

High-Level Summary of Matrix of Existing Commitments in North Embarcadero Sub-District <i>Full summary document is included after this 5-page summary table</i>				
COMMITMENT TITLE	DESCRIPTION	COMMITMENT SOURCE (NEVP PMPA, USS Midway CDP, USS Midway Lease, Lane Field MOU, NEVP CDP, Navy Pier NOI)	PLANNED PROCESSING ROUTE	
			PLANNING-LEVEL IMPLEMENTATION (Program EIR & PMPU)	PROJECT-LEVEL IMPLEMENTATION (Project EIR & CDPs)
WATERFRONT DESTINATION PARK				
<i>Identify potential locations for a Waterfront Destination Park</i>	Identify potential locations for a proposed Waterfront Destination Park (as an alternative to the former "Oval Park"). At minimum, this must include the following locations to be studied: <ul style="list-style-type: none"> • Esplanade near Navy Pier between Navy Broadway Complex and the waterfront, including closing Harbor Drive to vehicles (emergency & shuttles are acceptable) • Esplanade across from or near the County Administration Building Additional locations may also be studied	NEVP CDP	✓	
<i>Provide a qualitative and quantitative evaluation of Waterfront Destination Park in each location</i>	Provide a qualitative (type of public experience) and quantitative (accounting of public open space) evaluation of the Port's ability to provide a Waterfront Destination Park in each location considered (minimum of two locations)	NEVP CDP	✓	
<i>Identify a preferred location for a Waterfront Destination Park</i>	Identify a preferred location for a Waterfront Destination Park	NEVP CDP	✓	Pursuant to the NEVP CDP, detailed Waterfront Destination Park (WDP) design to occur subsequent to PMPU certification and would include 10 'Design Principles' called for in the CDP. Construction of WDP to occur following PMPU certification by the Coastal Commission.
<i>Provide an analysis of construction schedules, costs, and funding for a Waterfront Destination Park</i>	Provide an analysis of construction schedules, construction cost estimates, and identification of funding sources for a Waterfront Destination Park	NEVP CDP		✓

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PARK/PLAZA ASSESSMENT AND CLARIFICATION				
<i>Removal of Oval Park/Plaza from existing PMP</i>	Revise existing Figure 11 in Port Master Plan to remove oval park/plaza and incorporate the replacement Waterfront Destination Park	NEVP CDP	✓	
<i>Clarify or revise land use category "Park/Plaza"</i>	Clarify and/or revise land use category "Park/Plaza" to differentiate between grassy "park" and hardscape "plaza"	NEVP CDP	✓	
<i>Comprehensive evaluation of parks, plazas or other public open spaces</i>	Provide a comprehensive evaluation of the following: <ul style="list-style-type: none"> • Parks, plazas, or other public open spaces in the North Embarcadero area • Size and functionality of existing and planned spaces 	NEVP CDP	✓	
<i>Replacement Parking for Waterfront Destination Park</i>	Analyze replacement parking to be removed by the development of the Waterfront Destination Park. Note that this must include analysis of any alternate locations	NEVP CDP	✓	
<i>Reduce automobile circulation</i>	Analyze reducing automobile circulation in the North Embarcadero area, including traffic circulation strategies that prioritize pedestrians over automobiles	NEVP CDP	✓	
<i>Enhance Pedestrian Circulation</i>	Identify opportunities to enhance pedestrian-oriented circulation along the (1) Waterfront; and (2) North Harbor Drive	NEVP CDP Lane Field MOU	✓	
<i>Embarcadero Circulator Shuttle</i>	Analyze implementation of the Embarcadero Circulator Shuttle	NEVP CDP	✓	

