

Attachment C to Agenda File No. 2017-0290



SAN DIEGO UNIFIED PORT DISTRICT

Real Estate Development Department

Development Services

P.O. BOX 120488

SAN DIEGO, CA 92112-0488

(619) 686-6291

COASTAL DEVELOPMENT PERMIT

Applicant: The Brigantine, Inc.
7889 Ostrow Street
San Diego, CA 92111

Project: Portside Pier Development Project (Reduced Project)

Location: 1360 North Harbor Drive, San Diego, CA 92101

You are hereby granted a Coastal Development Permit. This permit is issued in conformance with the California Coastal Act of 1976 and the Coastal Permit Regulations of the San Diego Unified Port District, as adopted by the Board of Port Commissioners on July 1, 1980, Resolution No. 80-193, and as amended on December 2, 1980, Resolution No. 80-343, and on February 14, 1984, Resolution No. 84-62, in accordance with the provisions for the issuance of a ☐ Emergency ☒ Non-Appealable ☐ Appealable Coastal Development Permit.

Date of Board Action: June 20, 2017

Board of Port Commissioners Resolution Number: 2017-XXX

Date of Permit: ☒ , 2017

Application Number: 2017-053

Permit Number: CDP-2017-XX

The project is located between the sea (as defined in the Coastal Act) and the first inland continuous public road paralleling the sea. The project is not a category of development that is "appealable" under California Public Resources Code¹ Section 30715 and hence, requires a "non-appealable" Coastal Development Permit (CDP). The project is fully consistent with Chapter 8 and Chapter 3 policies of the Coastal Act, including Sections 30604(c), 30210-30224, and the public access and recreation

¹ California Public Resource Code is herein referred to as the "Coastal Act" unless otherwise noted.

policies referenced therein and the District's Coastal Development Permit Regulations. The project is also consistent with the certified Port Master Plan (PMP). The land and water use designations within the limits of the restaurant component of the Project are Commercial Recreation, which allows for restaurant development and accessory improvements. The dock and dine component of the Project, which is a water dependent use, is also consistent with the certified PMP. The water use designation within the limits of the dock and dine component of the Project is Ship Anchorage. While the PMP expressly allows dock and dine facilities in the Commercial Recreational use category, the PMP also specifies that compatible proposed uses may be allowed in a particular land or water use category when the proposed uses are similar in character and are compatible to the expressly allowed land and water uses. The PMP lists Ship Anchorage as a circulation and navigation use that allows for short-term temporary berthing or anchorage of vessels. Similarly, dock and dine facilities are part of the water-side circulation system and they allow for temporary short-term berthing of a vessel. Moreover, a dock and dine facility is similar to a landside parking lot, but for vessels. Parking is allowed in all uses of the PMP and hence, a dock and dine facility is allowed in the Ship Anchorage use.

This permit is limited to the development described below and set forth in material on file with the San Diego Unified Port District (District), and subject to the terms, conditions, and provisions hereinafter stated:

DEVELOPMENT

The Project Applicant, The Brigantine, Inc. (referred to herein as "Permittee"), proposes to construct and operate four eating establishments/restaurants, a second-floor public viewing deck and public perimeter walkway, a dock and dine facility, and associated improvements (collectively, "Project" or "project") at 1360 North Harbor Drive in San Diego.

The project area covers approximately 45,174 square feet of land and water area, which includes approximately 37,107 square feet of water area and approximately 8,067 square feet of land area. A new two-story, approximately 34,069-square-foot restaurant structure is proposed that will include four eating establishments/restaurants (three restaurants and a gelato and coffee shop) that shall not exceed 1,000 restaurant seats for diners. The Project also includes construction of piles, a platform and associated utility connections.

The development shall also include a proposed approximately 3,711-square-foot dedicated public viewing deck with tables and benches for up to 108 visitors on the second story. The second floor of the structure shall also include a separate continuous perimeter walkway that shall be approximately 48 inches wide, open to the public and available for the public to view of the bay. The public viewing deck and public perimeter walkway will be separate from the restaurant areas and accessible from (1) two elevators, one of which shall be directly accessible from the North Embarcadero Promenade, and one accessible from the restaurant on the north end and (2) stairs

accessible through the restaurants on the north and south ends. The public access stairs and elevator will be clearly signed from the promenade, and the pathway to the public viewing area and public perimeter walkway will not be obstructed. The second floor public viewing area and public perimeter walkway shall not be used for private functions and shall be open to the public at all times during operating hours of the eating establishments/restaurant. For security reasons, the public areas will be open at all times during the hours of operation of the eating establishments. At least two public access signs of at least six feet in size will be provided at each end of the exterior of the restaurant directing the public from the North Embarcadero Promenade to the second-floor public viewing deck and perimeter public walkway. One additional sign will be provided at the public viewing deck to notify the public that the deck is open to the public. Also, at least two wayfinding signs will be provided on the Promenade that notify the public that there is a public deck on the second floor of Portside Pier that is free and open to the public. Permittee shall maintain such signage in a working and legible fashion.

The Project will also construct a new dock, replacing the existing previous dock. The dock and dine facility will service both the public and restaurant patrons of the neighboring proposed restaurant. It will also service water taxis and any future water transportation system. The previous boat dock area was approximately 565 square feet. The dock and dine component of the Project is 3,370 square feet and will service 4 to 12 vessels, depending on vessel sizes. The dock and dine will be open during operation of the adjacent proposed eating establishment.

The restaurant areas will also include open deck areas on the ground and second floors, where food and drink service is available to restaurant patrons. The indoor and outdoor restaurant areas (excluding the public viewing area and perimeter walkway) will be available for private parties, wedding receptions, and other special events featuring music. Amplified music shall comply with the City of San Diego Noise Ordinance or a Port ordinance, if adopted in the future.

The portion of the North Embarcadero Promenade located in front of the restaurant site will be improved consistent with the North Embarcadero Visionary Plan (NEVP) Phase 1 and recent improvements to the south. This includes new pavers, street furniture, and wayfinding and coastal access signage. No changes are proposed to the current configuration of the promenade and it will be open at all times following construction.

Backlit illuminated signage will be mounted on both the waterside-facing frontage (limited to a single "Portside Pier" sign or a single other identifying sign for the development if the name of "Portside Pier" changes) and promenade-facing frontage (signs for "Portside Pier," each of the restaurants, and public access) of the building and will consist of light-emitting diode (LED) lighting behind acrylic letters and logos to create an illuminated effect. The promenade-facing signs will display the names and/or logos for the restaurant tenants, and for Portside Pier. The single waterside sign will display "Portside Pier." The illuminated signs range in size from 8 to 23 feet in length and from 3 feet 2 inches to 16 feet in height. The LED panels will be computer operated

with automatic dimming to adjust from day to night illumination. The “baskets” of the building, constructed with glass panels, will also be illuminated at night with interior LED lighting. The glass panels of the baskets will be constructed of laminated frit glass with an anticipated 65 percent light transmission and an aluminum support system. In addition, blue LED light tube strips will be included on the promenade-facing frontage of the building. On the outdoor bar of The Brigantine’s second floor, an internally illuminated sculptural centerpiece will be installed. Levels of lighting spill will be comparable to that from existing lighted facilities along the North Embarcadero Promenade, not exceeding 9.2 footcandles at the edge of the North Embarcadero Promenade or 6.3 footcandles at the edge of the first floor bayside deck, and be limited to the specifications provided in the photometric plan dated July 26, 2016, attached hereto as Exhibit 3 and incorporated herein by reference. All exterior signage and lighting and baskets shall be developed in substantial conformance with the specifications provided in the Exterior Signage Lighting Plan dated April 11, 2017, attached hereto as Exhibit 4, and incorporated herein by reference. Any deviations from the Exterior Signage Lighting Plan shall be approved by the District and in no event shall the signage exceed the size shown in the Exterior Signage Lighting Plan or result in exceedance of the footcandles described above in this CDP.

Construction of the proposed project will involve in-water work for installation of a new platform and supporting piles. Project construction will take approximately 12 months, and most of the work will be accomplished from the waterside using a barge and from a staging area on the North Embarcadero Promenade, temporarily displacing a portion of the promenade and parking, which will be restored to existing configurations upon completion of construction. Approximately 55 parking spaces will be temporarily closed and pedestrian traffic will be rerouted from the North Embarcadero Promenade in front of the Project site through the closed parking area, separated by K-Rail and other physical barriers from North Harbor Drive for the duration of construction.

The public dock area will result in a net increase of 2,805 square feet of water coverage. The previous boat dock was destroyed by storm and wave activity in January 2016 and has not been replaced by the previous occupant of the site. In addition, the proposed boat dock area will allow for 4–12 vessels to dock, depending on vessel sizes. The dock and dine will have a controlled access to protect boats/boaters property.

In order to adapt to rising sea levels, the project will use materials to withstand sea level rise impacts and design components such that they can be retrofitted or adapted prior to high tides and waves reaching the base of the structure as a consequence of sea level rise, in the event sea level rises above the floor level of the proposed structure.

The Project will construct a new building built on a new platform supported by new pilings and a new dock. The building footprint will be larger than the footprint of the existing previously existing building, increasing from 23,285 square feet to up to 24,960 square feet, and the expansion containing two stories and decks on both levels will increase from the existing 24,855 square feet to up to 34,069 square feet. The overall building height will increase by up to 7 feet over the height of the previous existing

structure, from approximately 27 to approximately 34 feet above mean sea level. Table 1 below provides a summary comparison of the proposed project components (maximum allowable) with those of the previously existing facility.

Table 1: Previous Structure and Proposed Project Features Comparison			
Project Component	Previous	Proposed	Change
Building Floor Area ¹	24,855 square feet	34,069 square feet	9,214 square feet
Building Gross Water Coverage*	23,285 square feet	24,960 square feet	1,675 square feet
Public Dock Area* ²	565 square feet ¹	3,370 square feet	2,805 square feet
Second Floor Public Access Walkway	819 square feet (Ground Floor)	2,050 square feet	1,231 square feet
Total Water Coverage*	23,850 square feet	28,330 square feet	4,480 square feet
Total Land Coverage (Promenade Improvement Area)	8,067 square feet	8,067 square feet	0 square feet
Restaurant Seats	536	1,000	464
Boat Slips	2	12	10
Public Viewing Deck Seats	0	108	108
Second Floor Public Deck ¹	0 square feet	3,711 square feet	3,711 square feet
Building Height	27 feet	34 feet	7 feet
Employees (daily)	60	90	30
On-site Parking	0	0	0
Visitors per day (estimated average)	1,100	2,220	1,120
*Indicates over-water components			
¹ The change in floor area and public deck area from the Draft MND to the Final MND was achieved by rearranging the layout of the building and expanding the kitchen and deck into previously unutilized space. The overall building footprint and water coverage did not change.			
² The existing boat dock was destroyed by storm and wave activity in January 2016 and has not been replaced because of the prospective redevelopment.			

Construction

The proposed project will involve construction of the following:

- No more than 57 new pre-stressed up to 24-inch diameter concrete piles² (12 fewer than currently exist³). Exhibit 5 shows the location of proposed new piles.
- A new approximately 24,960-square-foot platform over the water
- A new approximately 34,069-square-foot restaurant building with the following features:
 - a restaurant on the north side
 - a restaurant on the south side

² Upon further review of information received by The Brigantine, Inc., it was determined that the proposed platform and dock and dine will contain a total of 57 piles: 48 24-inch octagonal vertical piles for the platform and 9 18-inch square vertical piles for the dock and dine. This equates to a proposed pile area of 179 square feet.

³ Upon further review of information received by The Brigantine, Inc., it was determined that the existing platform and dock contain a total of 69 piles: 63 piles beneath the platform (47 16-inch diameter octagonal vertical piles and 16 24-inch diameter round battered piles) and 6 16-inch diameter octagonal piles beneath the dock. This equates to an existing pile area of 135 square feet.

- a fast-casual brew pub
 - gelato & coffee shop with a walk-up window
- A new approximately 3,711-square-foot second floor public viewing deck
- An approximately 2,050-square-foot public access perimeter walkway around the waterside edge of the second floor
- Two elevators, one facing the promenade, to access the second floor public viewing deck and public access perimeter walkway
- Wayfinding signage and on-site signage, as more particularly described herein
- A new, approximately 3,370-square-foot dock

The existing utility connections at the project site will be used and may require in-kind replacement due to disrepair.

