

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
(619) 767-2370



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Filed: February 20, 2007
49th Day: Waived
Staff: D. Lilly-SD
Staff Report: March 23, 2007
Hearing Date: April 10-13, 2007

STAFF REPORT AND RECOMMENDATION ON APPEAL

LOCAL GOVERNMENT: City of San Diego

DECISION: Approved with Conditions

APPEAL NO.: A-6-PEN-07-26

APPLICANT: McMillin Land Development

PROJECT DESCRIPTION: Amend Master Planned Development Permit for Naval Training Center to expand approved parking lot from approximately 336 spaces to approximately 460 spaces by demolishing 10 existing non-historic buildings/miscellaneous sheds/storage buildings, retaining one building previously planned for demolition, and reconfiguring parking spaces.

PROJECT LOCATION: 2768 Chauncey Road (NTC/Liberty Station), Peninsula, Point Loma area, San Diego (San Diego County). APN 450-842-21 though -23, -26, -27.

APPELLANTS: Peninsula Community Planning Board; Coastal Commissioners Patrick Kruer and Mary Shallenberger

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission, after public hearing, determine that a substantial issue exists with respect to the grounds on which the appeal has been filed.

Staff also recommends that the Commission approve the de novo permit application with several special conditions. The primary issues raised by the subject development relate to the potential impact expanding the parking lot would have on the ability to provide the required public esplanade along the shoreline on the subject site, which is known as Shoreline Plaza. The site is designated for a wide variety of commercial and light industrial uses. At the time the Commission approved the NTC Precise Plan, it was anticipated that existing buildings on the site would be reused for low-intensity office-type uses. The applicant is now proposing to use many of the buildings for higher intensity visitor-serving uses such as retail and restaurant, as well as some light-industrial uses. As a result of this intensification, additional parking is required. In addition, an existing building on the site partially located in the area designated for the public

esplanade and previously proposed for demolition is now proposed for retention and reuse.

However, the higher-intensity uses now proposed for the site are also consistent with the range of uses allowed under the Mixed Use Precise Plan designation and with policies calling for visitor-serving uses along the boat channel. In addition, the proposed public esplanade will be larger in size with more landscaping than what was previously approved in concept by the Commission at the subdivision stage. As conditioned, the building remaining in the esplanade must be occupied with a visitor-serving, pedestrian-friendly use oriented towards the boat channel, such as café or restaurant, which will provide a recreational amenity for users of the esplanade. As conditioned, the proposed development will not have any impacts on recreation, parking, circulation, visual quality, sensitive habitat, or water quality, consistent with the certified LCP and the public access policies of the Coastal Act.

Standard of Review: Certified City of San Diego LCP and public access and recreation policies of the Coastal Act.

SUBSTANTIVE FILE DOCUMENTS: Appeal Applications by Commissioners Kruer and Shallenberger dated 2/15/07; Appeal from Peninsula Community Planning Board dated 1/16/07; Certified City of San Diego Local Coastal Program (LCP).

I. Appellants Contend That: The project, as approved by the City, is inconsistent with the certified LCP with respect to the protection of public recreation and public access, permitted uses, parking and circulation, visual quality, sensitive habitat, and water quality. The appellants also contend that the project as approved by the City is inconsistent with the public access policies of Chapter 3 of the Coastal Act.

II. Local Government Action: The coastal development permit amendment was approved by the City of San Diego on January 30, 2007. Numerous special conditions relating to the overall development of NTC are attached to the original permit, and still apply. No new conditions specific to the subject site were included in the amendment, but the amendment would revise one of the existing permit conditions to eliminate the requirement that alternative parking opportunities to either reduce or eliminate parking along the water's edge at Shoreline Plaza be identified.

III. Appeal Procedures: After certification of a municipality's Local Coastal Program (LCP), the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permit applications. One example is that the approval of projects within cities and counties may be appealed if the projects are located within mapped appealable areas. The grounds for such an appeal are limited to the assertion that "development does not conform to the standards set forth in the

certified local coastal program or the [Coastal Act] public access policies.” Cal. Pub. Res. Code § 30603(b)(1).

After the local government has taken final action on an appealable project, it must send a notice of that final action (NOFA) to the Commission. Cal. Pub. Res. Code § 30603(d); 14 C.C.R. § 13571. Upon proper receipt of a valid NOFA, the Commission establishes an appeal period, which runs for 10 working days. Cal. Pub. Res. Code § 30603(c); 14 C.C.R. § 13110 and 13111(b). If an appeal is filed during the appeal period, the Commission must “notify the local government and the applicant that the effective date of the local government action has been suspended,” 14 C.C.R. § 13572, and it must set the appeal for a hearing no later than 49 days after the date on which the appeal was filed. Cal. Pub. Res. Code § 30621(a).

Section 30625(b)(2) of the Coastal Act requires the Commission to hear an appeal of the sort involved here unless the Commission determines that no substantial issue is raised by the appeal. If the staff recommends “substantial issue” and no Commissioner objects, the Commission will proceed directly to a de novo hearing on the merits of the project.

If the staff recommends “no substantial issue” or the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have 3 minutes per side to address whether the appeal raises a substantial issue. It takes a majority of Commissioners present to find that no substantial issue is raised. If the appeal is found to raise a substantial issue, the Commission will proceed to a full public hearing on the merits of the project either immediately or at a subsequent meeting. If the Commission conducts a de novo hearing on the permit application, the applicable test for the Commission to consider is whether the proposed development is in conformity with the certified Local Coastal Program.

In addition, for projects located between the sea and the first public road paralleling the sea, Sec. 30604(c) of the Coastal Act requires that, for a permit to be granted, a finding must be made by the approving agency, whether the local government or the Coastal Commission on appeal, that the development is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act.

The only persons qualified to testify before the Commission at the “substantial issue” stage of the appeal process are the applicant, persons who opposed the application before the local government (or their representatives), and the local government. Testimony from other persons must be submitted in writing. At the time of the de novo hearing, any person may testify.

IV. Staff Recommendation on Substantial Issue.

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission determine that Appeal No. A-6-PEN-07-026 raises NO substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.*

STAFF RECOMMENDATION:

Staff recommends a **NO** vote. Failure of this motion will result in a de novo hearing on the application, and adoption of the following resolution and findings. Passage of this motion will result in a finding of No Substantial Issue and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the Commissioners present.

RESOLUTION TO FIND SUBSTANTIAL ISSUE:

The Commission hereby finds that Appeal No. *A-6-PEN-07-026* presents a substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access policies of the Coastal Act.

V. Findings and Declarations.

The Commission finds and declares as follows:

1. Project Description/Permit History. The Naval Training Center (NTC), now known as Liberty Station, is a 361-acre former military training center located between Rosecrans Street and the San Diego Boat Channel, within the Peninsula Community, Point Loma area of the City of San Diego. In September 2001, the Commission certified an NTC Precise Plan and Local Coastal Program (LCP) covering the 361 acres of NTC that was conveyed from the federal government to the city, including the subject site.

On November 19, 2001, the City of San Diego approved appealable Coastal Development Permit (CDP) No. 99-1076 for renovations within the Naval Training Center (NTC) Historic District. The approved NTC project consisted of the following development:

- a. Demolition of existing structures;
- b. Subdivision of the property into ten parcels with each parcel containing several lots, and grading activities;
- c. Construction of 350 new single-family and multi-family residential dwelling units;

- d. Construction of seven buildings comprising approximately 380,000 sq.ft. of new commercial office space;
- e. Rehabilitation of existing buildings within the Mixed Use (including Historic District) and Educational Areas to allow new uses as defined by the NTC Precise Plan/LCP and the implementing CR-1-1 zone;
- f. Landscaping
- g. Off-street parking facilities;
- h. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted NTC Precise Plan and Local Coastal Program.

The City permit contained numerous conditions on the development of Liberty Station that imposed requirements on environmental mitigation, transportation, engineering, geology, public facilities, planning/design, residential development, the golf course, etc.

The proposed project is expansion of an approved parking lot located on the shoreline at the inland terminus of the boat channel, north of Chauncey Road, east of Decatur Road (see Exhibit #3), and north of the boat channel at the old Naval Training Center, now known as Liberty Station, in the Point Loma area of San Diego. The site, known as Shoreline Plaza, is currently developed with parking and approximately eight main buildings and several small out buildings.

The proposed project would involve demolishing 10 existing non-historic buildings, most of which are miscellaneous sheds/storage buildings, and reconfiguring the parking spaces to increase the parking on the site from the approved approximately 336 parking spaces, to approximately 460 spaces. Building 186, a major building previously proposed to remain on the site would be demolished, and Building 34/179, previously proposed to be demolished, would remain. (See Exhibits #2, Proposed Project, and #8, Approved Concept Plan). Development of the site includes landscaping and construction of a 20 foot to 140 foot wide public esplanade along the boat channel next to the existing buildings and the proposed parking that will connect to the public esplanade under construction to the southwest. No aspect of the project would provide direct access to the boat channel, which is still under Navy ownership. However, the existing boat channel ramp and boat dock will remain.

As approved by the City, the proposed amendment would not add any new conditions to the coastal development permit, but the existing condition #15n would be revised as follows:

Prior to the issuance of the first building permit with Units 3 through 6, the Owner/Permittee shall execute a shared parking agreement, and provide a parking management plan including phasing for the construction of a parking structure(s) (if the intensity of use actually developed warrants the construction of such parking structure or structures) to accommodate up to approximately 3,700 parking spaces, to assure adequate supply of parking on site, satisfactory to the City Engineer. The parking management plan shall include the requirement for annual parking studies,

through build-out of Units 3 through 6, to evaluate impacts of non-park users on parking spaces provided within the public park areas, and NTC generated users on adjacent residential streets west of Rosecrans Street. ~~The parking management plan and annual updates should seek to identify potential alternative parking opportunities to either reduce or eliminate parking along the water's edge at Shoreline Plaza.~~ The first parking study shall be submitted to the City Engineer within one year of issuance of the first building permit. If, based on results of any submitted parking study, it is determined that impacts of non-park users to parking spaces within the public park areas are occurring, or impacts of NTC generated users on adjacent residential streets west of Rosecrans Street are occurring, the Owner/Permittee shall provide an internal shuttle transit system connecting the parking structure and other shared parking facilities to uses within Units 3 through 6 (including the public parking areas) ~~shall be implemented~~, satisfactory to the City Engineer and the City Park and Recreation Director. Exceptions to parking standards in the LDC shall be allowed only to permit the use of tandem parking in residential areas.

(The subject Shoreline Plaza site is within the Unit 6 referenced above). The applicant is proposing to renovate the existing buildings on the site for a variety of retail, restaurant, light industrial, and marine-related uses. At the time the City's coastal development permit was issued, the specific uses that would occur on the site had not been determined. When redevelopment of the subject site was planned in detail, parking studies determined that the approved 336 parking spaces were insufficient to serve the planned uses on the site and in the near vicinity. As such, the current proposal is to increase the approved parking on the site by approximately 50%. Because of the above condition language, the City determined that the proposed parking increase was not in substantial conformance with the Master Coastal Development Permit, and the subject amendment was required.

As an appeal of a City approved coastal development permit amendment, the standard of review is the certified City of San Diego Local Coastal Program. Because the subject site is located between the first public road and the sea, the standard of review also includes the public access and recreation policies of the Coastal Act.

2. Contentions that Raise a Substantial Issue.

A. Public Access/Recreation/Parking/Permitted Uses/Visitor-Serving. The appellants assert that the project, as approved by the City, may result in adverse public access and recreation impacts. The following Coastal Act policies are relevant:

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,

[...]

Section 30213

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

Section 30220

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Section 30221

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Section 30223

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

Section 30224

Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land for long-term commercial, recreational, scientific, and educational purposes.

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 non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public

transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings.

Section 30253

New development shall: [...]

- (4) Minimize energy consumption and vehicle miles traveled.

Numerous policies in the Precise Plan address public access, public recreation, and parking and transportation at NTC. Some of the most relevant policies include the following:

V: INFRASTRUCTURE – 5

A parking analysis was conducted for the number of spaces needed on NTC to satisfy the demand at buildout...The analysis concluded that parking should be distributed through NTC and that one or more parking structures of up to 3,750 spaces should be constructed to serve primarily the arts and culture, commercial, and educational areas. The structure would be sited west of Truxten, between Roosevelt and Worden Roads. [...]

Existing parking areas should be redesigned to maximize capacity and provide small pockets of parking between buildings. These measures will improve parking distribution.

VI: COASTAL ELEMENT – 3-7

It should be noted that lands 15 feet from the boat channel all fall within the publicly-accessible esplanade...Incorporation of the boat channel and the 15-foot wide area adjacent to the boat channel (which has not yet been transferred to the City) into the Precise Plan and Local Coastal Program, and modification to or extension of the boat channel will involve additional environmental assessment and shall require an amendment to the NTC Precise Plan and Local Coastal Program. [...]

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.

Public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. [...]

- g. 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.
- h. Regarding Parking:
 - On site development at NTC shall provide adequate parking to meet the demand associated with the use as identified in the parking standards contained in the City's Land Development Code. Exceptions to the parking standards in the LDC shall be allowed only to permit the use of tandem parking in residential areas.
 - A parking management program shall be developed for the office, education and mixed-use portions of NTC to ensure that adequate parking is provided for all development in these areas. The plan shall include phasing for the construction of a parking structure (if deemed necessary to accommodate the required parking) prior to or concurrent with the construction of new development, and annual parking studies through build-out of these development areas to evaluate impacts of non-park users on parking spaces provided within the public park area, and NTC generated users to parking spaces within the public park areas are occurring, or impacts of NTC generated users on adjacent residential streets are occurring, an internal shuttle transit system connecting the parking structure and other shared parking facilities to uses within the office, education, mixed-use and public park or other mitigation measure identified in the parking study shall be implemented.
 - Parking areas to serve public and private development shall be distributed throughout the site, specifically including the residential area, the education/mixed use area, the office/research and development area, the public park area, and the hotel sites. This will mitigate against the impacts of overcrowding or overuse by the public of any single area. [...]
- j. Continuous public access shall be provided along the NTC esplanade connecting Gate 1 (Lytton/Barnett Street) to the Spanish Landing approach point.

[...]

1. Goal

Waterfront land suitable for recreational use shall be provided for public recreational use.

2. Policies

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.

[...]

b. Visitor-serving commercial uses shall be sited adjacent to the boat channel.

[...]

e. The public esplanade shall be designed to accommodate a variety of recreational opportunities, e.g., walking and biking, as well as seating, viewing, and picnicking facilities.

VI: COASTAL ELEMENT – 10

b. MTDB will be requested to expand bus service to the nearest public roadway to the shoreline. As deemed necessary, new developments shall be required to provide or assist in funding transit facilities such as bus shelters and turnouts. The City shall promote ridesharing and shall provide ridesharing information to the public.

In addition, the Precise Plan contains several exhibits showing that the public esplanade must extend across the project site.

The subject site is zoned CR – Commercial Regional in the City’s certified Land Development Code, and is located in the Mixed Use area in the certified NTC Precise Plan (LUP). **Section II: LAND USE – 16** in the Precise Plan states:

F. MIXED USE AREA

Governing Policies

There will be three land use precincts within the Mixed Use Area, a civic, arts, and culture precinct (CACP); a commercial precinct; and a golf course precinct. An Historic District overlays all or part of the three precincts, and the public promenade cross two precincts....

Demolition and new construction is anticipated particularly in regard to the creation of new parking opportunities within the Historic District and in eliminating buildings outside the District. Future demolition and/or new construction is allowed within the Mixed Use Area so long as it abides by regulations of the City of San Diego and, should it fall within the Historic District, is subject to review by the Historical Resources Board.

Within the Mixed Use Area, it is expected that 625,000 SF of existing developed space will be adaptively reused for a range of activities and services.

Priority Uses within the Mixed Use Area are virtually any office, commercial, educational, recreational, or light-industrial use that can tolerate high aircraft noise levels and function in a structure which, due to its age and historic designation, may be improved following the *Naval Training Center Guidelines for the Treatment of Historic Properties*. Desirable uses are office and administration, commercial, for-profit and non-profit institutional, low/no environmental impact research and development, museum, arts and cultural activities, live/work units, restaurants, marine-related uses, and public use areas.