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NAVY PIER PARK				
<i>Conversion of Navy Pier into a Park</i>	Incorporate Navy Pier into the Port Master Plan. Convert Navy Pier into a 5.7-acre park.	NEVP PMPA NEVP CDP Navy Pier NOI (some or part of the pier as a park)	✓	
GRAPE STREET PIERS				
<i>Define future use of Grape Street Piers</i>	Existing Port Master Plan states that three piers at Grape Street will be removed and replaced with a 30k sf curvilinear public pier and a 12k sf public boat dock designated as Park/Plaza. If the PMPA includes removal of the curvilinear public pier and/or public dock from the Port Master Plan, the public pier component must be replaced within the North Embarcadero and the EIR shall include analysis of the impact to public access and recreation, and replacement of the pier with a substitute public pier of comparable size.	NEVP PMPA NEVP CDP	✓	
HARBOR DRIVE SETBACK PARK				
<i>Adopt land use designation for setback park/plaza and incorporate into Coastal Walk</i>	Incorporate the completed 1.66-acre Lane Field 150-Foot Setback Park/Plaza Land Use Designation into the Port Master Plan to match actual conditions, as well as incorporate the setback park into the Coastal Walk (if feasible)	NEVP CDP Lane Field MOU	✓	
<i>1220 Pacific Highway</i>	District to make good faith effort to acquire 1220 Pacific Highway to complete the Setback Park/Plaza.	NEVP CDP Lane Field MOU	✓	

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			PLANNING-LEVEL IMPLEMENTATION (Program EIR & PMPU)	PROJECT-LEVEL IMPLEMENTATION (Project EIR & CDPs)
205-FOOT SETBACK STUDY				
<i>Study 205-foot setback adjacent to Harbor Dr</i>	<p>Study at a minimum:</p> <ul style="list-style-type: none"> One alternative for an average 205-foot setback adjacent to N. Harbor Drive as presently aligned, running from Hawthorn to the prolongation of “B Street” One alternative for the realignment of N. Harbor Drive east of its present location, with 205-foot average setback immediately west of the realigned North Harbor Dr., immediately east of the NEVP promenade adjacent to San Diego Bay from Hawthorn to Prolongation of B Street <p>Project description for PMPA must include study of these alternatives, which shall be studied on an equal footing with the primary project and not merely as two alternatives among the range of reasonable alternatives that must be studied under CEQA</p> <p>Study may include an economic analysis of the funding, feasibility, and impacts of alternatives</p>	Lane Field MOU		
INTERIM USE OF NAVY PIER				
<i>Parking on Navy Pier</i>	Interim parking on Navy Pier for USS Midway visitors and the general public.	NEVP PMPA USS Midway CDP USS Midway Lease Navy Pier NOI		
LONG-TERM PARKING FOR USS MIDWAY				
<i>Parking for visitors to USS Midway</i>	After Navy Pier is converted to a park, parking for visitors to USS Midway is to shift to nearby offsite locations.	NEVP PMPA USS Midway CDP USS Midway Lease		

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			PLANNING-LEVEL IMPLEMENTATION (Program EIR & PMPU)	PROJECT-LEVEL IMPLEMENTATION (Project EIR & CDPs)
<i>Securing long-term upland parking</i>	Midway to establish account and make annual deposits to secure upland parking so that parking can be removed from Navy Pier.	USS Midway CDP USS Midway Lease		

Items (Chronological Order)	Entities Involved	Commitments and Notes	Status
<p>Port Master Plan Amendment (PMPA) for North Embarcadero Visionary Plan (NEVP) and the USS Midway (March 2001; District Document No. 45491)</p> <p>See Exhibit A</p>	<p>District and Coastal Commission</p>	<p>As part of the PMPA the following were added to the Port Master Plan (PMP):</p> <ol style="list-style-type: none"> 1. Parking for visitors to the USS Midway allowed on Navy Pier on an interim basis. 2. When the Navy determines that its use of the Navy Pier is no longer necessary, the Port will accept the proposal by the San Diego Aircraft Carrier Museum to convert the Navy Pier into a “public park” use, thereby allowing the pier to be converted into a memorial park. 3. Vehicle parking for museum visitors will then be shifted to nearby offsite locations. 4. The conversion of Navy Pier to a 5.7-acre memorial park is a specific planning goal of the Port. <p>Record shows that the conversion of Navy Pier to a park was required to offset coastal view impacts from placement of the USS Midway in an established view corridor.</p>	<p>Parking is still available to the USS Midway and the general public on Navy Pier.</p>
<p>USS Midway Coastal Development Permit (CDP) (July 2003; District Document No. 45516)</p> <p>See Exhibit B</p>	<p>Issued by the District to the USS Midway</p>	<p>Conditions of the CDP:</p> <ol style="list-style-type: none"> 1. Parking will be provided on Navy Pier to accommodate parking for the museum. 2. USS Midway must establish an account and make annual deposits until July 22, 2013 to secure upland parking thereby allowing parking on the pier to be removed and the pier converted to a memorial park. 3. USS Midway must submit complete plans and a project description to the District for Navy Pier Memorial Park no later than July 22, 2010. 	<p>Parking is still available to the USS Midway and the general public on Navy Pier. USS Midway has established the account and submitted plans for a park on Navy Pier in March 2012.</p>

