

## INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

To the Honorable Board of Commissioners of the San Diego Unified Port District:

We, the undersigned and qualified voters of the San Diego Unified Port District, hereby propose an initiative measure as set forth below to amend the Port Master Plan and to provide for the redevelopment of the Tenth Avenue Marine Terminal and surrounding area. We request that the proposed measure immediately be adopted by the Board of Port Commissioners without change, or that it be submitted to the voters of the San Diego Unified Port District at the earliest regular or special election for which this petition qualifies pursuant to the California Elections Code and other applicable laws.

The text of the proposed measure is set forth below and on subsequent pages.

### THE PORT OF SAN DIEGO MARINE FREIGHT PRESERVATION AND BAYFRONT REDEVELOPMENT INITIATIVE

The People of the San Diego Unified Port District do ordain as follows:

**Section 1. Title**

This initiative shall be known and may be cited as "The Port of San Diego Marine Freight Preservation and Bayfront Redevelopment Initiative."

**Section 2. Findings and Purposes**

The People of the San Diego Unified Port District find and declare:

A. **Summary of Measure.** The San Diego Bay tidelands under the jurisdiction of the San Diego Unified Port District constitute a unique and valuable resource for the citizens of our community. The approximately 100-acre Tenth Avenue Marine Terminal and the surrounding area are currently aging and underutilized, threatening the long-term survival of maritime freight activities. In order to preserve the marine freight facilities and related employment opportunities, as well as to maximize the commercial, recreational, environmental, and financial benefits of this property for residents, businesses, and visitors, this initiative amends the Port Master Plan to establish maritime freight as a priority use on the site, permits other uses that support marine freight activities, and establishes a framework for the redevelopment of this area through a cooperative partnership of public and private entities affected by the project.

B. **No New Taxes.** This initiative prohibits the use of any existing general tax revenues and the imposition of any new taxes upon the general public.

C. **Increase Public Access.** This initiative will significantly increase public access to the Port and to the San Diego bayfront for residents and visitors.

D. **Protect Environmental Quality, Promote Sustainable Design.** This initiative requires that redevelopment of the Tenth Avenue Marine Terminal will incorporate renewable and sustainable designs, will provide environmental safeguards, and will protect air and water quality.

E. **Create New Jobs and Tax Revenues.** The redevelopment project will create thousands of new jobs and generate millions of dollars in new tax revenues. The measure will encourage new investment in the modernization of marine freight facilities and the development of new marine freight business, and will provide new recreational and visitor-serving activities that will transform this underutilized site into a commercial and public attraction.

F. **Increase Parking and Improve Traffic Circulation.** The redevelopment project will add acres of new parking and will include improvements to the existing road and highway infrastructure, easing traffic congestion in the area. It will provide parking for the new activities at the Tenth Avenue Marine Terminal and provide additional parking for nearby activity centers such as the San Diego Convention Center.

G. Permit New Recreational and Cultural Attractions. Uses supportive of the priority marine freight operations may include, but would not be limited to, recreational and visitor-serving facilities. Supported uses under the measure could include an aquarium, a cruise ship terminal, parks and other open-space facilities -- including bike paths and pedestrian walkways -- an amphitheater or arena for large meetings, concerts and sports events, and other entertainment and visitor-serving accommodations such as hotels, restaurants, and specialty shopping areas.

H. Advance Port Safety and Security. The safety and security of the Port and its users will be a paramount consideration in the redevelopment of the Tenth Avenue Marine Terminal. The initiative mandates that the project be designed in consultation with federal, state, and local law enforcement authorities and that it comply with all applicable maritime security requirements.

### Section 3. Amendment of Port Master Plan

The Unified Port of San Diego Port Master Plan is hereby amended as described below. Added language is underscored; deleted language is in strikeout; no changes are made to language that is in regular typeface or is not set forth in the text below.

#### 1. Amendments to Section III, Master Plan Interpretation

a. Table 4, titled "Port Master Plan Land and Water Use Allocation Summary," found on page 12 of the Port Master Plan, is amended to add "Multi-Use Maritime District" as a distinct "Industrial" land use classification and to make the corresponding acreage adjustments in the land use allocation summary, as shown in the amended Table 4 attached hereto as Exhibit 1.

b. The "Master Plan Interpretation" subsection of the "Commercial Uses" section, found on page 17 of the Port Master Plan, is amended to read as follows:

Commercial areas, occupying approximately 360 acres of land and 415 acres of water, have been designated in the Land and Water Use Master Plan Map in a total of seven major land and water use classifications. These classifications and map delineations include land area for airport oriented commercial activities; land area for commercial fishery operations along with commercial fishing fleet berthing in water areas; land based commercial-recreation areas; water areas for sportfishing berthing and recreational marinas including boat repair facilities. Existing and proposed commercial areas are delineated on the Map to define the general location of commercial areas. More definitive delineations of the exact limits of commercial areas are provided on Planning District maps. Although not formally designated and delineated as a commercial area, the Tenth Avenue Marine Terminal Multi-Use Maritime District also permits and encourages commercial-recreational activities as supportive uses to the priority marine related industrial uses authorized for that area.

