



Attachment A to Agenda File No. 2017-0290

San Diego Unified Port District

Page 1 of 47 A

3165 Pacific Hwy.
San Diego, CA 92101

Legislation Text

File #: 2016-0550, Version: 1

DATE: December 13, 2016

SUBJECT:

PORTSIDE PIER RESTAURANT REDEVELOPMENT PROJECT AT 1360 NORTH HARBOR DRIVE IN THE CITY OF SAN DIEGO:

- A) CONDUCT PUBLIC HEARING AND ADOPT RESOLUTION ADOPTING THE FINAL MITIGATED NEGATIVE DECLARATION FOR THE PORTSIDE PIER RESTAURANT REDEVELOPMENT PROJECT, ADOPTING THE MITIGATION MONITORING AND REPORTING PROGRAM, ADOPTING FINDINGS THAT THE REVISED MITIGATION MEASURES ARE EQUIVALENT OR MORE EFFECTIVE THAN THE DRAFT MITIGATION MEASURES, AND DIRECTING FILING OF THE NOTICE OF DETERMINATION**
- B) ADOPT RESOLUTION FINDING THE PROJECT TO BE IN CONFORMANCE WITH BPC POLICY NO. 735 TO MAKE AVAILABLE DISTRICT ENVIRONMENTAL MITIGATION PROPERTY TO THE BRIGANTINE, INC. FOR THE PORTSIDE PIER RESTAURANT REDEVELOPMENT PROJECT**
- C) ADOPT RESOLUTION GRANTING CONCEPT APPROVAL TO THE BRIGANTINE, INC. FOR THE PORTSIDE PIER RESTAURANT REDEVELOPMENT PROJECT**
- D) ADOPT RESOLUTION AUTHORIZING ISSUANCE OF A NON-APPEALABLE COASTAL DEVELOPMENT PERMIT**

EXECUTIVE SUMMARY:

At the May 12, 2015 Board meeting, staff was directed to issue a Request for Proposals (RFP) for the redevelopment and operation of 1360 North Harbor Drive. This site is currently leased to Anthony's Fish Grotto of La Mesa (Anthony's), which has a 52-year lease with the District that expires on January 31, 2017. In May 2015, staff issued the RFP, and received six proposals, one of which was from The Brigantine, Inc. (The Brigantine). At its November 17, 2015 meeting, the Board selected and authorized negotiations with The Brigantine for the redevelopment and operation of 1360 North Harbor Drive. In February 2016, The Brigantine submitted an application for their proposed Portside Pier Restaurant Redevelopment Project (Project). Similar to the existing facility, the Project proposes four eating establishments/restaurants (three restaurants and a gelato and coffee walk-in shop), a second-floor public viewing deck, and an expanded dock and dine facility. Staff subsequently commenced the environmental review process for the Project and, on a parallel track, began negotiations with The Brigantine on a new lease.

Pursuant to the California Environmental Quality Act (CEQA), a Draft Initial Study and Mitigated Negative Declaration (collectively, MND) were prepared for the Project and circulated for a 30-day public review period (August 2 to August 31, 2016). The District received comment letters from five public agencies, and staff determined that these comments did not raise any significant environmental issues not already addressed and analyzed in the Draft MND. The comment letters

and responses to all written comments received on the Draft MND are included in the Final MND. In addition, based on the comments received, the Final MND includes minor clarifications to the Project and mitigation measures, and revisions to several of the figures. The additional information contained in the District's responses to comments clarifies and further substantiates the conclusions contained in the Draft MND. Revisions and clarifications have been made to certain mitigation measures and new mitigation measures have been added in accordance with CEQA Guidelines Section 15074.1. Neither of the revised mitigation measures would result in significant impacts to the environment. The altered mitigation measures are equivalent or more effective than the mitigation measures in the Draft MND. The MND finds that the Project, with the incorporation of mitigation measures identified in the Mitigation Monitoring and Reporting Program (MMRP), would not result in significant adverse impacts to the environment. The Final MND and MMRP have been prepared in accordance with CEQA, the State CEQA Guidelines, and the District's *Guidelines for Compliance with CEQA*. Copies of the Final MND and MMRP have been provided to the Board.

Additionally, the Project requires concept approval pursuant to BPC Policy No. 357 and a finding of conformance with BPC Policy No. 735 to allow for the mitigation of the Project's open water coverage impacts using District environmental mitigation property. Finally, pursuant to the District's Coastal Development Permit (CDP) Regulations and the California Coastal Act, the Project requires the issuance of a non-appealable CDP. Staff has determined that the Project is consistent with the District's certified Port Master Plan.

RECOMMENDATION:

Portside Pier Restaurant Redevelopment Project:

- A. Conduct public hearing and adopt resolution adopting the Final Mitigated Negative Declaration for the "Portside Pier Restaurant Redevelopment Project," adopting the Mitigation Monitoring and Reporting Program, adopting findings that the revised Mitigation Measures are equivalent or more effective than the draft Mitigation Measures, and directing filing of the Notice of Determination
- B. Adopt resolution finding the Project to be in conformance with BPC Policy No. 735 to make available District environmental mitigation property to The Brigantine, Inc. for the Portside Pier Restaurant Redevelopment Project
- C. Adopt resolution granting concept approval to The Brigantine, Inc. for the Portside Pier Restaurant Redevelopment Project
- D. Adopt resolution authorizing issuance of a non-appealable Coastal Development Permit

FISCAL IMPACT:

These proposed Board actions will have no direct fiscal impact to the District's FY16/17 approved budget. In accordance with BPC Policy No. 106, Cost Recovery User Fee Policy, The Brigantine has been subject to cost recovery fees for Project review and CEQA and Coastal processing.

COMPASS STRATEGIC GOALS:

The Project would enable a new tenant, The Brigantine, to redevelop an aging structure and restaurant facility with a new structure and modern restaurant facility that include enhanced public access amenities.

This agenda item supports the following Strategic Goal(s).

- A vibrant waterfront destination where residents and visitors converge.
- A Port with a healthy and sustainable bay and its environment.
- A financially sustainable Port that drives job creation and regional economic vitality.

DISCUSSION:

Background

At the May 12, 2015 Board meeting, staff was directed to issue an RFP for the redevelopment and operation of 1360 North Harbor Drive. This site is currently leased to Anthony's, which has a 52-year lease with the District that commenced in 1965 and expires on January 31, 2017. In May 2015, staff issued the RFP, and received six proposals, one of which was from The Brigantine.

