

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

7575 METROPOLITAN DRIVE, SUITE 103

SAN DIEGO, CA 92108-4421

767-2370



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REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-03-081

Applicant: City of San Diego
 Park and Recreation Department

Agent: Kathi Riser
 McMillin-NTC, LLC

Description: Development of 49-acre park and esplanade at the former Naval Training Center, including parking lots, restrooms, trash enclosures, ball courts, multi-purpose fields, aquatic complex, and other public facilities.

Lot Area	49 acres (2,134,876 sq. ft.)
Building Coverage	38,985 sq. ft. (2%)
Pavement Coverage	576,980 sq. ft. (27%)
Landscape Coverage	1,518,911 sq. ft. (71%)
Parking Spaces	526
Zoning	OP-1-1 and CC-5-5
Plan Designation	Park/Open Space
Ht abv fin grade	15 feet

Site: North of Harbor Dr., West of Kincaid Rd./East of Cushing Rd between Farragut Rd. and Chauncey Rd., Peninsula, San Diego, San Diego County. (APN 450-790-07, -10, -11, -28, -31)

Substantive File Documents: Certified NTC Precise Plan and Local Coastal Program;
 CDP #6-01-148

STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the proposed project with special conditions. The park and esplanade development is a component of the certified NTC Precise Plan/Local Coastal Program. The project has been conditioned to ensure that no adverse impacts to water

esplanade area will be improved and open for public access and use. Landscaping and signage restrictions on the site will ensure that visual impacts are minimized.

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit No. 6-03-081 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. Final Plans. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit to the Executive Director for review and written approval, final site, grading, development and landscaping plans for the permitted development, that have been approved by the City of San Diego. Said plans shall be in substantial conformance with the concept plans dated 8/12/03 by RBF Consulting submitted with the coastal development permit application, and shall be revised to provide the following:

a. A final landscaping plan in substantial conformance with the draft general development and landscape plan submitted on September 2, 2003, by ONA, Inc., and shall including the following:

1. A plan indicating the location and height of proposed new trees, and proposed landscaping for buffers between the pedestrian/bicycle pathway and the boat channel. To avoid an increased threat of raptor predation on shorebirds and waterbirds, new tree plantings shall be located at least 30 feet from the boat channel. No trees shall be located within or visually obscure the four principal through-view corridors, as designated in the approved NTC Precise Plan and the certified City of San Diego LCP.

2. Landscaping between the esplanade and the boat channel shall provide a visual buffer approximately 3 feet in height between human activities on the esplanade and the shoreline and boat channel, to the maximum extent feasible without obscuring existing views or designated view corridors. A list of proposed plants to be used in the landscaped areas shall be provided. Drought tolerant and native plant materials shall be utilized. No invasive species are permitted. The type and location of any proposed barriers, signage or other materials or methods that will be utilized to separate human activities on the esplanade from the boat channel shoreline shall be indicated. Buffer landscaping shall be designed to minimize intrusion by pedestrians and bicyclists into the buffer areas, and provide visual separation to reduce human disturbance to birds that use the channel.

3. Five years from the date of issuance of the coastal development permit, the applicant shall submit for review and written approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and written approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

4. Construction lighting and post-construction project lighting fixtures shall be shaded and oriented so that direct light or indirect glow will not increase the light levels in the boat channel adjacent to the project site.

The permittee shall undertake development in accordance with the approved final site and landscaping 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 legally required.