c. The "Master Plan Interpretation" subsection of the "Industrial Uses" section, found on page 23 of the Port Master Plan, is amended to read as follows:

Industrial areas have been designated on the overall Master Plan Land and Water Use Element Map in four classifications; land area for Marine Related Industry, and corresponding water areas for Specialized Berthing; land areas for Aviation Related Industrial activities; and land area for Industrial-Business Park development. Marine Terminals, as a distinct use classification, have been delineated in the Precise Plans; however, in the overall plan, terminals are grouped into the Marine Related Industry category. Similarly, the Tenth Avenue Marine Terminal Multi-Use Maritime District has been delineated as a distinct use classification in the Precise Plan for Planning District 4, but is included within the Marine Related Industry category in the overall plan. The Land and Water Use Element Map illustrates the allocation of industrial areas consisting of approximately 186 acres of water and 1,181 acres of land.

d. The "Marine Related Industry" subsection of the "Industrial Uses" section, found on pages 23-24 of the Port Master Plan, is amended to read as follows:

*Marine Related Industry* requires sites within close proximity to water bodies due to functional dependencies on the industrial activity for direct access or for linkages to waterborne products, processes, raw materials or large volumes of water. Prime waterfront industrial sites are in relatively short supply and it is the intent of this Plan to reserve these sites for Marine Related Industry.

The primary users of marine related industrial areas are dependent upon large ships, deep water and

specialized loading and unloading facilities, typically associated with shipbuilding and repair, processing plants and marine terminal operations. Industries linked to these primary industrial activities can be clustered together to capitalize on the benefits of reduced material handling costs, reduced onsite storage requirements, faster deliveries, and a reduction of industrial traffic on public roads.

Existing, established marine-oriented industrial areas that have been devoted to transportation, commerce, industry and manufacturing are encouraged to modernize and to construct necessary facilities within these established areas in order to minimize or eliminate the necessity for future dredging and filling in new areas. However, expansion into new areas can be accommodated if existing sites are pre-empted by other uses, alternative locations are infeasible, and a curtailment of the project would adversely affect the public welfare.

Activities suitable for the marine related industrial area include, but are not limited to, marine terminals; passenger terminals; railroad switching and spur tracks; cargo handling equipment such as bulkloader and container crane; berthing facilities; warehouses, silos, fueling facilities; bulk liquid storage tanks and pipelines; shipping offices and custom facilities; power generation plants; ship building, repair and conversion yards; marine rails, lifts and graving docks; steel fabrication and foundry; storage, repair and maintenance of marine machinery and construction equipment; kelp and seafood processing, canning and packaging; aquaculture; and marine related support and transportation facilities.

Although commercial mariculture uses relating to seafood production are not presently established on the bay, research and experimentation, which has been conducted in the region as well as on the bay, indicates that warm water stimulates the growth rate of certain marine organisms, such as shrimp and lobster. Assuming that economic viability of mariculture will be achieved, future sites for mariculture activities could be located within close proximity to the existing thermal discharge areas of power generation plants to take advantage of the available warm water. There seems to be some likelihood that future-aquaculture activities could be conducted in man-made tanks located in enclosed buildings and in converted salt ponds. Areas of the bay designated on the Master Plan Map as Estuary and Salt Ponds also include aquaculture and resource-dependent uses.

Due to the fact that public access to the bay is necessarily limited in established industrial sectors, it is the intent of this Plan that, whenever feasible, industrial land and water users are encouraged to invite the public to view their operations and to share with the public that shoreline area not actually used for industrial purposes by permitting visual access to the bay. The development and redevelopment of marine related industrial areas requires careful consideration involving a balancing of the peculiar needs of the development with the concurrent need for shoreline access.

The Tenth Avenue Marine Terminal Multi-Use Maritime District is included within the Marine Related Industry use classification in order to reflect the priority that must be given within that district to the preservation, modernization and expansion of marine-related industrial uses, including the existing marine freight and storage activities at and around the Tenth Avenue Marine Terminal. All uses that would otherwise be permitted in the Marine Related Industry land area classification are likewise permitted in the Multi-Use Maritime District. In addition, by authorizing the development of the air rights over the marine terminal facility and the adjacent grounds, the Multi-Use Maritime District also permits and supports a variety of public and commercial recreational uses that are compatible with the priority marine-related industrial activities. The Multi-Use Maritime District further contemplates the incorporation of an off-street parking facility to serve the existing marine terminal, any new public and commercial recreational activities, and other visitor-serving attractions in the area. The specific uses that are permitted and contemplated in the Tenth Avenue Marine Terminal Multi-Use Maritime District are detailed in the Precise Plan for Planning District 4.

e. The "Master Plan Interpretation" subsection of the "Public Recreation Uses" section, found on page 27 of the Port Master Plan, is amended to read as follows:

A growing population, greater discretionary incomes and more leisure time all contribute significantly to the increasing demand for both active and passive outdoor recreational opportunities. The public recreation opportunities developed on tidelands by the Port District along with the commercial recreation opportunities developed by private investment provide a balanced recreation resource for San Diego Bay. When thoughtfully planned, both public recreational developments and commercial recreational developments benefit from each other as off-site improvements, although as a matter of planning policy, commercial activities within public recreation areas will be limited. Recreational areas must be of the

appropriate type and size to be efficiently developed, administered and maintained by the Port District at a reasonable cost. This Plan places primary emphasis on the development of public facilities for marine oriented recreational activities for the purposes of fishing, boating, beach use, walking and driving for pleasure, nature observation, picnicking, children's playing, bicycling and viewing.