At the November 17, 2015 Board meeting, the Board selected and authorized negotiations with The Brigantine for the redevelopment and operation of 1360 North Harbor Drive. In February 2016, The Brigantine, as the Project applicant, submitted an application for their Portside Pier Restaurant Redevelopment Project. The Project proposes four eating establishments/restaurants (three restaurants and a gelato and coffee walk-in shop), a second-floor public viewing deck, and an expanded dock and dine facility.

Staff subsequently commenced the environmental review process for the Project and, on a parallel track, began negotiations with The Brigantine on a new lease.

Proposed Project

The Project is the redevelopment of the existing waterfront restaurant site located at 1360 North Harbor Drive and currently occupied by Anthony's Fish Grotto, Fishette, Anthony's Star of the Sea Room, and a coffee kiosk. The project area covers approximately 45,174 square feet (SF) of land and water area, which includes approximately 37,107 SF of water area and approximately 8,067 SF of land area (Attachment A). The existing one-story, approximately 24,855-square-foot restaurant structure would be demolished and replaced with a new two-story, approximately 34,069-square-foot restaurant structure. Like Anthony's, the Brigantine would redevelop the project site with four eating establishments/restaurants (three restaurants and a gelato and coffee walk-in shop) that would provide up to 1,000 restaurant seats for diners. The Brigantine on the Bay, Miguel's Cocina, and Ketch Grill & Taps have been identified as the restaurant operators. Graphics depicting the proposed Project are contained in Exhibits 2 through 9 of Attachment B (Draft CDP) to this Agenda Sheet.

The redevelopment also includes a proposed second-floor, approximately 3,711-square-foot dedicated public viewing deck with tables and benches for up to 108 visitors.

This area would be separate from the restaurant areas and accessible directly from the North Embarcadero Promenade via elevator and stairs. Additionally, an approximately 1,913-square-foot perimeter walkway around the bottom floor of the building would be open to the public to provide views of the bay. Clear signage would be provided directing the public from the North Embarcadero Promenade to the public viewing deck and to the perimeter walkway (see Exhibit 2 of Attachment B). For security reasons, the public areas would be open at all times during the hours of operation of the restaurants. The portion of the North Embarcadero Promenade located in front of the restaurant site would 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 signage. No changes are proposed to the current configuration of the promenade and it would be open at all times.

The Project would also include an approximately 3,370-square-foot expanded dock and dine facility capable of docking up to 12 vessels (see Exhibit 6 of Attachment B). The Project would construct a new building built on a new platform supported by new pilings and a new dock, entirely replacing the existing building, pilings, platform, and dock (see Exhibit 4 of Attachment B). The overall building height would increase from 27 feet to approximately 34 feet above mean sea level, a net increase of 7 feet. The Project would result in a net increase of: approximately 9,214 SF of building floor area, 4,480 SF of total water coverage, 1,094 SF of first-floor public access area, 3,711 SF of second-floor public deck area, and 2,805 SF in public dock area.

Demolition and construction of the Project would involve in-water work for the removal of the existing platform and supporting piles and the installation of a new platform and supporting piles. The majority of demolition work would be from barges on the water. Project demolition and construction would take approximately 11 to 16 months, and most of the work would be accomplished from the waterside using a barge and from a staging area on the North Embarcadero Promenade, temporarily displacing the promenade and parking, which would be restored to existing configurations upon completion of construction. Approximately 55 parking spaces would be temporarily closed and pedestrian traffic would 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 (see Exhibit 7 of Attachment B).

Mitigated Negative Declaration

In February 2016, District staff initiated the environmental review process for the Project pursuant to CEQA. The District, as lead agency under CEQA, prepared a Draft MND for the Project entitled "Portside Pier Restaurant Redevelopment Project" (UPD #MND-2016-91). The Draft MND, which included, without limitation, an Initial Study and technical reports, was released for a 30-day public review period that began on August 2, 2016 and ended on August 31, 2016. Upon conclusion of the public review period, five comment letters were received on the Draft MND from five public agencies: San Diego County Regional Airport Authority, County of San Diego Department of Environmental Health, California Coastal Commission, City of San Diego Planning Department, and California Office of Planning and Research (State Clearinghouse).

The comment letters discussed issues related to: biological resources, coastal access and land use consistency, hazards, and parking.

As required by the District's *Guidelines for Compliance with CEQA*, staff prepared written responses to each of the comment letters received on the Draft MND during the public review period. Staff determined that the comments submitted did not raise any significant environmental issues not already included in the Draft MND, and hence, the Draft MND did not need to be recirculated. In response to comments received during the public review period, the Final MND includes minor clarifications to the Project and mitigation measures, shown in strikeout/underlined text, and revisions to several of the figures. The additional information contained in the District's responses to comments clarifies and further substantiates the conclusions contained in the Draft MND.

The revisions do not amount to a substantial revision under CEQA (CEQA Guidelines Section

15073.5) because they do not show any new significant environmental impacts or any substantial increase in the severity of environmental impacts. Revisions and clarifications have been made to certain mitigation measures and new mitigation measures have been added in accordance with CEQA Guidelines Section 15074.1. The changes made include clarifications and identification of payment for credits to the District, revising mitigation measure BIO-4. The revised mitigation measure BIO-4 would continue to achieve reduction in the level of impact to below significance and would, therefore, be equivalent to the mitigation measure BIO-4 as stated in the Draft MND. In response to comments, mitigation measure TRA-2 was also revised to identify additional parking management strategies to be employed and a revised list of suitable parking lots. Mitigation measure TRA-2 was also revised to include an option for the applicant to demonstrate through a parking study that the number of dedicated valet parking spaces secured could be reduced. Mitigation measure TRA-2 would be equivalent or more effective as that stated in the Draft MND because the level of impact would be reduced to below significance with implementation of the mitigation measure as revised. Neither of the revised mitigation measures would result in significant impacts to the environment. The altered mitigation measures are equivalent or more effective than the mitigation measures in the Draft MND and accordingly, staff recommends that the Board adopt findings pursuant to CEQA Guidelines Section 15074.1. Therefore, recirculation is not required. Copies of the comment letters and staff responses to the comments are provided as Attachment D to the Final MND. The Final MND is available for review in the Office of the District Clerk, was distributed to the Board for its consideration via a Board Memo dated December 7, 2016, and was also made available to the Board in the Commissioners' Office.

