

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

7575 METROPOLITAN DRIVE, SUITE 103

SAN DIEGO, CA 92108-4402

767-2370

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 Staff: DL-SD
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 Hearing Date: March 13-16, 2001

REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-00-190

Applicant: City of San Diego
 Metropolitan Wastewater Department

Agent: Mike Elling

Description: Construction of a 2-story, 37,487 sq.ft. environmental monitoring and technical services laboratory on a 7.5 acre site adjacent to the San Diego Boat Channel; construction of a pedestrian esplanade adjacent to the boat channel.

Lot Area	328,670 sq.ft. (7.5 acres)
Building Coverage	18,745 sq. ft. (6%)
Pavement Coverage	112,200 sq. ft. (34%)
Landscape Coverage	197,725 sq. ft. (60%)
Parking Spaces	290
Zoning	CC - Commercial Community (proposed)
Plan Designation	Metropolitan Wastewater Department Area (proposed)
Ht abv fin grade	44 feet

Site: 2392 Kincaid Road, NTC Segment, San Diego, San Diego County. APN 450-790-04.

Substantive File Documents: Certified Peninsula Community Plan and City of San Diego LCP Implementing Ordinances; NTC Precise Plan and LCP.

STAFF NOTES:Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the proposed MWWD laboratory. The project will be visually compatible with the surrounding area and with the proposed esplanade, will provide a public parking reservoir during weekends and holidays, and has been conditioned to assure that no impacts to water quality result from the development. Although the City is committed to development of the esplanade proposed to be located

adjacent to the laboratory, construction cannot begin until the site is conveyed to the City and the final design of the esplanade is completed. Therefore, special conditions require the City to submit an amendment to the subject permit within two years of Commission action for final implementation of the esplanade.

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit No. 6-00-190 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Future Amendment Agreement. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit to the Executive Director for review and written approval, an agreement that within two (2) years of the date of Commission action, the City shall submit an amendment for the construction of the proposed public esplanade and undergrounding of the existing steam line. Said

amendment shall contain plans for the esplanade in substantial conformance with the policies contained in the NTC Precise Plan and Local Coastal Plan dated October 3, 2000, and shall include, but not be limited to, the following elements:

a) Esplanade shall be a minimum of 50 feet in width, as measured from the top of the bank, and shall contain a meandering pedestrian path with informal landscaping and hardscape treatment.

b) Improvements within the esplanade may include seating areas, lighting, and gathering places.

2. Final Sign Plan. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall submit for review and written approval of the Executive Director, a sign plan that shows the following:

a. Signage in the parking lot that indicates that the site is available for public parking on weekends and holidays, and on weekdays after 4 p.m.

b. Signage that indicates an additional 5 spaces (minimum) are available for public parking on a first-come first-serve basis Monday through Friday.

The permittee shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

3. Runoff Control/Best Management Practices (BMPs). PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, evidence that the proposed drainage and runoff control plan meets the following requirements:

a. Drainage from all parking lot areas susceptible to runoff, used for motor vehicle parking, shall be directed through structural BMPs (such as vegetative or other media filter devices) effective at removing and/or mitigating pollutants of concern including petroleum hydrocarbons, heavy metals, and particulates. Selected BMPs (or suites of BMPs) shall be designed to treat, infiltrate or filter the stormwater runoff from each runoff event up to and including the 85th percentile, 24-hour runoff event for volume based BMPs and/or the 85th percentile, 1 hour event, with an appropriate safety factor, for flow-based BMPs.

The water quality/BMP program shall be implemented in accordance with the approved plan. Any proposed changes to the approved plan shall be reported to the Executive Director. No change in the plan shall occur without a Commission-approved amendment to the permit unless the Executive Director determines that no such amendment is required.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description/History. The proposed project is construction of a 2-story, 37,487 sq.ft. City of San Diego Metropolitan Wastewater Department (MWWD) environmental monitoring and technical services laboratory. The building would contain administrative offices (administration, data management, and permitting) and ocean monitoring laboratories (ocean operations, toxicity, bacteriology, and taxonomy). Currently, the subject site contains several vacant military administration buildings that will be demolished (#6-00-167). The purpose of the project is to centralize MWWD operations that are currently located up to 25 miles apart at various leased spaces throughout the city, some of which are overcrowded.

