

**CALIFORNIA COASTAL COMMISSION**

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SAN DIEGO, CA 92108-4402  
(619) 767-2370



# Th20a

## Addendum

May 5, 2017

To: Commissioners and Interested Persons

From: California Coastal Commission  
San Diego Staff

Subject: Addendum to **Item Th20a**, Coastal Commission Permit Application  
**#6-16-0258 (San Diego Unified Port District Navy Pier Parking)**, for the  
Commission Meeting of May 11, 2017

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The purpose of this addendum is to: 1) attach the Port's response letter as a new exhibit, and 2) modify Special Condition #2 and the associated findings, based on coordination with Port staff, to clarify that although the goal is to convert at least 75% of Navy Pier to a park in the future, an alternative size park may be provided for in a future Port Master Plan amendment certified by the Commission for Navy Pier. At this time, Navy Pier has not been incorporated into the Port's Master Plan and such action, along with the specific park development plan, will need to be part of the future Port Master Plan Amendment for the site. Staff recommends the following changes be made to the above-referenced staff report. Deletions shall be marked by a ~~strike through~~ and additions shall be underlined:

1. On Page 3 of the staff report, modify the last sentence, as follows:

To ensure that continued parking on the pier is temporary, Special Condition No. 1 sets a four year permit term. Special Condition No. 2 requires that the applicant submit a Port Master Plan Amendment application no later than three years into the permit term to incorporate Navy Pier into the Port Master Plan, including a land use designation identifying ~~at minimum~~ approximately 75% of the pier as a public park.

2. On Page 5 of the staff report, add the Port's response letter, which is attached to the subject addendum, as a new exhibit, as follows:

### Exhibit 10 – Port's Response Letter

3. On Page 7 of the staff report, modify Special Condition #2(a), Port Master Plan Amendment and Progress Reports, as follows:

(a) Port Master Plan Amendment. By acceptance of this permit, the applicant agrees that no later than three (3) years following Commission approval of Coastal Development

Permit No. 6-16-0258, the applicant shall submit an application to the Commission for a Port Master Plan Amendment (PMPA) to incorporate Navy Pier into the Port Master Plan with ~~at least approximately~~ 75% of the pier designated as a public park and up to 25% of the pier designated as public parking, or as provided for in a PMPA, certified by the Commission, for Navy Pier. In order to open up views to the San Diego Bay, future parking shall be located directly adjacent to the Midway along the southern perimeter of the pier, as generally depicted in [Exhibit 6](#). The PMPA may be part of a larger Port Master Plan update. The PMPA application shall include changes to the text of the Port Master Plan that describe the park and associated public amenities, and a land use designation identifying ~~at least approximately~~ 75% of Navy Pier as a public park.

4. On Page 24 of the staff report, modify the last sentence as follows:

Thus, to ensure that any future retention of parking on the pier does not conflict with opening up bay views, Special Condition No. 2 requires that future permanent parking only occur directly adjacent to the Midway along the southern perimeter of the pier to avoid obstruction of views, and be limited to approximately 25% of the pier with the remaining 75% dedicated to the public park, unless an alternative mix of parking and park is provided for in a future PMPA for Navy Pier certified by the Commission.

5. On Page 26 of the staff report, modify the last paragraph, as follows:

The Port and Midway maintain that it is necessary to continue parking on the pier until a long-term plan for the pier and relocation of parking is developed. While the Port and Midway have already had adequate time to develop a plan but have yet to do so, a shortage of parking in the surrounding area does exist and removal of parking on Navy Pier, without relocation, would adversely impact the public's ability to access the coast by car. Thus, **Special Condition No. 1** establishes that the permit is temporary and limits continued parking on Navy Pier for a period of four years only, which will give the Port and Midway additional time to develop a long-term plan for redevelopment of Navy Pier and relocation of all or approximately 75% of the parking to offsite locations. [...]

6. On page 27 of the staff report, modify the first paragraph, as follows:

The goal of the four year period is to plan for the conversion of Navy Pier from a parking lot into a park. However, in order to do so, the pier must first be incorporated into the PMP. Thus, **Special Condition No. 2** requires the applicant to submit an application to the Commission for a PMPA to incorporate Navy Pier into the PMP with policy language supporting the conversion to a public park and a land use designation clearly identifying all or ~~at least~~ approximately 75% of the pier as a public park. Although the goal is to convert at least 75% of Navy Pier to a park in the future, an alternative size park may be provided for in a future Port Master Plan amendment for Navy Pier certified by the Commission. To ensure that the application is submitted to the Commission with adequate time to review and process the PMPA and complete final plans for the park, Special Condition No. 2 further requires that this application be submitted no later than three years following approval of the subject permit.

