

CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200



W 13a

PROPOSED FINDINGS

ON CONSISTENCY DETERMINATION

Consistency Determination No.	CD-008-06
Staff:	LJS-SF
File Date:	2/01/2006
60 th Day:	4/02/2006
75 th Day:	4/17/2006
Commission Vote:	4/11/2006
Hearing on Findings:	5/10/2006

FEDERAL AGENCY: U.S. Navy

PROJECT
LOCATION:

Naval Base San Diego (**Exhibits 1 and 2**)

PROJECT
DESCRIPTION:

Construction of 941 housing units in four 18-story towers and 1,085 parking spaces in a 6-story structure.

PREVAILING
COMMISSIONERS:

Commissioners Allgood, Burke, Haddad, Neely, Orr, Reilly, Shallenberger, and Vice Chairman Kruer

[Staff Note – These proposed findings are presented in “tracked changes” mode.]

EXECUTIVE SUMMARY

The U.S. Navy has submitted a consistency determination for construction of bachelor housing in three buildings (incorporating four 18-story high rise towers), a six-story parking structure to accommodate 1,085 parking spaces, a 3.7-acre surface parking lot with 360 spaces, recreational amenities, and landscaped areas. The proposed 19-acre housing project is located within Naval Base San Diego (NBSD), on the eastern side of San Diego Bay, and would occupy land that currently is used as a Navy nine-hole golf

course, driving range, and parking lot. The project site is located in an area of NBSD that includes numerous bachelor housing residential structures. While most are two- and three-story buildings, the Navy has constructed an eight-story building two blocks south of the project site and 10-story and 12-story buildings immediately southeast of the project site.

The proposed residential land use is consistent with the adjacent and surrounding residential land uses on the base, and despite the fact that the proposed four 18-story-high towers would be taller than the existing Navy high rise structures (including adjacent and nearby 8-, 10-, and 12-story military housing high rise buildings), the project is consistent with the view protection and concentration of development policies in Sections 30251 and 30250 of the Coastal Act because: (1) the project site is over $\frac{3}{4}$ mile from San Diego Bay, and the bayward public views from I-5 and I-15 are only available for brief periods of time to travelers on the highways, are of predominantly heavily industrialized working port operations, and regularly include tall cranes and tall ships comparable in height to high-rise buildings; (2) concentrating development at this location, in close proximity to adjacent Navy high rise structures, will help reduce traffic congestion, improve air quality, and maximize the potential for use of public transit; and (3) the tradeoff inherent in lower the building heights would result in increased adverse effects by widening the footprint, creating a greater “walling off” effect on views than the proposed, relatively narrow, towers.

The proposed development will convert a portion of the existing golf course and driving range into a residential housing complex with the resulting introduction of nine acres of impervious surfaces from buildings and parking lots. This land use conversion and housing development could increase the quantity and flow rates of storm water and dry weather runoff to San Diego Bay. The project includes numerous water quality protection measures, primarily in the context of the NPDES permit, the SWPPP, and construction and operational BMPs, and includes provisions for treating all dry weather runoff and all storm runoff from storms smaller than or equal to the 85th percentile design storm. The project is consistent with the water quality policy of the CCMP (Coastal Act Section 30231).

The project is located within the boundaries of Naval Base San Diego in an area closed to the public for military security reasons. In addition, the shoreline of San Diego Bay within NBSD is presently occupied by military vessel berthing and support operations, thereby precluding any public access or recreation opportunities. The proposed housing project is expected to reduce traffic between NBSD and adjacent off-base areas, as military personnel who formerly commuted to NBSD from other San Diego area military bases or from private sector rental housing would now be able to reside in close proximity to work stations on NBSD. The proposed housing project will not adversely affect public access to or along the shoreline of San Diego Bay and is consistent with the public access and recreation policies of the CCMP (Coastal Act Sections 30210, 30211, and 30212(a)).

