

CALIFORNIA COASTAL COMMISSION

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REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-03-081

Applicant: City of San Diego
 Park & Recreation Dept.

Agent: Charles Daniels

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 #s 6-01-148 and 6-00-167

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 quality in the adjacent boat channel will result from the development. The park and

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.

The application was originally placed on the January 2004 Commission meeting agenda, but was postponed at the request of the applicant, due to the San Diego County Regional Airport Authority's concerns about procedural issues and requirements between the applicant and the Airport Authority. However, the proposed project is consistent with the Coastal Act and the certified LCP, which is used only as guidance for this project.

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. Only drought tolerant and native plant materials shall be utilized within the esplanade and the boat channel. No invasive species are permitted in any part of the park and esplanade site. 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.

Existing buildings on the NTC site are categorized in the LCP (NTC Precise Plan) in the following manner : (A) historic, and definitely to be retained; (B) definitely to be demolished; or (C) decision to be demolished or retained would be made in future. Buildings that will be retained in the proposed park/open space area at this time include Gun Platforms 1 and 2, a public restroom, an administration/storage building, and a child development center. Another existing public restroom will be demolished. Future use of the administration/storage building (Navy Building No. 191) is not specifically discussed in the NTC Precise Plan. Because it is classified as a category C building, it could be either retained or demolished based on final design plans for the park/open space area. However, in CDP 6-00-167 (demolition of existing structures), approved by the Commission in January 2001, the administration/storage building was placed on the list of buildings to be retained for future use. The continuing use of this building for park administration and storage is consistent with the allowable uses for the runway protection zone (RPZ) as provided in the NTC Precise Plan. The child development center (Navy Building No. 619) is not located within the RPZ, and its continuing use is also consistent with the Precise Plan.

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.

The NTC Precise Plan and LCP presents several possibilities for development and use along the boat channel. In part, the Land Use Plan portion states:

"One proposal was to create a naturalized habitat along the entire east shore and a portion of the west shore. Similarly, it has been proposed that the channel be made available for small water craft, including boat docks and no-wake sailing, motoring, rowing and paddling, with recreational launching primarily located near the south end of the park.

"Priority and secondary uses can only be determined after a detailed study which evaluates the water quality of the boat channel, the degree to which the shoreline edge might require alteration, the feasibility of creating naturalized conditions along the water edge, the consideration of wildlife using the channel, and the acceptability of boating use within the channel. However, continuous public access to and along the boat channel is a guiding policy that must be provided in any design."

Additionally, the revised findings for the City of San Diego LCPA 6-2000(A), page 52, state that, "Language has been added in Suggested Modification #23 E.3.b. clarifying that while the boat channel is a public recreational resource, preservation of any existing habitat must take priority over public access to the channel. Since future environmental studies will determine the appropriate use and planning policies for the boat channel, as modified, the plan has been modified (Suggested Modification #23 Section B) to indicate that incorporation of the boat channel into the LUP will require an amendment to the plan in the future."

It is clear that when the NTC Precise Plan and LCP was approved, the uses and design of the park area were not final. According to the current proposal, this portion of the esplanade will extend along the boat channel for public recreation (e.g., walking, bicycling, skating) and visual enjoyment, but there are no designated physical access points to the shoreline for in-water recreational activities at this time.

The boat channel is not included within the scope of the current project, and issues of its potential use have not been addressed in this application. If in future the City proposes to

encourage or allow public access to the water as part of the park site development, additional information on feasibility and safety will be needed, and an LCP amendment will be required.

Since the channel remains in Navy ownership, existing restrictions on access and use within 15 feet of the channel are still in force, and will apply to the public using the esplanade and park. Additionally, the boat channel remains contaminated by heavy metal pollutants, and activities that could involve wading or swimming may present a health hazard, particularly to children. Although the Plan requires "continuous public access to and along the boat channel," the Commission finds that this provision does not require universal, unlimited access from all points along the shoreline at this time, particularly since the above issues of use restriction and water quality have not yet been resolved. Existing designated public access points to the boat channel will continue to be provided both during construction and after park completion, and the park and esplanade will allow the public to use the area along the boat channel as a recreational and visual asset. The current proposal, if conditioned as recommended, will provide a balance between wildlife protection and safe public recreational use of the park and esplanade, and will be consistent with the intent of the NTC Precise Plan and LCP.

