



August 24, 2026

San Diego Unified Port District, Development Services Department
Attn: Megan Hamilton
3165 Pacific Hwy
San Diego, CA 92101

Submitted via email to mhamilton@portofsandiego.org.

**Re: Comments – Draft Environmental Impact Report for East Harbor Island
Redevelopment/Topgolf and Waterfront Park Project (UPD #EIR 2023-134)**

Dear Ms. Hamilton,

On behalf of San Diego Coastkeeper ("Coastkeeper"), please accept the following comments on the Draft Environmental Impact Report ("DEIR") for the East Harbor Island Redevelopment/Topgolf Project (UPD #EIR 2023-134) ("Project").

San Diego Coastkeeper works to protect and restore the waters of the San Diego region through water quality monitoring, advocacy, education, community engagement, and enforcement.

As trustee of the Project site's tidelands, the San Diego Unified Port District ("Port District") has a civic duty to uphold the public trust doctrine and the California Coastal Act ("Coastal Act"), and to ensure that the public's interest in these lands is protected over private and other localized interests.¹

The Project proposes the redevelopment of approximately 22.4 of 38 acres on East Harbor Island, which consist of public trust tidelands granted by the State to the Port District and subject to the Coastal Act and public trust doctrine. The Topgolf attraction ("Topgolf") would consume 9.8 acres, including a three-story, 46-foot-high building with 108 hitting bays and 4.5 acres of artificial turf enclosed by netting up to 170 feet high (DEIR Fig. 2-2). Topgolf is antithetical to the core purposes of the public trust doctrine and Coastal Act regimes: it is not water-related and could easily function on inland uplands; it would wall off public access to the Bay rather than enhance it; and it introduces environmental risks the DEIR fails to justify.

For the reasons discussed below, Coastkeeper strongly recommends that the Port District reject the proposed Topgolf project and instead select a less damaging alternative, such as the All Park Alternative or the Other Visitor-Serving Commercial Use Alternative, as the preferred project. We further request that the Final EIR include a more robust environmental impact and mitigation analysis addressing the deficiencies identified in these comments.

¹ See *City of Long Beach v. Morse* (1947) 31 Cal.2d 254, 257; Pub. Resources Code, § 6009, subd. (d).

I. Legal Framework

The public trust doctrine creates a duty for the State to protect coastal lands and waters for preservation and public uses, including navigation, fishing, boating, habitat protection, and other water-oriented activities.² Modern courts have emphasized that one of the most important public uses is “the preservation of [tidelands] *in their natural state* so that they may serve as ecological units for scientific study, as open space, and as environments which provide food and habitat for birds and marine life, and which favorably affect the scenery and climate of the area.”³

The test for what constitutes an appropriate public trust use is deliberately flexible, allowing it to evolve with changing public needs— but that flexibility cannot be stretched to excuse a project that fails to meet even the basic standards the public trust doctrine imposes.⁴ Indeed, in recent years the Coastal Commission has denied proposals within the same vicinity as the current Project area for failing to provide low-cost visitor accommodations, recognizing that such development effectively excludes the public unable to afford it.⁵ Courts have not hesitated to enforce these standards. In *San Diego Unified Port Dist. v. California Coastal Comm'n*, 27 Cal.App.5th 1111 (2018), the Fourth District Court of Appeal upheld denial of a port master plan amendment where the Commission found it failed to further the Act's public access policies and lacked the specificity required for low-cost visitor facilities.

Where Coastal Act policies conflict, they must be resolved in the manner most protective of coastal resources.⁶ The Port Master Plan reinforces this priority, directing the Port District to favor statewide and public benefits over local and private ones.⁷ That principle is squarely at issue here: **where development poses a substantial risk of irreversible environmental harm, less damaging alternatives should be favored and any impacts mitigated to the maximum extent feasible.** As discussed below, both the gaps in the DEIR and the substantive conflicts in the Project should be resolved under this standard.

II. The Project is Inconsistent with the Public Trust Doctrine and Coastal Act

A. Topgolf is Not a Public Trust-Consistent Use

² See California State Lands Commission, Public Trust homepage, <https://www.slc.ca.gov/public-trust/>; see also *Nat'l Audubon Soc'ty v. Superior Court of Alpine County*, 658 P.2d 709, 724 (Cal. 1983); *Marks v. Whitney*, 6 Cal. 3d 251, 260 (1971).

³ See *Marks v. Whitney*, 6 Cal. 3d 251, 259–60 (1971) (emphasis added).

⁴ The Coastal Act “shall be liberally construed to accomplish its purposes and objectives and any exception to the statute's main purpose must be strictly construed.” *San Diego Unified Port Dist.*, 27 Cal.App.5th at 1129–30 (citing Pub. Res. Code § 30009; *Burke v. California Coastal Comm'n* (2008) 168 Cal.App.4th 1098, 1108).

⁵ See *San Diego Unified Port Dist. v. California Coastal Comm'n*, 27 Cal.App.5th 1111 (2018) (upholding the Coastal Commission's decision to deny the Port District's PMPA for a proposed hotel on East Harbor Island for failing to meet public trust doctrine's low-cost visitor accommodation requirements; see also Cal. Coastal Comm'n, Staff Recommendation on San Diego Unified Port District Port Master Plan Amendment No. 39 (Woodfin Suites Timeshare/Hotel) (Dec. 21, 2007) (finding that a proposed private timeshare project on Harbor Island's public tidelands violated the public trust doctrine by restricting general public shoreline access).