[...]

The subject site is in designated for Commercial Uses (see Exhibit #3). **Section II: LAND USE – 25** in the Precise Plan states:

Uses within the commercial precinct include all those eligible for the CACP, plus for-profit office uses, retail establishments, restaurants, recreational uses and activities, light industrial uses, and special educational uses. [...]

The proposed plan would provide public access alongside the parking lot and buildings, but in a fairly narrow esplanade close to the boat channel. Building 34/179, which is located very near the boat channel and the proposed esplanade, was originally proposed for demolition. As amended, Building 34/179 would remain, limiting the potential width of the esplanade to no more than 20 feet wide at its narrowest point and potentially impacting public access and recreation. The permit does not specify a minimum width for the esplanade, which is potentially inconsistent with the public access policies of the Coastal Act and certified LCP, as there is no way to ensure that the esplanade will be wide enough to provide meaningful access.

The need for additional parking appears to be driven by an increased intensity of use at the site over what was envisioned when the City's original permit for NTC was approved. The substantial increase in required parking may be resulting in the provision of a narrower esplanade that will not adequately serve the public access and recreational needs of the public consistent with the certified Precise Plan. In addition, the appellants have raised concerns that the project would concentrate parking within one area rather than distributing it throughout NTC, as required by the Precise Plan. The proposed project would increase the amount of parking at the subject site by almost 50%, which would increase the concentration of parking in the vicinity.

The appellants have also raised concerns and that providing additional parking at the subject site will relieve the applicants of their obligation to provide a parking structure on the north side of Liberty Station, adjacent to Rosecrans Street (see Exhibit #3). If the proposed project would result in a lack of parking elsewhere in NTC, thereby adversely

impact public access to the shoreline, that would be inconsistent with the Precise Plan and the public access and recreation policies of the Coastal Act.

B. Visual Quality. The appellants contend that the proposed project is inconsistent with the visual protection policies of the Precise Plan. Plan language includes:

V: INFRASTRUCTURE – 6

Parking areas should serve as visual extensions of the park/open space available at NTC. Parking areas should be paved and landscaped in a deliberate attempt to connect with adjacent landscaped areas. Design should encourage pedestrian movement between the park/open space and the Historic District and support such activities as outdoor markets, open air exhibits and gatherings. Integrating landscape elements into the design of the parking and pedestrian areas should provide shade, but should not obstruct activities of a pedestrian nature.

VI: COASTAL ELEMENT – 6

- i. ...Surface parking will be allowed and must be sufficiently screened from public street views with perimeter landscaping.

VI: COASTAL ELEMENT – 9

1. Goal

New development shall provide opportunities for visual and physical access by the public to the visual, recreational, and other public resources provided by development at NTC.

2. Policies

...The scenic and visual resources of NTC shall be considered and protected as a resource of public importance. Permitted development shall be sited and designated to protect views to scenic areas, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

The appellants contend that the proposed project will have an adverse impact on the visual quality of the area. If the expanded parking lot has constrained the site such that a wide, landscaped esplanade cannot be provided, the project would not protect views to scenic areas, or restore and enhance visual quality, as required by the Precise Plan policies.

C. Sensitive Habitat. The appellants contend that the proposed project is inconsistent with the sensitive habitat protection policies of the Precise Plan. The plan states:

VI: COASTAL ELEMENT – 3-7

It should be noted that lands 15 feet from the boat channel all fall within the publicly-accessible esplanade....Incorporation of the boat channel and the 15-foot wide area adjacent to the boat channel (which has not yet been transferred to the City) into the Precise Plan and Local Coastal Program, and modification to or extension of the boat channel will involve additional environmental assessment and shall require an amendment to the NTC Precise Plan and Local Coastal Program. [...]

The applicants contend that no development in this 15 foot buffer is permitted, as it may impact environmentally sensitive habitat in the adjacent boat channel. In fact, since approval of the Precise Plan, the area 15 feet from the edges of boat channel has been transferred to the City, but subject to a limit on development without the permission of the Navy. However, the applicant has yet to receive permission from the Navy to construct the esplanade improvements in the 15-foot setback area. Thus, it is unclear if the proposed esplanade improvements will be able to occur as proposed in any case. Thus, the project is potentially inconsistent with the certified LCP and the public access policies of the Coastal Act.

In summary, the City has not adequately addressed the development's conformity with LCP standards and Coastal Act policies regarding public access and recreation, visual quality, and sensitive habitat. Therefore, the Commission finds that a substantial issue exists with respect to the consistency of the local government action with the City's certified Local Coastal Program.

3. Contentions That Do Not Raise a Substantial Issue

A. Permitted Uses. The project site is located in the Mixed Use designated area of NTC. Table 2.7 in the Land Use section of the certified NTC Precise Plan (LUP) contains a list of Navy buildings shown to be retained in the Mixed Use area. Building 186 (Security Office Building) and Building 153 (Carpenter Shop) are listed as buildings that will remain. However, the proposed project would demolish Building 186 and portions of Building 153. The appellants have raised concerns that this demolition would therefore be inconsistent with the certified LUP. However, Section II: Land Use – 16 in the Precise Plan states:

Demolition and new construction is anticipated particularly in regard to the creation of new parking opportunities within the Historic District and in eliminating buildings outside the District. Future demolition and/or new construction is allowed within the Mixed Use Area so long as it abides by regulations of the City of San Diego and, should it fall within the Historic District, is subject to review by the Historical Resources Board.

Neither Building 186 nor 153 are within the Historic District. The policies of the precise plan clearly anticipated and allowed for some flexibility in the retention of buildings in the subject area. Thus, the proposed demolition does not, in and of itself, raise a substantial issue.

The appellants further contend that the proposed uses are not appropriate in the RPZ. However, allowable uses in the RPZ are specifically listed in the Precise Plan, and the proposed uses are all acceptable. The San Diego County Regional Airport Authority has commented on the project, indicating that they have no objection to the project as being inconsistent with the Airport Land Use Compatibility Plan (see Exhibit #14). (The Airport Authority has, however, indicated their dissatisfaction with the City's coordination with the Authority). Thus, there is no evidence that the proposed uses are not permissible on the site, and no substantial issue is raised.

The appellants also contend that the proposed uses on the site are not consistent with the Precise Plan, and that placement of a more park-like greenbelt or water-oriented recreational activity such as a recreational water vehicle public storage site would be more appropriate on the site. However, as cited above, the area is zoned and designated for commercial industrial uses, which include "for-profit office uses, retail establishments, restaurants, recreational uses and activities, light industrial uses, and special educational uses." While the site may be also be suitable for open space or other public recreational uses, that is not what was contemplated and approved in the LCP, and reuse of the existing buildings for the proposed commercial and light industrial uses is fully consistent with the land use designations in the Precise Plan. Thus, the proposed uses on the site do not raise a substantial issue.

I. STAFF RECOMMENDATION ON THE COASTAL PERMIT

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit No. A-6-PEN-07-026 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 certified LCP and the public access policies of

the Coastal Act. 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 special conditions:

1. Revised Final Plans. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and written approval final site, building, and landscape plans for the proposed development that have been approved by the City of San Diego. Said plans shall be in substantial conformance with the landscape development site plan for Shoreline Plaza by ONA date-stamped received March 15, 2007, but shall include the following:

- a. The minimum esplanade width shall be no less than 20 feet next to Building 34/179 and no less than 140 feet at the landscaped triangle on the northeast side of the site.
- b. The type and amount of each use proposed on the site (e.g., restaurant, retail, etc.) shall be identified on the plan.
- c. The number of parking spaces on the site shall be identified. Parking shall be provided consistent with the requirements of the City of San Diego LDC standards for the uses on the site.
- d. The north/south walkways through the subject site linking Decatur Road to the Shoreline (one at the extension of Sims Road, and one at the extension of Perry Road) shall be maintained.

The permittee shall undertake development in accordance with the approved final landscaping plan. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans, including the pedestrian linkages through the site, shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

2. Revised Final Landscape Plans: **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit to the Executive Director for review and written approval final landscaping plans for the permitted development that have been developed in consultation with the Department of Fish and Game and stamped approved by the City of San Diego. Said plans shall be in substantial conformance with the landscape development plan for Shoreline Plaza by ONA date-stamped received March 15, 2007, except shall revised to include the following:

- a. The type, size, extent and location of all plant materials, the proposed irrigation system and other landscape features on the site shall be provided. Only drought tolerant native plant materials shall be utilized within the area between the esplanade walkways and the boat channel. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized. The use of myoporum plant species is prohibited.
- b. To avoid an increased threat of raptor predation on shorebirds and waterbirds, no new tree plantings determined by Fish and Game as potential predator perches shall be located within 30 feet of the boat channel.
- b. A planting schedule that indicates the planting plan will be implemented within 60 days of completion of construction.
- c. Construction lighting and post-construction project lighting fixtures shall be shielded and oriented so that direct light or indirect glow will not increase the light levels in the boat channel adjacent to the project site.
- d. A written commitment by the applicant that all required plantings will be maintained in good growing condition, and whenever necessary, will be replaced with new plant materials to ensure continued compliance.
- e. The use of rodenticides and pesticides shall be prohibited.
- f. 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.

The permittee shall undertake development in accordance with the approved final landscaping plan. 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.

3. Water Quality. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT** the applicant shall submit a final Water Quality Technical Report (WQTR), prepared by a licensed water quality professional, for review and approval of the Executive Director. The WQTR shall be based on the WQTR dated March 21, 2007 and shall incorporate structural and non-structural Best Management Practices (BMPs) (site design, source control and treatment control) designed and implemented to reduce, to the maximum extent practicable, the volume, velocity and pollutant load of stormwater and dry weather flows leaving the developed site and to minimize water quality impacts to surrounding coastal waters. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

- a. Impervious surfaces, especially directly connected impervious areas, shall be minimized, and alternative types of pervious pavement shall be used where feasible.
- b. Irrigation and the use of fertilizers and other landscaping chemicals shall be minimized.
- c. Efficient Irrigation Measures including water saving irrigation heads and nozzles, flow sensors, automatic rain sensors and multiple programming capabilities shall be used.
- d. A Fertilizer and Landscape Management program shall include Integrated Pest Management (IPM) practices and the use of a drought tolerant planting palette.
- e. Trash, recycling and other waste containers, as necessary, shall be provided. All waste containers anywhere within the development shall be covered, watertight, and designed to resist scavenging animals.
- f. All parking lots shall be swept and litter shall be removed on a weekly basis, at a minimum. The parking lots shall not be sprayed down or washed down unless the water used is directed through the sanitary sewer system or a biofiltration area.

- g. All dry weather runoff (non-stormwater flows) shall be retained onsite and not discharged to the bay.
- h. A BMP treatment train shall be designed and implemented to collect and treat runoff and remove pollutants of concern (including heavy metals, oil and grease, hydrocarbons, trash and debris, sediment, nutrients and pesticides) through infiltration, filtration and/or biological uptake. The drainage system shall also be designed to convey and discharge runoff from the developed site in a non-erosive manner.
- i. Post-construction structural BMPs (or suites of BMPs) shall be designed to treat, infiltrate or filter the amount of stormwater runoff produced by all storms 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 (i.e., 2 or greater), for flow-based BMPs.
- j. All BMPs shall be operated, monitored, and maintained for the life of the project and at a minimum, all structural BMPs shall be inspected, cleaned-out, and where necessary, repaired at the following minimum frequencies: (1) prior to October 15th each year; (2) during each month between October 15th and April 15th of each year and, (3) at least twice during the dry season.
- k.. Debris and other water pollutants removed from structural BMP(s) during clean-out shall be contained and disposed of in a proper manner.
- l. It is the permittee's responsibility to maintain the drainage system and the associated structures and BMPs according to manufacturer's specifications.

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

4. Use Restrictions on Building 34/179. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMT**, the applicant shall submit to the Executive Director for review and written approval plans for Building 34/179 that demonstrate compliance with the following conditions:

- a. Only visitor-serving uses open and available to the public shall be permitted in the building.
- b. The shoreline-facing side of the building shall be designed in manner visually appealing and attractive to pedestrians through landscape and building design (i.e., it should not simply present a blank "back of the building" appearance).

- c. Activating uses such as retail or food sales oriented towards the boat channel shall be encouraged, but no private encroachments such as seating or merchandise shall be permitted in the public esplanade.

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

5. Sign Program. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and written approval a sign program documenting that only monument signs, not to exceed eight (8) feet in height, or facade signs are proposed. No tall or free-standing pole or roof signs shall be allowed.

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

6. U.S. Navy Approval. **PRIOR TO THE COMMENCEMENT OF CONSTRUCTION**, the applicant shall provide to the Executive Director a copy of a U.S. Navy permit, or letter of permission, to enter and/or perform work in the 15-foot wide setback area from the boat channel. The applicant shall inform the Executive Director of any changes to the development required by the Navy. Such changes shall not be incorporated into the project until the applicant obtains a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

7. Other Special Conditions of the CDP Amendment 99-1075. Except as provided by this coastal development permit, this permit has no effect on conditions imposed by the City of San Diego pursuant to an authority other than the Coastal Act. The conditions contained in this coastal development permit are in addition to the conditions imposed and required by the City of San Diego. In case of conflict, the conditions contained in the subject coastal development permit shall be controlling.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Project Description. The proposed project would amend the Master Planned Development Permit for the Naval Training Center to expand an approved parking lot from approximately 336 spaces to approximately 460 spaces by demolishing 10 existing

non-historic buildings and miscellaneous sheds/storage buildings, retaining one building previously planned for demolition, and reconfiguring parking spaces. See complete detailed project description and history above, Page 4.

2. Public Access/Recreation/Parking/Permitted Uses/Visitor-Serving. The relevant sections of the Coastal Act and Precise Plan policies are cited above and incorporated herein by reference.

With one exception, the subject site is not in any of the special overlays in the Precise Plan, including the Historic District, the Public Promenade Overlay, or the Visitor and Community Emphasis Overlay area. The site *does* fall within the Runway Protection Zone (RPZ) of the San Diego International Airport, and as such, there are some restrictions on permitted uses in the area. Residential and school uses are generally prohibited, while parking, most retail commercial, restaurant, and light industrial uses are permitted.

Neither the Precise Plan nor the City's Master Coastal Development Permit identified the particular uses that would be located in the readapted buildings located on the subject site. Current plans for the site now include retail commercial, restaurant, light industry uses (some of which would potentially be marine-related), and parking.

The applicant has indicated that the need for the proposed project arises from the fact that when parking studies were originally performed during the Precise Plan stage, it was anticipated that most of the uses on the subject site would be light industrial or office. However, current plans for the site include retail, restaurant, commercial, and light industry uses, most of which require more parking spaces than office uses would.

Reuse of the buildings for any of the proposed uses would be consistent with the various designations in the Precise Plan. However, the uses currently proposed at the site are more visitor-oriented than the office uses previously anticipated, consistent with the policies of the Precise Plan that visitor-serving commercial uses be sited adjacent to the boat channel. Regardless of the particular use that goes into the buildings on the site, the Precise Plan specifically requires that adequate parking be provided to meet the demand associated with the use. However, adding more parking on the subject site raises concerns that the project would concentrate parking within one area rather than distributing it throughout NTC, as required by the Precise Plan, and that providing additional parking at the subject site will relieve the applicant's of their obligation to provide a parking structure on the north side of Liberty Station, adjacent to Rosecrans Street (see Exhibit #3).

