



## Legislation Details (With Text)

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**Title:** PRESENTATION AND DIRECTION TO STAFF ON THE PORT MASTER PLAN UPDATE (PMPU):  
A) INFORMATIONAL UPDATE ON THE PMPU DISCUSSION DRAFT, INCLUDING A SUMMARY PRESENTATION OF PUBLIC COMMENTS RECEIVED DURING A 90-DAY REVIEW PERIOD; AND  
B) STAFF RECOMMENDATIONS FOR APPROACHING REVISIONS TO THE DRAFT PORT MASTER PLAN UPDATE AND CONFIRMATION OF NEXT STEPS

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Date	Ver.	Action By	Action	Result
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**DATE:** September 16, 2019

**SUBJECT:**

**PRESENTATION AND DIRECTION TO STAFF ON THE PORT MASTER PLAN UPDATE (PMPU):**  
**A) INFORMATIONAL UPDATE ON THE PMPU DISCUSSION DRAFT, INCLUDING A SUMMARY PRESENTATION OF PUBLIC COMMENTS RECEIVED DURING A 90-DAY REVIEW PERIOD; AND**  
**B) STAFF RECOMMENDATIONS FOR APPROACHING REVISIONS TO THE DRAFT PORT MASTER PLAN UPDATE AND CONFIRMATION OF NEXT STEPS**

**EXECUTIVE SUMMARY:**

Since 2013, the District has been evolving and improving a process, which we have come to know as Integrated Planning. In short, Integrated Planning is a multi-faceted and comprehensive approach for managing and planning the uses of the District in a balanced way. Although Integrated Planning is an approach and philosophy that will permeate numerous plans and processes at the District, one critical and current focus area is an update to the District's certified Port Master Plan. The first comprehensive revision in the District's history, the Port Master Plan Update (PMPU) is a comprehensive, integrated, baywide approach that will modernize our method for water and land planning and serve as a guide for future uses and development of District tidelands. The PMPU will connect the tidelands through a series of networks and Planning Districts. It will control the allowable water and land uses, as well as the type and characteristics of development, recreation, and environmental conservation throughout the District's jurisdiction.

Development of the PMPU has followed a phased approach, first starting with a visioning process and followed by establishing a framework that would inform drafting of the PMPU. Then through the course of 2017, 2018 and the first quarter of 2019, the Board conducted a series of workshops focusing on goals, policy concepts and draft water and land use maps for the baywide elements and planning districts. These discussions were intended to continue the District's effort to front load development of Draft PMPU by proactively soliciting Board and public input to better inform completion of a Draft PMPU. In turn, development of a publicly informed Draft PMPU would serve as the project description for a future Programmatic Environmental Impact Report (PEIR) in accordance with the California Environmental Quality Act and coastal consistency review in accordance with the California Coastal Act. The environmental and coastal review process pursuant to these California laws include opportunities for public input, including without limitation a public comment period, Board hearings and California Coastal Commission (Coastal Commission) hearings. As a result of the input received through the first quarter of 2019, staff incorporated the feedback from these PMPU Board Workshops, along with other feedback received from the public into the PMPU Discussion Draft.

The PMPU Discussion Draft represented the first written draft of the PMPU and it was made available for a 90-day review period from April 30 through July 31, 2019. Additionally, both during and after the PMPU Discussion Draft review period the District held six (6) public meetings, and had 66 stakeholder meetings. Given the District's intention to proactively solicit comments it was anticipated that extensive public comments on the PMPU Discussion Draft would be received and expectations were exceeded.

Specifically, the PMPU Discussion Draft review period and companion public engagement events resulted in robust feedback on a broad suite of perspectives, opinions, and requests. The District received almost 4,000 pages of public comments from agencies, organizations, and individuals. Although the District received comments on virtually all aspects of the PMPU Discussion Draft, the most voluminous comments received were from organizations and individuals representing perspectives from neighboring communities, notably Coronado and Point Loma.

To develop a deeper understanding of community concerns the District hosted additional community engagement meetings in Coronado and Point Loma. Chairman Bonelli attended a meeting in Coronado and Vice Chair Moore and Commissioner Merrifield attended a couple community meetings in Point Loma, including a large community meeting that had over 400 attendees. Chairman Bonelli also attended the large community meeting in Point Loma.

In direct response to the scope and focus of the input received on the PMPU Discussion Draft, this informational presentation will summarize feedback received both on baywide issues and planning districts. Examples of common *baywide* themes identified and that will be mentioned in the presentation included: coordination on mobility around San Diego Bay; emphasizing the regional importance and need to have a thriving maritime industry; as well as ensuring the District meets its environmental stewardship obligations.

As for the planning districts, the most extensive comments received were related to the Shelter Island Planning District (PD1) and the Coronado Bayfront Planning District (PD10); as such, the presentation on planning districts will primarily focus on those two communities. Additionally, significant comments were received on the Harbor Island Planning District (PD2), the Embarcadero Planning District (PD3), the Working Waterfront Planning District (PD4); fewer comments were received on the remaining planning districts. Given the proximity of Harbor Island to Shelter Island,

staff's informational presentation will also include a discussion of the Harbor Island Planning District. In addition, given the multiple comments on the importance of the maritime industry in San Diego, the informational presentation will include a discussion of the Working Waterfront Planning District. Staff does not intend to cover the Embarcadero Planning District in detail at the Board meeting on September 16; instead staff plans to have a more detailed discussion on that area at a future Board meeting. To assist the Board and public's awareness of the main concerns raised related to planning districts, a summary table of common themes by planning district is included later in this staff report.

Finally, it should be clearly noted that development of the Draft PMPU is a work in progress and public input has and will continue to be an important part of the PMPU process. As such, input received to date will be used to help inform additional Board direction on the scope and extent of revisions in the next version of the Draft PMPU. Moreover, based on the extensive amount of public input received, especially related to planning districts, staff anticipates the next version of the Draft PMPU will be noticeably different from the PMPU Discussion Draft. The Revised Draft PMPU is anticipated to be available for public review in March 2020. With this agenda item, staff is seeking general guidance and direction regarding the approach to revising the PMPU. Staff will also specifically seek direction regarding the planning district issues raised in the presentation.

### **RECOMMENDATION:**

Receive staff's presentation and provide direction on the Port Master Plan Update regarding the following topics:

- A) Informational update on the PMPU Discussion Draft, including a summary presentation of public comments received during a 90-day review period
- B) Staff recommendations for approaching revisions to the draft Port Master Plan Update and confirmation of next steps

### **FISCAL IMPACT:**

Funds for work associated with the Port Master Plan Update effort are budgeted in the Planning Department's FY 2020 budget within the Professional Services expense account (#620100). Funds required for future fiscal years will be budgeted for in the appropriate year subject to Board approval upon adoption of each fiscal year's budget.

### **COMPASS STRATEGIC GOALS:**

This agenda item supports the Strategic Goals adopted by the Board. The Integrated Planning efforts, including the PMPU, will bring the District's current practices into conformance with best management practices with considerations of sustainable fiscal growth for the District while proactively enhancing assets on tidelands and benefits to the public.

This agenda item supports the following Strategic Goals.

