

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
(619) 767-2370



MON 8c

RECORD PACKET COPY

Filed: September 14, 2001
49th Day: November 2, 2001
180th Day: March 13, 2002
Staff: EL-SD
Staff Report: December 11, 2001
Hearing Date: January 7-11, 2002

REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-01-148

Applicant: City of San Diego

Agents: Marcella Escobar-Eck
Nancy Lucast
Kathi Riser

Description: Subdivision of 316 acres of the former Naval Training Center into ten lots (units) for future development, and the dedication of public access easements, public streets and utility easements, together with associated grading and infrastructure, including: sewer, water, and storm drain improvements; BMP devices; gas, electric, telecommunication, and cable lines; street improvements consisting of curb, gutter, paving, sidewalk, street lights, and right-of-way landscaping and temporary erosion control on exposed earth.

Site: Former Naval Training Center, southeast of the intersection of Lytton Street and Rosecrans, Peninsula, San Diego, San Diego County. APN 450-790-04

Substantive File Documents: Certified NTC Precise Plan and Local Coastal Program;
Storm Water Quality Management Program

STAFF NOTES:

Summary of Staff's Preliminary Recommendation: Staff recommends approval of the proposed land division and infrastructure improvements, with special conditions addressing the creation of public access easements, the timing of public improvements, the proposed drainage facilities/BMP program, and final plans for all proposed development. The Commission reviewed these project components in a general way when certifying the NTC Precise Plan and Local Coastal Program, and the current proposal is consistent with that review. The earlier matter was quite controversial, with numerous speakers raising issues addressing the appropriateness of the planned

development, the adequacy of proposed public access improvements, retention of historic structures, and potential adverse impacts on water quality and public views. The current application concerns only the initial subdivision of the property and the construction of related infrastructure and public access improvements.

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit No. 6-01-148 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, where applicable, and with the policies of the certified Local Coastal Program, where applicable, 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. Public Access Easements/Agreements.

- A. By acceptance of this permit, the City acknowledges and agrees (1) that the public access and park improvements are to be developed prior to or concurrently with private improvements; (2) to provide said improvements within the timeframe identified in Special Condition #2 of Coastal Development Permit #6-01-148; (3) to retain public access ways as a term of all executed leases; (4) to retain public access easements at the time of conveyance of any of the property to another entity; and (5) that the existing level of public access to the property will be maintained during all phases of the redevelopment of the site, except on a short-term, temporary basis, as public safety demands.
- B. **PRIOR TO ANY CONVEYANCE OF FEE TITLE**, the City shall execute and record a deed restriction against the property to be conveyed, in a form and content acceptable to the Executive Director, incorporating all of the above terms of subsection (a) of this condition. The purpose of the deed restriction is to notify all potential buyers/future owners of the requirements of this agreement. The restriction shall include a legal description of the applicant's entire parcel and the parcel being conveyed and an exhibit clearly showing all existing and future public access improvements and commitments. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.
- C. **PRIOR TO THE EXECUTION OF ANY LEASES**, the City shall require the lessee to provide public access and/or recreation improvements as a condition of said lease.
- D. **AT THE TIME OF ANY CONVEYANCE OF FEE TITLE**, the City shall retain public access and/or recreation easements conforming to the public access and/or recreation areas on the lot depicted in Exhibit #4. The easements shall be in a form and content acceptable to the Executive Director and responsibility for the installation of public improvements within the easements shall be addressed in the lease. The easements shall not be removed or changed without a Commission amendment to this coastal development permit.
- E. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the City shall submit a written agreement, in a form and content acceptable to the Executive Director, and binding any future owners or lessees, incorporating all of the above terms of this condition for public access consistent with Exhibit #4.

2. Timing of Public Improvements. As each of the ten lots/units created herein develops, all public access improvements, including parks, walkways, trail links to off-site areas, recreational amenities (benches, picnic tables, playing fields, etc.), identified in Sections II.G. and VI.D.3.e. of the certified LCP (NTC Precise Plan), and partially shown on Exhibit #4, located on that lot/unit shall be installed and open for public use prior to, or concurrent with, on-site development, and in no instance later than issuance of the first certificate of occupancy for any structure on that site. All future owners and lessees of any property including public access easements shall be bound by these terms.