Storm water runoff would be collected on-site and directed through closed filtration devices designed to filter the water before it is discharged. The filtration devices would be made of concrete and would contain media such as sand and gravel to filter runoff for low and medium flow events prior to discharge into the bay.

Project construction will take approximately one year and the work accomplished from the waterside using a barge and from the landside using a staging area in the parking area and promenade adjacent to the proposed restaurant facility. Construction of the new piles, platform and restaurant building will be from 7:00 A.M. to 7:00 P.M. Monday through Saturday, except for City Holidays, in compliance with San Diego Municipal Code Section 59.5.0404. The staging area will temporarily displace existing sidewalk and parking in front of the project site along the North Embarcadero Promenade (approximately 55 spaces). During construction a K-Rail or similar safety barrier will be erected to provide continued pedestrian access along the waterfront around the construction area (Exhibit 7). A peak daily total of approximately 130 construction workers will be needed during project construction. Construction workers will park remotely in existing public parking lots and walk or be shuttled to the project site. Work trucks and materials will be staged along the North Embarcadero Promenade within a fenced and signed construction area that will be closed to the public. Piles will be driven first (1–2 months) followed by construction of the platform deck/surface (1–2 months) and once complete, the construction of the building upon the deck and the dock will commence (6–8 months).

Upon completion of construction of the restaurant building, all areas not within the project's proposed lease boundary will be restored to existing configurations, specifically promenade and parking. This consists of repaving the promenade areas disrupted by construction activities, and resurfacing and restriping the parking areas disrupted by construction activities with aesthetic treatments intended to be consistent with the public improvements included in the NEVP Phase 1.

Operation

The project will result in a total of 1,000 seats for restaurant patronage and a gelato and coffee shop, as well as a dedicated public viewing deck and perimeter public walkway.

As with the previously operated restaurants on the project site, no dedicated onsite parking will be provided. Assuming no restaurant establishments existed previously on the site (no discount is given for the existing square footage of restaurant) and water transportation services were servicing the site, a total of 327 parking spaces (34,069 square feet at 9.6 spaces per thousand square feet) are needed for the Project.⁴ Under a shared parking concept, where the number of parking spaces that are needed throughout the day is considered, 89 parking spaces (9,214 ksf GLA at 9.0 spaces per thousand ksf GLA) would be required at any one time. Metered public parking is available along the North Embarcadero Promenade, and a number of public parking lots are available within walking distance of the project site. As a special condition of this permit, the Permittee is required to secure off-site parking for the Project and operate a valet parking operation.⁵

STANDARD PROVISIONS

1. Permittee shall adhere strictly to the current plans for the Project as approved by the District and the Development, as described above and the Project described in the Final Mitigated Negative Declaration (UPD #MND-2016-91; SCH 2016081007; Clerk Document No. 66702), dated November 2016, and adopted by Resolution No. 2016-202 on December 13, 2016, for the Project.
2. Permittee shall notify the District of any changes in the Project and herein described. Notification shall be in writing and be delivered promptly to the District. District approval of the project change may be required prior to implementation of any changes.
3. Permittee and the Project shall meet all applicable codes, statutes, ordinances and regulations, and Permittee shall obtain all necessary permits from local, regional, state, and federal agencies.
4. Permittee shall conform to, and this permit is subject to, the permit rules and regulations of the District, including, but not limited to, the District's Coastal Development Permit Regulations.

⁴ Because the dock and dine is a component of the Project, a 10 percentage reduction for dedicated water transportation service has been added to the parking rate adjustments and the parking recalculated (see Exhibit 8; Revised Transportation Impact Analysis [Appendix 8 of Volume II of the Draft Mitigated Negative Declaration (MND)/Attachment E to the Final MND] (Transportation Analysis), pp. 41-42 (November 9, 2016).)

⁵ Unfortunately, a clerical error occurred during finalization of Mitigation Measure TRA-2, which identifies the need for the Permittee to obtain 979 offsite parking spaces, which was identified in the Traffic Analysis as the near-term parking deficiency in the North Embarcadero (890 parking spaces) plus the spaces needed for the Project under the shared parking scenario (89 parking spaces). (Transportation Analysis, p. 47.) ACE Parking's Letter of Commitment identified at least 1,000 parking spaces that could service the area. The intent of TRA-2 to reduce potential parking impacts to below a level of significance was to require the Permittee to secure 327 parking spaces if and when water transportation services are provided or 358 parking spaces without the water transportation provided.

5. Permittee shall be responsible for compliance with ADA and Title 24 specifications.
6. Permittee shall commence development within two (2) years following the date of the permit issuance by the District. Construction shall be pursued in a diligent manner and completed within a reasonable period of time.
7. The permit is in no way intended to affect the rights and obligations heretofore existing under private agreements nor to affect the existing regulations of other public bodies.
8. This permit shall not be valid unless two copies have been returned to the Real Estate Development Department of the District, upon which copies the Permittee has signed a statement agreeing that the Permittee will abide by the terms, conditions, limitations, and provisions of the permit.
9. The Permittee and contractor shall perform all best management practices (BMPs) during construction and maintenance operations. This includes no pollutants in the discharges to storm drains or to Pacific Ocean, to the maximum extent practicable.
10. All District tidelands are regulated under Regional Water Quality Control Board Order No. R9-2013-0001, National Pollutant Discharge Elimination System (NPDES) Permit No. CAS0109226, Waste Discharge Requirements for Discharges of Urban Runoff from the Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds Within the San Diego Region (Municipal Permit). The Municipal Permit prohibits any activities that could degrade stormwater quality.

The Permittee shall ensure that post-construction / operational use of this Project site complies with the Municipal Permit and District direction related to permitted activities including the requirements found in the District's Jurisdictional Runoff Management Program (JRMP). The JRMP is available on the District website: <https://www.portofsandiego.org/environment/clean-water.html> or by contacting the Planning and Green Port Department, (619) 686-6254.

11. This project may be subject to the District post-construction BMP requirements. If so, approval of the project by the District is necessarily conditioned upon submission by the Permittee of a project specific Stormwater Quality Management Plan (SWQMP) that meets District requirements and is compliant with the District BMP Design Manual (JRMP Appendix D). The Permittee shall implement all post-construction structural and non-structural BMPs throughout the life of the project.

The implementation and maintenance of the post-construction BMPs constitute regulatory obligations for the Permittee, and failure to comply with the Municipal Permit, the JRMP, or the District approved SWQMP, including the specific BMPs contained therein, may be considered a violation of the permit and a violation of District Code.

12. In the discretion of the District, prior to commencement of construction, Permittee may be required to require that their contractor(s) furnish security, naming the District as a dual obligee, in the form of a performance bond and a payment bond, each in an amount deemed appropriate by the District to guarantee payment of the subcontractors, completion of the approved work under this permit, and compliance with the conditions and limitations upon which such permit is granted. Prior to commencement of construction, Permittee may also be required by the District to furnish security in the form of a payment bond in an amount deemed appropriate by the District to guarantee payment to the contractor(s) for work performed under this permit.
13. By accepting this permit, Permittee acknowledges and agrees (a) that the project site may be subject to environmental conditions and hazards; (b) to assume the risks to the Permittee of injury and damage from such conditions in connection with the implementation of the project; (c) to unconditionally waive any claim of damage or liability against the District, its Board of Port Commissioners, officers, agents and employees ("District" for purposes of this condition) for injury or damage from such conditions to persons performing the work for which this permit is issued; (d) to defend, indemnify and hold harmless, and require that Permittee's contractor(s) engaged to perform the work on the project defend, indemnify and hold harmless, the District from any claim, demand, liability, loss, action, damage, cost, expense (including all attorneys' fees and consultant/expert fees), award, fine, penalty or judgment arising out of, resulting from, or in any way related to the performance of the work by Permittee's contractor(s) for which this permit is issued, with the exception of any claim, action, damages, liability or costs arising or resulting from the project caused by the gross negligence or willful misconduct of the District; (e) to defend, indemnify and hold harmless the District from any claim, demand, liability, loss, action, damage, cost, expense (including all attorneys' fees and consultant/expert fees), award, fine, penalty or judgment arising out of, resulting from, or in any way related to the District's approval of the project, the granting of this permit, and the District's adoption of the Final Mitigated Negative Declaration; and (f) that Permittee will require Permittee's contractors to name the District as an additional insured on all policies of insurance, now in existence or to be obtained by them, for the work conducted pursuant to this permit.
14. Permittee acknowledges and agrees that: (a) it is the sole and exclusive responsibility of Permittee, and not the District, to ensure that all persons and/or entities who provide any labor, services and/or equipment in connection with the project, shall comply with the requirements of California's prevailing wage laws (the "PWL"), to the extent such laws are applicable; and (b) it is the sole and exclusive responsibility of Permittee, and not the District, to determine whether the project is subject to the PWL by obtaining a determination by means that do not involve the District. If the project is determined to be subject to the PWL, Permittee shall comply with all applicable provisions of the PWL, and shall take reasonable steps to ensure that all persons and/or entities who provide any labor, services, equipment

and/or materials in connection with the project shall likewise comply with all applicable provisions of the PWL.

Permittee further acknowledges and agrees that Permittee's failure to comply with all applicable provisions of the PWL, and/or their failure to take reasonable steps to ensure that all persons and/or entities who provide any labor, services, equipment and/or materials in connection with the project comply with all applicable provisions of the PWL, shall render Permittee, and not the District, liable for all remedies (inclusive of all applicable fines and penalties), afforded by law as a consequence of such non-compliance. Permittee expressly agrees to defend, indemnify and hold harmless the District, from any claim, demand, liability, loss, action, damage, cost, expense (including all attorneys' fees and consultant/expert fees), award, fine, penalty or judgment arising out of, resulting from, or in any way related to the PWL (collectively "PWL Claim") made against or incurred by the District in any capacity (including, without limitation, as a real party in interest), except for any PWL Claim arising out of the sole negligence or willful misconduct of the District.

15. The conditions of this permit are independent of, and in addition to, the obligations of the Permittee under any existing lease(s), Tidelands Use and Occupancy Permit(s), or other contractual agreement(s) with the District, and are binding upon Permittee and its agents, representatives, successors and permitted assigns.

SHORT TERM CONSTRUCTION MEASURES

1. To minimize noise during construction, the Permittee will require the construction contractor to (a) restrict normal construction activities from 7:00 am to 7:00 pm; (b) keep construction equipment as far as possible from sensitive receptors; and (c) provide acoustical shielding around equipment operating at night, from 10:00 pm to 7:00 am.
2. To minimize nuisance effects from lights or glare during construction, the Permittee will require the construction contractor to shield and direct night lighting away from adjacent areas.
3. All construction equipment shall be maintained in peak condition to reduce operational emissions.
4. Diesel equipment shall use low-sulfur diesel fuel.
5. Electric equipment shall be used to the maximum extent feasible during construction.
6. The Permittee shall require the construction contractor to provide construction employees with transit and ride share information.

7. The Permittee shall ensure that any site contamination is identified and a site restoration plan, acceptable to the appropriate regulatory agencies, is prepared and implemented to reduce any existing contamination to a level that has no potential to threaten employee or human health as defined under existing regulations. If any potential exists for impacts to employee health from exposure to hazardous materials, workers shall be provided with adequate protective gear.
8. The Permittee shall require all employees that are exposed to noise levels in excess of Occupational Safety and Health Administration hearing protection thresholds, during construction or operation, to wear noise protection devices (ear plugs and covers) that are protective of individual hearing.
9. Permittee and/or contractor shall comply with State Water Resources Control Board Order No. 2009-0009-DWQ (NPDES General Permit No. CAS000002), and Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction Activity (commonly known as the "Construction General Permit"), as adopted, amended, and/or modified. Construction activity subject to the Construction General Permit requires development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). The Permittee and/or contractor are responsible for submitting to the District a SWPPP that is compliant with the Construction General Permit and District required minimum BMPs. The District requires the use of District SWPPP templates. Once approved, the SWPPP document shall be maintained on the construction site at all times and made available for review by the District or other regulatory agencies.