2. Drainage and Polluted Runoff Control Plan. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for the review and written approval of the Executive Director, final drainage and runoff control plans approved by the City of San Diego. The plan shall be prepared by a licensed engineer and shall incorporate structural and non-structural Best Management Practices (BMPs) designed to control the volume, velocity and pollutant load of stormwater leaving the site. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

- a. A Stormwater Quality Management Program (SWQMP) specific to this project shall be provided, which identifies anticipated pollutants from the project area and describes the specific BMPs to be used for controlling post-construction stormwater runoff and the identified pollutants.
- b. Drainage from the parking areas, driveway areas, and other impervious surfaces shall be directed through vegetative or other media filter devices effective at removing and/or treating contaminants such as petroleum hydrocarbons, heavy metals, and other particulates.
- c. Opportunities for directing runoff into pervious areas located on-site for infiltration and/or percolation of rainfall through grassy swales or vegetative filter strips, shall be maximized.
- d. Runoff shall be conveyed off site in a non-erosive manner. Downspouts for roof gutters shall incorporate energy dissipaters.
- e. Parking lots susceptible to stormwater should be swept with a vacuum regenerative sweeper on a regular basis.
- f. Structural BMPs must be clearly identified on the plans, with graphical illustrations provided where appropriate. The plans should also show the subdrainage area draining to each structural BMP or suite of BMPs.
- g. Selected post-construction BMPs (or suites of BMPs) shall be designed to treat, infiltrate or filter stormwater from each runoff event, in amounts up to and including the amount produced by the 85th percentile, 24-hour runoff event for volume-based BMPs, and/or the 85th percentile, 1-hour runoff event, with an appropriate safety factor, for flow-based BMPs. The SWQMP shall clearly demonstrate the ability of each structural BMP (or suite of BMPs) to accommodate the above-required design storm runoff volume/flow from its own subdrainage area. To that end, the SWQMP shall present calculations used to arrive at the runoff volume/flow rate for each subdrainage area, and with calculations, show how the BMPs individually or collectively are adequate to handle the projected runoff.
- h. The plan shall include provisions for maintaining the drainage system, including structural BMPs, in a functional condition throughout the life of the approved

development. The plan shall include an identification of the party or entity (ies) responsible for maintaining the various drainage systems over its lifetime and shall include written acceptance by the responsible entity (ies). If the applicant is not the responsible party, the applicant shall nevertheless be responsible for any failure, by the responsible party, to fulfill its commitments under this section. Such maintenance shall include the following: (1) BMPs shall be inspected, cleaned and repaired when necessary prior to and during each rainy season, including conducting an annual inspection no later than September 30th each year and (2) should any of the project's surface or subsurface drainage/filtration structures or other BMPs fail or result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system or BMPs and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Executive Director to determine if an amendment to this coastal development permit or a new coastal development permit is legally required to authorize such work.

- i. Sequence construction to install sediment-capturing devices first, followed by runoff control measures and runoff conveyances. The use of temporary erosion control measures, such as berms, interceptor ditches, sandbagging, filtered inlets, debris basins, and silt traps shall be utilized in conjunction with plantings to minimize soil loss during construction. Land clearing activities should only commence after the minimization and capture elements are in place.
- j. Clearing and grading activities shall avoid the rainy season (October 15-April 15) where appropriate to minimize erosion potential.
- k. Areas of bare soil exposed at any one time shall be minimized (phased grading), and only areas essential for construction shall be cleared. Depending on storm frequency, bare soils should be stabilized with nonvegetative BMPs within five days of clearing or inactivity in construction.

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

3. Fertilizer and Pesticide Use. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and approval, a fertilizer and pesticide use plan for the park development. The plan shall comply with the following requirements:

- a. Turf and landscape management methods shall minimize fertilizer use, water use and chemical pest control to the maximum extent feasible, to avoid impacts to water quality in the adjacent boat channel and shoreline areas.

- b. The plan shall favor non-chemical strategies over chemical strategies for managing onsite pests and maintaining turf and landscaping vegetation. Chemical strategies shall only be employed after all other strategies have been used and proven ineffective. This shall be demonstrated by providing written notice to the Executive Director of the non-chemical strategies that will be used, the reasons for their ineffectiveness, and the chemical strategies that are being considered.