After the contamination remediation is completed and the boat channel is transferred to the City, if the City wishes to expand public use of the park and esplanade to include water access and use, an LCP amendment and additional environmental documentation will be required, and must demonstrate that the proposed access is appropriate, and would not negatively impact public safety and/or habitat and wildlife. If at that time it is determined that access to the shoreline is feasible and desirable, any provisions of the subject development that preclude access should be revised through an amendment to the coastal development permit.

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 landscaping condition does not require any of the existing palm trees to be removed from their present locations, whether or not they are located within a designated view corridor. This condition pertains only to new plantings and/or relocations of existing trees. 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), only drought-tolerant and native planting materials must be used within the landscaping areas between the esplanade and the boat channel, 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. No invasive species are permitted in any part of the park and esplanade site. 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).

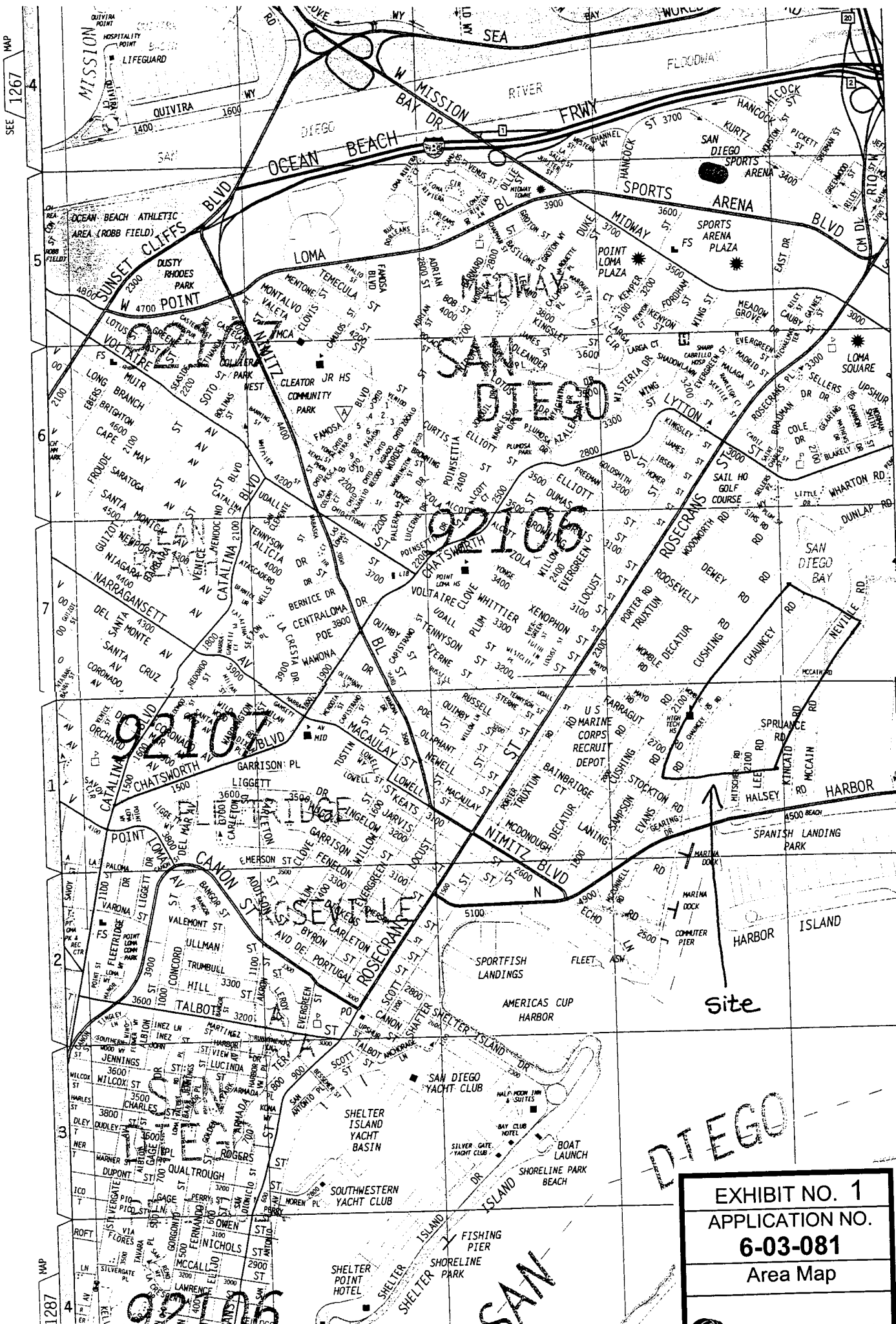
Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) 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 1287

SAN DIEGO CO.