The Permittee and/or contractor is responsible for ensuring that the SWPPP document is maintained on the site, implemented, and amended as required throughout construction. No discharges of any material or waste, including potable water, wash water, dust, soil, trash, and debris, may contaminate stormwater or enter the stormwater conveyance system. Any such material that inadvertently contaminates stormwater or enters the stormwater conveyance system as part of site operations shall be removed immediately. All unauthorized discharges to the stormwater conveyance system or the Bay or the ocean shall be reported immediately to the District Planning and Green Port Department, in order to address any regulatory permit requirements regarding spill notifications.

A project's total disturbed soil area (DSA) shall not exceed 5 acres during the rainy season (October 1 - April 30) and 17 acres during the non-rainy season (May 1 - September 30). The District may temporarily increase these limits if the individual site is in compliance with applicable stormwater regulations and the site has adequate control practices implemented to prevent stormwater pollution.

SPECIAL PROVISIONS

1. Permittee shall comply with all applicable Mitigation Monitoring and Reporting Program requirements, as described in the "Portside Pier Restaurant

Redevelopment Project” Final Mitigated Negative Declaration (UPD #MND-2016-91; SCH 2016081007; Clerk Document No. 66702), dated November 2016, and adopted by Resolution No. 2016-202 on December 13, 2016, and this CDP. The Mitigation Measures applicable to the Project are attached as Exhibit 9 to this CDP; see also additional conditions below, which are a result of stakeholder feedback or for clarification purposes only.

2. Permittee shall implement all resurfacing, paving, and striping necessary to return promenade and parking amenities affected during construction activities to conditions suitable for public use and said improvements shall be consistent with the North Embarcadero Visionary Plan (NEVP) Phase 1 and recent improvements to the south. This includes new pavers, street furniture, and wayfinding and coastal access signage.
3. Permittee shall implement the following Sustainability features:
 - (1) Building
 - a. High-efficiency, clear, non-reflective Low E glass;
 - b. Light-colored roofing materials will be used to reduce heat buildup in the building and reduce the heat island effect;
 - c. Photovoltaics located on the bay-facing side of the rooftop;
 - d. It is anticipated that the proposed project will exceed the minimum energy efficiency standards dictated by the California Title 24 Building Code requirements;
 - e. Ducts within the proposed building will be sealed during construction and cleaned out during commissioning to promote indoor air quality by minimizing dust and mold accumulation;
 - f. Hardscape, roofing, and deck materials will include light-colored paving to reduce heat island effect;
 - g. Water fixtures, including toilets, sinks, and kitchen equipment within the proposed building, will be low-flow and will reduce water use.
 - (2) Materials & Resources
 - a. Adhesives, sealants, and paints will conform to the guidelines for low- and no-volatile organic compound (VOC) products;
 - b. Carpets will conform to the product requirements for the Carpet and Rug Institute Green Label program;
 - c. During demolition, materials will be separated and recycled. During construction, solid waste will be recycled;

- d. Use of reclaimed wood for exterior façade elements;
- e. The proposed project will use recycled materials and materials that are produced in the Southern California area for construction.

(3) Mechanical Systems

- a. A variable-flow primary chilled-water loop will be incorporated in the proposed building, which will reduce cooling energy use;
- b. Larger mechanical and plumbing equipment, such as pumps, air handlers, exhaust fans, and kitchen hoods, will use variable-speed drives, which reduce energy use to the minimum amount required to satisfy the immediate demand.

(4) Lighting

- a. The proposed project will implement a lighting design that includes the following features:
 - Incorporation of automatic lighting management controls to save energy;
 - Use of a daylight-harvesting system that senses the amount of incoming daylight and reduces the electrical lighting accordingly;
 - Installation of occupancy sensors in offices and restrooms to turn off lights in unoccupied spaces;
 - Individual light-dimming controls throughout;
 - Use of LED lighting for signage and illuminated features; and
 - Use of high-efficiency, shielded lighting for all nighttime lighting fixtures.

(5) Landscape and Water Quality

- a. Landscape design will specify low-water-use plants and drip irrigation to reduce water usage;
- b. Landscape design will be designed to minimize irrigation and runoff, and to promote surface infiltration where appropriate;
- c. Plants that are tolerant of saturated soil conditions will be used where landscaped area retain or detain storm water;
- d. Landscape irrigation control will be employed to allow for shutoff after a rain event to prevent irrigation after precipitation.

- 4. Permittee shall maintain in good working condition all public areas, including without limitation: the public perimeter walkway, public viewing deck, and public access signage. Good working conditions shall include at a minimum the same standard of maintenance as the dining areas including the cleaning, repairing, and

clearing of any obstacles that may detract from the intended use of these public facilities throughout the operation of the approved restaurant development.

5. Although not required to reduce impacts to below a level of significance, the following conditions have been added to the Permit⁶:
- a. In accordance with permitting requirements from USACE, Permittee shall conduct an in-water survey for eelgrass (good for 90 days) within 90 days of the start of construction to confirm no eelgrass has colonized the project area.
 - b. The fill area from the new platform piles supporting the eating establishments/restaurant shall not exceed the existing 135 square feet of piles unless the Permittee either 1) obtains and pays fair market value for fill credits from the District in the same amount of square footage of the exceedance or 2) removes piles in the same square footage of the exceedance.
 - c. The valet parking service shall be made available to the public, as well as Portside Pier customers daily, from 11:00 am until the restaurants are closed. The Permittee may give restaurant patrons priority during high peak parking periods. The Permittee shall submit a valet operation plan to the District, for review and written approval, prior to operation of the restaurants. Such plan shall include, but not be limited to, the availability of the public to use the valet, cost of valet for the public and Portside Pier customers, how valet program will be advertised to the public and Portside Pier customers (e.g., website, signage, etc.). The Permittee may reduce valet parking rates for restaurant patrons or the public; provided, however, the Permittee shall not charge more than market rates for the valet parking as evidenced by other valet parking operations in the area.
 - d. Prior to operation of the restaurants, and annually thereafter, the Permittee shall submit evidence in the form of parking utilization counts that show the required valet spaces are available from the parking lot or valet vendor. The parking counts shall be conducted at times throughout the day on both weekdays and weekends, during both the summer and winter, and shall be compared to projected and actual valet use at Portside Pier.
 - e. Until a long-term parking solution is identified for the area, after project construction is complete, on January 15 of each year, Permittee shall file an annual parking implementation report with the District with the following components:
 - i. A specific peak parking implementation program, broken down into morning, afternoon and evening timeframes, in its annual submittal.

⁶ The additional conditions are a result of stakeholder feedback or for clarification purposes only.

- ii. Evidence in the form of parking utilization counts that show the required valet spaces are available from the parking lot or valet vendor. The parking counts shall be conducted at times throughout the day on both weekdays and weekends, during both the summer and winter, and shall be compared to projected and actual valet use at Portside Pier.
- iii. The location of lots available for valet use and the number of spaces available in each lot based upon recent parking utilization counts.
- iv. The dates, times, and duration of any period the valet was closed due to no available parking spaces.

Permittee shall implement parking program refinements that may be required by the District based on the findings of the parking implementation report.

- f. Based on the parking study undertaken by the permittee consistent with Mitigation Measure TRA-2, the number of secured parking spaces may be reduced. Any reduction in Secured Parking shall be such that the amount of Secured Parking spaces shall not be less than the highest monthly use of the Secured Parking in the previous year plus five percent (5%) to provide a cushion, and the reduction may be granted in the District's sole and absolute discretion.⁷
- g. In the event that the District establishes a long-term parking program for the area, the Permittee shall contribute a fair share to the construction and operating costs of the program. The Permittee may request that the Board of Port Commissioner's revise Mitigation Measure TRA-2 upon the start of operation of the long-term parking program.
- h. Permittee shall ensure that the public viewing deck and public perimeter walkway are open to the public at all times during operating hours of the restaurants. No private functions or restaurant events shall take place on the public viewing deck or public perimeter walkway.
- i. The width of the public walkway shall be no less than 48 inches wide and extend around the entire perimeter of the second floor. The square footage of the public viewing deck shall be 3,711 square feet.
- j. The public viewing deck and public perimeter walkway shall be separate from the restaurant areas and accessible from the North Embarcadero Promenade via (1) two elevators, one of which shall be directly accessible from the North Embarcadero Promenade, and one accessible from the restaurant on the north

⁷ In the future, the Board of Port Commissioners may fix the clerical error in Mitigation Measure TRA-2 to reflect the number of parking spaces needed to support the Project - 327 parking spaces if and when water transportation services are provided or 358 parking spaces without the water transportation provided – in which case, the number of parking spaces required for the Project and accordingly, this Permit shall be amended automatically to reflect the revised mitigation measure.

end and (2) stairs accessible through the restaurants on the north and south ends.

k. Permittee shall maintain signage in a working and legible fashion.

l. Permittee shall ensure that the dock and dine is available on a first come, first serve basis for berthing for both patrons and non-patrons of the adjacent restaurants, and for use by water taxis, at all times during operating hours of the restaurant.

m. The safety and security of any vessel berthed at the dock and dine shall be responsibility of the Permittee; provide, however, Permittee may pass along this obligation to the users of the dock and dine facility.

Exhibits:

1. Project Location Map
2. Proposed Renderings
3. Photometric Plan
4. Exterior Signage Lighting Plan
5. Proposed Piles
6. Dock and Dine Layout
7. Project Construction Area
8. Parking Requirements for Portside Pier CDP
9. Applicable Project Mitigation Measures from the Mitigation, Monitoring, and Reporting Program (MMRP) for the Portside Pier Restaurant Redevelopment Project

If you have any questions on this permit, please contact the Real Estate Development Department-Development Services of the San Diego Unified Port District at (619) 686-6291.

RANDA CONIGLIO
President/Chief Executive Officer

By: _____
Wileen C. Manaois
Principal, Development Services
Real Estate Development Department

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

Signature of Permittee
Mike Morton Jr.

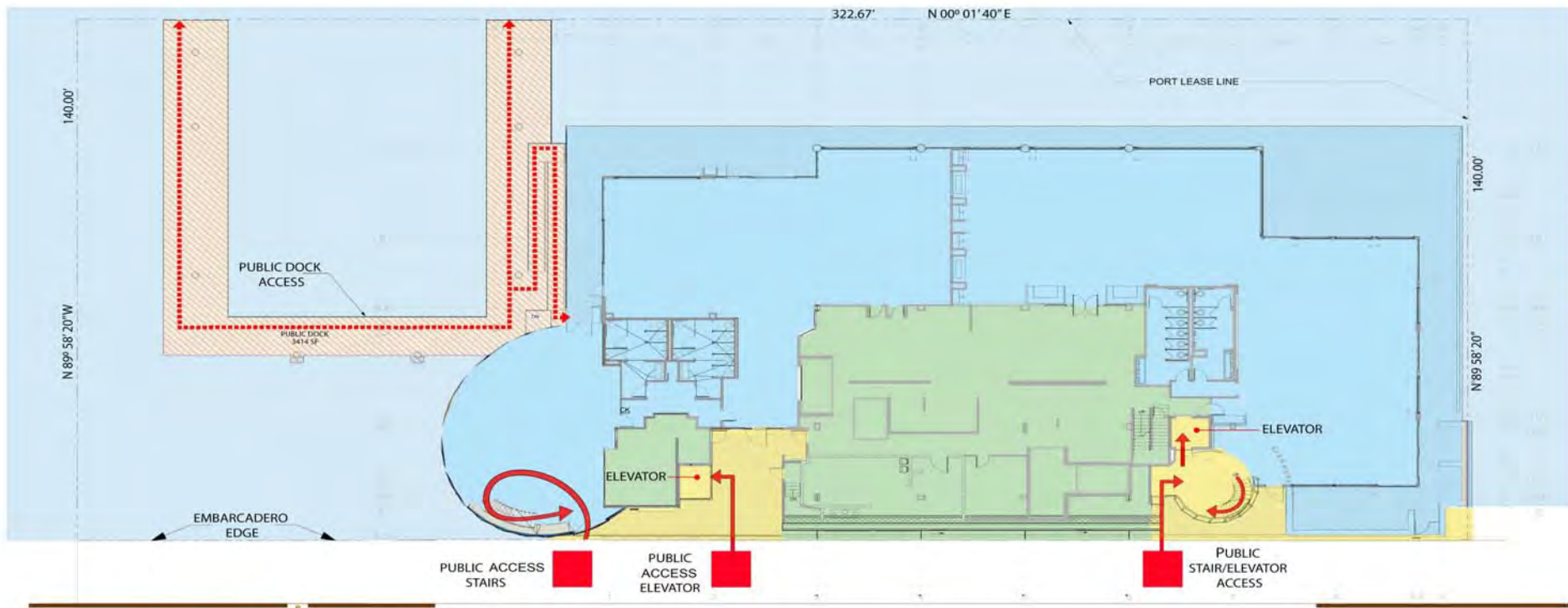
Date

President & CEO, The Brigantine, Inc.