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

4. Storage and Staging Areas/Access Corridors. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and written approval, final plans indicating the location of access corridors to the construction site and staging areas. The final plans shall indicate that:

- a. No overnight storage of equipment or materials shall occur on sandy beach or public parking spaces. During the construction stages of the project, the permittee shall not store any construction materials or waste where it will be or could potentially be subject to tidal erosion and dispersion. In addition, no machinery shall be placed, stored or otherwise located within 15 feet of the boat channel at any time. Construction equipment shall not be washed adjacent to the boat channel.
- b. Access corridors shall be located in a manner that has the least impact on public access to and along the shoreline.
- c. The applicant shall submit evidence that the approved plans/notes have been incorporated into construction bid documents. The staging site shall be removed and/or restored immediately following completion of the development.

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.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description/History. The proposed activity is development of a 49-acre park and esplanade on the site of the former Naval Training Center (NTC). The development area is located on both the east and west sides of the boat channel, on the inland side of Harbor Drive and on the southwest side of Rosecrans Street, in the Peninsula community of the City of San Diego. The project involves the installation of improvements for public access and public use of the park and esplanade site, including new rest rooms, drinking fountains, benches, ballfields and multi-purpose playing fields, an aquatic complex and lighting.

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 park site was transferred from the United States of America (via the National Park Service) to the City of San Diego in accordance with the Public Benefit Conveyance for park and public recreation purposes. The City of San Diego has a certified NTC Precise Plan and Local Coastal Program (LCP) covering the 361 acres of NTC that was conveyed to the City, including the subject site. A General Development Plan (GDP) for the park site was approved by the San Diego City Council on May 6, 2003. The boat channel itself was not conveyed to the City, and therefore is not part of the park development plans. Previous coastal development permits associated with the project include CDP # 6-00-167 (demolition of existing structures) and #6-01-148 (subdivision and infrastructure).

Pursuant to the proposed development plan, both passive and active recreational facilities will be provided. Active recreation elements include ball fields, a multi-use field, multi-purpose courts, an aquatics complex, and tot lots. Passive recreational elements include group and individual picnic areas, open turf areas, a historic plaza, a nature area, and a dual-use esplanade for walking and bicycling. Parking will be provided both onsite and along the street frontage, with a net total of 396 new spaces being provided onsite.

The esplanade will extend along the boat channel for the entire length of the park, eventually crossing the boat channel and continuing along the southeast side of the channel. The esplanade will provide two separate 10-foot-wide paths to serve both pedestrians and bicyclists. Benches and observation areas will be provided along the pathways. Development will be set back from the boat channel by a 15-foot buffer zone for water quality protection. Materials such as decomposed granite and/or vegetation requiring little or no fertilizers and pesticides would be incorporated into the buffer area. No shoreline activity or development is proposed in the park development plan because of the U.S. Navy's prohibition on development activities in the boat channel. Development of the proposed plan will require approximately 18,000 cubic yards of cut material and 80,000 cubic yards of fill material. Both borrow and disposal sites will be located in NTC Unit 5, consistent with the certified NTC Precise Plan and Local Coastal Program.

The subject site is located on public trust lands and is thus within the Commission's original jurisdiction. Chapter 3 of the Coastal Act is the standard of review, with the certified NTC Precise Plan used as guidance.

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 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 subject site will be developed as a public park and esplanade as part of the overall NTC redevelopment plan. The certified Precise Plan policies include the following:

- 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...
- The City of San Diego shall assure that the creation of the public esplanade and other public access opportunities is tied directly to milestones in the development of NTC and is not left to the final stage of development. Prior to construction of the esplanade, public access shall continue to be available along the waterfront. Signage directing the public to and along the waterfront shall be in place prior to occupancy of any new residential or commercial development at NTC.

The proposed development will ensure that the public will be able to use the park and esplanade area and access the waterfront for recreational purposes. Approximately 130 public parking spaces currently exist on the east side of Cushing Road, which are available for use by park visitors. The proposed development will add 396 new spaces within the development site, for a total of 526 spaces. Temporary public access has been provided along most of the boat channel for use while the permanent improvements associated with the park and esplanade are being developed, consistent with CDP 6-01-148.