STAFF SUMMARY AND RECOMMENDATION

I. Project Description. The U.S. Navy proposes to construct up to 941 units of bachelor housing units in three buildings (incorporating four 18-story high rise towers and an outdoor swimming pool), a six-story parking structure to accommodate 1,085 parking spaces, a 3.7-acre surface parking lot with 360 spaces, recreational amenities (e.g., soccer field, volleyball and basketball courts), and landscaped areas. The proposed 19-acre housing project is located within Naval Base San Diego (NBSD), on the eastern side of San Diego Bay between the San Diego – Coronado Bay Bridge and the National City Marine Terminal. The project site is located between Main Street (the eastern boundary of NBSD) and Norman Scott Road and would occupy land that is currently used as a Navy nine-hole golf course, driving range, and parking lot (**Exhibits 1-5**).

The Navy states in its consistency determination that:

The current inventory of military bachelor housing is insufficient for adequately housing the Region's unaccompanied Navy personnel. By 2007, the San Diego metro region alone is projected to have a deficit of required housing for 7,125 bachelor personnel. Moreover, the Navy's "Sailors Ashore" policy, which requires that the Navy house all ship-based sailors in adequate shore-based housing by 2008, is expected to further increase the demand for quality housing among Navy bachelor personnel. Bachelor personnel not housed in existing military unaccompanied housing facilities must compete against civilian and military families seeking private sector housing within a reasonable commute of the metro region. Moreover, some bachelor personnel housed in existing bachelor housing are housed in inadequate, overcrowded housing.

The purpose of this proposed development action is to provide suitable affordable housing for enlisted Navy unaccompanied personnel employed in the San Diego metro region.

The project site is located in an area of NBSD that includes numerous bachelor housing residential structures (**Exhibits 2-3**). While most are two- and three-story buildings, the Navy has constructed an eight-story structure (Bldg. 3362 two blocks to the south of the project site) and 10-story and 12-story structures (Bldgs. 3380 and 3621, immediately to the southeast of the project site). The most recent of these high-rise structures – the 12-story Building 3621 – was the subject of Negative Determination ND-034-02. The other high rise residential buildings were not reviewed by the Commission or its staff.

II. Federal Agency's Consistency Determination. The U.S. Navy has determined the project consistent to the maximum extent practicable with the California Coastal Management Program (CCMP).

III. Commission Action. On April 11, 2006, the Commission concurred with the consistency determination by the Navy, finding the project consistent, and therefore consistent to the maximum extent practicable, with the enforceable policies of the CCMP.

IV. Staff Recommendation. The staff recommends that the Commission adopt the following motion in support of its decision:

Motion:

I move that the Commission adopt the following findings in support of its concurrence in Navy consistency determination CD-008-06.

Staff Recommendation:

The staff recommends a **YES** vote on this motion. Pursuant to section 30315.1 of the Coastal Act, adoption of findings requires a majority vote of the members of the prevailing side present at the April 11, 2006, hearing, with at least three of the prevailing members voting. Only those Commissioners on the prevailing side of the Commission's action on the consistency determination are eligible to vote. A majority vote by the prevailing Commissioners listed on page 1 of this report will result in adoption of the findings.

Resolution to Adopt Revised Findings:

The Commission hereby adopts the findings set forth below for consistency determination CD-008-06 made by the Navy for the proposed project on the grounds that the findings support and accurately reflect the reasons for the Commission's April 11, 2006 concurrence that the project is consistent to the maximum extent practicable with the CCMP.

V. Findings and Declarations:

The Commission finds and declares as follows:

A. Visual Resources. The Coastal Act provides the following:

Section 30250(a). New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effect, either individually or

cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

Section 30251. 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. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The Navy's consistency determination examines the project's conformance with existing land uses and the potential for creating adverse effects on visual resources, stating:

The proposed development would be consistent with the current general land use pattern and densities in the immediate surrounding area. The project site is surrounded by existing bachelor housing residences and associated parking lots occur adjacent to the southern border of the parcel (Building 3380) and the eastern boundaries of the site (multiple barracks facilities adjacent to Norman Scott Road). In addition, housing is also sited immediately northwest of the site (Buildings 371 and 372).

The proposed housing development would not result in the alteration of landforms and would be visually compatible with the surrounding character of the area. The project site is surrounded on the west by BEQs, a parking lot, golf course, and office buildings. Off-base and directly east of the proposed site is an industrial area comprised of auto repair shops, manufacturing uses, some commercial uses, and Interstate 5. Farther inland, and east of I-5, land uses are comprised of residential, commercial, and industrial developments. NBSD is not distinguishable from other areas along the coast due to the relative flatness of the San Diego coastal area.

