

CALIFORNIA COASTAL COMMISSION

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July 2, 2009

John Helmer
Port of San Diego
P.O. Box 120488
San Diego, CA 92112-0488

Re: North Embarcadero Visionary Plan Phase I Coastal Access Features Draft CDP

Dear Mr. Helmer:

Staff has reviewed the Draft Coastal Development Permit (CDP) and consistency analysis dated July 2009, and have the following comments.

Consistency with the Certified Port Master Plan

We respect the time and effort Port staff have put into designing this development, and the public access improvements which are the goal of the project. However, while we appreciate the on-going correspondence and meetings between our two staffs, we continue to think the proposed project is inconsistent with the certified Port Master Plan (PMP), and that moving ahead with this permit seriously compromises the integrity of the certified PMP.

As you know, the issue is not whether the Draft CDP is consistent with the North Embarcadero Visionary Plan (NEVP). Staff and the Coastal Commission have consistently maintained that while the NEVP should be used as guidance, the certified Port Master Plan is the standard of review by which all new development must be measured in review of the CDP. Unlike the NEVP, the Port Master Plan is not a guidance document; the policies and standards contained within it are to be followed closely and specifically. If and when circumstances change, the authorized procedure is to amend the PMP after evaluating any necessary Plan revisions for consistency with the Coastal Act through a public hearing at both the local and state level. The integrity of the PMP and the planning process depends on the public and the Commission being able to rely on the policies and principles in the PMP being consistently and accurately implemented, including those represented graphically and by reference.

Figure 11 of the PMP graphically demonstrates Harbor Drive curving at West Broadway Street to accommodate an oval-shaped park at the foot of Broadway Pier. Port staff have estimated that this park would be approximately 79,200 sq.ft. in size, (including some amount of area that would be necessary to allow access to the pier from Harbor Drive), with another 24,300 sq.ft. potentially needing to be located in a new over-water structure. In its place, an approximately 16,000 sq.ft. rectangular plaza/pier entrance is proposed, along with 63,000 sq.ft. of esplanade on either side of the plaza, and approximately

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124,500 sq.ft. of sidewalk setbacks and plaza on the north and south side of Broadway, including the proposed park on the northwest corner of the Navy Broadway Complex/Manchester Pacific Gateway.

There is no question that the revised park/plaza configuration is not the same as that in the existing PMP. Furthermore, we cannot agree with Port staff's assessment that the redesigned rectangular plaza "maintains the same level of park/plaza land use area available to the public as that discussed in the PMP." It is simply not possible to achieve a comparable level or quality of public open space in a fragmented arrangement of sidewalks and setbacks than would exist in a large, continuous open park. While the PMP does not contain any textual description of how the oval park was intended to operate, the NEVP does indeed offer guidance on what type of space was envisioned at the foot of Broadway:

It is a landscaped public open space, accommodating recreational activities on a daily basis or large public gatherings. The park includes a central plaza punctuated by a landmark element such as a fountain or sculpture, orienting visitors and drawing attention to this important public precinct.

Broadway Landing Park is approximately two city blocks in size, considerably larger than any of the parks in downtown. Because of its one-sided configuration, with buildings only to the east, the scale of the bay gives the space an expansive feeling larger than its actual size, much as in Baltimore's Inner Harbor or the harbor in Barcelona. The parking located on the west side of Harbor Drive and is not divided by any streets....

On rare occasions, a drive at the western perimeter of the park could provide limited vehicular access to the Broadway Pier to serve visiting ships. (Pages 100-101, NEVP).

The proposed plaza and setbacks bear little resemblance to this guidance vision in scope or value.

Furthermore, because the revisions are not being made through a Port Master Plan Amendment, the area being offered as part of the revised plaza on Lane Field, is and will remain designated for commercial recreation uses, not for open space. Should the Lane Field project not go forward for any reason, the certified plan does not protect that area as public open space, but only as a "special setback" which provides little assurance or clarity on the public availability or use of the area.

The Coastal Development Permit Consistency Analysis indicates that this configuration is no longer considered feasible, in part because it would have required the Port District to acquire Navy property, and the oval was not made part of the Lane Field project, which has been approved by the Port and the Coastal Commission. In addition, Port staff has indicated that changed circumstances since the including of the oval park into the

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PMP may have resulted in a greater amount of public open space being provided elsewhere along the North Embarcadero.

The NEVP coastal access features project has been in development for years, and it is evident from our meetings that Port staff has been analyzing how it fits into the larger downtown Embarcadero. But this is the type of analysis and balancing of various planning goals that must, and in the past has, occurred through the Port Master Plan Amendment process. The PMP cannot simply be amended in practice through a CDP on a project-by-project basis, where the overall context of the impacts cannot be evaluated or mitigated.

X The certified PMP also incorporates by reference Figure 5.3 of the NEVP. Once a policy, figure, or project is inserted into the PMP, it is no longer guidance, but the standard of review. The configuration of the proposed esplanade is significantly different than the one in Figure 5.3. Perhaps most significantly, a 10-foot wide designated bike path has been combined with the pedestrian walkway to make a 29-foot wide multi-use promenade. Port staff have indicated that local bicycle organizations have expressed a preference for Pacific Highway as the primary, designated north-south bikeway in the Embarcadero. Commission staff agree with the intent of the revised plan to still accommodate bicycles on the Esplanade, but in other areas, we have seen significant conflicts between bicycles and pedestrians on shared-use paths. Again, the shifting of the primary bicycle route to Pacific Highway and the joint accommodation of bicyclists and pedestrians on one path, should be reflected in a broader PMP-level analysis of interests and priorities for public access along the shoreline that goes beyond the scope of this one permit.