⁶ Cal. Coastal Act § 30007.5.

⁷ Port Master Plan Planning Goal IV.

Topgolf is a golf-entertainment, hitting-bay facility with no relationship to the coast, shoreline, or water-oriented recreation, and is not a unique or place-based coastal amenity. Comparable multi-story hitting-bay facilities already exist or are planned elsewhere in the region, including in Sierra Mesa and a planned Topgolf conversion of an existing driving range in Sorrento Valley – neither with any coastal connection. A generic, replicable use unrelated to the coast does not "enhance public opportunities for coastal recreation" within the meaning of Section 30222 of the Coastal Act.

The PMPU's own framework supports this contention. The Water and Land Use Element requires the Port to identify each use's functional dependency on the water consistent with the Coastal Act (WLU Objective 1.2) and to balance the Port District's Port Act responsibilities against its Coastal Act priorities. "Golf course" is listed as an allowable Recreation use, but it is classified as neither coastal-dependent nor coastal-related. Its only asserted basis, "coastal-enhancement," is not a recognized Coastal Act category. Coastkeeper does not agree that golf courses should be listed as an allowable recreational use in the PMPU at all, and in any event the Project falls outside even that flawed category. The PMPU defines "golf course" as "the grounds where the game of golf is played,"⁸ while the DEIR itself describes the Topgolf project as an "entertainment complex." That discrepancy is compounded by the fact that the future redevelopment of adjacent parcels, following the land-use designation change from Industrial Business Park to Commercial Recreation, remains unknown.

The Project fails to meet low-cost visitor-serving requirements. Golf is a notoriously expensive and exclusionary activity, with comparable Topgolf facility rates of up to \$82/hour.⁹ This does not meet San Diego's documented demand for low-cost, open-space recreation in coastal areas.¹⁰ That the surrounding waterfront park and promenade will remain free to the public does not offset this deficiency, because Topgolf itself (the use actually occupying the fenced tidelands) is what the public trust doctrine's low-cost standard evaluates.¹¹

The Project fails the "test" for an appropriate public use on its face: fencing off 4.5 acres of

⁸ PMPU at 393.

⁹ See <https://topgolf.com/us/el-segundo/>.

¹⁰ See City of San Diego, Parks Master Plan Survey Results (2018), available at <https://www.sandiego.gov/sites/default/files/6-parks-master-plan-community-survey-report.pdf> (finding that citywide, "Beaches and Shoreline Parks" ranked as the highest priority recreation-facility investment, and that residents "strongly agreed that parks improve physical health and fitness and preserve open space and the environment").

¹¹ See Cal. Coastal Comm'n, Staff Recommendation on San Diego Unified Port District Port Master Plan Amendment No. 39 (Woodfin Suites Timeshare/Hotel) at 2 (Dec. 21, 2007) (where Commission Staff rejected the argument that a required grant of two transient boat slips could offset the public trust deficiencies of a proposed timeshare/hotel on Harbor Island. Although the slips would provide a positive benefit and recreational amenity for cruising tourists, Staff explained that "the provisions of a transient guest slip cannot in itself mitigate for the loss of land specifically reserved for landside lower-cost visitor and recreational facilities."

waterfront tidelands held in trust for the people of California serves no preservation, ecological, or public-access function.

B. The Project Violates Multiple Coastal Act Policies

The Project is in tension with numerous Coastal Act policies, including but not limited to:

- **Coastal Act § 30210.** “Maximum access ... and recreational opportunities shall be provided for all the people consistent with ... the need to protect public rights, rights of private property owners, and natural resource areas from overuse.” By fencing off 4.5 acres of tidelands for a private, fee-based driving range, the Project restricts rather than maximizes public access and recreational opportunity.
- **Coastal Act § 30211.** “Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization.” The netting, poles, and enclosed outfield physically block public access to and views of the Bay along this stretch of shoreline.
- **Coastal Act § 30220.** Coastal areas suited for water-oriented recreational activities¹² shall be protected for such uses. A driving range is neither coastal-dependent nor coastal-oriented.
- **Coastal Act § 3022.** Oceanfront land suitable for recreational use must be protected for such use; the Act's broader policies favor lower-cost, publicly accessible facilities over private commercial ones. Topgolf displaces waterfront acreage that could otherwise serve broader, lower-cost public recreation.
- **Coastal Act § 30222.** “The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.” Topgolf is not water-related and could function equally well on inland uplands; it walls off public access to the Bay rather than enhance it; and introduces environmental risks.
- **Coastal Act § 30213.** Lower-cost visitor and recreational opportunities must be protected and encouraged. While the waterfront park and promenade offer free access, Topgolf itself – at up to \$82/hour – is not a low-cost facility and does not offset this loss.

¹² This includes coastal areas suited for both contact and non-contact water recreation (activities involving proximity to water where ingestion of water is reasonably possible, such as picnicking, sunbathing, hiking, beachcombing, camping, boating, tidepool and marine life study, hunting, sightseeing, or aesthetic enjoyment in conjunction with the above activities). Water Quality Control Plan for the San Diego Basin (San Diego Basin Plan) at p.2-8.

- **Coastal Act § 30251.** Scenic and visual coastal resources must be protected; development must be sited to protect ocean views and remain visually compatible with the surrounding area. We do not agree the Project enhances visual character; 170-foot netting enclosing prime waterfront tidelands does the opposite.

