

STATE OF CALIFORNIA – THE NATURAL RESOURCES AGENCY

EDMUND G. BROWN, JR., Governor

CALIFORNIA COASTAL COMMISSION

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(264)



San Diego Unified Port District

Document No. 58230Filed NOV 08 2011

Office of the District Clerk

Page: 1

Date: April 18, 2011

Permit Application No.: A-6-PSD-11-006

COASTAL DEVELOPMENT PERMIT

On April 13, 2011, the California Coastal Commission granted to:

San Diego Unified Port District

this permit subject to the attached Standard and Special Conditions, for development consisting of

Realign North Harbor Drive from the B Street Pier to south of the Broadway Pier eastward, construct 105 foot wide esplanade; public plaza at the foot of West Broadway; gardens; shade pavilions; ticket kiosks; information building; walk-up café; restroom; median improvements on West Broadway between North Harbor Drive and Pacific Highway; and restriping to provide an additional turn lane to the Grape Street and North Harbor Drive intersection. Construct public park/plaza in 150-foot setback from Harbor Drive on Lane Field

more specifically described in the application filed in the Commission offices.

The development is within the coastal zone at

North Harbor Drive, from the B Street Pier to south of Broadway Pier; Grape Street and North Harbor Drive intersection; Lane Field at West Broadway and North Harbor Drive; San Diego (San Diego County).

Issued on behalf of the California Coastal Commission by

PETER M. DOUGLAS
 Executive Director

By: DIANA LILLY
 Coastal Program Analyst

ACKNOWLEDGMENT:

The undersigned permittee acknowledges receipt of this permit and agrees to abide by all terms and conditions thereof.

The undersigned permittee acknowledges that Government Code Section 818.4 which states in pertinent part that: "A Public entity is not liable for injury caused by the issuance. . . of any permit. . ." applies to the issuance of this permit.

58230

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IMPORTANT: THIS PERMIT IS NOT VALID UNLESS AND UNTIL A COPY OF THE PERMIT WITH THE SIGNED ACKNOWLEDGMENT HAS BEEN RETURNED TO THE COMMISSION OFFICE. 14 Cal. Admin. Code Section 13158(a).

10/31/2011

Date

Randa J. Condit

Signature of Permittee

STANDARD CONDITIONS:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

SPECIAL CONDITIONS:

The permit is subject to the following conditions:

1. **Waterfront & Lane Field Destination Park Plan.** The applicant shall comply with all requirements in the attached "Waterfront & Lane Field Destination Park Plan" dated March 23, 2011, included as Attachment A.

Any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the approved plan shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

2. **Broadway Pier Design Principles and Programming Plan.** The applicant shall comply with all requirements contained in the attached "Broadway Pier Design Principles and Programming Plan" dated March 23, 2011, included as Attachment B.

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Any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the approved plan shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

3. **Revised Public Access Program. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for review and written approval of the Executive Director, a final Public Access Program. Said plan shall be in substantial conformance with the "NEVP Phase 1 Coastal Access Features Project Public Access Program" dated January 2011, attached as Exhibit #14, however, revised to include a section titled "**5.0 NEVP Public Spaces Interaction.**" This section shall include policies to promote interaction between the public spaces within the NEVP Phase 1 project, including Broadway Pier, Broadway Plaza, and the Lane Field Setback Park. The policies will place particular emphasis on how public events and activating uses will encourage safe and integrated pedestrian circulation between Broadway Pier and Lane Field Setback Park across Harbor Drive.

Any proposed changes to the approved program shall be reported to the Executive Director. No changes to the approved program shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

4. **Parking Management and Transit Opportunity Plan. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit a Final Parking Management and Transit Opportunity Plan to the Executive Director for review and written approval. The applicant shall comply with all requirements contained in the Final Parking Management and Transit Opportunity Plan, which must include the elements outlined below. In addition, the applicant and/or contractor shall implement a "Construction Parking Management Plan" throughout project construction.