May 4, 2017

***FOR INCLUSION IN STAFF REPORT; ITEM TH 20a.***

***VIA EMAIL (Kanani.Brown@coastal.ca.gov)***

Chair Bochco and Honorable Commissioners  
California Coastal Commission  
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San Francisco, CA 94105

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San Diego, CA 92108-4402

Dear Chair Bochco, Honorable Commissioners and Commission Staff:

**Re: San Diego Unified Port District Navy Pier Interim Parking CDP– No. 6-16-0258**

The San Diego Unified Port District ("Port" or "District") is writing in response to the staff report and recommendation ("Staff Report"), dated April 20, 2017, regarding the District's Coastal Development Permit ("CDP") Application – No. 6-16-0258 (Navy Pier Interim Parking), which the California Coastal Commission ("Commission") is scheduled to consider at its May 11, 2017 meeting. For quick reference this agenda item is Th20a.

Letter: San Diego Unified Port District Navy Pier Interim Parking CDP– No. 6-16-0258  
May 4, 2017  
Page Two

Given the depth and breadth of background and support materials provided by Commission Staff, the Port would only like to address one material disputed item with the Staff Report, Special Conditions #2(a) and (b)vi., found on pages 7 and 8 of the Staff Report. To address this issue, the Port is attaching to this letter suggested revised language and 5 supporting charts and one historical CDP Attachment (10 pages, with focus on page 6) to explain the Port's concern and position. We will also draw on these charts in our public comment at the May 11<sup>th</sup> meeting.

The District also has concerns that imposing a condition in a CDP that requires the Board of Port Commissioners ("Board") to approve a Port Master Plan Amendment ("PMPA") – a legislative action – and submit it to the Commission for certification may illegally usurp the Board of its legislative authority and the process dictated by the Coastal Act for a PMPA. Additionally, in order for the Board to approve a PMPA, it must conduct environmental review under the California Environmental Quality Act ("CEQA"). It is well established that a CEQA lead agency cannot predetermine an approval of a project – here, a PMPA – prior to CEQA review being conducted.<sup>1</sup>

The Port hopes that the condition will be worked out in a way that is amenable to both the Port, Commission and USS Midway that currently uses the pier for its operations parking.

Thank you for your attention and consideration to this matter.



Wileen C. Manaois  
Principal, Development Services

Attachments

cc: Thomas A. Russell  
Randa Coniglio  
T. Scott Edwards  
Rebecca Harrington

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<sup>1</sup> CEQA § 21100(a); CEQA Guidelines § 15352; *See also Save Tara v. City of West Hollywood* (2008) 45 Cal. 4th 116.

# SDUPD Navy Pier “Interim Parking” CDP # 6-16-0258



## One Material Disputed Item – definition of use following the interim period:

1. **Recommend the negotiated and agreed upon language between CCC and Port Staff to gain application approval (from October 28, 2016 Port Letter, point #2):**  
“As we have discussed in our previous meetings, and correspondence, we are confirming that during the “interim period”, the Port and Midway Museum will commit to developing a long-term plan for Navy Pier, including relocation of some or all of the parking and development of some or all of a public park. Additionally, the North Embarcadero PMPA ...”

## SDUPD Navy Pier “Interim Parking” CDP # 6-16-0258

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### 2. Would be willing to accept the following revisions to CCC Staff Special Condition #2(a) and (b) on pages 7 and 8 of CCC Staff Report:

“Port Master Plan Amendment(PMPA). By acceptance of this permit, the applicant agrees that no later than three (3) years following Commission approval of CDP # 6-16-0258, the applicant shall submit an application to the Commission for a PMPA to incorporate Navy Pier into the Port Master Plan with at least 75% of the pier designated as a public park and up to 25% of the pier designated as public parking. In order to open up views to the San Diego Bay, future parking shall be located directly adjacent to the Midway along the southern perimeter of the pier, as generally depicted in Exhibit 6. The PMPA may be part of a larger Port Master Plan Update. The PMPA application shall include changes to the text of the Port Master Plan that describe the park and associated public amenities, and a land use designation identifying at least 75% of Navy Pier as a public park.