DRAFT



 Project Boundary



- LEGEND**
- PUBLIC CIRCULATION
1588 SF
 - RESTAURANT
 - B.O.H.
 - PUBLIC DOCK



Graphic Scale: 1 inch = 8 feet
0 8' 16'

PUBLIC COASTAL ACCESS SITE PLAN



PUBLIC ACCESS
STAIRS

PUBLIC ACCESS
ELEVATOR



PUBLIC STAIR/ELEVATOR
ACCESS



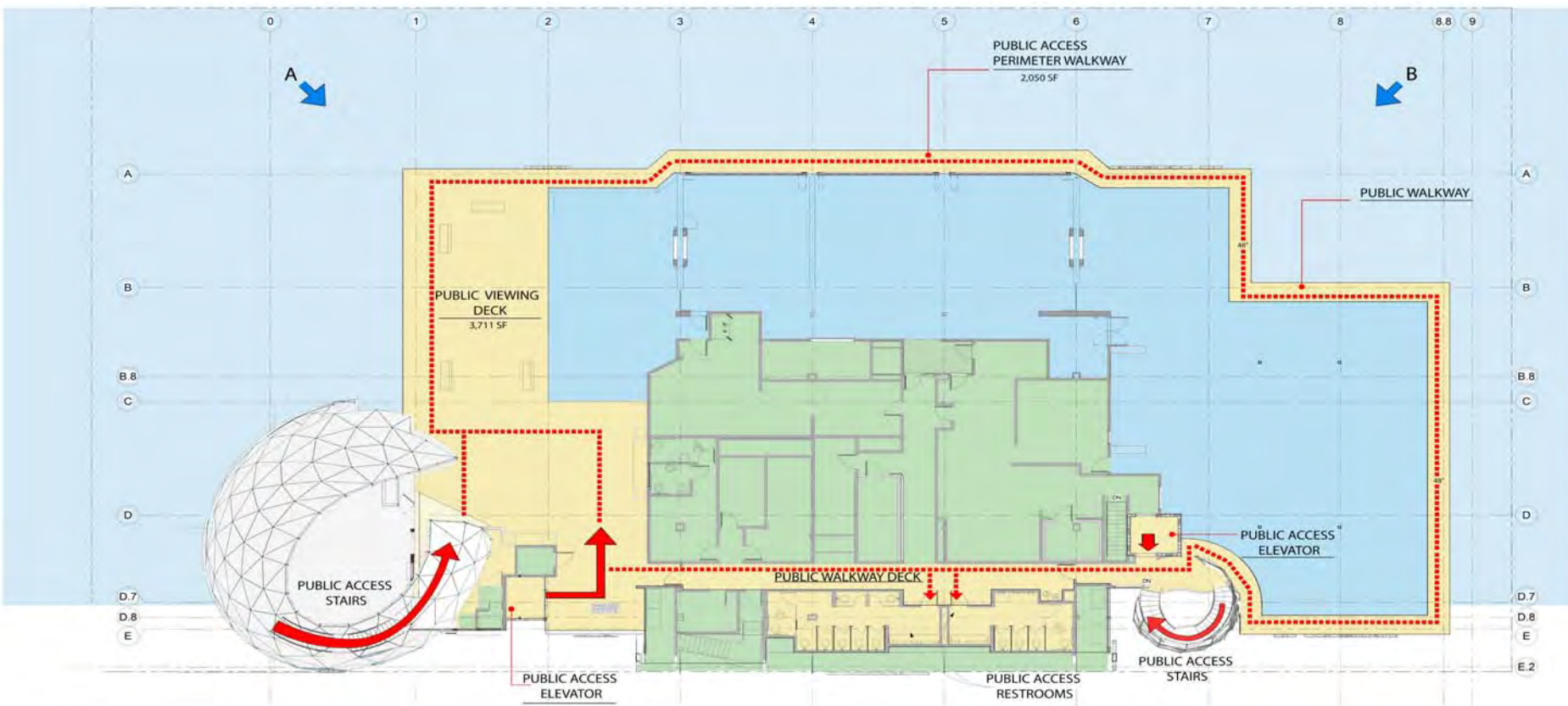


LEGEND

- PUBLIC AREA
- PUBLIC VIEWING DECK = 3,711 SF
- PUBLIC ACCESS PERIMETER WALKWAY = 2,050 SF
- TOTAL = 5,761 SF
- RESTAURANT
- B.O.H.
- PUBLIC DOCK



Graphic Scale: 1 inch = 8 feet
0 8' 16'

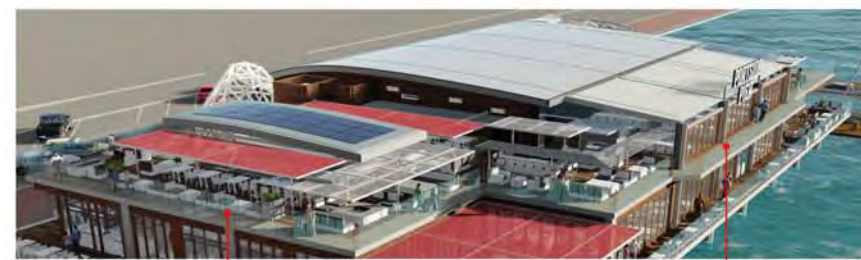


PUBLIC COASTAL ACCESS SECOND LEVEL



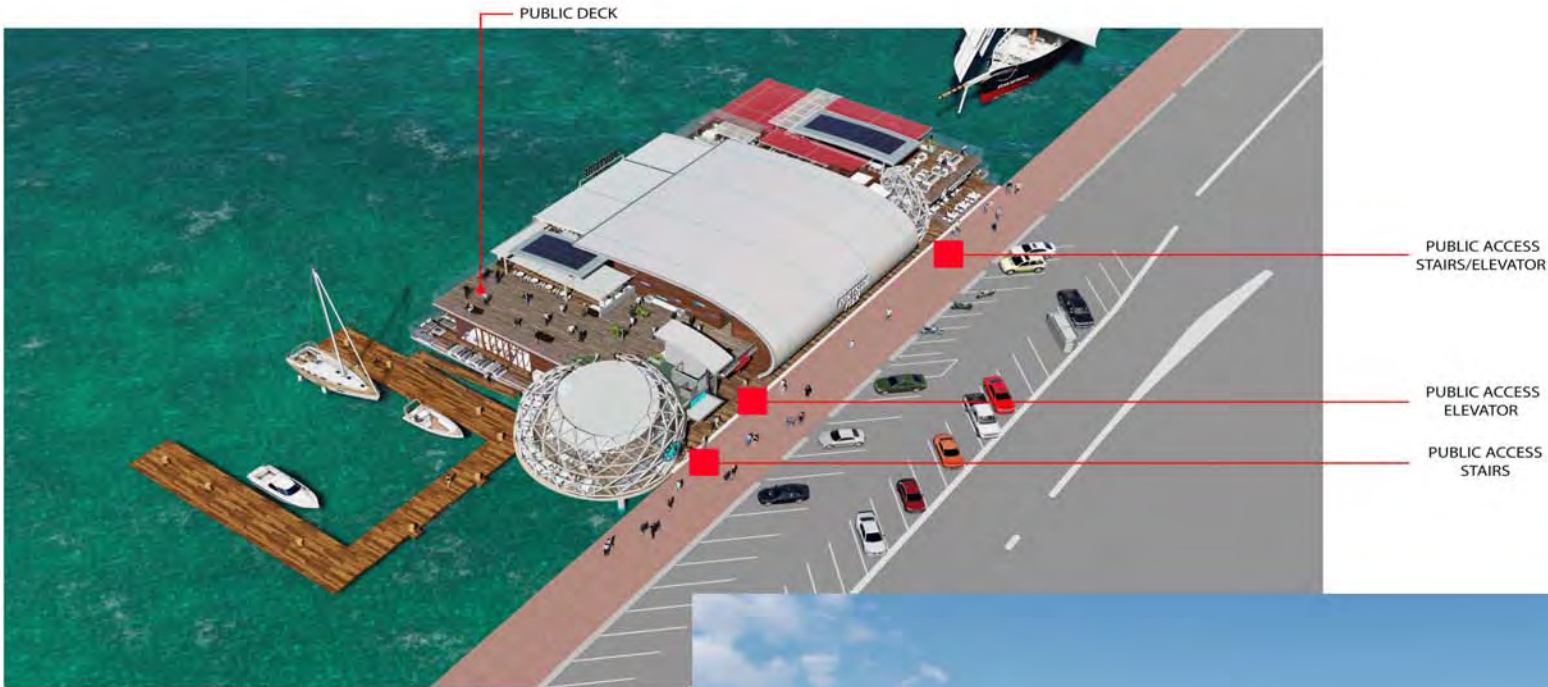
PUBLIC WALKWAY

PUBLIC DECK



PUBLIC WALKWAY

PUBLIC WALKWAY

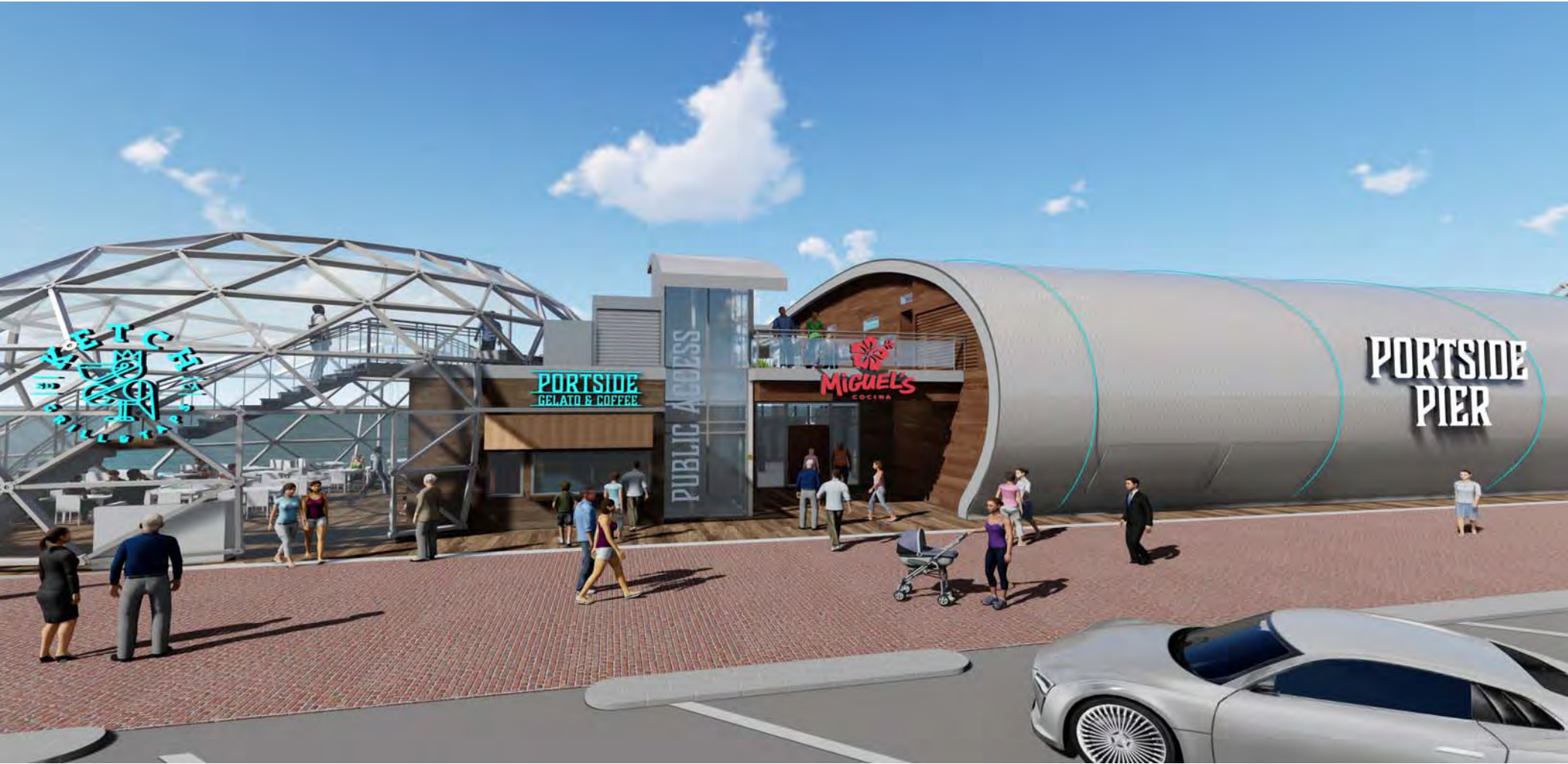


PORTSIDE PIER SOUTH ENTRANCE



PORTSIDE PIER NORTH ENTRANCE













TUCKER
SADLER

1620 FIFTH AVENUE SUITE 200
SAN DIEGO, CALIFORNIA 92101
619.236.1662 FAX 619.236.9267

NOT FOR
CONSTRUCTION

Design Development

ROBISON
ENGINEERING, INC

19401 40TH AVE W, SUITE 302
LYNNWOOD, WA 98036
206-364-3343 TEL / 425-835-0098 FAX

PORTSIDE PIER

PROGRESS SET

[illegible]