C. The Project Conflicts with State and Coastal Environmental Justice Commitments

Implementation of the Coastal Act has been successful in preserving coastal access for some, but not all, Californians. Particularly with respect to ports, decision-making has historically tilted toward accommodating growing port footprints to the detriment of the health and well-being of port-adjacent communities.¹³ However, recent developments, including the California Coastal Commission's 2019 Environmental Justice ("EJ") Policy, offer real potential for course correction for coastal development decision-making.

Broadly, the EJ Policy commits the Commission to advancing "equitable access to clean, healthy, and accessible coastal environments" for communities that have been historically and disproportionately overburdened by pollution or with natural resources that have been subjected to permanent damage for the benefit of wealthier communities.¹⁴ Article X of the California Constitution guarantees the right of access to navigable waters for all people, and the Coastal Act's mandate to provide maximum access and lower-cost visitor and recreational opportunities embodies these same environmental justice principles.

As the Commission has recognized, "even nominal costs can be barriers to access," and converting trust tidelands to a high-cost commercial use contributes to increased coastal inequality.¹⁵ Indeed, the policy emphasizes that "not only is equitable access to the coast for all Californians essential, so is protecting coastal natural resources for future generations."¹⁶

Many people come to the coast for free outdoor recreation and fresh air; for them, the coast is an accessible refuge from neighborhoods, many of which are lacking parks and greenspace.¹⁷ Yet, as the Commission notes, a "startling lack of diversity" persists among those who live on the California coast, even as millions of inland residents visit and work there daily "without the means to access affordable accommodations."¹⁸ A 2025-2026 assessment by the San Diego Natural History Museum confirms this dynamic locally.¹⁹ Based on input from over 500 County residents, participants consistently cited parking and entrance fees as a key barrier to local nature

¹³ Heather Kryczka et. al., New Steps Toward Environmental Justice: The California Coastal Act and Environmental Justice Near Ports, 50 Sw. L. Rev. 463 (2022).

¹⁴ Cal. Coastal Comm'n Env't Just. Pol'y (Mar. 8, 2019), https://documents.coastal.ca.gov/assets/env-justice/CCC_EJ_Policy_FINAL.pdf.

¹⁵ *Id.*

¹⁶ *Id.*, citing Government Code 11135, the state analog to the federal Civil Rights Act of 1964.

¹⁷ See City Parks Master Plan survey.

¹⁸ *Id.*

¹⁹ See Healing Through Nature Needs Assessment Summary for the San Diego Natural History Museum (November 2025) available at <https://www.sdnhm.org/e-brochures/Anchoring-Healing-Through-Nature/The-Nat-Healing-Through-Nature-Report/>.

and outdoor spaces, while organization leaders pointed to unequal investment in safe, accessible nature spaces across the region.

The EJ Policy asks decision-makers to consider that “[t]aking an *environmental justice approach to coastal policy requires a fundamental rethinking of who is connected to the coast, and how.*” Who, then, does Topgolf connect to the San Diego Bayfront – particularly when layered onto the cumulative impacts of the broader East Harbor Island Redevelopment? A facility priced at up to \$82/hour, occupying trust tidelands that would otherwise remain open and low-cost, sits squarely in tension with these commitments to equitable, community-informed access to the coast.

III. Project-Specific Environmental Impact Concerns

As an initial matter, we’d like to flag that many of the concerns raised in Coastkeeper’s CEQA Scoping comments have not been adequately addressed in the DEIR. As discussed in more detail in Section IV below, Coastkeeper believes the DEIR is inadequate and should be revised to properly address public comments per CEQA requirements.

A. Hydrology/Water Quality

Construction-Related Sediment and Turbidity Impacts

Coastkeeper’s prior comments on the Initial Study identified specific water quality harm mechanisms associated with Project construction, including sediment-related abrasion of aquatic organism membranes, interference with respiration and sensory perception, reduced photosynthesis and survival of aquatic flora, and formation of anaerobic conditions harmful to benthic organisms. The DEIR’s response consists only of generic references to Best Management Practices (BMPs) – unspecified erosion and sediment controls, practices to minimize contact of construction materials with stormwater, and installation of a turbidity curtain (DEIR 3.8-15) – without numeric water quality performance standards, monitoring protocols, or thresholds tied to the specific impacts we identified. Notably, a turbidity curtain only physically contains suspended sediment within a barrier; it does not reduce or treat the sediment generated, meaning the harms to aquatic organisms and marine habitat identified above could still occur within the Project area.²⁰ We request that the Final EIR provide a substantive, quantified assessment of these impacts rather than relying on generalized BMP categories.

The Project’s Location on an Already-Impaired Water Body

These construction and operational impacts are especially significant because the Project site drains directly into San Diego Bay through two proposed reinforced concrete pipes (48-inch and 42-inch), and San Diego Bay is already listed as an impaired water body under the U.S. EPA’s

²⁰ San Diego Basin Plan at 3-31.