### and deletion of the following text under #2(bvi):

2(b) vi. Relocation of all or at a minimum 75% of public parking off Navy Pier, including the identification of existing and planned parking reservoirs and appropriate transportation links from the parking reservoirs to the U.S.S. Midway.

## SDUPD Navy Pier “Interim Parking” CDP # 6-16-0258

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Conditions and considerations for the ultimate Navy Pier use are already spelled out by CCC Staff in the March 23, 2011 CDP #A-6-PSD-11-006 NE PMPA/EIR (Attachment A – Waterfront & Lane Field Destination Park Plan):

1. Page 6 – Port Master Plan Amendment and Environmental Impact Report Content.

See Attached Pages with the actual Attachment for the 2011 CDP (separate handout).

1. The Port Staff has already begun work on the NE PMPA initiative, held two public workshops, and is scheduled to present to the Port Board in June 2017. Additionally, Port Staff has provided links of the background work for this initiative to CCC Staff and has offered to meet to review and receive input.

<https://www.portofsandiego.org/north-embarcadero-planning.html>

2. Importantly, The Port District believes that long term use of Navy Pier must be considered and decided upon in the context of the NE PMPA/PMPU.



# SDUPD Navy Pier "Interim Parking" CDP # 6-16-0258

## Secondary Issue, Navy Pier and North Embarcadero parking requirements:

Minimum Viable Parking @ Navy Pier	
Annual USS Midway Visitors	1,500,000
Visitors/Day	4,110
Traveling Pairs	2,055
Public Transportation (50%)	1,027
Visits via Cars (50%)	1,027
Will Require Adequate Parking	
Daily Turn Rate @ Navy Pier/	1.7
Minimum Viable Parking	604 *

Assuming that visitors travel in pairs and that 50% of visitors take public transportation yields parking supply requirements of ~600 spaces

As Midway demand increases towards goal of 2M visitors, parking requirements will only increase