- A Port that the public understands and trusts.
- A thriving and modern maritime seaport.
- A vibrant waterfront destination where residents and visitors converge.
- A Port with a healthy and sustainable bay and its environment.
- A Port with a comprehensive vision for Port land and water uses integrated to regional plans.

- A Port that is a safe place to visit, work and play.
- A financially sustainable Port that drives job creation and regional economic vitality.

## **DISCUSSION:**

### **PMPU Background**

#### **Holistic Planning Through Public Engagement**

The PMPU process is in the third phase of a five-phase work plan. The five-phased work plan began with laying the foundation of the PMPU with acceptance of the Integrated Planning Vision Statement and Guiding Principles in the first phase, followed by acceptance of the Integrated Planning Framework in the second phase (collectively referred to as the “Integrated Planning Vision”). The phased work plan has allowed the PMPU team to continue to build a comprehensive update to the Port Master Plan from the ground up in a transparent and inclusive way that has included a balance of Board, stakeholder and public engagement throughout the planning process.

The summary below shows the five major phases of the work plan:

- **Vision Process: Guiding Principles (*Completed in 2014*)**. The initial phase included a high-level assessment of District-wide assets and extensive public engagement resulting in a foundational Vision Statement and Guiding Principles for the entire Integrated Planning framework.
- **Framework Report (*Completed in 2015*)**. The Vision Process was further refined through consideration of a core set of comprehensive ideas, memorialized in a Framework Report, that is informing the development of the Draft PMPU document.
- **Drafting the Port Master Plan Update**. The current phase involves direction from the Board for drafting of the “Draft PMPU” document, to be used as the project description in the PEIR and which will ultimately be comprised of goals, policies and maps.
  - Baywide Elements and Planning District Goals (***Completed in 2017***)
  - Policy Concepts and Water and Land Use Maps (***Completed in 2019***)
  - Additional Policy Discussion Topics (***Completed in 2019***)
  - Public review of PMPU Discussion Draft (***Completed in 2019***)
  - Public review of Revised Draft PMPU (***anticipated Spring 2020***)
- **California Environmental Quality Act (CEQA) Environmental Review (*In Progress*)**. Creation of the draft PMPU will be followed by conducting the requisite “CEQA Environmental Review.” Preliminary environmental review work has begun.
- **California Coastal Commission Certification**. If the Board certifies the PEIR and adopts the PMPU, it will be processed for “California Coastal Commission Certification,” with approvals during public meetings thereafter, including the Board’s approval of the PMPU as certified by the Coastal Commission and lastly, the Coastal Commission’s approval of the final PMPU after the Board’s approval of the PMPU as certified by the Coastal Commission.

All these steps have or will require public input, stakeholder outreach, and agency coordination throughout.

## **Drafting the PMPU**

### **2017 PMPU Board Workshops**

PMPU Baywide Elements and Planning District Goals: The first in a series of Board workshops on the draft PMPU was held on March 9, 2017. Workshop No. 1 focused on the proposed organizational structure of the updated Port Master Plan, the proposed consolidated water and land use designations, and the draft goals for the Water and Land Use Element.

Board Workshop No. 2 was held on April 27, 2017, and concentrated on draft goals for the Mobility Element, draft goals for the Economic Development Element, and draft goals and draft water and land use maps for the ten Planning Districts.

On May 25, 2017, during Workshop No. 3 draft goals for the Resiliency and Safety Element, draft goals for the Natural Resources Element (now referred to as the Ecology Element), and draft goals for the Coastal Access and Recreation Element (now integrated into the Water and Land Use Element), were discussed. Staff also presented preliminary draft PMPU baywide recreation open space acreage allocations.

Staff received considerable feedback from the public, stakeholders, and Board during these workshops, which were taken into account as the PMPU was drafted. Notably, completion of these three workshops resulted in clear direction to staff on the draft PMPU goals, which set the stage and context for the current policy discussions. Furthermore, as often mentioned during these workshops, drafting of the PMPU is iterative and the document will continue to be revised as staff receives public, stakeholder, and Board feedback.

PMPU Policy Concepts and Water and Land Use Maps: Based on the Integrated Planning Vision, including the Guiding Principles and Framework Report, and the draft PMPU Goals for the baywide elements and Planning Districts, staff presented draft policy concepts to illustrate strategies and priorities, as well as open space and development character, that may take the form of draft policy language to be contained within the PMPU.

Policy concepts for each of the baywide elements were presented to the Board at Workshops Nos. 4 and 5, on August 8, 2017 and November 14, 2017, respectively. In August, the Mobility, Economic Development, Resiliency and Safety, and Natural Resources elements were presented and discussed. The Water and Land Use and Coastal Access and Recreation elements were presented in November. Work on each baywide element and associated policy concepts have been used to inform preparation of policy concepts and maps for the Planning District components of the draft PMPU.

On November 14, 2017, the Board held a workshop focusing on the Coronado Bayfront, Silver Strand, Imperial Beach Oceanfront and South Bay Planning Districts (Workshop No. 6). The National City Bayfront and Working Waterfront Planning Districts, as well as the Chula Vista Bayfront, Harbor Island and Shelter Island Planning Districts, were discussed during workshops held on December 5, 2017 (Workshop No. 7) and December 12, 2017 (Workshop No. 8), respectively. During those workshops, the Board heard feedback from the public and stakeholders regarding issues specific to each of these areas and provided guidance to staff for drafting of the PMPU policies and water and land use maps.

### **PMPU Policy Discussion Topics for 2018**

Continuing the work on the planning districts into 2018, Workshop No. 9 was held on March 28, 2018 to focus on policy concepts and the water and land use map for the Embarcadero Planning District. As part of this discussion, it was noted that additional workshops with the Board would be necessary to address several complex issues related to the Embarcadero, such as a comprehensive analysis of public spaces along this waterfront, incorporation of mobility and access solutions, and follow up regarding commercial fishing-related policies.

Through the course of the 2017 and 2018 PMPU workshops focusing on baywide and planning district policy concepts, several policy topics were noted as needing additional discussion and feedback to assist the team with completing the Discussion Draft of the PMPU. The first of these discussions was held at the July 17, 2018 Board meeting (Workshop No. 10), during which staff received clear direction with respect to the PMPU regarding small format informational and wayfinding signage. On August 14, 2018, it was determined that many policy topics previously anticipated for Board discussion were no longer necessary, because either sufficient Board direction had been received or policy guidance from other state agencies had prescribed the approach staff will take. Finally, during Workshop No. 11, on November 1, 2018, staff received direction to add a seventh PMPU element focused on Environmental Justice.

### **Early 2019 Policy Discussions and Embarcadero Focus**

At the December 18, 2018 PMPU Board Workshop (Workshop No. 12), staff received direction to increase team resources to conduct additional public outreach specific to the Embarcadero Planning District and to complete the PMPU Discussion Draft under an accelerated schedule.

PMPU Board Workshop No. 13 was held on February 12, 2019, during which staff presented the results of the Embarcadero public outreach that focused on the North Embarcadero and Central Embarcadero subdistricts, including the online survey and public open house event. In addition, follow up items regarding draft policy concepts specific to commercial fishing were presented and discussed, with requests for staff to return with additional information.