3. Runoff Control/BMP Plans. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the City shall agree in writing to implement and maintain the pollution control practices and facilities identified in the "Storm Water Quality Management Program," dated February 7, 2001, and delineated on the "Improvement Plans for Naval Training Center," dated December 11, 2000. Said program and plans were designed by a licensed engineer to minimize the volume, velocity and pollutant load of stormwater leaving the site and subsequently discharging into the boat channel and San Diego Bay. The drainage and filtration systems shall be maintained such that they are functional throughout the life of the approved development. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the permittee shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work. All future owners and lessees of any portion of this site shall be bound by these terms.

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

4. Final Plans. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the City shall submit to the Executive Director for review and written approval, final site, grading, drainage, landscaping and utility plans approved by the City of San Diego, which shall be in substantial conformance with the preliminary plans submitted by the applicant, titled "Improvement Plans for Naval Training Center," dated December 11, 2000.

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

V. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. The applicant (City of San Diego) requests approval of a Vesting Tentative Map (VTM) and construction of the infrastructure for the redevelopment of 316 acres of the former Naval Training Center site. The VTM, which divides the one existing lot into ten lots (referred to in all written descriptions as "units"), anticipates the filing of ten future subdivision maps for development of those lots. Seven of the ten lots created herein are located west of the boat channel and three are located on the east side; the boat channel itself is not part of this permit, as water quality issues have not been resolved and the property has not been transferred from the Navy to the City of San Diego. Coastal development permits for most future development on the lots/units created by this subdivision are anticipated to be sought from the City of San Diego under the terms of its certified LCP, since permit jurisdiction has recently been delegated to the City. However, the subject application was submitted and filed with the Commission prior to the time of transfer of permit authority. Pursuant to 14 C.C.R. § 13546, the applicant has the option of returning the application to the local government for review or of proceeding with the Commission. The City elected to proceed with Commission review. Development in those portions of the former NTC that are subject to the public trust will require coastal development permits from the Commission (see Exhibit #3 for a delineation of public trust lands). For original jurisdiction areas, Chapter 3 of the Coastal Act is the standard of review, and the certified LCP is the standard for the remainder.

The existing and proposed street system and the utilities connect across map boundaries. Because it may take several months for all the maps to be recorded, the City Engineer determined that a Parcel Map should also be prepared for the majority of the property on the west side of the channel. With this map, all the street rights-of-way could be dedicated and the utility easements granted together in advance of the first subdivision map. Under the City's Land Development Code, this type of parcel map does not require a discretionary action at the local level, and has been incorporated into the subject coastal development permit application.

As stated above, the subject coastal development permit application includes the dedication of public streets and utility easements, together with associated grading and infrastructure, including: sewer, water, and storm drain improvements; BMP devices; gas, electric, telecommunication, and cable lines; street improvements consisting of curb, gutter, paving, sidewalk, street lights, and right-of-way landscaping, and temporary erosion control on exposed earth. The project also includes reserving areas for public access within Units 6 (Mixed Use), 7 and 8 (Hotels), reservation of a forty-acre area for passive and active public park improvements, and a minimum 100-foot wide pedestrian/bicycle/recreational esplanade along the boat channel to provide continuous public access along the water. In addition, existing public access opportunities, consisting primarily of an informal trail along the west side of the channel from roughly the golf course to an existing on-site bridge across the channel, will be maintained throughout redevelopment.

Although the Commission will only have direct permit authority over portions of the ultimate development, for informational purposes, the following list details the anticipated buildout for all ten lots/units created herein:

Unit 1-Residential – Subdivision of 14.7 acres into dedicated streets and

- a. 108 lots ranging from 3400-4800 SF all for single family use
- b. landscaped open space lot (adjacent to Rosecrans)

Unit 2-Residential – Subdivision of 23.3 acres into dedicated streets and

- a. 104 lots ranging from 3400-4800 SF for single family use
- b. 12 lots for attached multi-family use
- c. 1 lot for landscaped public “promenade” /open space
- d. 1 lot for existing Building 271 (Pool/Gym)

Unit 3-Office/R&D – Subdivision of 22.9 acres into dedicated streets and

- a. 17 lots ranging from 1 to 3 acres for office/R&D use

Unit 4 – Education – Subdivision of 21.5 acres into dedicated streets and

- a. 11 lots ranging from 1 to 4 acres to accommodate existing buildings to remain (8 lots), parking (1) lot, and public promenade/open space (2 lots)

Unit 5 – Mixed Use – Subdivision of 63.4 acres into dedicated streets and

- a. 42 lots ranging from 4000 SF to 9 acres for mixed uses including existing buildings to remain (24), golf course (5 lots including 3 existing buildings), parking lots (5 lots), landscape lots (8 lots).