ENGINEER OF RECORD:



PROJECT #	21511.00
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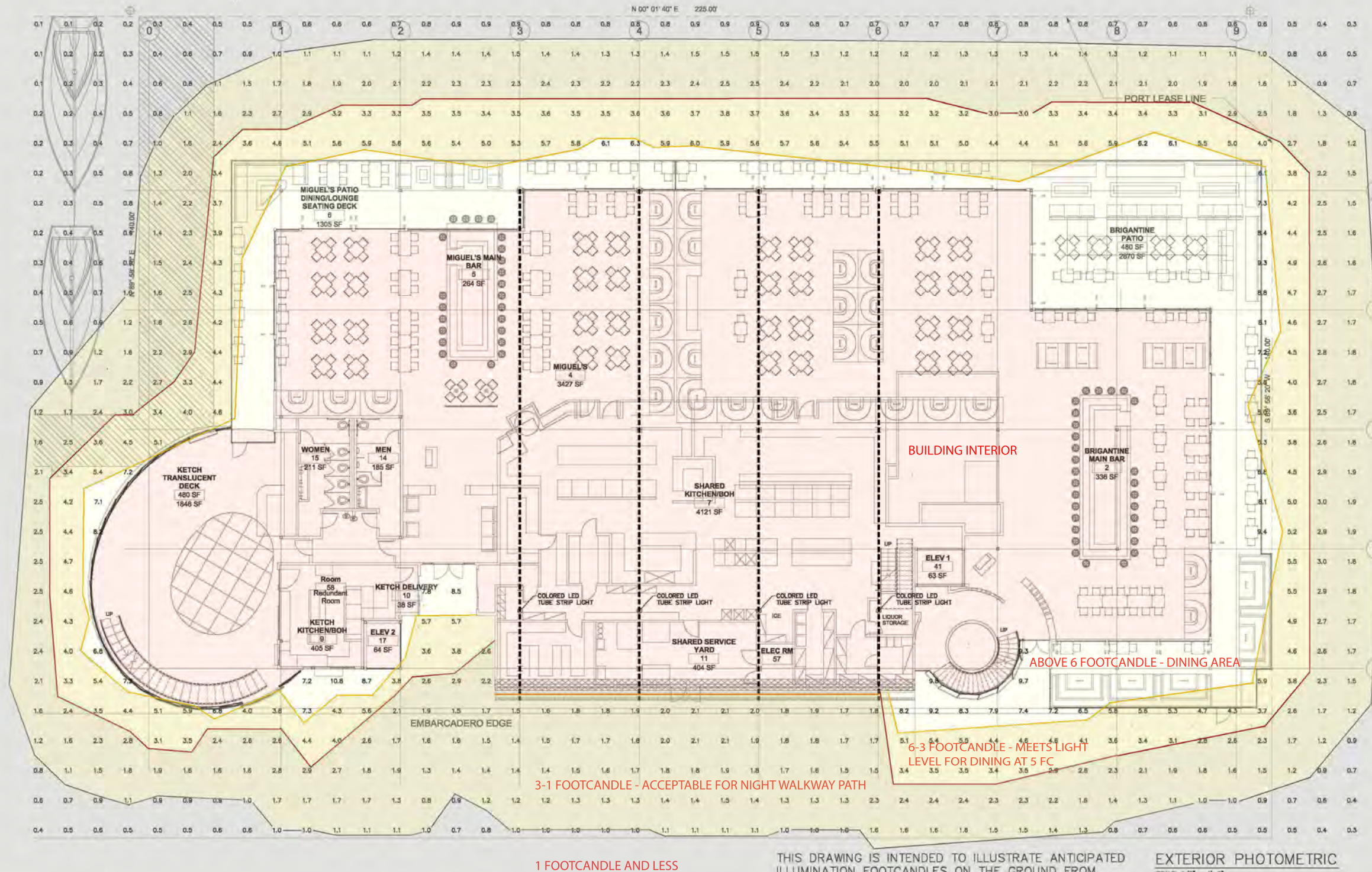
DATE ISSUED:
07/26/16

DRAWING
NUMBER

DRAWN BY:
MAR

CHECKED BY:
PSR

DRAWING
E100



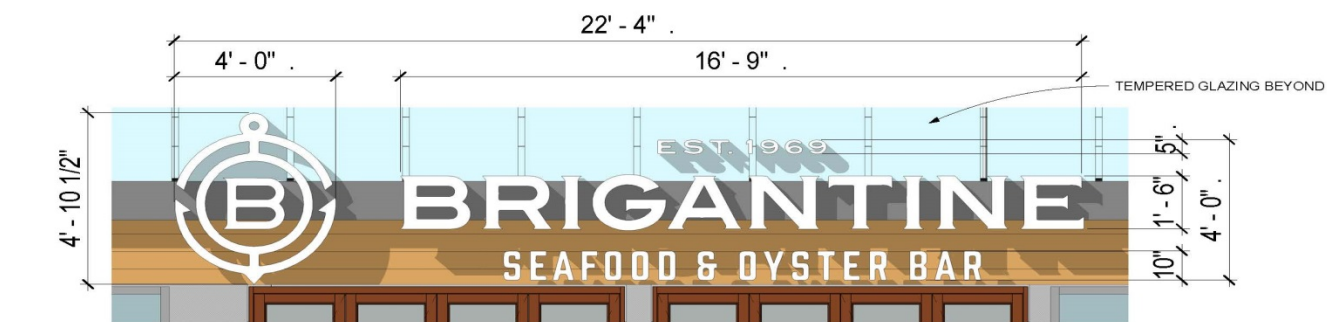
THIS DRAWING IS INTENDED TO ILLUSTRATE ANTICIPATED ILLUMINATION FOOTCANDLES ON THE GROUND FROM INTERIOR AND BUILDING MOUNTED LIGHT SOURCES.

EXTERIOR PHOTOMETRIC
SCALE: 1/8" = 1'-0"

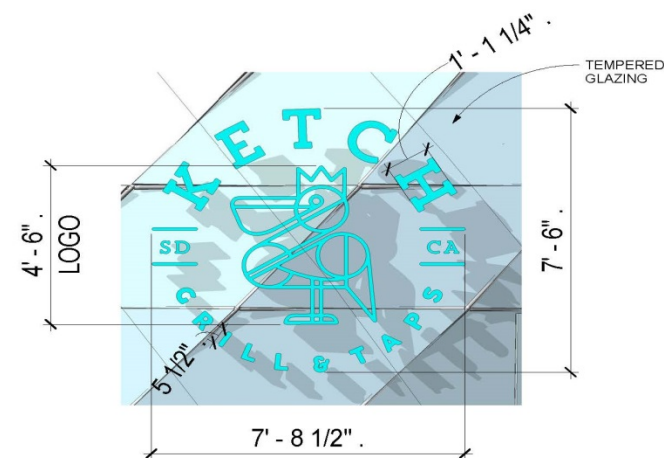
NOTE: STUDY DOES NOT INCLUDE OTHER ADDITIONAL STREET AND SITE LIGHTING SURROUNDING BUILDING

ALL IDEAS, DESIGNS, ARRANGEMENTS AND PLANS INDICATED OR REPRESENTED BY THE DRAWING ARE OWNED BY AND THE PROPERTY OF TUCKER SAGLER & ASSOCIATES, AN ARCHITECTS AND PLANNING CONSULTANTS, AND WERE CREATED, EVOLVED AND DEVELOPED FOR USE ON AND IN CONNECTION WITH THE SPECIFIED PROJECT. NONE OF SUCH IDEAS, DESIGNS, ARRANGEMENTS OR PLANS SHALL BE USED BY ANY PERSON, FIRM OR CORPORATION FOR ANY PURPOSE WHATSOEVER WITHOUT THE WRITTEN PERMISSION OF TUCKER SAGLER & ASSOCIATES. FILING THESE DRAWINGS OR SPECIFICATIONS WITH ANY PUBLIC AGENCY IS NOT PUBLICATION OF SAME AND NO COPYING, REPRODUCTION OR USE THEREOF IS PERMITTED WITHOUT THE WRITTEN CONSENT OF TUCKER SAGLER & ASSOCIATES.

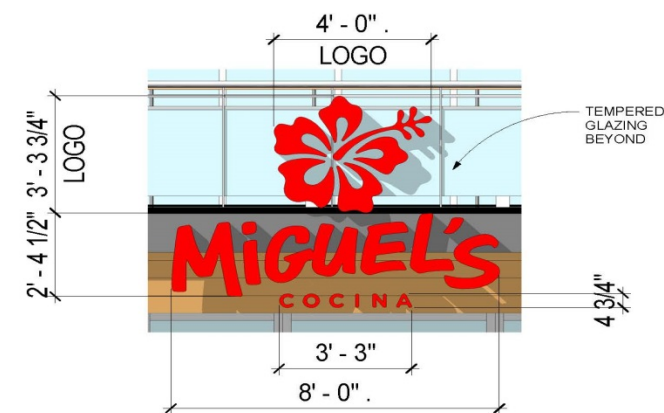
COPYRIGHT 2016, HOKUEN ENGINEERING INC.
ALL RIGHTS RESERVED. A-1004-001 PARTIAL FOR THE PATENTED INVENTION OF 10-07-2016 18:49



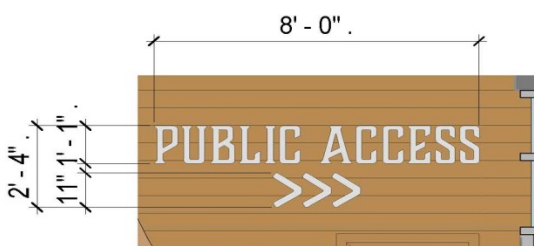
EAST ELEVATION BRIGANTINE SIGN
1/2" = 1'-0" 2



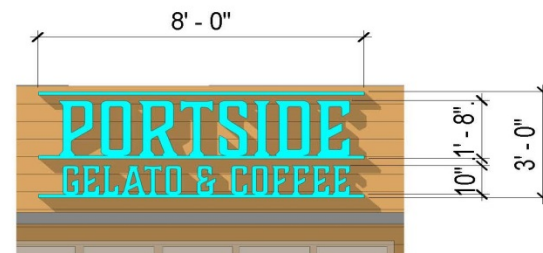
EAST ELEVATION KETCH SIGN
1/2" = 1'-0" 3