At the February 25, 2019 Board Workshop (Workshop No. 14), the staff presentation included a high-level summary of multiple concepts and studies conducted for the North Embarcadero area. In addition, staff presented an overview of the planning commitments that, in combination with the previous studies, were comprehensively reviewed to assist in the formation of the recommended water and land use configuration and draft policy concepts for the North Embarcadero subdistrict that were presented to the Board.

At the March 14, 2019 Board Workshop (Workshop No. 15), staff presented draft policy concepts for the Central Embarcadero and South Embarcadero, as well as draft policy concepts related to baywide commercial fishing and received Board direction that further informed the completion of the PMPU Discussion Draft.

As demonstrated by the Board Workshop summaries above, there has been much thought and public discussion that has collectively informed staff's completion of the PMPU Discussion Draft, as further detailed below.

### **PMPU Discussion Draft**

The Port Master Plan (PMP) is the primary tool that designates water and land uses and guides

development on District lands, tidelands and submerged lands. The Port Master Plan controls and regulates the allowable water and land uses, as well as the type and characteristics of development, recreation, and environmental stewardship throughout the District's jurisdiction. The District's existing PMP was certified as a whole in 1981 by the Coastal Commission and since then there have been many location-specific amendments, but never a comprehensive update.

### **Review Period for PMPU Discussion Draft**

At the April 30, 2019 Board Workshop (Workshop No. 16), staff received direction from the Board to circulate the PMPU Discussion Draft for a 90-day review period. Although the Discussion Draft was available for review when the Board agenda was published on April 25, 2019, the 90-day review period officially commenced on April 30, 2019 after the Board direction. The PMPU Discussion Draft was available for review on the District website, and hard copies were available for review or purchase in the District Clerk's Office.

The availability of the PMPU Discussion Draft for public review was promoted through press releases; eblasts; digital and radio advertising; print advertising; earned media coverage with local newspapers and local news stations; community organization newsletters and social media; and the District's website and social media.

Throughout the entire Integrated Planning PMPU effort, the importance of public outreach and stakeholder engagement has been a primary emphasis to help the District ensure the PMPU reflects the needs and desires of visitors to the waterfront and the community. Continuing the award-winning<sup>1</sup> outreach and engagement approach for Integrated Planning, the PMPU Discussion Draft was available for a 90-day review period. This 90-day review period maintained the District's transparent and proactive approach to planning that has been consistent throughout the Integrated Planning process, and provided the Board and the public an opportunity to review the entire draft PMPU document, including the introduction, element goals and policies, and Planning Districts, in a holistic manner. The 90-day review period was also consistent with the amount of time requested by Coastal Commission staff, as it would allow them enough time to conduct a thorough evaluation of the draft policy language before the District moved forward with preparing the PMPU Programmatic EIR.

### **Public Outreach and Stakeholder Outreach During 90-day Review Period**

During the review period for the PMPU Discussion Draft, staff continued public outreach and stakeholder engagement. This included five (5) District-hosted community discussions during the 90-day review period, and one (1) additional District-hosted community discussion after the 90-day review period. During the 90-day review period, the District had 60 stakeholder meetings, and an additional six (6) stakeholder meetings after the 90-day review period. An updated summary report of all PMPU public outreach and stakeholder engagement is provided as Attachment A to this agenda sheet.

In June 2019, the District hosted community discussions, titled "The Future of San Diego Bay: A Community Discussion," at four locations throughout San Diego County to provide input opportunities for all those who enjoy San Diego Bay. The community discussions provided an opportunity for the public to ask questions of the District's PMPU team to help navigate the PMPU Discussion Draft's contents and the process for providing input. Those community discussions were held on June 6 at the Port of San Diego's Administration Building, June 12 at the La Mesa Community Center, June 20 at the Rancho Bernardo Education Center, and June 27 at the Tijuana River National Estuarine Research Reserve. Attendance at the community discussions was 80, 23, 10, and 80 respectively. Based on response to community requests, two additional meetings were held - one on July 15 at the

Coronado Community Center with approximately 250 attendees and one on August 28 at Portuguese Hall in Point Loma with approximately 400 attendees.

The stakeholder meetings consisted of one-on-one and group meetings with stakeholders and agencies to address specific issue areas. Examples of some of the stakeholder meetings held during the PMPU Discussion Draft review period included but are not limited to, the Port Tenants' Association, Coronado Chamber of Commerce, City of San Diego councilmembers, San Diego Convention Center Corporation, U.S. Navy staff, the Peninsula Community Planning Board, and the Midway-Pacific Highway Community Planning Group. In addition, four interactive discussion sessions were held with District staff and Coastal Commission staff during the 90-day review period.

### **Comments Received on the PMPU Discussion Draft**

During the 90-day review period, the District received nearly 3,000 comment letters, almost 4,000 pages of comments, from agencies, organizations, and individuals. More specifically, comment letters were received from 11 agencies, 42 organizations, and the remainder were from individuals.

The comment letters received are available to the public on the District's PMPU webpage (<https://www.portofsandiego.org/waterfront-development/integrated-planning-port-master-plan-update>). The compilation of comment letters is organized by agencies first, then organizations, and then individuals. The compilation of the comment letters includes an interactive Table of Contents for the agency and organization comment letters, which enables a reader to toggle directly to an agency or organization letter of interest by clicking on that letter in the Table of Contents.

The District continues to receive comment letters after the end of the 90-day review period. As additional comment letters are received, they are being added to the PMPU webpage.

The agency and organization comments primarily focused on baywide topics related to the PMPU Discussion Draft Elements, and some agency and organization comment letters also focused planning districts of interest or relevance to the responsibility or mission statements of the respective agency or organization (see more detailed summary of agency comment letters below). In general, the comments from individuals focused on the planning district specific to the commenter's community. Summaries of the most commonly mentioned baywide themes and planning district-related themes in the comment letters are provided below. Please note that this is a summary of the main themes from the comment letters, not an exhaustive summary of every comment received; however, all comments are being taken into consideration as District staff works on revisions to the draft PMPU.

### **Agency Comment Letters**

The District received 11 agency comment letters on the PMPU Discussion Draft (Attachment B). Those letters were received from the following agencies (listed in alphabetical order): California Public Utilities Commission, City of Coronado, San Diego Regional Airport Authority, Caltrans, California Coastal Commission, City of San Diego, Metropolitan Transit System (MTS), San Diego Regional Water Quality Control Board (RWQCB), San Diego Association of Governments (SANDAG), United States Fish & Wildlife Service (USFWS), and the United States Navy. The following is a brief summary of the topics covered in these comment letters.

*California Public Utilities Commission* - Comments focused on topics related to railroad and light rail transit crossings in three planning districts: Embarcadero (South Embarcadero Subdistrict), Working Waterfront (Harbor Drive Industrial Subdistrict and Cesar Chavez Park Subdistrict), and National City



Bayfront. These comments focused on specific planning district standards related to proposed road realignments and how they may be enhanced and/or changed to improve rail crossings and pedestrian safety. In addition, the California Public Utilities Commission recommended adding policies that encourage more coordination with adjacent jurisdictions and that address and emphasize long-term safety improvements at railroad crossings. This comment letter included a list of rail crossings within or adjacent to the South Embarcadero Subdistrict and Harbor Drive Industrial Subdistrict.