Clean Water Act Section 303(d) list.²¹ The DEIR itself acknowledges that Project operations "would introduce potential pollutants, such as chemicals from household cleaners, pathogens from pet waste, nutrients from fertilizers, pesticides and sediments from landscaping, trash and debris, and oil and grease from vehicles," which could discharge into surface waters and degrade water quality (DEIR 3.8-14). This fails to account for numerous additional pollutants which threaten the water quality of San Diego Bay, as discussed in further detail below. Accordingly, the Project would increase discharges of identified pollutants to an already-impaired water body – **a direct and unmitigated water quality impact that calls into question the suitability of this site for the proposed use.**

Artificial Turf: PFAS, Microplastics, and Heat-Related Chemical Leaching

Coastkeeper's NOP comments identified specific and significant water quality concerns associated with the Project's 4.5 acres of artificial turf, including the release of lead, per- and polyfluoroalkyl substances (the "forever chemicals" known as PFAS), and microplastics.²² Some of these microplastics are carcinogens, neurotoxins, and/or endocrine disruptors, posing serious health impacts to humans and wildlife alike.²³ The DEIR's technical appendices acknowledge these dangers but the proposed mitigation measures do not adequately account for them. The only mitigation measure identified is that the turf's polyester netting "would be designed with no holes to allow for 100 percent horizontal drainage directed into a new storm drain system" (DEIR 3.8-14). This design does not address the underlying source of contamination: synthetic turf fibers, made of polyethylene and polypropylene, continuously shed through UV exposure, weathering, and foot traffic regardless of how effectively runoff is channeled.²⁴ Heavy storms can also cause water to bypass the drainage system entirely by flowing over the surrounding area's edges, and there are currently no cost-effective methods to remove PFAS or capture microplastics and nanoplastics from stormwater before discharge. The DEIR does not identify any mitigation measure capable of addressing this gap, for either routine runoff or catastrophic runoff following inundation or a seismic event.

The DEIR also fails to address the potential for the Project's barrier netting system to shed

²¹ 2024 California Integrated Report, available at

https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/2024-integrated-report.html.

²² Shreya Agrawal, *Once it was hailed as a drought fix — but now California's moving to restrict synthetic turf over health concerns*, Cal Matters, Oct. 18, 2023, <https://calmatters.org/environment/2023/10/california-synthetic-turf-pfas/> (updated Oct. 23, 2023).

²³ Murphy M, Warner GR. Health impacts of artificial turf: Toxicity studies, challenges, and future directions. *Environ Pollut*. 2022 Oct 1;310:119841. doi: 10.1016/j.envpol.2022.119841. Epub 2022 Aug 7. PMID: 35948114; PMCID: PMC10262297.

²⁴ William P. de Haan, Rocío Quintana, César Vilas, Andrés Cózar, Miquel Canals, Oriol Uviedo, Anna Sanchez-Vidal, *The dark side of artificial greening: Plastic turfs as widespread pollutants of aquatic environments*, *Environmental Pollution*, Volume 334, 2023, 122094, ISSN 0269-7491, <https://doi.org/10.1016/j.envpol.2023.122094>.

microplastics into San Diego Bay. Polyester netting release tiny microplastic fragments as it breaks down through outdoor exposure, and 24/7 exposure to salt air, UV rays, and humidity can also accelerate breakdown of the material, increasing the need and frequency of repair and replacement of the polyester netting.²⁵ Given the netting system's substantial surface area and its direct proximity to the Bay, this represents an additional, unaddressed pathway for microplastic pollution into an already-impaired water body.

Another omission is an analysis on the compounding effect of heat. Research by the National Toxicology Program shows that high heat causes chemicals to leach from the crumb rubber base of synthetic turf, exacerbating its chemical pollutant impact.²⁶ The DEIR's own appendices acknowledge that synthetic turf is one of the hottest possible surface materials and that this effect will worsen with climate change. These leached chemicals are known to cause cell death in humans.²⁷ The DEIR states that "the DEIR must assess the impacts of the chemical and heat pollution caused by the completed project and identify mitigation measures to minimize these impacts," yet no such assessment appears anywhere in the document.

Therefore, the final EIR must: (1) evaluate the potential for the Project's polyester netting system to shed microplastics into the San Diego Bay over its operational lifetime, given accelerated degradation from coastal weathering conditions; (2) identify a maintenance and replacement protocol for degraded netting; and (3) provide an impact assessment of toxic waste generated from chemical and heat pollution.

Impacts to Aquaculture

The DEIR fails to evaluate the environmental and public health impacts that Topgolf would have on the Port's adjacent aquaculture project, which run afoul to its own PMPU policies. PMPU Eco Policy 2.1.4 encourages aquaculture in tidelands areas using sustainable practices that do not degrade surrounding natural resources.²⁸ Artificial turf and driving-range operations carry a meaningful risk of microplastic shedding, and increased runoff during heavy rain events can transport that pollution into nearby aquatic systems, including aquaculture farms for shellfish, filter-feeding organisms which bioaccumulate toxins. Because contaminated farmed species directly implicate food safety and human health, the DEIR must evaluate the potential for plastic pollution and runoff to affect the aquaculture operation, and identify feasible mitigation.

²⁵ *Id.*

²⁶ National Toxicology Program, Synthetic Turf/Recycled Tire Crumb Rubber Research Overview, <https://ntp.niehs.nih.gov/whatwestudy/topics/syntheticiturf> (last updated Dec. 1, 2023).

²⁷ National Toxicology Program, Synthetic Turf/Recycled Tire Crumb Rubber Research Overview, <https://ntp.niehs.nih.gov/whatwestudy/topics/syntheticiturf> (last updated Dec. 1, 2023).

²⁸ PMPU Eco Policy 2.1.4.