Unit 6 – Mixed Use – Subdivision of 87.8 acres into dedicated streets and

- a. 45 lots ranging from 3000 SF to 15 acres for mixed uses including existing buildings to remain (30), parking lots (6 lots), public park (4 lots including 2 existing buildings), landscape lots (5 lots).
- b. Coastal access easement

Unit 7 – Hotel Site – Subdivision of 25.9 acres into dedicated streets and

- a. 8 lots ranging from 0.3 to 8 acres for future hotel development
- b. 1 lot to accommodate existing Building 623 (3 acres)
- c. 1 lot to accommodate existing Building 430 (U.S.S. Recruit) (.8 acres)
- d. Coastal access easement

Unit 8 – Hotel Site – Subdivision of 21.7 acres into dedicated streets and

- a. 9 lots ranging from 1 to 5 acres for future hotel development
- b. Coastal access easement

Unit 9 – MWWD Site – Subdivision of 8.8 acres into dedicated streets and

- a. 1 lot for water testing laboratory (approved CDP #6-00-109)
- b. 1 lot for future San Diego State University laboratory site
- c. 1 lot for future landscaped open space “esplanade”

Unit 10 – Public Safety Training Institute Site – Subdivision of 26 acres into dedicated streets and

- a. 1 lot to accommodate a total of 12 existing buildings (to remain) (9 acres)
- b. 1 lot for future development of Public Safety Training Institute
- c. 1 lot for future landscape open space “esplanade”

2. Public Access and Recreation. The following policy language addresses the issue of public access as it relates to the subject development proposal. The policies state, in part:

Section 30210 (Coastal Act)

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 30211 (Coastal Act)

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

(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,

[...]

Section 30213 (Coastal Act)

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

Item C.2. (NTC Precise Plan)

Development shall not interfere with the public's right of access to the boat channel.

Public access from the nearest public roadway to and along the boat channel shall be provided...

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. In particular, a community center suitable for community meetings and assemblies shall be provided within NTC and made available for civic functions...

Item C.3. (NTC Precise Plan)

- a. Multiple entry points shall be provided at the perimeter of NTC to allow access to the boat channel.
- b. All streets at NTC will be public streets, assuring access to and through the site.
- c. No gates shall be permitted which preclude access from major public roads to the boat channel...
- d. All property to be developed as a public park and most of the property to be developed as public esplanade around the boat channel will be transferred to the City of San Diego by the Federal Government through a National Park Service Public Benefit Conveyance (PBC). Under the agreement with the National Park Service, all land conveyed under the PBC must remain in public use in perpetuity
- e. A public access easement shall be required for the esplanade in all areas not otherwise conveyed through a National Park Service PBC...
- ...j. Continuous public access shall be provided along the NTC esplanade, connecting Gate 1 (Lytton/Barnett Street) to the Spanish Landing approach point.

The conceptual redevelopment of NTC was reviewed extensively as the Precise Plan made its way through the various levels of government approval. The plan ultimately certified by the Coastal Commission is the standard of review for all successive permits to implement the plan, except for those portions of the property that fall within the Commission's original permit jurisdiction area where Chapter 3 of the Coastal Act is the standard of review and the Precise Plan is used for guidance. As can be seen in the above policy citations, the Chapter 3 policies are less detailed than those in the Precise Plan, but there is no conflict between the two standards and the intent of both is the maximization of public access to and along the boat channel and all public use amenities.

The Commission has two concerns regarding the provision of adequate public access: First, the Commission must be assured that the proper easements to secure the public access in perpetuity are properly in place before residential and commercial construction begins. Second, the Commission must be assured that the public improvements are completed prior to, or concurrent with, the private buildout of each lot/unit, such that the

public begins receiving benefits at the same time private investors do. Special Conditions #1 and 2 are designed to provide these assurances.

Special Condition #1 is necessary even though the City of San Diego currently owns the entire site, except for the boat channel, which will be granted to the City after any required water quality remediation is complete. In the future, the City will continue to own some of the land outright, such as the park and walkways along the channel, and the channel itself. Other areas will stay in City ownership, but be leased to private entities for various types of development (i.e., hotel sites). In addition, the areas to be developed residentially will be sold in fee title to private developers. Thus, it is not necessary for the City to record a deed restriction addressing public access for those properties which it will retain and operate permanently for general public recreation, or those it will lease for private development, since the required public access (and associated improvements) will be acknowledged as a term of the lease. It will be necessary, however, for the City to reserve easements to protect public access and recreation on all property that is sold to private entities, at the time such conveyance occurs.