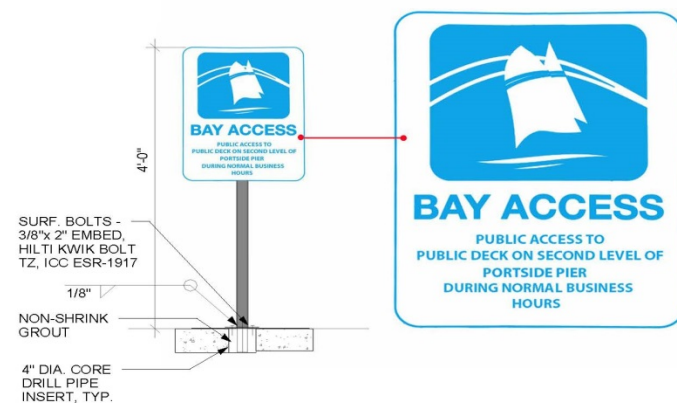
EAST ELEVATION MIGUELS SIGN
1/2" = 1'-0" 4



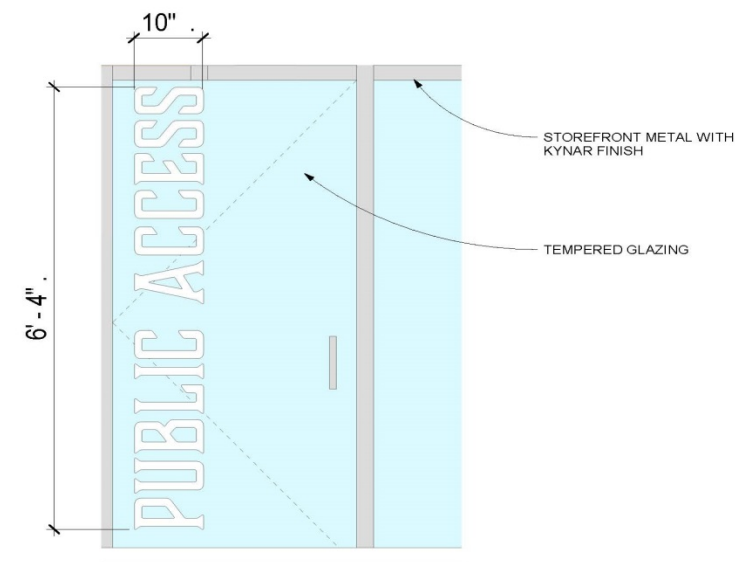
PUBLIC ACCESS SIGN & DIRECTIONAL ARROW
1/2" = 1'-0" 10



EAST ELEV GELATO COFFEE SIGN
1/2" = 1'-0" 5

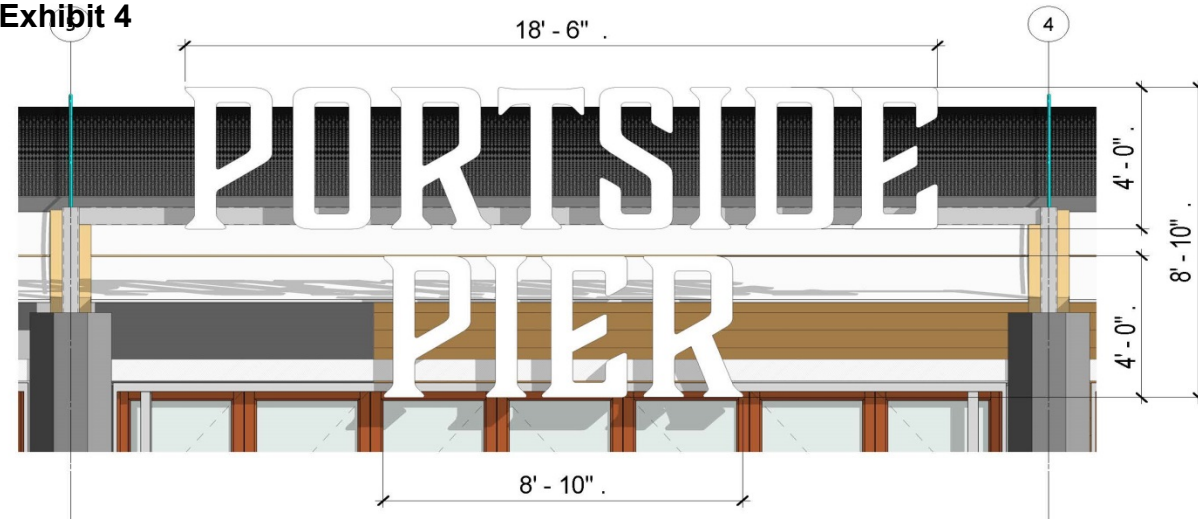


PUBLIC ACCESS SIGN
1" = 1'-0" 6

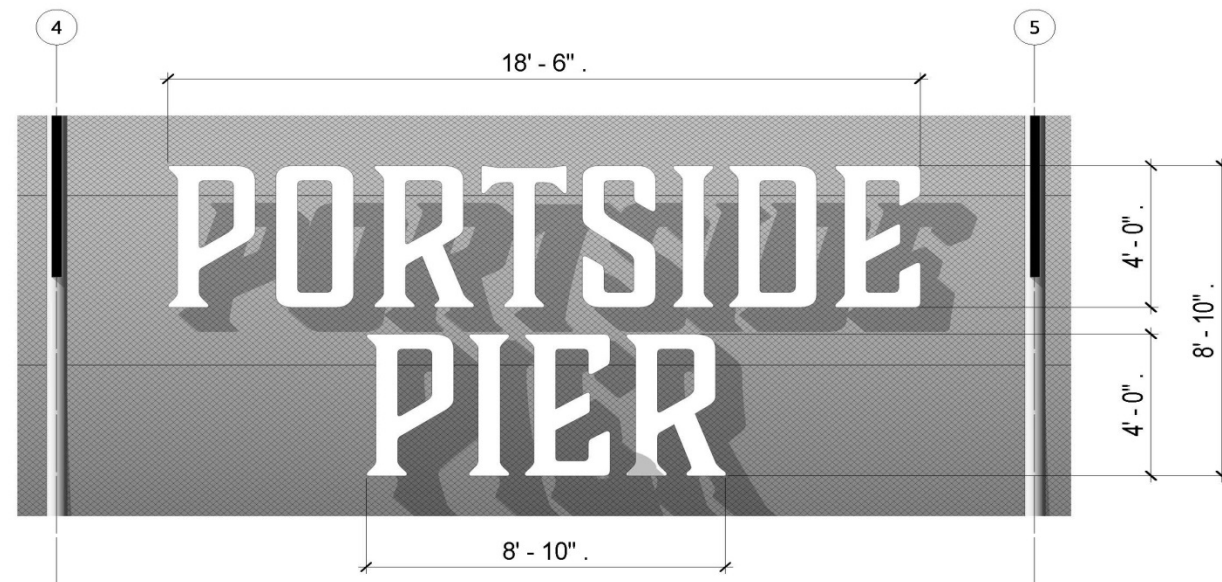


EAST ELEV PUBLIC ACCESS SIGN
1" = 1'-0" 9

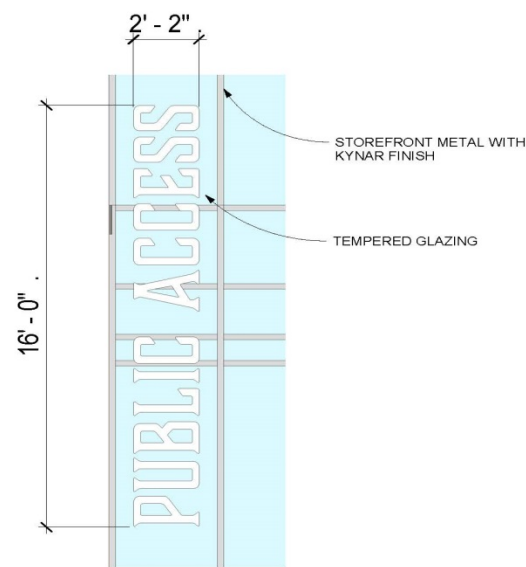
CDP Exhibit 4



WEST ELEVATION PORTSIDE PIER SIGN
1/2" = 1'-0" 1



EAST ELEVATION PORTSIDE PIER SIGN
1/2" = 1'-0" 7



EAST ELEV 2-STORY PUBLIC ACCESS SIGN
3/8" = 1'-0" 8

SIGNAGE KEY:

- | | |
|---------|--|
| ② ④ ⑤ ⑦ | SIGNAGE TYPE: FRONT LIT CHANNEL LETTERS
SIGNAGE LIGHTING: LED BEHIND ACRYLIC FACE
MATERIALS:
1. PRE-FINISHED ALUMINUM RETURN, KYNAR FINISH
2. ALUMINUM BACK
3. ACRYLIC TRANSLUCENT FACE
4. ALL U.L. LISTED |
| ① ③ | SIGNAGE TYPE: FRONT/BACK LIT CHANNEL LETTERS & LOGO
SIGNAGE LIGHTING: LED BEHIND ACRYLIC FACE
MATERIALS:
1. PRE-FINISHED ALUMINUM RETURN, KYNAR FINISH
2. ACRYLIC TRANSLUCENT BACK
3. ACRYLIC TRANSLUCENT FACE
4. ALL U.L. LISTED |
| ⑥ | SIGNAGE TYPE: STANDARD PORT SIGN ON POLE
MATERIAL:
UV INKS DIRECTLY APPLIED TO .063" RUST FREE ALUMINUM |
| ⑧ ⑨ | SIGNAGE TYPE: DIGITALLY LASER PRINTED
MATERIAL:
COATED GLOSS DIGITAL PRINTING PAPER ON GLAZING (COLOR: WHITE) |
| ⑩ | SIGNAGE TYPE: PRE-FINISHED ALUMINUM, KYNAR FINISH (COLOR: WHITE)
MATERIAL:
PRE-FINISHED ALUMINUM, KYNAR FINISH |

PORT OF
SAN DIEGO

PORTSIDE PIER
1360 N. HARBOR DR
SAN DIEGO, CA 92101

No.	Issued / Revisions	Date

ARCHITECT OF RECORD:

SHEET TITLE:

EXTERIOR SIGNAGE
LIGHTING

PROJECT # 21511.00	DRAWN BY: MV
DATE ISSUED: 04/11/17	CHECKED BY: DM, GM
DRAWING NUMBER DWG OF	DRAWING NUMBER A511



**TUCKER
SADLER**
1600 FIFTH AVENUE SUITE 300
SAN DIEGO, CALIFORNIA 92101
619 596-1600 FAX 619 596-5967

**NOT FOR
CONSTRUCTION**

Design
Development

PORTSIDE PIER

No.	Issued / Revision	Date

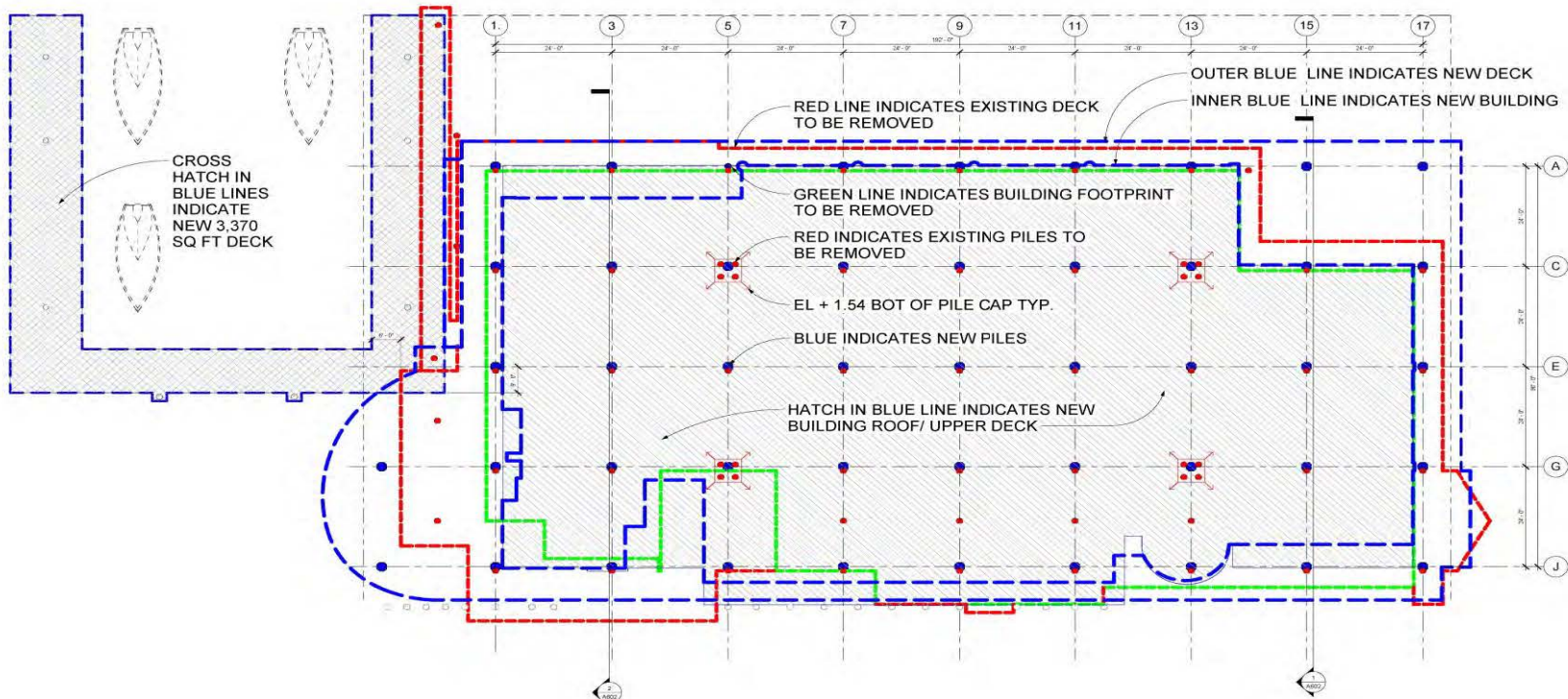
ARCHITECT OF RECORD:

PROJECT #
21511.00
DATE ISSUED
12/01/16

DRAWING
NUMBER
DWG
OF

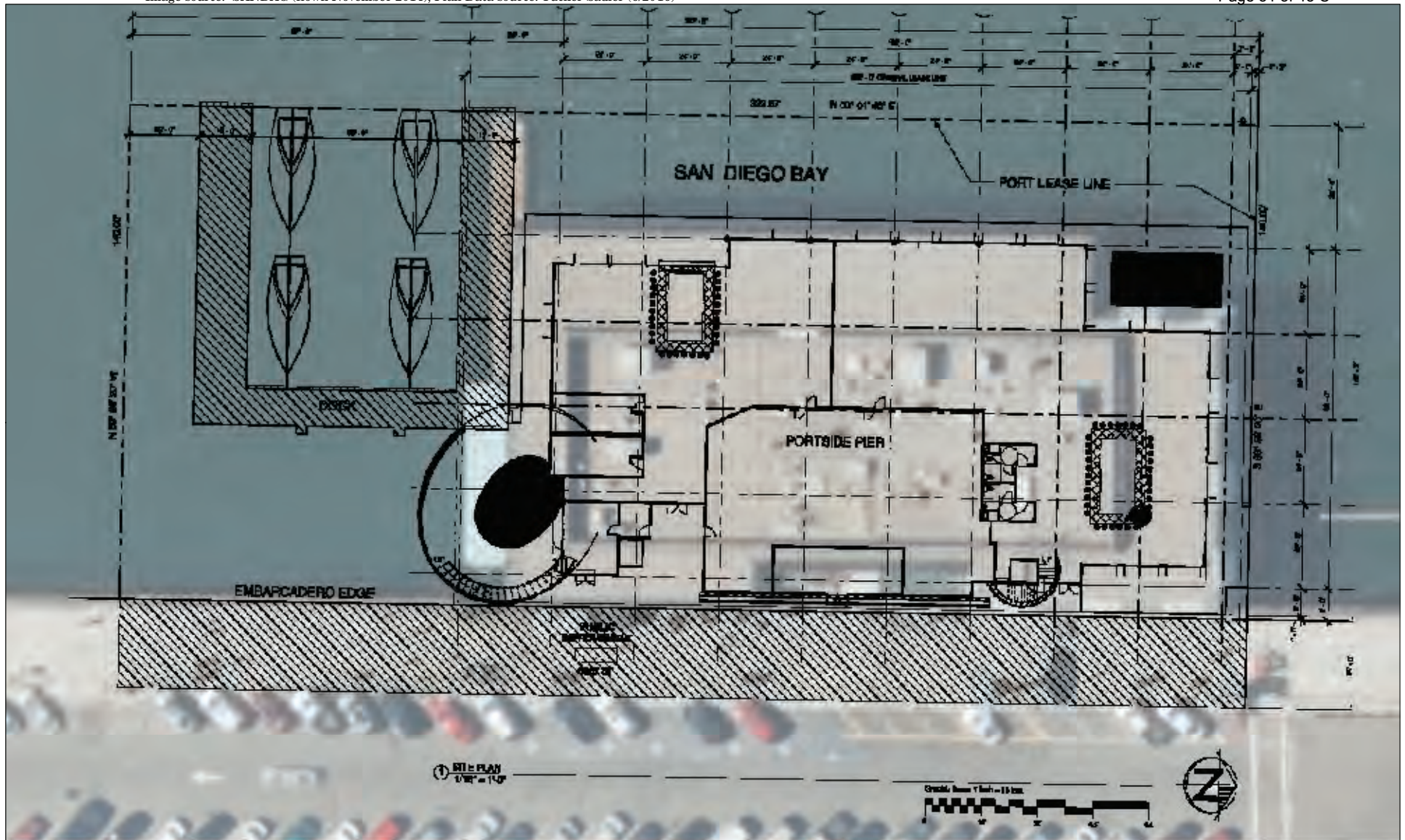
DRAWN BY:
MV
CHECKED BY:
MV

DRAWING
A200



1. SITE PLAN
1" = 10' 0"





0 Feet 40

FIGURE 7
Dock and Dine Layout

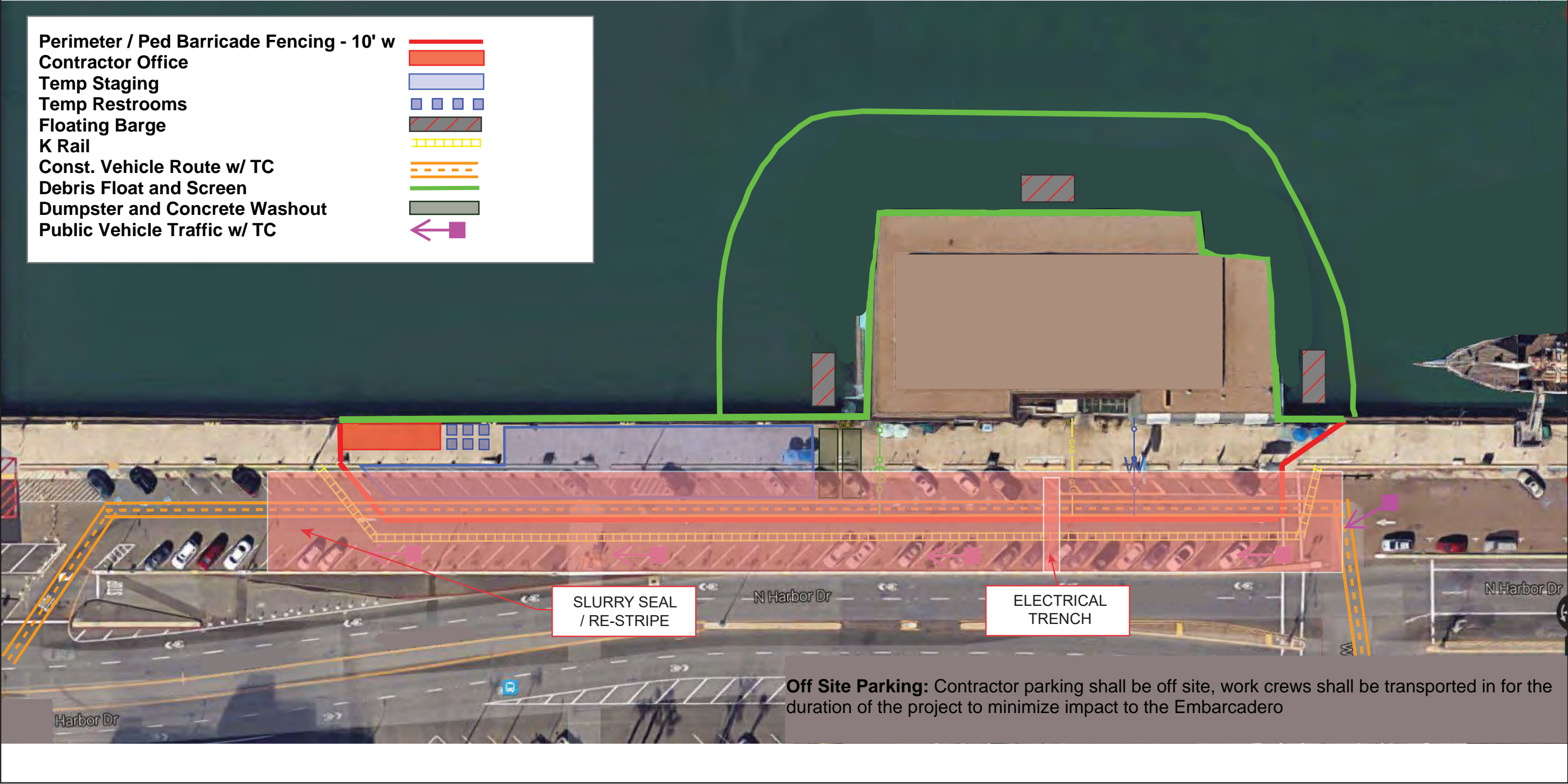


FIGURE 8
Project Construction Area

CDP Exhibit 8**PARKING REQUIREMENTS FOR PORTSIDE PIER CDP****TABLE 1 – PARKING ADJUSTMENTS WITH DEDICATED WTS**

Adjustment	Adjustment Reason	Percent	Change (Spaces / KSF)
Parking Rate (Unadjusted) – Restaurant Use (Embarcadero)	Per Table 1 of the Tidelands Parking Guidelines	100%	9.3
Proximity to Transit	The proposed project is located within 0.25 miles of Santa Fe Depot.	-12%	-1.1
Access to Airport	The proposed project does not have access to the airport.	0%	0.0
Shared Parking Potential	The proposed project has only a single restaurant use.	0%	0.0
Proximity to Public Waterfront Amenities for Public Access	The proposed project is located along the waterfront and has direct access to the Embarcadero Promenade.	25%	2.3
Displacement of Existing Parking	The proposed project will not displace any existing parking.	N/A	0.0
Existing Parking Shortfall/Surplus	This will be determined via this parking analysis.	N/A	0.0
Employee Trip Reduction Programs	This project proposed to park all employees off site.	N/A	0.0
Dedicated Airport Shuttle Service	For hotel uses only.	0%	0.0
Dedicated WTS	10 additional boat slips will be added as a project feature.	-10%	-0.9
Total Adjusted Rate			9.6

Source: *Transportation Analysis*, pp. 41-42 (2016)

TABLE 2 – PARKING ADJUSTMENTS WITHOUT DEDICATED WTS

Adjustment	Adjustment Reason	Percent	Change (Spaces / KSF)
Parking Rate (Unadjusted) – Restaurant Use (Embarcadero)	Per Table 1 of the Tidelands Parking Guidelines	100%	9.3
Proximity to Transit	The proposed project is located within 0.25 miles of Santa Fe Depot.	-12%	-1.1

Access to Airport	The proposed project does not have access to the airport.	0%	0.0
Shared Parking Potential	The proposed project has only a single restaurant use.	0%	0.0
Proximity to Public Waterfront Amenities for Public Access	The proposed project is located along the waterfront and has direct access to the Embarcadero Promenade.	25%	2.3
Displacement of Existing Parking	The proposed project will not displace any existing parking.	N/A	0.0
Existing Parking Shortfall/Surplus	This will be determined via this parking analysis.	N/A	0.0
Employee Trip Reduction Programs	This project proposed to park all employees off site.	N/A	0.0
Dedicated Airport Shuttle Service	For hotel uses only.	0%	0.0
Dedicated WTS	10 additional boat slips will be added as a project feature.	0%	0.0
Total Adjusted Rate			10.5