Draft Coastal Development Permit

Aside from our acknowledgement of the permit's inconsistency with the certified PMP, we believe there are several additions and revisions to the proposed permit which would increase or help ensure the project's consistency with the Coastal Act.

The permit has three Exhibits attached. These Exhibits provide specific details on the lane revisions and Esplanade which may not be as clear or comprehensive in the text of the CDP. A condition should be added that states any changes to the project, including to the Exhibits, will require an amendment to the CDP.

We support the addition of the two new permit conditions addressing water conservation. In addition, we believe an additional condition(s) should be added requiring a final landscape plan that 1) requires all landscaping to be native or non-invasive, and either drought-tolerant or supported entirely by re-claimed water. We suggest that Special Provision #3 be revised to require that reclaimed water shall be used to irrigate landscaping when available.

We are concerned that the conceptual landscape plan may not have adequately evaluated the impact the proposed palms may have on public views of the Bay down Broadway. A

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condition should require the final landscape plan to be designed with the protection and preservation of public views on Broadway.

As noted above, we are concerned about future conflicts between bicyclists and pedestrians on the proposed shared-use path, and the potential for future pressure to exclude bicyclists. A condition should be added specifically acknowledging that bikes are permitted on the waterside promenade, to ensure that if user conflicts do arise, any attempt to limit bicycle usage will require a permit amendment.

A condition of the permit should specifically require that north-south access along the esplanade be maintained (though controlled) when cruise ships are present, and that the esplanade be fully open and accessible when no cruise ships are docked.

In order to create commercial loading and unloading zones, the project would eliminate 170 existing spaces, to be replaced with 24 parallel parking spaces, with the possibility of increasing to a total of 58 diagonal parking spaces in the future. The August 25, 2008 Draft North Embarcadero Visionary Plan Parking Management Plan is a fairly comprehensive analysis of parking needs and strategies for the area, but few of the Actions identified in the Parking Management Plan are addressed in the CDP or will be implemented within the time frame that the parking spaces will be lost.

The Mitigation Monitoring Program attached to the permit identifies several transit related measures for the proposed project, specifically, promoting subsidized transit passes for employees of study area businesses; providing information to downtown hotel guests about transit opportunities; planning for shuttle stops at two locations on Harbor Drive within the Plan area; promoting pedi-cab use; and providing trailblazing signage. However, it is unclear when these measures must be implemented. The permit consistency analysis states "the NEVP Parking Management Plan(s) shall be completed prior to the commencement of Project construction." This should be a condition of the permit. Furthermore, the permit should require that the mitigation measures themselves be implemented prior to commencement of construction.

In addition to the above measures, more information on where proposed transit/shuttle stops, pullouts, etc. should be provided in the permit, either textually or graphically. The NEVP Parking Management Plan identifies the project site as an appropriate location for a designated Transportation Hub. These hubs are to have facilities and services including circulator stops, bicycle storage devices, transportation information displays, pedi-cab waiting areas, passenger loading zones, etc. The presence and location of a Transportation Hub with associated facilities should be specifically acknowledged and integrated into this permit.

Pricing strategies are part of the draft NEVP Parking Management Plan. Anticipated changes in pricing between the existing metered spaces and the remaining spaces should be identified. In addition, most, if not all, of the existing spaces are metered spaces appealing to waterfront visitors for short-term parking, but it appears that the majority of the surrounding alternative spaces are in lots that are priced for all-day users, such as

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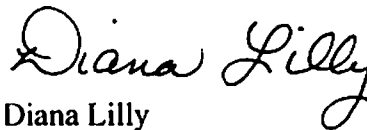
downtown workers. Some acknowledgement and analysis of the ability and opportunities for short-term parking should be included in the coastal analysis.

The permit includes a comprehensive 'way-finding' sign program. The description of this program should be expanded, or a condition included, requiring signage that directs visitors to parking locations and opportunities.

We continue to be concerned that the plan includes construction of a new building in the designated view corridor on C Street, which is supposed to "enhance the physical and visual access to the Bay." We have repeatedly requested a view analysis for the entire project that shows how all of the proposed structures were sited taking into account the context of the existing bayfront, including the waterside structures, to maintain and enhance views, but no such survey has been forthcoming. The statement in the consistency analysis that "no adopted applicable document describes or infers that nothing should be located within the view corridors" is extremely troubling and calls into the question the validity of all of the view corridors in the PMP. The purpose of a view corridor is to provide an unobstructed view, which is not achieved when blocked with a solid structure. The certified PMP states "Views should be enhanced through view corridors." While the encroachment is minor, it remains to be seen how even the most artistic restroom enhances views to the bay.

In summary, staff believes the Coastal Access Features Project as proposed is not consistent with the certified Port Master Plan. However, we believe the above suggestions and revisions to the proposed project are at a minimum necessary to increase the project's consistency with the Coastal Act. Please provide a copy of these comments to the Board of Port Commissioners for their July 7, 2009 hearing for the coastal development permit. Thank you for the opportunity to comment.

Sincerely,



Diana Lilly
Coastal Planner

cc: Deborah Lee
Sherilyn Sarb
Matthew Valerio
Irene McCormack