The MND finds that the Project would have no potentially significant adverse impacts to Aesthetics, Agriculture and Forestry, Air Quality, Cultural Resources, Geology and Soils, Greenhouse Gas Emissions, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, and Utilities and Service Systems. The MND also finds that, with incorporation of mitigation measures identified in the MMRP, potentially significant adverse impacts to biological resources, hazards and hazardous materials, and transportation/traffic would be reduced to less than significant. As concluded by the MND, construction of the project would result in various potentially significant environmental impacts. All impacts can be mitigated to below a level of significance with implementation of the mitigation measures included in the Final MND. The MMRP, which has been prepared in accordance with CEQA Guidelines Section 15047(a), identifies the environmental issue area, all mitigation measures, timing and the party responsible for carrying out the mitigation measures, and procedure for documenting the mitigation implementation. The MMRP is included as Exhibit 10 to Attachment B of this Agenda Sheet. The MMRP is also provided as Attachment C to the Final MND. Compliance with all the mitigation measures included in the Final MND will be required as a special provision of the CDP for the Project.

The Final MND has been prepared in accordance with CEQA and the CEQA Guidelines. Pursuant to CEQA Guidelines Section 15074, prior to approving the Project, the District shall: (1) consider the proposed MND together with any comments received during the public review process; (2) adopt the proposed MND only if it finds on the basis of the whole record before it that there is no substantial evidence that the Project will have a significant effect on the environment and that the MND reflects the lead agency's independent judgment and analysis; and (3) adopt a program for reporting on or monitoring the changes which it has either required in the Project or made a condition of approval to mitigate or avoid significant environmental effects. Additionally, pursuant to CEQA Guidelines Section 15074.1, the District shall adopt written findings that the revised and new mitigation measures added

to the Final MND after public circulation are equivalent or more effective in mitigating and avoiding potential significant effects and that those revised and new mitigation measures will not cause any potentially significant effects on the environment.

BPC Policy No. 735

BPC Policy No. 735 establishes requirements for the allocation of environmental mitigation property within District tidelands. The policy states that District tidelands suitable for mitigation shall be retained for District-funded capital development and major maintenance projects. However, the policy allows for consideration of District mitigation property to be made available to specified, non-District projects that demonstrate exceptional public benefits.

An evaluation team comprised of staff from the Planning & Green Port and Real Estate Development departments reviewed and evaluated the Project and believes it demonstrates exceptional public benefits through improved public access and recreational opportunities, including the use of a proposed public perimeter walkway, public docking structure, and second story public viewing deck. The Project includes additional public dock space and public walkway for general use, resulting in a slight increase in over water coverage from existing conditions. The increased over water coverage that would result from the proposed Project would be 4,480 SF, of which more than 100% or 4,718 SF results from the additional area dedicated to the public dock and the public perimeter walkway on the ground floor. The Project applicant intends to use District shading credits to mitigate any potential environmental impact that an addition of over water coverage may have. Additionally, as a condition of using these credits, the Project applicant would pay fair market value for the credits based on the market value of similar open water coverage credits. As the proposed Project design will require an approximately 4,480-square-foot area of mitigation, and as the total shading ledger available bay-wide is currently 218,709 SF, the Project would have a minimal impact on the total ledger available and would not affect the District's ability to mitigate for its own major maintenance or capital improvement projects moving forward. The Project meets the administrative requirements of the policy, as detailed below.

- The Project applicant has made a good faith effort to minimize the need for mitigation property by reducing impacts through Project design. The proposed Project design will replace 23,850 SF of overwater structure with 28,330 SF, a net increase of 4,480 SF of overwater structure all accessible to the public. The Project includes a total of 5,734 SF dedicated to increased public access directly over the water including the public dock and the public perimeter walkway, which account for 4,718 SF of that area. The Project also includes a 3,711-square-foot public viewing deck on the second story.
- The Project applicant has made a good faith effort to self-mitigate within the limits of the leasehold by incorporating sustainable design and planning ideas into the overall site layout.

For the reasons detailed above, staff recommends the Board find the Project to be in conformance with BPC Policy No. 735 to allow for the Project applicant to mitigate for impacts to open water coverage using District environmental mitigation property within District tidelands.

Concept Approval

Pursuant to BPC Policy No. 357, plans for new tenant development must be presented to the Board for approval if the project is estimated to cost more than \$500,000.

The proposed Project involves redevelopment of the project site, including demolition of all existing

structures and redevelopment with all new construction, estimated to cost \$13 million. The new construction will occupy the same location as the existing facility, with an expanded footprint that will include enhanced public access amenities.

The Brigantine would redevelop the location with four eating establishments (three restaurants and a coffee and gelato shop). In addition, the Project will include improved public access facilities including a ground floor public walkway around the perimeter of the deck, an expanded public dock and dine dock capable of docking up to 12 vessels, and a public viewing deck with tables and benches for up to 108 visitors on the second story. Staff recommends concept approval of the Project.

Coastal Development Permit

The Project site is located in Planning District 3, Centre City Embarcadero, which is delineated on Precise Plan Map Figure 11 of the certified Port Master Plan. The Port Master Plan land and water use designations within the limits of the Project are Commercial Recreation and Ship Anchorage. The Project is the redevelopment of an existing waterfront restaurant facility use and is consistent with the existing certified land and water use designations; therefore, the Project conforms to the certified Port Master Plan.

The Project constitutes “development” under Section 30106 of the California Coastal Act as it will involve the demolition and construction of a structure. Accordingly, a Coastal Act authorization from the District is required. Pursuant to the District’s CDP Regulations, the Project has been determined to be a “non-appealable” development because it is not considered an “excluded,” “emergency,” or “appealable” development. Therefore, the Project requires authorization of a non-appealable CDP.

Additionally, pursuant to the California Coastal Act, the proposed development is considered “non-appealable”. Chapter 8 of the Coastal Act regulates port development within the California coastal zone. Section 30715 of Chapter 8 specifies the sole categories of development that may be appealed to the Coastal Commission.

Neither restaurants nor eating establishments are listed as appealable in Section 30715. Section 30715(a)(4) includes the following as appealable categories of development: “Office and residential buildings not principally devoted to the administration of activities within the port; hotels, motels, and shopping facilities not principally devoted to the sale of commercial goods utilized for water-oriented purposes; commercial fishing facilities; and recreational small craft marina related facilities.” Neither restaurant nor eating establishments are listed as an appealable category of development under this subsection or 30715 of the California Coastal Act.