Exhibit #7 shows that under the City's existing Master Development Permit, parking would be located on the subject site adjacent to the existing buildings, as well as in a large parking lot immediately west of the site. Because the proposed project would increase the parking provided on the site by approximately 50%, there would be a substantial amount of parking in this particular area. However, this is due in part to the concentration of visitor-serving uses in the nearby Visitor and Community Emphasis

Overlay (VCEO) area. Development in this area must be visitor-serving and community-oriented in nature, and is by nature pedestrian-oriented, and not surrounded by a large expanses of parking. The Precise Plan policies require development of a parking management program for the office, education and mixed-use portions of NTC to ensure that adequate parking is provided for all development in these areas. The applicant did do a parking study looking at the demand for parking on the site and in the immediate area, identified as “NTC North” (see Exhibit #11). In the survey area, the expected uses consist of 15,760 sq.ft. of restaurant, 77,573 sq.ft. of retail, and 18,912 sq.ft. of light industrial. Using a shared parking analysis, the City determined that approximately 500 parking spaces would be required to serve the proposed uses. The ultimate number of parking spaces on the site was reduced to closer to 460 by the City Council in order to expand the public esplanade. As a result, the final mix of uses on the site may have to be altered slightly in order to reduce the demand for parking such that it matches the number of spaces which can fit on the site. In other words, the ultimate number and size of uses will need to be adjusted such that the parking requirements (utilizing a shared-use arrangement) do not exceed the number of parking spaces being provided (approximately 460). Special Condition #1 requires submittal of final revised building plans with the breakdown of uses and final parking count shown.

In its approval of the parking lot expansion, the City found that constructing a parking structure on the north side of NTC, approximately ½ mile from the subject site, would not adequately substitute for providing parking on the subject site, which would be within walking distance of the uses demanding parking. The City’s Land Development Code requires that off-site parking be located within 600 feet of the use. Realistically, unlike office uses which can require employees to park in off-site lots, parking for retail and restaurant uses generally must be located reasonably close to the use to adequately serve customers.

The Commission agrees with the City’s conclusion that the parking needs for the uses in North NTC could not be met in a parking structure on the other side of the development, to the extent that an internal shuttle or other means of mass transit are currently absent within Liberty Station. The Precise Plan requires the applicant to continue to coordinate with MTDB to expand bus service to the site. The Chapter 3 policies of the Coastal Act also encourage the provision of public transportation and the minimization of vehicle miles traveled. Currently, there is no bus service through Liberty Station, although there are several stops along Rosecrans Street at the northern border of Liberty Station, and the site is less than two miles from the Old Town Transit Center. The applicant has indicated that the San Diego Metropolitan Transit Development Board (MTDB) has informed the applicant that when the public park is operating (construction is currently nearing completion), they will be willing to revisit the issue of providing internal bus service in Liberty Station.

In addition, the Precise Plan requires that if required parking surveys show that park users are being impacted by non-park users, an internal shuttle transit system connecting the parking structure and other shared parking facilities to uses within the office, education,

mixed-use and public park or other mitigation measure identified in the parking study must be implemented. The subject project would not amend or lessen this requirement.

Although the proposed project would increase the intensity of parking at the subject site, the site was always proposed to have parking. The proposed project would provide the necessary parking to serve the proposed uses at and around Shoreline Plaza, as mandated in the Precise Plan. The alternative to providing the required parking would be to mandate that lower-intensity, less-visitor-serving uses be located in the buildings on the site, or that some buildings remain vacant or be demolished. This would not serve the goals of the Precise Plan to maximize public use of the area, and lowering the intensity of use on the site would make it even less likely that alternative forms of transit such as an internal shuttle will eventually be feasible. The Commission notes that providing parking on this site in no way relieves the applicant of their obligation to perform required parking surveys and provide necessary parking and/or alternative transit anywhere else on the subject site. Thus, the Commission finds that the proposed increase in parking spaces does not in and of itself raise an inconsistencies with the Coastal Act or the certified LCP.

However, an additional potential concern with the proposed project is that the redesign of the site proposed to accommodate the increased parking would impact the ability to provide public access to and along the shoreline at the site as required by the Precise Plan and the Chapter 3 policies of the Coastal Act. Although the Precise Plan clearly requires that the public esplanade be located along the boat channel on the subject site, the plan does not specify a minimum width for the esplanade on the subject site, as it does for portions of the esplanade next to the park and some other areas on NTC. Nor does the City's Master Coastal Development Permit specify a minimum width. However, in January 2002, the Commission approved a permit for subdivision of the former Naval Training Center site into ten lots (units) for future development, and the dedication of public access easements, public streets and utility easements, together with associated grading and infrastructure, including: sewer, water, and storm drain improvements; BMP devices; gas, electric, telecommunication, and cable lines; street improvements consisting of curb, gutter, paving, sidewalk, street lights, and right-of-way landscaping and temporary erosion controls (CDP #6-01-148). Although it was explicitly stated that additional coastal development permits would be processed for various specific developments, through this approval, the Commission approved in concept the layout of various features including public access easements, most notably for the public esplanade which transverses NTC along the boat channel, including along the subject site. Project plans included the layout of the buildings proposed to remain on the site, parking, the esplanade, and landscaping. Special Conditions on the permit require that the public access improvements be installed and open for public use prior to, or concurrent with, issuance of the first certificate of occupancy for the existing structures on the site. This condition remains applicable to the construction of public access improvements on the subject site.

Exhibit #8 shows the Shoreline Plaza area as approved through CDP #6-01-148. Exhibit #2 shows the proposed plan. Building 186, previously proposed to remain on the site

would be demolished, and Building 34/179, previously proposed to be demolished, would remain. As discussed above, the Precise Plan policies allow for some flexibility in determining which buildings were ultimately reused and which were demolished. Thus, the proposed demolition of Building 186 does not raise any LCP or Coastal Act concerns. However, the retention of Building 34/179, because it is so close to the shoreline, constrains the potential width of the public esplanade. (It should be noted that Building 358, which is also in the esplanade, has always been proposed to remain (ref. Exhibit #8). The building is next to an existing dock, and is expected to be used for boating recreational and/commercial uses when the boat channel is eventually granted to the City from the Navy, should recreational use of the boat channel be determined appropriate through the LCP amendment process).

The original esplanade as conceptually depicted on the approved plan was a constant 25-foot in width (approximately) along the entire site. The proposed esplanade would be 20 feet wide at its narrowest point next to Building 34/179, but 140 feet wide at the landscaped triangle towards the east side of the site. Per the direction of the San Diego City Council, the current plan replaces the landscaped slopes on the north side of the site adjacent to Decatur Road with parking, but provides more landscaping along the public esplanade at the shoreline. The applicant has submitted an analysis comparing the previous esplanade plan with the proposed plan which demonstrates that the previously approved esplanade would have been approximately 50,141 sq.ft. in size (37,037 sq.ft. of landscape and 13,114 sq.ft. of hardscape), while the proposed esplanade would be approximately 66,987 sq.ft. in size (44,192 sq.ft. of landscape and 22,795 sq.ft. of hardscape). In addition, the proposed plan provides continuous landscaping between Building 185 and the shoreline, where the previous plan proposed parking and a driveway.

Thus, overall, the proposed esplanade will be as large or larger than the previously approved concept plan and as such, provides more space for the public to walk along the shoreline. However, there is still the concern that Building 34/179, which is now proposed to be retained rather than demolished, encroaches into the esplanade, limiting the esplanade to 20 feet at that location. To address that issue, the applicant has suggested that the use there could be a café, that would enhance the pedestrian experience along the esplanade. The Commission agrees that a café, restaurant, or other visitor-serving, pedestrian-activating use oriented towards the esplanade could be a public recreational amenity. However, such a use has not been specifically required for the location. Only if it can be assured that the structure will provide a positive recreational amenity, not an impediment, can the Commission find the retention of a building in the esplanade consistent with the public access and recreation policies of the LCP and Coastal Act.

Therefore, Special Condition #4 requires that the uses in Building 34/179 be visitor-serving in nature, and that, if not actually open and accessible to the public on the shoreline-facing side of the building, such as a café, restaurant, or retail store might be, that the façade of the building be designed in a manner visually appealing and attractive to pedestrians through landscape or building (i.e., it should not simply present a blank

“back of a building” appearance). The condition also prohibits the placement of seating or obstructions within the public esplanade. The pedestrian linkages provided through the site to the boat channel will ensure that pedestrian access from the VCEO and Historic District is maintained and enhanced. Special Condition #1 prohibits changes to these accessways.

In summary, the uses planned to be located in the existing buildings on the site consist of a variety of visitor-serving commercial uses and light industrial uses consistent with the Mixed Use designation in the certified Precise Plan. The proposed parking lot expansion will ensure that the demand for parking generated by the uses will be provided as required by the Precise Plan. The required public esplanade will be provided along the shoreline. As conditioned, the proposed encroachment into the esplanade by one building will have a positive impact on the quality of the esplanade, as it must be occupied by a visitor-serving, pedestrian-friendly use oriented towards the boat channel. Thus, as conditioned, no impacts to public access and recreation will result, consistent with the above-cited LCP and Chapter 3 policies of the Coastal Act.

3. Visual Quality. Precise Plan language addressing visual quality is cited above and is herein incorporated by reference.

As discussed in detail above, the site is designated for a variety of commercial and light industrial uses, including parking. Uses on the site will be located in existing restored buildings; no new buildings will be constructed. Plans submitted with the application indicate that site will have perimeter landscaping screening and trees throughout the parking area. There are no view corridors or viewsheds identified in the Precise Plan on or across the site, although the existing view down Chauncey Road adjacent to Shoreline Plaza is identified in the Plan (see Exhibit #12). The proposed removal of Building 186, which is currently located parallel to Chauncey Road, may expand this view. As discussed above, the proposed esplanade will be larger in area and provide more landscaping than the plan approved in concept at the subdivision stage. The pedestrian corridor through the site to the boat dock will also maintain public views across the site. Special Condition #2 requires the applicant to submit final landscape plan, in substantial conformance with the submitted plans, documenting and ensure the provision of adequate landscaping on the site. Special Condition #5 requires the submission of a sign program documenting that only monument signs less than 8 feet in height or facade signs are proposed, and that prohibits tall freestanding signs. With this condition, the Commission can be assured that any proposed signage will not adversely affect the visual character of the surrounding community and will be consistent with other commercial signage restrictions in the coastal zone. Thus, as conditioned, no significant impacts to visual quality are anticipated, consistent with the above-cited provisions of the certified LCP.

4. Sensitive Habitat/Water Quality. The precise plan has detailed, extensive policies mandating the protection of water quality and the biological resources in the boat channel. Some of the most relevant sections of the plan include the following:

VII: IMPLEMENTATION – 6-7

I. WATER QUALITY STANDARDS

[...]

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 to 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 in to the City's storm drain system and surrounding coastal waters....
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...the City shall require the applicant to take additional feasible actions and provide necessary mitigation to minimize the threat.

The project site would extend up to, but not beyond the edges of the boat channel, which is the only environmentally sensitive habitat on NTC and is used by various water bird species. In this location, the boat channel is lined with approximately 8-foot wide riprap followed by exposed tideland and open water of the boat channel. No direct encroachment into the water would occur. An Environmental Impact Review amendment done by the City determined that the proposed project would not result in significant environmental impacts, because prior to construction and in consultation with the City's Environmental Review Manager, a qualified biologist will determine appropriate construction buffers to minimize noise and visual disturbance to sensitive bird species.

In addition, the staff at the California Department of Fish and Game have reviewed the project plans, and indicated that in order to avoid raptor perching issues, tall tree species should not be planted within 30 feet of the boat channel. Some of the proposed tree spaces on the preliminary landscape plan, such as Torrey Pines, could provide predator perching opportunities, thereby impact sensitive bird species. Therefore, Special Condition #2 requires submittal of a revised landscape plan, developed in consultation

with the Department of Fish and Game, that eliminates any tree species that may provide perching opportunities. The condition also prohibits the use of rodenticides and pesticides to ensure runoff of these chemicals does not enter the boat channel. Construction and post-construction lighting must be shielded and oriented away from the channel.

As conditioned, the landscaping on the subject site will be consistent with the adjacent esplanade landscaping. Only drought tolerant native plant materials shall be utilized within the area between the esplanade walkways and the boat channel, and no invasive plant species shall be employed or allowed to naturalize or persist on the site. The condition prohibits the use myoporum plant species (myoporum parvifolium is proposed on the preliminary landscape plan), as the Commission's ecologist has identified this species as potentially invasive.

The boat channel is still under Navy ownership. Since the Precise Plan was approved, the area 15 feet from the edges of boat channel has been transferred to the City, but subject to a limit on development without the permission of the Navy. The boat channel will encompass this area, which is consistent with the Precise Plan, which states "land 15 feet from the boat channel all fall within the publicly-accessible esplanade" and thus, development of the esplanade must be approved by the Navy. However, permission from the Navy is not anticipated until shortly prior to construction.

Because construction of the esplanade as proposed is required to conform with the public access and recreation policies of the Precise Plan and Coastal Act, Special Condition #6 requires to the applicant to submit a letter or permission or other confirmation that Navy has given permission to develop next to the esplanade. If the Navy does not grant permission, or requires any changes to the approved esplanade, a new or amended coastal development permit would be required.

The subject site is already developed with buildings and parking; the proposed building demolition and revised parking configuration will not increase the amount of impervious surfaces on the site; in fact, construction of the esplanade may increase the pervious surfaces on the site due to removed buildings and added landscaped areas. However, more than 75% of the site will remain impervious, which can potentially contribute to water quality impacts. The applicant has submitted a Water Quality Technical Report (WQTR) dated March 21, 2007, which describes BMPs designated to eliminate or reduce any impacts to biological resources and water quality in the adjacent boat channel. The Commission's water quality staff have reviewed the proposed BMPs and determined that additional measures are required to adequately protect water quality. These measures include minimizing impervious surfaces and considering alternative types of pervious pavement; incorporating efficient irrigation measures and integrated pest management strategies for landscape management; sweeping and cleaning parking lots on a regular basis; retaining all dry weather runoff onsite, which would benefit intertidal and shallow subtidal organisms in the bay that would not typically be subjected to freshwater flow during the dry season in the Mediterranean climate of Southern California; providing a water quality treatment system that addresses the pollutants of concern; and establishing

design criteria and maintenance requirements for the selected BMPs. Special Condition #3 requires submittal of a final WQTR demonstrating that BMPs conforming to the requirements of the Precise Plan will be provided. In addition, Special Condition #2 requires submittal of a landscape plan that prohibits the use of pesticides and rodenticides. As conditioned, no impacts to sensitive habitat or water quality will result, consistent with the policies of the LCP.

5. Local Coastal Planning. The City of San Diego has a certified LCP for the NTC area. As discussed above, the project is consistent with the Commercial and Mixed Use land use designations in the Precise Plan. As conditioned, the development is consistent with all applicable provisions of the certified LCP as well as with the public access policies of Chapter 3 of the Coastal Act. The Commission, therefore, finds that approval of the proposed development, as conditioned, will not prejudice the ability of the City of San Diego to continue to implement its certified Local Coastal Program.

6. Consistency with the California Environmental Quality Act (CEQA). The City of San Diego is the lead agency for CEQA purposes and the Commission is a responsible agency. The City of San Diego approved a supplemental EIR for the proposed project. Section 13096 of the Commission's administrative regulations requires Commission approval of a coastal development permit or amendment to be supported by a finding showing the permit or permit amendment, 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.

