

CALIFORNIA COASTAL COMMISSION

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April 14, 2020

Via E-mail: Inishihi@portofsandiego.org

Port of San Diego
Lesley Nishihira, Planning Director
3165 Pacific Highway
San Diego, CA 92101

Re: Coastal Development Permit Waiver Request

Dear Ms. Nishihira:

On March 30, 2020, and as amended on April 10, 2020, the Executive Director of the California Coastal Commission received a request from the San Diego Unified Port District ("Port") for a waiver of coastal development permit requirements for emergency development at the Port's District Managed facilities, as described in the request and as summarized below. The Port seeks this waiver to authorize temporary development necessary to protect life and public property. This request was in response to the Governor's declaration of a state of emergency and subsequent Executive Order N-33-20 "Stay at Home Order" of March 19, 2020 and the San Diego County Public Health Officer's Public Health Order related to the COVID-19 pandemic, and further as implemented by Port Resolution No. 2020-033 of March 23, 2020 related to the COVID-19 pandemic.

Specifically, the Port of San Diego requests a waiver for the following development: closure of all District Managed parks and facilities, including associated restrooms, in Chula Vista, Coronado, Imperial Beach, National City, and San Diego, including necessary chain link fencing, barricades, and signage to effect the closures, as more specifically described in the Port's amended April 10, 2020 request for a waiver. This waiver is authorized until the Executive Order and San Diego County Public Health Order cited above are no longer in effect, at which time, the Port will begin the process for removal of temporary development (e.g., fencing, barricades, signs) with removal taking no longer than one week.

Under Coastal Act Section 30611, coastal development permit requirements may be waived when immediate action by a person or agency performing a public service is required to protect life and public property in response to an emergency. The Executive Director has determined that the Port of San Diego's emergency action described above meets the criteria to obtain a waiver of permitting requirements under Section 30611. This determination is based on the Port of San Diego's acknowledgement that: the proposed development will not result in the erection of any permanent structures valued at more than \$25,000; the authorized

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actions are limited to the minimum restrictions on public access necessary to protect public health while Executive Order N-33-20 and San Diego County Public Health Order are in place; and adaptive management will be used to minimize impacts on public access, consistent with the protection of public health.

Commission staff encourages the Port of San Diego to continue closely coordinating with the local public health department to determine the minimum restrictions necessary to protect public health. After such consultation, we encourage the Port of San Diego to consider, in consultation with Commission staff, some phased re-opening or modifications of restrictions, when appropriate, given the importance of providing access to open spaces and recreational facilities, especially during times of crisis.

Thank you for coordinating with our agency and providing notice of your action. You may reach the Commission's San Diego District Office at sandiegocoast@coastal.ca.gov or (619) 767-2370 if you have any questions.

Thank you.



JOHN AINSWORTH

Executive Director

cc: San Diego District Office