*Recreation Area/Open Space* is a category illustrated on the Land and Water Use Element Map to portray a wide array of active and passive recreational areas allocated around the bay. In addition to those areas specifically allocated and delineated for Public Recreation, public recreational uses are also permitted and encouraged in the Tenth Avenue Marine Terminal Multi-Use Maritime District. More specific information on public recreational areas is provided at the Planning District level under the following use categories.

## 2. Amendments to Section IV, Precise Plans

a. The Precise Plan for the Tenth Avenue Marine Terminal: Planning District 4, found in Section IV, pages 70-75, of the Port Master Plan, is amended to read as follows. Table 12 and Figures 13 and 14 therein are also amended to reflect the reclassification of the Tenth Avenue Marine Terminal and the adjacent grounds as the Tenth Avenue Multi-Use Maritime District, the renaming and redrawing of the planning district subarea boundaries, and the corresponding acreage adjustments that have been made in the land use allocation summary, as shown in the attached Exhibits 2, 3, and 4. No amendments are made to the subsections of the Precise Plan addressing the Belt Street Industrial and Harbor Drive Industrial Planning District Subareas.

### *TENTH AVENUE MARINE TERMINAL: Planning District 4*

#### *Introduction*

The Tenth Avenue Marine Terminal Planning District is a developed, marine-related industrial area of great importance to the region's economic base. ~~Currently over 50,000 jobs are provided on the tidelands and uplands of this industrial area. More important,~~ This is the only area in the entire San Diego region providing established waterfront industrial sites with railroad service, close freeway access, commercial port-related support functions, and deep water berthing. With a water depth alongside the berths ranging from 30 to 42 feet of 40 feet near the marine terminal and 35 feet in the industrial area, ~~the Tenth Avenue Marine Terminal can accommodate a wide array of maritime vessels all standard cargo ships.~~ Such deep water berthing cannot easily be created or replaced, so the value of this waterfront industrial land is inestimable.

In 2008, the voters enacted the Port of San Diego Marine Freight Preservation and Bayfront Redevelopment Initiative, adopting a comprehensive plan to create a multi-use maritime district that includes both modernized and improved industrial marine freight facilities and new commercial and public recreational opportunities at the Tenth Avenue Marine Terminal. The most important element of the redevelopment plan is its incorporation of a creative architectural and engineering design for the Tenth Avenue Marine Terminal that allows for the development of approximately 96 acres of air rights above the marine terminal and the adjacent grounds in order to accommodate port-related industrial and commercial uses, while simultaneously permitting new public recreational, cultural, and visitor-serving commercial uses.

~~Policies of the nearby Barrio Logan Community Plan and L.C.P. threaten the port-related tideland uses with encroachment of residential, public park and commercial uses in an area almost totally industrial. The basic incompatibility of these uses places more of a burden on the industrial uses to reduce potential environmental impacts. The Port Master Plan seeks to preserve and protect this unique coastal resource by limiting uses to strictly marine-oriented industrial ones.~~

#### *Precise Plan Concept*

The area adjacent to the Port tidelands has been zoned for manufacturing since the 1930's and older industrial activities now dominate. On the tidelands, the identifiable land use problems stem from a critical shortage of space into which existing port-related industries can expand and new marine-related industries can be accommodated, a need for more automobile parking areas, demands by upland residents for replacing port-related industrial sites with park use, and complications arising from efforts to clear and redevelop incompatible uses.

The Precise Plan, as modified by the Port of San Diego Marine Freight Preservation and Bayfront Redevelopment Initiative, continues the existing marine-oriented industrial uses and supports the development of available vacant lands with similar uses, in order to provide a homogeneous industrial climate with an assured, reasonable long-term growth potential creates new open space, recreational, cultural, and waterfront-related commercial opportunities. Preservation of the existing marine freight activities remains the highest priority for this Planning District through the implementation of policies that expand and improve marine freight facilities both to handle existing tenants and to attract additional activities and tenants, including new and expanded cruise ship activities. The Port of San Diego Marine Freight Preservation and Bayfront Redevelopment Initiative is also intended to be in compliance with the Goods Movement Action Plan, an initiative of the Schwarzenegger Administration to improve and expand California's goods movement industry and infrastructure in a manner that will generate jobs, increase mobility and relieve traffic congestion, improve air quality and protect public health, enhance public and port safety, and improve California's quality of life.

Infrastructure improvements are called for to facilitate the movement of vehicles entering and exiting the Terminal and to increase parking. Renewable and sustainable design measures will be implemented to reduce air, noise, and water pollution impacts at or related to the Terminal.