- a) **Parking Removal Plan.** The Parking Removal Plan shall indicate 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. The replacement spaces shall not be removed until the Embarcadero Circulator Shuttle commences operations as described in section (c) below.
- b) **Replacement Parking.** The Parking Management Plan shall identify the location of all of the approximately 146 parking spaces to be removed. The parking spaces will be relocated to one or more sites immediately adjacent to the area NEVP Phase 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 of the spaces that are to be removed;
 - 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;

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- 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 an Embarcadero Circulator Shuttle upon the re-opening of North Harbor Drive as part of NEVP Phase 1B. The Plan shall address the following:

- 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 to District leaseholds in both the North and South Embarcadero, including service to areas around the airport and Downtown;
- Identification of the hours and months of operation to include, at a minimum, summer months daily from Memorial Day through Labor Day, for no less than eight hours a day.
- Number of shuttles proposed and wait times between stops;
- Fee structure which must be equal to or less than the cost of existing transit options between the airport and the Amtrak station; and,
- A timetable for implementation of the Circulator Shuttle.

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 shall 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, the applicant 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.

f) Special Events Traffic and Parking. The Parking Management Plan shall include a section on how special events at the public spaces in the project area will be managed to ensure that the general public will be able to access the waterfront during special events. The plan shall specify that private and/or ticketed events in particular must provide adequate offsite parking and/or shuttle access to the event, and not rely exclusively on public shoreline parking to accommodate guest demand, and demonstrate how such

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special event parking measures will be implemented--for example, by requiring tickets, event flyers and websites to include parking information.

g) **Construction Parking Management Plan.** The construction contractor shall provide construction employees with transit and ride share information and subsidies.

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

5. **1220 Pacific Highway.** The Port 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 Port District must continue to explore private and public funding options for acquisition of the Navy leasehold interest at 1220 Pacific Highway.
- b) **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the Port District must request funding from the City of San Diego Redevelopment Agency for the acquisition of 1220 Pacific Highway.
- c) If the Port District acquires the 1220 Pacific Highway leasehold, it must commence any required studies and/or environmental documents and permits required to demolish the existing structures within the 150-foot setback on the site, and construct the park extension within 30 days of such acquisition. Within 30 days of the demolition, the Port District must commence construction on the portion of the Setback Park/Plaza within the vacated leasehold area.

6. **View Corridors.** As proposed, 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.

7. **Revised Final Landscape Plan. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit to the Executive 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 reclaimed water) 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 Plant 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.

The applicant shall undertake development in accordance with the approved final plans. Any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the plan shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

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8. Compliance with the San Diego Unified Port District Conditions of Approval. All conditions of approval by the San Diego Unified Port District decision (CDP-2011-01) on January 11, 2011 for the proposed project as shown in Exhibit #12, including attachments, are hereby incorporated as special conditions of the subject permit unless specifically modified by any special conditions set forth herein. For purposes of condition compliance, the Port District shall be responsible for reviewing and determining compliance with the special conditions included in Exhibit #12, except for those specifically modified by any special condition set forth herein. **PRIOR TO THE COMMENCEMENT OF CONSTRUCTION,** the Port District shall notify the Executive Director when all of the conditions of the permit necessary for commencement of construction have been met. Any proposed changes shall be limited to immaterial or minor changes which do not have the potential for adverse impacts, either individually or cumulatively, on coastal resources or public access to and along the shoreline. All proposed changes shall be reported to the Executive Director for review and written approval. Changes that are not immaterial or that alter the physical aspect of the project (e.g. building height, building footprint, esplanade width, parking or public access) shall require an amendment to this Coastal Development Permit, unless the Executive Director determines that no amendment is legally required.

9. Liability for Costs and Attorneys Fees. The applicant shall reimburse the Coastal Commission in full for all Coastal Commission costs and attorneys fees -- including (1) those charged by the Office of the Attorney General, and (2) any court costs and attorneys fees that the Coastal Commission may be required by a court to pay -- that the Coastal Commission incurs in connection with the defense of any action brought by a party other than the applicant against the Coastal Commission, its officers, employees, agents, successors and assigns challenging the approval or issuance of this permit, the interpretation and/or enforcement of permit conditions, or any other matter related to this permit. The Coastal Commission retains complete authority to conduct and direct the defense of any such action against the Coastal Commission.