The 7.5-acre project site is located north of Harbor Drive at the intersection of Spruance Road and Kincaid Road on the Camp Nimitz side of the former Naval Training Center (NTC), west of the San Diego Boat Channel, north of Harbor Drive. The former NTC was operated as a military facility by the federal government from 1922 to 1997. In July 1993, the U.S. Navy declared its intention to close the base under the terms of the Base Closure and Realignment Act of 1990, and the City of San Diego began planning for the reuse of the site in 1993.

The subject site has been conveyed to the City under a Public Benefit Conveyance, which has specific requirements for what development can occur on the site. For a period of thirty (30) years, the property must be used continuously for health purposes in accordance with the proposed program and plan as set forth in the City's application (e.g., as a MWWD Laboratory). Within this time period, the site cannot be resold or leased without approval of the land grantor--the U.S. Department of Health and Human Services. If any time within the 30 years the site is used for purposes other than those designated in the deed conditions without the consent of the grantor, any revenues would revert to the federal government.

The proposed project is part of a multi-phase project planned on the site that is to include a 65,000 sq.ft. MWWD wastewater chemistry, industrial waste and industrial waste compliance laboratory, and a marine sciences laboratory for San Diego State University. The proposed project also originally included construction of a new fixed pier and floating docks for the mooring or research vessels in the boat channel across from the proposed laboratory. However, the boat channel has not yet been conveyed to the City from the Navy. Although the City has indicated that construction of a boat dock and piers is highly desirable in association with the proposed laboratory, since the area is not owned by the City, the boat dock has been removed from the project at this time. The City has also indicated that the project could operate even if boat docks were not built in this location, thus, review of the proposed laboratory will not prejudice the Commission's future review of boat docks associated with the project.

The City of San Diego has prepared a NTC Precise Plan and Local Coastal Program (LCP) covering the 361 acres of NTC that will be conveyed to the City, including the subject site. The Commission has not yet reviewed the LCP. The LCP proposes land uses including residential, educational, mixed-use, office/research and development, hotel, and park/open space, a public safety training institute, and the subject MWWD laboratory. The subject site is adjacent to the area planned to be redeveloped as a public esplanade as part of the overall NTC redevelopment. The esplanade is actually a separate legal lot from the subject site, currently being conveyed by the Navy to the City's Parks and Recreation Department. Construction of the portion of the esplanade adjacent to the subject site is part of the City permit approved for the laboratory project and MWWD has committed money in its approved budget to pay for design and construction of the esplanade, including the under grounding of the existing steam line now located along the boat channel. However, the final design of the esplanade will be determined by the Parks and Recreation Department, and these plans have not yet been developed.

In addition, the boat channel and a 15-foot wide area from the top of channel will be conveyed to the City under a separate conveyance not expected to occur for approximately 1-2 years. According to the City's Memorandum of Agreement with the Navy, no construction within this 15-foot area is allowed to occur until the channel is conveyed. Since the 15-foot wide area includes a critical part of the esplanade and much of the steam line, construction of the esplanade cannot occur immediately.

The NTC LCPA is expected to be scheduled for Commission review in the spring of 2001. When an LCP is approved for the area, the City will take over coastal permitting authority for most of NTC. However, the subject site will remain within the Commission's original jurisdiction and thus, Chapter 3 of the Coastal Act is the standard of review.

2. Public Access and Recreation. The Coastal Act emphasizes the need to protect and provide for public access to and along the coast, and to provide low cost recreational facilities, particularly in new development projects. The following Coastal Act policies are applicable to the proposed development:

Section 30210.

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30212.

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

(1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,

(2) adequate access exists nearby, or,

(3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

Section 30213.

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Section 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.

Section 30250(a).

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have a significant adverse effects, either individually or cumulatively, on coastal resources.

Section 30252.

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation.

Section 30604(c) of the Coastal Act requires that a specific access finding be made in conjunction with any development located between the first public roadway and the sea, indicating that the development is in conformity with the public access and public recreation policies of Chapter 3. In this case, such a finding can be made.