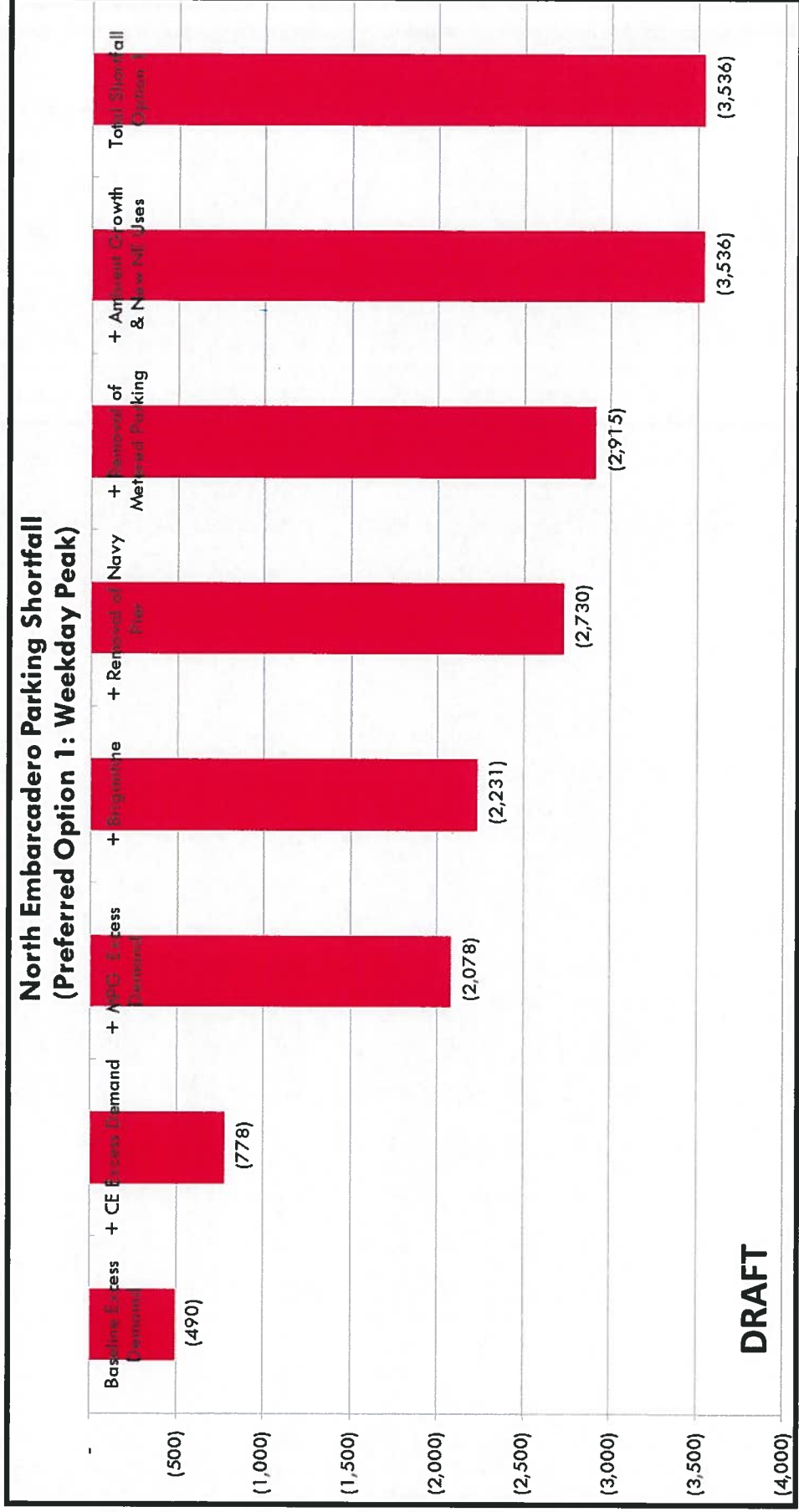
\* Before ~150 Midway Employees



# SDUPD Navy Pier “Interim Parking” CDP # 6-16-0258

## Secondary Issue, Navy Pier and North Embarcadero parking requirements:

Work in Progress Context: Additional Development + More Activated Parks = > Parking Challenges



# SDUPD Navy Pier "Interim Parking" CDP # 6-16-0258

## Secondary Issue, Parking Price Increases:

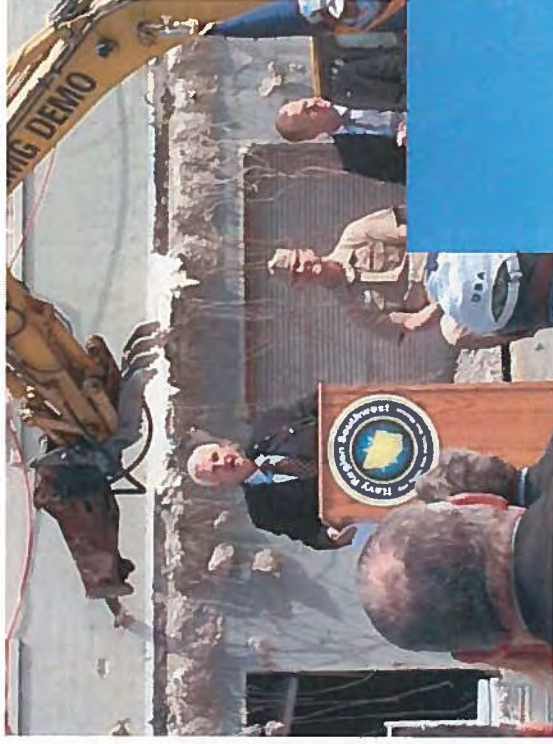
### Navy Pier Competitive Lots Analysis





## SDUPD Navy Pier “Interim Parking” CDP # 6-16-0258

**It’s time to get these 1945 buildings down and start building the future:**



Attachment "A" to CDP #A-6-PSD-11-006

**WATERFRONT & LANE FIELD DESTINATION PARK PLAN**

March 23, 2011

**Background**

Purpose and Intent

The purpose of this plan is to describe and define the "Phase ID" and "Phase IE" portions of the NEVP Public Access Improvement Phase I Improvements (CDP #A-6-PSD-11-006). For descriptive purposes, the Embarcadero Visionary Plan (NEVP) Phase 1 Coastal Access Features project has been divided into four phases. Phase IA: West Broadway, would improve the existing West Broadway street from North Harbor Drive east to the railroad tracks located between Pacific Highway and Kettner, including lowering the high point of the street, landscaping, signalization, striping, utilities, and lighting.