Special Condition #2 addresses the timing of installation of public improvements, which include, but are not limited to walkways, viewing areas, picnic tables, benches, and venues for active recreation. The condition assures that all public amenities will be provided prior to, or concurrent with, on-site private development. The condition binds all future owners/lessees to its terms.

In summary, the City's intention is that a significant amount of the former military facility will be available for both active and passive public recreational use. This area consists primarily of the forty-acre public park in Unit 6, and the public walks/trails adjacent to the boat channel. These public areas also include portions of Units 7 and 8, the two future hotel sites, which both front on the boat channel. Except on a short-term, temporary basis (as public safety demands), all existing access amenities, consisting primarily of an informal trail along the water's edge from the golf course to the existing bridge, are to remain open for public use throughout the redevelopment of the site. The special conditions require the applicant to agree in writing to the terms of these conditions, especially where implementation will occur at a later date. Therefore, as conditioned, the Commission finds the proposed development consistent with the cited sections of the Coastal Act and certified LCP.

3. Water Quality. The following Coastal Act policies addressing water quality are most applicable to the subject proposal, and state, in part:

Section 30230

Marine resources shall be maintained, enhanced, and where feasible, restored...Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters....

Section 30231

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum population 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

In addition, the Implementation Chapter of the Precise Plan includes the following policies (among others):

1. All development on the first row of lots adjacent to the boat channel and boat channel park shall comply with the provisions of applicable state and federal water quality standards for discharges into sensitive habitat areas.
2. All development shall be designed to minimize the creation of impervious surfaces, reduce the extent of existing unused impervious surfaces, and to reduce directly connected impervious area, to the maximum extent possible on the site.
3. Plans for new development and redevelopment projects, shall incorporate Best Management Practices (BMPs) and other applicable Management Measures contained in the California Nonpoint Source Pollution Control Plan, that will reduce to the maximum extent practicable the amount of pollutants that are generated and/or discharged into the City's storm drain system and surrounding coastal waters. BMPs should be selected based on efficacy at mitigating pollutants of concern associated with respective development types or uses. For design purposes, post-construction structural BMPs (or suites of BMPs) should be designed to treat, infiltrate or filter stormwater runoff from each storm, up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor, for flow-based BMPs.

Over the past many years, there have been on-going concerns about the water quality of San Diego Bay. The Bay is the "end of the line" for surface runoff for much of the developed urban areas of San Diego, including a great deal of industrial and military development, and thus receives vast quantities of stormwater (some of it polluted) through the City's existing storm drain system that includes numerous outfalls around the bay. The boat channel on the subject site connects directly to San Diego Bay, and is itself a polluted water body, since it receives direct discharge from various military and civilian facilities. The channel is currently being studied to determine what level of contamination exists and how to remediate it, before the Navy can convey this remainder of the old training center to the City of San Diego.

Any new development which results in the conversion of currently pervious surfaces to impervious ones, accelerates runoff and reduces filtering of runoff, if not mitigated through appropriate design and maintenance. In this particular case, the majority of the site is already paved as a result of its past military use, which included the construction of numerous large buildings. Some of these buildings have now been demolished, but many

of them are historic structures and will remain as part of the overall redevelopment. In addition, new structures will be proposed in the future, primarily in those areas where buildings have been removed. A goal of the Precise Plan (cited above) is to ultimately reduce the total amount of impervious surfaces on this site. For purposes of the subject application, which consists only of subdivision and infrastructure improvements, the amount of existing impermeable surfaces on the site is unlikely to change to any significant degree. Existing paved roads will become the new public streets, improvements will be made to the existing storm drain system, and the remainder of improvements proposed at this time are underground utilities.

To address water quality concerns, the applicant has conducted a number of studies and has proposed a BMP program (Storm Water Quality Management Program) that was reviewed by the Commission's Water Quality Unit. The plan identified a range of potential BMPs for this very large (over 300 acres) site, based on the range of proposed uses and the locations of such uses. The plan also identified that initial drainage infrastructure will be constructed under the subject permit, but specific, detailed site improvements for each of the ten development units will be installed in conjunction with buildout of that particular unit. The Commission's Water Quality staff found this approach acceptable and determined that the proposed facility improvements and BMPs, which have been designed to meet the 85th percentile criteria, are appropriate for this site and mix of uses.