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<p>USS Midway Lease (October 2005; District Document No. 49519)</p> <p>See Exhibit C</p>	<p>District and San Diego Aircraft Carrier Museum</p>	<p>Terms of the Lease relevant to Navy Pier:</p> <ol style="list-style-type: none"> 1. It is USS Midway's sole responsibility to secure parking. 2. The Lease shall immediately terminate at such time that USS Midway no longer has two hundred seventy-nine (279) paved parking spaces available on weekdays and three hundred forty-eight (348) paved parking spaces available on weekends and holidays. 3. Parking on a temporary basis can be satisfied on Navy Pier. District's operation of parking on Navy Pier satisfies the USS Midway's parking requirement until (1) the District legally cannot not operate the parking lot on Navy Pier or (2) until October 1, 2015, whichever occurred first. 4. USS Midway is required to provide parking off tidelands when the District ceases to operate parking on Navy Pier unless the Port Master Plan is amended to allow for public parking on Navy Pier and the District continues to operate a public parking lot on Navy Pier, then the parking spaces would count towards USS Midway's parking requirement. 5. USS Midway to set aside \$100,000 per year for the first five years of its lease and then \$150,000 per year beginning with the sixth year of the lease, into a special account to be used to secure upland parking. The monetary set aside is not a substitute for providing the required parking. 6. After the USS Midway obtains the rights to the number of required parking spaces off of Navy Pier, the District shall make available approximately 25% of Navy Pier for development of a Veteran's Memorial Park. 7. USS Midway shall take the leadership role in pursuing funding and development of the Veteran's Memorial Park and the District has no obligation to contribute any funding towards said development. 	<p>The USS Midway is responsible for minimum parking requirements. The District is no longer contractually obligated to provide parking on Navy Pier. The USS Midway submitted plans for a park on Navy Pier but the plans were not processed pursuant to Board direction.</p>

Items (Chronological Order)	Entities Involved	Commitments and Notes	Status
		8. USS Midway was obligated to submit plans for the park by October 1, 2012; however, the Midway's obligation to construct the park expired on October 1, 2015.	
Memorandum of Understanding (November 2010; District Document No. 57019) See Exhibit D	Lane Field Project (MOU) by and between San Diego Unified Port District (District), Lane Field San Diego Developers, LLC (LFSDD), and the San Diego Navy Broadway Complex Coalition (Coalition)	<ol style="list-style-type: none"> 1. LFSDD must achieve labor peace on the Lane Field project site. 2. District and LFSDD must establish and designate land uses for a 150-foot setback park/plaza (Setback Park/Plaza) along North Harbor Drive for the entire distance between the prolongation of "B" Street to the north and West Broadway to the south. The Setback Park/Plaza must include public space. District must allocate funding sufficient to complete the remainder of the Setback Park/Plaza on 1220 Pacific Highway. To the extent feasible the Setback Park/Plaza shall be incorporated into the Coastal Walk. 3. The District must make a good faith effort to acquire a portion of property within the 150-foot setback on the Navy's leasehold at 1220 Pacific Highway and continue to explore private and public funding options for acquisition of the Navy leasehold interest at 1220 Pacific Highway. Within 30 days after acquisition, the Navy vacating the site, and demolition of existing structures, the District shall construct the Setback Park/Plaza. 4. As part of an EIR for the NEVP PMPA, the District at a minimum, shall include (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 study of these alternatives shall be studied on an equal footing 	Labor peace was achieved. The portion of the Setback Park/Plaza in front of Lane Field has been constructed. The PMPU will include a land use designation for this area. The District has set aside funds to complete the park as part of the District's Capital Improvement Program (CIP). The District continues good faith efforts to acquire the 1220 Pacific Highway leasehold from the Navy. The PMPU EIR will