At the same time, the Marine Freight Preservation and Bayfront Redevelopment Initiative proposes to revitalize the Planning District by supporting substantial new public access opportunities and waterfront-dependent recreational and commercial uses for this area by authorizing the development of the air rights above the existing marine terminal facility and its adjacent grounds. A new public promenade will extend public access to the San Diego Bay. Other specific project components could include open-space and designated commercial recreational activities, new restaurants, lodging and retail shopping establishments, and cultural and entertainment facilities, such as a downtown aquarium or professional sports venue. Additional parking and transportation improvements will both facilitate access to the new commercial and recreational activities, as well as provide relief for other nearby activity centers, including the San Diego Convention Center.

#### *Land and Water Use Allocations*

The Planning District consists of approximately 250 257 acres of land and 114 acres of submerged land for an overall total of 364 371 acres. The thrust of the use allocations is to retain and continue marine related, water dependent industrial uses as the priority use for this Planning District, while simultaneously creating new supportive public access and commercial recreational opportunities in the Tenth Avenue Marine Terminal Multi-Use Maritime District planning subarea. Use allocations are listed in Table 12, graphically shown on the Precise Plan Map (Figure 13), and discussed in the text. The acreage allocations are approximate, and the figures are for illustrative purposes only and are subject to change. The land area acreage totals and allocations listed in Table 12 also do not include the additional acreage that is effectively created in the Multi-Use Maritime District by authorizing the development of the air rights over the Tenth Avenue Marine Terminal and adjacent grounds.

#### *Tenth Avenue Marine Terminal Planning District Subareas*

To facilitate description of the existing and proposed uses, the Planning District has been divided into planning subareas (see Figure 14).

#### Railroad Yard

This small planning subarea, to the north and east of the Tenth Avenue Multi-Use Maritime District and adjacent to the existing marine terminal facility, is restricted to marine-related industrial uses that are supportive of the Port's activities. The principal uses of this subarea are predominately heavy-rail related. For example, Burlington Northern Santa Fe Railway (BNSF) utilizes this area for passenger and freight car marshalling, storage, and right-of-way activities for freight trains serving the Port's two marine terminals.

Tenth Avenue Marine Terminal Multi-Use Maritime District

This subarea contains the various industries that relate to the marine terminal. As described in the April 2007 San Diego Unified Port District Maritime Business Plan Update submitted by TEC, Inc., the Tenth Avenue Marine Terminal ("TAMT") is an approximately 96-acre maritime cargo complex located near downtown San Diego, south of the Convention Center and north of the San Diego-Coronado Bay Bridge. Tenants at the TAMT, which opened in 1958, handle containerized and breakbulk fruit, dry bulk cargos including sand and cement, petroleum products, and various breakbulk and project cargos. TAMT presently has 8 operating berths totaling some 4,620 feet on three separate water fronts.

The Tenth Avenue Marine Terminal has roughly one million total square feet (sf) of warehouse space and transit sheds, which includes nearly 300,000 sf of refrigeration and cold storage facilities. The covered storage is used for newsprint, dry bulk cement, and breakbulk cargos requiring covered storage. The terminal offers dry bulk storage in a 32,900 metric ton storage complex consisting of 12 concrete silos and two large steel 'Butler' tanks. An open storage area, of roughly 1.3 acres, adjacent to the storage complex is used to store dry bulk sand. Additionally, dry bulk cargos were once stored in rail cars and the terminal has 8,536 linear feet (lf) of track (space for roughly 196 railcars) for this purpose.

The largest open storage area at TAMT is a 20.5 acre container facility for Dole Fresh Fruit Company. There are roughly 10 to 12 additional acres available at TAMT for open-air storage, most of which are fully occupied at one time or another. Open storage areas at TAMT are also used for temporary lay-down of cargo that is offloaded but not stored at the terminal.

There are two separate liquid bulk storage facilities on the terminal, one active and one inactive. The total storage capacity of the operating tanks is between 161,000 and 211,000 barrels (bbls). The tanks are used for storing jet fuel, diesel fuel, and fuel oil. The tanks on the inactive tank farm site are no longer useful, and Searles Valley Minerals Operations, Inc., which holds the lease on the storage complex, has an option to lease the land currently occupied by this inactive tank farm.

In accordance with the Port of San Diego Marine Freight Preservation and Bayfront Redevelopment Initiative, a modernized and expanded Tenth Avenue Marine Terminal facility will be the central component of the new Multi-Use Maritime District created by the Initiative, as shown on Figure 13. Redevelopment of the Tenth Avenue Marine Terminal shall give priority to the following marine-related industrial uses: preserving existing marine freight activities and employment; attracting new marine freight by modernizing or constructing new marine freight and storage facilities; developing a new cruise ship terminal to replace or supplement existing facilities; and implementing infrastructure improvements to ameliorate access to the terminal and the waterfront.

Priority shall also be given to the following uses in the Multi-Use Maritime District: creation of a new off-street parking facility to serve the marine terminal, the cruise ship terminal, and the nearby Convention Center; and establishing additional public recreational facilities, including pedestrian walkways, bicycle paths, parks and other open space adjacent to the waterfront.

