion of this MOU and the remainder will stand in full force and effect.

F. This MOU will be construed and covered by the laws of the State of California.

G. This MOU will be binding upon and will inure to the benefit of the parties hereto and to all members, beneficiaries, elected and appointed officials, officers, directors, employees, attorneys, agents, successors, affiliates, heirs and assigns of any party to the extent permitted by law.

H. Where this MOU requires the advocacy of the Coalition, the Coalition will advocate in the manner it deems most likely to achieve its goals. The Coalition is not required to advocate in a manner that it deems in its sole discretion to run contrary to this MOU or to exceed its financial or other resources. Notwithstanding, the Coalition must, at a minimum, advocate in writing or other comparable means sufficient to evidence its support for the issue at hand and appear in-person at meetings held in San Diego County.

I. In the event the NEVP Phase 1 project is approved, the Coalition reserves the right to object to any material failure to implement the NEVP Phase 1 project in compliance with this MOU or in accordance with the terms and conditions of the approval. In the event the NEVP Phase 1 project is not approved, this MOU automatically terminates.

J. Except to the extent expressly provided otherwise in this MOU, each of the Parties retains all its respective rights and privileges under the United States Constitution, the California Constitution, and all other applicable legal authorities, including the right to participate in administrative, judicial, and legislative proceedings related to any matter that is a subject of this MOU.

K. Nothing in this MOU is intended to limit the right of any member of the public, as permitted by law, to participate in or influence any administrative, judicial, or legislative proceeding that relates in any way to NEVP Phase 1, 1220 Pacific Highway, Future NEVP Phases, or the revised Lane Field project.

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L. The Parties acknowledge that each condition to be satisfied by the District under Section 1 of this MOU other than Condition 1-A (regarding labor peace) in exchange for the Coalition's commitments as reflected in Section 2 of this MOU shall be included in any coastal development permit or other legally enforceable entitlement that is approved for NEVP Phase 1 to the extent that the condition is not fully satisfied prior to approval of such permit or other entitlement.

IN WITNESS WHEREOF, this MOU is executed on the date(s) set forth below.

Port Attorney

Signature on file

SAN DIEGO UNIFIED PORT DISTRICT

Signature on file

By _____ 11/12/10
(signature) (date)

PRINT NAME: *Signature on file*
PRINT TITLE: _____

Attorney

Signature on file

BRIGGS LAW CORP.

SAN DIEGO NAVY BROADWAY COMPLEX COALITION

By *Signature on file* Nov 5, 2010
(date)

Ian Trowbridge, Co-Chair

By *Signature on file* 11/5/10
(date)

Diane Coombs, Co-Chair

LANE FIELD SAN DIEGO DEVELOPERS LLC

By *Signature on file* 11-5-10
(date)

Craig W. Clark, Corporate Secretary

SDUPD Docs No. 442322

57019

8

March 20, 2011

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

RE: North Embarcadero Visionary Plan – Phase 1 Visitor Serving and Coastal Access Improvements

Dear Chair Wan and Commissioners:

On April 5, 2010, and on behalf of the Maritime Museum of San Diego, I wrote in support of the Port of San Diego's plans for implementation of the North Embarcadero Visionary Plan. At this date, nearly one year later, I would like once again to lend my support for the plans as now revised. 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 has continued to be modified in response to public input, 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 remain 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. The current budgetary problems facing the State render progress toward the world-class waterfront we have all envisioned for many years ever more vulnerable to circumstances attending such delays.

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 as soon as practicable.

Sincerely,

Signature on file

Raymond Ashley, PhD
President/CEO, Maritime Museum of San Diego

RECEIVED
MAR 21 2011
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

1492 North Harbor Drive, San Diego, California 92101-3309 • (619) 234-9153

March 13, 2011

Chair Sara Wan 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

Dear Chair Wan and Commissioners:

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

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

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

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

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

Sincerely,

Gary Smith
President

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

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COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

SDTMD
SAN DIEGO TOURISM
MARKETING DISTRICT

8880 Rio San Diego Drive, Suite 800
San Diego, CA 92108
phone: (619) 209-6108
email: lstewart@sdtmd.org
www.sdtmd.org

March 15, 2011

Chairwoman Sara Wan and Commissioners
California Coastal Commission
45 Freemont Street, Suite 2000
San Francisco, CA 94105

RE: North Embarcadero Visionary Plan – Phase 1 Visitor Serving and Coastal Access Improvements

Dear Chairwoman Wan and Commissioners:

On behalf of the San Diego Tourism Marketing District, I am writing to express our support for the Port of San Diego's North Embarcadero Visionary Plan (NEVP) Phase 1 plan.

Our organization is focused on generating tourism in the San Diego region, and San Diego Bay is one of the most attractive and unique features that draws people from throughout California and the rest of the world. The enhancement and improvement of the visitor serving areas on our Bay will be especially important as we promote this spectacular destination. It is also very significant that the NEVP Phase 1 is enhancing no-cost and low-cost opportunities for visitors, helping San Diego offer a memorable experience for travelers of all means.

Tourism employs more than 152,000 people in the San Diego region and investing in the NEVP will be generate tremendous positive economic impact while creating an amenity for San Diegans to enjoy as well. We are eager to spread the word about San Diego's new waterfront and look forward to this long-awaited project becoming reality for all to enjoy.

We encourage the California Coastal Commission to approve the NEVP Phase 1 in April, and thank you for your consideration.

Sincerely,

Signature on file

Lori Stewart
Executive Director

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CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

March 16, 2011

GlobalPoint
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Chairwoman Sara Wan and Members of the Commission
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Chairwoman Wan and Distinguished Members of the Commission,

The self-designation of San Diego as 'America's Finest City' is not just a reflection of the beautiful weather we enjoy year round or the miles of pristine beaches that are accessible to the public, but rather our moniker serves as a reminder that we are a visitor friendly city, bringing guests from around the world to touch, taste and experience not just San Diego, but the State of California.

San Diego is a gateway that indirectly supports travel and tourism around the state. It is incumbent on our state legislators to support local and state initiatives that promote tourism. It is an economic driver in California and, like any other product, we must keep it fresh.

What kind of leaders would we be if we just lived in the moment? We must remain mindful of the needs of future generations. Our legacy will, in part, be based on our willingness to commit resources to on-going improvements of our city and state.

As part of the North Embarcadero Visionary Plan (NEVP) we will enjoy a number of critical civic improvements in the following areas:

- It will become a catalyst for an improved waterfront and a magnet for global tourism.
- The direct economic benefit associated with tourism will impact a broad range of industries, each that are vital to our local economy and that of the State of California.
- These proposed changes will result in improved coastal access and provide walking, running, and bicycling paths along San Diego Bay.
- There will be expanded and enhanced public areas for both residents and visitors.
- Changes associated with the NEVP will create a signature feature along the picturesque San Diego waterfront, appealing to potential visitors all around the world.

This is an opportunity for us to create a lasting legacy. Our ability to work together on this critical initiative requires the support of our Coastal Commission leaders. As one of a chorus of voices, please know that I will appreciate your support in helping to push this important agenda forward.

Sincerely,

Signature on file

Tim D. Smith

Tim Smith | PRESIDENT

Direct 858.824.2400 | Main 858.450.4060
Toll-Free 800.275.7384 | Fax 858.450.0628
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THE VOICE OF DOWNTOWN

March 16, 2011

Chairwoman Sara Wan and Members of the Commission
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

RE: Coastal Development Permit for North Embarcadero Visionary Plan Phase 1 Visitor Serving and Coastal Access Improvements

Dear Chairwoman Wan 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 Visitor Serving and Coastal Access Improvements. The Commission's approval is an important step toward the transformation of San Diego's waterfront into a world-class public space.

Significant project amenities will include enhanced no-cost and low-cost visitor features that will be enjoyed by tourists from California and around the world, as well as residents of the region. This plan will create a waterfront gathering place with a grand civic place for visitors and the local community.

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 April Coastal Commission meeting.