Building style is anticipated to be consistent with adjacent bachelor housing. Both the architectural style and the street pattern would be visually compatible with existing residential patterns adjacent to the site.

The proposed housing development includes three 18-story high rises and one 6-story parking structure. The height to the top of the apartments on the 18th floor is 184'. The top of the beacon is 212'. Figure 3 shows a site plan with adjacent structures, and their associated heights. Most structures near the proposed site are

3 stories tall, with the exception of Building 3621 which is 12-stories tall and Building 3380 which is 10-stories tall.

Due to the scale of the proposed project, the Navy has conducted a site investigation, and determined the project will have negligible impact to visual resources. The areas east, southeast, and northeast of the proposed project site including public areas, e.g. parks, roads, highways, and residential areas in both level and elevated portions of San Diego and National City were surveyed. The dominant characteristics of the skyline throughout these areas are buildings, interspersed with cranes (from waterfront operations), power lines, and trees. Two areas were identified as having distant, partial views of NBSD and NASSCO shipyards during the survey: the elevated connection ramp from I-15 to I-5, and along Main Street, just east of the proposed site. Figures 4, 5, 6, and 7 show views from these two locations, and how the proposed development will affect those views. No other areas provided views of coastal resources.

In a response to the Commission staff's inquiry regarding possible alternative development layouts for the site, the Navy submitted additional information on constraints that limit potential redesign of building footprints. A City of San Diego sewer line and easement bisects the project site and cannot be built upon (**Exhibit 6**). This prevents placing the two western towers closer to one another and results, in part, in the plaza area currently proposed for the area between these towers. An October 2003 Department of Defense document, *Unified Facilities Criteria – DoD Minimum Antiterrorism Standards for Buildings* (**Exhibit 7** provides an excerpt), contains standards that the Navy must comply with when constructing new buildings, including distances between buildings, distances from roadways and controlled perimeters, and provisions for unobstructed spaces. The Navy states that these standards limit its ability to reorganize the layout of the proposed buildings on the project site. The Navy also reports that the existing surface parking lot bordering the southern end of the project site provides parking for existing housing developments and must be retained at that location.

The proposed residential land use is consistent with the adjacent and surrounding residential land uses on the base, and despite the fact that the proposed four 18-story-high towers would be taller than the existing Navy high rise structures (including adjacent and nearby 8-, 10-, and 12-story military housing high rise buildings), the project is consistent with the view protection and concentration of development policies in Sections 30251 and 30250 of the Coastal Act because:

1. the project site is over $\frac{3}{4}$ mile from San Diego Bay, and the bayward public views from I-5 and I-15 are only available for brief periods of time to travelers on the highways, are of predominantly heavily industrialized working port operations, and regularly include tall cranes and tall ships comparable in height to high-rise buildings;

2. concentrating development at this location, in close proximity to adjacent Navy high rise structures, will help reduce traffic congestion, improve air quality, and maximize the potential for use of public transit; and
3. the tradeoff inherent in lower the building heights would result in increased adverse effects by widening the footprint, creating a greater “walling off” effect on views than the proposed, relatively narrow, towers.

The Commission concludes that the project would be visually compatible with the character of the surrounding area, would not significantly alter scenic views from southbound I15 and I-5, would concentrate development in a manner promoting use of public transit, , and would therefore be consistent with the view protection (Section 30251) and concentration of development (Section 30250) policies of the Coastal Act. In addition, the Commission believes that in conjunction with the redesign of the proposed housing project, it would be useful to receive information from the Navy regarding upcoming or planned development projects at NBSD (or, ideally, all the Navy bases near San Diego Bay on which the Navy anticipates extensive new housing projects). Such information would provide a larger context in which to evaluate individual projects for potential coastal zone impacts and would allow for an examination of project alternatives (in the subject case, alternative building heights, building footprints on the project site, and other on-base locations for the project), both of which would assist the Commission in its efforts to determine a project’s consistency with the CCMP.