10. Conformance with Engineering Recommendations. The project shall comply with the recommendations contained in the "Geotechnical Report for the North Embarcadero Visionary Plan San Diego California" by Project Design Consultants dated February 26, 2010.

The applicant shall undertake development in accordance with the recommendations of report. Any proposed changes to the recommendations shall be reported to the Executive Director. No changes to the recommendations shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

CALIFORNIA COASTAL COMMISSION

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



Anna Buzatis
 San Diego Port District Environmental &
 Land Use Management
 P.O. Box 120488
 San Diego, CA 92112-0488

NOTICE OF ACCEPTANCEDate: August 24, 2011Applicant: San Diego Unified Port DistrictDocument or Plans: 1. Revised Public Access Program; 2. Request for funding for 1220 Pacific Highway; 3. Landscape PlanSubmitted in compliance with Special Condition(s) No(s).: 3; 5(b); 7
 of Coastal Development Permit No. A-6-PSD-11-6Remaining Special Condition(s): 4. Parking Management Program; 8. Compliance with Port District Conditions of Approval (to be completed prior to the commencement of construction).

Material submitted in compliance with said Special Condition(s) of your development permit has been reviewed by the District Director and found to fulfill the requirements of said condition(s). Your submitted material and a copy of this letter have been made a part of the permanent file.

Sincerely,

Deborah Lee
 District Manager

By: Diana Lilly

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

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

Anna Buzatis
 San Diego Port District Environmental &
 Land Use Management
 P.O. Box 120488
 San Diego, CA 92112-0488

NOTICE OF ACCEPTANCEDate: October 24, 2011Applicant: San Diego Unified Port DistrictDocument or Plans: 1. Parking Management Program

Submitted in compliance with Special Condition(s) No(s).: 4
 of Coastal Development Permit No. A-6-PSD-11-6

Remaining Special Condition(s): 8. Compliance with Port District Conditions of Approval
(to be completed prior to the commencement of construction).

Material submitted in compliance with said Special Condition(s) of your development
 permit has been reviewed by the District Director and found to fulfill the requirements of
 said condition(s). Your submitted material and a copy of this letter have been made a
 part of the permanent file.

Sincerely,

Deborah Lee
 District Manager

By:

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.

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Waterfront & Lane Field Destination Park Plan
Attachment A

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

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Waterfront & Lane Field Destination Park Plan
Attachment A

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.

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**Waterfront & Lane Field Destination Park Plan
Attachment A**

- (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

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Waterfront & Lane Field Destination Park Plan
Attachment A

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.

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Waterfront & Lane Field Destination Park Plan
Attachment A

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

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Waterfront & Lane Field Destination Park Plan
Attachment A

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.

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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.

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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.

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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.

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.

Attachment "B" to CDP #A-6-PSD-11-006**BROADWAY PIER DESIGN PRINCIPLES AND PROGRAMMING PLAN****March 23, 2011****Purpose and Intent**

The purpose of this plan is to describe and define how public use of the Broadway Pier will be encouraged and enhanced.

The design of Broadway Pier shall be integrated into the NEVP Phase I Project to create a cohesive waterfront plan visually and experientially connecting the Esplanade, Broadway Plaza, Broadway Pier and the Lane Field Setback Park. The space will be multi-functional, flexible, and balanced in design to be conducive to daily public use and special events, while still respecting the need to maintain auxiliary maritime operations of existing (and historically used) water-dependent cruise ship berths adjacent to Broadway Pier. These design features will be integrated from the head (Forecourt) to the foot (View Court) of Broadway Pier, and will include a variety of features designed to create an attractive and welcoming pedestrian experience, such as surface color, paving treatment and texture, lighting, and furniture. These improvements will extend the adjacent design of Phase 1B onto the pier and provide the opportunity for public access and activities on the pier.