Moreover, the existing restaurant was not listed as an appealable development in the Port Master Plan, and other restaurants listed in the Port Master Plan as appealable were part of larger appealable categories of development. Therefore, the proposed development is a “non-appealable” category of development.

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 fully consistent with Public Resources Code Sections 30604(c), 30210-30224, and the Coastal Act public access and recreation policies referenced therein since the Project will modernize an existing restaurant facility and will provide enhanced public access amenities, including an expanded dock and dine dock, second-floor dedicated public viewing deck, and public perimeter walkway around the bottom floor of the restaurant building. A copy of the

File #: 2016-0550, **Version:** 1

draft CDP is provided as Attachment B to this Agenda Sheet. Special conditions are incorporated into the CDP to ensure the Project's conformance with the Final MND's MMRP and related District requirements.

Next Steps

If the Board adopts the Final MND and MMRP and makes the necessary findings, finds the Project in conformance with BPC Policy No. 735, grants concept approval, and authorizes issuance of a non-appealable CDP, The Brigantine will need to obtain other approvals before commencing construction, including Board approval of a new lease to The Brigantine, Inc. (anticipated to be considered in early 2017), Regional Water Quality Control Board certification, and a U.S. Army Corps of Engineers permit.

General Counsel's Comments:

The General Counsel's Office has reviewed the agenda sheet and attachments hereto and as presented to it, approves them as to form and legality.

Environmental Review:

The proposed Board action completes the CEQA process for the Project.

In addition, the Proposed Board actions comply with Section 87 of the Port Act, which allows for visitor-serving commercial and industrial uses and purposes, and the construction, reconstruction, repair, and maintenance of commercial and industrial buildings, plants, and facilities. The Port Act was enacted by the California Legislature and is consistent with the Public Trust Doctrine. Consequently, the proposed Board actions are consistent with the Public Trust Doctrine.

Equal Opportunity Program:

Not applicable.

PREPARED BY:

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Real Estate Development

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Planning & Green Port

Attachment(s):

Attachment A: Project Location Map
Attachment B: Draft Coastal Development Permit



0 Feet 400



 Project Boundary

**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 Restaurant Redevelopment 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: December 13, 2016

Board of Port Commissioners Resolution Number: 2016 - XXX

Date of Permit: ☒

Application Number: 2016-91

Permit Number: CDP-2016-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 fully consistent with Public Resources Code Sections 30604(c), 30210-30224, and the Coastal Act public access and recreation policies referenced therein and the District's Coastal Development Permit Regulations.

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 an expanded dock and dine facility (collectively, “Project”) at 1360 North Harbor Drive in San Diego (see Exhibits 1 through 7, incorporated herein by reference).

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. The existing one-story, approximately 24,855-square-foot restaurant structure will be demolished and replaced with a new two-story, approximately 34,069-square-foot restaurant structure. The Brigantine proposes to redevelop the project site with four eating establishments/restaurants (three restaurants and a gelato and coffee walk-in shop) that will provide up to 1,000 restaurant seats for diners.

The redevelopment also includes a proposed approximately 3,711-square-foot dedicated public viewing deck with tables and benches for up to 108 visitors on the second story. This area will be separate from the restaurant areas and accessible from the North Embarcadero Promenade through the restaurant located at the southeast area via stairs and an elevator directly from the Promenade. The public viewing deck will not be used for private functions and will be open to the public during restaurant business hours. The ground floor of the restaurant will include a perimeter walkway approximately 45 inches wide for the public and shall enable public access along the waterside edge of the facility and provide views of the bay. The public viewing area and perimeter walkway shall be open to the public at all times during operating hours of the restaurant. Clear signage will be provided directing the public from the North Embarcadero Promenade to the public viewing deck and ground floor perimeter public walkway. For security reasons, the public areas will be open at all times during the hours of operation of the restaurants. The restaurant areas will also include open deck areas on the ground and second floors, where food and drink service is available to guests. 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 signage. No changes are proposed to the current configuration of the promenade and it will be open at all times.

Backlit illuminated signage will be mounted on both the waterside- and promenade-facing frontages of the building and will consist of light-emitting diode (LED) lighting behind acrylic letters and logos to create an illuminated effect. The signs will display the

names and/or logos for the restaurant tenants, and for Portside Pier. The illuminated signs range in size from 12 to 43 feet in length and from 3 feet 2 inches to 12 feet 11 inches in height. In addition, eight color LED panels will be installed along the North Embarcadero Promenade and along the upper deck on the waterside-facing frontage of the building to display upcoming events, menu specials, and other notifications. 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 8 and incorporated herein by reference. All exterior signage and lighting and baskets shall be developed in substantial conformance with the specifications provided in the Preliminary Signage Plan dated November 28, 2016, attached hereto as Exhibit 9 and incorporated herein by reference. Any deviations from the Preliminary Signage Plan shall be approved by the District and in no event shall the signage exceed the size shown in the Preliminary Signage Plan or result in exceedance of the footcandles described above in this CDP.

The Project will construct a new building built on a new platform supported by new pilings and a new dock, entirely replacing and demolishing the existing building, pilings, platform, and dock. The Project will also include an expanded public dock and dine facility. The existing boat dock area will be increased from 565 square feet to 3,370 square feet and will allow for 4–12 vessels to dock, depending on vessel sizes. The building footprint will be larger than the footprint of the existing building, and the expansion of the two stories and decks on both levels will nearly double the total square footage of restaurant space and deck area. The overall building height will increase by up to 7 feet over the height of the existing structure, from approximately 27 to approximately 34 feet above mean sea level.

Demolition and construction of the proposed project will involve in-water work for the removal of the existing platform and supporting piles and the installation of a new platform and supporting piles. The majority of demolition work will be from barges on the water. Project demolition and construction will take approximately 11 to 16 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.

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.

Table 1 below provides a summary comparison of the proposed project components with those of the existing facility. As shown, the project will cover approximately 28,330 square feet of water. The building footprint will be approximately 34,069 square feet, two stories with decks on both levels and the building height will be approximately 34-feet above mean sea level. In addition, the boat dock area will be approximately 3,370 square feet and allow for 4–12 vessels to dock, depending on vessel sizes.