Items (Chronological Order)	Entities Involved	Commitments and Notes	Status
		with the primary project 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.	include an analysis of the 205-foot setback alternatives on equal footing with the project.
<p>NEVP Phase 1 CDP (April 18, 2011; District Document No. 58230)</p> <p>See Exhibit E</p>	Issued by the Coastal Commission to the District	<p>Phase 1D and 1E of Special Condition 1 of the CDP are required to replace a 2.5-acre oval park/plaza at the foot of Broadway that is currently shown in the Port Master Plan.</p> <p>Special Condition 1 of the CDP, Phase 1D of the NEVP Public Access Improvements, Lane Field Setback Park/Plaza.</p> <ol style="list-style-type: none"> 1. Lane Field and the District 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. The Lane Field site consists of approximately 1.66 acres, which shall be expandable by another approximate 0.5 acres with the addition of land from 1220 Pacific Highway if the Port acquires the site for a contiguous 2.16-acre Setback Park. 2. Earlier of the completion of NEVP Phase 1 or opening of the first Lane Field hotel, Port must allocate funding sufficient to complete the remainder of the Setback Park/Plaza on 1220 Pacific Highway. 3. Setback Park/Plaza must include public space, including hardscape and softscape. 4. District shall change the land use designation in the Port Master Plan to appropriate public recreational land use designation and to the extent feasible, incorporate it into the Coastal Walk. 	With the exception of the portion proposed on the 1220 Pacific Highway leasehold, the Lane Field Setback Park/Plaza has been constructed. The District continues in good faith to acquire 1220 Pacific Highway and through the CIP, has set aside funds to finish construction of the Setback Park on 1220 Pacific Highway. The land use designations for the Setback Park will be part of

Items (Chronological Order)	Entities Involved	Commitments and Notes	Status
			the PMPU.
<p>NEVP Phase 1 CDP (April 18, 2011; District Document No. 58230)</p> <p>See Exhibit F</p>	<p>Issued by the Coastal Commission to the District</p>	<p>Phase 1D and 1E of Special Condition 1 of the CDP are required to replace a 2.5-acre oval park/plaza at the foot of Broadway that is currently shown in the Port Master Plan.</p> <p>Special Condition 1 of the CDP, Phase 1E of the NEVP Public Access Improvements, Waterfront Park.</p> <p>The District must process an EIR and PMPA for the following:</p> <ol style="list-style-type: none"> 1. Designate Waterfront Park that shall be a minimum of 1.25 acres in size. The Waterfront Park need not be contiguous, but the majority must be contiguous. Waterfront Park must be on the bayward side of Harbor Drive. The Park may include hardscape and landscape but it must include some lawn or turf space. The public space at the foot of Broadway may count towards the 1.25-acre Water Destination Park requirement. This area is 0.37 acres. Accordingly, the District must designate a minimum of 0.88 acres for the Water Destination Park. 2. Removal of the the oval park from the Port Master Plan (PMP) and incorporation of the Waterfront Destination Park. 3. Replacement of any parking displaced from the new Waterfront Destination Park. 4. Clarify and or revise the land use category “park/plaza” to differentiate between grassy “park” and hardscape “plaza”. 5. Evaluate parks, plazas or other public open space in the North Embarcadero area, including size and functionality of existing and planned spaces. 6. Reduce automobile circulation in the North Embarcadero area. 7. Identify opportunities to enhance pedestrian-oriented circulation 	<p>Staff recommends that the PMPU and EIR for the PMPU address the majority of these commitments or include policies to further these commitments.</p> <p>If the Coastal Commission agrees, staff recommends that commitment 12 be complied with outside of the PMPU.</p>