In addition, the Port District shall develop and manage a special event waterfront program. Programming shall include a wide range of non-profit and for-profit activities to attract local residents and visitors to the bayfront year-round. The public spaces along the North Embarcadero shall be programmed to encourage a variety of low to no-cost recreational activities. The area will be designed with public use in mind. Fencing, utilities, and other obstacles to visual and physical access will be minimized to the extent feasible and shall only be allowed as necessary for security.

Design Principles

The Port must comply with the following design principles:

1. Maintain the flexibility and availability of Broadway Pier for general public use, cruise ships, and special events.
2. Include surface color, treatment, and texture enhancements that promote recreational opportunities and the feeling of "walking over the water," rather than asphalt driving surfaces.
3. Integrate surface design features to encourage continuous walking, jogging, and biking to the view court.

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Broadway Pier Design Principles and Programming Plan
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4. Promote, where appropriate, activity zones (i.e. child play areas, games, dancing, art exhibits, yoga, enjoying bay views).
5. Promote, where appropriate, design features and amenities reflecting the history of San Diego Bay in partnership with and/or consideration of existing San Diego organizations (i.e. maps, educational signage, etc. representing local maritime history, bay wildlife, etc.).
6. Work with event planners to create tent and/or bleacher layouts for possible music concerts, festivals, farmers markets, etc.
7. Incorporate bay/coastal access signage.
8. Create a unified waterfront design in accordance with the North Embarcadero Visionary Plan (NEVP) Phases 1A, 1B, 1D, and 1E including landscaping, lighting, site furnishings, and hardscape.
9. Visually screen, remove entirely, or relocate from the center of the Broadway Pier forecourt. the existing utility island to maximize public use of the forecourt.
10. Design according to a program of special events including infrastructure for public meetings, nonprofit events, Port-sponsored events, and private events.
11. Ensure that the area is usable for large gatherings such as public events, community festivals, outdoor art exhibits, and concerts.
12. Comply with other design principles developed through public outreach.

Programming Criteria

The forecourt and view court of Broadway Pier will be generally open and available to the public, with the exception of when cruise ships are berthed, "B" Street Pier is under construction, or during temporary emergency situations.

The Port District will develop a program of special events for activation of the Broadway Pier forecourt and view court. The program will be developed around the Port's cruise schedule and Port-sponsored events such as The Big Bay Balloon Parade. Cruise activity at Broadway Pier is concentrated between Labor Day and Memorial Day. Port-sponsored events such as parades typically occur on or near holidays. At a minimum, however, on non-cruise or Port-sponsored special event days, Broadway Pier will be available to support twelve public meetings and forty non-profit events per year, subject to interest. The Pier will also be available for special events including concerts, festivals, and farmers markets, and private events. As with all Port public facilities, a permit may be required for use. If so, then the permit will be issued consistent with the District's standard permitting process which includes non-profit rates.

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**Broadway Pier Design Principles and Programming Plan
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The program shall strike a balance among community, civic, and private event activity throughout the year. Every two years for ten years from completion of construction of NEVP Phase 1A and 1B, the applicant shall submit a written report to the Executive Director which describes the balance of uses under the program for that reporting period. If the report determines that private activities are dominating the event schedule to the exclusion of community and/or civic groups, said report shall include recommendations to revise the permit process and/or take necessary remedial action to ensure the goal of promoting civic and public events is met and maintained.

The applicant shall apply for a coastal development permit amendment for the subject permit within three months of submission of any of the above required reports that include recommended changes or modifications to the permitting process recommended by the report, unless the Executive Director determines that no amendment is legally required.

The view court on Broadway Pier will be open March to October from 8 am until 8 pm (approximately 45 minutes after sunset) daily and November to February from 8 am to 6 pm (approximately 45 minutes after sunset) daily, unless otherwise closed for security purposes due to cruise activity or special events.

Implementation Timeline

Public outreach and design must commence prior to or concurrent with the construction of Phase 1A and 1B. Construction must be completed no later than 3 months following completion of Phase 1B (North Harbor Drive).