Sincerely,

Signature on file

Kris Michell
President

401 B Street, Suite 100 • San Diego, CA 92101 • Phone (619) 234-0201 • Fax: (619) 234-3444 • www.dtsd.org

Board of Directors
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Mike McDowell
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Staff
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President
Sophie Silvestri
Director of Operations

* **SDPTA Past Chairmen**

San Diego Port Tenants Association

March 16, 2011

Chairwoman Sara Wan and Commissioners
California Coastal Commission
45 Freemont Street, Suite 2000
San Francisco, CA 94105

RE: North Embarcadero Visionary Plan – Phase 1 Visitor Serving and Coastal Access Improvements

Dear Chairwoman Wan and Commissioners:

On behalf of the San Diego Port Tenants Association, I am writing to express my support for the Port of San Diego's North Embarcadero Visionary Plan (NEVP) Phase 1 plan.

The San Diego Port Tenants Association has been a strong supporter of NEVP for quite some time because of the project's meaningful benefits for our region and all of California:

- Improved coastal access featuring additional public space for passive and active coastal recreation, including running, walking and bicycling paths along San Diego Bay, public art and civic plazas
- Enhanced no-cost and low-cost visitor serving features that will be enjoyed by tourists from California and around the world, as well as residents of the region
- Waterfront gathering place with a grand civic space for visitors and the local community
- Catalyst for an improved waterfront and tourism activity -enhancing economic benefit of tourism and related industries that are vital to our economy in San Diego and California

The North Embarcadero Visionary Plan has been vetted through extensive community input, and has been modified for the better because of that process. What you have before you now with Phase 1 is a plan that encourages tourists and residents alike to visit the waterfront with family and friends. This project will be an economic engine for all of San Diego, and finally provides the destination waterfront both protects and promotes this precious resource.

I encourage your support of the NEVP and your prompt action to move this project forward.

Sincerely,

Signature on file

Sharon Bernie-Cloward, President
San Diego Port Tenants Association
619.246.1916

CC: SDPTA Board of Directors

2390 Shelter Island Drive, Suite 210 • San Diego, California 92106 • (619) 226-6546 • Fax (619) 226-6557 • Email: sharon@sdpta.com, sophie@sdpta.com
www.sdpta.com

LIRA

Little Italy
Residents
Association

[redacted]

Chairwoman Sara Wan
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94195

Dear Ms. Wan:

The years of careful planning, thoughtful designing and comprehensive community outreach for San Diego's North Embarcadero Visionary Plan will have been well worth all the hard work and exceptional team effort, if we are now permitted to make it a reality. It will serve, as it was envisioned, as San Diego's welcoming front porch for all who live, work and visit our City.

Not only will it provide a magnificent aesthetic expanse along the waterfront, it will also provide improved coastal access with additional public space or running, biking or just taking a stroll along the Bay. It will quite literally transform what is now a patchwork of possibility into a perfect mix of hardscape and landscape, serving as an organic canvas for world-class public art.

Gone will be the blight, decay, auto-centric roadways and uneven, uninviting sidewalks – all deterrents to creating a first class City. In its place will be a contiguous 105-foot linear esplanade along the water's edge.

Here people will gather for events of all kinds: festivals, family picnics or a quiet meditation beneath a Jacaranda. Here is where visitors to our City are invited to share our amenities. And here is where their first impression of our City will become a positive and lasting one.

Together, we can make this happen. Let's do it.

Sincerely,

Anne MacMillan Eichman
President

395 WEST CEDAR STREET, SAN DIEGO CA 92101

March 16, 2011

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

RE: North Embarcadero Visionary Plan - Phase 1
Visitor Serving and Coastal Access Improvements, San Diego, California

Dear Chairwoman Wan and Commissioners:

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

The CCAC, which is the local planning group for the Downtown San Diego area, has been monitoring and supporting this project for many years. We recently voted unanimously to support the project as currently presented. We fully believe that the project has been adequately reviewed and vetted by the community and is supported by the vast majority of community stakeholders.

The San Diego community as a whole has embraced the project and is looking forward to accessing this public space that had been wonderfully designed through a multi-agency collaborative effort. Further delay in the approval process will only exacerbate the negative public perception about our collective ability to develop projects for the public good.

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; significantly improved storm water mitigation for the bay; contemplative gardens; public restrooms; and walking, jogging, and bike paths. These amenities will create a pleasant experience for visitors and residents alike.

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

We 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.

Sincerely,

Signature on file

Pat Stark, Member
Center City Advisory Committee

SAN DIEGO™ REGIONAL CHAMBER OF COMMERCE

EMERALD PLAZA
402 West Broadway, Suite 1000
San Diego, California 92101-3585

Tel 619.544.1300
www.sdchamber.org

March 16, 2011

Chairwoman Sara Wan 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

Dear Chairwoman Wan and Commissioners:

On behalf of the San Diego Regional Chamber of Commerce, I urge your support of the North Embarcadero Visionary Plan (NEVP) Phase 1.

The Chamber is a long-time supporter of the project because it will turn our waterfront into a signature bayfront esplanade and a "Gateway to our Harbor." A beautiful and accessible waterfront will promote and support San Diego's recreational, retail, and hospitality industries. Financed entirely by local and Port lease revenue monies, the project will be delivered at no additional cost to the public.

The project features a number of water quality improvements. 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 San Diego Chamber, our 2,600 members and their 400,000 employees, understand and appreciate the incredible potential of a vibrant, active waterfront and believe that the North Embarcadero Visionary Project is an important catalyst for economic growth in the San Diego region. Extensive public outreach and awareness during the past year has led to an even better project.

We respectfully request that you allow the NEVP to move forward by approving a Coastal Development Permit at your April meeting. Your support would signify an important step toward the transformation of San Diego's waterfront into a world-class public space.

Sincerely,

Signature on file

Ruben Barrales
President and CEO

RB:av

OLD TOWN TROLLEY TOURS® & SEAL TOURS OF SAN DIEGO

A Subsidiary of Historic Tours of America® - *The Nation's Storyteller*® www.trolleytours.com
2115 Kurtz Street • San Diego, CA 92110 • (619) 298-8687 • Fax: (619) 298-3404

March 7, 2011

Chairwoman Sara Wan and Commissioners
California Coastal Commission
45 Freemont Street, Suite 2000
San Francisco, CA 94105

RE: North Embarcadero Visionary Plan – Phase 1 Visitor Serving and Coastal Access Improvements

Dear Chairwoman Wan and Commissioners:

On behalf of **Old Town Trolley Tours and SEAL Tours of San Diego**, I am writing to express my support for the Port of San Diego's North Embarcadero Visionary Plan (NEVP) Phase **1** plan.

The **Old Town Trolley Tours** and **SEAL Tours of San Diego** have been a strong supporter of NEVP for quite some time because of the project's meaningful benefits for our region and all of California:

- Improved coastal access featuring additional public space for passive and active coastal recreation, including running, walking and bicycling paths along San Diego Bay, public art and civic plazas
- Enhanced no-cost and low-cost visitor serving features that will be enjoyed by tourists from California and around the world, as well as residents of the region
- Waterfront gathering place with a grand civic space for visitors and the local community
- Catalyst for an improved waterfront and tourism activity - enhancing economic benefit of tourism and related industries that are vital to our economy in San Diego and California
- North Embarcadero Visionary Plan has been vetted through extensive community input, and has been modified for the better because of that process.
- What you have before you now with Phase 1 is a plan that encourages tourists and residents alike to visit the waterfront with family and friends. This project will be an economic engine for all of San Diego, and finally provides the destination waterfront both protects and promotes this precious resource. It will help make the San Diego waterfront become an iconic first-class destination for visitors from around the world.

I encourage your support of the NEVP and your prompt action to move this project forward.

Signature on file

Rod LaBranche
Director of Sales
Old Town Trolley Tours and SEAL Tours of San Diego

HORNBLOWER
CRUISES & EVENTS
Always a Pleasure℠

SAN DIEGO OFFICE 2825 5TH AVENUE SAN DIEGO, CA 92103 TEL: 619-686-8700 FAX: 619-686-8733 www.hornblower.com

March 15, 2011

Chairwoman Sara Wan and Commissioners
California Coastal Commission
45 Freemont Street, Suite 2000
San Francisco, CA 94105

RE: North Embarcadero Visionary Plan – Phase 1 Visitor Serving and Coastal Access Improvements

Dear Chairwoman Wan and Commissioners:

On behalf of **Hornblower Cruises & Events**, I am writing to express my support for the Port of San Diego's North Embarcadero Visionary Plan (NEVP) Phase 1 plan.
Hornblower has been a strong supporter of NEVP for quite some time because of the project's meaningful benefits to our region.