*City of Coronado* - Comments focused on topics related to Coronado, including the Silver Strand and Coronado Bayfront planning districts. Specific comment letter topics included, but were not limited to: compatibility with the surrounding residential character, including development intensity and height limits; recognition of the adjacent residential community, instead of a focus on “visitor-serving;” the 1979 Memorandum of Understanding between the District and City, which contained agreed upon planning principles and development standards for the Coronado Bayfront; a request for the “Golf Course” land use designation to be maintained instead of being incorporated into the broader “Commercial Recreation” land use designation; the inappropriateness of having the Coronado Cays residents pay for structural improvements that solely benefit that community; lack of support for programmed uses and special events at Grand Caribe Shoreline Park; a request that the District maintain and dredge, where necessary, the navigation corridor adjacent to South Grand Caribe Isle; a reduction in the number of net new hotel rooms at Loews Coronado Bay Resort from 360 rooms to 250 rooms and no new hotel rooms north of the Coronado Bridge; increase the width of certain heavily-traveled pedestrian accessways; accessibility of parking; expansion of ferry service, including financial contribution from the District; include policies related to the maintenance of storm drain outfalls on District property in Coronado; financial contribution from the District to expand the City’s Free Summer Shuttle service to be year-round; do not preclude having a cultural arts center at the Coronado Ferry Landing site; and prohibit commercial activity, such as mobile food vendors, in park spaces.

*San Diego Regional Airport Authority* - Comments focused on topics related to the Harbor Island Planning District, the Safety and Resiliency Element, and coordination and implementation of Airport Land Use Compatibility Plans (ALUCPs). Harbor Island comments specifically focused on compliance with the latest Federal Aviation Administration standards and requirements for future development and to include more detail of planned uses for the Pacific Highway Corridor Subdistrict. Safety and Resiliency comments focused on referencing the District’s Sea Level Rise Plan in the PMPU, addressing development and coordination of a multi-jurisdictional hazard mitigation plan, and defining “critical infrastructure.” Additionally, the comments reiterated the need for continued coordination on implementing ALUCPs to ensure land use compatibility near airports including San Diego International Airport, Naval Air Station North Island, and Naval Outlying Landing Field Imperial Beach.

*Caltrans* - This comment letter largely focused on comments regarding the Mobility Element of the PMPU and the Traffic Impact Study that is required pursuant to the California Environmental Quality Act (CEQA) for the PMPU EIR. Mobility Element comments specifically addressed: goods movement, including freight activity and the need to consider the visions and guiding principles established in the California Freight Action Plan; encouraging complete streets; and the inclusion of transportation demand management strategies. Comments regarding the necessity of a Traffic Impact Study addressed the ability to determine the near-term and long-term impacts to existing and proposed state facilities, as well as appropriate mitigation measures. Additionally, Caltrans reiterated the need for continuous coordination and collaboration by local agencies on projects.

*California Coastal Commission* - This comment letter was the most comprehensive of all agency comment letters, and included general comments, as well as specific comments on every element and planning district. The general comments covered topics such as, but not limited to: the contents of the Port Master Plan pursuant to Section 30711 of the California Coastal Act, including provisions for public hearing and public participation in District planning and development decisions, lack of sufficient specificity to adequately protect coastal resources, and lack of inclusion of non-appealable projects in the "Project Lists." Other general comments included a request to identify and preserve additional potential sites for lower cost overnight accommodations, above what is already listed in the PMPU for a portion of the District Annex building and the Grape Street site, which is bounded by Grape Street, North Harbor Drive, Hawthorn Street, and Pacific Highway. Several comments identified suggested modifications to the policies and standards in a track changes format.

*City of San Diego* - Comments focused on element-level topics and topics specific to the North Embarcadero. The element-level topics included: greenhouse gas (GHG) emissions reductions and a recommendation to reduce GHG emissions by adding goals and policies to the Ecology, Environmental Justice, and/or Mobility elements; sea level rise (SLR) and a recommendation to include habitat management and conservation in the SLR adaptation strategies and requests to share monitoring data and work with the City and other jurisdictions to better plan and reduce the effects of flooding; the mobility network, including, but not limited to a recommendation to further emphasize the importance of implementing the PMPU policies to reduce single occupancy vehicle usage and help meet State GHG emissions reductions targets; and the open space network, including an explanation of how it connects to areas outside the District. The North Embarcadero comments included: a recommendation to include the 205-foot park space setback concept along the east side of North Harbor Drive, between Hawthorn Street and Broadway, in addition to the amount of park space proposed in the PMPU on the west side of North Harbor Drive; a recommendation to identify the 1220 Pacific Highway site as additional park space as a pedestrian-only connection between Pacific Highway and the Embarcadero; and a recommendation that any mobility hub on the Embarcadero not include automobile parking or trucks or other staging associated with cruise operations. Further, the City also recommends identifying a mobility hub for automobile parking along Pacific Highway, north of Laurel Street, rather than the Grape Street site, which is bounded by Grape Street, North Harbor Drive, Hawthorn Street, and Pacific Highway.

*Metropolitan Transit System (MTS)* - Comments focused on policies related to the Mobility Element and public transit. At the baywide-level, MTS requests flexibility in proposed regional transit systems and water-based transit opportunities throughout District Tidelands to ensure that changes and adjustments to the regional transit network can still occur in the future, that curbside management strategies prioritize public transit, and that in addition to dedicated public transit lanes, the District also includes other measures to improve transit movement throughout Tidelands. In addition, MTS is supportive of a Waterfront/Bayfront Circulator service through the Shelter Island, Harbor Island, and Embarcadero Planning Districts and requests policies that encourage coordination with MTS to implement this service.

*San Diego Regional Water Quality Control Board (RWQCB)* - Comments focused on topics related water quality, environmental conservation and remediation, and climate change adaptation. RWQCB suggests making reference to existing assessments in the Ecology Element, such as water quality and habitat monitoring assessments that are carried out by the District, to have data that supports goal and policy planning, and recommends expanding policies to promote restoration of habitat not only within the Conservation/Intertidal designation but throughout Tidelands. They further state that

this should be supported by maps that identify where there are important ecological areas throughout Tidelands and where restoration (including mitigation banks) can occur to encourage conservation at the onset of planning. RWQCB also recommends adding policies that address how aquatic ecosystems and the diverse habitats through Tidelands can thrive under likely climate scenarios. Finally, related to sediment remediation in Ecology Policy 2.2, RWQCB notes that it should always be “feasible” to take steps to protect human health and the environment, even if it is not “feasible” to completely remove the source of pollution or contamination.

*San Diego Association of Governments (SANDAG)* - Comments were generally focused on the importance of regional coordination, including planning efforts such as the Airport Development Plan and future modifications to Harbor Drive within the Embarcadero Planning District; goods movement including freight; transportation demand management strategies; and siting of mobility hubs to be consistent with SANDAG’s 2021 Regional Plan.

*United States Fish & Wildlife Service (USFWS)* - Comments focused on topics related to expanding environmental conservation policies to make them more proactive to increase and protect habitats given the extent of habitat loss in San Diego Bay. USFWS recommends adding maps of important ecological areas to facilitate implementation of environmental conservation policies, including habitat enhancement or conservation policies within every planning district as an option, and adding goals in the Ecology Element to proactively pursue grant funding for habitat restoration and augmentation.