Items (Chronological Order)	Entities Involved	Commitments and Notes	Status
		<p>along the waterfront, including along North Harbor Drive.</p> <ol style="list-style-type: none"> 8. Convert Navy Pier to a park. 9. Define future uses of the Grape Street pier if the curvilinear public pier in the current PMP is removed from the PMP. The curvilinear public pier, if removed, shall be replaced in the North Embarcadero and the EIR shall analyze impacts to public access and recreation. 10. Implement an Embarcadero Circulator Shuttle. 11. Other elements may be considered as a result of public outreach, Coastal Commission staff recommendations and direction received by the Board. 12. Timeframes for construction and identification of funding sources for the Water Destination Park must be part of the PMPA. <p>The EIR for the PMPA shall also include:</p> <ol style="list-style-type: none"> 13. Potential locations for a proposed alternative Waterfront Destination Park, including at a minimum (1) the esplanade near Navy Pier between the Navy Broadway Complex and the waterfront, which shall also examine the closure of North Harbor Drive to automobile circulation and (2) the esplanade across from or near the County Administrative Building. 14. A qualitative and quantitative evaluation of the District's ability to provide an alternative Waterfront Destination Park in each location described in number 13 above. 15. Identification of a preferred alternative location for the Waterfront Destination Park. 	
Notice of Intent to Issue Permit for Parking on	Issued by the Coastal Commission	<p>CDP was for increase in parking rates at Navy Pier and continued USS Midway parking.</p> <ol style="list-style-type: none"> 1. Development authorized for a term of four-years from the time the 	CDP has not been issued by the Coastal

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<p>Navy Pier (June 5, 2017)</p> <p>See Exhibit G</p>	to the District	<p>CDP was approved by the Coastal Commission; after expiration, a new or amended CDP will be required.</p> <ol style="list-style-type: none"> 2. District to submit a PMPA within two years from the time the CDP was approved by the Coastal Commission to incorporate Navy Pier into the PMP with some or all of the pier designated as a public park. Any future parking for the USS Midway needs to be adjacent to the Midway. The PMPA may be part of a larger Port Master Plan update. 3. Progress reports required to illustrate the conversion of Navy Pier into a park. 4. Prior to issuance of the CDP, a full-size demolition plan for the Navy Pier Head House and final interim parking and public access plans shall be submitted to the Executive Director of the Coastal Commission. 5. Prior to issuance of the CDP, a public access signage plan, as well as other items shall be submitted to the Executive Director of the Coastal Commission. 	Commission.

EXHIBIT A
Existing Certified Port Master Plan

Port Master Plan, page 64:

“Parking for visitors to the Midway and its museum will be provided, on an interim basis, at the Navy Pier, pursuant to the museum’s lease with the United States Navy. When and if the Navy determines that its use of the Navy Pier is no longer necessary, the Port will accept the proposal by the San Diego Aircraft Carrier Museum to convert the Navy Pier into a “public park” use, thereby allowing the pier to be converted into a memorial park complementing the Midway and its museum, while affording additional public open space and bay vistas. Vehicle parking for museum visitors will then be shifted to nearby offsite locations. . . . [T]he conversion of the pier to a 5.7-acre memorial park is a specific planning goal of the Port, and environmental analysis for the park conversion will be conducted prior to the Navy relinquishing ownership and/or control of the Navy Pier such that construction of the park can occur as soon as feasible thereafter.”

EXHIBIT B
Excerpts from the USS Midway CDP

“The proposed project consists of the berthing of the USS Midway Aircraft Carrier on two mooring platforms that will permanently moor the USS Midway Aircraft Carrier on the south side of Navy Pier 11A for the purpose of a public museum. The platforms will consist of a three-foot thick concrete deck flanked by 16-foot fenders attached to a precast concrete panel on the mooring side. Each platform will be approximately 60 feet by 35 feet in size. Access to the USS Midway will be by way of approximately four gangways attached to the existing pier deck. Parking will be provided on Navy Pier to accommodate all parking for the museum. . . .

SPECIAL PROVISIONS

10. The San Diego Aircraft Carrier Museum (SDACM) shall establish a ten-year special account into which it will contribute \$100,000 per year for the first five years and \$150,000 per year for the second five years. The purpose of the funds in the account will be to secure upland parking for the Midway, thereby allowing the parking on the pier to be removed and the pier converted to a memorial park. At such time as SDACM obtains adequate parking away from the pier, it may close the special account and use the funds in any way SDACM sees fit. The account will be auditable or accessible to the Coastal Commission staff and Port staff annually to verify that the funds are present.
11. The SDACM shall submit complete plans and a project description to the District for review and evaluation of the Navy Pier Memorial Park as soon as practicable, but not later than three years prior to the conclusion of the ten-year special account period described in item #10 above.