- Improved coastal access featuring additional public space for passive and active coastal recreation, including running, walking and bicycling paths along San Diego Bay, public art and civic plazas
- Enhanced no-cost and low-cost visitor serving features that will be enjoyed by tourists from California and around the world, as well as residents of the region
- Waterfront gathering place with a grand civic space for visitors and the local community
- Catalyst for an improved waterfront and tourism activity - enhancing economic benefit of tourism and related industries that are vital to our economy in San Diego and California

The North Embarcadero Visionary Plan has been vetted through extensive community input, and has been modified for the better because of that process. We have been a participant in the process, over 12 years! NEVP Phase 1 encourages tourists and residents alike to visit the waterfront with family and friends. This project will be an economic engine for the San Diego region, and provides an accessible & useable waterfront, for locals & visitors, alike.

Please support NEVP Phase 1, please take prompt action to move this project forward.

Sincerely,

Signature on file

Jim Unger
VP, Hornblower Cruises & Events
San Diego

March 11, 2011

Chairwoman Sara Wan and Commissioners
California Coastal Commission
45 Freemont Street, Suite 2000
San Francisco, CA 94105

RE: North Embarcadero Visionary Plan Phase 1 – Public Access Improvements

Dear Chairwoman Wan and Commissioners:

I am writing to voice my support for the North Embarcadero Visionary Plan (NEVP) Phase I, and to ask for your support of the plan when it comes before you for consideration in April.

As a former San Diego resident, I have been watching with the NEVP process with interest and looking forward to the long-awaited improvements in the visitor areas along the waterfront. While I now reside in Chicago, my husband and I visit San Diego frequently to take advantage of the outdoor recreation. We specifically choose to stay near the waterfront area to make the most of our visits by enjoying access to the Bay, outdoor recreation and our long walks along the Embarcadero.

This project will improve the waterfront experience for visitors and provide many free and affordable options for enjoying San Diego's great weather. It has taken many years to reach this point, and I am concerned that if it is not started promptly, then we will lose it forever.

Please support the NEVP for San Diegans and visitors to enjoy. Thank you for your consideration.

Signature on file
Debbie Lindner
2200 Thistle Road
Glenview, IL 60026

HOSTELLING INTERNATIONAL

739 Fourth Avenue Ste 203 San Diego CA 92101 T 619.338.9981 F 619.525.1533 www.sandiegohostels.org

March 14, 2011

Chairwoman Sara Wan and Members of the Commission
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Item: North Embarcadero Visionary Plan – Phase 1 Visitor Serving and Coastal Access Improvements

Dear Chairwoman Wan and Members of the 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 Visitor Serving and Coastal Access Improvements. 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 on the waterfront, are excited by the prospect of a world-class waterfront for our guests to visit. Our hostels host over 16,000 visitors from around the world each year and we envision that the additional public space, the walking and bicycling paths and public art and civic plazas greatly enhance the project and we strongly believe NEVP will be a gathering place for both our tourists and local community.

This project is the first step in revitalizing the waterfront, enhancing the tourism and other industries so vital to our economy in San Diego.

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

USS Midway MUSEUM

Live the Adventure, **Honor the Legend**

March 14, 2011

Chairwoman Sara Wan and Commissioners
California Coastal Commission
45 Freemont Street, Suite 2000
San Francisco, CA 94105

RE: Phase 1 North Embarcadero Visionary Plan

Dear Chairwoman Wan and Commissioners:

On behalf of the USS Midway Museum, I am writing to express my support for the Port of San Diego's North Embarcadero Visionary Plan (NEVP) Phase 1 plan. The USS Midway Museum organization is deeply committed to an Embarcadero that is widely accessible, environmentally responsible, and serves as a community resource.

The USS Midway Museum has been a strong supporter of NEVP for quite some time because of the project's meaningful benefits for our region and all of California:

- Improved coastal access featuring additional public space for passive and active coastal recreation, including running, walking and bicycling paths along San Diego Bay, public art and civic plazas
- Enhanced no-cost and low-cost visitor serving features that will be enjoyed by tourists from California and around the world, as well as residents of the region
- Waterfront gathering place with a grand civic space for visitors and the local community
- Catalyst for an improved waterfront and tourism activity -enhancing economic benefit of tourism and related industries that are vital to our economy in San Diego and California

The North Embarcadero Visionary Plan has been vetted through extensive community input, and has been modified for the better because of that process—much like the USS Midway project several years ago.

Phase 1 is a plan makes the North Embarcadero an accessible, multi-dimensional family destination for residents and visitors alike. This project will be an economic engine for all of San Diego and will galvanize the responsible development and farsighted enhancement of this vital resource.

We encourage your support of the NEVP and your prompt action to move this project forward.

Sincerely,

S McGaugh

Scott McGaugh
Marketing Director
USS Midway Museum

MJE MARKETING SERVICES
MARKETING • ADVERTISING • PUBLIC AFFAIRS

mjemarketing.com

March 15, 2011

Chairwoman Sara Wan and Commissioners
California Coastal Commission
45 Freemont Street, Suite 2000
San Francisco, CA 94105

SUBJECT: North Embarcadero Visionary Plan, Phase 1

Dear Chairwoman Wan and Commissioners:

Please accept this letter as my show of support for the Port of San Diego's North Embarcadero Visionary Plan (NEVP) Phase 1 plan. I believe that the NEVP will provide significant benefits to the San Diego region—for locals and visitors, alike—and specifically, its realization will result in:

- Improved waterfront space with dynamic, cost-efficient features that enhance the visitor experience.
- Improved access and additional space for recreationalists to enjoy exercise paths, green areas and other public areas.
- Enhanced waterfront space to promote community events and social gatherings of all kinds—family, corporate, and more.
- Enhanced and continuous activity to surrounding businesses, which will have a positive impact on the local economy.

Phase 1 of the North Embarcadero Visionary Plan is a strong initiative to protect and promote San Diego's waterfront, as well as prompt economic growth. Again, I agree for the abovementioned reasons, and ask that in your important positions, you each will take action to move this project forward.

Signature on file

Robb Henderson
Client Services Manager
MJE Marketing Services

MJE MARKETING SERVICES
MARKETING • ADVERTISING • PUBLIC AFFAIRS

mjemarketing.com

March 15, 2011
Chairwoman Sara Wan and Commissioners
California Coastal Commission
45 Freemont Street, Suite 2000
San Francisco, CA 94105

SUBJECT: North Embarcadero Visionary Plan, Phase 1

Dear Chairwoman Wan and Commissioners:

Our agency has provided the Port of San Diego with marketing and outreach services for nine years. We have worked on many significant infrastructure projects and all have enhanced our region. I support and embrace the Port of San Diego's North Embarcadero Visionary Plan (NEVP) Phase 1 plan. This effort to improve San Diego's waterfront presence is remarkable in its collaboration with public agencies and its vision for a better San Diego.

I believe that the NEVP will serve as a catalyst for other San Diego projects: Projects that will enhance and encourage continuous activity to surrounding businesses. NEVP will have a positive impact on the local economy

I hope you will take action to move this project forward and continue your stewardship of initiatives that protect and promote San Diego's waterfront

Sincerely,

Signature on file

Marlee J Ehrenfeld
President and Creative Director
MJE Marketing Services

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mjemarketing.com

March 15, 2011

Chairwoman Sara Wan and Commissioners
California Coastal Commission
45 Freemont Street, Suite 2000
San Francisco, CA 94105

RE: North Embarcadero Visionary Plan, Phase 1 - Visitor Serving and Coastal Access Improvements

Dear Chairwoman Wan and Commissioners:

On behalf of **MJE Marketing Services** I am writing to express my support for the Port of San Diego's North Embarcadero Visionary Plan (NEVP) Phase 1 plan. The San Diego waterfront is a natural wonder that merits this strong initiative to protect and promote both its beauty and status as an economic resource.