02106

02106

02107

02106

Site

SAN DIEGO

SAN

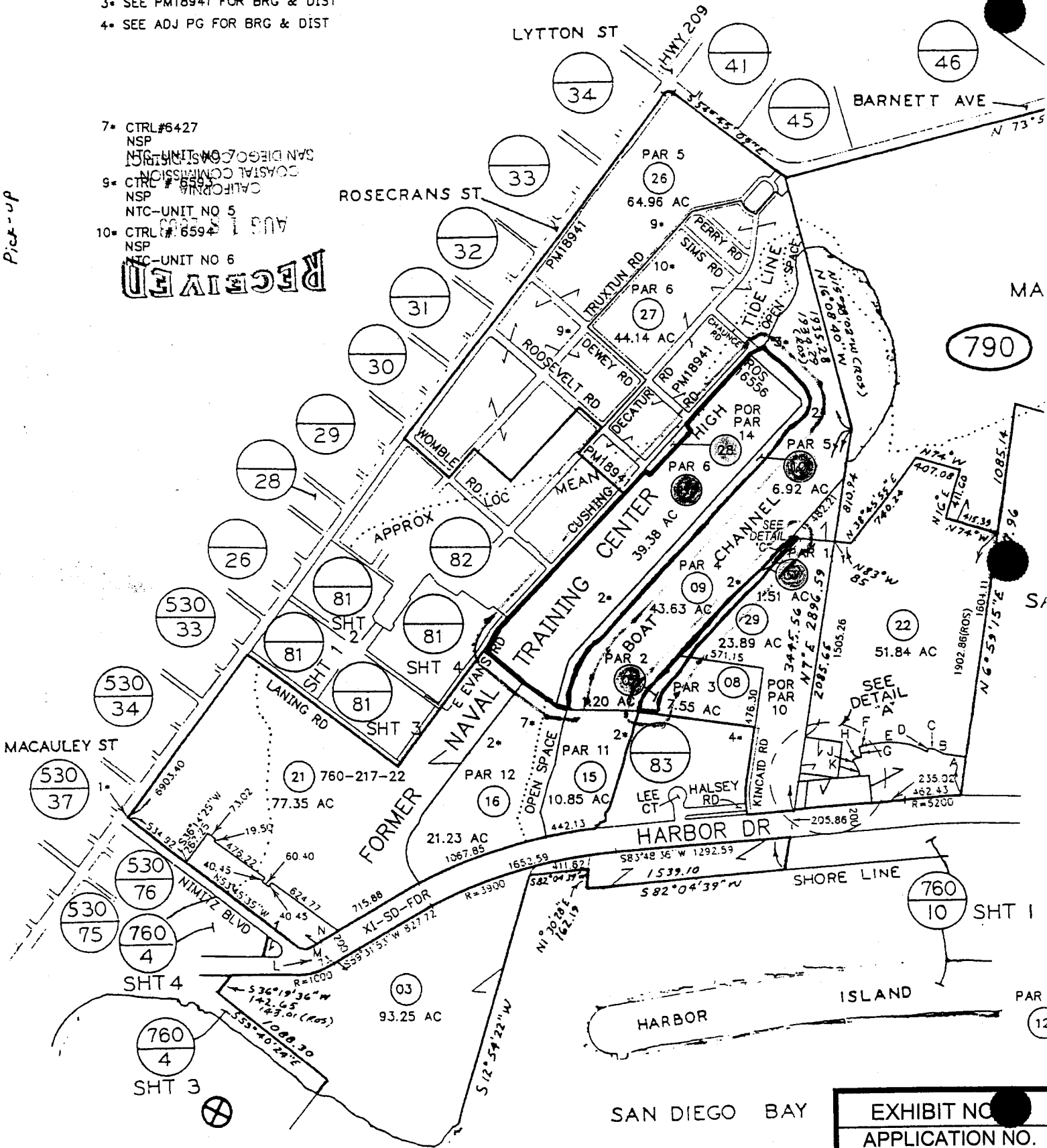
EXHIBIT NO. 1
APPLICATION NO.
6-03-081
Area Map