*United States Navy* - Comments focused on project review and approval, and mobility related to the District’s Strategic Port Designation. The U.S. Navy recommends establishing a framework in the Water and Land Use Element that affords the military ability to review proposals to ensure mission compatibility, which will assist with military coordination. In addition, the U.S. Navy provided additional language to include in the Mobility Element that defines and prioritizes the protection of the Strategic Highway Network for emergency mobilization and peacetime movement of goods to support the military, to help maintain terminals as a Strategic Port and communicate to other agencies the importance of implementation of this element.

#### General Baywide Themes

After review of the comment letters, some common baywide themes were apparent and can generally be grouped into one of these three categories: mobility, maritime, and environmental stewardship. More information regarding these general themes is provided below. In addition, Attachment C of this agenda sheet includes some sample excerpts from the comment letters related to these general baywide themes.

- ***Common themes related to mobility:*** no net loss of parking; require transportation demand management strategies; increase water-based transit; concern with loss of travel lanes; conflicts between different transportation modes (e.g., cars, bikes, pedestrians); increase transient docking, such as dock-and-dine opportunities; and expand transit/circulator shuttles.
- ***Common themes related to maritime:*** protect existing maritime operations and coastal-dependent uses (e.g., marine terminals, commercial fishing); expand maritime operations and footprint; and strengthen policies to support the high-priority of deep-water berthing uses and the District’s designation as a Strategic Port by the Department of Transportation’s Maritime Administration (MARAD).
- ***Common themes related to environmental stewardship:*** address how climate change

(e.g., sea level rise) will impact natural resources and habitats and strategies the District will implement to address/mitigate those potential impacts; and include additional policies that support or encourage habitat restoration, enhancement, and protection throughout District tidelands.

### General Planning District Themes

Most comments related to planning districts were received from individuals, and most, but not all, of those individuals were from the communities of Point Loma and Coronado. A large percentage of the comment letters from the Point Loma and Coronado communities were form letters (standardized letters that are signed by individuals if that individual agrees with the statements in the form letter) specific to issues in each of the communities.

In general, the most common planning district-related themes from the comment letters are: development intensity, height limits, maritime uses, mobility, and the La Playa piers. More information on these themes is provided below, and the following table identifies the planning district that these themes were raised in the comment letters. In addition, Attachment C of this agenda sheet includes some sample excerpts from the comment letters related to these general planning district themes. Further, these themes require further Board direction on how to incorporate them into the draft PMPU that will be used as the project description for the PEIR. More information of the requested Board direction is provided in the following section.

### *General Planning District Themes and Associated Planning Districts*

PLANNING DISTRICT	Development Intensity	Height Limits	Maritime Uses	Mobility	La Playa Piers
Shelter Island (PD1)	X	X	X	X	X
Harbor Island (PD2)	X	–	–	X	N/A
Embarcadero (PD3)*	X	X	X	X	N/A
Working Waterfront (PD4)	–	–	X	X	N/A
National City Bayfront (PD5)	This planning district was not included in the PMPU Discussion Draft				
Chula Vista Bayfront (PD6)	This planning district was not included in the PMPU Discussion Draft				
South Bay (PD7)	N/A	N/A	N/A	–	N/A
Imperial Beach Oceanfront (PD8)	–	–	–	–	N/A
Silver Strand (PD9)	X	–	–	–	N/A
Coronado Bayfront (PD10)	X	X	X	X	N/A
*To be discussed at a future Board meeting					

\* To be discussed at a future Board meeting

- Development intensity:** With the exception of Harbor Island, comments focused on the increase in commercial recreation uses (i.e., hotel, restaurant, retail) contemplated in the PMPU Discussion Draft, and further requested a significant reduction in the proposed development programs. Comments indicated this development intensity would increase traffic on already congested roadways, further strain public utilities and emergency services, and impact community character. This theme was primarily heard from residents near the Shelter Island, Coronado Bayfront, and Embarcadero planning districts. As noted above, a detailed discussion on the Embarcadero Planning District will be held at a future Board meeting.
- Height limits:** Comments requested the PMPU include height limits for Shelter Island, Coronado and the Embarcadero that are consistent or less than the height limits of the adjacent communities or adjacent development. In the community of Point Loma, the height limit is 30 feet above ground. In the City of Coronado, the height limit is 40 feet above ground. Additional concerns regarding height limits involve potential impacts to community character from bulk, scale, massing and view blockage. As noted above, a detailed discussion on the Embarcadero Planning District will be held at a future Board meeting including comments related to height.
- Maritime Uses:** This theme was primarily heard in relation to the Shelter Island and Working

Waterfront planning districts, as well as the Embarcadero with regard to Commercial Fishing.

In the Shelter Island Planning District, comments focused on the retention of existing coastal-dependent uses such as the boat repair facilities, sportfishing and commercial fishing facilities, and the Marlin Club. *Note that the PMPU Discussion Draft does not propose any revisions to existing boat repair facilities, nor does it propose to reduce the footprint of any of the water and land designated for such uses.*

Related to the Working Waterfront Planning District, the PMPU Discussion Draft includes a standard to expand opportunities to touch the water in a manner that ensures public safety. Comment letters related to this theme were concerned about any water access for recreational purposes, noting safety concerns and the availability of other water access areas throughout the District. In addition, most comments for this planning district emphasized the importance of maintaining and growing San Diego's maritime industry.

- **Mobility:** Comments for many of the planning districts, in particular for the Coronado Bayfront, expressed support for increased opportunities for water-side mobility options, such as water taxi or ferry transfer points and/or transient berthing for short-term vessel berthing or dock-and-dine.

In addition, many comments regarding the Shelter Island and Coronado Bayfront planning districts focused on concerns with siting of mobility hubs if they involve structured parking and siting close to residential neighborhoods, as well as issues with roadway reconfigurations and any potential reduction in existing parking areas.

For the Shelter Island Planning District, the PMPU Discussion Draft proposes potential roadway reconfigurations for Scott Street, the island portion of Shelter Island Drive, and Anchorage Lane. Scott Street is proposed to be narrowed from four lanes to two lanes with a center turn lane, and to use the excess roadway to create a multi-use path for bicycles and pedestrians. Commenters were concerned about any reduction in the number of vehicle lanes because of existing traffic congestion. On the island portion of Shelter Island Drive, the roadway and some of the adjacent park parking would be used to create additional Recreation Open Space. This is proposed to be accomplished by narrowing the width of the drive lanes, and relocating some existing off-street parking into diagonal parking on the street, which would allow for additional Recreation Open Space, including a bike path, to be created on the waterside of Shelter Island Drive. For Anchorage Lane there is the potential to reconfigure the roadway to create a larger consolidated development parcel.

- **La Playa Piers:** Regarding the La Playa piers, the PMPU Discussion Draft includes the following standards in the Shelter Island Planning District:
  - No new private residential or quasi-private residential/public piers are permitted (*PMPU Discussion Draft Standard PD1.30*); and
  - Except for the La Playa Yacht Club Pier, all piers and docks in this West Shelter Island subdistrict that are private residential or quasi-private residential shall be removed within two years of certification of this Port Master Plan (*PMPU Discussion Draft standard PD1.31*).