B. Water Quality. The Coastal Act provides the following:

Section 30231. The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The Navy’s consistency determination states that the proposed project would have no adverse effects on coastal zone water quality and marine resources. The Navy reports that the 19-acre project site is located within an existing urbanized area, although the site is currently a landscaped golf course/driving range with a small parking on its western edge. The proposed project calls for approximately nine acres of hard-surface development (building footprints and parking lots) and ten acres of landscaped areas. The Navy states that the decrease in landscaped area will lead to less use of fertilizers and pesticides on the site, and that drought-tolerant landscaping and low-flow irrigation systems will reduce the volume of irrigation and irrigation runoff when compared to the present situation.

The consistency determination states that project construction must comply with the Federal Clean Water Act as implemented by the State Water Resources Control Board National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS 000002, Order No. 92-08-DWQ, "Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction Activity." The Navy reports that:

Compliance with the general construction permit requirements for this proposed project will require the elimination or reduction of non-storm water discharges to storm water systems, the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP), inspection of all storm water control structures, and implementation of other pollution prevention measures such as Best Management Measures (BMPs). The SWPPP must be implemented at the beginning of construction activities and kept on site during the project.

Because construction crews would comply with the SWPPP, the project impact of increased erosion potential would be less than significant. To comply with the Clean Water Act, the construction contractor shall file a Notice of Intent (NOI) with the State Water Resources Control Board before proposed site development. The contractor shall provide a SWPPP for the various crews performing work on the construction site to satisfy the requirements of the NPDES permit. The SWPPP will include the specific measures and techniques to be implemented to protect the proposed site and adjacent areas from erosion and depositing during site grading and construction.

The potential impact on surface water quality associated with urban areas developed on the proposed site would be reduced to less than significant levels by implementation of BMPs. The BMPs would be implemented to the satisfaction of the NPDES program requirements to protect receiving waters from degradation during project construction and operations. The specific measures for construction would include, at a minimum, the following:

- Erosion and siltation of offsite areas during construction will be minimized. The contractor responsible for site development will prepare an erosion control plan. The erosion control plan will be submitted to the Naval Facilities Engineering Command Southwest for review and approval before construction. The plan will include, at a minimum, the use of hay bales, silt fences, siltation basins, or other devices as necessary to stabilize the soil in denuded or graded areas during the construction and revegetation phases of the project.*

Subsequent to construction, the site will be managed to comply with applicable RWQCB (Regional Water Quality Control Board) NPDES requirements. In connection with the operation and maintenance of this housing development, the

Navy would require the “public/private venture” partner to place limitations on the use of fertilizers and pesticides. BMPs will be developed for the site to ensure storm water pollution prevention. Examples of typical BMPs that can be implemented to meet NPDES requirements are listed below.

- *Washing down paved surfaces will be prohibited. Implement measures to prevent erosion or sediment runoff, e.g. sweeping the site.*
- *Use of fertilizers and pesticides for site landscaping shall be kept to a minimum and shall be considered a “last resort” after pruning, selective replacement, and strict water control.*
- *Site litter shall be strictly controlled and trash containers shall be provided throughout the proposed site.*
- *Vegetation of permeable surface areas with native, drought tolerant plant species shall be provided and will help attenuate soil loading.*

The proposed development will convert a portion of the existing golf course and driving range into a residential housing complex with the resulting introduction of nine acres of impervious surfaces from buildings and parking lots (**Exhibits 3 and 4**). This land use conversion and housing development could increase the quantity and flow rates of storm water and dry weather runoff to San Diego Bay. The major pollutant classes of concern with this type of development are heavy metals; oils, grease, and hydrocarbons; trash; suspended sediments; and pesticides.