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

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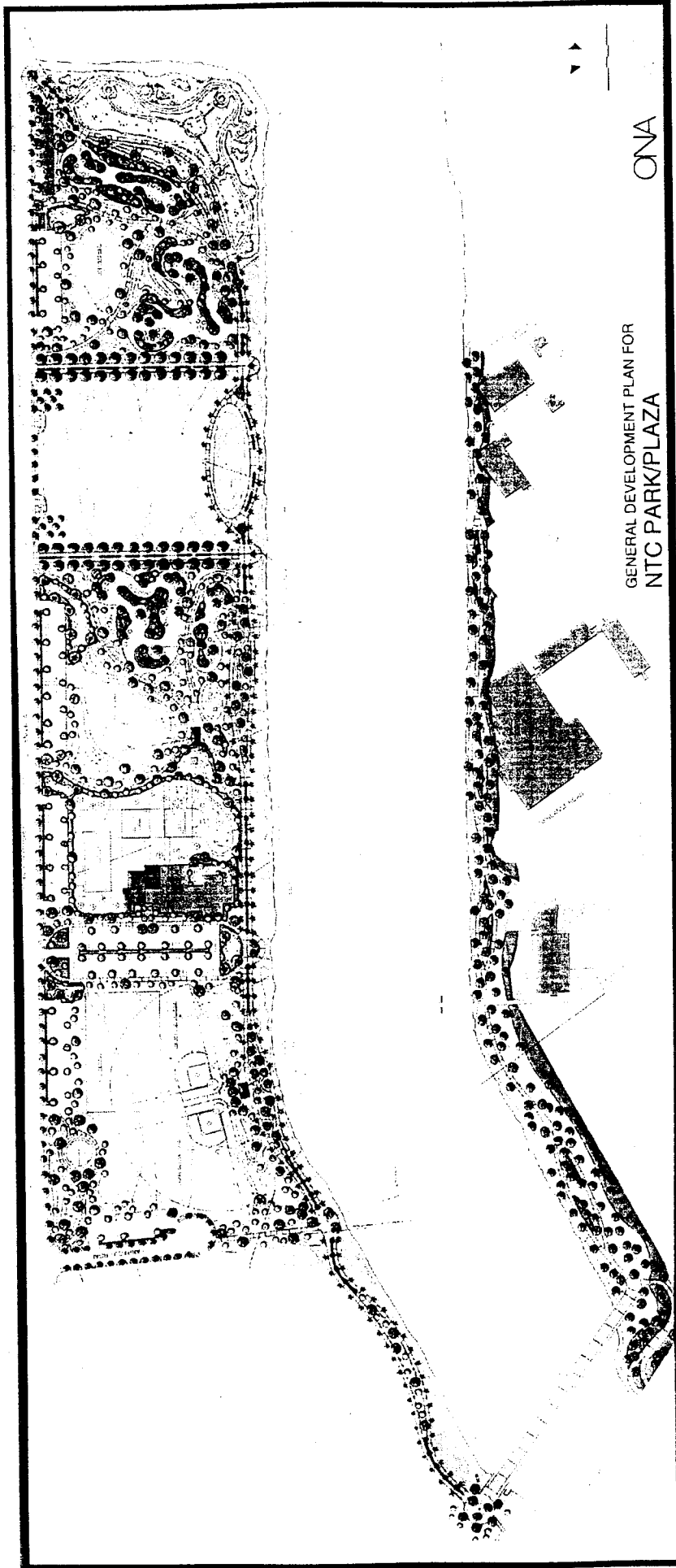
Pict-up



M. J. WATSON
1-20-74
SAN DIEGO COUNTY
ASSESSOR'S MAP
BOOK 450 PAGE 79

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



ONA

GENERAL DEVELOPMENT PLAN FOR
NTC PARK/PLAZA

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



Families for a Point Loma Swimming Pool

C/o P.O. Box 86788 • San Diego CA 92138

Phone: 619-223-9714 • Fax: 619-523-0546

Email: PLfamilyswim@aol.com

Website: [Http://hometown.aol.com/Plfamilyswim/go.html](http://hometown.aol.com/Plfamilyswim/go.html)

January 6, 2004

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JAN 08 2004

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

California Coastal Commission
San Diego Coast District
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4421

**RE: Hearing Date January 16, 2004; Permit 6-03-081; Agenda Item 9-D
Development of 49-acre park and esplanade at former Naval Training Center**

Dear Coastal Commissioners,

I am writing today in support of the development of a 49-acre park and esplanade at the former Naval Training Center in San Diego. I am also the community coordinator for Families for a Point Loma Swimming Pool, a local community group of 159 members and their families, whose mission is to support the development of a public aquatic center in the designated park area at NTC.