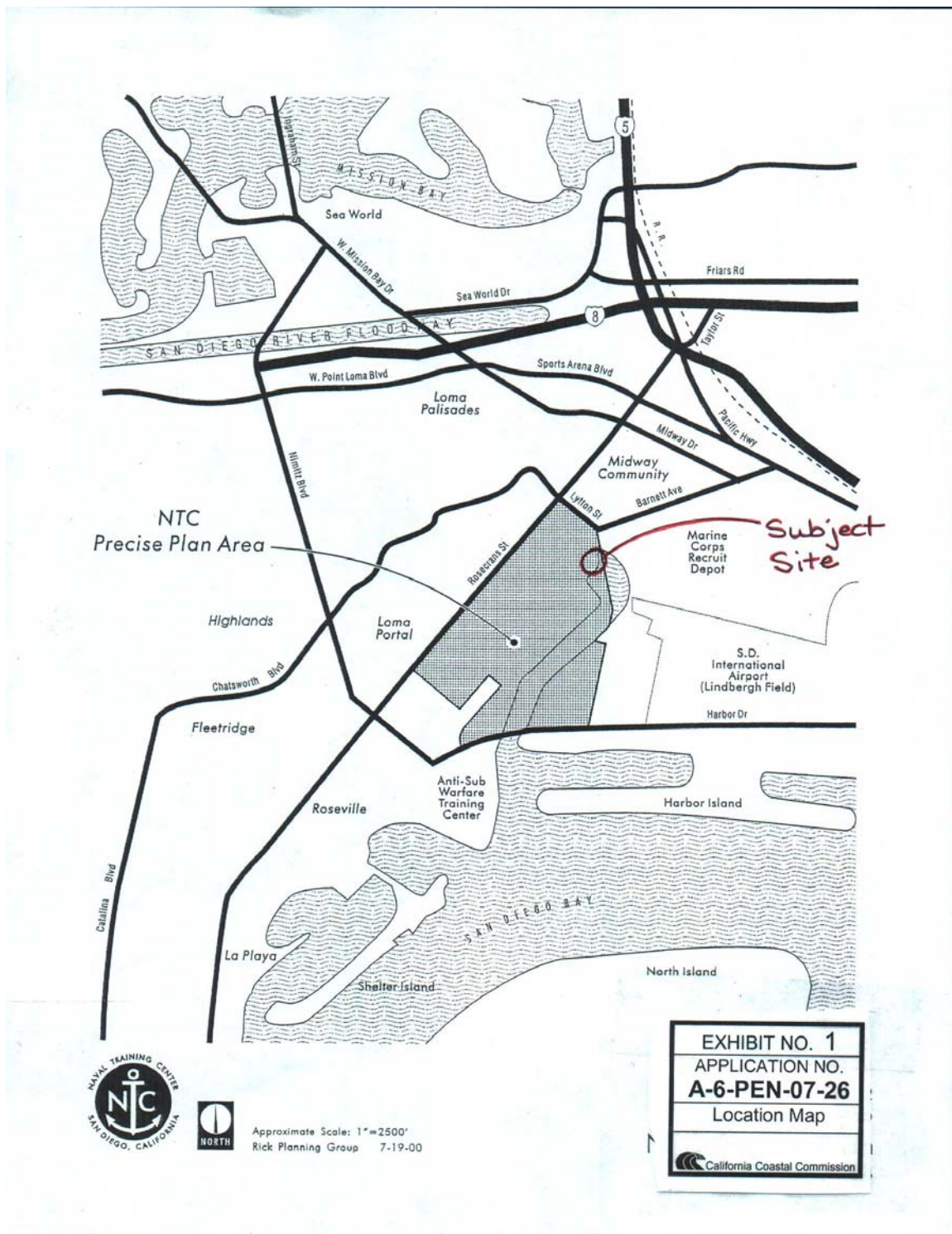
The proposed project has been conditioned to be found consistent with the public access, recreation, visual protection, environmental protection, and water quality policies of the NTC Precise Plan and the public access policies of the Coastal Act. Mitigation measures will minimize all adverse environmental 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, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and is consistent with the requirements of CEQA.

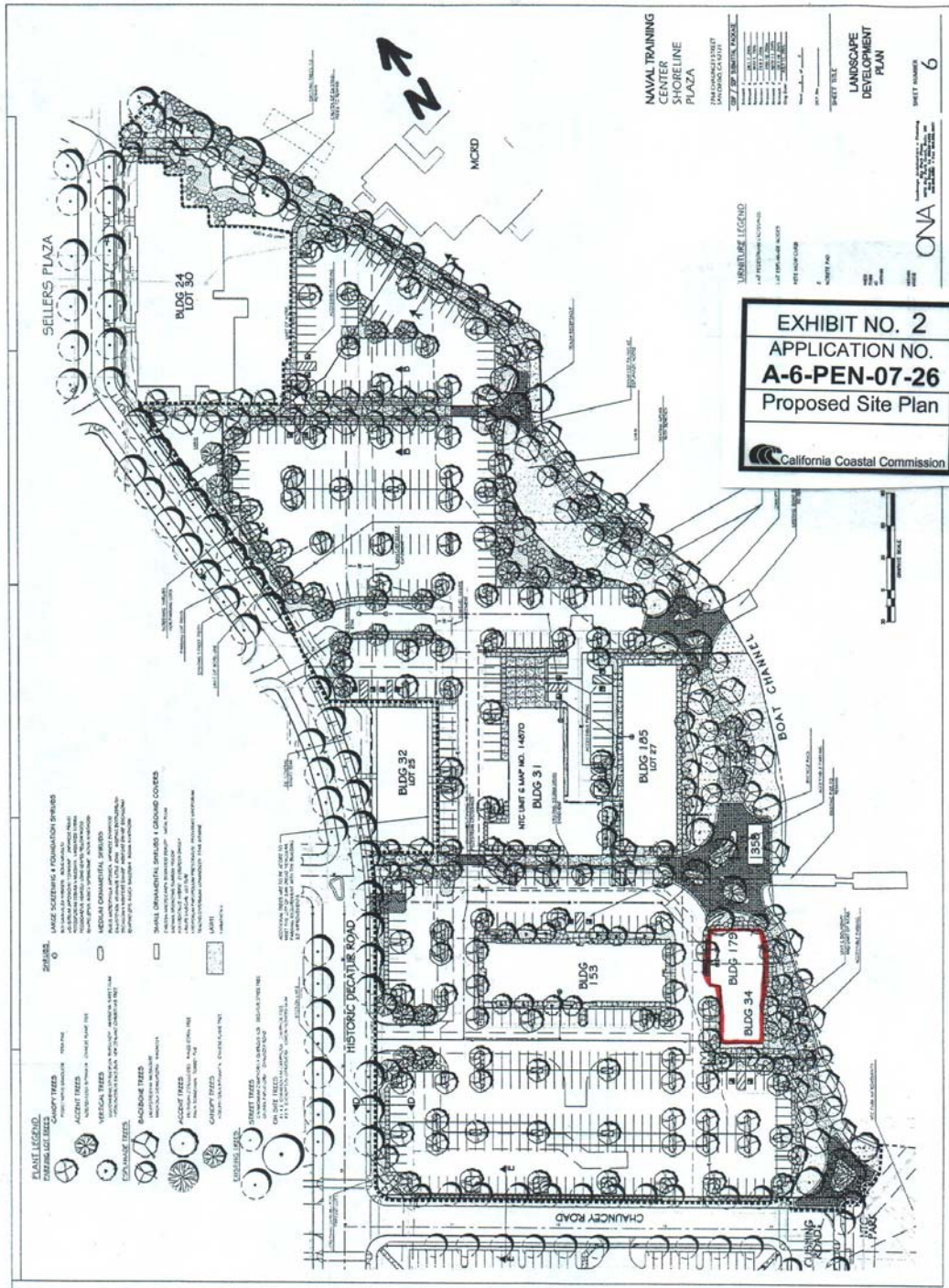
STANDARD CONDITIONS:

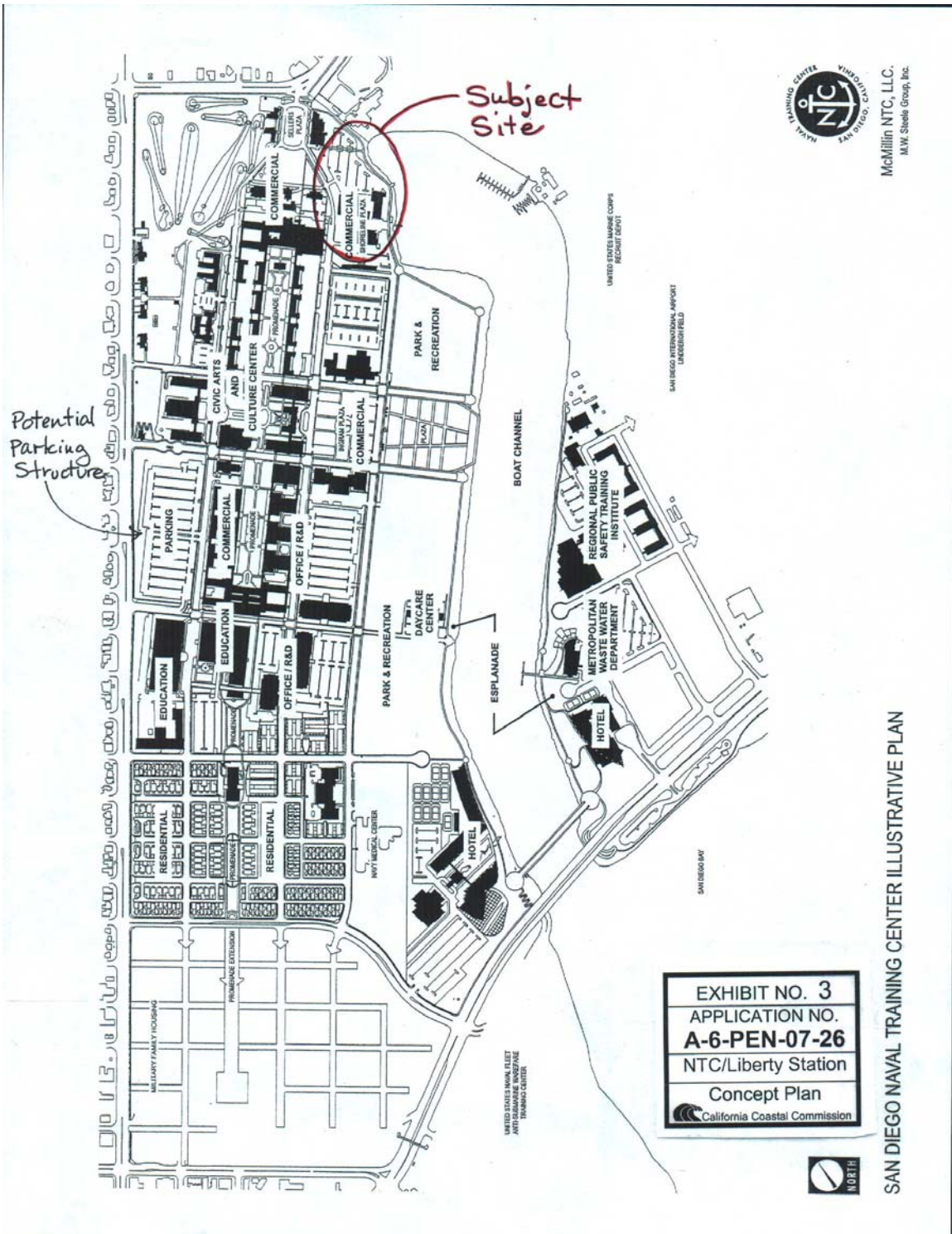
1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development

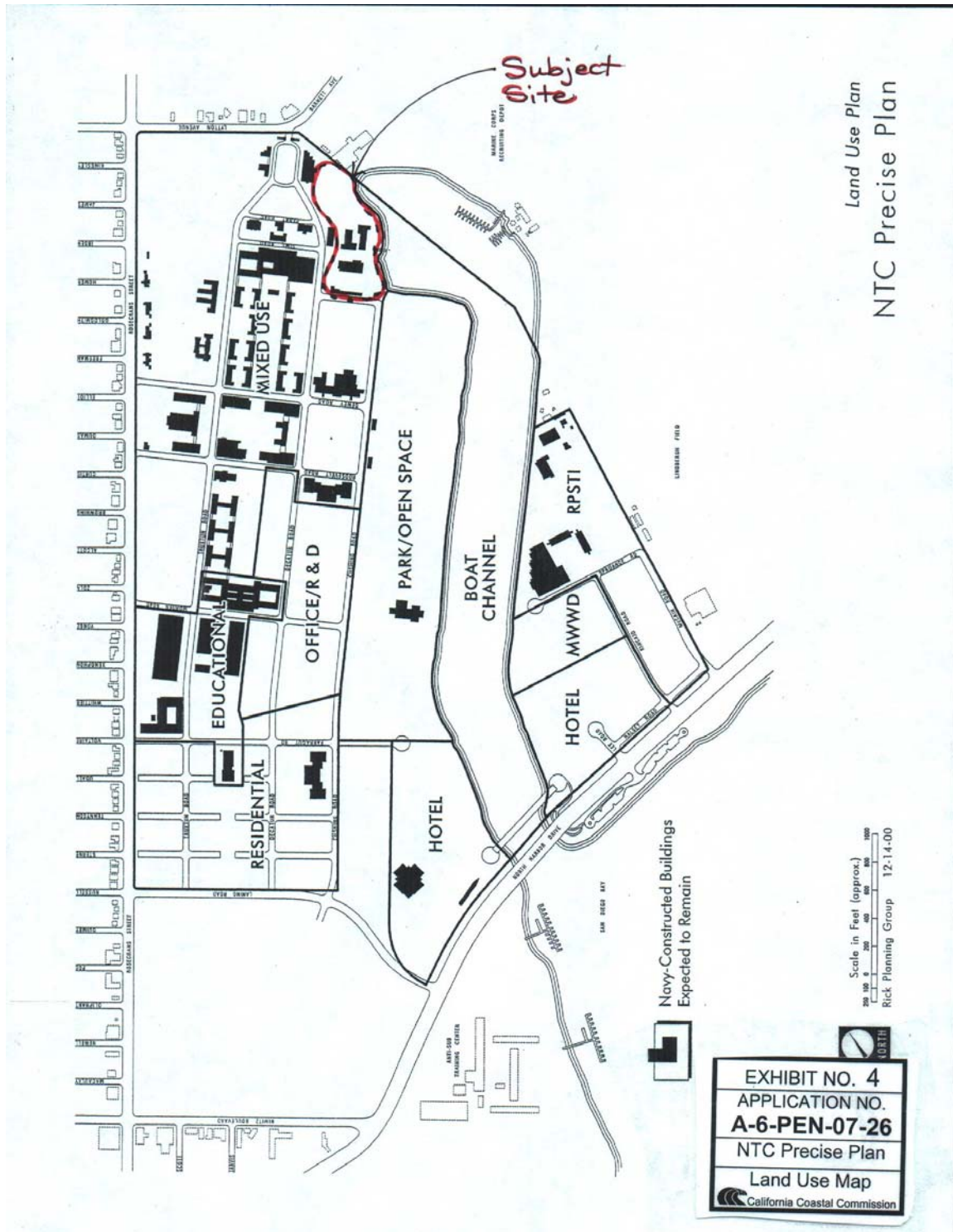
shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

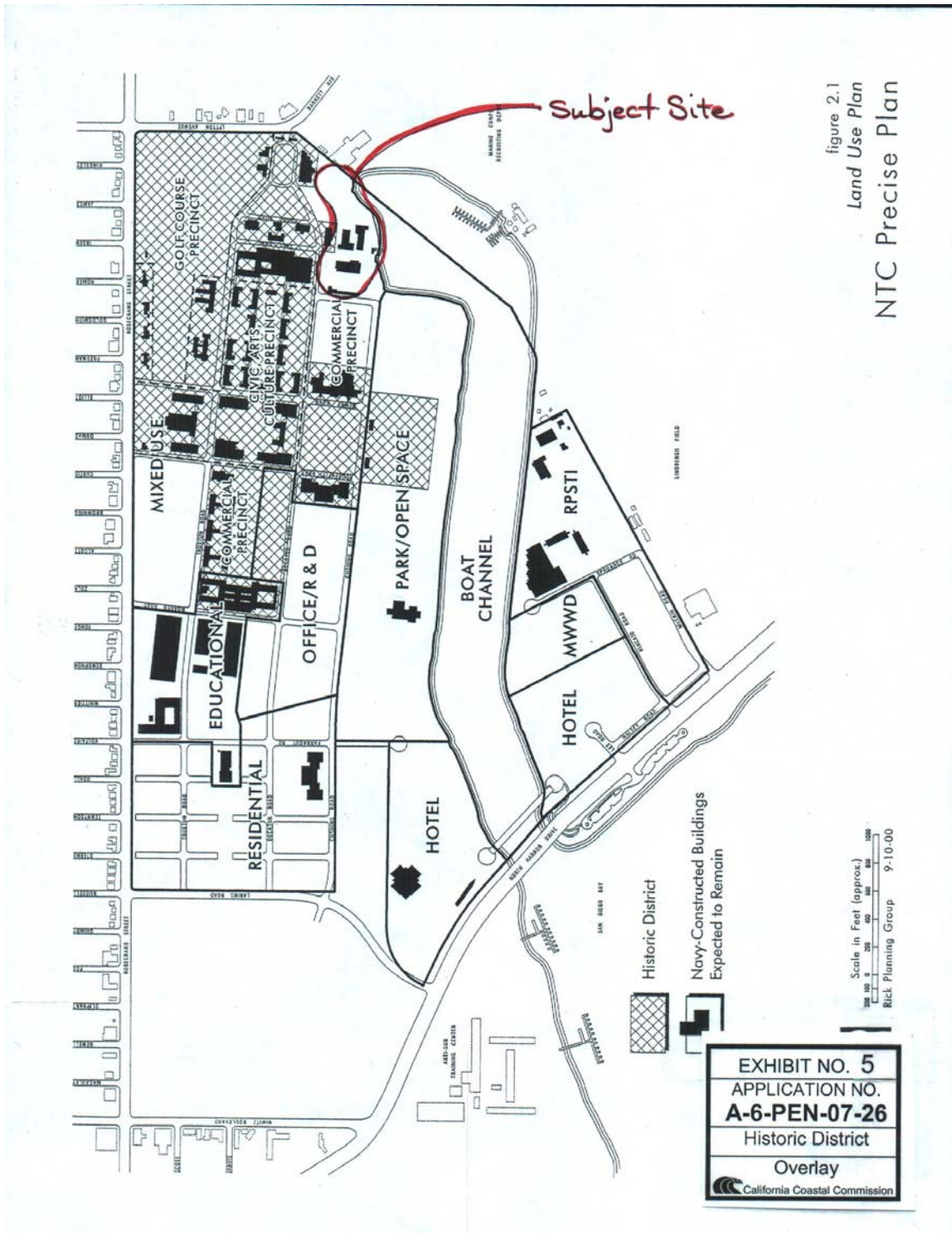
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of 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.

