

# San Diego Waterfront Coalition

July 21, 2022

To: Lesley Nishihara, San Diego Unified Park District

From: Don Wood

**Subject: San Diego Waterfront Coalition Initial Comments on latest update to the 1HWY1 Central Embarcadero Redevelopment Proposal**

Port Board Members and staff:

The San Diego Waterfront Coalition has been providing public oversight and comment on proposed San Diego waterfront redevelopment projects since the 1980s. Its efforts have help bring about improved urban design and architecture along our downtown bayfront, and has helped establish a growing “emerald necklace” of public parks along our waterfront stretching from the County Administration Center to the half-finished Lane Field Park to Ruocco Park on Tuna Harbor near the G Street Mole.

We are also working with the California Coastal Commission, the port, and the Midway Museum with a goal of establishing a new Veterans Park on Navy Pier. Historically, SDWC member organizations have included Citizen’s Coordinate for Century 3, the Navy Broadway Complex Coalition, Save Everyone’s Access, the Sierra Club and the San Diego League of Women Voters, among others.

Today is the first day the general public have been given a chance to see this latest proposed update of the Central Embarcadero redevelopment plan. From newspaper articles and other news sources, it looks like this updated proposal would require fundamental changes to the California Public Trust Doctrine and changes and exemptions to the California Environmental Quality Act (CEQA) and the California Coastal Act that your board does not have the jurisdiction over or the power to approve.

The port should require 1HWY1 to host a publicly noticed half day planning workshop to explain the details of this latest proposal, after the developer has publicly distributed a new updated project description providing the level of detail

required by CEQA for an Environmental Impact Review (EIR). After that the port should allow the public 30 days to review the details of the updated proposal, then an additional 90 days to file comments on the updated proposal with the port district.

New Port Commissioners are encouraged have staff review the port board's vision for the redevelopment that was reflected in its 2016 RFP process that selected 1HWY1. The developer was selected based on a promise to faithfully implement the port board's 2016 vision for the Central Embarcadero. That winning proposal envisioned building 800 hotel rooms. Since that time, it has become evident that the developer is attempting a bait and switch with the Port Commission and its staff.

For six years, this developer has played peek-a-boo and rope-a-dope with the port and the public, while privately lobbying the State Lands Commission to adopt fundamental changes to the California Public Trust Doctrine, without success to date that we know of.

At your March 2002 meeting, Port Commissioner Mike Zucchet said, "if you look at the current status of Seaport Village compared to the 2016 concept... I think it's a bit of a spin to say (the project) has evolved. It has exploded." According to newspaper accounts, the latest minimal edits to the December, 2021 proposal appear to be little more than window dressing, or the proverbial lipstick on a pig.

1HWY1 also has lobbied the San Diego Foundation's Ruocco Fund trustees to allow 1HWY1 to demolish the existing Ruocco Park and replace it with a large aquarium/office building, and build a replacement park on top of a new underground parking garage at the North Embarcadero Marina Park. Since property is already port parkland, this action could entail a significant net loss of public parkland on the Central Embarcadero.

Such an action would appear to violate the project funding contract the port signed with the San Diego Foundation and the Ruocco Fund, which requires that *before* the existing park can be demolished, the port would first have to identify a new property directly on the bay, with the same relationship, access and views of the bay as the current park, dedicate that property as new parkland, and complete construction of a new replacement park before the existing park could be demolished. Yet the December, 2021 project proposals construction schedule didn't provide for construction of a new replacement park until the final years of project construction.

1HWY1 has not provided any written documentation asserting that the updated proposal it is now putting forward has been agreed to by the Ruocco Fund, the San Diego Foundation, the port or any other interested parties. Just planting grass on top of an underground parking garage and claiming its “In the spirit of Lloyd Ruocco” doesn’t make it so. *Besides the North Embarcadero Marina Park and the peninsula is sits on was constructed with fill, which makes the idea of building a below grade parking garage beneath it problematic*<sup>1</sup>. Simply coloring space on a rendering green does not make it parkland or public space,

How many annual visitors is 1HWY1 planning for versus the current visitor levels to the existing Seaport Village area? Has the developer provided information on the Vehicle Miles Traveled (VMT) and air quality impacts if this updated proposal were approved and this project were constructed? We don’t yet know the answers to this question, which are needed before any environmental review can begin.

The projected width of the bayfront walkway around the new development also appears to be far narrower than the one along the first phase of the North Embarcadero Visionary Project, not to mention the linear parks along the inland side of Harbor Drive on the North Embarcadero at Lane Field and the County Administration Center.