Comments related to the La Playa piers focused on the importance of the piers for public access and how they are part of the character and history of La Playa area. A brief history of the La Playa Piers, as well as a summary of the distinctions between these piers and other residential piers on the California coastline (e.g., Newport Beach, Long Beach, Morro Bay) is provided below.

#### History of La Playa Piers

Prior to the formation of the District, five private recreational piers were constructed along the La Playa/Kellogg Beach residential area shoreline, all but the La Playa Yacht Club are adjacent to residences:

1. Olson, Alexander, Graham (formerly “Lacy”; constructed between 1935-1938)
2. Driscoll (formerly “Wyatt”; constructed in 1945)
3. Donnelley (constructed in 1949)
4. La Playa Yacht Club (constructed between 1935-1938)
5. Arrington/Daly (formerly “Cotton-West”; constructed in 1935)

The locations of these piers are shown on Attachment D to this agenda sheet. As shown on Attachment E, each pier structure consists of a pier, a floating dock, and a gangway that attaches the pier to the floating dock.

To the District’s knowledge, the City of San Diego permitted those piers. However, because the piers are located on public tidelands, fee interest (ownership of the real property versus the improvements) to the piers was not granted to adjacent homeowners or any residents.

In 1979, the District granted 7-year leases for the piers to the adjacent homeowners for their private use, meaning the entire pier (pier, a gangway, and a floating dock) was only for private use.

In 1981, the Coastal Commission certified the Port Master Plan (PMP) with the following language:

“The Board of Port Commissioners shall not renew the existing leases on the five privately owned piers in the La Playa and adjacent Kellogg Beach areas that extend out from the tidelands into the yacht Basin near Shelter Island. At the termination of the existing leases in 1986 the Board of Port Commissioners shall either: a) make the piers available for public use; or b) cause them to be removed. Any piers retained which create a severe impediment to lateral shoreline access shall be modified to correct this situation. Signs indicating availability for public use shall be posted on any piers retained.”

With the exception of the Arrington/Daly pier, the piers are accessed off of the La Playa Trail, which is also located on District tidelands. The Arrington/Daly pier doesn’t have any public access because the pier goes directly to the residence’s backyard. Such configuration is inconsistent with the PMP. A person walks under the Arrington/Daly pier as they walk along the La Playa Trail.

In 1986, the District determined, and Coastal Commission staff agreed, that the La Playa Yacht Club pier is not subject to the removal/opening requirement as the other four piers because it is available for use by club members and the general public. More specifically, findings were made that the pier does not interfere with lateral access along the shoreline, is open to the public, provides a public service and is therefore a public facility. In addition, any member of the public may purchase a yacht club membership and access the pier; members of the public cannot purchase access to the floating docks and part of the gangways of the other piers.

In 1988, at the urging of residents who wanted the piers retained for private use, the District submitted a Port Master Plan Amendment (PMPA) to the Coastal Commission to have the PMP condition, quoted above, deleted from the PMP to allow for the continued private use of the piers. The Board adopted the PMPA; however, the Coastal Commission denied the PMPA on the grounds that continued private use of the piers would not be consistent with the public access policies and goals of the California Coastal Act.

In 1992, District and Coastal Commission staff agreed to an interim arrangement so the piers could be designated for public and private use, allowing the private use of a portion of the pier, gangway and float to dock their boats with the remainder of the pier accessible for public use. However, this interim solution was conditioned - if a Coastal Development Permit or Coastal Act exclusion was appealed to the Coastal Commission, there was an understanding that the Coastal Commission may require that the piers (pier, gangway, and floating dock) be demolished or made wholly available to the public.

Since then, as a result of the agreement between the District and Coastal Commission staff, the District has issued short-term (5 years or less) Tideland Use and Occupancy Permits allowing private use for a portion of the piers (gangway and floating dock) to dock boats. The Tideland Use and Occupancy Permits include a 30-day termination right, meaning the District may terminate the permit with 30 days' notice. This termination provision is included because of District staff's concerns regarding the private use of the piers and Coastal Commission staff's increasing pressure to demolish the piers or make them 100 percent (pier, gangway, and floating dock) accessible to the public.

In 2018 and 2019, respectively, the District took back the two piers adjacent to the Arrington/Daly and Donnelley residences after the former permittees chose not to renew their Tideland Use and Occupancy Permits with the District for use of the piers. As for the other two piers, the Driscoll Tideland Use and Occupancy Permit expired June 30, 2019 and is currently on holdover; and the Olson, Alexander, Graham Tideland Use and Occupancy Permit expires on November 30, 2019.

On July 31, 2019, in response to the PMPU Discussion Draft, Coastal Commission staff submitted a comment letter that includes the following statement regarding the La Playa piers.

"Commission staff supports the removal of the docks and piers in La Playa, except of the La Playa Yacht Club pier, within two years of certification of the PMPU. Alternatively, if the [District] wishes to retain the piers, the piers (including their docks) should be available for public use at all times. Either action would be consistent with the [Coastal] Commission's action on the certification of the PMP in 1982 that required: "The Board of Port Commissioners shall not renew the existing leases on the five privately owned piers in the La Playa and adjacent Kellogg Beach areas that extend out from the tidelands into the yacht Basin near Shelter Island. At the termination of the existing



leases in 1986 the Board of Port Commissioners shall either: a) make the piers available for public use; or b) cause them to be removed. Any piers retained which create a severe impediment to lateral shoreline access shall be modified to correct this situation. Signs indicating availability for public use shall be posted on any piers retained.” However, [Coastal] Commission staff does not support the retention of the piers with the existing public access restrictions (i.e., the pier adjacent to the Arrington/Daly residences is entirely private and the other four piers contain private docks).”

In subsequent discussions with Coastal Commission staff, District staff clarified that their statement “...should be available for public use at all times” does not mean that the piers are allowed to continue under the interim approach. It also does not mean that the public portion of the pier should be open 24 hours a day, 7 days a week. Rather, the Coastal Commission meant that physical access to the entire structure (pier, gangway and floating dock) be available to the public. Coastal Commission staff also indicated that public access between sunrise to sunset was acceptable, similar to all District public parks and facilities.

#### Distinctions Between the La Playa Piers and Other Residential Piers

Some of the comments asserted that the Coastal Commission has allowed private residential docks/piers in other areas of the coastal zone. Accordingly, new piers should be allowed along La Playa and the existing ones should remain as-is under the interim arrangement. While it is correct that the Coastal Commission has allowed for private piers in other jurisdictions, the Coastal Commission rationale for such allowance provides an understanding as to why the Coastal Commission may be treating the La Playa area differently.

The Coastal Commission has original jurisdiction in certain areas, like the tidelands in Newport Beach and Long Beach. Therefore, the Coastal Commission (and not the cities) issues Coastal Development Permits (CDPs) for docks and piers in these areas. Under these circumstances, the Coastal Commission uses the jurisdictions’ certified Local Coastal Programs (LCPs) as guidance to determine whether a proposed pier/dock is consistent with Chapter 3 of the California Coastal Act and whether a CDP should be issued. An LCP is the land use plan and zoning code for cities and counties in the coastal zone and is somewhat akin to a port master plan for ports. Many of the LCPs for the jurisdictions where Coastal Commission has issued CDPs for private piers/docks allow for such facilities and this allowance is used as guidance when the Coastal Commission approves a CDP. For example, the City of Newport Beach’s LCP allows for piers and slips for residential properties with certain parameters (see Land Use Plan policies 3.1.4-5, 3.1.4-5 and Implementation Plan Section 21.30C.050). Likewise, the City of Long Beach’s LCP expressly recognizes private piers in Alamitos Bay (Naples Island) and that such piers are part of the existing character and condition of the area. (LCP, Page III-6).