We have been working with the Port of San Diego for nine years and have been proud to work on some of the outreach materials for the NEVP.

The North Embarcadero Visionary Plan has undergone extensive community debate. The input and feedback associated with that process has resulted in the NEVP being modified and improved. The current plan submitted for your review presents a strong vision to attract residents and tourists. Equally, it details how the project will be an economic engine for all of San Diego, while promoting and preserving a grand destination waterfront.

Respectfully, I ask you all to support the NEVP and take swift action to move this project forward.

Sincerely, *Signature on file*

Susan Smith Chief Marketing Strategist
MJE Marketing Services

San Diego
Convention Center
Corporation

CAROL C. WALLACE
PRESIDENT & CEO

March 18, 2011

Chairwoman Sara Wan and Commissioners
California Coastal Commission
45 Freemont Street, Suite 2000
San Francisco, CA 94105

RE: North Embarcadero Visionary Plan – Phase 1 Visitor Serving and Coastal Access Improvements

Dear Chair Wan and Commissioners:

I am writing to express our strong support for the issuance of a Coastal Development Permit for the North Embarcadero Visionary Plan (NEVP) Phase 1 Coastal Access Features project. Your approval of this important project lays the foundation for the revitalization of the North Embarcadero into a spectacular bayfront setting, which will benefit locals and visitors alike.

The San Diego Convention Center's success as a world-class convention facility is partly predicated on its waterfront location, as well as the attractive amenities our city offers. The NEVP would do much to enhance San Diego's market appeal, welcoming convention visitors from around the world to a beautiful esplanade and waterfront promenade. Elements of the project – including public art, a tree lined park with gardens and walking, jogging, and bike paths – are amenities that drive convention business to San Diego and significant economic benefits throughout the region.

The NEVP is an important opportunity to transform the waterfront and is a catalyst for economic growth. Both short- and long-term jobs would be created. The public will have full access to the waterfront, so both attendees and residents can patronize shops, recreational activities and support other hospitality industries resulting in increased tax revenue. And because the project is financed by redevelopment dollars and Port lease revenue, there is no cost to the public and funding for long-term maintenance is in place ensuring the area's care for future generations.

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,

Carol Wallace

Carol Wallace
President & CEO

RECEIVED
MAR 25 2011
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

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

DC

DEC 01 2010

17696 Cumana Terrace
San Diego, CA 92128
November 28, 2010

Diana Lilly
Coastal Planner
California Coastal Commission
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4402

Dear Ms, Lilly,

Enclosed is a copy of our letter to the San Diego Unified Port District.

Please review and consider our comments regarding the North Embarcadero Port Master Plan Amendment, when making your determination on this issue.

Thank you,

Sincerely,

Cathy O'Leary Carey and John Carey

Telephone: 858-385-0419
cathycaper@sbcglobal.net

EXHIBIT NO. 19
APPLICATION NO.
A-6-PSD-11-6
Letters of Opposition
California Coastal Commission

17696 Cumana Terrace
San Diego, CA 92128
November 15, 2010

San Diego Unified Port District,
Land Use Planning Department
P. O. Box 120488
San Diego, CA 92112-0488

DEC 01 2010

Re: North Embarcadero PMPA

Thank you for the opportunity to comment on the North Embarcadero PMPA.

We support the Port's plan to adjust the PMP boundary to incorporate the Navy Pier to include a park.

We oppose the changes to the crescent public pier at Grape Street which is a unique feature of the visionary plan and compliments the crescent design of the North Embarcadero waterfront.
We urge you to uphold the original curvilinear pier design.

We are concerned about the proposal to change Commercial Recreational Use on B Street Pier to Marine Terminal. This change incorporates the constraints of Homeland Security regulations on maritime facilities and public access.
The north embarcadero must not be fenced off from the public with exclusionary zones.

We support the incorporation of the bayfront shuttle and suggest you extend the public transit systems from 10th Avenue to the airport, creating a loop configuration with convenient drop off points for riders.

We like the idea if a Youth Hostel and low cost accommodation for visitors but are unclear where the Port plans to place these buildings.

We strongly support recognizing the G Street Mole park as a memorial park and encourage you to incorporate a museum depicting historical San Diego memorabilia about our early Indian residents and the Tuna Fishing Industry.

We recognize the need for new parking opportunities and urge you to construct all parking facilities underground to enhance the beautification of the north embarcadero.

We support all open space and set back proposals, still this mitigation does not adequately replace the lost oval Broadway Landing Park/Plaza which was the centerpiece of the original NEVP.

The narrowing of Harbor Drive between Grape Street and West Broadway is problematic and is in conflict with the ability to accommodate three mega cruise ships.
Presently, it is a colossal mess on the waterfront when the cruise ships are berthed all at once.

A sensible solution appears to be relocating the cruise ships to the Tenth Avenue Marine Terminal (TAMT.)
TAMT is a secure area with adequate space for trucks servicing cruise ships. Tourists can easily utilize the convention center, hotels, the Gas Lamp District and restaurants.

The TAMT alternative will mitigate loss of public views and access to the bay by the cumulative impacts of the Midway and the new terminal on Broadway Pier.

Relocation of the cruise ships to 10th Avenue would allow the reconfiguration of land use at the foot of Broadway and open much needed comprehensive overviews of the entire waterfront.
The possibility of a world class waterfront where people can gather for special events, enjoy reereational activities, stroll along the esplanade, dine, fish, kayak, swim, enjoy public art, concerts. This would bring back the vision to the NEVP.

Lane Field's historical past deserves recognition.
From the 1930's through the 1950's, Lane Field served as a baseball stadium for the teams of the Pacific Coast League and was the home of the Padres from 1930 to 1957.
We recommend that a small museum be constructed at Lane Field to commemorate the history of the Padres.

We support opening view corridors from downtown and other neighborhoods (Little Italy) to bring people to the bay where they can enjoy recreational opportunities in a friendly pleasant environment.

We recommend that the Port work with the County as they did in the early NEVP Alliance to ensure a coordinated planning effort on the north embarcadero.

We are concerned about active earthquake faults under the north embarcadero and request that a comprehensive study be undertaken as part of the PMPA EIR process before any new development is constructed on the north embarcadero.

Incorporating the California Coast trail along the waterfront is a great idea and should be pursued.

We thank you for your attention to our comments.

Sincerely,

Cathy O'Leary Carey and John Carey
858-385-0419
cathycaper@sbcglobal.net

cc. to the California Coastal Commission

San Diego, CA 92128
17696 Cumana Terace

March 2, 2011

Diana Lilly
Coastal Planner
California Coastal Commission
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4402

Dear Ms. Lilly,

Enclosed is a copy of my letter to the Mayor of San Diego and City Council members, re: the Joint Public Hearing by the City Council and Redevelopment Agency proposal to use tax increment funding for the construction of the EVP Phase 1 improvements.

Sincerely

Signature on file *Signature on file*

Cathy O'Leary Carey

RECEIVED
MAR 10 2011
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Dear Council Member,

I am unable to attend the Public Hearing by the San Diego City Council and Redevelopment Agency regarding the use of funds for the North Embarcadero Visionary Plan (NEVP) Phase 1.

As an citizen interested in the NEVP for 12 years. I wish to submit comments.

The California Coastal Commission (CCC) denied the San Diego Unified Port District's (The Port) a Coastal Development Permit (CDP) in April 2010 and various parties have appealed the CDP as well.

I oppose the proposed CDP because it is inconsistent with the NEVP and The Public Trust Doctrine of the last publicly accessible tidelands on San Diego Bay's downtown waterfront..

The centerpiece of the NEVP has always been Broadway Landing, the ceremonial oval Park/plaza at the foot of Broadway, where downtown meets the Bay.

Other highlights of the NEVP are the County Terrace with its signal park west of the County Administration Center and the replacement of three piers at Grape Street Pier with a new public crescent pier at the foot of Grape Street.

The planned esplanade, street alignments, shuttle service, water quality improvements and landscaping features would improve pedestrian experiences and visual quality.

However, The Port Master Plan (PMP) will remove the destination public Park/plaza at Broadway Landing. This change will adversely impact the public's access and recreational opportunities and replace it with Broadway Hall, a hardscape plaza for the benefit of cruise ship passengers.