Thus, as proposed, the development will include public access and passive recreational opportunities. These improvements will allow adequate public access opportunities consistent with the Chapter 3 policies of the Coastal Act and the certified NTC Local

Coastal Program. Because the plans are still at the concept level at this time, Special Condition #1 requires that the applicant submit final plans, consistent with the submitted preliminary plans, which have been approved by the City of San Diego. No adverse impacts to public access or recreation are expected from the proposed project. Therefore, the project is consistent with the public access policies of the Coastal Act.

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 NTC Precise Plan includes the following policies:

- Water quality improvement is an important policy issue for NTC. Therefore, storm water quality management techniques must be integrated into the engineering and landscape design. A Storm Water Pollution Prevention Plan must be developed which leads to an NPDES permit. This will be among the conditions of approval on a Vesting Tentative Map. Proposals to control runoff shall be required of NTC development and include Best Management Practices for dealing with sediment, petrochemicals, and trash. The policy of the City is to ensure the future health, safety and general welfare of the citizens of the City and to improve and protect the water quality and beneficial uses of receiving waters by controlling stormwater runoff and pollution that may cause or contribute to adverse impacts on recreational access to beaches, or other coastal resources, such as sensitive habitat areas in, or associated with, coastal waters. All development, public and private, shall meet or exceed the stormwater standards of the State of California, and the most recent standards of the Regional Water Quality Control Board with regard to stormwater runoff.
- 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.

• WATER QUALITY STANDARDS:

Proposals to control runoff shall be required of NTC development and include methods for dealing with sediment, petrochemicals, and trash. The policy of the City is to ensure the future health, safety and general welfare of the citizens of the City and to improve and protect the water quality and beneficial uses of receiving waters by controlling stormwater runoff and pollution that may cause or contribute to adverse impacts on recreational access to beaches, or other coastal resources, such as sensitive habitat areas in, or associated with, coastal waters. All development, public and private, shall meet or exceed the stormwater standards of the State of California, and the most recent standards of the Regional Water Quality Control Board with regard to stormwater runoff. Pursuant to this:

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.
4. A public participation component that identifies methods to encourage public participation in managing development and minimizing urban runoff impacts to the coast shall be developed. This component should outline a public education and involvement program designed to: raise public awareness about stormwater issues and the potential impacts of water pollution; and, involve the public in the development and implementation of the City's pollution control goals.

5. The City shall pursue opportunities to actively participate in watershed level planning and management efforts directed towards reducing stormwater and urban runoff impacts to water quality and related resources, including restoration efforts and regional mitigation, monitoring, and public education programs. Such efforts will involve coordination with other local governments, applicable resource agencies and stakeholders in the surrounding areas.

6. If a new development, substantial rehabilitation, redevelopment or related activity poses a threat to the biological productivity and the quality of coastal waters or wetlands and if compliance with all other applicable legal requirements does not alleviate that threat, the City shall require the applicant to take additional feasible actions and provide necessary mitigation to minimize the threat.

The boat channel on the subject site connects directly to San Diego Bay, and is a polluted water body that 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 that 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. Previously-existing buildings on the site cover approximately 27,995 sq. ft. of surface area; new development under current proposal will include 38,985 sq. ft. of building area, 576,980 sq. ft. of paved area (parking lots, walkways, etc.), and 1,518,911 sq. ft. of landscaped area. Although the proposed development will increase surface water runoff and have the potential to impact water quality, the BMPs proposed in Special Condition #2 have been developed to address and mitigate the additional impacts.

As cited above, the NTC Precise Plan has specific requirements for water quality Best Management Practices (BMPs) that must be met. The applicant has submitted a preliminary stormwater plan with BMPs for stormwater filtering and drainage. Special Condition #2 has been attached to ensure that all BMPs meet the requirements of the Precise Plan, and are met and maintained. Additionally, Special Condition #3 specifically addresses fertilizer and pesticide use in order to protect water quality. The Commission's water quality staff has reviewed the project and determined that, as conditioned, the project will be consistent with the water quality protection policies of the Coastal Act. Therefore, as conditioned, the proposed project is consistent with the resource protection policies of the Coastal Act.