Golf Balls as an Unpermitted Discharge

The DEIR fails to identify any mitigation measures addressing the potential for golf balls to pass through gaps in the netting, or clear it entirely, and enter the Bay. Errant balls entering the Bay would constitute a direct discharge in violation of the Clean Water Act absent a permit. This also presents an independent water quality and wildlife hazard, as golf balls disintegrate into microplastic particles over time and release heavy metals as they decompose.²⁹ The Final EIR should include a golf ball retrieval and clean-up protocol, with defined timelines, for balls that enter the Bay.

Downstream and Food-Chain Effects on Bay Wildlife

The consequences of this unmitigated plastic and chemical pollution extend directly into the Bay's marine and estuarine habitat. The planet is already choking from a plastics crisis. Plastics persist in the environment for hundreds of years, absorbing and releasing toxic chemicals as they slowly degrade. Microplastic is in our air, agricultural soil, drinking water, salt,³⁰ beer, fish we eat and agricultural soil. Ingestion of turf fiber and netting fragments by filter feeders and other aquatic life is a particular concern; researchers have documented that swallowed plastic fragments can block digestive tracts and reduce growth and reproduction in marine organisms. These impacts are especially significant given the presence of the endangered East Pacific green turtle³¹ in and around the Project area, as well as the presence of other endangered species like the southern California steelhead in nearby lagoons and estuaries hydrologically connected to San Diego Bay.³² More broadly, microplastics and their associated toxic chemicals bioaccumulate up the food chain and are now documented in human blood, muscle, and organ tissue.³³ Over one-fourth of fish sampled from California and Indonesian markets have been found to contain microplastics.³⁴ The DEIR has not adequately assessed the cumulative effect of adding multiple acres of plastic turf and netting, along with thousands of plastic golf balls, directly on the San Diego Bayfront – adjacent to a working saltworks facility and active recreational and commercial fisheries.

Drainage Impact Assessment Gaps

Coastkeeper's previous comments regarding the Project's alteration of the existing landscape and hydrology have also not been adequately addressed. The DEIR states that water quality-related

²⁹ Bantock, Jack. “‘billions’ of Golf Balls Are Lost Every Year. Where Do They End Up?” *CNN*, Cable News Network, 19 Sept. 2024, www.cnn.com/sport/lost-golf-balls-environment-spt-spc.

³⁰ Karami, A., Golieskardi, A., Keong Choo, C. *et al.* The presence of microplastics in commercial salts from different countries. *Sci Rep* 7, 46173 (2017), <https://doi.org/10.1038/srep46173>.

³¹ NOAA Fisheries. (2024, May 1). *Green Turtle Research and conservation in Southern California*. <https://www.fisheries.noaa.gov/west-coast/science-data/green-turtle-research-and-conservation-southern-california>

³² *Southern steelhead*. California Trout. (2020, February 3). <https://caltrout.org/sos/species-accounts/steelhead/southern-steelhead/>

³³ Rochman, C., Tahir, A., Williams, S. *et al.* Anthropogenic debris in seafood: Plastic debris and fibers from textiles in fish and bivalves sold for human consumption. *Sci Rep* 5, 14340 (2015, <https://doi.org/10.1038/srep14340>).

³⁴ *Id.*

indirect impacts to wildlife would be "potentially significant" only "in the absence of measures that would avoid water quality degradation," but never identifies what those measures are, nor does it assess what specific drainage impacts could occur (DEIR 3.3-38). The DEIR asserts that the waterfront park component would not alter existing drainage patterns, but provides no comparable analysis for the Topgolf building, adjacent parking lot, or the Liberator Way roadway realignment – the components most likely to affect site drainage. Further, although the NOP identified the need for a Drainage Memorandum with further analysis in the EIR, the DEIR neither references nor summarizes any such memorandum (EIS Checklist at 34). Coastkeeper therefore requests that the Final EIR identify specific mitigation measures for water quality-related indirect impacts, provide a drainage impact assessment for all Project components (not solely the waterfront park), and include the previously requested Drainage Memorandum and its findings.

Tire Wear and 6PPD-Quinone

Finally, more frequent visits to EHI and increased traffic congestion would result in greater tire wear particle loading into the Bay during storm events. Recent NOAA research has identified 6PPD-quinone – a toxic transformation product formed when the tire additive 6PPD reacts with ambient ozone – as highly toxic to aquatic and marine wildlife.³⁵ Tiny particles containing this chemical are released as tires wear down, which find their way into waterways with stormwater runoff. The DEIR's VMT analysis relies solely on density-based estimates, which we address more fully in a later section, but which likely understate the Project's true traffic generation and, correspondingly, the volume of 6PPD-quinone entering the Bay with every rain event. Coastkeeper requests that the Final EIR conduct a more accurate VMT analysis that accounts for tire-wear pollution as a distinct water quality impact.

B. Biological Impacts

The proposed Topgolf project would produce adverse biological impacts to marine wildlife, shorebirds, and marine habitats, all identified as "Potentially Significant" in the DEIR. However, throughout Section 3.3, Biological Resources, the DEIR relies on vague, discretionary mitigation language rather than the quantifiable, enforceable standards CEQA requires.³⁶ Mitigation measures repeatedly leave buffer distances, monitoring intervals, disturbance thresholds, and construction halt/resume decisions to the discretion of a "qualified biologist," without numeric criteria to guide those determinations. Other measures – including those addressing noise and light – rely on qualifiers such as "to the maximum extent feasible," or defer the substance of

³⁵ Li-Jung Kuo et al., *Analysis of 6PPD-Q in Finfish, Shellfish, and Marine Mammal Tissues*, 379 *Chemosphere* 144418 (2025), <https://doi.org/10.1016/j.chemosphere.2025.144418>.