The NEVP did not include a major cruise ship presence. The Cruise Ship Terminal on Broadway Pier (which received the Grand Onion Award) was never a part of the NEVP.

In my opinion, the construction of the Esplanade should have been the first project completed and funded instead of the ugly Cruise Ship Terminal which could be devoid of business due to the recession and violence in Mexican ports.

The Port ignores and refuses to incorporate alternatives offered by park visionaries and others at the public workshop, Re-Visioning Our Waterfront held October 2010.
There were many voices in favor of moving the cruise ship terminal to 10th Avenue, however, the Port refuses to study moving cruise ship operations to the secure 10th Avenue Marine Terminal.

A shocking surprise occurred last summer at a public meeting when for no discernible reason, the Port deleted the Curvilinear Grape Street Pier with public boat dock designed as park/plaza a core highlight of the NEVP.

RECEIVED

MAR 10 2011

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

The loss of Lane Field and the North Broadway Complex to development was a most unfortunate decision, missing the opportunity for a world class waterfront as these projects interfere with precious remaining vistas.

The PMP does not enhance view corridors or preserve panoramas that are blocked by development on these sites and are inconsistent with the NEVP.

One vision of a world class waterfront would begin at the historic Santa Fe Rail Terminal Building, widen Broadway and create grassy park like areas on both sides of Broadway so it connects downtown to the Bay with a large destination bayfront park with open space suitable for gatherings and events.

At Lane Field, there could be a museum to commemorate its historical significance.
From the 1930s through the 50s, Lane Field served as a baseball stadium for the teams of the Pacific Coast League and it was the home of the Padres from 1936 to 1957.
Lane Field, San Diego's " Field of Dreams" and memories would be a refreshing option to the planned hotel development walling off the bay.

Advocates for a first class waterfront have told the joint leadership what we want over and over again. Although there have been some meager concessions, the vision of a world class waterfront remains elusive and the citizens of San Diego continue to be deprived of their dreams of a great public place along the Northern San Diego Bay.

I urge you to withhold your vote for the Ports CDP NEVP Phase 1 funding until our dreams of a world class waterfront can be realized.

Thank You for your attention to my comments.

Sincerely,

Cathy O'Leary Carey
17696 Cumana Terrace
San Diego, CA 92128
tel: 858-385-0419

cc: to The California Coastal Commission
to CCDC
to The San Diego United Port District

IV

17696 Cumana Terrace
San Diego, CA 92128
October 29, 2010

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

RECEIVED
NOV 02 2010
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

RE: North Embarcadero PMPA

Dear Ms. Lilly,

Please accept a copy of my comments to the San Diego Unified Port District.

Thank You,

Cathy Caper
Signature on file

858-385-0419
cathycaper@sbcglobal.net

17696 Cumana Terrace
San Diego, CA 92128
October 28, 2010

San Diego Unified Port District
Land Use Planning Department
P.O. Box 120488
San Diego, CA 92112-0488

RE: North Embarcadero PMPA

To Whom It May Concern:

I thank you for the opportunity to comment.

In regard to the Grape Street Pier, I oppose any changes to the present design of the Grape Street Pier.

On March 14, 2001, the California Coastal Commission approved the Port of San Diego's Master Plan Amendment #27 pertaining to the creation of a new North Embarcadero Overlay District within the then existing waterfront district.

The proposed amendment allowed for the replacement of three piers with a new public pier at Grape

Street with a small recreational facility on the bayfront inland of the Grape Street Pier, within the area of the NEVP.

The curvature design of the Grape Street Pier is a highlight of the visionary plan and complements the crescent design of the North Embarcadero waterfront.

I strongly urge you to uphold the original graceful design of the Grape Street Pier.

The curvature design of the Grape Street Pier is a unique public space feature of the NEVP.

Thank you for your attention to my comments.

Sincerely,

Signature on file

Signature on file

858-385-0419

Diana Lilly

From: Marti Kranzberg [marti.k@cox.net]
Sent: Thursday, February 10, 2011 4:13 PM
To: Diana Lilly
Subject: RE: NEVP - Lane Field/Lankford hotel dev - Please put the park on the Bay not across the highway

Diana Lilly (and Staff)
CALIFORNIA COASTAL COMMISSION
SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
San Diego CA 92108-4421

Dear Diana,

Thank you so much for trying to help me understand the process for California Coastal Commission approval, and also how to get my concerns to the Coastal Commissioners. I truly appreciate that you at least make me feel like my voice gets heard.

I am concerned that so many people in San Diego are so busy trying to push forward with the development on the North Embarcadero that the state of affairs seems to be justifying the current design concept by insisting, "Let's just do this thing NOW or we lose the money!" In this rush to get moving forward, there is one very obvious design detail that just doesn't seem right to me. I am asking you to distribute this email among staff for discussion, and thank you for seeing to it that the Commissioners at least approach this question and find out why not consider this solution?

Disclaimer: My concerns, and urban design input, do not come from any income associated with the development. I speak only as a public participant, who has been active in the process for over 30 years, and my affiliation has been as a representative of Partners for Livable Places/San Diego.

RE: NEVP - Lane Field/Lankford hotel development...

Why is the park, which is supposedly meant to mitigate loss of park space at the foot of Broadway, AT the Broadway Pier - Why is the park situated ACROSS a busy street, with FOUR LANES OF TRAFFIC separating the park from the Esplanade and the Bay?

WHY IS THE PARK NOT PART OF THE ESPLANADE THAT IS CONTIGUOUS TO THE BAY?

What is more...
One of the major discussions has been regarding slowing down Harbor Drive. The idea getting tossed about is to *narrow* it.
BAD IDEA.

Harbor Drive needs to continue as a delightful "Scenic Route" connecting the Airport to the Convention Center, Gaslamp Quarter, the Ballpark and eastward. It needs to flow. It doesn't need to move fast, but it needs to move, so it does not need to be narrow. This incredible Bayfront drive is our greatest asset, and it is not fair to take away the pleasure of a leisurely drive along the Bay - WE HAVE ALREADY COMPLETELY LOST THE ENTIRE VIEW OF THE BAY ALONG THE SOUTH EMBARCADERO.

BUT that scenic route along Harbor Drive would naturally be slowed down if the grid is broken and there were a jog in the road at Lane Field so as to accommodate a park space on the bayside.

PLEASE TELL THEM TO PUT THE PARK ON THE BAY, NOT ACROSS THE HIGHWAY.

Just tell me why we can't do a better job of designing our Bayfront for public use? We gave them the South Embarcadero, please help us maximize our access to, and enjoyment of, the few precious touch points we have left.

Thank you for your time and consideration.
Warm regards,
Marti Kranzberg

1625 Hotel Circle South Ste. C106
San Diego, CA 92108

tel: 619.296.3434 cel: 619.316.9839

Diana Lilly

From: Scott Andrews [scott300@earthlink.net]
Sent: Wednesday, March 02, 2011 12:01 PM
To: Diana Lilly; Sherilyn Sarb; Deborah Lee
Subject: Broadway Landing Park
Attachments: NEVP.pdf; ATT412543.htm

Dear staff,

The accurate size of Broadway Landing Park needs to be clear on the record. Apparently, the 2.5 acre figure is a Port estimate.

There is now an official correction which we ask you make clear to Commissioners:
Then Port Chairman J. Michael McDade called together the NEVP participants under a **State of the Port Address** dated January 21, 1997, a copy of which we have requested.

On the Youtube @ **"Path to Paradise: Downtown"** if you forward to minute **37:00**, refering to the N. Embarcadero at the foot of Broadway, Port Chair McDade clearly states:

"Under this plan almost a 5 acre park will be created for that purpose...."

Prior to and after this quote, an official city video shows both Broadway Landing Park and the greened parks on the N. Embarcadero as contemplated by the standard of review, the Port Master Plan.

Also, the Port has now reduced the stated size for the Lane Field Setback park/plaza as stated in the CDP from 2.0 acres to 1.7 acres. The change is found in this link on **page 43 (or p. 5 of Attachment C):** "H. ...the setback park/plaza 1.7 acres"
Port funding partner Gary Bosse of CCDC used the 1.7 acre figure in his briefing to
City Council at the recent funding vote.