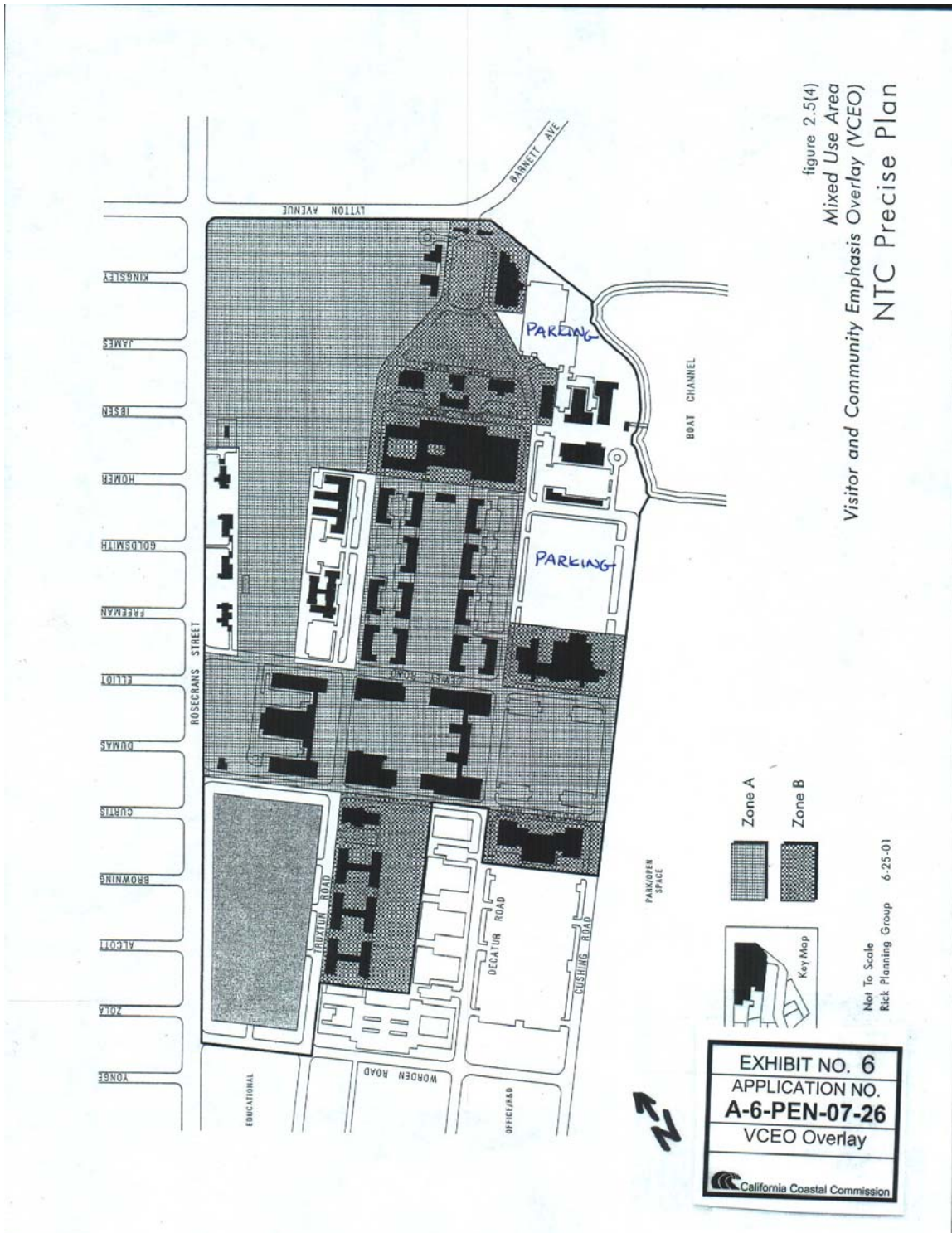


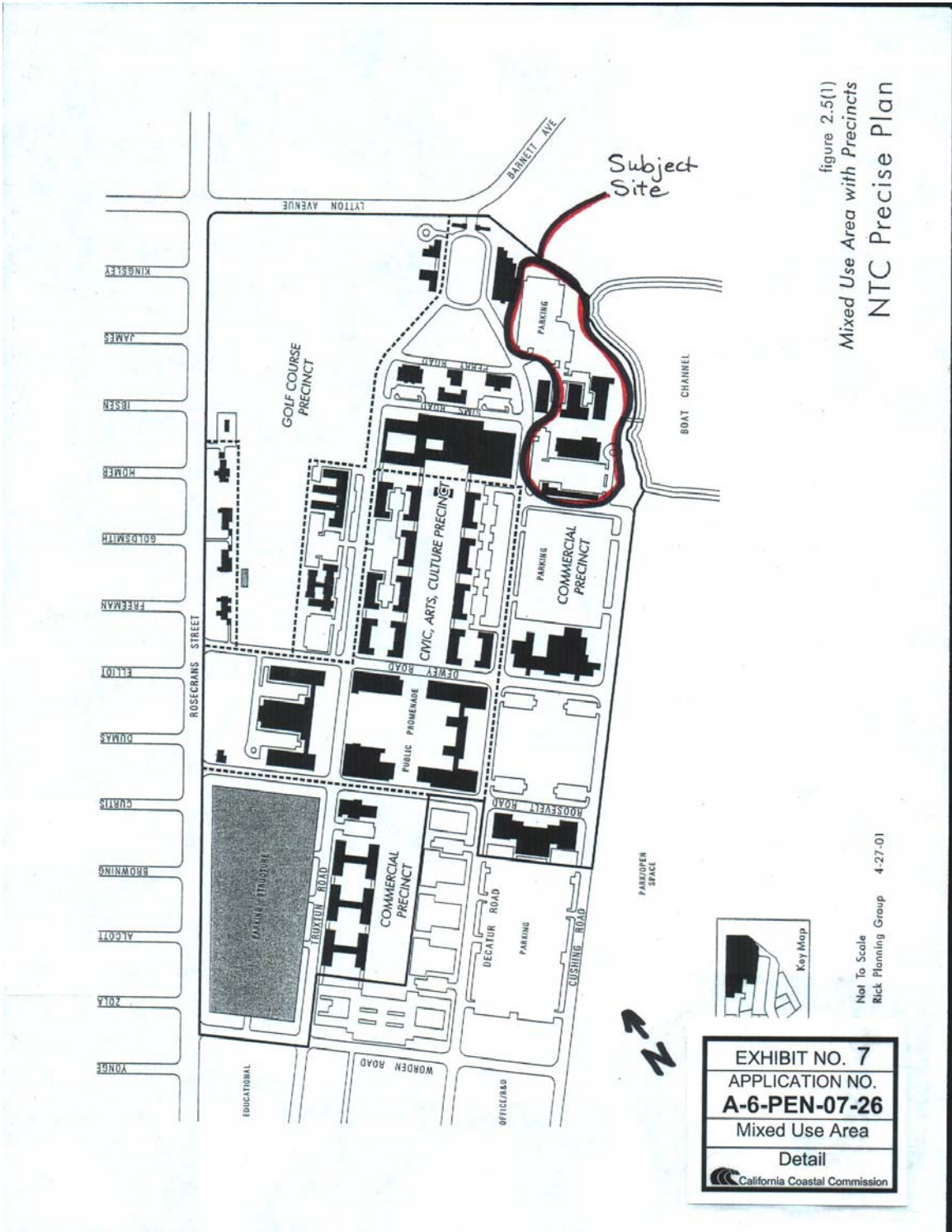


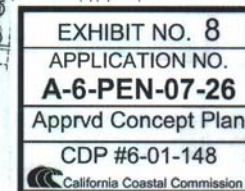


















Parking for NTC north

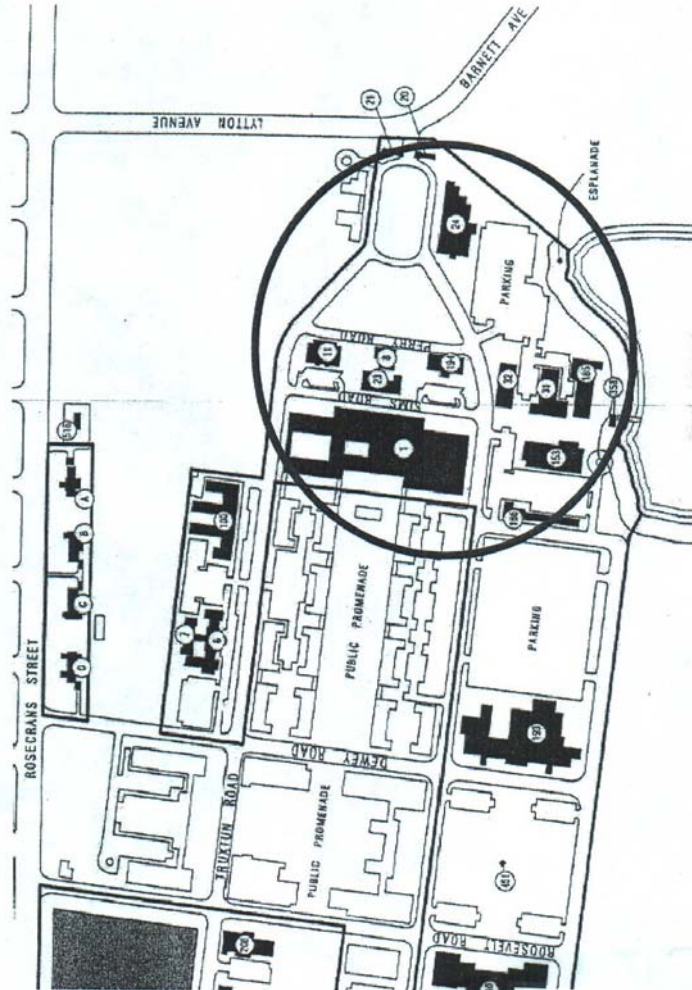


EXHIBIT NO. 11
APPLICATION NO.
A-6-PEN-07-26
Parking Study
Area
California Coastal Commission

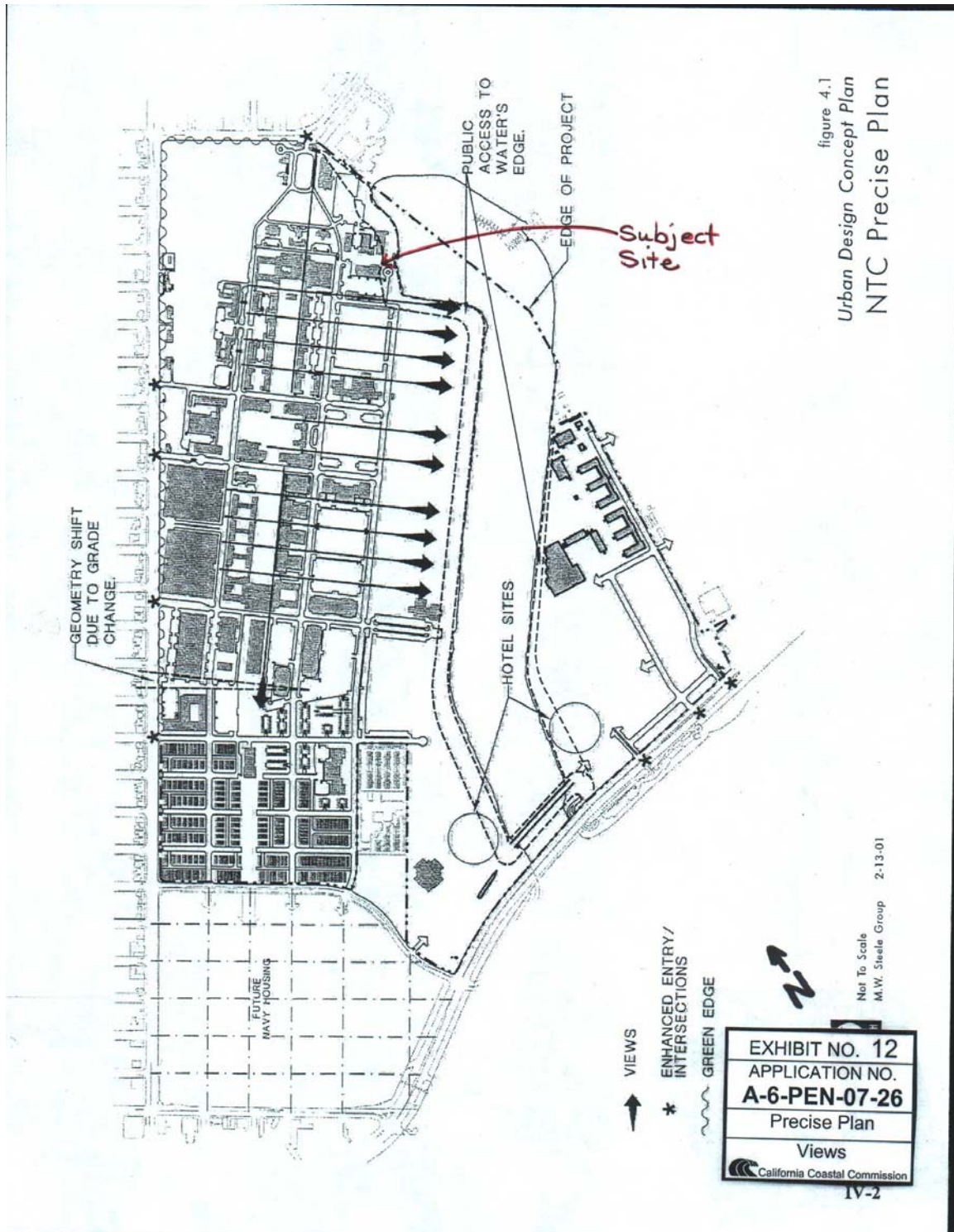
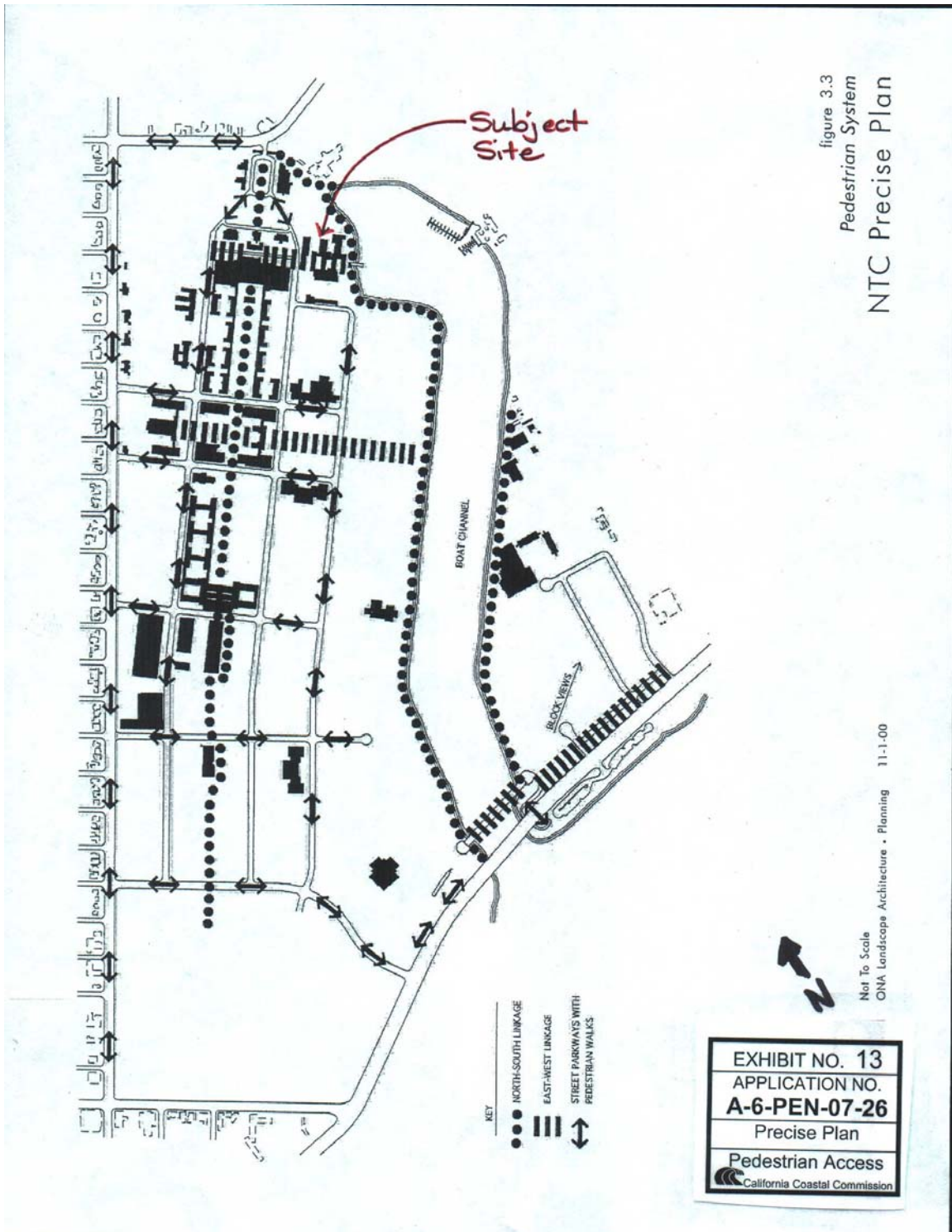