Families for a Point Loma Swimming Pool is in support of the NTC Park General Development Plan. We feel that the park elements provide a good balance between local and regional usage and – to our cause – provide for the possibility of a much-needed public aquatic center.

For over three years, we have been involved in the park planning process at NTC. Members of our group have attended meetings of the park subcommittee, the Citizen's Advisory Committee, the Planning Commission, the Park and Recreation Board, the local coastal planning committee, and the City Council. The process has been inclusive and receptive to public input and to the concept of a public aquatic center at NTC.

Our vision for this aquatic center is a community-gathering place for Point Loma and San Diego residents of all ages and abilities – a safe public space to promote healthy physical activity through aquatic programs, to provide water safety instruction, and to develop stronger relationships between San Diego families. Currently, our community of Point Loma and the four nearby beach communities are lacking in any city-run aquatic facilities. For communities surrounded by oceans and bays it is essential to have public swimming pools to learn to swim. Children do not learn to swim in the ocean.

By approving the General Development Plan for NTC Park, you will put into motion the establishment of two essential community assets, a beautiful park by the bay and our community swimming pool. Thank you for your consideration in this matter.

Sincerely,

Julie Zoellin Cramer
Community Coordinator

LETTER OF SUPPORT

SAN DIEGO COUNTY
REGIONAL AIRPORT AUTHORITY

P.O. BOX 82776, SAN DIEGO, CA 92138-2776
619.400.2400 WWW.SAN.ORG

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JAN 09 2004

January 8, 2004

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

California Coastal Commission
San Diego Coast District Office
Chuck Damm, Senior Deputy Director
Deborah Lee, Deputy Director
Sherilyn Sarb, District Manager
7575 Metropolitan Drive, Suite 103
San Diego, California 92108-4402

By Telecopier

Re: *California Coastal Commission Agenda No. Fri 9d (January 14-16, 2004)
Application/Coastal Development Permit No. 6-03-081 - Applicant: City of San
Diego Park and Recreation Department*

Dear Mr. Damm, Ms. Lee and Ms. Sarb:

The City of San Diego ("City") has not proceeded in a manner required by law by failing to submit the proposed development of a forty-nine (49) acre park and esplanade at the former Naval Training Center ("NTC") ("the proposed project") to the: (i) Airport Land Use Commission ("ALUC") for a consistency determination as required by the CALIFORNIA STATE AERONAUTICS ACT (CAL.PUB.UTIL.CODE §§21670, *et seq.*), the CALIFORNIA GOVERNMENT CODE, §65302.3(a), and the San Diego County Regional Airport Authority ("Airport Authority") Board Policies (*see*, Policies §8.30(3)(b)(i)); and (ii) Airport Authority as required by the use restrictions for the runway protection zone ("RPZ") for San Diego International Airport ("SDIA") as provided in Appendix A of the NTC Precise Plan and Local Coastal Program. In addition, the City has failed to comply with the Federal Aviation Regulation ("FAR") Part 77 and California Environmental Quality Act ("CEQA") requirements as required by law. We, therefore, request the California Coastal Commission ("Commission") to delete the referenced matter from the agenda and defer action on this matter until the matter has been: (a) submitted to the ALUC for a Comprehensive Land Use Plan ("CLUP") consistency determination; (b) submitted to the Airport Authority for an RPZ consistency determination; and (c) until the Part 77 and CEQA requirements have been met, as required by law.

I. DISCUSSION

A. *Introduction and Summary*

According to the recent Commission staff report dated December 2, 2003, regarding the referenced matter, the City of San Diego Park and Recreation Department is requesting



SAN DIEGO
INTERNATIONAL
AIRPORT

LETTER OF OPPOSITION

Chuck Damm, Senior Deputy Director
Deborah Lee, Deputy Director
Sherilyn Sarb, District Manager
January 8, 2004
Page 2

Commission review of a proposed development at the former Naval Training Center ("NTC") which includes the development of a forty-nine acre park and esplanade, including parking lots, restrooms, ball courts, multi-purpose fields, an aquatic complex and other public facilities. We understand that staff is recommending "approval of the proposed project with special conditions."