Table 1: Existing and Proposed Project Features Comparison			
Project Component	Existing	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
First Floor Public Access Area*	819 square feet	1,913 square feet	1,094 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.			

A. Demolition

Demolition will involve the complete removal of:

- The existing 24,855-square-foot building
- The existing 23,285-square-foot platform
- The existing 66 pre-stressed 16-inch diameter concrete support piles
- The remnants of the existing 565-square-foot dock

Demolition work will be completed entirely from two barges. One barge will hold a crane and other demolition equipment and the other used to haul the debris to the Tenth Avenue Marine Terminal for unloading and transport to a recycling center or landfill. Demolition hours will be from 7:00 A.M. to 7:00 P.M. Monday through Saturday for up to four months. During the demolition timeframe, removal of existing piles will take approximately two to three weeks. A daily peak of approximately 12 workers will work from the barges during the demolition phase. Construction workers for the demolition phase will park remotely at the demolition contractor's facilities and travel to the project site by boat from the Tenth Avenue Marine Terminal. Exhibit 4 shows the location of existing piles to be removed. The piles located along the Embarcadero Promenade in front of the restaurant site will remain.

B. Construction

The proposed project will involve construction of the following:

- No more than 53 new pre-stressed up to 24-inch diameter concrete piles (13 fewer than currently exist. Exhibit 4 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
 - a fast-casual brew pub
 - gelato & coffee
- A new approximately 3,711-square-foot second floor public viewing deck
- An approximately 1,913-square-foot public access perimeter walkway around the waterside edge of the ground floor
- A new dock and dine 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.

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 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.

C. Operation

The project will result in a total of 1,000 seats for restaurant patronage and a gelato and coffee bar, as well as a dedicated public viewing deck. All parking and promenade amenities will be restored to the existing dimensions and configuration, although with aesthetic treatments intended to be consistent with the public improvements included in the NEVP Phase 1. As with the existing restaurants, no dedicated parking will be provided. 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. The dock and dine will have a controlled access to protect boats/boaters property and will accommodate up to 12 vessels at a time. The public viewing deck will be available at all times the restaurants are open, and accessible via stairs through the south end restaurant and elevator directly from the promenade that will be clearly signed from the promenade. Occupancy of the viewing deck will be available for up to 108 people with seating and tables provided. Upon completion, the proposed project will generate approximately 250 permanent jobs.

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. XXXXX), dated November 2016, and adopted by Resolution No. 2016-xxx 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 multi-
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.

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. XXXXX), dated November 2016, and adopted by Resolution No. 2016-xxx on December 13, 2016, attached hereto as Exhibit 10 and incorporated herein by reference.

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.
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;
 - 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.

Exhibits:

1. Project Location Map
2. Ground Floor Plan
3. Second Floor Plan
4. Existing and Proposed Piles
5. Proposed Renderings
 - a. Perspective from Southwest (Water)
 - b. Perspective from Southeast (Elevated)
 - c. Perspective from Northeast Promenade (Nighttime)
6. Dock and Dine Layout
7. Project Construction Area

8. Photometric Plan
9. Preliminary Signage Plan
10. 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.
President & CEO, The Brigantine, Inc.