Exhibit C
Excerpts from the Lease Between the District (Lessor) and USS Midway (Lessee)

Paragraph 1 of the Lease, page 2:

“[T]he term of this Lease shall immediately terminate at such time that Lessee no longer has the number of parking spaces available to the Leased Premises that are required in Paragraph 2(b) below and the term of this Lease as to the State Parcel portion of the Leased Premises shall immediately terminate”

Paragraph 2(b) of the Lease, pages 3-4:

“Lessee also agrees that it will, at all times during the term of this Lease, continuously have a minimum of two hundred seventy-nine (279) paved parking spaces available on weekdays and three hundred forty-eight (348) paved parking spaces available on the weekends and holidays for use of visitors to the U.S.S. Midway (“Parking Requirement”). Lessor operates a public parking lot on former Navy Pier [] (“Public Parking Lot”) that will temporarily satisfy Lessee's Parking Requirement. Lessor shall continue to operate the Public Parking Lot until (i) the Lessor is legally precluded from having a sufficient number of parking spaces on former Navy Pier [] to satisfy the Parking Requirement or (ii) the tenth (10th) anniversary of the Commencement Date, whichever occurs first. Lessor shall charge market rates for the Public Parking Lot during the term of this Lease.

When Lessor is no longer operating the Public Parking Lot, Lessee shall continuously meet the parking requirement by providing parking off Lessor's tideland property or this Lease shall terminate pursuant to Paragraph 1 above. . . . Lessee understands and agrees that it has sole responsibility to continuously satisfy the Parking Requirement

Notwithstanding the foregoing, if Lessor's Port Master Plan is amended to allow the Lessor to continue operating the Public Parking Lot (which term includes a modified or substitute public parking lot or lots located on the former Navy Pier 11 A), then as long as (i) the Port Master Plan allows the Public Parking Lot and (ii) Lessor, in its sole and absolute discretion, continues the operation of the Public Parking Lot, the number of parking spaces in the Public Parking Lot will be counted towards satisfying the Parking Requirement and Lessee shall be solely responsible to satisfy the shortfall, if any, in the Parking Requirement by providing parking off Lessor's tideland property.”

Paragraph 47 of the Lease, page 41:

“Lessee shall establish, during its first year of museum and related education center operations, a Parking Contingency Account as a means to provide funding to meet Lessee's Parking Requirement off Lessor's tideland property as required in Paragraph 2(b) above. Lessee agrees annually, on or before December 1st of each year (commencing in the year 2005), to place into the Parking Contingency Account a sum not less than One Hundred Thousand Dollars (\$100,000) during each of the first five years of this Lease and a sum not less than One Hundred and Fifty Thousand Dollars (\$150,000) each year thereafter until said Parking Requirement is satisfied off Lessor's tideland property. Upon request, Lessee must demonstrate to the Lessor's satisfaction, in its sole and absolute discretion, that funds, from this account are being maintained and shall only be used to satisfy said Parking Requirement off Lessor's tideland property. Upon satisfying said Parking Requirement off Lessor's tideland property, or if Lessor, in its sole and absolute discretion, determines that parking will be maintained on a tideland property for the remaining term of this Lease that will satisfy said Parking Requirement, Lessee shall then be entitled to the unrestricted use of any remaining funds in the Parking Contingency Account. Interest earned on such funds may be used by Lessee for any museum and related education center purpose.”

Paragraph 48 of the Lease, page 41 - 42:

“After Lessee has obtained rights to a minimum of two hundred seventy-nine (279) paved parking spaces on weekdays and three hundred forty-eight (348) paved parking spaces on weekends and holidays located off of the former Navy Pier 11A (and off of all other Lessor-owned tideland properties) for use by visitors to the U.S.S. Midway and parking is no longer required on the former Navy Pier 11A for Lessee's visitors, or if Lessor, in its sole and absolute discretion, determines that parking will be maintained on a tideland property for the remaining term of this Lease that will satisfy the Parking Requirement, Lessor shall make available approximately twenty-five percent (25%) of the former Navy Pier 11A for construction and operation of a Veteran's Memorial Park as determined through Lessor's planning process in conjunction with appropriate stakeholders. Lessee shall take the leadership role in pursuing funding and development of the Veteran's Memorial Park and Lessor has no obligation to contribute any funding towards said development. By no later than seven (7) years from the Commencement Date, Lessee shall submit a complete set of plans and a project description for the development of the Veteran's Memorial Park to Lessor for its review, evaluation, and consideration. In the event, construction of the Veteran's Memorial Park has not commenced within ten (10) years from the Commencement Date, Lessor's obligation under this Paragraph 48 shall become and be null and void and of no further force or effect.”