In order to provide the revenues to support the implementation of these priority uses, as well as to allow the public to take full advantage of the waterfront and its benefits, the Multi-Use Maritime District also permits and encourages the development of the air rights above the marine terminal and its adjacent grounds for various visitor-serving commercial recreational supportive uses that are compatible with the priority uses designated for this area. Among the supportive uses contemplated for the Multi-Use Maritime District are: a downtown aquarium; an amphitheater, arena, or other venue for large meetings, concerts and sports events; hotels, restaurants, and specialty retail establishments to accommodate convention visitors and cruise ship passengers; and other entertainment, community, and commercial activities consistent with the maritime character of the area.

The intent of the redevelopment plan for the Multi-Use Maritime District is to retain flexibility for consideration of a wide array of development options consistent with the above principles. Although it is anticipated that the new public and commercial recreational supportive uses, as well as the additional parking facility, will be located primarily in the new development that is authorized for the air rights above the marine terminal facility and its adjacent grounds, the grade-level acreage need not be used exclusively for the existing marine related industrial activities, as long as those activities are still given priority in the overall design and allocation of acreage in the redeveloped district. The specific priority

and supportive uses selected for inclusion in the redevelopment project, and their respective locations, will be determined through a collaborative and consultative process that includes participation by public and private entities affected by redevelopment of the Tenth Avenue Marine Terminal, including existing and prospective port tenants, labor organizations, environmental and local community groups, business representatives, and visitor or convention groups.

It also is the location of a large amount of transportation-related uses such as streets and railroad switching yards. The Master Plan calls for continuing the marine-oriented industrial activities, including railroads. The Harbor Services maintenance yard will be removed and the remaining acreage in Planning District 4 will revert to Marine-Related Industrial Use.

The Tenth Avenue Marine Terminal, completed in 1958, is a paved landfill with concrete bulkheads and rubber or timber fenders along each berth face. There are 4,348 feet of lighted usable berthing space at the terminal, 387,528 square feet of cargo space in two transit sheds, and 475,000 square feet of storage space in one warehouse and ancillary sheds. Access to the terminal is from Harbor Drive onto a newly constructed entry road called Crosby Road. Railroad tracks provide access on Berths 3 through 8, all transit sheds, and the warehouses. Stevedore equipment is available as needed.

Berths 1 and 2, located on the north side of the complex, contain 1,118 feet of usable berthing space alongside a water depth of 30 feet MLLW. Fuel, water, and electricity are available. These berths are used not only for general trade items but also for cargoes of fish, molasses (in steel storage tanks having a 2,468,000-gallon capacity), and the receipt of petroleum products. Oil handling and oil bunkering storage tanks have a capacity of 165,000 barrels.

Berths 3, 4, 4A, 5 and 6, located on the west side of the terminal, provide 2,580 feet of usable berthing space at an alongside water depth of 36 feet MLLW. These berths are used for general cargo. A chemical fertilizer bulk storage and bagging plant occupies the north section shed adjacent to Berth 3.

Berths 7 and 8, located on the south side of the terminal, provide 650 feet of usable berthing space with an alongside water depth in some areas of 36 feet MLLW. Berths 7 and 8 are used primarily for the loading of bulk export cargoes utilizing the Port's bulkloader. This elevated conveyor system extends from a rail car unloading building which houses rail car bottom dump and rotary dump facilities. Also connected to the bulkloader is a 15,000 short ton bulk storage silo complex, completely automated, for the storage and handling of either grains or chemicals. It is provided with an inert gas explosion protection system. A bagging plant equipped with an under-track railroad car pit and two bagging machines is used for bagging chemicals and other commodities. In this vicinity, a second privately owned molasses handling and storage facility is located close to Berths 7 and 8.

Rail facilities serving the Tenth Avenue Marine Terminal will be expanded to meet current operation needs. The Santa Fe rail storage yard adjacent to the terminal is capable of storing a total of 285 rail cars, adequate to service the loading and unloading of shipments up to 18,000 tons per vessel. Depending on operational considerations, the Santa Fe Railroad utilizes storage yards in other locations to handle shipments up to at least 30,000 tons per vessel. The rail car capacities of these yards are: Carlsbad (100), Oceanside (120), Sorrento Valley (80), and National City (189). All transit sheds and warehouses at the Tenth Avenue Marine Terminal are served by rail spurs.

The present bulk loading facility was constructed in 1962. It consists of a rail car unloading building, 42-inch wide belt conveyors, a shiploader alongside the southeast face of the terminal, a rail car marshalling yard, and miscellaneous ancillary structures and equipment. Use of the bulkloader is still increasing. Waterfront cargo equipment such as this has a high maintenance factor; also, it appears likely that periodic modifications must be made to comply with changing air quality regulations.

Bulk cargo, particularly fertilizer and other chemicals, constitutes the largest export item of the Port of San Diego. In recent years, increasingly larger bulk vessels with drafts greater than 36 feet have made appearances at the port and there is every indication that the trend toward greater capacity in bulk vessels will continue. Similarly, greater depth will become necessary at some of the general cargo berths.