Diana Lilly

From: Scott Andrews [scott300@earthlink.net]
Sent: Wednesday, September 15, 2010 12:58 PM
To: Diana Lilly; Sherilyn Sarb; Deborah Lee
Subject: Fwd: Port Reality Check

Dear Staff,

The Port Master Plan calls for a signature greened N. Embarcadero, with green parks along the water,
unobstructed bay views, and public piers extending over blue bay waters. Port officials have denied this in their
attempted redesign for Carnival.
Port bad faith re the PMP extends to their refusal to offer full NEVP public element mitigation, release security restrictions
on coastal access, and attempt to amend an LCP by CDP rather than cumulative EIR-backed PMPAmendment.
The Port seeks further to eliminate most coastal access parking and void the viewshed across Broadway Pier -
negotiated in the Midway berthing.
Port strategy has even extended to denying the PMP centrality, and very existence, of Broadway Landing Park.

Now Commissioner Cushman has been forced to admit the truth:

- Port Master Plan:
"The Plan proposes two major parks [County Adm. Bldg] and the foot of Broadway,
and includes recreational piers."

- CCC staff July 2, 2009 re Coastal Act:

"Once a policy, figure, or project is inserted into the PMP, it is no longer guidance,
but the standard of review."

- Port meeting August 25, 2010:

"North Embarcadero Visionary Plan
Questions from Public Outreach Meetings of
August 2010
Last Edited: August 25, 2010"

"What happened to Broadway Landing Park?
During the course of the past few years Broadway Landing Park has become a topic of contention and misunderstanding. Broadway Landing was a concept envisioned in the 1998 North Embarcadero Visionary Plan and was described in that document as "...an expansive public space that reaches from the grand oval-shaped landscaped park in the Bayfront Esplanade out over the water." Contrary to claims made by some, the certified Port Master Plan (PMP) contains no references to Broadway Landing Park, nor to any "large grassy park", nor does it describe the quality or quantity of open space planned for the foot of

Broadway."

- Port Comm. Cushman September 7, 2010 Port Meeting:

"We put the oval park in [the Port Master Plan]. Whether we like it nor not, it's history. But we did do it. I don't care what anybody says. We printed it, we published it, we can show it to you."

Diana Lilly

From: Scott Andrews [scott300@earthlink.net]

Sent: Tuesday, October 12, 2010 9:34 PM

To: Diana Lilly; Sherilyn Sarb; Deborah Lee

Subject: Port update

Dear Coastal Staff,

The Port, after the sudden "resignation" of their CEO Wurster, the firing of their lobbyist McCabe, and the FPPC fining of
Commissioner Kruer, had a difficult recent meeting.
Of note:

1. Port staffer Irene McCormick announced the Port would CDP and resubmit to CCC its *exact prior* NEVP Phase 1 design,
as *redesigned* without public input for Carnival Corporation.
No public concerns, ideas, or suggestions from the four Port public meetings on the area are to be incorporated.
2. The Port refused to exhibit, mention, or quantify PMP NEVP public elements in the four meetings or this subsequent one.
3. The Port of San Diego at no time explored, considered, studied, or invited public input re alternative NEVP public parks and piers.
Port graphics were limited to three slightly different versions of the infamous Port NEVP concrete runway along the Bay.
The only other staff mention was of esplanade fronting the Lane Field site, possibly extending north or south.
The public recognizes the distinction between PMP parks and a grass strip amenity for high rises. The public
recognizes esplanade backed as far as possible from the water is too thin a space to keep a frisbee or ball out of the street.
4. The secret Lane Field site settlement included a Project Labor Agreement never contemplated in years of coalition meetings.
5. The Port seeks to relegate any mitigation or replacement of LCP/PMP sanctioned public spaces to a future EIR/ PMPA, of which
there is no absolutely no guarantee will ever happen.
6. Failing to implement federal Homeland Security regulation 33 CFR, the Port is refusing to study relocating cruise ship
operations down bay to "controlled access" berths.
7. The Port/coalition/union Lane Field settlement may create the disastrous precedent of a Port attempting to amend an LCP
without benefit of appropriate traffic, parking, view shed, mitigation, and security studies, EIR, or Port Master Plan Amendment.
This remains an existential issue for Coastal Commission operations.
8. The Port of San Diego proposes to: a) amend its PMP over thirty times for commercial development, b) skip EIR/amendment in
order to *preclude* all major NEVP Phase 1 PMP elements on the west of Harbor Drive with a new terminal, parking and view
elimination, and road reconfiguration, and then c) return to the EIR/amendment process for the North Embarcadero at some later
undetermined time.
9. Port Commissioner Lee Burdick threw the proceedings into disarray when she agreed with public testimony that area parcel use
study, or programming, should logically *precede* Port action. Possibly kicked under the table by Cushman, she quickly amended
her remarks to Port action *after* Phase 1, conveniently excluding current pivotal Port Coastal Act avoidance.

Port staff now seems to lean toward some version of the John Moores' esplanade scheme, first introduced two years ago.
This tactic under a major *conflict of interest*, which Commissioners need be made aware of - a simple visit to Project Design Consultants' website reveals they represent almost all major parties of interest in the NEVP: the Port, John Moores' JMI
Realty, and NEVP-bordering developers with a direct economic interest in NEVP design - Manchester, Lankford (Lane Field),
Bosa, and Irvine Co.
Status update on NEVP parcels the Port refuses to consider for PMP compliance or park mitigation:
NAVY BROADWAY: Comm. Burdick told me Manchester is trying to assign his lease and bail out, so this parcel will clearly come open for possible park siting to mitigate the Port's PMP massacre. Comm. Peters tells me the City is trying to find funding to build the Navy HQ elsewhere, and remarked this 12-14 ac site *could* go a long way toward mitigating over 20 acres of Port PMP Park and Pier takings.
1220 PACIFIC HIGHWAY: Port refuses to consider for park mitigation.
C STREET CORRIDOR: Port refused to consider. Could be park if its design is taken away from Lane Field developers, who are trying to incorporate it as a *development amenity*, just like they consider the thin esplanade.
B STREET PIER: Everybody knows the declining cruise ship industry does not need two piers, so this pier may come open to mitigate the Broadway Pier taking and Midway view shed Broadway Pier mitigation site, especially if the Port is encouraged by CCC staff to study moving operations around the corner.
NORTH EMBARCADERO: This zone presents a great opportunity for park to the water's edge as there is open frontage to the bay north of B ST Pier. Harbor Drive could be shortened at the north and south ends, [connectable for emergency vehicles]. Parked space to the water could incorporate the walkway inland a bit. Re the downsizing Harbor Drive per the PMP, this is a great opportunity because the adjacent major north/south artery, Pacific Highway, is likely the widest boulevard downtown. Unfortunately, during all four Port meetings, Port staff indicated any such public space recovered would be paved with concrete to expand their massive setback and push the public *further away from the water*!
HOLIDAY INN: This lessee is now attempting to renegotiate their lease, and may attempt to get Port sanction to construct massed high rise tower[s] looming over and enshadowing soon-to-be-installed N. Embarcadero public spaces, this in exchange for adding to a fronting grass esplanade strip.
We ask staff to acknowledge the Port policy against low cost coastal access elements as illustrated above. This is a major concern.

So, there are clearly mitigation options open for productive implementation if Port and CCC staff undertake their review
by opening up secret negotiations that proved to be limited to one parcel east of Harbor Drive.
This recalcitrant Port faces years of appeals and litigation. It is clearly a defiant agency of mayoral appointees interested solely
in commercializing the city's North Embarcadero like they did the South.

Complete LCP Master Plan redesigns demand studies, EIRs, and amendments under the Coastal Act.

With the state legislation raising Port funder CCDC's downtown redevelopment cap by billions of dollars, the Port can no longer plead urgency re losing CCDC Phase 1 funding. Hopefully Port staff comments that all they need do is give 2.5 ac of park in a Phase 1 deal are inaccurate.
It is left to Coastal staff to be consistent in noticing the Port that the NEVP has in fact been incorporated into the standard
of review, the Port Master Plan. San Diego's PMP envisions for this coastal city's downtown coastal zone an extensive, vibrant,
open, greened San Diego Bayfront that will revitalize retail and real estate values. The public is prepared to support

our PMP.