³⁶ See generally, CEQA Guidelines § 15126.4.

mitigation entirely to a future, contingent determination, such as with eelgrass avoidance. We request that all mitigation measures in this section be revised to include specific, quantifiable thresholds, defined monitoring protocols, and clear performance criteria.

i. Light Pollution Impacts

Construction and operation of the Project would introduce bright lighting with the potential to disrupt migrating birds and foraging habitat. The site sits on the Pacific Flyway and near California least tern nesting habitat at San Diego International Airport and San Diego Bay. Artificial nighttime lighting disrupts natural cycles for marine life and shorebirds, affecting navigation, reproduction, and communication. Further, many species detect light at levels far below human perception, meaning even modest additional lighting can have an outsized effect given the cumulative light pollution already present in the region.³⁷

The DEIR also acknowledges that light and glare at the Liberator Way/North Harbor Drive intersection is expected to exceed the significance threshold and "could result in a hazard to motorists," and does not fully rule out light spill toward the Bay/Coast Guard inlet from display screens or ambient skyglow — which could interfere with Coast Guard night-vision-dependent operations that depend on night vision for maritime safety and navigation. The only proposed mitigation is a single 9-foot physical barrier (AES-1). Coastkeeper is concerned about the durability of this barrier and whether it truly resolves the impact to less-than-significant. As such, we request a monitoring protocol to confirm the barrier's effectiveness, and clarification of what temporary measures would prevent light spill and glare before the barrier is constructed.

ii. Noise Impacts

Section 3.3.5.1 limits construction activity to dawn/dusk to avoid nighttime lighting impacts but does not address daytime noise and visual disturbance to nesting or foraging birds during active hours, and noise monitoring during high-decibel work is left "at the discretion of the qualified biologist" with no specified decibel thresholds, monitoring frequency, or trigger levels.

Section 3.10 addresses construction noise impacts to migrating birds but omits impacts to marine life entirely. Sound travels roughly 4.5 times faster and up to 60 times farther in water than in air, meaning pile-driving noise can be detected well above ambient levels many kilometers from the source.³⁸ Pile-driving noise overlaps with the vocalization frequencies of whales and dolphins and can interrupt social behaviors and fish aggregation/schooling behavior, increasing predation

³⁷ California, S. (n.d.). Keep the Night On: Artificial Lighting on Our Coast – California Ocean Protection Council. In *opc.ca.gov*. Retrieved August 11, 2026, from <https://opc.ca.gov/keep-the-night-on/>.

³⁸ Infographic: Underwater noise. (n.d.). In *WWF Arctic*. Retrieved August 11, 2026, from <https://www.arcticwwf.org/the-circle/stories/infographic-underwater-noise/>.

vulnerability in species like sea bass.³⁹ We recommend the EIR reconsider a larger buffer than the current 100 feet to adequately protect marine wildlife.

Loudspeakers used during operation similarly risk temporary or permanent hearing loss, elevated stress responses, and disrupted feeding, breeding, and communication behaviors in marine life.⁴⁰

Finally, the District's BMPs and Environmental Standards (discussed under Water Quality, above) include noise and vibration guidelines for in-water shoreline work and Project operation (District 2019), but the DEIR does not clarify whether these standards are mandatory or advisory, or under what circumstances the Project could deviate from the designated construction windows.

C. Energy/Greenhouse Gas Emission Issues

The Project would substantially increase traffic congestion and contribute to a significant increase in Vehicle Miles Traveled (VMT), inconsistent with CARB's 2022 Scoping Plan target of reducing per-capita VMT 25% below 2019 levels by 2030 (DEIR 3.6-19). Mitigation Measure TRA-1's Transportation Demand Management provisions address only VMT associated with Topgolf employees— it does not include visitors and patrons, who account for over 95% of the Project's total VMT. Increased vehicle trips also mean more brake dust, tire wear particles, oil drips, and heavy metals accumulating on paved surfaces and washing into the Bay during rain events, compounding the water quality concerns raised in Section III.A. We are concerned that the DEIR concludes VMT impacts are significant and unavoidable while attempting almost no meaningful mitigation for the overwhelming majority of that impact.

The trip generation data underlying the VMT analysis is also unreliable: it relies on 12-year-old data from a single Topgolf location in Arizona. Post-pandemic travel patterns, rideshare prevalence, and the fundamental differences between an inland Arizona market and a Southern California coastal tourism destination are not accounted for, and could materially affect both the trip generation rate and the resulting GHG calculations. We recommend the Port District require an updated, California-specific trip generation study before the Final EIR is certified.

The DEIR's own GHG analysis compounds this problem. The DEIR acknowledges that the District's 2013 Climate Action Plan is intended to guide GHG reduction "in support of the state's climate change efforts," yet the Project's GHG impact is identified as significant and unavoidable

³⁹ Herbert-Read, J. E., Kremer, L., Bruintjes, R., Radford, A. N., & Loannou, C. C. (2017). Anthropogenic noise pollution from pile-driving disrupts the structure and dynamics of fish shoals. *Proceedings of the Royal Society B*, 284. <http://dx.doi.org/10.1098/rspb.2017.1627>.

