

## Harbor Extension Objection

### INTRODUCTION

We request that any formal approvals for Pass Christian's harbor extension should be indefinitely postponed. While we don't necessarily object to the concept of a harbor extension, we are opposed to the lack of comprehensive planning and the premature production of the engineering drawings shown on the Corps of Engineers website. (<http://www.sam.usace.army.mil/rd/reg/public.asp>)

Engineering drawings follow from a comprehensive plan. In this situation, a comprehensive plan which includes Pass Christian's downtown is a primary implicit requirement of the original Coastal Impact Assistance Plan (CIAP) grant application. <sup>(1)</sup> To our knowledge no such plan has been prepared.

Our opposition results from the lack public participation associated with this project. For instance, the hearing to be held on October 13, 2010 is, to our knowledge, the first opportunity the public has had to see or comment on the details of a project which will have an enormous effect on our town. And now we appear to be reviewing final construction drawings which will be difficult and expensive to modify.

We strongly suggest that any official approvals for this project be deferred until (1) a proper planning process is initiated, (2) a plan that the public can review has been prepared and reviewed and (3) all irregular matters can be identified and corrected.

### OBJECTION

Pass Christian's harbor extension CIAP grant application:

[www.dmr.state.ms.us/ciap/project-proposals/pdfs/MS.R.764.pdf](http://www.dmr.state.ms.us/ciap/project-proposals/pdfs/MS.R.764.pdf)

stipulates:

"The expanded harbor is also intended to serve as a catalyst to promote tourism and economic development in the downtown area adjoining the new harbor.....

...by integrating the expansion with the redevelopment of the city, in line with Smart Growth concepts and ideas.....

"The expansion of the harbor will also be integrated into the overall restoration of the Pass Christian downtown area. The proposed harbor expansion is very compatible with the concepts developed by the Governor's Commission on Recovery, Rebuilding and Renewal and will help promote the concept of mixed land use and Smart Growth." <sup>(1)</sup>

But the planning for this integration has not been done. The SmartCode for the downtown carefully excludes the harbor (except to designate it) and there are no specific recommendations for the harbor in the SmartCode. These economic objectives will not be met just because the harbor is expanded and a SmartCode is in place. Economic initiatives must be specifically and carefully planned.

There was a privately financed charrette for the downtown conducted in August, 2009 by Duany Plater-Zyberk & Company (DPZ) but this planning effort was largely limited to private property disassociated with the harbor. However, Andres Duany, in the October 6, 2009 charrette report did make reference to the harbor extension:

"It seems that the next harbor is coming, and there's a great deal of hope that this will create jobs and so forth and be a tourist attraction. It will not be a tourist attraction because it's being designed as a parking lot – a parking lot for boats." <sup>(2)</sup>

We suspect the layout that Duany saw last year is largely unchanged from what we see today. There are no explicit proposals to integrate the harbor expansion with any economic development plan for the downtown. To our knowledge, the professionals on the planning team for the harbor extension do not include urban designers, planners or urban economists who have conducted a comprehensive plan which includes Pass Christian's downtown.

The harbor extension is the result of an application by the City of Pass Christian for Economic Development grant funds through the Community Development Block Grant Disaster Recovery Program. Governor Haley Barbour awarded the city \$22,493,326.50 on January 28, 2009 through the Mississippi Development Authority. Community Development Block Grants (CBDG) have entailments and obligations. The 2008 State of Mississippi Citizen Participation Plan sets out the State's Community Development Block Grant Citizen Participation requirements:

[www.mississippi.org/assets/docs/community/citizen\\_participation.doc](http://www.mississippi.org/assets/docs/community/citizen_participation.doc)

Mississippi Development Authority Community Development Block Grants use federal money so, there are similar federal requirements as well—as administered through the Department of Housing and Urban Development:

<http://www.hud.gov/offices/cpd/communitydevelopment/programs/entitlement/#citizen>

If the Board of Aldermen meeting held January 6, 2009 qualified as a public hearing under the terms of the state and federal requirements—as referenced in Minute Book No. 47, we do not believe it met the full **intent** of the laws which are meant to encourage public participation where tax dollars are involved. If the city was genuinely interested in citizen participation in this project it would have involved the Planning Commission—not just informed them after the fact.

If the City of Pass Christian has not met the full intent of the state and federal citizen participation requirements, then the project must be halted until a proper process can be implemented.