Conversely, as quoted above, the existing Port Master Plan doesn’t allow for private piers. To understand the nature of private piers and docks up and down the coast, District staff conducted research of Coastal Commission--issued CDPs for private docks and piers. Attachment F includes a summary of *staff’s research to date and may be supplemented at the Board meeting or at a future date*. For example, there are instances where a residential applicant proposed a private pier or dock, but because the Coastal Commission staff was recommending denial or adding conditions to the development, the residential applicant withdrew its application or requested continuance of the matter. Staff’s research does not include these instances.

The vast majority of CDPs found by staff are in the City of Newport and City of Long Beach and were for replacement of existing piers/docks. In fact, staff was only able to locate two (potentially three) CDPs for new docks and piers.

Based on the research, Coastal Commission relies on a couple of key factors when issuing private dock/pier CDPs:

- The existing conditions of the project site and surrounding areas are characterized by a significant pattern of development of private residential docks. Therefore, a proposed dock/pier would not establish a new pattern of development. Exhibit 1 to Attachment F includes aerial maps of the CDP projects and the proliferation of private piers and docks in those areas.
- The dock/pier is a replacement for an existing dock/pier on-site. Coastal Commission has also reduced the size of proposed replacement docks/piers so there is no increase in water coverage or to avoid the appearance that the area is only for private residential use.
- In many situations, there is no existing direct public pedestrian access to public tidelands on or through the project site, meaning the public cannot access the shoreline or associated pier. Therefore, the proposed dock/pier will not have any new adverse impact on public access to the coast or to nearby recreational facilities.
- When there is lateral access along the shore or beach at low tide, the dock/pier must be raised to allow for the public to walk under the dock/pier. This gives the public the ability to walk underneath these structures while walking along the beach.

Staff found one instance where Coastal Commission required a proposed private floating dock become open to the public in Morro Bay. The dock was proposed as part of the remodel of a visitor-serving facility. The dock was proposed to be a private dock. There, Coastal Commission conditioned the floating dock, so that it was open in the public during daylight hours, residential use of boats moored at the dock are prohibited, wayfinding signage must be installed, and low dock fees must be established.

### **Request for Board Direction**

Staff intends to make clarifications and revisions to the draft PMPU based on the comments received to address the themes described above, as well as in response to detailed points raised in the comment letters. Below are topics that staff received extensive public comments and is specifically requesting direction from the Board to address in a Revised Draft PMPU. Note that at the conclusion of staff's presentation and public comment on this agenda item, staff in coordination with the Chairman of the Board will seek confirmation of direction received to ensure the intended revisions are clear.

***Development Intensity:*** Staff is seeking Board direction on the proposed development intensity for the Shelter Island, Harbor Island, Silver Strand, and Coronado Bayfront planning districts.

Potential Board direction related to Shelter Island could be to reduce the number of new hotel rooms throughout the planning district, or to only allow new hotel rooms in a specific location, such as near North Harbor Drive. Another potential option is to shift a number of hotel rooms from Shelter Island to Harbor Island, which increases development intensity on Harbor Island. Note that comment letters

were not concerned about higher development intensity on Harbor Island, and some comments even suggested an increase in development intensity on Harbor Island in-lieu of on Shelter Island.

Staff is seeking similar Board direction on the development intensity in the Silver Strand Planning District. For the Silver Strand, staff recommends the proposed increase in hotel rooms at the Loews Coronado Bay Resort be reduced from 360 net new rooms, as currently proposed in the PMPU Discussion Draft, to 250 net new rooms, as requested by the City of Coronado in their comment letter on the PMPU Discussion Draft.

For the Coronado Bayfront, staff is seeking Board direction on the quantity of hotel rooms allowed in the North Coronado Subdistrict. The PMPU Discussion Draft does not propose any new hotels in the South Coronado Subdistrict. Possible Board direction could include no new hotel rooms in the North Coronado Subdistrict.

**Height Limits:** Staff is seeking Board direction on adding specific height limits to the PMPU. Potential direction to staff could include adding numerical height limits that are consistent with those of the adjacent jurisdictions.

**Maritime:** For the Shelter Island Planning District, staff is seeking Board direction on the Marlin Club. Potential direction the Board could provide to staff would be to add a policy into the PMPU that expressly proposes to maintain the Marlin Club use in its current location.

In addition, comments were received expressing contrary opinions on the water use allowances for the Commercial Fishing Berthing designated area in the Shelter Island Planning District. Comments from the Coastal Commission and the San Diego Fishermen's Working Group stated that the rules for berthing of secondary uses should be the same here as they are proposed for the Embarcadero Planning District (Tuna Harbor). Further, comments stated that consistent rules in all commercial fishing areas are critical for the preservation and protection of commercial fishing operations and to ensure access for commercial fishing boats is available when needed.

In contrast, comments from the Port Tenants Association and Tom Driscoll of Driscoll Quality Marine Services expressed concerns that the limited types of allowed secondary uses are too restrictive, as well as opposition to the proposed administrative process that requires consultation with the San Diego Fishermen's Working Group.

Below are the allowed secondary uses for Commercial Fishing Berthing proposed in the PMPU Discussion Draft that would be applicable to the Embarcadero area:

Commercial Fishing - Allowed Secondary Uses

- Berthing\*
  - Spill Response Services
  - Marine and Towing Services
  - Aquaculture
  - Other coastal-dependent commercial uses that do not interfere, conflict, or are not incompatible with commercial fishing operations

\*All secondary uses within the commercial fishing berthing designation are subject to termination provisions when space is needed by commercial fishing, along with a

commitment to establish an administrative process requiring consultation with the San Diego Fishermen's Working Group for management, monitoring and conflict resolution.

For the Shelter Island Planning District only, the PMPU Discussion Draft includes an exception to the above and allows for any non-commercial fishing vessels to temporarily berth in commercial fishing areas provided they be relocated upon 72-hours' notice when space is needed for a commercial fishing vessel.

Staff is seeking Board direction as to whether or not the rules for secondary uses in the Commercial Fishing Berthing water designation in the Shelter Island Planning District should be the same as they are proposed for the Embarcadero Planning District, or remain different as currently proposed in the PMPU Discussion Draft.