figure 4.1
Urban Design Concept Plan
NTC Precise Plan



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PAGE 03/04

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GENERAL COUNSEL

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item 332

**SAN DIEGO COUNTY
REGIONAL AIRPORT AUTHORITY**

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

January 29, 2007

City of San Diego
City Clerk's Office
202 C Street-2nd Floor
San Diego, CA 92101-3864

**Re: Withdrawal of San Diego County Regional Airport Authority's Appeal
of Planning Commission's Action at the December 7, 2006 Meeting
Project No. 80411;
Project Name: NTC Shoreline Plaza**

To Whom It May Concern:

Please be advised that this letter shall serve as an official withdrawal of the San Diego County Regional Airport Authority's ("Airport Authority") appeal to the above entitled project.

Although the Airport Authority has withdrawn its appeal, I believe it is important to provide the following information for your consideration. As you know, the Airport Authority does not object to the project as being inconsistent with the Airport Land Use Compatibility Plan ("ALUCP") for San Diego International Airport ("SDIA"). However, the Airport Authority does object to the City's continued refusal to coordinate its planning and approval process for projects within the Runway Protection Zone ("RPZ") of SDIA with the Airport operator as required in the NTC Precise Plan.

The Airport Authority is very interested in working cooperatively with the City of San Diego in the future regarding projects located in the Airport Influence Area ("AIA") of SDIA. It is of great importance to the Airport Authority and the public it serves to protect the health, safety and welfare of individuals on the ground and those who fly in and out of SDIA. One of the keys to accomplishing this goal is preservation and protection of the RPZ which is vital to the continued safe operation of the SDIA. This can be accomplished through open communication between the City and the Airport Authority regarding projects planned in the RPZ of SDIA. Specifically, a simple sharing of information between the parties will benefit the City, the Airport Authority, citizens of



**SAN DIEGO
INTERNATIONAL
AIRPORT**

EXHIBIT NO. 14
APPLICATION NO.
A-6-PEN-07-26
SD Airport Letter

Page 1 of 2
California Coastal Commission

01/30/2007 10:27 619-533-4045

CITY CLERK

PAGE 04/04

01/29/2007 10:14 619-002428

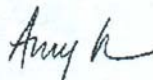
GENERAL COUNSEL

PAGE 03/03

January 29, 2007
Withdrawal of Appeal: NTC Shoreline Plaza
Page 2 of 2

San Diego and the traveling public. The Airport Authority is confident that this can be accomplished and looks forward to working cooperatively in the future with the City regarding future projects located in the AIA of SDIA.

Sincerely,



Amy Gonzalez
Senior Assistant General Counsel
San Diego County Regional Airport Authority

cc: Tony Young, Member San Diego City Council
Alan D. Bersin, Chair San Diego County Regional Airport Authority
San Diego County Regional Airport Authority Board Members
Thella F. Bowens, President/CEO San Diego County Regional Airport Authority
Breton K. Lobner, General Counsel

STATE OF CALIFORNIA -- THE RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, Governor

CALIFORNIA COASTAL COMMISSION

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

APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Mary K. Shallenberger
Mailing Address: 45 Fremont Street, Suite 2000
San Francisco, CA 94105

Phone Number: (415) 904-5200

SECTION II. Decision Being Appealed

1. Name of local/port government: City of San Diego
2. Brief description of development being appealed: Expand approved parking lot from approximately 336 spaces to approximately 460 spaces by demolishing 10 existing non-historic buildings and miscellaneous sheds/storage buildings and reconfiguring parking spaces.
3. Development's location (street address, assessor's parcel no., cross street, etc.): 2768 Chauncey Road (NTC/Liberty Station), Point Loma, San Diego (San Diego County)
4. Description of decision being appealed:
 - a. Approval; no special conditions: ☐
 - b. Approval with special conditions: ☒
 - c. Denial: ☐

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:APPEAL NO: A-6-PEN-07-026DATE FILED: February 15, 2007DISTRICT: San Diego

RECEIVED

FEB 15 2007

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

EXHIBIT NO. 15
APPLICATION NO.
A-6-PEN-07-26
Commission Appeals
Page 1 of 10
California Coastal Commission

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT
Page 2

5. Decision being appealed was made by (check one):

- a. ☐ Planning Director/Zoning Administrator c. ☐ Planning Commission
b. ☒ City Council/Board of Supervisors d. ☐ Other

Date of local government's decision: January 30, 2007

Local government's file number (if any): 42-5025

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

Name and mailing address of permit applicant:

Kathi Riser
2750 Womble Road
P.O. Box 85104
San Diego, CA 92186-5104

Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT
Page 3

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

See Attachment "A" dated 2/15/07

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signed: Mary K. Challenger
Appellant or Agent

Date: 2/15/07

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: _____

Date: _____

(Document3)

February 15, 2007

ATTACHMENT "A" – NTC/Liberty Station Shoreline Park Appeal #A-6-PEN-07-026

The proposed project is expansion of an approved parking lot from approximately 336 spaces to approximately 460 spaces by demolishing 10 existing non-historic buildings and miscellaneous sheds/storage buildings and reconfiguring parking spaces. The project site is located east of Chauncey Road, south of Decatur Road, and north of the boat channel at the old Naval Training Center, now known as Liberty Station, in the Point Loma area of San Diego. An extension of the public esplanade would be constructed along the boat channel next to the existing buildings and the proposed parking.

The project site is located in the Mixed Use designated area of NTC. Table 2.7 in the Land Use section of the certified NTC Precise Plan (LUP) contains a list of Navy buildings shown to be retained in the Mixed Use area. Building 186 (Security Office Building) and Building 153 (Carpenter Shop) are listed as buildings that will remain. However, the proposed project would demolish Building 186 and portions of Building 153, and thus, is inconsistent with the certified LUP.

The following Precise Plan policies in the Coastal Element section of the Plan, address the distribution of parking in NTC:

Public facilities, including parking areas or facilities shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

Parking areas to serve public and private development shall be distributed throughout the site, specifically including the residential area, the education/mixed use area, the office/research and development area, the public park area, and the hotel sites. This will mitigate against the impacts of overcrowding or overuse by the public of any single area.

However, the proposed project increases and concentrates parking in one area, inconsistent with this policy.

Language in the Coastal Element section of the Plan also states:

Continuous public access shall be provided along the NTC esplanade connecting Gate 1 (Lytton/Barneet Street) to the Spanish Landing approach point.

It should be noted that land 15 feet from the boat channel all fall within the publicly-accessible esplanade....Incorporation of the boat channel and the 15-foot wide area adjacent to the boat channel (which has not yet been transferred to the City) into the Precise Plan and Local Coastal Program, and modification to or extension of the boat channel will involve additional environmental assessment and shall require an amendment to the NTC Precise Plan and Local Coastal Program.

February 15, 2007

Attachment "A" NTC Shoreline Park #A-6-PEN-07-026

Page 2

The proposed plan would provide public access alongside the parking lot and buildings, but in a fairly narrow walkway, close to the boat channel. The permit does not specify a minimum width for the walkway, which is potentially inconsistent with the public access policies of the Coastal Act and certified LCP, as there is no way to ensure that the esplanade will be wide enough to provide meaningful access. In addition, a preliminary plan for the walkway appears to indicate that the walkway would be located in the area 15 feet from the top of the boat channel, which may not be legally available for development, as it is still owned by the Navy. In addition, the need for additional parking appears to be driven by an increased intensity of use at the site over what was envisioned when the City's original permit for NTC was approved. Without the substantial increase in required parking, the proposed esplanade could potentially be set back from the boat channel consistent with the certified Precise Plan, while still maintaining a wide and useable width.

Thus, the project is potentially inconsistent with the certified LCP and the public access policies of the Coastal Act.

STATE OF CALIFORNIA -- THE RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, Governor

CALIFORNIA COASTAL COMMISSION

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



APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Patrick Kruer
Mailing Address: 7727 Herschel Avenue
La Jolla, CA 92037

Phone Number: (858) 551-4390

SECTION II. Decision Being Appealed

1. Name of local/port government: City of San Diego
2. Brief description of development being appealed: Expand approved parking lot from approximately 336 spaces to approximately 460 spaces by demolishing 10 existing non-historic buildings and miscellaneous sheds/storage buildings and reconfiguring parking spaces.
3. Development's location (street address, assessor's parcel no., cross street, etc.): 2768 Chauncey Road (NTC/Liberty Station), Point Loma, San Diego (San Diego County)
4. Description of decision being appealed:
 - a. Approval; no special conditions: ☐
 - b. Approval with special conditions: ☒
 - c. Denial: ☐

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-6-PEN-07-026

DATE FILED: February 15, 2007

DISTRICT: San Diego

RECEIVED

FEB 15 2007

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT
Page 2

5. Decision being appealed was made by (check one):

- a. ☐ Planning Director/Zoning Administrator c. ☐ Planning Commission
b. ☒ City Council/Board of Supervisors d. ☐ Other

Date of local government's decision: January 30, 2007

Local government's file number (if any): 42-5025

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

Name and mailing address of permit applicant:

Kathi Riser
2750 Womble Road
P.O. Box 85104
San Diego, CA 92186-5104

Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

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APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT
Page 3

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

See Attachment "A" dated 2/15/07

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signed: _____

Appellant or Agent

Date: _____

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: _____

Date: _____

(Document3)

February 15, 2007

ATTACHMENT "A" – NTC/Liberty Station Shoreline Park Appeal #A-6-PEN-07-026

The proposed project is expansion of an approved parking lot from approximately 336 spaces to approximately 460 spaces by demolishing 10 existing non-historic buildings and miscellaneous sheds/storage buildings and reconfiguring parking spaces. The project site is located east of Chauncey Road, south of Decatur Road, and north of the boat channel at the old Naval Training Center, now known as Liberty Station, in the Point Loma area of San Diego. An extension of the public esplanade would be constructed along the boat channel next to the existing buildings and the proposed parking.

The project site is located in the Mixed Use designated area of NTC. Table 2.7 in the Land Use section of the certified NTC Precise Plan (LUP) contains a list of Navy buildings shown to be retained in the Mixed Use area. Building 186 (Security Office Building) and Building 153 (Carpenter Shop) are listed as buildings that will remain. However, the proposed project would demolish Building 186 and portions of Building 153, and thus, is inconsistent with the certified LUP.

The following Precise Plan policies in the Coastal Element section of the Plan, address the distribution of parking in NTC:

Public facilities, including parking areas or facilities shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

Parking areas to serve public and private development shall be distributed throughout the site, specifically including the residential area, the education/mixed use area, the office/research and development area, the public park area, and the hotel sites. This will mitigate against the impacts of overcrowding or overuse by the public of any single area.

However, the proposed project increases and concentrates parking in one area, inconsistent with this policy.

Language in the Coastal Element section of the Plan also states:

Continuous public access shall be provided along the NTC esplanade connecting Gate 1 (Lytton/Barneet Street) to the Spanish Landing approach point.

It should be noted that land 15 feet from the boat channel all fall within the publicly-accessible esplanade....Incorporation of the boat channel and the 15-foot wide area adjacent to the boat channel (which has not yet been transferred to the City) into the Precise Plan and Local Coastal Program, and modification to or extension of the boat channel will involve additional environmental assessment and shall require an amendment to the NTC Precise Plan and Local Coastal Program.

February 15, 2007

Attachment "A" NTC Shoreline Park #A-6-PEN-07-026

Page 2

The proposed plan would provide public access alongside the parking lot and buildings, but in a fairly narrow walkway, close to the boat channel. The permit does not specify a minimum width for the walkway, which is potentially inconsistent with the public access policies of the Coastal Act and certified LCP, as there is no way to ensure that the esplanade will be wide enough to provide meaningful access. In addition, a preliminary plan for the walkway appears to indicate that the walkway would be located in the area 15 feet from the top of the boat channel, which may not be legally available for development, as it is still owned by the Navy. In addition, the need for additional parking appears to be driven by an increased intensity of use at the site over what was envisioned when the City's original permit for NTC was approved. Without the substantial increase in required parking, the proposed esplanade could potentially be set back from the boat channel consistent with the certified Precise Plan, while still maintaining a wide and useable width.

Thus, the project is potentially inconsistent with the certified LCP and the public access policies of the Coastal Act.

STATE OF CALIFORNIA -- THE RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, Governor

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
(619) 767-2370



FEB 16 2007

APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Please Review Attached Appeal Information Sheet Prior To Completing
This Form.

SECTION I. Appellant

Name, mailing address and telephone number of appellant:

Peninsula Community Planning Board
4425 Pt. Loma Ave.
San Diego CA 92107 (619) 465-3210
Zip Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port
government: San Diego

2. Brief description of development being
appealed: NIC's "Shoreline Plaza" or "Shoreline Parking Lot"

3. Development's location (street address, assessor's parcel
no., cross street, etc.): Chauncey Rd. & Historic Decatur Rd.