The program proposes BMPs both for the construction period and for ongoing operation of the constructed facilities. The temporary (construction) measures include, but are not limited to, the use of straw bales, check dams and sandbags, along with temporary sediment traps and basins; these are required by the subject plans to be in place from October 15th through April 15th of each year. Permanent structural BMPs include drain inlet filters, biofilters, extended detention basins, wetponds and storm water separators. Non-structural permanent BMPs will include drain inlet cleaning/maintenance, street cleaning, storm drain stenciling, landscaping irrigation controls, public education and household hazardous waste disposal.

Special Condition #3 is intended to assure that the proposed BMP program is implemented and maintained. Responsibility for the installation, operation and maintenance of all BMPs rests with the City and all future owners and lessees of the site. The Commission finds that the proposed development, as conditioned, will have a positive impact on the quality of the boat channel and San Diego Bay waters. This will improve San Diego Bay's function as a productive biological resource area, and will also increase the appeal of the boat channel for human recreational activities. The Commission finds that approval of the development, as conditioned, is fully consistent with the cited Coastal Act and certified LCP policies.

4. Visual Resources. Section 30251 of the Coastal Act provides for the protection of scenic coastal resources, and states, in part:

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 certified Precise Plan says the following with respect to views:

Views of the waterfront and skyline shall be protected by establishing public view corridors which accentuate key public rights-of-way (streets and sidewalks, both existing and proposed) with appropriate zoning, setbacks and design standards, including clustering of tall buildings, slender buildings, proper building orientation and floor area restrictions and height limits where necessary.

Street signs and traffic control signals should not create overhead barriers to long and short views down streets. Existing views of the Coronado Bridge from Rosecrans Street shall not be obstructed by new development on NTC.

There are four principal through-view corridors designated on NTC, as shown on Figure 4.2, *View Preservation*, which allow views through the base. These unobstructed through-view corridors rise vertically from the edges of the road bed and include any public sidewalks provided. No structural penetration of the through-view corridors shall be permitted on the west side of the boat channel. There are also three panoramic viewsheds over NTC, observable from publicly accessible areas west of the base as shown on Figure 4.2, *View Preservation*. These panoramic views are possible because the topography rises steeply west of Rosecrans. To avoid negatively affecting these panoramic views, no new on-site development at NTC shall exceed 45 feet in height within 600 feet of Rosecrans Street.

On site views will be provided not only via the through-view corridors shown on Figure 4.2 [of the Precise Plan], but also by the occasional framed views possible through arcades and in the spaces between buildings. These views, as shown on Figure 4.1, *Urban Design Concept Plan* [of the Precise Plan], provide unexpected, distant, and frequently surprising cameos of structures, landscaping, skyline, and blue sky. To avoid negatively affecting these occasional cameo views, no new on-site development at NTC shall be located so as to block the views shown on Figure 4.1.

The site is located adjacent to Harbor Drive, a major and scenic coastal access route. Across Harbor Drive is Spanish Landing, a scenic public recreational resource of regional significance. Moreover, much of the residential development on Point Loma overlooks this site. Future components of the overall site will include renovation of existing buildings and construction of new buildings which must meet the standards outlined in the certified LCP (NTC Precise Plan). The subject application does not include construction of any structures aside from infrastructure and public access improvements related to the subdivision. Construction of buildings on the property will be subject to

the standards established in the certified Precise Plan and will require coastal development permits. Because the proposed improvements include some site landscaping, mostly for erosion control purposes, and the submitted plans are preliminary, Special Condition #4 requires submittal of final plans for all proposed work, including the landscape improvements. As conditioned, the Commission finds the proposed subdivision and associated improvements consistent with the cited policies of the Coastal Act and certified LCP.

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, as conditioned, 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. The majority of the site has now been transferred to the City of San Diego, including all lands subject to this permit. Also, the Commission has approved an LCP land use plan and implementation program for the area (NTC Precise Plan and Local Coastal Program) and the City has assumed permitting authority for most of the area in question. However, a portion of the site will remain within the Commission's original jurisdiction as public trust lands. This application was filed with the Commission prior to the City assuming permit authority. Thus, the Commission is reviewing all development proposed in the application, with Chapter 3 of the Coastal Act being the legal standard of review for public trust areas and the certified LCP being the legal standard of review for the remainder of the site now in City coastal development permit jurisdiction.