4. Visual Impacts. Section 30251 of the Coastal Act addresses visual 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....

In addition, the NTC Precise Plan includes the following requirements:

VIEWS OF DOWNTOWN -

Views of the downtown skyline and San Diego Bay will be available and protected on-site from the planned public waterfront park and from structures with unobstructed south and southeastern vistas. Preservation of existing views and the creation of new public view corridors is a priority.

URBAN DESIGN -

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, 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*, provide unexpected, distant, and frequently furtive-seeming 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 proposed park and esplanade development, including landscaping components, will not block any public views or interfere with any of the view corridors identified in the certified precise plan. The site is partially visible from Harbor Drive, a major coastal access route. The applicant proposes to landscape the park areas and the buffers between the esplanade and the boat channel. As required in Special Condition #1, the applicant will provide a final landscaping plan, including information on tree heights, proposed plantings, and lighting designs, with the stipulation that tree plantings shall not be located within or obscure the designated identified view corridors. The proposed development will not affect the visual character of the surrounding community and will be consistent with other protective requirements for visual resources on the site and the boat channel. Therefore, as proposed, the development will be consistent with the visual resource policies of Section 30251 of the Coastal Act.

5. Sensitive Species Protection. Section 30240 of the Coastal Act addresses sensitive species and their habitats, and states in part:

Section 30240.

- (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.
- (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

The boat channel traversing the project site supports adjacent ruderal, freshwater marsh, disturbed ephemeral wetland, subtidal estuarine open water, and rocky shoreline habitats. Eelgrass beds exist within the boat channel. A heron colony has been previously identified on the site, which will be protected. The boat channel supports foraging and roosting of the California brown pelican (federal and state endangered), and nesting and foraging of the California least tern (federal and state endangered). Sensitive bird species protected under the Migratory Bird Treaty Act may also breed, roost and forage within and adjacent to the boat channel.

In order to protect sensitive bird species from development encroachment, human activity, and increased raptor predation, Special Conditions #1 and 3 require that new tree plantings must be located at least 30 feet from the boat channel (to decrease raptor perching opportunities), drought-tolerant and native planting materials must be used within the park site, construction lighting and post-construction lighting fixtures must be oriented away from the boat channel, and fertilizer and pesticide use must be minimized to protect direct avian impacts, water quality, and offshore eelgrass habitat. Additionally, the applicant is required to provide information in the final landscaping plan indicating how landscaping between the pedestrian/bicycle pathways on the esplanade will function

to minimize human intrusion into buffer areas, and provide a visual separation approximately 3 feet in height between humans and nesting/foraging birds, while retaining required viewsheds.

Implementation of the above-described conditions will protect sensitive bird species and their habitat from increased impacts due to the proposed development. Therefore, as proposed, the development will be consistent with the sensitive species and habitat protection policies of Section 30240 of the Coastal Act.

6. 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. The majority of the site has now been transferred to the City of San Diego. However, the subject site will remain within the Commission's original coastal permit jurisdiction as public trust lands.

As discussed above, the proposed project is consistent with the public access and water quality protection policies of the Coastal Act. As conditioned, no impacts to coastal resources will result from the proposed project. Therefore, the Commission finds that approval of the proposed development will not prejudice the ability of the City of San Diego to continue implementing its certified Local Coastal Program for the area.

7. 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 public access and water quality protection policies of the Coastal Act. 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.