The Master Plan foresees continuation and intensification of the cargo operations at the Tenth Avenue Marine Terminal. Expansion of land area is not considered imminent but may be accommodated in the future by utilizing nearby leased parcels. Physical improvements to the terminal are detailed in the Project List.

### Crosby Street Corridor

To provide for public access to the waterfront, the development concept proposes to redivide a 5.4-acre site to facilitate the construction of a 3.2-acre public recreational area adjacent to the bay and a 2.2-acre deepwater channel-related industrial facility.

The public area will offer active and passive recreational opportunities in a landscaped setting. Proposed facilities may include a kiosk, entry arbor, restrooms, concession stand, benches, picnic tables and barbecues, lawn expanse, and a recreational pier. On-site parking for the area is proposed. The public area will be shielded from the adjacent industrial site by landscaping and a masonry wall, and from the street by landscaping and fencing.

The marine-related industrial portion of the site will be preserved to take advantage of adjacent deepwater access for a multi-purpose facility for repair, servicing, berthing, and cargo handling of fishing, commercial and military vessels. It is advantageous, for Navy security reasons, that this facility is north of the San Diego Coronado Bay Bridge; that it is available to the majority of deep draft vessels using the Bay's main channel; that the site has superior truck and rail access; and that it is well located with respect to a multitude of industrial and commercial support facilities in the near vicinity.

Among the facilities which may be provided for at the marine industrial site may be a pier to allow maritime servicing and repair. The pier may have boat fenders, fresh water, and security lighting. No marine railways or other devices to lift boats from the water are planned. Remedial dredging to minus 30 feet MLLW will allow adequate water depth for the above variety of uses, including ship repair.

Ship refitting and repair work will be performed while the boats are tied to the pier and all exterior work will be performed above the water line in accordance with the air and water quality standards. Support activities and on-site parking will be located on the land portion of the site. Space for storage of construction materials and equipment is provided in some buildings and on the land. Specific implementation proposals will be evaluated by the San Diego Air Pollution Control District, the San Diego Water Quality Control Board, and the San Diego Noise Abatement Office for compliance with all applicable regulations.

#### Section 4. Coastal Commission Certification

Upon the adoption of this measure, the amendment of the Unified Port of San Diego Port Master Plan set forth in Section 3 shall be submitted to the California Coastal Commission for certification in accordance with Chapter 8 of Division 20 of the California Public Resources Code (commencing with Section 30700). The Board of Port Commissioners is authorized and directed to take all actions necessary to secure the certification of the Port Master Plan amendment by the Coastal Commission, including making any revisions or alterations to the Port Master Plan amendment that may be required by the Coastal Commission in order to obtain certification, provided that any such revision or alteration must be consistent with the purposes and intent of this measure.

#### Section 5. Redevelopment Project for Tenth Avenue Marine Terminal

In order to implement the policies adopted in Section 3 of this measure, the Board of Port Commissioners of the San Diego Unified Port District, no later than 60 days after the effective date of this measure, shall enter into an Exclusive Negotiating Agreement (ENA) with a private development entity for the purpose of negotiating the terms and conditions of a comprehensive Master Cooperative Development Agreement for the redevelopment of the Tenth Avenue Marine Terminal Multi-Use Maritime District in accordance with the priority and supportive policies and uses set forth in the Port Master Plan, as amended by this measure. The ENA shall require that within 180 days of the execution of the ENA, unless that time period is further extended by the mutual agreement of both the Port District and the selected private development entity, the Port District and the selected private development entity shall prepare a redevelopment plan for the Tenth Avenue Marine Terminal Multi-Use Maritime District, including design themes, building footprints, elevations, location of parking facilities, vehicular and pedestrian access ways, and other factors fully descriptive of the proposed redevelopment project. The purpose of the ENA is to allow the Port District to work with the selected private development entity to finalize the terms of a Master Cooperative Development Agreement, conditional upon the Coastal Commission's certification of the Port Master Plan's amendment, that addresses, among other matters: (1) a specific site design and plan for the redevelopment of the Tenth Avenue Marine Terminal Multi-Use Maritime District, (2) the preparation and processing of the environmental documentation necessary for the redevelopment project, (3) a financing mechanism for the redevelopment project, and (4) the terms and conditions of an option and lease agreement with the selected private

development entity for redevelopment of the site.

A. Participation By Cooperative Agreements and Joint Development Agreements. In order to ensure that the concerns of marine freight tenants and employees are incorporated into the redevelopment plan and its implementation, the development entity selected by the Port District for the ENA and Master Cooperative Development Agreement shall have entered into cooperative agreements, joint development agreements, non-disclosure and non-circumvention agreements, or similar agreements with existing tenants of the Tenth Avenue Marine Terminal and with a labor organization or organizations representing a majority of the employees handling marine freight on the site. Prior to its entry into the ENA or Master Cooperative Development Agreement with the Port District, the development entity selected by the Port District shall also have offered to enter into cooperative agreements or joint development agreements with representatives of the other major tenants or establishments proposed for inclusion in the redevelopment plan.