4. Description of decision being appealed:

- a. Approval; no special conditions: 99-1076
b. Approval with special conditions: 99-1076; Appended w/ conditions
c. Denial: _____

Note: For jurisdictions with a total LCP, denial
decisions by a local government cannot be appealed unless
the development is a major energy or public works project.
Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-6-PEN-07-26

DATE FILED: 2/16/07

DISTRICT: San Diego



APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- a. ☐ Planning Director/Zoning Administrator c. ☐ Planning Commission
 b. ☒ City Council/Board of Supervisors d. ☐ Other _____

6. Date of local government's decision: 1/30/07

7. Local government's file number (if any): 99-1076

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Peninsula Community Planning Board
4425 Pt. Loma Ave
San Diego, CA 92107

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Jarvis Ross
4352 LOMA RIVIERA CT
SAN DIEGO, CA 92110

(2) Geoff Page
2239 BOLINAS STREET
SAN DIEGO, CA 92107

(3) Katherine Rhodes
371 SAN FERNANDO
SAN DIEGO, CA 92106

(4) Mignon Scherer
3851 CENTRALOMA
SAN DIEGO, CA 92107

(5) ANNE ROSSET
3232 LOMA RIVIERA DRIVE
SAN DIEGO, CA 92110

(6) BERT DECKER
4025 JOHN STREET
SAN DIEGO, CA 92106

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

State briefly your reasons for this appeal. include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my knowledge.

Signed Cynthia Langer
Appellant or Agent

Date 1-12-07

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed _____
Appellant

Date _____

0016F

APPEAL to the Coastal Commission
on the NTC 'Shoreline Plaza' Project

RECEIVED

FEB 16 2007

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Date: February 16, 2007
From: The Peninsula Community Planning Board
Contact: Cynthia Conger, Chair, 4425 Pt. Loma Ave., SD 92107
Project #80411
Date of Council Decision: 2-10-4-06
Applicant: Kathi Riser, The Corky McMillin Cos.

I. Public Access to the Boat Channel's Waterfront for Views & Recreation

A. Section 30211. Development shall not interfere with the public's right of access to the sea. Referencing LCPA 6-2000(A)'s policy on Revised Findings p. 19, "to the boat channel." There has been no Policing of the project's consistency with the Coastal Commission's LCP. There appears to be a Failure on the Part of City's Combined 'Code Enforcement' or 'Community Investment and Planning Departments' to Enforce Requirements on the Developers to follow the the Precise Plan or the tenants of the Coastal Act in terms of *Public Access to the Coastal Waterway at NTC for its Scenic, Visual and Unique Resources of Public Importance and for Recreational uses.*

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.

In citing the "potential reuse at NTC," the LCPA 6-2000(A) Revised Findings (p.17) include: "Public Park and Open Space uses are Designated Along the Waterfront. NTC will provide a Local-serving Recreational function for Peninsula residents and a major new waterfront park for all San Diegans....A public promenade in the form of an Urban plaza, Greenbelt or Linear Park, will Traverse the Length of the Site, tying uses together." Not referring to the "width" of the NTC site, but the "Length," a Parking Lot on the water, with a 10-Foot-Wide slightly-enhanced landscaped Walkway does Not meet the requirements of any of the stated forms of "Plaza, Park or Greenbelt", "traversing the length of the site, along the channel's waterfront".

Instead, paving nearly complete asphalt/concrete up to within approximately 5 feet of the water along the channel (Figure F-F), does the exact opposite of "enhance visual quality in visually degraded areas." Surface parking lots are not ordinarily considered as scenic vistas, particularly when they are full of parked cars. The coastal views, from this location and buildings in the Cultural area and golf course look directly across the grounds to the water channel and across it to the widely-landscaped MCRD channel edge (60-150' wide), already one of the best Coastal views at NTC. In addition, the 5-feet of bushes and trees with few spots to enjoy this coastal view without sitting on the rocks does not "protect" such views, nor is it 'visually compatible with the character' of the 'surrounding area' of the channel - MCRD's beautiful coastline. In Chapter III Landscaping Design Program of the Precise Plan, where the Esplanade is referred to on the Western Shoreline, "The esplanade provides pedestrian and bikeway access along the entire western Shoreline. At the North end, access will continue to Lytton Street. It is hoped in the future that it will loop around to the Eastern Shoreline through what is now MCRD."

Chap. II p. 8 fig. 3.3 Pedestrian System NTC Precise Plan, Only a narrow shared pedestrian/bicycle path does not allow for more than minor recreational access to the water, contrary to the goal of becoming a "local-serving recreational function." Preparing to Launch even an individual or double-person water-based recreational vehicle (row boat, canoe, kayak, small sailboat), requires more than than 5 feet of coastal, level grassy frontage between the sidewalk and the water. In the landscape plan (Section F-F), mostly rip-rap ('rocks') lie in the area between the area between the Channel's water and the 10' sidewalk. There is little but 5 feet of bushes and trees separating the inward side of the sidewalk from the asphalt parking lot. Additional, level green space/sand is required between the 'sidewalk' that

is shared with bicycles, pedestrians, etc. and the water's edge to encourage use of the channel for recreational use or there will be problems in 'accessing' the channel for marine recreational uses.

B. Section 30252. The location and amount of new development should maintain and enhance public access to the coast.

The opposite of "maintain" has actually occurred. Access to the coast at MCRD clearly shows what the '100 foot' ***** *than the mere 15 feet along the water front that the developer has planned for*, in Violation of the agreement with both the LCP and the Navy. Far from the claim of "will not encroach upon any existing physical access way that is" ... "identified in a Local Coastal Program Land Use Plan," ... or, "in conformance with the local coastal program plan," (p. 2 of 8 of CPD No. 254045 11/16/06), stated by the developer, The Landscape plans by the developer are clearly Not Consistent with the setback requirements of the Navy Owned and presently Unmitigated water **channel. The Precise Plan clearly states that the Navy has designated a "15 foot wide" "no work area" along the Channel, additionally stating that the 15 feet starts at the "top of the rip-rap" for environmental protection.

Architectural Document Drawings provided by Developer (Section F-F) clearly show that there are trees planted within 5 feet of the channel's water, in Direct Violation of the agreement with the Navy. Referencing the LCPA 6-2000 (A)'s Revised Findings, page 18, states that: "Restrictions on shoreline areas that lie 15 feet landward of the boat channel have been put in place by the Navy and will remain in force until the boat channel is conveyed to the City." "Local, State and Federal Agencies would have input on use, although Continuous Public Access to and Along the Boat Channel is a Guiding Policy that Must be provided in Any Design. Incorporation of the boat channel and the 15-foot wide area adjacent to the boat channel (which has not yet been transferred to the City) into the Precise Plan and Local Coastal Program..." Page 19 under Standards of Review f, states: "The public esplanade shall be measured landward, from the top Edge of the Boat Channel and Not from the edge of the Water."

Attachment 14 (of the City Staff Report) also references the Navy's "15-foot buffer zone along the edge of the boat channel" that "precludes any development activity within this buffer." As there are 'Environmentally Sensitive Lands found in the boat channel,' this property cannot be developed as proposed, nor certainly in any manner that puts any 'work' or 'construction of any structure (a sidewalk)' within 15 feet from the top of the rip-rap.

In addition, expert landscape planner & business owner, Mr. W. Anderson has commented that the 'separation' between asphalt or concrete pads for some of the planned trees may "not be sufficient." Commenting on the '5 feet' of green between the sidewalks and the water channel, he suggested that "a full 12-15 feet is necessary for normal growth to occur, otherwise two of the tree species may quickly undermine the concrete/asphalt walks and parking lots, especially so close to the seawater."*

II. Public Access-Parking Facilities & Alternative Public Transportation Planning

A. To comply with the Intensity of Development and Public Access to the Coast policies of Section 30252 of the Coastal Act, the LCPA 6-2000 (A), page 55, requires "enhance public access to the coast by

- (1) facilitating the provision or extension of transit service, ...
- (3) providing non-automobile circulation within the development,
- (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation.

- (1) There has recently been a drastic reduction in the amount of Public Transit for the entire Peninsula and Ocean Beach areas to accommodate the military need for public transportation at Nimitz (Route 28 has been severely reduced, other critical north-south routes &26-cut) as NTC has increased its population base and commercial activities. It has not done the annual

traffic or parking studies, including providing 'shuttles' for both the Military (base to base) as required in previous documents, so it is not meeting this requirement.

- (3) NTC has not provided any 'plan' for non-automobile circulation within the development as referred to in LCPA 6-2000 (A)
- (4) As the developer is not following the guiding principles of providing not only a parking garage, it is not "providing adequate parking facilities" where the need for them is greatest as referenced in Section 30253, which states: New development shall: (4) Minimize energy consumption and vehicle miles traveled.

B. Public Access-The missing Parking Management Plan.

Precise Plan Chapter VI: Coastal Element -5 states: "A parking management plan shall be developed for the office, education and mixed use portions of NTC to ensure that adequate parking is provided for all development in these areas. The plan shall include phasing for the construction of a parking garage (if deemed necessary to accommodate the required parking) prior to or concurrent with the construction of new development..."

In **opposite direction** from both the Coastal Commission, Planning Commission and City Council in prior Approved Plans for this area, noting "the NTC LCP," City DSD Staff/Applicant counter that the 'need' has occurred Due to the Coastal Commission's instructions "parking areas to serve public and private development shall be distributed throughout the site, specifically including the residential area, the education/mixed use area, the office/research and development area, the public park area, and the hotel sites. This will mitigate against the impacts of overcrowding or overuse by the public of any single area." (Saying,) "The Coastal Commission recognized the need to Disperse parking and inject it near the intended uses to allow for successful adaptive reuse, rather than conglomerate parking in a few locations. An 'alternative' to allowing expansion of parking in the Shoreline plaza location would be to move forward with construction of the parking structure (contemplated for Lot "G" between Rosecrans St. and the NTC Marketplace)." "Staff" does not support this alternative due to the need to inject and integrate parking throughout the NTC project site, in direct response to the Coastal Commission Direction. The existing Master Planned Development permit/Coastal Development Permit provides adequate direction for the timing of the proposed parking structure. Until the 'trigger events' are reached, and adequate on-site parking is no longer available, construction of the parking structure is 'not warranted.' For these reasons, 'staff' (same staff that 'prepared the plans for no parking in Little Italy), therefore supports that the proposed increase in parking is consistent with the approved NTC LCP."

The Master Planned Development Permit (MPDP) 99-1076, was recorded March 07, 2002. . The second part of the NTC Parking Management Plan Condition 15n, reads as follows: "The Parking Management Plan shall include the requirement for Annual Parking Studies." Condition 15 n states that the owner/permittee "shall provide a parking management plan including phasing for the construction of a parking structure(s)." To date, increased parking demand has occurred through leases of buildings, construction of additional buildings (905, 906, 907) and purchases of buildings in the Educational, Office, Retail and Southern part of the Mixed Use area **there has been no phasing of construction of the parking garage** as documented in the Precise Plan, the Reuse plan, and the Master Planned Development Permit.

It goes on to say that the first parking study Shall be submitted to the City Engineer within One year of the issuance of the first building permit. Following the Planning Commission hearing of November 16, 2006 when the City Engineer was questioned as to if there had been annual parking studies of NTC, he responded that there had been no annual parking studies of NTC. When this same question was raised by two Council members at the January 30, 2007 City Council heard neither the Development Services Representative nor the City Engineer respond with an affirmative answer. In fact both avoided a direct answer.

The city has failed to obtain the annual overall project parking surveys yet has unilaterally supported the developer's claim that more parking needs to be concentrated at Shoreline Plaza. This under the false claim that the proposed uses have changed, let alone the prudent uses of buildings in the RPZ.

The LCPA 6-200 (A) Revised Findings Page 58, states, "Regardless of the amount of maximum floor area for various uses contemplated in the plan and the amount of parking spaces currently proposed, there Must be plan policies that Ensure that whatever development is ultimately approved for construction, it is served by Sufficient Parking." Councilwoman Frye has, at the council meeting established that the "Shoreline Area" now has a "parking deficit of 48 spaces" and that "100 spaces is the 'Trigger' (as relayed by staff) for the Necessary construction of the Parking Garage. This garage is to be level with Rosecrans St. at its highest point to assure the View Corridors are kept that were established in the NTC LCP. With The Rock Church and Academy, that applied for "3600 members" 2 years ago, now displaying "7200 families," and "10,000 members" in its website, the PCPB believes this is going to, indeed, cause major problems within less than 5 mos. It will take at least that long to build the parking garage! Is the developer may be avoiding the timing or the immediate Cost of putting in the Required Infrastructure for NTC's redevelopment? This will hurt not only the present tenants and residents already being affected by ill-planned parking numbers, but the new tenants and visitors to NTC. Little Italy's and downtown's residents and workers will no doubt 'stop by to shop' at the new Trader Joe's and Starbucks Coffee and soon to be completed Vons Superstore. Please note that All documents Required a Parking Structure's construction by the Developer-before the occupation of Retail, Office and Schools use. The parking structure is noted repeatedly on pages 20, 55, 59 & 60 of the LCPA 6-2000 (A).

The proposal to increase parking at the Shoreline site by 166 spaces is Completely Opposite to the Precise Plan as the 'Preferred Alternative' to building the parking structure, as the developer states in this Amendment, that the 'Alternative Project May be needed', (parking structure), it is obviously Necessary. In the Revised Findings of the LCPA 6-2000 (A), page 20: "The plan Shall include phasing for the construction of a parking structure (if deemed necessary to accommodate the required parking) Prior To or Concurrent with the construction of New Development, and annual studies through build-out of these development areas to evaluate impacts of non-park users on parking spaces provided within the public park areas and NTC generated users on adjacent residential streets west of Rosecrans St." Building the planned referenced 3 to 3 1/2-story parking garage off Rosecrans (reviewed for impact on public view corridors-also noted on pag) with "an internal shuttle system connecting the parking structure and other shared parking facilities to uses within the office, education, mixed-use and public park or other mitigation measure identified in the parking study Shall be implemented." The Precise Plan in Chapter V: Infrastructure 7 Public Services, Parking, states, "A parking analysis was conducted...the Structure should be constructed to serve primarily the arts and culture, commercial and educational areas." This 'Plan to Ensure Sufficient Parking' has not and can not be accomplished without an immediate move to construct the parking structure.

As members of this Community, who are looking not for 'developer profits', but to see the 'success' of the entire NTC project as well as Shoreline Plaza (Ocean Village) for its tenants, its residents, its visitors and the community of San Diego, we do not see the need to increase parking on the Coast as Consistent with the plan to 'draw visitors to NTC' for increased Sales Taxes, Cultural/Arts/Museum events. There is little 'draw' to a Coastal Park if the Majority of it is filled with cars. The northernmost 200 to 300 feet of access to the the channel (And Not in the Runway protection Zone) do not need to become a "Coastal Parking Lot."

C. Concentrating the Parking. "The Precise Plan's Chapter VI: Coastal Element, Program for Public Access, states in 2. Policies: Public facilities shall be distributed through out an area so as to mitigate against the impacts, social and otherwise of overcrowding or overuse by the public of any single area."

The developer proposal of increasing parking at Shoreline plaza, putting an additional 166 spaces in by removing building 186, just directly across the Chauncey Road-adjacent to a 600-space surface parking lot, is in Direct Conflict with this Policy, raising the number of Parking spots on the water, needlessly and actually Concentrating the Parking. The existing 600-space parking lot is literally across a less traveled narrow road and much closer to Building #1 which has a high need for parking than at Shoreline plaza near the water. The necessity for building Only 'Parking Lots' in the Runway Protection Zone, to be 'consistent' with the "Runway Protection Zone," is not necessary. **Parks and Open Spaces** are preferred over automobiles with gas tanks in an area where "70% of the crashes occur on the take-off side of a commercial airport. The last 2-300 feet length of the Channel is Not in the RPZ. The

placement of more of a park-like greenbelt along the waterfront for access to the recreational aspects of the channel would not only fulfill many aspects of the Coastal Act, but is more acceptable under the Federal and State Restrictions of the Airport Authority's occupancy rules for Lindbergh Field's Airport Land Use Compatibility Plan (Chair is a present appointee alternate on the AA ALUCP's TAG & subcommittee on Noise & Safety). The Airport Authority did not press for appeal because there was no application for 'Occupancy Use' permits consistency of the Buildings in the RPZ.

D. Substitute Transit & Dry Storage. Section 30220 Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses. This site was agreed to and approved by past Planning Commission, Council and Coastal Commission to be better suited for access for small water craft than a parking lot, being a unique Public Recreational Access to the water.