Source: Transportation Analysis, pp. 41-42 (2016); Adjusted by District on April 18, 2017

Table 3 - PARKING SPACES REQUIRED BASED ON ULI SHARED PARKING RATES

Assumptions	Land Use	Quantity	Units	Rate	Max Spaces
With WTS Adjustment	Restaurant	9,214	ksf GLA	9.0	89
Without WTS Adjustment	Restaurant	9,214	ksf GLA	10.5	97

Source: Transportation Analysis, pp. 41-42 (2016); Adjusted by District on April 18, 2017

Table 4 – Required PARKING SPACES – NO SHARED PARKING

Assumptions	Building Area (SF)	Parking Rate (KSF)	Parking Spaces
With WTS Adjustment	34,069	9.6	327
Without WTS Adjustment	34,069	10.5	358

Source: District Calculations (April 18, 2017)

NOTES FOR ALL TABLES:

KSF: 1,000 square feet

SF: Square Feet

WTS: Water Transportation Service

Mitigation Measures Applicable to the Project (Construction of Portside Pier Development)				
Measure	Monitoring Requirement	Responsible for Implementation	Completion Requirement	Agency Responsible for Verification
Extracted from Portside Pier Restaurant Redevelopment Project Final Mitigated Negative Declaration Mitigation Monitoring and Reporting Program				
Biological Resources				
BIO-1: If pile driving occur between April 1 and September 15, the contractor shall deploy a turbidity curtain around the pile driving areas to restrict the surface visible turbidity plume to the area of removal and driving. It shall consist of a hanging weighted curtain with a surface float line and shall extend from the surface to 15 feet down into the water column. This measure is intended to minimize the area of the bay in which visibility of prey is obstructed. The applicant shall ensure that this measure is implemented for the duration of the pile-driving activity.	Construction	Applicant	During pile driving	Port District
BIO-2: Should impact hammer pile-driving activities be conducted between April 1 and September 15, a qualified biological monitor shall be retained by the contractor at its expense to conduct California least tern monitoring during the tern breeding season within 500 feet of construction activities. The monitor shall be empowered to delay work commencement and shall do so if terns are actively foraging (e.g., searching and diving) within the work area. Should adverse impacts to terns occur (e.g., agitation or startling during foraging activities), the biological monitor shall be empowered to delay or halt construction and shall do so until least terns have left the project area.	Construction	Applicant	During pile driving within the California least tern breeding season District shall maintain monitoring reports in project files	Port District

Mitigation Measures Applicable to the Project (Construction of Portside Pier Development)				
Measure	Monitoring Requirement	Responsible for Implementation	Completion Requirement	Agency Responsible for Verification
BIO-3: A biological observer or observers shall monitor pile driving, if using a vibratory or impact hammer, with the authority to stop work if a green sea turtle or marine mammal approaches or enters the shutdown zones (500 meters for vibratory driving and 317 meters [117 meters plus a 200-meter buffer] for impact driving). The additional buffer is required because a marine mammal or green sea turtle spends much of its time underwater. A buffer gives the observer time to observe the animal before it dives, and allows them to stop construction before it enters the shutdown zone. Prior to the start of pile-driving activities, the biological observers shall monitor the shutdown zones for at least 15 minutes to ensure that green sea turtles and marine mammals are not present. If a green sea turtle or marine mammal approaches or enters the shutdown zone during the pile-driving activities, the biological observer(s) shall notify the construction contractor to stop the activity. The pile-driving activities shall be stopped and delayed until either the biological observer(s) visually confirm that the animal has left the shutdown zone of its own volition, or 15 minutes have passed without re-detection of the animal. If the on-site biological observer(s) determine that weather conditions or visibility prevent the visual detection of green sea turtles or marine mammals in the shutdown zones, such as heavy	Construction	Applicant	During pile driving District shall maintain monitoring reports in project files	Port District

Mitigation Measures Applicable to the Project (Construction of Portside Pier Development)				
Measure	Monitoring Requirement	Responsible for Implementation	Completion Requirement	Agency Responsible for Verification
<p>fog, low lighting, or sea state, in-water construction activities with the potential to result in Level A Harassment (injury) or Level B Harassment (disturbance) shall not be conducted until conditions change. The following shutdown zones, and buffers, will avoid the potential for impacts.</p> <p>For Construction (assuming impact pile driving):</p> <ul style="list-style-type: none"> A shutdown zone consisting of the area within the 160-decibel (dB) root mean square (rms) isopleth (117 meters from source), plus a buffer of 200 meters, would be required to avoid the potential for Level A and B Harassment of green sea turtles, managed fish, and marine mammals (317 meters total). <p>Additional requirements:</p> <ul style="list-style-type: none"> Prior to the start of any pile-driving activities, the construction contractor shall implement a soft-start procedure to provide additional protection to green sea turtles, marine mammals, and fish. Soft start provides a warning and/or gives individuals a chance to leave the area prior to the hammer operating at full power. The soft-start procedure would require contractors to activate the impact hammer with an initial set of three strikes at 40 percent or less energy, separated by three 30- 				

Mitigation Measures Applicable to the Project (Construction of Portside Pier Development)				
Measure	Monitoring Requirement	Responsible for Implementation	Completion Requirement	Agency Responsible for Verification
<p>second waiting periods.</p> <ul style="list-style-type: none"> • If at any point pile driving stops for greater than one hour, then the soft start procedure must be conducted prior to the start of further pile driving activities. • Observers will observe for 30 minutes after construction has ended. • Construction activities requiring observers will commence 45 minutes after sunrise, and 45 minutes before sunset to provide the observers with enough visibility to observe marine species in the project area. • Biological monitoring shall be conducted by qualified observers. The observers shall be trained in green sea turtle and marine mammal identification and behaviors, and would have no other construction-related tasks. The observers shall determine the best vantage point practicable to monitor and implement shut-down/notification procedures, when applicable, by notifying the construction superintendent and/or hammer operator. • During all observation periods, observers shall use binoculars and the naked eye to scan continuously for green sea turtles and marine mammals. As part of the monitoring process, the observers shall collect sightings data and behavioral responses to pile-driving from green sea turtles and marine mammals observed within 500 feet of the proposed project site of activity and shutdown zones during the period 				

Mitigation Measures Applicable to the Project (Construction of Portside Pier Development)				
Measure	Monitoring Requirement	Responsible for Implementation	Completion Requirement	Agency Responsible for Verification
of construction. The observer shall complete a sighting form (paper or electronic) for each pile-driving day (see Attachment B of Appendix 3). The observer shall submit the completed forms to NMFS and the District within 60 days of the completion of the monitoring with a summary of observations.				
BIO-4: Prior to the commencement of construction activities that would result in increased water coverage, an amount equating to the loss of open water associated with the proposed project shall be offset by deducting an amount from the District's shading credit program established pursuant to Board Policy 735. Additionally, the project applicant shall implement design modifications, such as incorporating translucent areas over the water. The deduction to the District's shading credits shall be equivalent to that of the proposed project's final increase in shading (i.e., less any reductions achieved by design modifications) to the satisfaction of NMFS and USACE. Applicant shall pay to the District fair market value, as determined by a District study of similar credits, for the shading credits.	Pre-Construction	Applicant	Prior to demolition and construction activities	Port District
Hazards and Hazardous Materials				
HAZ-1: Airport Land Use Commission (ALUC) formal review and determination on the proposed project	Pre-Construction	Applicant and District	Prior to initiation of construction	Port District

Mitigation Measures Applicable to the Project (Construction of Portside Pier Development)				
Measure	Monitoring Requirement	Responsible for Implementation	Completion Requirement	Agency Responsible for Verification
shall be obtained prior to initiation of project construction.				
Transportation/Traffic (Parking)				
TRA-1 To reduce the impacts associated with temporary loss in parking during construction of the proposed project, the applicant and/or construction contractor will implement the following: <ul style="list-style-type: none"> • Prior to construction, the applicant or construction contractor will obtain written agreement from the Wyndham Hotel, or other parking facility with sufficient space, to guarantee parking for construction personnel through the duration of construction of the proposed project. • During initial site preparation, the construction contractor will post signage at the temporarily displaced parking spaces to direct visitors to nearby available parking. 	Pre-Construction and Construction	Applicant	Prior to construction and during construction	Port District
TRA-2: The applicant will implement the following parking management strategies to mitigate the projected parking deficiency: <ul style="list-style-type: none"> • Coordination - On-going daily coordination between the proposed project and parking lot operators, such as ACE parking, to identify which surrounding lots have available parking at different times of the day. • Wayfinding Signage - Provide changeable signage to direct patrons to the parking facilities 	Prior to Operation and Ongoing	Applicant	Prior to and during operation	Port District

Mitigation Measures Applicable to the Project (Construction of Portside Pier Development)				
Measure	Monitoring Requirement	Responsible for Implementation	Completion Requirement	Agency Responsible for Verification
<p>(as identified by ACE on a weekly basis) that have parking availability.</p> <ul style="list-style-type: none"> • Transportation Network Companies – Coordination with companies (such as Lyft, Uber, etc.) to encourage patrons to utilize this mode of transportation as an alternative to driving their personal vehicle. • Valet Parking – Secure 979 parking spaces (Secured Parking) at one or more parking lots and provide a valet service in order to avoid overflow in the immediate surrounding parking areas. Prior to Certificate of Occupancy, the applicant will enter into a contract or agreement with a parking operator or equivalent entity securing the Secured Parking and provide the agreement to the District. The agreement shall be updated on an annual basis with proof of said agreement being submitted to the District on an annual basis. Alternatively, the applicant may submit evidence to District that it has acquired the Secured Parking at an off-site location for the valet parking operation. <p>After the first year of operation or anytime thereafter, the applicant may submit a parking study (Parking Study) to the District for its review and approval. The Parking Study shall include, at a minimum, the number of Secured Parking used for its valet operations on a monthly basis, broken down into morning,</p>				

Mitigation Measures Applicable to the Project (Construction of Portside Pier Development)				
Measure	Monitoring Requirement	Responsible for Implementation	Completion Requirement	Agency Responsible for Verification
<p>afternoon and evening timeframes, for the previous year. Based on the District's review of the study, the number of Secured Parking may be reduced for a maximum period of two years. The reduction in Secured Parking shall not be less than the highest monthly use of the Secured Parking in the previous year and the reduction may be granted in the District's sole and absolute discretion. Prior to the elapse of the two-year period, a new Parking Study may be submitted to the District for its review and approval based on the same requirement stated herein. If a new Parking Study is not submitted to the District or during the District's review of the new Parking Study (if said review overlaps with the two-year period), the applicant shall secure 979 parking spaces with a parking operator or equivalent entity through an agreement that shall be submitted to the District.</p> <ul style="list-style-type: none"> • Water Taxi – Applicant shall coordinate with a water taxi company to encourage patrons to utilize water taxis as an alternative to driving their personal vehicle. • Bike Racks – Provide bike racks on the project site or adjacent thereto on the promenade to encourage employees/patrons to bike to the proposed project. • Bike Share Stations – Coordinate with 				

Mitigation Measures Applicable to the Project (Construction of Portside Pier Development)				
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<p>companies like DECOBIKE to ensure a bike share station is maintained within walking distance (approximate 1,000 feet) to the proposed project.</p> <ul style="list-style-type: none"> Public Transit – On the applicant’s website, promote and encourage employees and patrons to utilize alternative modes of transportation as an alternative to driving their personal vehicle. Public Transit Subsidies for Employees – Provide reimbursement or subsidies for public transportation costs for all employees. Port of San Diego (formerly Big Bay) Shuttle – Participate in the District’s on-going shuttle program. Employee Off-Site Parking – Designate an off-site parking lot for employees and provide shuttle service between the off-site facility and the proposed project, such as: <ul style="list-style-type: none"> Portman Hotel: (+400 stalls) 610 West Ash Street: (+410 stalls) 410 West Ash Street (+510 stalls) 1230 Columbia Street (+228 stalls) 				