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. Shade pavilions, ticket kiosks, an information building, restroom and a walk-up café building would be constructed on the eastern portion of the Esplanade. 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, which involved public access improvements to Broadway Pier, was removed from the project at the Port District level. However, many aspects of the former Phase 1C have been included in the Public Access Program attached to CDP #A-6-PSD-11-006, which requires various public access and recreation improvements to the landward portion of Broadway Pier, and the interface between Broadway Pier and the Phase ID, the Lane Field Setback Park.

Phase 1D: Lane Field Setback Park/Plaza, addressed in this Plan would create a "park/plaza" in a 150-foot wide setback from Harbor Drive 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 on this site (A-6-PSD-08-04/A-6-PSD-08-101 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.

Phase IE: Waterfront Park, also addressed in this Plan, consists of identification and evaluation of a waterfront park site, and implementation of a plan to develop a Waterfront Destination Park. The Waterfront Park, along with the Lane Field Setback Park/Plaza, will serve as an alternative to, and replacement of, the oval-shaped park/plaza shown on Figure 11 of the certified Port Master Plan (PMPA) adopted by the Coastal Commission March 14, 2001.

This Plan identifies the requirements of the Lane Field Setback Park/Plaza and Waterfront Destination Park, the components of the associated EIR and the PMPA, and establishes milestones that the San Diego Unified Port District must meet during the environmental review and approval process, to ensure both parks will be constructed in a timely manner.

### **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/A-6-PSD-08-101) 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 Port 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 subject permit (Special Condition #1 of CDP #A-6-PSD-11-006), LFSDD and the NEVP Phase 1 Project CDP Applicants 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/A-6-PSD-08-101).

#### **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 partial 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.

#### Framework and Composition

As part of Phase 1D of the Project, the Port 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 Port 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 development occurs first, 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 constructed and the Port must allocate funding sufficient to complete the remainder of the Setback Park/Plaza on 1220 Pacific Highway.

The Setback Park/Plaza shall consist of a public park/plaza approximately 1.66 acres in size. The Setback Park/Plaza shall be expandable by approximately 0.5 acres in size with the addition of land from the 1220 Pacific Highway site. The Setback Park/Plaza will form a significant destination and gathering point that partially 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 to the West Broadway and North Harbor Drive intersection. This focal point may be a public art installation, a water feature, or some other element, subject to the approval of the Executive Director of the Coastal Commission.

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 2.16-acre Setback Park.

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

- (a) Through the NEVP Port Master Plan Amendment now in process, the Port must adopt an appropriate public recreational 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. semi-private uses (i.e. no permanent barriers, etc.). The planning and design of this area must occur through a public process and public access to this area must not be limited in the area any more than is necessary to comply with laws governing the activities proposed for the area by the Lane Field developer. Because this area may be developed with private uses, it has not been added to the approximate 1.66 acres of the public Setback Park/Plaza. However, the private uses in this area must support, enhance; and activate the adjacent public space. Commercial uses such as retail kiosks, café seating, and public parking would be appropriate uses.
- (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 Port District shall require the various design studies for the Setback Park/Plaza to emphasize the creation of 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 Port must provide the public with an opportunity 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 Port's standard right of entry agreement or such other agreement as the Port and the Lane Field developer determine.
- (h) The Lane Field developer has the same rights as any other party to occupy and use the Setback Park/Plaza consistent with the Port'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. Unless otherwise specified, all timeframes below shall commence following commencement of construction of either the NEVP Phase 1A or 1B sub-phase, whichever occurs first, such that completion of the Setback Park/Plaza occurs within three years

following commencement of construction of either the NEVP Phase 1A or 1B sub-phase, whichever occurs first.

#### Construction Timeline

Public outreach, design, and permitting of the Setback Park/Plaza must be complete within one year following Commission action on the subject Coastal Development Permit.

**Task 1: Concept for Setback Park/Plaza.** Within four months following Commission action on the subject Coastal Development Permit, the Applicant must develop a conceptual plan for the Setback Park/Plaza. The conceptual plan must include, at a minimum, site renderings and a layout sufficient to convey an understanding of the design theme and quality of the Setback Park/Plaza.

**Task 2: Public Outreach and Project Design.** Within one year following Commission action on the subject Coastal Development Permit, the Applicant must complete public outreach, design, and any entitlements required for development of the Setback Park/Plaza.

**Task 3: Setback Park Construction.** Within three years following commencement of construction of either the NEVP Phase 1A or 1B sub-phase, whichever occurs first, the Applicant must complete construction of the Setback Park/Plaza.