B. Consultation and Public Participation. In addition to establishing cooperative agreements and joint development agreements as set forth above, in order to ensure, to the maximum extent feasible, that the concerns of entities affected by the redevelopment of the Tenth Avenue Marine Terminal have been incorporated into the proposed redevelopment plan, the private development entity selected by the Port District for the ENA and Master Cooperative Development Agreement shall demonstrate that it has consulted with and encouraged participation in the planning process by public and private entities affected by the proposed redevelopment plan, including but not limited to labor and environmental organizations, interested community groups and individuals, waterfront-related businesses and community-improvement organizations, and the San Diego Convention Center and the San Diego Sports Arena.

C. Preserving Maritime Security. In order to ensure the safety and security of the Port and its users, in preparing the redevelopment plan for the Tenth Avenue Marine Terminal Multi-Use Maritime District, the selected private development entity shall consult with the United States Coast Guard and other law enforcement agencies with jurisdiction over the facility. The Master Cooperative Development Agreement shall provide that the final redevelopment project must incorporate necessary and appropriate security measures and must comply with all applicable maritime security requirements.

D. Prohibition on Use of Existing General Fund Revenues. The Master Cooperative Development Agreement shall provide that redevelopment of the Tenth Avenue Marine Terminal shall be privately financed, without the use of any existing general fund or tax revenues of the Port or of any of the constituent Port Cities. However, any new incremental tax revenues generated by the implementation of the redevelopment activities may be dedicated to the implementation of the master plan.

#### **Section 6. Effective Date**

In accordance with California Elections Code section 9320, this initiative shall be considered as adopted upon the date that the vote is declared by the Board of Port Commissioners, and it shall go into effect ten (10) days thereafter. Upon the effective date of this initiative, the amendments made in Section Three are hereby inserted into the Unified Port of San Diego Port Master Plan, and all actions of the Board of Port Commissioners shall be consistent with the policies and provisions of this initiative.

#### **Section 7. Interim Amendments to Port Master Plan**

The Unified Port of San Diego Port Master Plan in effect at the time the Notice of Intention to propose this initiative measure was filed with the Port of San Diego constitutes an integrated, internally consistent and compatible statement of policies and implementation provisions for the Port of San Diego. In order to ensure that the Port Master Plan, as amended by the provisions of this initiative, remains an integrated, internally consistent, and compatible statement of policies and implementation provisions for the Port, the provisions adopted by this initiative shall prevail over any conflicting revisions to the Port Master Plan that may have been adopted or implemented between the date of the Notice of Intention and the date the amendments adopted by this initiative measure are inserted into the Port Master Plan. To this end, any conflicting revisions to the Port Master Plan adopted between the date of the Notice of Intention and the date the amendments adopted by this initiative measure are inserted into the Port Master Plan shall be null and void in their entirety and without any legal effect.

**Section 8. Construction**

To the maximum extent authorized by law, this initiative shall be interpreted in a manner consistent with the right of initiative reserved to the people by the California Constitution. Without limiting the generality of the foregoing, nothing in this initiative is intended to diminish or otherwise alter applicable requirements of any state or federal law.

**Section 9. Severability**

This initiative shall be liberally and broadly construed to achieve the purposes stated in the initiative. If any provision or portion of this initiative is for any reason declared to be invalid by a court, the remaining provisions and portions shall be deemed severable and shall nonetheless remain in full force and be given full effect to the extent that they can be made applicable, and the People hereby direct and authorize the court to correct, interpret, and add words to this initiative as necessary to effectuate the intent of the remaining provisions or portions of this initiative.

**Section 10. Enforcement**

A. This initiative is intended to impose a mandatory duty upon the Board of Port Commissioners of the San Diego Unified Port District to redevelop the Tenth Avenue Marine Terminal Multi-Use Maritime District in accordance with the terms and conditions of this initiative and applicable state law. To that end, the duties imposed upon the Board of Port Commissioners pursuant to Sections 4 and 5 herein shall be enforceable by an action for writ of mandate filed in the Superior Court of the County of San Diego by any qualified elector of the Port District or by any other aggrieved party.

B. Time is of the essence in the implementation of this initiative. Unless specifically enjoined from proceeding with the implementation of this initiative by a court of competent jurisdiction, the Board of Port Commissioners shall comply with the terms and conditions of this initiative notwithstanding any threatened or existing legal challenge to the validity of this initiative or to any portion thereof.

**Section 11. Conflict with Other Measures**

If a conflict exists between this initiative and any other measure approved by the voters at the same election, the provisions of this initiative shall take effect except to the extent that they are in direct conflict with the provisions of such other measure and the other measure receives a greater number of affirmative votes.