1HWY1 also has lobbied port staff to undermine one of the port’s most profitable tenants, the Fish Market restaurant, by constructing a fish processing plant next door to the restaurant. We also believe that construction of the additional structures and new facilities proposed on the G St. Mole would inhibit access to the existing restaurant and commercial fishermen operations at Tuna Harbor for years. We would oppose any construction of a new building to house a proposed Navy Seals Museum for the same reason. Such a memorial, without a building, would be a better located at the new Veterans Park on Navy Pier.

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1. <sup>1</sup> Like other port tideland on San Diego Bay, the Central Embarcadero was built on fill, dredged up as part of past bay channel widening by the Navy from WWII through the 1960s. Most of the small peninsulas, like Shelter and Harbor Island, were built on fill, including the north and south Embarcadero Marina Parks and we believe the G Street Mole, and likely the Navy Pier mole. Seaport Village itself was built over the highly contaminated San Diego landing of the old Star & Crescent ferry system that carried cars and people to and from Coronado. The system was decommissioned when the new San Diego to Coronado Bay Bridge was built.

The port has committed to adhering to the community plans of adjoining cities when it plans new projects on the tidelands.

The Downtown Community Planning Council was established to make recommendations to the City Council, Planning Commission, City staff and other governmental agencies on land use matters and to protect the 2006 Downtown Community Plan (DCP). At the DPC's July 2019 meeting, port planner Lesley Nishihira presented a summary of the port master plan update process and the Council weighed in with several concerns, citing sections of the downtown community plan and principles that apply to the waterfront.

We believe several of the Council's concerns can also be applied to this update of IHWY1's Central Embarcadero redevelopment project proposal:

- **Continuation of all existing view corridors**

"The City has established and protected view corridors on several downtown streets. Our past and continuing efforts will be entirely wasted if these are not carried through to the Bay as was intended."

- **Balanced use**

"The DCP outlines goals and policies for a vibrant, active waterfront which is cohesive with the strategies of Downtown's development. Among those are diverse land use, 24-hour activities, emphasis on bay views and strong pedestrian connections for both residents and visitors. With a total of 11,827 hotel rooms proposed from the Hilton to the Wyndham, any balance has been lost. The convention center and three large hotels have effectively impeded access and awareness of downtown's southern waterfront. Now with the existing and planned 5700 rooms to the west, Downtown will be entirely walled off from the bay."

- **A step down in density, massing, heights, etc**

"Downtown has been designed for urban density, but it is inappropriate to carry that same density all the way to the waterfront. The DCP calls for waterfront development which is low in scale and intensity and promotes a high degree of architectural detail and quality."

- **Friendly and porous access**

“The proposed density prohibits friendly access to the waterfront. There's a tremendous difference between 'a public walkway' and an 'open and inviting gateway'. Horton Plaza has access from two ends and you can walk over the Convention Center to reach the bay; but neither is inviting. The PMP fails to address any kind of gateway like thinking, or even porous access, from Downtown.” We believe the same thing can be said regarding this updated proposal.

As reflected in the July 15 memo from your staff, employees at the California Coastal Commission San Diego office defend keeping the existing Ruocco Park in its current location, and have serious objections and concerns with 1HWY1's latest proposal on everything from use of earthquake faults, sea level rise, the use of cantilevered walkways and fill to expand the developable space on the Central Embarcadero, loss of open space and public access, tower heights and building bulk, scale and densities, mixture of land uses, questionable definitions of the term “recreational open space”, calling new piers serving private vessels “public open space”, impacts on commercial fishing, and blockage of bay and water views from Harbor Drive and Kettner.

The port board must take those objections and concerns very seriously, since the Coastal Commission will review any 1HWY1 Central Embarcadero redevelopment proposal your board may eventually approve and has the jurisdiction and power to reject it outright or condition any approval on major project changes.

You should also direct your staff to contact the State Lands Commission to determine whether it is still evaluating the proposed fundamental changes to the state public trust doctrine proposed by 1HWY1, which would be required to allow the developer to include residential facilities, office building or any other non-water dependent land uses in this project.

You know that CEQA requires that a developer provide a very detailed project description before a lead agency can even begin the EIR process. So far, the public has been treated to a number of vague project renderings, but nothing that provides the level of detail required by CEQA. Any effort to forge ahead with approval of this proposal without one would only invite litigation, further delaying this project for years.

Since the updated proposal envisions a construction process taking up much of this decade, the project description should also provide details of 1HWY1's plans to coordinated construction with nearby IQHQ construction projects at the old Navy Broadway Complex site, construction of a new veteran's park on Navy Pier, and how construction will avoid hindering public access to the convention center and the Rady orchestra shell on South Embarcadero Marina Park.

If 1HWY1 is unwilling to implement the port board's vision for the redevelopment of Seaport Village reflected in the port's 2016 RFP, there are other developers who are willing to do so. The port may choose to end its ENA with 1HWY1 for failure to live up to its 2016 promises, and issue a new RFQ this year.

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