Best

Scott Andrews
Save Everyone's Access

ordering developers Manchester, Lankford (Lane Field), Bosa, and Irvine.

Re esplanades, they are not parks. The Port is so opposed to bayfront parks that when they discuss downsizing Harbor Drive per
the PMP

Diana Lilly

From: Scott Andrews [scott300@earthlink.net]
Sent: Friday, November 05, 2010 2:17 PM
To: Diana Lilly; Sherilyn Sarb; Deborah Lee
Subject: PMPlan Documents

Dear Coastal Staff,

In resubmitting its exact same NEVP phase 1 re-design for Carnival Corporation, the Port refuses CCC edict to consider N.Embarcadero park alternatives.

The Port refuses further to incorporate any overwhelming public input in favor of PMP public elements as presented at four Port meetings restricted to 3 Port versions of Phase 1, two Port Commission meetings, and the public design event.

The Port intends to suspend the legal EIR LCP/PMP Amendment process for PMP public park and public pier elements.
The Port followed this process over thirty times for S.Embarcadero commercial developments. The Port intends, following a self-issued CDP reissue, to then reinstitute legal process. For some future Phase 2. The public notes other commercial bayfront development is proceeding under PMP EIR/Amendment process.

The Port has stated any realignment downsizing of Harbor Drive will not result in PMP water's edge park west of Harbor. The John Moores/Steve Peace east of Harbor esplanade plan, coupled with Port intent to move Harbor inland, would increase public park water's edge setback distancing, and preclude greened park by pouring more concrete to widen Phase 1's vast paved esplanade.

The public is concerned Port defiance of CCC direction is an ill-disguised attempt to keep the public away from cruise operations and bar the public from its tideland bayfront by eliminating public coastal access elements called for in the PMP standard of review.

A pending Lane Field settlement, done in secret meetings by a few with Port Commissioners and Faulconer, includes a suspect pre-negotiated project labor agreement which would attempt to concede public activity in a civic zone to a foreign corporation.

The public is concerned this settlement may be PMP Amendment by CDP. This is an existential threat to the CCC.

We are further concerned in folding its Broadway Pier lawsuit, the coalition would concede without mitigation or alternative study Broadway Landing Park and other the PMP public elements that Phase 1 implementation will effectively preclude.

Loss of downtown view shed by the Midway permanent ship was mitigated by the "view shed across Broadway Pier".
Port agency elimination of any prior CCC-approved mitigation represents another existential threat to CCC.

It is relevant staff notify commissioners the Port has yet to implement mitigations of Navy Pier Park and replacement parking for Museum activities. Please note any mitigating parking structure must serve coastal access replacement for Port takings of the majority of area public parking spaces, the cruise industry, and Midway visitation.

Loss of low cost visitor serving coastal facilities and parking is a major concern. Moving coastal parking, harbor cruise, and ferry operations off the central N. Embarcadero constitute loss of low cost access exacerbate the Port's intent to cancel major public parks and piers.

San Diego's public continues to submit its own design ideas:

1. Architect Phillip Bona's design to implement PMP Broadway Landing Park, with, pending removal of cruise operations from the N. Embarcadero, two terminal entry roads and one exit road as east/west extensions of Broadway.
2. Architect Jim Frost's design to fully implement PMP's Broadway Landing Park, public piers, and the string of parks by removing cruise operations from the N.Embarcadero to a secured locale at TAMTerminal.
3. Architects Jim and Drew Hubbell's urbanized park desgn for Navy Broadway parcel.
4. Architect Lindsay Brown's dual-level Navy Broadway park design providing Pacific view shed, San Diego Bay water's edge access,

and totally lacking downtown athletic fields and recreation facilities.

Port officials are now witholding from public release both Helmer's outdated area traffic study and Navy Pier alternatives study.

We expect staff will inform Commissioners of this practice, along with the Homeland Security 33CFR and DOD violations and area

Port-sanctioned conflicts of interest with Project Design Consultants and Bermello Ajamil Partners in both NEVP and Broadway Terminal contracting respectively.

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

The Port of l

Diana Lilly

From: scott300@earthlink.net
Sent: Monday, October 04, 2010 1:18 PM
To: Diana Lilly; Sherilyn Sarb; Deborah Lee
Cc: dpc@cbcearthlaw.com; McNab John; mike; Smith Adam
Subject: PMP Park Elements

Dear Coastal Staff,

Please find the following N. Embarcadero park options to consider and report to Commissioners.

For the record, appealants were purposely and secretly excluded from secret Port negotiations.
We were forced to trust the coalition to support the Port Master Plan. Only recently are coalition/Port
settlement grounds being revealed.

Unfortunately, original and alternative park elements have been abandoned for developer, union,
and commercial interests at Lane Field, Broadway Pier, Grape Street Pier, and Navy Broadway.
The PMP vision of creating finally, after over 30 PMP commercial Amendments, PMP signature extensive public places is readily achievable if all area options are publicly vetted.

The Port's intent to twice amend an LCP by self-issued CDP, attempt to cancel all public N. Embarcadero LCP elements, and refusal to comply with the mitigations of Navy Pier Park
and Broadway Pier view shed prove it a bad actor, so we hope staff will open up the secret
negotiations.
When the Port realizes it must follow the Coastal Act and install safe recreational and view access,
the full complement of 20 plus acres of PMP-sanctioned public piers and parks can be created on these public tideland parcels. (In fact, parties can now consult these parks as now documented in NEVP, PMP, CCDC, U. S. Navy, and Bermello Ajamil renderings):

1) **Harbor Drive and Broadway intersection**
2) **Broadway Pier**
3) **The North Embarcadero** expanse along Harbor Drive
4) **Reclaimed Harbor Drive roadway and median** [and some non view parking] on either
   side of a downsized coast road. The Port currently proposes converting road into more
   concrete setback, eliminating potential park land and missing water edge access.
5) **The C Street Corridor** [Lane Field's developer is now attempting to convert
   this into a development amenity like a grass esplanade along its high rise hotel]
6) **Grape Street Pier** promised in the PMP which the Port is attempting to cancel

without mitigation.

The Port lied about Carnival wanting a second terminal, and now wants to eliminate a PMP element to accomodate Hornblower, another commercial interest.

7) **1220 Pacific Highway** -- could be joined with C St. corridor and extended to bay's edge.
8) **New N. Embarcadero Piers** -- Port-funded to mitigate Port PMP pier takings

All these parcels should be considered. We are interested in a contiguous central five-acre park pronounced by City NEVP official attorney Michael McDade. This for the two city block area indicated in the NEVP.

We ask the Coastal Commission to consider intervention to enforce the Coastal Act, achieve Port compliance, and to provide missing studies of: full site installation of PMP public parks and piers, moving cruise ships to other bay locales, and significant proposed Phase 1 coastal impacts on views, access parking elimination, traffic and road closures, water's edge access, security, and low cost recreation.

Best,
Scott Andrews
Save Everyone's Access

Diana Lilly

From: scott300@earthlink.net

Sent: Sunday, October 03, 2010 2:52 PM

To: Diana Lilly

Subject: Port Master Plan / LCP

Dear Coastal Staff,

The Port of San Diego is plowing ahead with its ill-fated plan to give developers LCP control of the city's Port Master
Plan. The wheels are coming off. The Port has now been forced to fire its lobbyist McCabe and its CEO Wurster.
As appointed Commissioners intend to resubmit their elimination of the Port Master Plan governing San Diego's coastal zone bayfront at a future CCC hearing, some things need stating ...

ATTACK ON THE COASTAL ACT
Port action to eliminate a city's LCP through self-issued CDP is a frontal attack on the California Coastal Act with
disastrous implications. Staff must protect coastal access from this precedent.
The Port wants to do so without appropriate equitable mitigation for gross takings of public elements, and the serial elimination of coastal parking and views and low cost access.
As alarming, in adopting developer John Moores' bayfront scheme to install multiple new luxury highrise towers looming
over a narrow grass esplanade, Port officials are precluding state park and open space bond funding. Allowing Lane
Field and or the Holiday Inn to go higher makes a mockery of any step down building heights to the water's edge.
Major area conflicts of interest include Project Design Consultants' representation of both the Port and NEVP adjacent
developers, and Port award to Bermello Ajamil both cruise ship terminal feasibility and terminal design contracts.