⁴⁰ Peng C, Zhao X, Liu G. Noise in the Sea and Its Impacts on Marine Organisms. *Int J Environ Res Public Health*. 2015 Sep 30;12(10):12304-23. doi: 10.3390/ijerph121012304. PMID: 26437424; PMCID: PMC4626970.

even after mitigation. Moreover, the DEIR does not analyze the Project against California's 2045 carbon-neutrality target, relying instead on outdated benchmarks. The DEIR also omits identifiable emissions sources, including refrigerant leakage from commercial refrigeration and cooling systems, which can be a material contributor given the global warming potential of common refrigerants. Because the Project's VMT and GHG impacts are significant and unavoidable, approval would require findings of overriding considerations under CEQA. The availability of the All Park Alternative – which the DEIR itself identifies as environmentally superior on both VMT and GHG grounds – weighs heavily against any conclusion that these impacts cannot feasibly be avoided.

D. Visual Aesthetic Concerns

Coastkeeper strongly disagrees with the DEIR's conclusion that the Project would not result in significant impacts to scenic vistas. The Project site sits at one of the most visible points along San Diego Bay, within the sightline from I-5 to the Embarcadero to the Point Loma/Cabrillo peninsula. The DEIR itself describes a 4.5-acre turf outfield enclosed by netting supported by poles ranging from 140 to 170 feet – a structure that would, in effect, wall off views between downtown, the airport, and Harbor Island and the bay itself. In place of open water and skyline views, the public would see a 170-foot net strung with airplane warning lights. This degradation would not be limited to daytime: nighttime lighting of the turf area and the three-story building would extend the visual impact until as late as 2:00 AM. These are significant impacts for which the DEIR proposes no, or plainly ineffective, mitigation— a deficiency in the CEQA analysis that appears throughout the DEIR. The DEIR also fails to evaluate several critical viewpoints, including along North Harbor Drive/West Laurel Street and from the Sunroad Marina/restaurant peninsula.

This conclusion is also difficult to reconcile with the DEIR's own procedural history: the NOP for this Project acknowledged a potentially significant impact to scenic vistas and visual character, yet the DEIR now concludes there is none (EIS at 14-15). The DEIR should explain this shift in conclusion, supported by substantial evidence, rather than simply asserting a different result.

Related to the impacts to scenic vistas, Coastkeeper also disagrees with the DEIR's conclusion that the Project would not substantially degrade the site's existing visual character. The site currently has no multistory structures, so drivers, pedestrians, and cyclists along the bay have relatively unobstructed views of the area. The proposed Project would permanently degrade the site's existing visual character, and no mitigation is proposed for that impact – another serious deficiency in the CEQA analysis.

E. Loss of Open Space and Recreational Access

The Project would fence off 4.5 acres of tidelands entirely, serving no function but a golf-ball repository. As discussed above, this is a direct, physical loss of public open space on trust lands in conflict with public trust coastal access policies. Independent of that conflict, the DEIR fails to identify or analyze this loss as a Potentially Significant Impact under "Recreation." This omission must be corrected regardless of how the Coastal Act consistency issues discussed above are resolved.

F. Negative Cumulative Impacts

The Project must be considered together with airport expansion and modernization, Port Master Plan Update (PMPU) implementation, Harbor Island redevelopment, hotel and marina activity, roadway projects, and other reasonably foreseeable waterfront development. The DEIR identifies these cumulative projects only in a general list; each technical section should instead explain how those projects would interact with the Project's specific impacts.

We agree that a significant cumulative impact would occur if cumulative projects (like Topgolf) create new sources of substantial light and glare. Mitigation Measure AES-1's single 9-foot barrier is not sufficient to render that contribution "not cumulatively considerable," particularly where cumulative nighttime lighting from the airport and other waterfront development may independently increase sky glow, glare, and wildlife disorientation, even where each project claims compliance with its own project-level threshold. A revised EIR should analyze the combined effect of airport operations, Project lighting, and other waterfront lighting on pilots, motorists, wildlife, and public enjoyment of the bay.

Cumulative traffic growth would similarly increase congestion, air pollution, GHG emissions, pedestrian conflicts, and emergency-response challenges along the already-constrained Harbor Island and North Harbor Drive circulation system. The DEIR itself identifies a significant cumulative traffic-noise increase on Harbor Island Drive, to which the Project would add trips. The Project's VMT and GHG impacts remain significant and unavoidable and should be understood as contributions to an existing regional climate crisis, not merely isolated project emissions.

The same cumulative pressure applies to biological resources: multiple waterfront developments may progressively reduce the dim, quiet, and relatively unobstructed habitat that birds and other wildlife depend on, and that loss can be substantial even where each project's individual footprint is characterized as limited – particularly given the DEIR's general lack of specific, enforceable mitigation metrics.

The cumulative analysis also relies too heavily on the assumption that other foreseeable projects will simply comply with existing regulations, which does not by itself prevent significant combined impacts. Notably, the PMPU has not yet been approved by the California Coastal Commission and is not yet a binding regulatory standard against which the Project's cumulative impacts can be measured. The EIR should instead evaluate cumulative peak conditions rather than averages and should account for climate change, sea-level rise, and extreme weather, which may compound evacuation, circulation, shoreline, and habitat impacts over the Project's operating life.