Exhibit D
Excerpts from the MOU

Paragraph 1.A, page 2:

“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.”

Paragraph 1.B, page 2-3:

“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.”

Paragraph 1.C, pages 3-4:

“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 finding 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.”

Paragraph 1.D, page 4:

“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.”

Exhibit E
Excerpts from the NEVP Phase 1 CDP

Attachment "A" to the CDP, pages 2- 4 regarding Phase 1D of the Public Access Program:

"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. . . .

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, cafe 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 dicing 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.

Exhibit F

Excerpts from the NEVP Phase 1 CDP

Attachment “A” to the CDP, pages 5 - 7 regarding Phase 1E of the Public Access Program:

“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. . . .

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. . . .

The Port Master Plan Amendment will be the primary means by which Phase 1E 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 IB 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.

Exhibit G
Excerpts from the Notice of Intent to Issue Permit (Application 6-16-0258)

“1. Permit Term.

(a) This coastal development permit authorizes development on a temporary basis only. The development is authorized for a period of four (4) years, commencing upon the date of Commission approval of Coastal Development Permit No. 6-16-0258, after which time the authorization for continuation or retention of any development approved as part of this permit shall cease. After the permit expires, the retention of parking on Navy Pier will require the issuance of a new or amended coastal development permit.

(b) If the applicant does not obtain a coastal development permit or amendment from the California Coastal Commission to continue parking on Navy Pier prior to expiration of the permit, the applicant shall cease parking on the pier upon expiration of the permit. . . .

2. Port Master Plan Amendment and Progress Reports.

(a) Port Master Plan Amendment. By acceptance of this permit, the applicant agrees that no later than two (2) 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 all or some of the pier designated as a public park, 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 all or some of Navy pier as a public park.

(b) Progress Reports. One year following Commission approval of Coastal Development Permit No. 6-16-0258, the applicant shall submit to the Executive Director a report on the progress made towards converting Navy Pier from a parking lot into a public park. Each calendar year thereafter, the applicant shall submit to the Executive Director an annual progress report documenting the progress that has occurred throughout the previous year. . . .

The information contained in the annual progress reports will be used by the Commission in review of the Port Master Plan Amendment application required in subsection (a) of this special condition and any future development on Navy Pier requiring a coastal development permit. . . .

4. Head House Demolition Plan. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and written approval of the Executive Director, a full-size demolition plan for the Head House.

The permittee shall undertake development in conformance with the approved final plans unless the Commission amends this permit or the Executive Director determines that no amendment is legally required for any proposed minor deviations.

5. Final Plans. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and written approval of the Executive Director, a full-size set of final plans for the interim parking and public amenities on Navy Pier that substantially conform with the plans submitted to the Commission, titled Navy Pier Interim Parking Striping, dated October 14, 2016.

The permittee shall undertake development in conformance with the approved final plans unless the Commission amends this permit or the Executive Director determines that no amendment is legally required for any proposed minor deviations

6. Public Access Signage Plan. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and written approval of the Executive Director, a comprehensive Public Access Signage Plan. The plan shall include, but not be limited to, the following:

(a) Plans, dimensions, and locations of signage to notify the public of the public access available on the U.S.S. Midway deck when the U.S.S. Midway is open to the general public. Signage shall be large enough to be seen by the public and clearly identify that public access on the U.S.S. Midway deck is available free of charge. Signage shall be located, at minimum, on the public promenade at the pedestrian entrances to Navy Pier and at the entrance to the ticket booth.

(b) Plans, dimensions, and locations of signage to notify the public of the public access available on the viewing deck at the end of Navy Pier. Signage shall be large enough to be seen by the public and be located, at minimum, on the public promenade at the pedestrian entrances to Navy Pier and along the pedestrian walkways prior to reaching the viewing deck. . . .”