SEE 1267 MAP

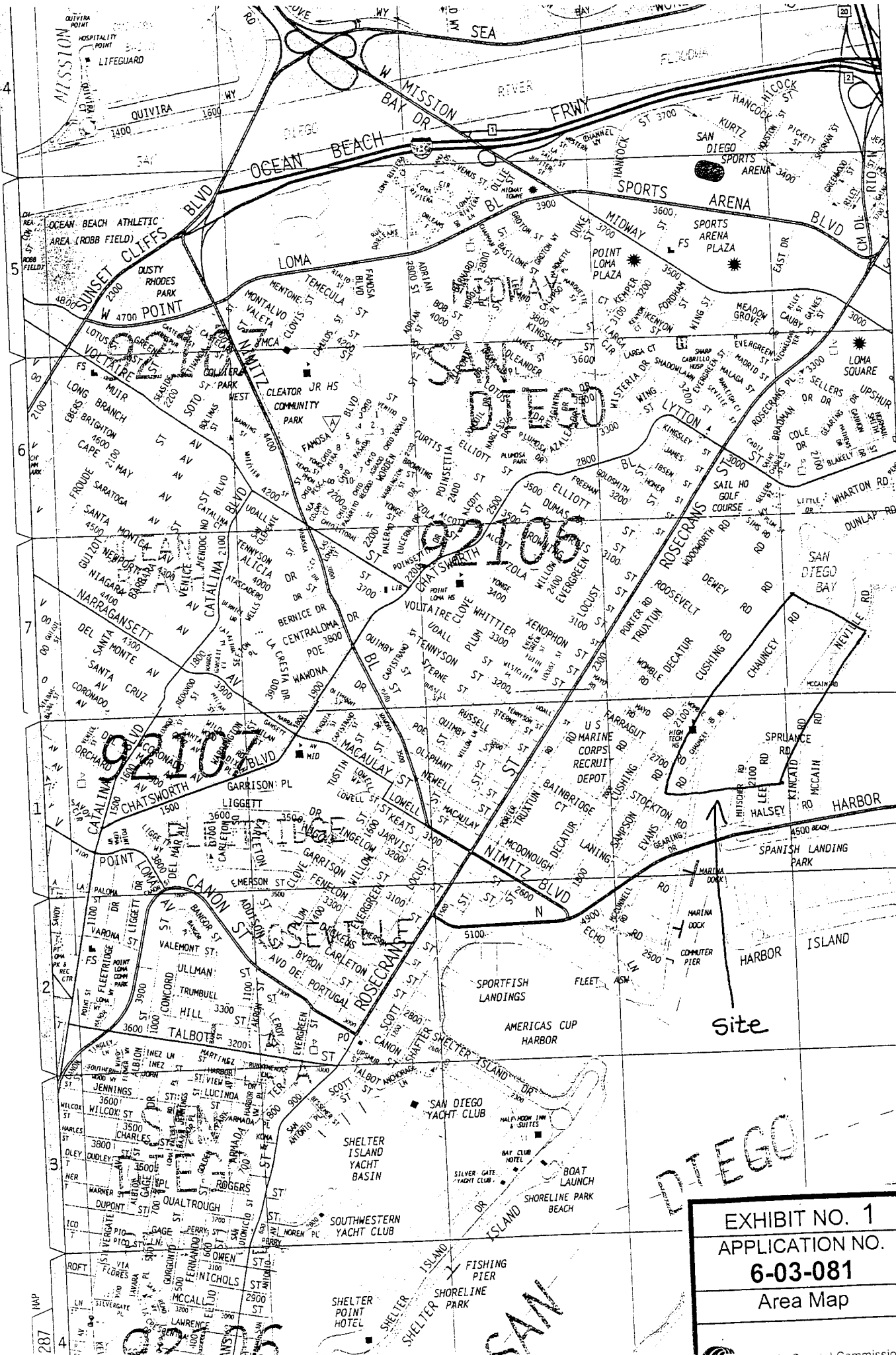


EXHIBIT NO. 1
 APPLICATION NO.
6-03-081
 Area Map

SAN DIEGO CO

287 MAP

92105

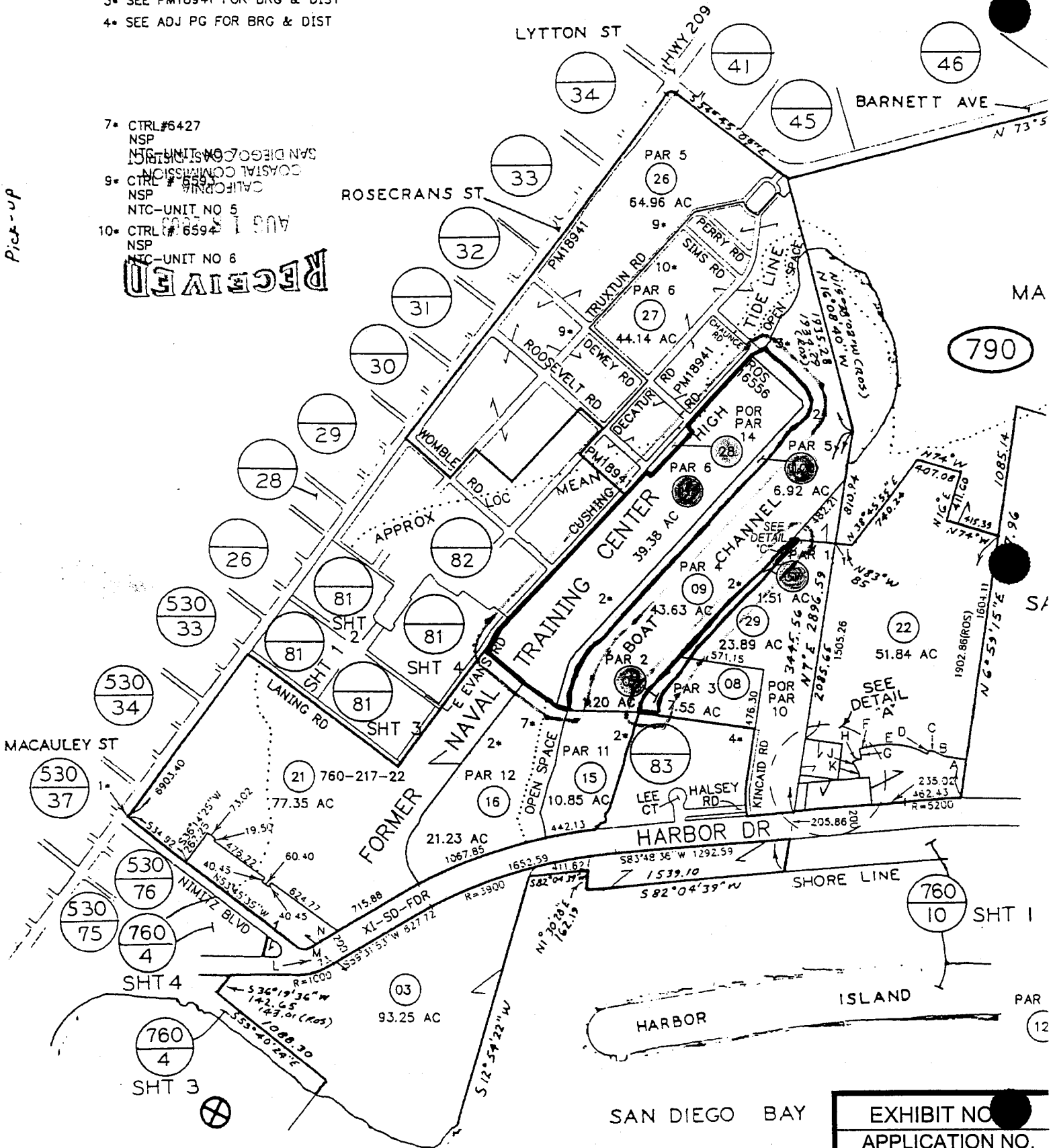
SAN

- 1. ST WID - REFER TO DOC80-275459
- ST VAC REFER TO DOC01-406930
- 2. SEE ROS 16556 FOR BR & DIST
- 3. SEE PM18941 FOR BRG & DIST
- 4. SEE ADJ PG FOR BRG & DIST