The proposed building will be located adjacent to an esplanade planned to run along the boat channel throughout NTC as the property is redeveloped. When the subject site was under Navy ownership, there was only limited, restricted public access to the site. Nevertheless, the site is under public ownership, and is adjacent to a visually attractive boat channel, which is expected to provide the opportunity for at least a passive if not active recreational experience when transferred to the City. Thus, the provision of adequate public access in conjunction with redevelopment of the site is a high priority under the public access and recreational policies of the Coastal Act.

MWWD is required under their approved City permits to construct the esplanade and has committed money to do so; however, the final design of esplanade will be determined by the City's Parks and Recreation department. Policies for construction of the esplanade, requiring a minimum width of 50 feet and various pedestrian amenities and landscaping are contained in the City's Precise Plan and Local Coastal Program for NTC. The eventual esplanade will have a meandering path of some sort in the middle of the parcel, focusing pedestrians there. The proposed laboratory has been designed with landscaping that will blend in and meld with the future esplanade. The goal is to blend both of these areas together to present a seamless blend of landscaping to the on-ground pedestrian. There will be no permanent barrier between the laboratory and the esplanade, and nothing in the design of the proposed laboratory will impede pedestrian access along the esplanade.

However, as noted above, the City is not expected to own the area 15 feet from the top of the channel slope for 1-2 years, thus, construction of esplanade cannot take place concurrent with development of the laboratory. Therefore, Special Condition #1 requires the City to submit an amendment to the subject permit within two years of the Commission's approval of the subject permit, for construction of the esplanade consistent with the policies of the City's Precise Plan. Thus, the Commission can be assured that the esplanade will be constructed when the property is available to the City.

The project also includes construction of a 290-space parking lot. Parking needs were calculated based on approximately 2.5 spaces per 1,000 sq.ft. of building area, consistent with the requirements of the City's certified LCP and Land Development Code. Thus, 290 spaces would be able to accommodate not only the subject laboratory, but also the Phase II MWWD facilities and the SDSU marine sciences laboratory. Phase II has not been designed, and is not expected to be completed for 5-10 years. In the meantime, the City has indicated that public parking will be available on site for visitors to the boat channel and esplanade.

Special Condition #2 requires the City to submit a sign program providing signage indicating that public parking will be permitted on the site on weekends, holidays, and after 4 p.m. on weekdays. In addition, a minimum of 5 spaces will be available to the public on a first-come first serve basis during weekdays. Thus, the project will provide an important reservoir of public parking for users of the esplanade.

The provision of adequate public parking on the site will be reevaluated by the Commission when Phase II is proposed. However, since use of the site during weekends, holidays and after 4 p.m. on weekdays is expected to be fairly low even at full buildout, numerous spaces should continue to be available to the public in the future. Therefore, as conditioned, the proposed project can be found consistent with the public access and recreation policies of the Coastal Act.

3. Visual Resources. Section 30251 of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas....

The proposed building is proposed to be a maximum of 44 feet height. The roofline would actually be 40 feet high, with two ducts on the roof extending an additional 4 feet above the roof. Currently, the subject site contains several vacant military administrative and housing structures. The site is also surrounded by existing structures including barracks and a training center used by City of San Diego for police and fire safety exercises. The Navy structures would be demolished under the proposed NTC redevelopment plan. However, several of the safety training structures, some of which are over 30 feet in height, are planned to remain in the near future.

As part of the planning process for the redevelopment of the former Naval Training Center, the City did a visual analysis on the NTC site. The project is located across the channel from the proposed park and open space area proposed for the redeveloped NTC site. The only public views that might be affected by the proposed development would be from the other side of the boat channel. The park is proposed to be located on a low point on the NTC site, and although there will be expansive views towards the boat channel, there are no views across the channel due to the existing buildings on and surrounding the subject site. Even if the buildings lining the channel were demolished, the airport is immediately beyond and there are no scenic views in that direction. Thus, there is little opportunity to create view corridors on the southeast side of the channel, including on the subject site. At best, there are occasional glimpses of portions of the downtown skyline from across the channel, and these views are not expected to significantly altered by construction of the proposed project.