Section 30224. Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities. It appears that the Developer is *Demolishing buildings that are more useful for 'visitor-serving, non-profit or Recreational purposes.'* Tearing down building #186 in favor of buildings that are too close to the Public Access is not shown in the Precise Plan. There is an "Alteration of Buildings to be Removed" which Requires Coastal Review. There is a **great need for a recreational water vehicle public storage site**, which is clearly also acceptable in the Runway Protection Zone (RPZ) over another parking lot. There is also little to no 'Public Access to dry storage spaces' available to the public for storage of recreational vehicles to discourage use of automobile, easily accomplished with use of buildings now slated for destruction, for such 'alternate methods' such as bicycles or pedestrian access that will reduce the vehicular traffic to the site (noted in LCPA 6-200 (A) Revised Findings, page 17).

E. Changed 'Parking Demand' and Traffic Congestion, based on Changed Use in Schools:

Parking was 'Planned' to be concentrated adjacent to the Parking Structure site, where there is heavy Visitor, Retail and pre-K through 12th grade school use are now, which will soon double. In addition, in the August, 2000 Kimley-Horn Parking Evaluation for the Naval Training Center, (Attachment 11, p. 3), in speaking about the 'Adult Education' planned for the area, (Now Changed to K-12th Grade) the study says "In order to Ensure that the Available Shared Parking supply Can Accommodate Demand between the hours of 8:00 am and 5:00 pm, it is recommended that no More than 50 percent of the Student population in the Adult Education Uses be Permitted On Site Before 5:00 pm." In reviewing the traffic situation with just two of the Marketplace tenants that opened for business on 2/9/07 and one school group's uses (High Tech High, Middle & Jr. Schools), with parents stopping to shop before and after picking up their children, as well as teen's already causing complaints from parking in the residential sections of NTC. A **nearly doubled-congestion load is expected in less than 5 months with the addition of a now (previously applied for '3600-members') "10,000 member" Rock Church and Additional "2000-student school site" immediately adjacent to the parking structure site.** It is apparent to local engineers and to the PCPB that there will be inadequate Parking available during school hours alone, as **School Hours are Not "after 5:00 pm,"** but is in **complete conflict with the 8:00 to 5:00 pm Office, Retail and Visitor Parking Demand.** This will severely compromise the Safety of the children at the Schools and Visitors to the NTC site as no Parking/Traffic Plan has been developed to afford this change in plan.

The Planning Commission and City Council made Specific Directives that have Not been followed or have been 'changed' without PCPB input, which has advisory jurisdiction over NTC. The Demand for Increased Parking at Shoreline Plaza (Ocean Village) is Not Supported at this site because of the many Changes in the NTC Project. (ie. 9/28/05: *demolition of 12 non-historic buildings and four accessory sheds; expansion of parking lot. to 481 parking spaces; and expanding the esplanade by "7.32 acres."*, then 8/23/06's Public Hearing Notice in front of the DS. Dept. Officer: "*..to expand an existing parking lot from 334 to 500 spaces, and demolish 10 non-historic buildings and miscellaneous sheds/storage..*"). Any Traffic/Parking numbers quoted previously in any previous EIRs, are Obsolete.

F. Removal of Existing Parking Lots. The Developer Specifically Removed Existing Parking Lots and Replaced them with at least 3 large buildings (905,906 & 907) in other areas of NTC, thereby 'Reducing Available Parking', yet "Densifying and Dramatically Increasing the Need for Additional Parking." Developer, according to the Coastal Act (#) is "to *Replace Lost Parking within those areas.*" (ie. Two 2 or 3-story, commercial 'H-shaped' buildings and McMillin's own office building, and at one of the parking lots near the Dancing/Cultural Arts Buildings). In a "Beach Impact Parking Overlay Zone", the law *Requires the Developer to Replace 'lost parking'* with new parking spaces, perhaps the best way, with several smaller parking structures throughout NTC, thereby meeting the '*Dispersement Requirement*' of the Coastal Commission's directives. Larger, multi-bench golf carts can serve as "an internal shuttle transit system" in the Precise Plan (#). No 'annual parking study has been done' nor has any 'internal transit system' been studied, according to City Traffic Engineer Sam Hussein (12/7/07). Heavy use is already beginning to happen in the **Newly Developed Office Buildings that 'replaced' existing parking, and no New parking spaces were provided for when the 'demand for parking' was increased.** No 'increase in parking' as far away as the Channel Shoreline, will 'meet the parking need for those areas' that are, as a result, *grossly deficient* in parking without the Planned Parking Garage. The community is astounded at this 'change in plan' to stall or neglect to build in a timely manner, the necessary parking infrastructure required for the project to be successful. *LCPA 6-2000 (A) on p. 58 states that "whenever feasible, spaces allocated to private development should be made available to the general public.*

III. Airport Impacts - The restrictions **Runway Protection Zone (RPZ)** does NOT ALLOW Restaurants nor 'any congregation of people' in them...**at all.** Some use is grandfathered in, but the **ONLY Public SPACE NOT IN the RPZ** (relatively quiet *sideways* away from the takeoffs-as most living near Lindbergh understand) is at the end of the Channel. It is quite acceptable for enjoyment for restaurants, even outdoor picnics, near the water's edge. The Marine's Officer's Club & Restaurant, with outdoor seating, is even closer, directly across the channel. The present design, especially the last 2-300' of coast at the end of the Water Channel, in **not subject to the 75-80 CNEL decibel** area, as are the buildings in Shoreline Plaza, the Cultural area and many homes in Loma Portal. This northernmost area is **Not in the Runway Protection Zone (RPZ).**

In response to our questions on the Airport Authority's approval of 'consistency,' with the FAA & State Transportation Standards, City staff wrote:

"Airport Land Use Compatibility

1. *Provide documentation of how the city staff invited comments from the Airport Authority.*

The Airport Authority was sent plans at project submittal on August 12, 2005. Record of distribution is logged through our Project Tracking System (PTS). This is standard procedure for distribution and invitation to comment.

2. *Explain how this amendment request could proceed without first hearing from the Airport Authority.*

The City Attorney Office has determined that the "Airport Authority" was given an opportunity to comment on the NTC Precise Plan and did not. The Airport Authority made its position known both in writing and at the hearing."

3. *Explain what effort was made to obtain comments from the Airport Authority.*

The Airport Authority was sent plans at project submittal on August 12, 2005. Record of distribution is logged through our Project Tracking System (PTS). This is standard procedure for distribution and request for comment. With respect to the consistency determination for the Runway Protection Zone (RPZ), I've attached the e-mail documentation with Linda Johnson of the airport authority verifying that she received staff's determination, and had no objection."

Besides 'notification' being sent via email, and easily missed or deleted by the PTS, this action makes no sense at all when the standards are clearly available in the **Standard Document on General Aviation Land Uses in the "Safety Zone 1"** (the Runway Protection Zone-RPZ), and certainly exposes the City of San Diego, (and the Coastal Commission?) undesired liabilities upon any future 'accident' within the normally 70%-weighted accident-prone, west RPZ side of Lindbergh. Also, until there are plans 'presented' for 'occupancy within the Runway Protection Zone,' there appears no conflict, which is why Ms. Johnson had 'no objection.'

There remain serious questions about the process with regards to **consistency determination in the Precise Plan Appendix "A" and the failure to follow up on the part of the city.** The Airport Authority protested at the Planning Commission hearing but abdicated its responsibilities at the City Council hearing. The major concerns of the Peninsula Community Planning Board are threefold and remain (1) **Placing Economic Development above Public Safety in an RPZ Zone,** (2) **Liability of the city's taxpayers in the event of a catastrophic event in the area** nationally documented as the most hazardous location in an airport. (3) **The potential liability of the Coastal Commission for affirming building uses in direct conflict with the published Compatibility Criteria for San Diego International Airport's prohibited uses within the Runway Protection Zone.** They are as follows:

(1) **Assemblages of people.**

This is interpreted as barring facilities with more than ten employees on premises or ten customers or a combination thereof. Effectively this would eliminate buildings 1 and 32 as restaurants. At 15 spaces/1000 square feet with 11,010 feet allocated by DSD's reports this would eliminate the need for approximately 165 parking spaces bringing the total back down to approximately 335 spaces. If the same Compatibility Criteria is applied to other buildings in the RPZ there could be further reductions.

(2) **Storage of Hazardous Materials.**

Although a 500-space parking lot is not generally viewed as hazardous; however, several hundred cars in the RPZ in addition to the 600 parking spaces across the street (Chauncey Rd.) from Building 186 with fuel tanks could collectively be viewed in that manner.

PCPB supports erring on the side of Public safety and reducing the parking as advocated by the then City Council and the approved Reuse Plan between buildings 24 and 32 and the channel to the approximately 130 spaces indicated by the pocket parking lots.

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California Coastal Act of 1976.

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30001.5. The Legislature further finds and declares that the basic goals of the state for the coastal zone are to:
Protect, maintain, and, where feasible, enhance and restore
the overall quality of the coastal zone environment and its natural and artificial resources.

The NTC Precise Plan was approved by the California Coastal Commission on August 7, 2001.

PRECISE PLAN Executive Summary page 2: states that, "NTC is planned as a pedestrian-oriented mixed use neighborhood."

PRECISE PLAN Chapter I: A. PURPOSE OF THE PLAN states that, the Precise Plan is consistent with The NTC Reuse Plan, which was prepared for and approved by the U.S. Navy as a condition of conveyance of the property to the city. It also states that the area of the Channel was to be developed as a linear park if the Bay-to-Bay link failed to be approved. Subsequently the Bay-to-Bay Link was not approved, and therefore the linear park should move forward. In its consistency with the Precise Plan the Reuse Plan states in its Chapter 3 LAND USE that, "The boat Channel is a significant open space that creates a memorable experience and image for NTC. With this in mind, it is important to develop the edges of the channel into an environmental statement that befits the site."

PRECISE PLAN Chapter II: LAND USE states that, "The channel should be used as a connection to the San Diego Bay both visually and physically, and for recreational purposes."

It is important to note that the city of San Diego Development Services Department in concert with the developer consistently misrepresented to both the Planning Commission and the City Council that the building uses in the Mixed Use Area had changed from those envisioned in the Reuse Plan. In fact all building uses in the Coastal Commission approved Precise Plan were contemplated in the Reuse Plan. This misrepresentation is a diversionary attempt at justifying the ill advised, environmentally and esthetically unsound expansion of parking at Shoreline Plaza to avoid the overdue construction of the much needed parking garage at Worden and Truxton roads.

PRECISE PLAN Chapter IV: Urban Design. Defines the West side of the boat channel as, "open space area."
The Esplanade is defined as providing pedestrian access around the boat channel. "On the West side it will provide a broad pedestrian path." "The public esplanade will maintain a minimum of 100' on the West side of the channel in the park/open space area and maintain a minimum dimension of 150' adjacent to the visitor hotel." With the exception of two locations it is possible to maintain the 100' width. Exception one is between the boat channel and the bend in Chauncey Road which allow about 60'. The second is between the channel and building 185 and presumes the originally scheduled removal of buildings 34 and 179 and the retention of building 186.

PRECISE PLAN Chapter VII: IMPLEMENTATION States that, In the event that any area of permit jurisdiction depicted in the Precise Plan is inconsistent with the Coastal Act, jurisdiction shall be determined by the Coastal Act. Further it states that,
"Environmental review must ascertain the degree to which use and development described in the Precise Plan conforms to use and development described in the Reuse Plan." It goes on to state in reference to, "All development on the first row of lots adjacent to the boat channel" "shall be designed to minimize the creation of impervious surfaces, and reduce directly connected impervious area."

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30004. The Legislature further finds and declares that:

To ensure conformity with the provisions of this division, avoid long-term costs to the public and a diminished quality of life resulting from the misuse of coastal resources.

Building a 486 space parking lot in such close proximity to the water is a misuse of this coastal resource with high potential of environmental damage caused by storm runoff and potential poor maintenance of containment.

30006. The Legislature further finds and declares that the public has a right to fully participate in decisions affecting coastal planning, conservation, and development; that achievement of sound coastal conservation and development is dependent upon public understanding and support; and that the continuing planning and implementation of programs for coastal conservation and development should include the widest opportunity for public participation.

The public was highly involved with the Reuse Plan as documented in its Appendix "A" and other records. The preparation of the Precise Plan had little to no involvement of the public and was prepared largely by subcontractors to the developer.

30105.5. "Cumulatively" or "cumulative effect" means the incremental effects of an individual project shall be reviewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

The spillover of the cumulative effects of increased use in the core area.

30106. "Development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land. As used in this section, "structure" includes, but is not limited to, any building, road, or pipe.

This clearly includes surface parking areas.

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, (2) adequate access exists nearby.

(b) For purposes of this section, "new development" does not include:

(3) Improvements to any structure which do not change the intensity of its use, which do not increase the floor area, of the structure by more than 10 percent, which do not block or impede public access, and which do not result in a seaward encroachment by the structure.

The proposed surface parking lot of 486 spaces exceeds by more than 10% the previously claimed as being in the Precise Plan but undocumented therein 336 parking spaces. The proposed parking further encroaches seaward. (to channel)

30212.5. Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

Addendum 1. The NTC Reuse Plan Urban Design Guidelines section 3.0 CIRCULATION AND ACCESS PLAN page 17 is the "Parking Concept Plan". The plan complied with dispersed parking and allocated the following:

Street Parking.....	700 spaces
Surface Parking	2100 spaces
Parking Pockets	1300 spaces (averaging 65 spaces each)
Parking Garage	3500 spaces
Total.....	7600 spaces

30213. Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. The developer has changed their original proposal in the *Precise Plan* and now wants to demolish building 186 which because of its shape, square footage and location should be retained. It would lend itself to low cost visitor, adaptive reuse as a small boat storage facility. The smaller buildings 34 and 179 were scheduled in the *Precise Plan* to be demolished. Now the developer wants to retain them. They should be demolished as they encroach upon the proposed width of the planned esplanade.

30220. Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses. The *Reuse Plan* included two Parking Pockets (65 spaces average total 130 spaces) which were to be located on either side of the proposed inlet cut into the end of the channel. The inlet was to be a sandy beach launching area for small craft like canoes, outriggers, and inflatable's thus carrying out the goals of enhancing and restoring coastal access.

30224. Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities. Further justification to retain building 186 which cannot be replaced once it is demolished (Runway Protection Zone limitation.) Thrusting parking demand of proposed uses of the Historical Mixed use buildings upon the water-dependent area adjacent to the channel will add to improper congestion of channel access. Proposed uses by the developer of buildings 1 and 32 as restaurants are because restaurants typically demand more parking. This would permit the developer to divert parking from other areas of high demand and delay the construction of the parking garage. It should be further noted that HUD's "Aircraft Noise Impact: Planning Guidelines for Local Agencies" indicates that all of the buildings in Shoreline Plaza except building 24 are in the 80 CNEL Zone and thereby "Clearly Unacceptable" to be used as Office buildings, Personal and Professional Business, Retail, Movie Theaters, and Restaurants. All of the buildings at NTC adjacent to Shoreline Plaza and North of Roosevelt Road are in the 75 CNEL Zone and the same uses as in the 80 CNEL Zone are termed as "Normally Unacceptable" due to the unusual and high cost of sound attenuation.

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. The proposed enlargement of the parking lot and destruction of building 186 clearly does not comply.

30231. The biological productivity and the quality of coastal waters shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, maintaining natural vegetation buffer areas that protect riparian habitats. Surface parking lots are notorious as polluters. The developer's track record of maintenance of NTC's Historical District buildings and the Shoreline Plaza does warrant grave concerns.

30232. Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.

See comments under 30231 above.

30250. (a) New commercial 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 effects, either individually or cumulatively, on coastal resources.

(c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.

Food serving vender carts were suggested in the Shoreline Plaza in the Reuse Plan because they wouldn't attract large numbers of people at a given time. This would also comply with assemblage restrictions in the county's guidelines for Runway Protection Zones.

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.

Surface parking lots are not ordinarily considered as scenic vistas particularly when they are full of parked cars.

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, (5) assuring the potential for public transit for high intensity uses such as office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

30253. New development shall:

Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development.

California Coastal Commission PUBLIC ACCESS Action Plan dated June 1999. Page 57 it states, "Pave even larger parking lots is not the most prudent action." Under recommendation 31 "The commission should continue to encourage the development and use of alternate transportation modes." At NTC this could readily be implemented by an internal shuttle system from the proposed parking garage.