**Section 12. Corrections and Implementing Actions**

The Board of Port Commissioners of the Unified Port of San Diego is hereby directed to reprint the Port Master Plan and all corresponding figures and tables to reflect the adoption of this initiative. The Board is hereby authorized and directed to make any corrections in the language, pagination, paragraph numbering, tables, maps, figures and other aspects of the Port Master Plan as may be necessary to ensure that the Port Master Plan, as amended by this initiative, accurately and completely reflects the amendments adopted by this initiative. The Board is further authorized and directed to take any and all actions that may be deemed necessary to implement and give effect to the amendments of the Port Master Plan adopted by this initiative, including such actions as may be necessary to provide consistency between these amendments and other Port planning documents. Notwithstanding Section 13 of this initiative, the Board of Port Commissioners is specifically authorized to amend the Port Master Plan by updating the Project List for the Tenth Avenue Marine Terminal Planning District 4 (Table 13) to incorporate therein the specific redevelopment projects selected for the Tenth Avenue Marine Terminal Multi-Use Maritime District and to make any other Port Master Plan amendments necessary to implement the Master Cooperative Development Agreement adopted pursuant to Section 5 of this initiative.

**Section 13. Amendment**

Except as provided in Section 12 herein, this initiative may be amended only by a vote of the people at a regular or special election held in accordance with the requirements of the California Elections Code.

EXHIBIT 1

TABLE 4: Port Master Plan Land and Water Use Allocation Summary

LAND USE	ACRES	WATER USE	ACRES	TOTAL ACRES	% of TOTAL
<b>COMMERCIAL</b> .....	<b>373.5</b>	<b>COMMERCIAL</b> .....	<b>383.0</b>	<b>756.5</b>	<b>14%</b>
Marine Sales and Services.....	18.8	Marine Services Berthing.....	17.7		
Airport Related Commercial.....	88.0				
Commercial Fishing.....	8.3	Comm Fishing Berthing.....	18.8		
Commercial Recreation.....	304.1	Reg Boat Berthing.....	335.4		
Sportfishing.....	4.3	Sportfishing Berthing.....	11.1		
<b>INDUSTRIAL</b> .....	<b>1206.4</b>	<b>INDUSTRIAL</b> .....	<b>217.7</b>	<b>1424.1</b>	<b>26%</b>
Aviation Related Industrial.....	152.9	Specialized Berthing.....	170.5		
Industrial Business Park.....	113.7	Terminal Berthing.....	47.2		
Marine Related Industrial.....	<del>822.4</del> 284.8				
Marine Terminal.....	449.6				
Multi-Use Maritime District.....	<del>96.0</del> 90.9				
International Airport.....	488.1				
<b>PUBLIC RECREATION</b> .....	<b>280.5</b>	<b>PUBLIC RECREATION</b> .....	<b>681.0</b>	<b>961.5</b>	<b>18%</b>
Open Space.....	19.0	Open Bay/Water.....	681.0		
Park/Plaza.....	146.4				
Golf Course.....	97.8				
Promenade.....	17.3				
<b>CONSERVATION</b> .....	<b>399.2</b>	<b>CONSERVATION</b> .....	<b>1058.8</b>	<b>1457.8</b>	<b>27%</b>
Wetlands.....	304.9	Estuary.....	1058.8		
Habitat Replacement.....	94.3				
<b>PUBLIC FACILITIES</b> .....	<b>222.9</b>	<b>PUBLIC FACILITIES</b> .....	<b>394.3</b>	<b>617.2</b>	<b>12%</b>
Harbor Services.....	2.7	Harbor Services.....	10.5		
City Pump Station.....	0.4	Boat Navigation Corridor.....	284.6		
Streets.....	219.8	Boat Anchorage.....	25.0		
		Ship Navigation Corridor.....	50.0		
		Ship Anchorage.....	24.2		
<b>MILITARY</b> .....	<b>25.9</b>	<b>MILITARY</b> .....	<b>125.6</b>	<b>151.5</b>	<b>3%</b>
Navy Fleet School.....	25.9	Navy Small Craft Berthing.....	6.2		
		Navy Ship Berthing.....	119.4		
<b>TOTAL LAND AREA</b> .....	<b>2508.4</b>	<b>TOTAL WATER AREA</b> .....	<b>2860.2</b>		
<b>MASTER PLAN LAND AND WATER ACREAGE TOTAL</b> .....				<b>5368.6</b>	<b>100%</b>

EXHIBIT 2

TABLE 12: Precise Plan Land and Water Use Allocation  
TENTH AVENUE MARINE TERMINAL - PLANNING DISTRICT 4

LAND USE	ACRES	WATER USE	ACRES	TOTAL ACRES	% of TOTAL
INDUSTRIAL.....	228.7	INDUSTRIAL.....	113.9	342.6	94%
Marine Terminal.....	58.7	Terminal Berthing.....	15.3		
Marine Related Industrial.....	132.7	Specialized Berthing.....	98.6		
<u>Multi-Use Maritime District.....</u>	<u>68.0</u>				
PUBLIC RECREATION.....	3.5			3.5	1%
Park/Plaza.....	3.5				
PUBLIC FACILITIES.....	17.6			17.6	5%
Streets.....	17.6				
TOTAL LAND AREA.....	249.8	TOTAL WATER AREA .....	113.9		
PRECISE PLAN LAND AND WATER ACREAGE TOTAL.....				363.7	100%