Construction of a building in excess of 30 feet in height could potentially be inconsistent with the character of the surrounding community. In the majority of the Coastal Zone in the City of San Diego, building heights are limited to 30 feet. This limitation does not apply to the downtown area, or on Port District lands. As noted, there are existing buildings on the NTC site in excess of 30 feet, including several above 40 feet in height, so in concept, construction of a single structure 44 feet high would not be inconsistent with the character of the development which has existed in this area for many years.

With regards to this particular site, the building would be at the end of the airport, well inside the boundaries of the old NTC property, and significantly removed from any residential or commercial area where the 30-foot height limit applies. The nearest developed area to the subject site is Navy land and Harbor Island, which is within the Port District jurisdiction where the 30-foot height limit does not apply.

Since no public views or potential view corridors would be blocked by the proposed laboratory, and the structure would not be incompatible with the character of the surrounding community, the proposed 44 foot high building is not expected to have an adverse impact on the visual quality of the coastal area.

Aside from height, the building has been designed to be visually attractive from views from the adjacent esplanade and from the proposed open space planned to be located across the boat channel from the proposed building. The building has a varied façade and roofline, the parking lot will be located on the site of the lot opposite the esplanade, and extensive landscaping has been proposed around the building and in the parking lot.

Therefore, no adverse impacts to visual resources are anticipated, and the project can be found consistent with the visual protection policies of the Coastal Act.

4. Water Quality. Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequately.

Section 30231 states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The City has proposed installing a storm drain interceptor in the proposed parking lot to filter contaminants from the parking lot. Relative to the building itself, the applicant estimates that approximately 80-90% of the runoff from the structure will drain directly into surrounding landscaped areas and percolate into the ground. Only the runoff from the flat portion of the laboratory will be directed into drainpipes that will drain directly into an existing storm drain on the site. The project involves a minor relocation of a portion of this storm drain that currently crosses the site and exits into the boat channel.

The City will install an additional storm drain interceptor into the relocated drain to capture any contaminants from the building before entering the channel.

In addition, the proposed project is subject to the same requirements placed on the rest of the NTC redevelopment by the City of San Diego, including the installation and long-term maintenance Best Management Practices prior to the issuance of each grading permit. Special Condition #3 requires the City to verify that the proposed BMPs are designed to treat, infiltrate or filter the stormwater runoff from each runoff event up to and including the 85th percentile, 24-hour runoff event for volume based BMPs and/or the 85th percentile, 1 hour event, with an appropriate safety factor, for flow-based BMPs. Therefore, as conditioned, no impacts to water quality are anticipated from the proposed development, and the project can be found consistent with the water quality and resource protection policies of the Coastal Act.

5. Local Coastal Planning. Section 30604(a) also requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. In this case, such a finding can be made.

The proposed project is located on a site that was previously a U.S. Naval Training Center under the jurisdiction of the federal government, which now has been transferred to the City of San Diego or soon will be. The City is proposing an LCP and Precise Plan for the area, which would apply a land use designation of "Metropolitan Wastewater Department Area" and "Commercial Community" zoning. This LCPA has not been reviewed or approved by the Commission yet, although the proposed project would be consistent with these proposed designation. However, as public trust lands, the site is within the Commission's original coastal permit jurisdiction and will remain under the Commission jurisdiction even after an LCP is approved for the area and the City assumes permitting authority for the majority of NTC.

As discussed above, the proposed project can be found consistent with the public access, visual protection and water quality protection policies of the Coastal Act. As conditioned, no impacts to coastal resources will result from the proposed laboratory. Therefore, the Commission finds that approval of the proposed development will not prejudice the ability of the City of San Diego to prepare a certifiable Local Coastal Program for the area.