### **Waterfront Park Plan**

#### Background

The Waterfront Park, Phase 1E of CDP #A-6-PSD-11-006, will be the final component in the Port's replacement of the 2.5 acre oval-shaped park/plaza at the foot of Broadway. Because the exact location of this waterfront component has not been identified yet, the location and design of the remaining 1.25 acres of public park/plaza will be determined through the Port Master Plan Amendment process.

#### Waterfront Park Framework and Composition

The Waterfront Park shall be a minimum of 1.25 acres in size, to replace half the approximate size of the oval-shaped park/plaza. The Park need not necessarily be entirely contiguous (i.e., the park space could be divided into more than one area), but the majority of the Waterfront Park must be one contiguous space, such that it forms a significant destination and gathering point. The Waterfront Park must be on the waterfront, that is, bayward of Harbor Drive. The Park 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.

Port Master Plan Amendment and Environmental Impact Report Content

The Port Master Plan Amendment will be the primary means by which Phase IE of the NEVP Public Access Improvements permit shall be implemented. The EIR for the PMPA shall include, at a minimum, the following:

- Identifying potential locations for a proposed alternative Waterfront Destination Park including, at a minimum:
  - The esplanade near Navy Pier, in the area between the Navy Broadway Complex and the waterfront, including an evaluation of closing Harbor Drive in this location to automobile circulation (except for emergency vehicles or shuttle access) to promote pedestrians, bicycles, and pedicabs circulation;
  - The esplanade across from or near the County Administration Building;
- A qualitative (i.e. type of public experience) and quantitative (i.e. accounting of public open space) evaluation of the Port's ability to provide an alternative Waterfront Destination Park in each location.
- Identification of a preferred alternative for the location of the Waterfront Destination Park.

The amount of public space proposed at the foot of Broadway within the proposed Phase 1B subphase (North Harbor Drive realignment and esplanade) may be included in the count towards the 1.25 acres required to be part of the Waterfront Destination Park

Other elements to be analyzed in the EIR and incorporated into the PMPA shall include:

- Revisions to existing Figure 11 to remove the oval park/plaza at the foot of Broadway and incorporate the replacement Waterfront Destination Park;
- Replacing parking removed by development of the alternative Waterfront Destination Park;
- Clarifying and/or revising the land use category "Park/Plaza" to differentiate between grassy "park" and hardscape "plaza;"
- A comprehensive evaluation of parks, plazas or other public open space in the North Embarcadero area, including an evaluation of the size and functionality of existing and planned spaces;
- Reducing automobile circulation in the Embarcadero area;
- Identifying opportunities to enhance pedestrian-oriented circulation along the waterfront, including along North Harbor Drive
- Converting Navy Pier into a park;
- Defining future uses of the Grape Street piers\*; and
- Implementing the Embarcadero Circulator Shuttle.

\*The existing PMP states that the three existing piers at Grape Street will be removed and replaced with a 30,000 sq.ft. curvilinear public pier with a 12,000 sq.ft. public boat dock

designated as Park/Plaza. If the PMPA includes removal of the curvilinear public pier and/or public boat dock from the PMP, the public pier component must be replaced within the North Embarcadero and the EIR shall include an analysis of the impact to public access and recreation, and replacement of the pier with a substitute public pier of comparable size.

Other programmatic elements and specific projects may be considered as a result of future public outreach, Coastal Commission staff recommendations, and direction received from the Board of Port Commissioners.

#### Timeframes and Funding Sources

An analysis of timeframes for construction, estimation of park construction costs, and identifying and securing funding sources for the alternative Waterfront Destination Park could either be done through the EIR, or a separate stand-alone document, but in either case, construction schedules and an identified funding source must be included in the PMPA. An outline of the required milestones for review of the Plan and construction of the park is provided below. Deadlines for individual aspects of the project may vary, but in total, the Port must submit a PMPA to the Commission within two years of Commission approval of the subject permit, and construction of the park must be completed within two years of certification of the PMPA by the Commission.

#### EIR and PMPA Milestones

The PMPA and environmental review processes can be lengthy and controversial. However, the following milestones establish a timeline for preparing the PMPA for Coastal Commission consideration. Any of these milestones may be completed earlier than the scheduled due dates and all are subject to adjustment only as described below.