**La Playa Piers:** Staff is seeking Board direction on the existing La Playa piers, except for the La Playa Yacht Club pier, which is not subject to the removal/public opening requirement described above. Below are potential options that the Board could direct staff to proceed with in the Revised Draft PMPU:

- Option 1 (Demolish Entire Pier Structure): Confirm the current approach in the PMPU Discussion Draft, which proposes to require the four quasi-private residential/public pier structures (i.e., piers, docks, gangways) in the La Playa area to be removed within two years of Coastal Commission certification of the PMPU. This option would be consistent with the current Port Master Plan and Coastal Commission staff's comments on the PMPU Discussion Draft.
- Option 2 (Demolish the Floating Docks and Gangways and Leave the Pier Open to the Public): Under this option, the dock and gangway would be demolished and a railing would be added at the end of the pier. The pier would continue to be open to the public as it is now. This would likely satisfy Coastal Commission staff's interpretation of the PMP.
- Option 3 (Make the Entire Pier Open to the Public): Under this option, the entire pier (pier, gangway, and floating dock) would be available to the public during park hours. An opportunity for transit docking could also be implemented. This approach is consistent with the Coastal Commission staff's comments and interpretation of the current PMP. This option provides the most public access.
- Option 4 (Status Quo - Keep the Piers Open to the Public but Allow the Gangways and Floating Docks to Remain Private): This option would continue the interim approach. This option would also be in direct conflict with the Coastal Commission staff's comments and would continue to implement an approach that Coastal Commission believes is inconsistent with the existing PMP. This option has the least public access. Staff does not recommend this option in light of the position most recently communicated by Coastal Commission staff on this issue.

Under Options 2, 3 and 4, staff recommends that the Arrington/Daly pier still be demolished as it does not provide any public access because it connects directly to the residence's backyard. Under Options 2 and 3, the District would operate and maintain the piers.

### **Misinterpretations**

In addition to the comment themes identified above, some of the comments received were based on misinterpretation of the PMPU Discussion Draft. Examples of these misinterpretations include: removal of the Shelter Island Launch and its adjacent parking; a proposed dog park on Shelter Island; paving the La Playa Trail; and adding restrooms at the trailhead of the La Playa Trail. None of these items are proposed as part of the PMPU. These misinterpretations were clarified in a Frequently Asked Questions (FAQs) sheet that was posted on the PMPU webpage on September 10, 2019. That FAQ sheet is also provided as Attachment G to this agenda sheet.

### **Next Steps**

Board direction on this agenda item, as well as continued consideration of comments received on the PMPU Discussion Draft, will help inform staff on the scope and extent of the revisions to be completed in preparation of a Revised Draft PMPU. As noted above, based on the extensive amount of public comments received, especially related to planning districts, staff anticipates the next version of the Draft PMPU will be noticeably different from the PMPU Discussion Draft. In addition, there are other issue areas raised in comment letters that may warrant continued discussions with specific communities, stakeholders and interested parties. The Revised Draft PMPU is anticipated to be available for public review in March 2020.

### **CEQA and Coastal Commission Processing**

As a part of the environmental review process, it is anticipated the Draft Programmatic EIR will be circulated for public review in Summer 2020 with the Board's targeted consideration of the certification of the Final Programmatic EIR and approval of the PMPU in late 2020. Processing of the PMPU with the Coastal Commission is expected to take place 2021. As depicted in Attachment H, these anticipated milestones are dependent upon the direction received by the Board and the volume and complexity of comments received on the Draft Programmatic EIR; therefore, the timeline may require adjustment as the PMPU process progresses.

### **General Counsel's Comments:**

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

### **Environmental Review:**

This item provides a presentation on the public comments received during the review period for the PMPU Discussion Draft, as well direction from the Board on approaching revisions to the draft PMPU based on certain comments received. The item and any Board feedback do not constitute an "approval" or a "project" under the definitions set forth in CEQA Guidelines Sections 15352 and 15378 because no direct or indirect changes to the physical environment would occur. While the Board may request certain policy concepts, uses and other project components be included, alternatives studied or other direction, such direction to staff will not bind the District to a definite course of action prior to CEQA review. Additionally, Board endorsement of any revisions to the draft PMPU does not constitute a binding commitment to approve the PMPU or its contents prior to

consideration of the PEIR. Board direction is needed to create the project description - a Draft PMPU - to be studied in the PEIR. The PMPU may be altered through the public engagement process, future Board feedback, and the CEQA process. Full CEQA analysis will be completed prior to the District's commitment to the PMPU of components thereof, in whole or in part. Moreover, the Board reserves its discretion to adopt any and all feasible mitigation measures, alternatives to the PMPU, including a no project alternative, a statement of overriding consideration, if applicable, and approve or disapprove the PMPU. Those decisions may be exercised in the sole and absolute discretion of the Board. Based on the totality of the circumstances and the entire record, the Board's direction and action do not commit the District to a definite course of action prior to CEQA review being conducted. Therefore, no further CEQA review is required.

In addition, this informational report allows for the District to implement its obligations under the Port Act and/or other laws. The Port Act was enacted by the California Legislature and is consistent with the Public Trust Doctrine. Consequently, this informational report is consistent with the Public Trust Doctrine.

Finally, this informational report to the Board does not allow for "development," as defined in Section 30106 of the Coastal Act, or "new development," pursuant to Section 1.a. of the District's CDP Regulations because it will not result in, without limitation, a physical change, change in use or increase the intensity of uses. Therefore, issuance of a CDP or exclusion is not required. However, the District's projects require processing under the District's CDP Regulations. If a project is formulated as a result of the informational report, the Board will consider approval of the project and any improvements associated after the appropriate documentation under District's CDP Regulations has been completed and authorized by the Board, if necessary. The Board's direction in no way limits the exercise of the District's discretion under the District's CDP Regulations.

### **Equal Opportunity Program:**

Not applicable.

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### **Attachments:**

Attachment A: Summary of PMPU Public Outreach and Stakeholder Engagement (updated 9/12/19)

Attachment B: Agency Comment Letters for the PMPU Discussion Draft

Attachment C: Sample Excerpts from Comments Submitted During Public Review Period for PMPU Discussion Draft

Attachment D:	Locations of La Playa Piers
Attachment E:	Profiles for La Playa Piers
Attachment F:	District Staff Research on Coastal Commission Pier/Dock Permitting
Attachment G:	Frequently Asked Questions on PMPU
Attachment H:	PMPU Drafting Process Timeline

<sup>1</sup> Recent awards for the Integrated Planning initiative include:

- 2018 Gold International MarCom Award, PMPU Public Outreach & Engagement (Category: Strategic Communications, Communications/Public Relations Communications Program) Association of Marketing and Communications Professional <<https://enter.marcomawards.com/winners/>>s
- 2018 Award of Excellence - Community Education/Outreach (Port Master Plan Update), American Association of Port Authorities (AAPA <<https://port.informz>.
- 2018 (CAPIO) Excellence in Public Information and Communications (EPIC) Award <<https://www.portofsandiego.org/press-releases/general-press-releases/port-san-diego-honored-california-association->
- 2017 Silver Bernays Award of Excellence for Community Relation <<https://www.portofsandiego.org/press-releases/general-press-releases/port-san-diegos-integrated-planning-vision-wins-2017-silver>>s
- 2017 National Environmental Excellence Award, National Association of Environmental Professional <<http://www.naep.org/eea2017homepage>>s
- 2016 National Planning Excellence Award for a Planning Advocate (Commissioner Ann Moore), American Planning Association <<https://www.planning.org/newsreleases/2016/mar30-f/>>n
- -2016 Silver Bernays Award of Excellence Public Affairs (Cook and Schmid), Public Relations Society of America <<http://prsadic.org/news/prsa-chapter-honors-2016-edward-l-bernays-award-winners>>a
- '2016 Presidents Award (HKS Urban Design Studio/Randy Morton), American Institute of Architects San Diego <<http://www.aiasandiego.org/2016-design-award-recipients>>o