6. Consistency with the California Environmental Quality Act (CEQA). Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permit Amendments to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed amendment has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. Mitigation measures, including submittal of a future amendment and implementation of a signage program, will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed amendment is the least environmentally-damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

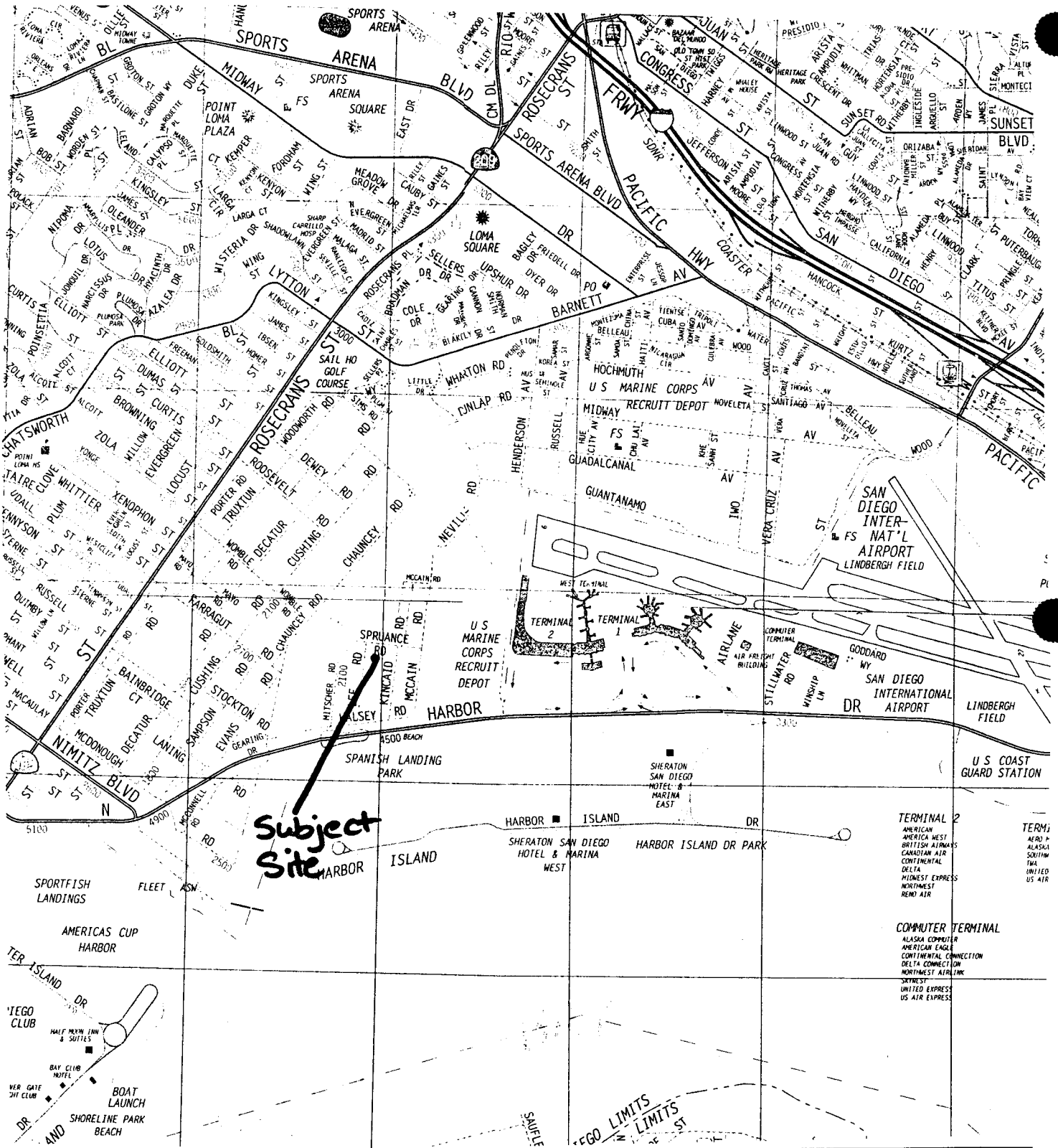
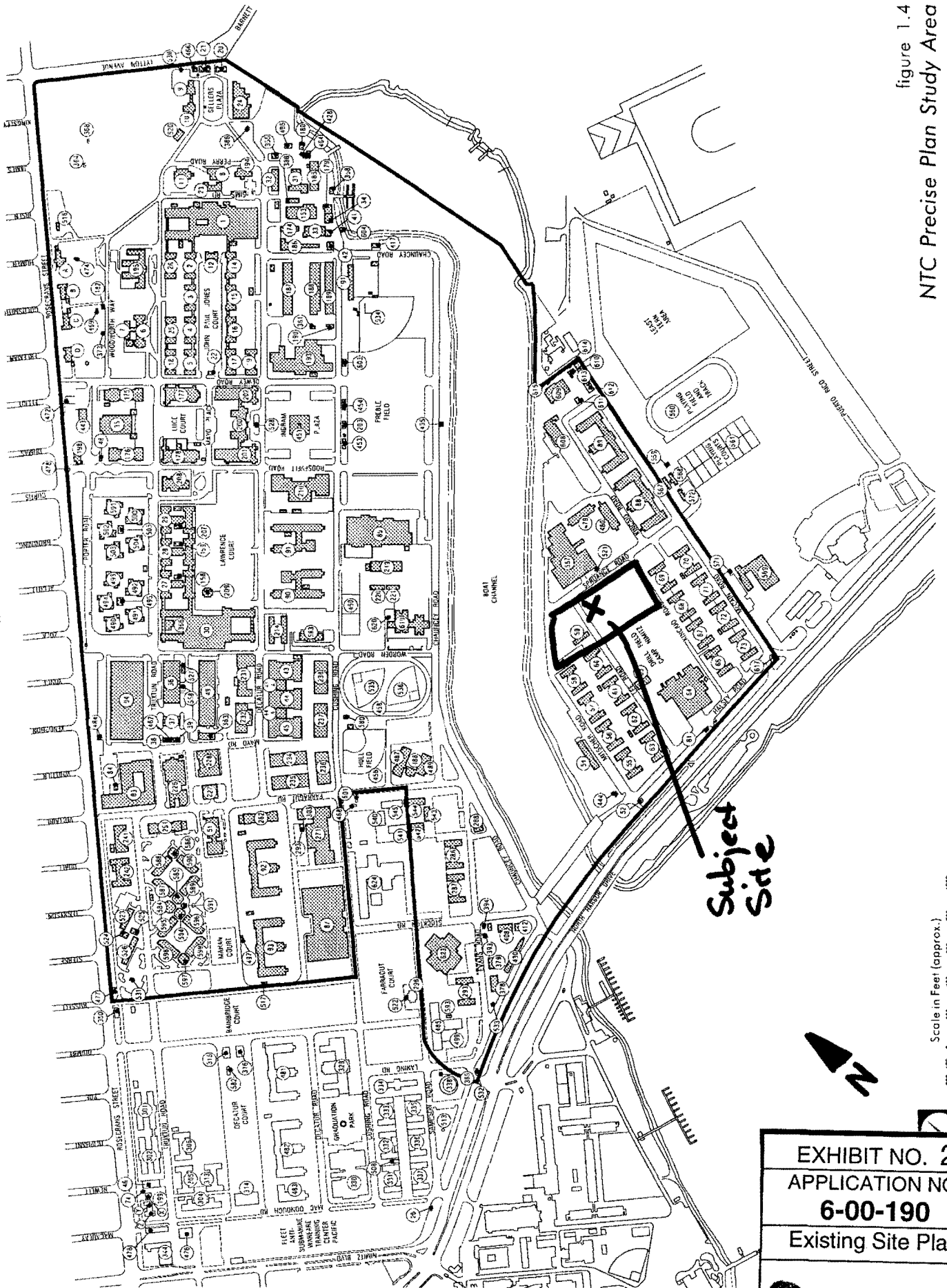