As discussed above, the proposed project can be found consistent with the public access, water quality, and visual resource protection policies of the Coastal Act and the certified LCP. As conditioned, no impacts to coastal resources will result from the proposed subdivision and related infrastructure and public access improvements. 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 Permits 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.

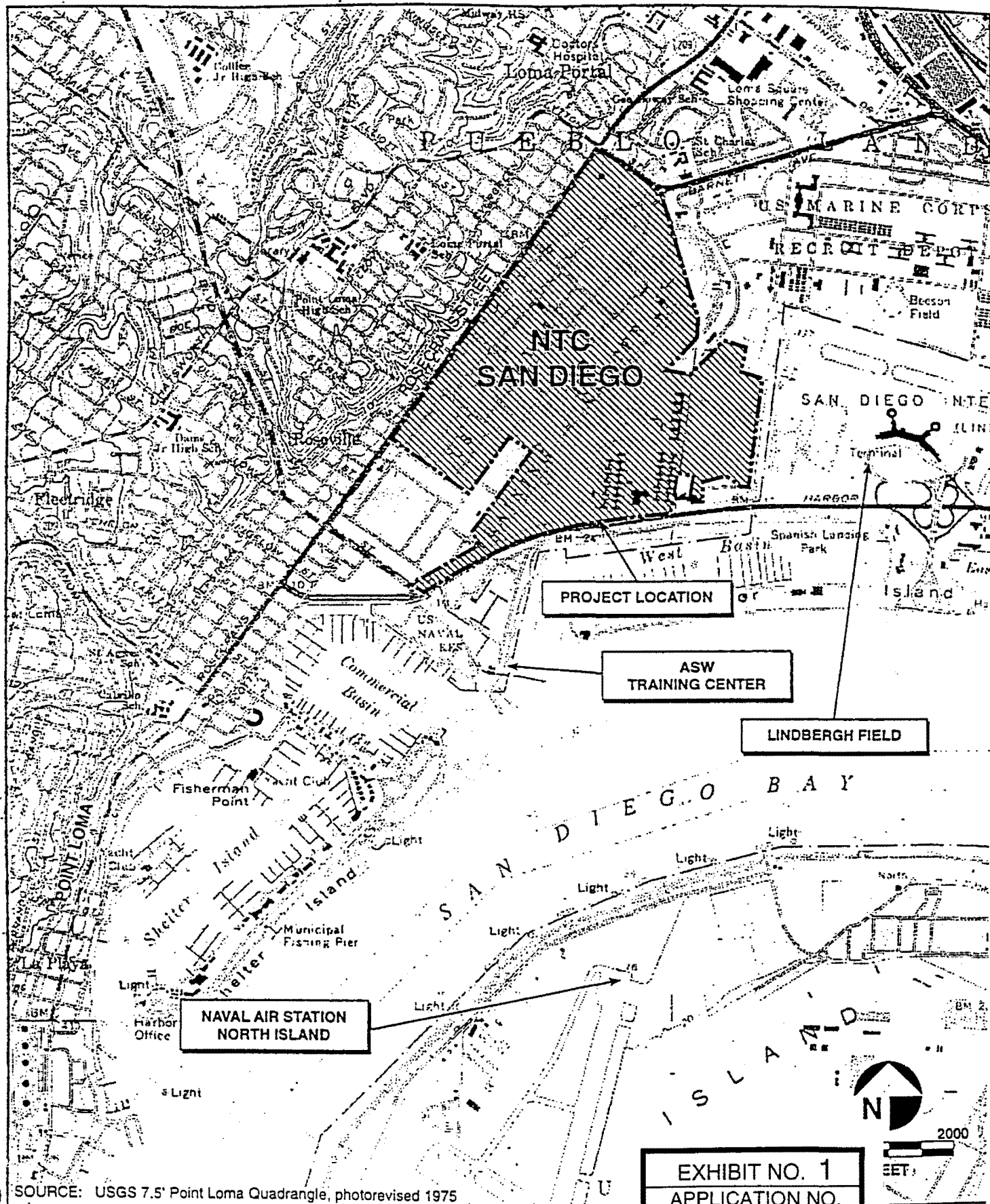
The proposed project has been conditioned in order to be found consistent with the cited policies of the Coastal Act, and the certified LCP. Mitigation measures, including

implementation of a Best Management 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 project is the least environmentally-damaging feasible alternative and is 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.