As you know, redevelopment of the NTC site is guided by the Precise Plan and Local Coastal Plan (collectively "Plan") which were prepared and approved by the City and the Commission in September 2001. Specifically, the Plan is "the City's statement of policy regarding growth and development on the [NTC] site over the next two decades. The Plan establishes goals and strategies for land use, public facilities and urban design. It describes development programs and activities, densities and intensities of use, and implementation phasing. It includes concept-level development information for the entire site, . . . "Essentially, then, this document establishes the basis for development regulations, including zoning regulations and development permits for the site.

A portion of the NTC site, including the proposed project site, falls within the Airport Influence Area ("AIA") for SDIA.¹ In fact, SDIA was identified in the Plan as one of the constraints for redevelopment of the NTC site. *See*, Plan at ES-1. Despite this identified constraint, however, the Plan was never submitted to the ALUC for a consistency determination with respect to compatibility land use issues as required by law. *See, e.g.*, CAL.PUB.UTIL.CODE §21676; and GOVT. CODE §65302.3(a). As discussed in detail below, because the Plan was never submitted to the ALUC for review and a consistency determination, *all* actions, regulations and permits on the NTC site which are within the AIA for SDIA must be submitted to the ALUC for a consistency determination prior to City and/or Coastal Commission approval consistent with the requirements of the STATE AERONAUTICS ACT (PUB.UTIL.CODE §§21670, *et seq.*).

In addition, a portion of the proposed project site falls within the RPZ for SDIA. Again, as discussed in detail below, whenever *any* application is submitted to the City for development within the RPZ for SDIA, and such action involves the issuance of a discretionary permit or specified building permit, the City must submit the application to the Airport Authority for review and approval prior to its review and approval process consistent with the requirements of the NTC Precise Plan.

¹ "Airport Influence Area" means a planning area designated by the ALUC around each airport within its jurisdiction which is, or reasonably may become, affected by airport operations including, but not limited to noise, fumes, or other influence, or which is, or reasonably may become, a site for a hazard to aerial navigation. The AIA is defined in the CLUP for the applicable airport.

Chuck Damm, Senior Deputy Director
Deborah Lee, Deputy Director
Sherilyn Sarb, District Manager
January 8, 2004
Page 3

Finally, the project applicant must comply with CEQA and FAR Part 77 requirements prior to Commission action on this project.

B. *The Proposed Project Must be Submitted to the ALUC for a Consistency Determination Prior to Coastal Commission Consideration of the Project*

The Airport Authority has been designated as the ALUC for San Diego County ("County"). CAL.PUB.UTIL.CODE §21670.3. In this capacity, the Airport Authority is responsible for assisting local agencies in ensuring compatible land uses in the vicinity of SDIA, to the extent that the land in the vicinity of SDIA is not already devoted to incompatible land uses. One of the fundamental responsibilities of the Airport Authority in this role is the review of local agencies' general and specific plans and certain other land use projects and actions for compliance with the criteria and policies set forth in the Comprehensive Land Use Plan ("CLUP") for SDIA ("the consistency review"). CAL.PUB.UTIL.CODE §§21670.3 and 21676.²

Airport Authority review of City proposals to adopt zoning, building and other land use ordinances and regulations is also required in instances where those ordinances and regulations have implications for airport land use noise or safety compatibility pursuant to the requirements of CAL.PUB.UTIL.CODE §21676(b).

In addition to these actions, the STATE AERONAUTICS ACT requires a mandatory review of all actions, regulations and permits involving the vicinity of SDIA when the City has failed to submit its general plan, specific plans, zoning, building and other land use ordinances and regulations to the ALUC for a consistency determination pursuant to the requirements of CAL.PUB.UTIL.CODE §§21675.1(b) and 21676.5(a).

Consistent with these requirements, the proposal by the City to adopt the NTC Precise Plan was *required* by law to be referred to the ALUC for a consistency review because of portion of the boundaries of the Plan are within the AIA for SDIA. Referral was required to take place *prior* to the City's and Commission's action to adopt the Plan consistent with the requirements of Section 21676(b) of the CALIFORNIA PUBLIC UTILITIES CODE. Because the City never submitted the NTC Precise Plan to the ALUC for a consistency determination, the City is now *required* by law to submit all permits, including the referenced project, to the ALUC for a consistency determination *prior to* consideration by the City or the Commission. CAL.PUB.UTIL.CODE §§21675.1(b) and 21676.5(a); *see also* ALUC Policies §8.30(3)(b)(i).