Date



 Project Boundary







TUCKER
SADLER
ARCHITECTS
1500 FIFTH AVENUE, SUITE 1700
DENVER, COLORADO 80202
303.733.1500 FAX 303.733.1507

NOT FOR
CONSTRUCTION

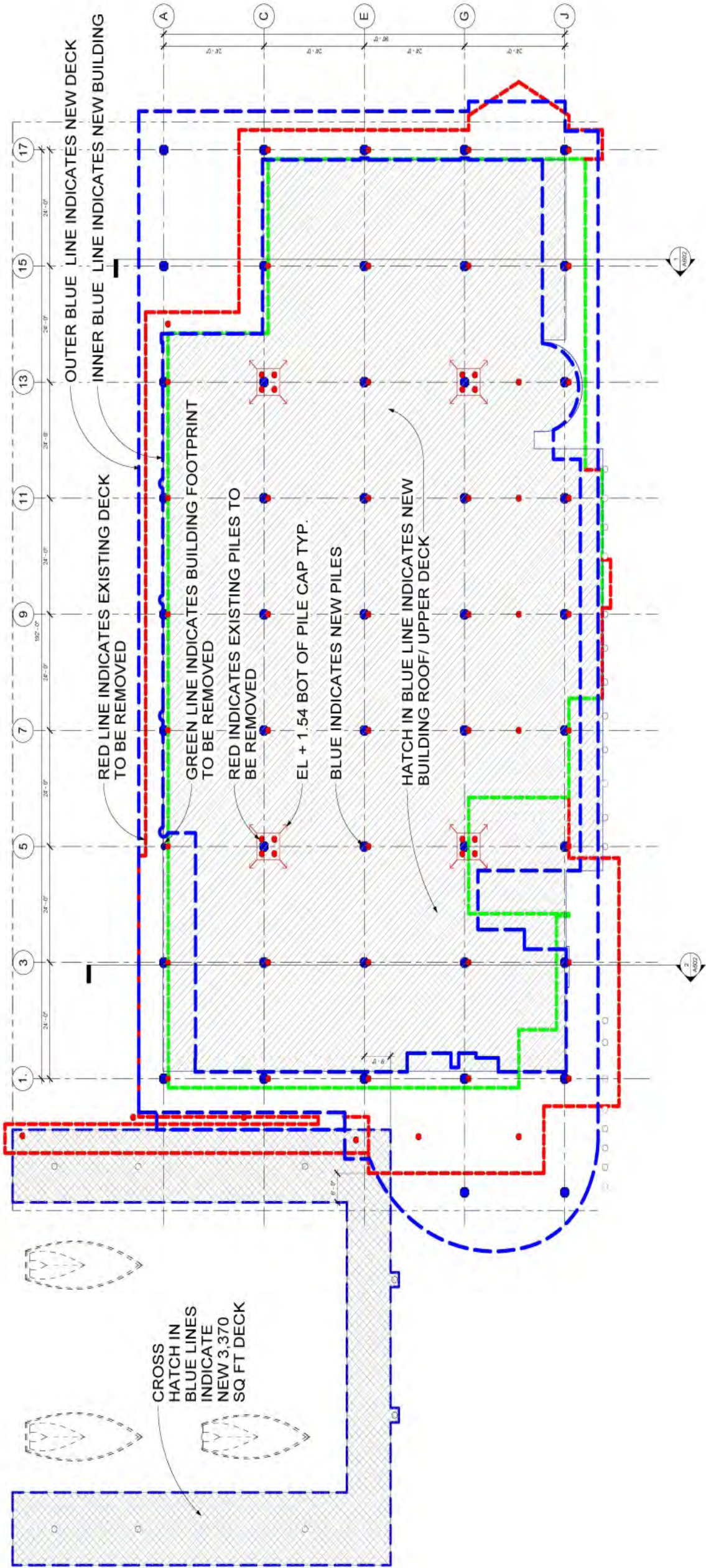
Design
Development

PORTSIDE PIER

No.	Issued / Revisions	Date

ARCHITECT OF RECORD

PROJECT #	DRAWN BY
21511.00	MV
DATE ISSUED	CHECKED
12/01/16	MV
DRAWING NUMBER	DRAWING
DWG	A200
OF	



LEGEND

- NEW 24" OCTAGON PILES
- EXISTING 16" PILES TO BE REMOVED
- EXISTING EMBARCADERO PILES TO REMAIN

PILE COUNT

EXISTING PILE COUNT	=	60	NEW PILE COUNT	=	45
EXISTING AT DOCK	=	6	NEW PILES AT NEW SLIP	=	8
EXISTING ALONG EMBARCADERO (TO REMAIN)	=	21			



1 SITE PLAN
1" = 10'-0"





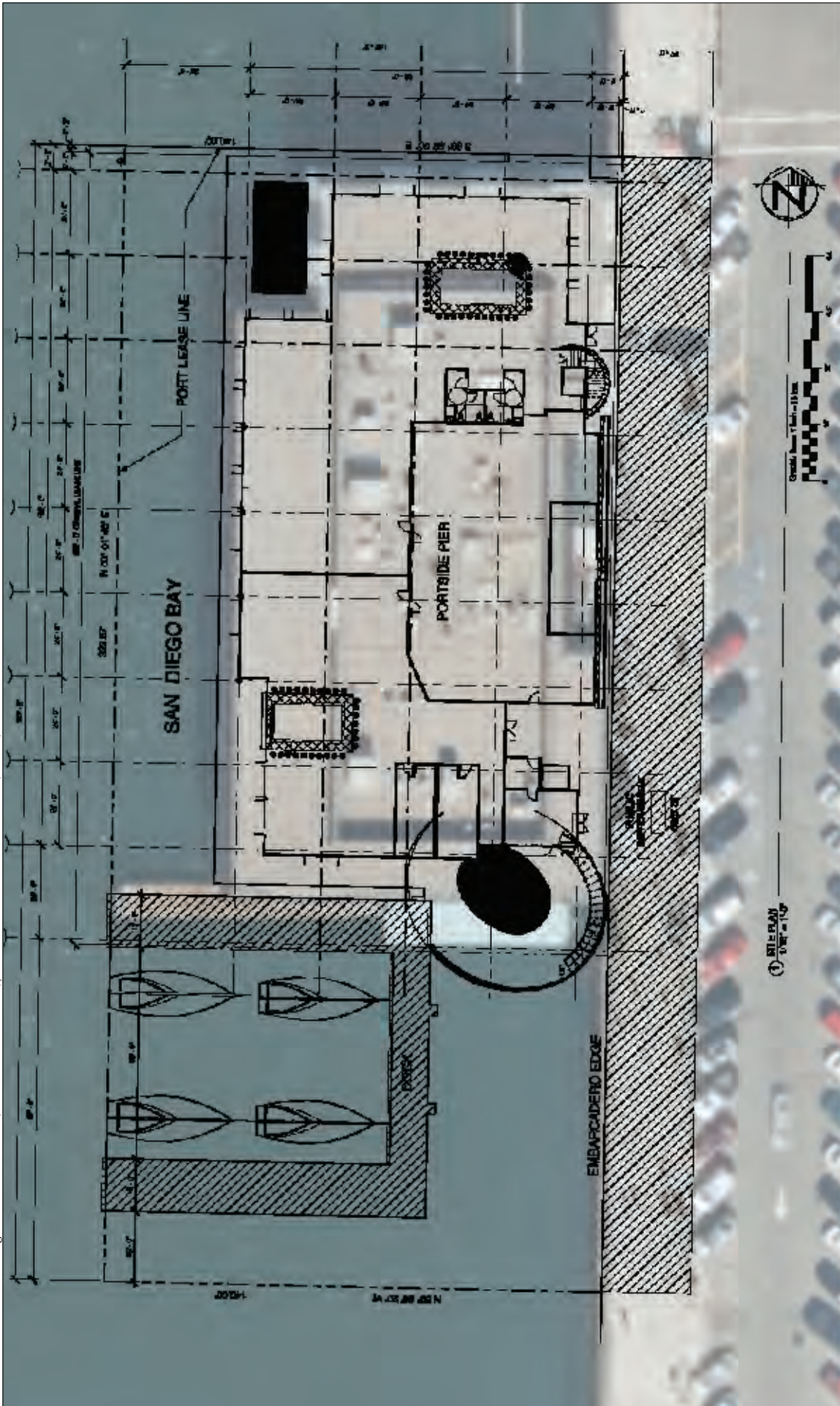
FIGURE 5a
Architectural Renderings: Perspective from Southwest (Water)
Revised Version



FIGURE 5b
Architectural Renderings Perspective from Southeast (Elevated)
Revised Version



FIGURE 5D
Architectural Renderings: Perspective from Northeast Promenade (Nighttime)
Revised Version