EXHIBIT NO. 1
APPLICATION NO.
6-00-190
Location Map

California Coastal Commission

figure 1.4
 NTC Precise Plan Study Area
 NTC Precise Plan



Subject Site



Scale in Feet (approx.)
 200 100 0 200 400 600 800 1000
 Rick Planning Group 7-19-00

<p>EXHIBIT NO. 2 APPLICATION NO. 6-00-190 Existing Site Plan</p>

BOAT CHANNEL

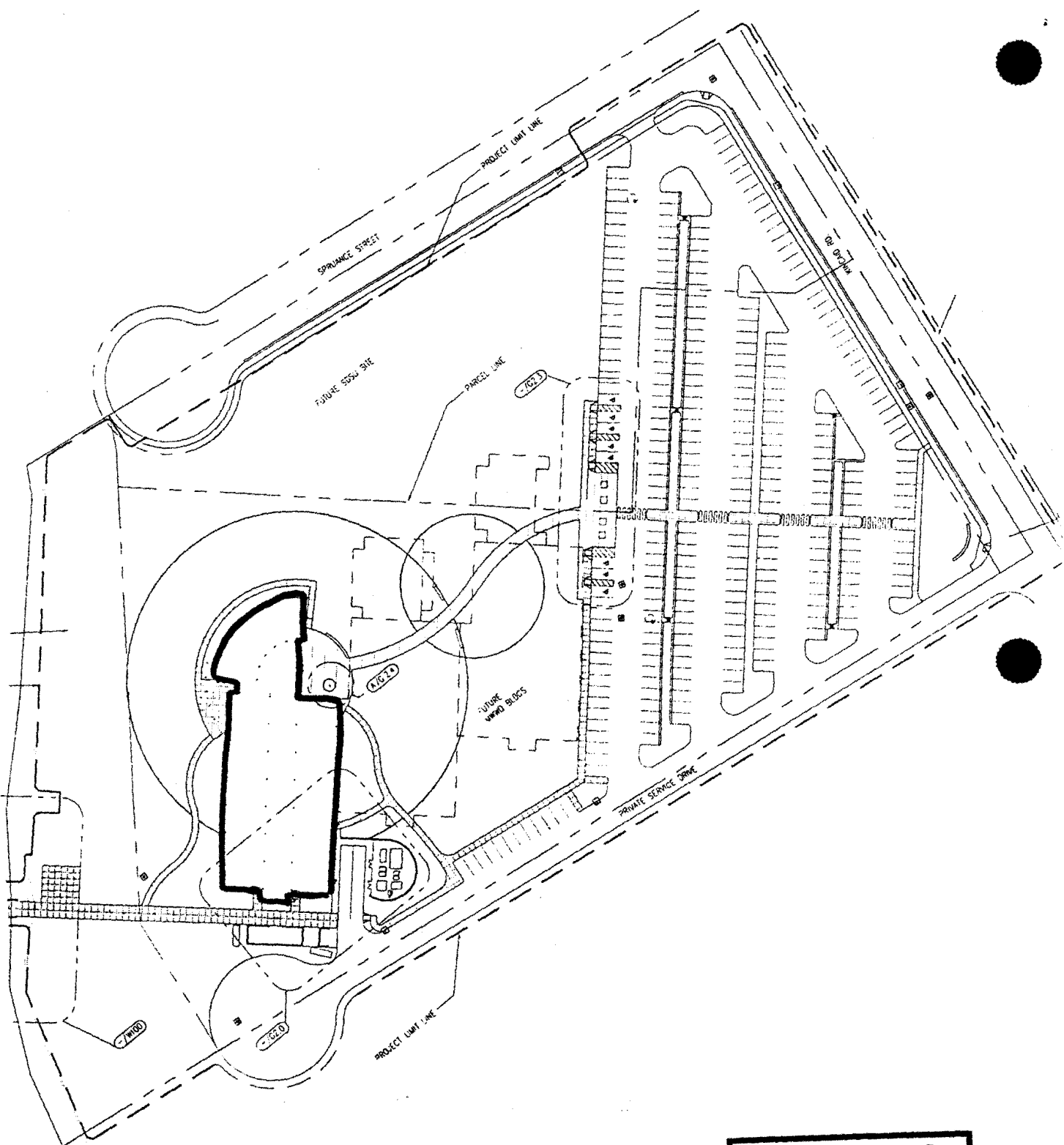



EXHIBIT NO. 3
APPLICATION NO.
6-00-190
Proposed Site Plan
 California Coastal Commission