² The Airport Authority notified the City by letters dated March 7, 2003, and October 16, 2003, of the Airport Authority's new role as the ALUC for the County. In addition, the Airport Authority provided City with the new ALUC policies that the Authority follows with respect to ALUC consistency determinations.

Chuck Damm, Senior Deputy Director
Deborah Lee, Deputy Director
Sherilyn Sarb, District Manager
January 8, 2004
Page 4

There are a number of reasons why the Airport Authority is particularly concerned about the Commission's consideration of the issuance of a permit for the proposed project prior to a consistency determination by the ALUC. A few examples include the following: the site plan indicates that in addition to the outdoor recreation facilities, there are two existing structures on the proposed project site. The larger structure falls within the 70-75 decibel ("dB") Community Noise Equivalent Level ("CNEL") noise contour for SDIA and the smaller structure falls entirely within the 80 dB CNEL noise contour for SDIA. The Airport Authority has been unable to obtain any information regarding the uses that are proposed for these structures. However, we understand that the structure within the 70-75 dB CNEL noise contour includes day-care uses for children. Obviously, in light of the excessive noise levels that these structures (and, more importantly, its occupants) will be exposed to from SDIA operations, it is critical that a thorough review of these proposed uses take place prior to final approval by the Commission.

The City's failure to submit the referenced proposed project to the ALUC for a consistency determination is a serious violation of the STATE AERONAUTICS ACT provisions. The Commission should not take any action on the proposed project until the City has complied with the important legal requirements concerning ALUC project review.

C. *The Proposed Project Must Be Submitted to the Airport Authority for an RPZ Consistency Review Prior to Coastal Commission Consideration of the Project*

The Precise Plan for the NTC site requires the City to submit a copy of any development application for a project within the SDIA RPZ to the Airport Authority for review and approval when such application involves issuance of a discretionary permit or specified building permit. *See*, Precise Plan, Appendix A, Pg. 4. The City must not take action on the application until the Airport Authority either concurs or objects to project approval.³ If the Airport Authority disagrees with City staff's consistency determination, the matter must be referred to the ALUC for a final determination. *Id.* at Pg. 5.

Because a portion of the project site falls within the RPZ, the City was required to submit this project to the Airport Authority for an RPZ consistency determination. The City's failure to comply with this requirement is a serious violation of the Precise Plan requirements. This condition of the Precise Plan must be met by the City prior to Commission review of the project.

³ The Airport Authority must respond within 15 business days of City submittal or the Authority will be assumed to have concurred with City staff's consistency determination.

Chuck Damm, Senior Deputy Director
Deborah Lee, Deputy Director
Sherilyn Sarb, District Manager
January 8, 2004
Page 5

D. *The Proposed Project Must Comply with FAR Part 77 and CEQA Requirements*

In addition to the important CLUP and RPZ consistency requirements that have not been met by the City with respect to the proposed project, the City has not complied with the FAR Part 77 requirements with respect to height, light and glare issues for the project. In addition, the CEQA compliance for the project is unclear and appears to be inadequate as a matter of law. Compliance with both CEQA and FAR Part 77 must also be required prior to Commission action on this project.

E. *Other Considerations*

Regardless of whether the Coastal Commission decides to agree with our recommended course of action in this particular instance, there is one issue which should be addressed by Commission staff in the future.

The Airport Authority suggests that the Commission make prior ALUC review a filing requirement for any project approval within the AIA of any County airport "*Consistency with the Applicable Comprehensive Land Use Plan.*" Where applicable, this requirement should require Commission approval of a coastal development permit to be supported by a finding showing that the permit, as conditioned, is consistent with any applicable requirements of the CALIFORNIA STATE AERONAUTICS ACT (CAL.PUB.UTIL.CODE §§21670, *et seq.*), including that the proposed project has received a consistency determination from the ALUC. A proposed project should not be approved by the Coastal Commission until a consistency determination has been made by the ALUC, when required.

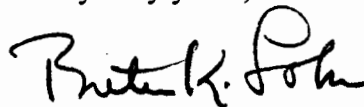
By including this filing requirement as a "checklist" item on all coastal development permit applications in the vicinity of County airports, the Commission will be able to minimize any issues related to compatibility concerns with respect to County airport operations and will ensure that the important requirements of the STATE AERONAUTICS ACT are met.