### **IMPORTANT ISSUES TO ADDRESS AT THE OCTOBER 13 HEARING**

#### Public participation

Why was this hearing tonight notified without a plan attached? How can the public comment or object without a reference document? How can the public affect these plans? Are the engineering drawings the final plan? Was the HUD or State of Mississippi Citizen Participation Plans carried out?

#### Responsibility

If the city of Pass Christian is in charge of this project, why is the harbor not in the SmartCode where it can be a part of a transparent democratic process?

#### Management plan

What entity will manage the two harbors and decide on the location of markets, restaurants, boardwalks, landscaping, parking, etc. Will future commercial leases be publicly bid?

#### Urban design—a concept plan

Where is the concept plan showing the overall comprehensive nature of the undertaking—including the downtown. Where is the circulation plan? Where is the landscape plan? There is more to a proper plan than just engineering drawings of ramps, piers, parking—and electrical, utility and storm water layouts.

#### Economic development plan

Economic development is concerned with bringing money from outside the town to the town. How can we be assured that the new harbor will attract visitors to stay and spend money? Pass Christian could use the harbor to rebuild the downtown; why is this huge economic potential being neglected? Where is the economic plan? Where is the marketing survey stipulated in the schedule of the grant application?

#### Commercial Provisions

The Secretary of State (then Eric Clark) said in his approval letter of June 21, 2006 that:

“Subleases for limited commercial development within the harbor may be allowed with prior approval of the Secretary of State. Such commercial leases must be light retail, restaurants, tourist and recreation-related low impact businesses such as would be appropriate for a working municipal harbor integrated into the city.”

Shaggy's restaurant is a good example of the kind of activity that can bring visitors and money to the city. Where will future family style seafood restaurants go? Where is the site for a seafood market where tourists can see and buy fresh local seafood? Where can visitors board commercial boats for a day of fishing on the Mississippi Sound? Where is the dock for tour boats? How will visitors see and enjoy the authenticity of a working wharf? Where will events, such as “Celebrate the Gulf” take place? How will all of this work together?

Planning integrated with existing harbor

How do the engineering drawings work with the existing harbor? How will cars, service vehicles and pedestrians circulate throughout the complex? What is the relationship between the two harbors?

Connections to town

How can Pass Christian integrate its downtown and the harbor with a highway separating the two? Where are the provisions for bringing pedestrians across Highway 90 from the downtown?

Connections to highway 90

How will visitors be directed into the complex—what will attract them? Should they park in downtown Pass Christian and attempt to cross the highway or should they park within the harbor itself? Where?

Planning

Professional planning is required. Where is it? Who are the economists, urban designers, architects, planners, landscape architects.....?

Procedures

The Mississippi Secretary of State has rights of approval for use of waters of Mississippi, including the harbor expansion. Has he reviewed/ approved the work to date? Has the City of Pass Christian Planning Commission reviewed and approved a plan?

## **CONCLUSION**

All formal approvals of the harbor extension should be deferred. We request that the Mississippi Secretary of State halt the approval process. To proceed with the construction of the harbor extension without the assurance that its full economic potential has been completely exploited would be counter to the original objectives of the application, possibly illegal and certainly an irresponsible waste of taxpayers dollars.

The lack of attention to details of the application are in large part due to the city's exclusion of public participation in the planning of the harbor extension. Had the public been involved, the issues raised in our objection could have been considered in a timely manner. Delays are in order and it is the city that is responsible.

(1)

Grant Application

STATE OF MISSISSIPPI COASTAL IMPACT ASSISTANCE PLAN

1. PROJECT TITLE: Pass Christian Harbor Expansion, Phases 1 and 2
2. LEAD ORGANIZATION/AGENCY: City of Pass Christian
3. FEDERAL TAX ID NUMBER: 64-6000951

The expanded harbor is also intended to serve as a catalyst to promote tourism and economic development in the downtown area adjoining the new harbor.

10. Promote the growth and revitalization of the entire downtown area by integrating the expansion with the redevelopment of the city, in line with Smart Growth concepts and ideas.

"The expansion of the harbor will also be integrated into the overall restoration of the Pass Christian downtown area. The proposed harbor expansion is very compatible with the concepts developed by the Governor's Commission on Recovery, Rebuilding and Renewal and will help promote the concept of mixed land use and Smart Growth."

(2)

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Downtown Charrette First Draft

September 31, 2009

Duany Plater-Zyberk & Company