6-01-148



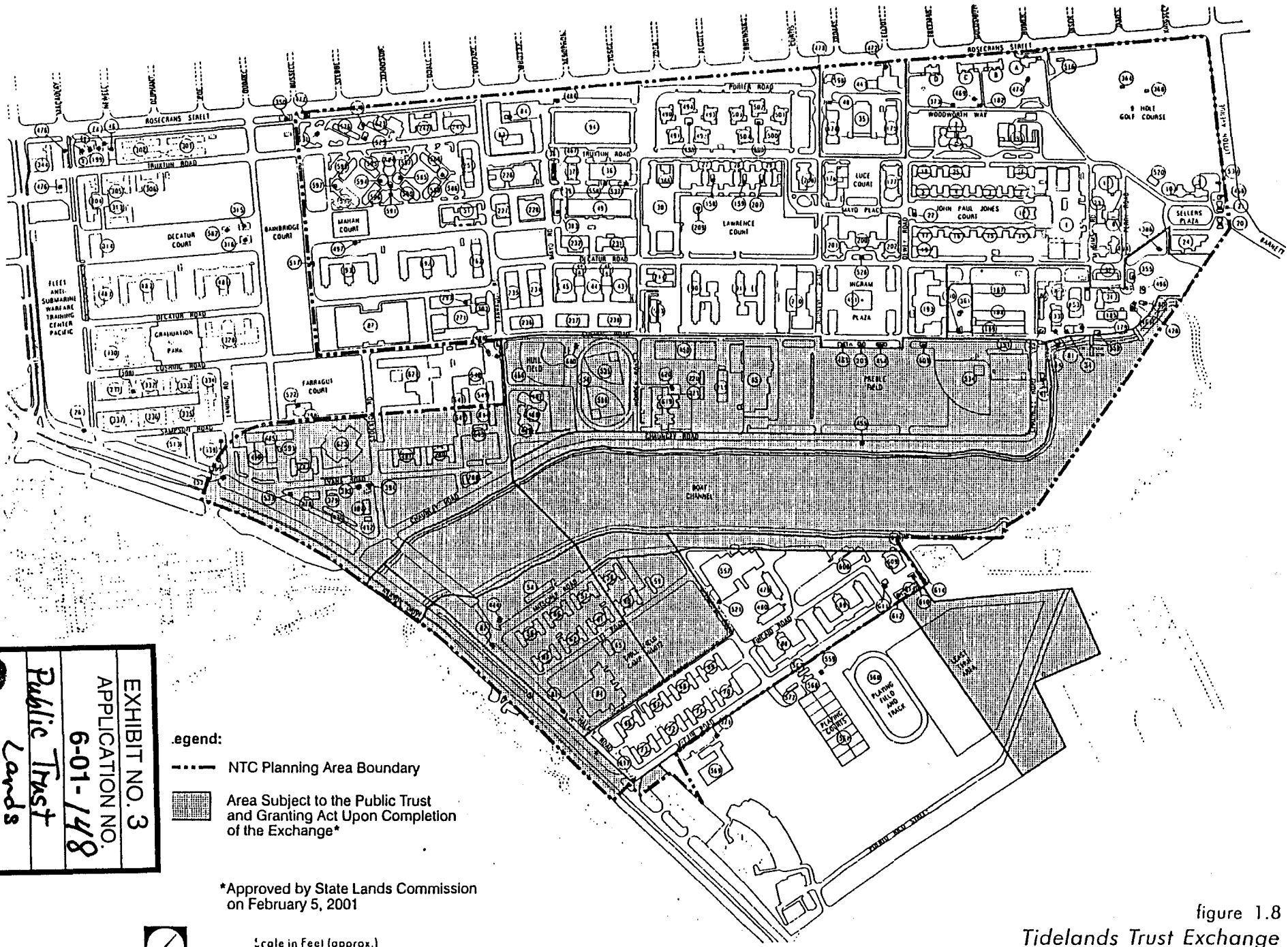
Project Vicinity

EXHIBIT NO. 1
APPLICATION NO.
6-01-148
Location Map
California Coastal Commission



FIGURE

6-01-148



Legend:
 - - - - - NTC Planning Area Boundary
 [Shaded Area] Area Subject to the Public Trust and Granting Act Upon Completion of the Exchange*