The Port commenced the PMPA process in the fall of 2009 and selected an environmental consultant on January 5, 2010. The final scope of the PMPA and accompanying environmental document will be determined through the public outreach described in Task 1 below.

**TASK 1: Commence and Complete Public Outreach to Define PMPA.** At a minimum, the Port will commence and complete public outreach to establish the parameters of the PMPA and to develop alternatives to study during the environmental review. The Port will consult with Coastal Commission staff regarding the scope of public outreach. Additional public outreach otherwise required by the PMPA and environmental review processes will be conducted in accordance with Port policy and practices, the Coastal Act, and California state law.

TASK 1 is due no later than six months after COMMISSION ACTION ON THE SUBJECT COASTAL DEVELOPMENT PERMIT.

**TASK 2: Authorize Consultant Team to Prepare Environmental Document for PMPA.** Following completion of Task 1, the Port will refine the PMPA scope and content based on the outcome of the public outreach, and authorize its selected consultant to prepare a draft EIR for the PMPA.

TASK 2 is due no later than three months after COMPLETION OF TASK 1.

**TASK 3: Finalize Environmental Document and PMPA and Conduct Port Public Hearing, and Transmit PMPA to Coastal Commission.** These processes will be conducted in accordance with Port policy and practices, the Coastal Act, and California state law, and include response to comments and public hearings by the Board of Port Commissioners. If the PMPA and environmental document are approved by the Board of Port Commissioners, then the PMPA will be transmitted as soon as practicable thereafter to the Coastal Commission for review and certification.

TASK 3 is due no later than two years after COMMISSION ACTION ON THE SUBJECT COASTAL DEVELOPMENT PERMIT.

At the completion of each Task, Port staff will submit a written status report to Commission staff summarizing the progress made up to that point, and a proposed schedule for completion of the remaining tasks.

#### Completion of the Waterfront Destination Park Milestones

Completion of the Waterfront Destination Park shall occur within two years of Commission approval of the PMPA. At the completion of each of the following Tasks, Port staff will submit a written status report to Commission staff summarizing the progress made up to that point, and a proposed schedule for completion of the remaining tasks:

Park Task 1: Amend the Joint Powers Authority (JPA) Agreement.

Park Task 2: Procure Park Designer.

Park Task 3: Complete Public Outreach and design; Obtain Permits to Construct Park.

Park Task 4: Complete Public Advertising and Bidding; Award Contract to Build the Park.

Park Task 5: Complete Park Construction.

Excusable Delays

Recognizing that there are delays inherent in the PMPA and environmental review processes, the milestone schedule will be extended one day for each day that a delay is caused by:

- (i) litigation by a third party not affiliated with or under the direction of the Port that prevents the Port from meeting any of the deadlines expressed or implied within the milestone schedule; and
- (ii) riots; natural disasters and other acts of God, including, without limitation, fires, earthquakes, floods, unusually severe weather conditions, and hurricanes; labor strikes; delays caused by governmental agencies other than the Port; acts of terrorism; and war on United States soil. These events will only extend the schedule if they result in a delay to the Port's ability to process the PMPA despite the Port's diligent and reasonable best efforts to proceed with the PMPA.

Design Principles for Lane Field Setback and Waterfront Parks

The Port must comply with the following 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. Ensure that the parks are usable for large gatherings such as public events, community festivals, outdoor art exhibits, and concerts.
7. Include universal design public restrooms at the Lane Field Setback Park/Plaza and where appropriate in other segments.



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.

Failure to Meet Milestones

Should the Port fail to meet any of the above milestones for either Phase 1D or 1E, then the Port will promptly notify the Executive Director of the Coastal Commission of such failure. Within thirty days of missing any milestone, the Port may request an extension of time from the Executive Director of the Coastal Commission, and if the extension is granted, may complete the remaining task(s) within the time granted. If an extension is not granted, the Port agrees to submit an amendment to this permit for a revised PMPA and/or park construction timeline.

Failure to either meet the above milestones or to obtain an extension of time to meet such... milestones will constitute a Coastal Act violation and may result in formal enforcement action. This formal action could include recordation of a notice of violation on the Port's property, a civil lawsuit, the issuance of a cease and desist and/or restoration order, and/or imposition of monetary penalties, including daily penalties of up to \$15,000 per day under section 30820(b) and other applicable penalties pursuant to chapter 9 of the Coastal Act.