Finally, the DEIR's own analysis undercuts any conclusion that these cumulative burdens are unavoidable: it identifies the All Park Alternative as environmentally superior precisely because it would avoid or substantially reduce several of the Project's significant impacts, including VMT and GHG emissions, lighting impacts, and threats to wildlife. That finding demonstrates that the cumulative environmental burden is not unavoidable if the Port selects a lower-intensity use for the site.

IV. The DEIR is Inadequate and Cannot Support Project Approval

Independent of the substantive conflicts described above, the DEIR also falls short as an informational document in several respects, for the following reasons.

A. The DEIR's Baseline Is Factually Inaccurate

The DEIR's description of existing conditions is not accurate, which undermines confidence in the analysis built upon it. In describing the No Project/No Build Alternative, the DEIR states that "the existing 38-acre site would not be redeveloped. The three rental car facilities would continue to operate." This is incorrect: the airport's rental car agencies relocated in 2016 to the Consolidated Rental Car Center on the east side of San Diego International Airport, and have not operated at the Project site for nearly a decade. An EIR's description of existing conditions must be accurate, since it forms the baseline against which all of the document's impact conclusions are measured. Reliance on a decade-outdated site condition raises questions about the reliability of the baseline used throughout the DEIR's environmental analysis, and the Final EIR should correct this error and confirm that no other baseline assumptions rely on similarly outdated information.

B. The DEIR Improperly Concludes No Project-Specific PMPA is Required

The DEIR concludes that no project-specific Port Master Plan Amendment is required if the pending PMPU is certified, reasoning that Topgolf qualifies as the "visitor-serving attraction" the PMPU anticipates for the Commercial Recreation-designated area north of the East Harbor Island Basin (PMPU at 243, PD 2.51). This conclusion is problematic. As explained above, (1) Topgolf is not a "visitor-serving commercial recreational facility" within the meaning of the

Coastal Act because it does not "enhance public opportunities for coastal recreation" whatsoever, and (2) does not fit within the PMPU's own "golf course" category – the only category under which the site's Recreation designation was justified.

Because Topgolf is not a qualifying visitor-serving use, its consistency with the PMPU cannot substitute for project-specific PMPA review. Coastal Act Section 30711 requires that a port master plan describe uses "in sufficient detail to be able to determine their consistency with the policies of Chapter 3"⁴¹ and that the plan "contain information in sufficient detail to allow the [Coastal] Commission to determine its adequacy and conformity with the applicable policies of this division."⁴² The DEIR's own acknowledgment that the draft PMPA includes "additional detail to comply with . . . Section 30711(b)" confirms that the PMPU alone lacks the project-specific detail Section 30711 requires. Separately, the DEIR does not address Section 30708 at all, which requires that port-related development give highest priority to existing land already devoted to port purposes and to public-trust-consistent uses such as recreation and wildlife habitat.

For these reasons, we do not believe the DEIR has adequately supported its conclusion that PMPU certification alone can substitute for project-specific PMPA review. A project-specific PMPA and the site-specific Coastal Act consistency findings it would require should be considered here regardless of the PMPU's certification status.

C. The DEIR's Alternatives Analysis is Inadequate

The DEIR does not seriously grapple with whether a less damaging alternative exists. It does not analyze feasible alternative locations, does not weigh the Project's irreversible impacts against its economic rationale, and does not explain why golf-related development belongs on this site, as opposed to a more resource-protective use. Nor does it address the Coastal Zone's "carrying capacity," a threshold development concept reflected in the Coastal Act and rooted in the 1975 California Coastal Plan.⁴³ That omission matters directly here, given the cumulative loss of open tidelands, habitat, and public access the Project would cause. As noted above, this gap is compounded by the DEIR's failure to analyze the Project's loss of open space and recreational access as a significant impact in the first place, which forecloses any meaningful comparison of the alternatives' relative recreational benefits.

The DEIR's own "Reduced Topgolf Alternative" illustrates the problem rather than curing it.

⁴¹ Cal. Coastal Act § 30711(a)(4).

⁴² Cal. Coastal Act § 30711(b).

⁴³ See Coastal Act Section 30250(a); CAL. COASTAL ZONE CONSERVATION COMM'N, CALIFORNIA COASTAL PLAN 152, 82 (1975), <https://repository.library.noaa.gov/view/noaa/13541>.

That alternative retains the same overall 22.4-acre project footprint (with 9.8 acres still devoted to Topgolf) and the same range of uses; it reduces net height from 170 feet to 140 feet without changing the driving-range footprint or the loss of public access. Because it is too similar in design, operations, and impacts to the proposed Project, it does not constitute a meaningfully different alternative and does not satisfy the requirement to consider a reasonable range of alternatives that could reduce the Project's effects.

V. Conclusion

While we are not opposed to waterfront development in general, we do not believe a Topgolf facility is an appropriate use of public tidelands. A driving range is better suited to a commercial lot elsewhere in the San Diego area, away from the waterfront.

Coastkeeper prefers the All Park Alternative, as it would reduce an overwhelming majority of the Project's potentially significant impacts, is the most accessible to the public, and most closely aligns with the public trust doctrine and the Coastal Act. We would also support the Other Visitor-Serving Commercial Use Alternative, as it would provide a similar visitor experience using golf simulators with reduced environmental impact.

For the reasons discussed above, we ask that the Port District decline to approve the Project as proposed and instead direct staff to prepare a Final EIR that selects a less damaging alternative and addresses the deficiencies identified in these comments.

Thank you for your consideration of our comments.

Sincerely,



Courtney Brown
Staff Attorney
San Diego Coastkeeper