PORT MASTER PLAN: The standard of review - declares for San Diego California under a Port Master Plan legally
inclusive of the NEVP's citizen/consultant goals, a signature open greened N. Embarcadero, with newly created waterside access provided by three public piers, Broadway Landing Park, park up to the water between the piers, and unobstructed views of the bay with structures backed off the water's edge.

PRIOR STAFF ACTION: Coastal staff has eliminated fan out park at the end of Broadway Pier, granted de minimus status to a Broadway Pier terminal that precludes Broadway Landing Park, approved development at Lane Field that encroaches on Broadway Landing Park, and refused to mention the USS Midway Museum precedent that calls for area park creation when a new area structured development is proposed.
Staff should quantify park and pier takings for proper mitigation of the ongoing massed development allowed on the South Embarcadero.
Major takings demand updated parking and traffic studies for the last undeveloped downtown tidelands.
Staff has not emphasized Port bad faith re Navy Pier Park and the secret decision to redesign the N. Embarcadero for Carnival Cruise Corporation. These facts demonstrate the clear need that area coastal parks, piers, views, parking, recreation, and low cost access mitigation be ensured by legal agreement re each and every public element's site be insured by negotiated N. Embarcadero location, parcel size, set aside funding source, and timetable.
The Port proposes takings of public PMP elements from Grape Street to Broadway, and staff should demand
the acreage involved. What are Port plans for 1220 Pacific Highway. Clearly the area demands a cumulative EIR to enforce Coastal Act provisions against the unchallenged piecemeal development on the North and South Embarcaderos.
The driver of this civic disaster is Port desire for cruise revenues.
Commissioners should be told the Port misrepresented the Broadway Pier de minimus, as charged by ex-

Port NEVP staffer Marinovich at the last JPA meeting.
[The hope for revenue is belied by the Port letters admitting Carnival told the mayor they do not want the terminal, recession, and violence in Mexican ports now under U.S. security travel advisories.]

VIEWSHED Part of the Midway mitigation is the view shed "across Broadway Pier." The PMP sanctions preservation
of N. Embarcadero views, the South totally having been walled off: "The wharf side remains clear of objects or furnishings
that would block Bay views." PMP Pg 63 The Port proposes the reverse: cruise terminal, cruise ships, tree lines, tree groves, ticket kiosk pavillions, and a cafe and restrooms.

COASTAL ACCESS PARKING The rare few diagonal spaces on the bayside facing the water are critical coastal viewing access for the disabled, seniors, families with small children, and drop off for area restaurants and museums.
Trams alone are inadequate parking mitigation for the massed highrise development and cruise ship traffic proposed for the NEVP area. Lane Field spaces currently available will all be lost to the development, with any underground parking largely filled by the massive hotel tower, its retail, and cruise ship operations. Parking takings without mitigation continue to deny access to the area -- a S. Embarcadero hotel now proposes to eliminate 145 spaces. Lost cost coastal access is the victim.

SECURITY: It is time for parties to acknowledge the controlling interest of the federal Homeland Security department's need to implement 33 CFR re new, post 9/11 cruise ship operations' public access restrictions. These new regulations establish land and sea setbacks of a minimum 100 yards from cruise terminals and cruise ships. The Port's terminal's very design precludes setbacks and invites attack - by their U-turn driveways on both piers leading uninspected vehicles within feet of both terminals and cruise ships and their massed thousands of loading passengers and crew.
The Port just "accepted the sudden resignation" of their ex-Coast Guard CEO, likely over minimizing landward security in public comments cited in the blogofsandiego. We have heard the Port has never even consulted the Coast Guard re the possible banning of the public, eliminating parking, and closing N.Embarcadero roads for cruise ship operations. Hopefully staff will communicate with federal interests re current and potential coastal access restrictions and risk.
If the Port has secretly negotiated a waiver of public coastal protection measures, this must be disclosed.

MITIGATION: Port officials refuse to offer the same area 1:1 public park and pier access mitigation acheived in Midway negotiations. Port officials have said in public meetings that all Coastal Staff has required is a 2.5 ac park.
The Port is
feeling little impetus to reconsider or mitigate a LCP gutting - Port officials say downsizing Harbor Drive will not add
park space, but will instead widen the vast no man's land concrete no-play zone esplanade, and the Port has blithely canceled the Grape Street Pier with no mention of mitigation.
Re Harbor Drive, where is park alongside the water? Is the Port is worried about backing the public away from high risk target terminals and ships? More likely, as clearly revealed
in the infamous Bosse email, the Port wants to hide the fact they are redesigning Harbor Drive to load Carnival's cruise
ships. The Port is also ignoring the Midway view loss mitigation of Broadway Pier. Where will the Port mitigate the loss
of 145 spaces proposed for the S. Embarcadero hotel expansion?

COALITION:
The coalition does not represent the majority of public sentiment, including the many who listened to Port officials during
four recent public meeting deny they had heard of Broadway Landing Park and deny the Port Master Plan's inclusion of said major park in the Port Master Plan!
For a year, the coalition has suspended its legal committee. For over a year, the Coalition has suspended its general meetings. The Coalition has turned away from its stated goals to oppose walling off the Embarcadero and support a cumulative area EIR, rejecting this Port Option #1 to favor the current resubmittal. Coalition decisions are being made
by two plaintiffs.
The coalition's attorney initiated secret negotiations with the Port excluding the majority of public Appealants.
The coalition's public stance for "replacement park" for Broadway Landing Park, and self-appointed gag order on

any public comment re the pier and terminal, are in direct contravention of its Broadway Pier lawsuit designed to protect the integrity of Broadway Landing Park from encroaching truck bomb security setbacks and entry and exit roads.
Port officials repeatedly claimed in court before a judge that the Broadway Pier Carnival terminal will/would in no way impact Broadway Landing Park.
Secret coalition attorney negotiations have included discussion of a project labor agreement, implying strong union influence if not funding coalition lawsuits.

PORT FAST TRACK REFUSALS
Port officials are defying the Commission by refusing to order PMP mitigation, parking, security, traffic load, flow, direction, and LOS levels, and view studies.
The Port should await completion of the Downtown Park and Open Space Master Plan. Any "promised" Port PMP Amendment should include the pivotal Phase 1. The Port refuses to quantify taken park and pier acreage for incorporation into an inclusive Mitigation Plan. The Port ploy: resubmit under promises of some future Phase 2.

ALTERNATIVES
The Port and coalition have prompted little alternative park study. The Port will allow a third convention center expansion, a new high rise hotel, and a parking eliminating hotel expansion on the South, will gut the PMP North public parks and Piers, will fund Hilton a $24 Million bridge across Harbor Drive, but *refuses* to study Jim Frost's terminals' relocation around the corner?!!!
What about moving a terminal to enable PMP's central Broadway Landing Park? What about finally park space to water's edge that includes the C Street corridor and 1220 Pacific Highway parcels? Port pleading poverty? They
found $52M for Carnival and Hilton's commercial development! When do they plan to fund public studies and elements? Where will the Port mitigate takings and replace Broadway Pier and Grape Street Pier access and view sheds? What coast road closings will take place for security zones and cruise ship departures and arrivals, the equivalent of loading multiple jets at an airport?
That fact none of these questions have answers this late in the day demands the California Coastal Commission staff
and attorneys intervene to stop the theft of the public bayfront of California's second largest city.

Best,

Scott Andrews
Save Everyone's Access

Diana Lilly

From: scott300@earthlink.net
Sent: Tuesday, September 07, 2010 10:10 AM
To: Diana Lilly; Sherilyn Sarb; Deborah Lee
Subject: Fw: New Port Coastal View Rendering
Attachments: Port-Presentation-CruiseShip.pdf

Please forward this to Commissioners so they can see view impacts.

NORTH EMBARCADERO VISIONARY PLAN • PHASE I • COASTAL ACCESS FEATURES
Unified Port of San Diego
Centre City Development Corporation