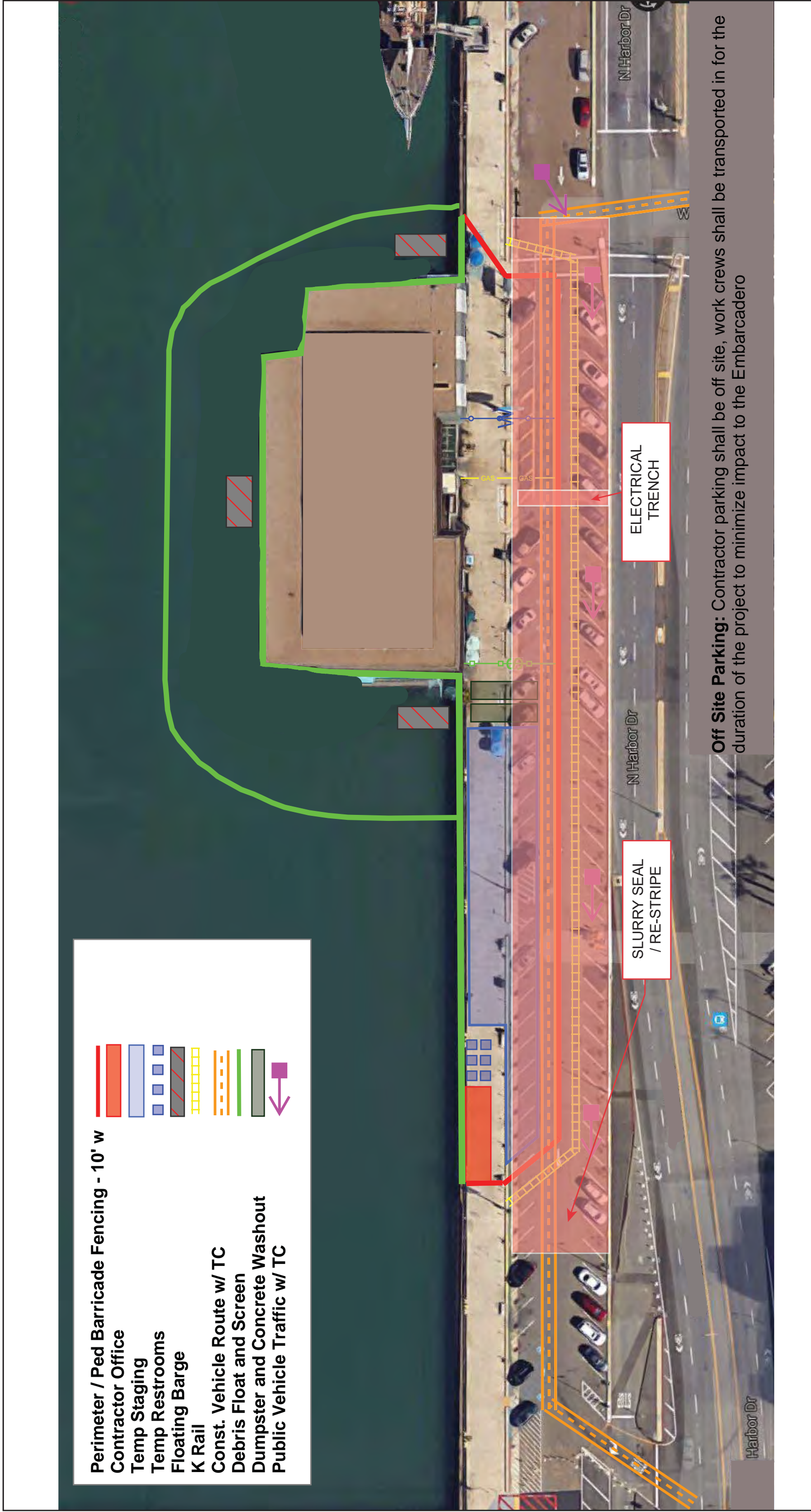
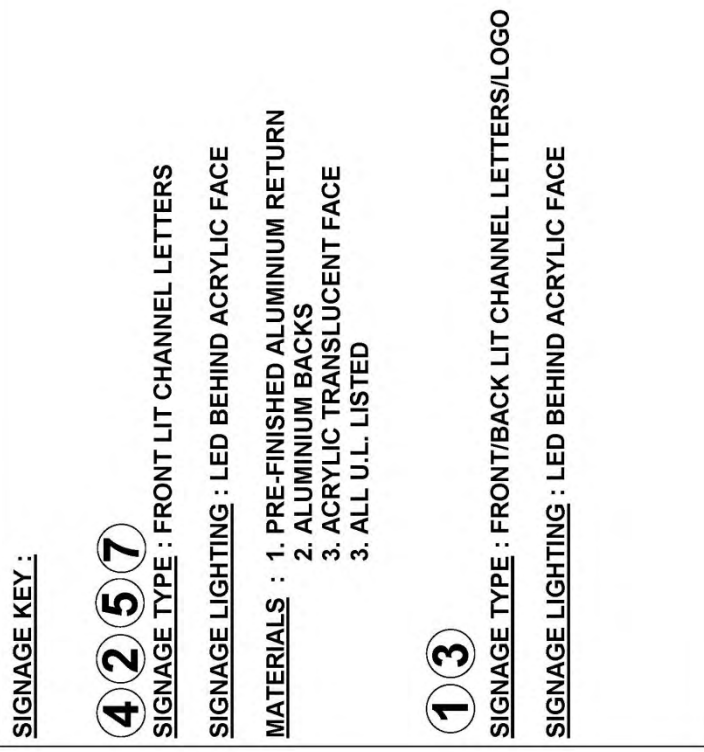


FIGURE 8
Project Construction Area



TYPE : FULL COLOR LED DISPLAY
BANNER SIGNS

MATERIALS : POLYCARBONATE
FACE AUTOMATIC DIMMING
U.L. LISTED

[illegible]

ARCHITECT OF RECORD:

PROJECT # 21511.00	DRAWING BY: BA
DATE ISSUED: 11/28/16	CHECKED BY: DM, GM
DRAWING NUMBER	DRAWING
DWG OF	EXHIBIT A

PORTSIDE PIER



**TUCKER
SADLER**
1620 FIFTH AVENUE, SUITE 200
SAN DIEGO, CALIFORNIA 92101

PROPOSED PHOTOVOLTAIC PANELS ALONG
BACKSIDE ROOF PORTION



INTERIOR ILLUMINATED LOWER LEVEL RESTAURANT

INTERIOR ILLUMINATED "BASKET"
STATIC - GENERAL INTERIOR LED LIGHTING
STAIRS & ELEVATORS

BASKET 2:
LAMINATED GLASS - 65% FRIT
VISIBLE LIGHT TRANSMITTANCE GLAZED PANELS

INTERIOR ILLUMINATED "BASKET"
STATIC - GENERAL INTERIOR LED LIGHTING

BASKET 1:
LAMINATED GLASS - 65% FRIT
VISIBLE LIGHT TRANSMITTANCE GLAZED PANELS

INTERNALLY ILLUMINATED
SCULPTURAL CENTERPIECE FOR
LOWER & UPPER LEVEL BAR AREAS

PORTSIDE PIER EXTERNAL LIGHTING

ARCHITECT OF RECORD:

[illegible]

PROJECT #	21511.00	DRAWN BY:	BA
DATE ISSUED:	11/28/16	CHECKED BY:	DM,GM

DRAWING NUMBER	DWG OF	DRAWING EXHIBIT B
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**TUCKER
SADLER**
1620 FIFTH AVENUE SUITE 200
SAN DIEGO, CALIFORNIA 92101
819.236.1662 FAX 619.236.0207

ARCHITECT OF RECORD:

[illegible]

PORTSIDE PIER



**TUCKER
SADLER**

16503 BETH AVENUE SUITE 200
SAN DIEGO CALIFORNIA 92161
619.236.1692 FAX 619.236.9267

SEE EXHIBIT
'A' FOR
SIGNAGE
REFERENCE



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I. MITIGATION MONITORING AND REPORTING PROGRAM

A. Purpose

This Mitigation Monitoring and Reporting Program (MMRP) was prepared for the proposed Portside Pier Restaurant Redevelopment Project (project) to comply with Section 15097 of the California Environmental Quality Act (CEQA) and Public Resources Code Section 21081.6. Public Resources Code Section 21081.6 requires the Lead Agency for each project subject to CEQA to adopt a reporting or monitoring program for changes made to the project or conditions of approval adopted in order to mitigate or avoid significant effects on the environment. The Lead Agency must also monitor performance of the mitigation measure included in any environmental document to ensure that implementation takes place. The Lead Agency is responsible for review of all monitoring reports, enforcement actions, and document disposition. The Lead Agency will rely on information provided by a monitor as accurate and up to date and will field check mitigation measure status as required.

The purpose of the MMRP is to ensure that the mitigation measures, required by the Mitigated Negative Declaration (MND), are properly implemented. As the Lead Agency for the project under CEQA, the San Diego Unified Port District (District) will monitor the mitigation measures for construction and operation of the project. The District may modify how it will implement a mitigation measure, as long as the alternative means of implementing the mitigation still achieves the same or greater impact reduction. An effective reporting system shall be established prior to any monitoring efforts. Copies of the measures shall be distributed to the participants of the mitigation monitoring measures adopted.

B. Mitigation Monitoring Checklist

The Mitigation Monitoring Checklist (Table MMRP-1) provides a mechanism for monitoring the mitigation measures in compliance with the MND. The Mitigation Monitoring Checklist is organized by categories of environmental impacts (e.g., Biological Resources, Hazards and Hazardous Materials, and Transportation/Traffic (Parking)). Potential impacts identified in the MND are summarized for each impact area and the required mitigation measures are listed. The checklist identifies the implementation schedule, who is responsible for implementing the measure, and required monitoring and reporting frequency, and who is responsible for verification of implementation. A description of these items is provided below.

Mitigation Measure.

The specific mitigation measure language as described in the MND is listed in this category.

Monitoring Requirement

Specific requirements are provided for use by District staff to ensure that measures are appropriately implemented.

Responsible Party for Mitigation Implementation

This column explains who will ensure that the mitigation measures are properly implemented. The District shall be responsible for either monitoring each measure, or delegating an agency or party, at their discretion.

Completion Requirement

The mitigation measures required for the project will be implemented at various times as construction proceeds and during operation. Some measures must be implemented before or during construction activities, while others must be implemented upon completion and during operation.

Agency Responsible for Verification

This column describes who will be ultimately responsible for ensuring that each mitigation measure is monitoring and who will coordinate the final reporting program.

Table MMRP-1 Portside Pier Restaurant Redevelopment Project Mitigated Negative Declaration Mitigation Monitoring and Reporting Program					
Mitigation Measure	Monitoring Requirement	Responsible for Mitigation Implementation	Completion Requirement	Agency Responsible for Verification	
Biological Resources					
BIO-1: If pile removal and driving occur between April 1 and September 15, the contractor shall deploy a turbidity curtain around the pile removal and 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-removal or pile-driving activity.	Construction	Applicant	During pile driving	Port District	
BIO-2: Should vibratory pile-removal or 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	

Table MMRP-1
Portside Pier Restaurant Redevelopment Project
Mitigated Negative Declaration Mitigation Monitoring and Reporting Program

Mitigation Measure	Monitoring Requirement	Responsible for Mitigation Implementation	Completion Requirement	Agency Responsible for Verification
BIO-3: A biological observer or observers shall monitor pile removal, if using a vibratory hammer, and 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 removal or 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-removal or 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-removal or driving activities, the biological observer(s) shall notify the construction contractor to stop the activity. The pile-removal or 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	Construction	Applicant	During pile driving District shall maintain monitoring reports in project files	Port District

Table MMRP-1 Portside Pier Restaurant Redevelopment Project Mitigated Negative Declaration Mitigation Monitoring and Reporting Program				
Mitigation Measure	Monitoring Requirement	Responsible for Mitigation Implementation	Completion Requirement	Agency Responsible for Verification
<p>weather conditions or visibility prevent the visual detection of green sea turtles or marine mammals in the shutdown zones, such as heavy 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 Demolition (assuming vibratory pile removal):</p> <ul style="list-style-type: none"> A shutdown zone consisting of the area within 500 meters of work would be required to avoid potential injury and behavioral effects to green sea turtles, managed fish, and marine mammals. <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). 				

Table MMRP-1 Portside Pier Restaurant Redevelopment Project Mitigated Negative Declaration Mitigation Monitoring and Reporting Program				
Mitigation Measure	Monitoring Requirement	Responsible for Mitigation Implementation	Completion Requirement	Agency Responsible for Verification
<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-second waiting periods. 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 				

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<p>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.</p> <ul style="list-style-type: none"> 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-removal and 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 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. 				

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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 shall be obtained prior to initiation of project construction.	Pre-Construction	Applicant and District	Prior to initiation of construction	Port District

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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 (as identified by ACE on a weekly basis) that 	Prior to Operation and Ongoing	Applicant	Prior to and during operation	Port District

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<p>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>				

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<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. 				

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<ul style="list-style-type: none"> Bike Share Stations – Coordinate with companies like DECOBIKE to ensure a bike share station is maintained within walking distance (approximate 1,000 feet) to the proposed project. 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) 				