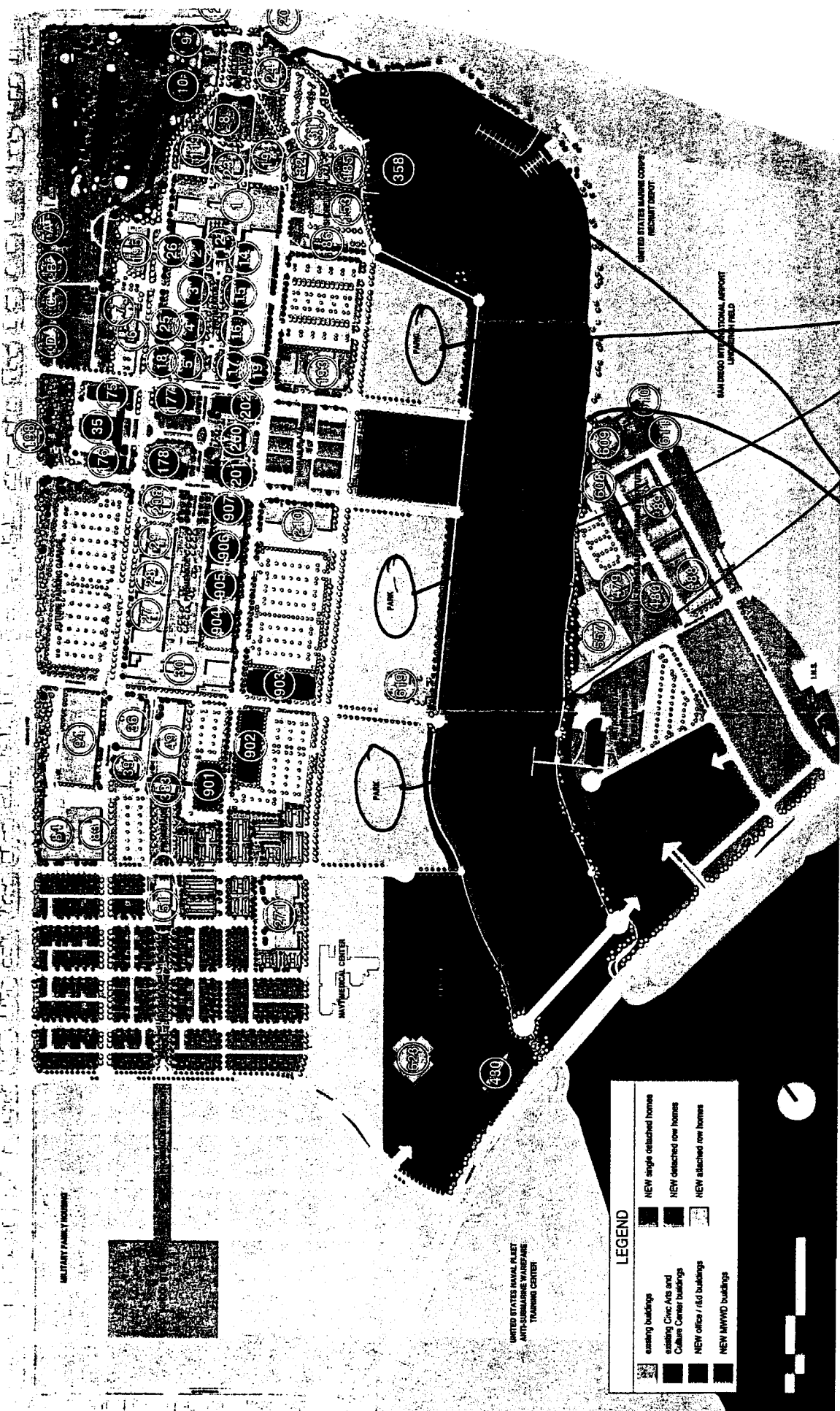
*Approved by State Lands Commission on February 5, 2001

Scale in Feet (approx.)
 0 200 400 600 800 1000
 Rick Planning Group 04.27.01

EXHIBIT NO. 3
 APPLICATION NO.
 6-01-148
Public Trust
Lands
 California Coastal Commission


figure 1.8
 Tideland Trust Exchange
 NTC Precise Plan

6-01-148



Future
Park

Public
Esplanade
around
Boat Channel

EXHIBIT NO. 4
APPLICATION NO.
6-01-148
Public Access
 California Coastal Commission