Chuck Damm, Senior Deputy Director
Deborah Lee, Deputy Director
Sherilyn Sarb, District Manager
January 8, 2004
Page 6

II. CONCLUSION

In summary, we request that the Coastal Commission delete the referenced matter from the agenda and defer action on this matter until the matter has been submitted by the City to the ALUC for a CLUP consistency determination, to the Airport Authority for an RPZ consistency determination, and until the City has complied with FAR Part 77 and CEQA requirements, as required by law.

Very truly yours,



Breton K. Lobner
General Counsel

cc: Michael Uberuaga, City Manager
Casey Gwinn, City Attorney
Charlie Daniels, City Parks and Recreation
Kathi Riser, McMillin-NTC, LLC
Thella Bowens, President/CEO
Ted Anasis, Manager, Airport Planning
Lori Ballance, Gatzke Dillon & Ballance LLP

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January 12, 2004

JAN 13 2004

California Coastal Commissioners
7575 Metropolitan Drive, Ste. 103
San Diego CA 92110

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

RE: Friday, Jan. 16, 2004, Application #6-03-81 San Diego Park Improvements at NTC.

Dear Coastal Commissioners:

This is to inform you of our Local Community Planning Group's vote that has purview over Naval Training Center's (NTC) re-development. In reviewing the 'updated' park plans recently given to us just previous to the holidays, the Peninsula Community Planning Board voted last month (Dec. 18th), unanimously, to ask the City, Coastal Commission and Park & Rec Dept. to REMOVE any semblance of the 'elliptical pool' at the end of the Historic Park near the water. In essence, we ask that the developer REMOVE one half (west) of the oval-shaped sidewalk at the eastern portion of Historic Prebble Field. The eastern portion of the sidewalk, at the water's edge, is fine.

Part of our decision was because this field is Historic in nature, part because the Peninsula for over 15 yrs., has been some '80 acres in "Deficit" in Parks and Open Space for its Existing population. Being the closest 'beach' or 'park' area to San Diego's bustling downtown, Peninsula shares its parks and beaches with '4 million' or more tourists and locals every year (of 14 mil. in '02). Yet, even as determined by our community plan in '89, our community has been denied its required 'recreational public facilities,' moreso with the density at NTC it initially embraced. It appears the developer still aims to use park and recreation funds for 'pavement' versus needed 'physical and recreational facilities' for the project by refusing/neglecting to be specific in the funding amount for (actual written estimates are \$1-1.5 mil) to be saved 'by removing the water features in the Historic park' as requested by the community and voted (last spring by City Council) to be devoted toward real 'amenities' such as needed community pools. NTC's actual 'added parkland' to our community plan area need not be 'paved over'. The cost of 'paving over paradise' need not be wasted, but used to benefit both the new and existing population, as well as visitors to the Peninsula with truly, 'public' pools.

The developer-built dense housing does Not Provide even small yards, even for \$850,000 Single Family Residences. 'Code requirements' for 'open space' in Floor Area Ratios for housing units are much below normal requirements (as 'normal requirements' like 'visitor' parking), especially as condominiums are being occupied by 4 (Four) adult singles at a time. As a 18-year REALTOR, I cannot imagine a more pressing need for new development residents as well as the existing community, than more green, open space for recreational use, individually or in groups.

Open Greens, all the way to the water is what the Naval Training Center provided to the residents of and for the military recruit & his/her family's sanity, and is now what this 'densified' community, Lacks. With an "added 8000 new permanent jobs" alone (only 3000 existed before closure), this can be-at least, one place to go for mental and emotional relief. Please do not deny Peninsula residents, new and old, visitors and other users, the serenity and calming effects of nearby 'green space' to visit, walk, run, throw a ball, and gather for a picnic on. Please remove the (expensive) sidewalk addition. Return the part of the tidelands most accessible to the people, to the people. Thank you for your consideration in this matter.

Sincerely,


Cynthia Conger, Chair,
Peninsula Community Planning Board
1537 Rosecrans St., Ste. D
San Diego CA 92106
619-665-3210

LETTER OF COMMENT

sent by fax 707-445-7877, 415-994-4877, 805-641-1732, 562-590-5084, 916-324-6832