- 7. CTRL#6427
NSP
NTE UNIT NO 7
- 9. CTRL # 6559
NSP
NTC-UNIT NO 5
- 10. CTRL # 6594
NSP
NTC-UNIT NO 6

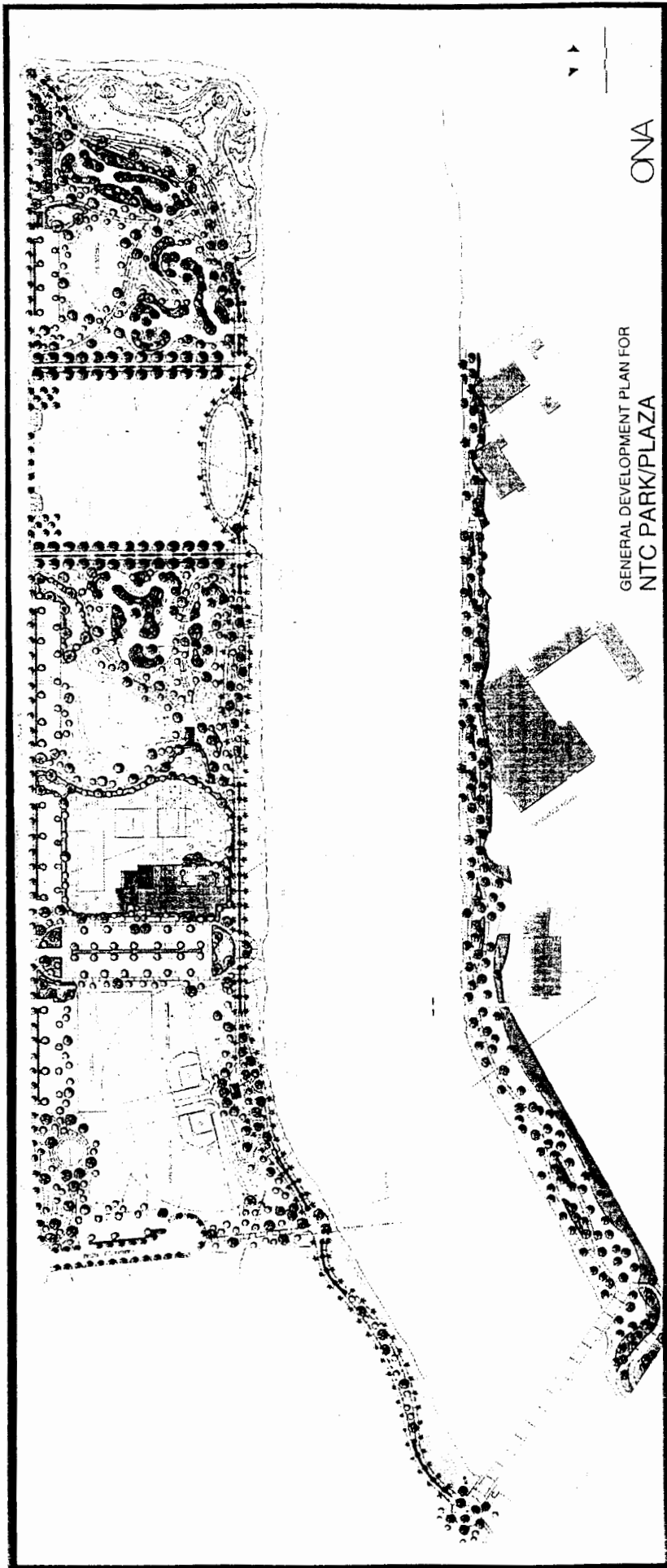
RECEIVED

Pick-up



THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN. ASSESSOR'S PARCELS MAY NOT COMPLY WITH LOCAL SUBDIVISION OR BUILDING ORDINANCES.

EXHIBIT NO. [REDACTED]
APPLICATION NO.
6-03-081
Location Map



CNA

GENERAL DEVELOPMENT PLAN FOR
NTC PARK/PLAZA

EXHIBIT NO. 3
APPLICATION NO.
6-03-081
Site Plan
 California Coastal Commission