As noted above, the consistency determination includes numerous water quality protection measures, primarily in the context of the NPDES permit, the SWPPP, and construction and operational BMPs. However, the Commission now routinely requires that a development project with the potential to adversely affect water quality includes a water quality protection plan that: (1) addresses the above-referenced major pollutant classes of concern; (2) includes a suite of treatment control BMPs needed to treat the amount of runoff from the 85th percentile storm event (0.6 in./24 hours for volume based BMPs and 0.2 in/hr for flow based BMPs); and includes BMPs based on the latest edition of the *California Association of Stormwater Quality Agencies (CASQA) BMP Handbook*. If the design criteria in the *CASQA BMP Handbook* are not practicable for a particular project site, the Commission has typically required the development sponsor to submit alternative design criteria that provide equivalent water quality protection for review and approval by the Executive Director. Given these Commission policies, and in response to the Commission staff’s request for additional water quality control commitments for the proposed project, the Navy incorporated the following information into its consistency determination:

Although the Navy is not subject to the San Diego Municipal Storm Water Permit, the water quality measures for this project have been designed to meet the requirements in the permit that are associated with the CCC staff recommendations. Treatment systems will be designed and installed to treat all dry weather flows and runoff from storms smaller or equal to the 85th percentile design storm event (0.6 in/24 hours for volume based Best Management Practices (BMPs) and 0.2 in./hr for flow based BMPs), including that amount of storm water runoff from larger storms. The California Association of Storm Water Quality Agencies BMP Handbook was used when designing the BMPs.

All of the treatment systems will be numerically sized to handle the required flows. The different types of land uses (i.e. parking lots, recreational areas, etc.) associated with the project have been evaluated to determine what pollutants have the potential to be present in dry season flows and storm water runoff to ensure the treatment processes selected will be effective. Treatment processes that will be implemented for the project include fine and course settling, screening, mesh filtering, filtering using porous media and biofiltration. Detention basins will also be installed to mitigate for increased flow rates to eliminate adverse impacts to downstream systems. One of the innovative treatment systems planned for project will use a soccer field to conduct biofiltration and as a detention basin. Another system that will be used to treat runoff is the Stormwater360 system that utilizes various porous media filter cartridges and has been an effective BMP at industrial facilities where pollutant loading is considerably higher than what is expected for this project.

The water quality measures that will be incorporated into the project will eliminate any potential water quality impacts to Chollas Creek and San Diego Bay. Prior to the start of construction the Navy will provide the CCC staff a report describing the water quality measures that will be implemented.

Use of the soccer field as a detention/percolation basin for stormwater runoff from paved surfaces within the project would benefit coastal waters and marine organisms by helping to minimize increases in total volume and peak runoff rate of stormwater to marine waters. This field would slow runoff and allow significant amounts of rainfall to infiltrate into the underlying soil. As the infiltrated water moves slowly towards Chollas Creek and San Diego Bay it would be treated by filtration of sediments and adsorption of metals and hydrocarbons. In soil, hydrocarbons and some organic chemicals are broken down into components by oxidation and biological processes. As stormwater passes through soils, metals are adsorbed onto soil particles and at the levels typically found in stormwater runoff, these metals do not create a significant accumulation or threat to water quality.

With the water quality protection measures designed into the proposed project, and with the commitment by the Navy to submit prior to the start of construction the project water quality control plan to the Commission staff for its final review and comment, the

Commission finds the proposed project consistent with the water quality policy of the CCMP (Coastal Act Section 30231).

C. Public Access. The Coastal Act provides the following:

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 property owners, and natural resource areas from overuse.

Section 30211. Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

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

The proposed project is located within the boundaries of Naval Base San Diego (NBSD), located on the eastern shore of San Diego Bay between the San Diego – Coronado Bay Bridge and the National City Marine Terminal. The housing site is located within an area of NBSD closed to the public for military security reasons and the shoreline of San Diego Bay within NBSD is presently occupied by military vessel berthing and support operations, thereby precluding any public access or recreation opportunities (**Exhibit 2**). As a result, the proposed project will not affect existing public access nor does it trigger the need for provision of such access. The Navy states that the proposed housing project is expected to reduce traffic between NBSD and adjacent off-base areas. Military personnel who formerly commuted to NBSD via private automobile from other San Diego area military bases or from private sector rental housing in the greater San Diego area would now be able to reside in close proximity to work stations on NBSD. As a result, the proposed project is not expected to generate any adverse effects on highways or roads used for public access off the base. The Commission agrees with the Navy and concludes that the proposed housing project will not adversely affect public access to or along the shoreline of San Diego Bay and is consistent with the public access and recreation policies of the CCMP (Coastal Act Sections 30210, 30211, and 30212(a)).