

## CALIFORNIA COASTAL COMMISSION

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



# Th 20b

Filed: August 11, 2008  
49th Day: September 29, 2008  
180th Day: February 7, 2009  
Staff: D. Lilly-SD  
Staff Report: September 22, 2008  
Hearing Date: October 15-17, 2008

AMENDMENT REQUEST  
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: A-6-PEN-07-026-A1

Applicant: Ocean Village Associates

Agent: Kathleen Riser

**Original 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.

**Proposed Amendment:** Revise Special Condition #4a of the original permit to allow marine-related industrial uses in a building previously required to be for visitor-serving uses only.

**Site:** Buildings 34/179 of Shoreline Plaza, Chauncey Road (NTC/Liberty Station), Peninsula, Point Loma area, San Diego (San Diego County). APN 450-842-22, 23.

**Substantive File Documents:** Certified City of San Diego Local Coastal Program (LCP) and NTC Precise Plan LUP.

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STAFF NOTES:

Summary of Staff's Preliminary Recommendation: Staff is recommending approval of the proposed amendment, with conditions, that will allow marine related industrial uses in Building 34/179. The building is immediately adjacent to the public esplanade, and the Commission had previously required that the building be used for visitor-serving uses to offset potential impacts to public access and recreation from having a structure located so close to the public esplanade. However, since the Commission's approval, the San Diego Regional Airport Authority determined that uses within the Runway Protection Zone (an overlay applied to this area that is under the flight path of the nearby airport) must be limited to the light-industrial uses previously allowed when the site was owned and operated by the Navy.

Although marine-related uses are not the best use for a building adjacent to a public esplanade, they are a high-priority use under the certified LUP. The building does not and will not impede public access along the esplanade, whether used for visitor-serving or marine-related uses, and the structure has been designed to be visually attractive on the site facing the esplanade. As conditioned, the uses allowed in Building 34/179 would be visitor-serving, marine-related industrial or marine-related commercial uses.

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

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I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

**MOTION:**        *I move that the Commission approve the proposed amendment to 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 amendment 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 A PERMIT AMENDMENT:**

The Commission hereby approves the coastal development permit amendment on the ground that the development as amended and subject to conditions, will be in conformity with the policies of certified City of San Diego Local Coastal Program and the public access and recreation policies of the Coastal Act. Approval of the permit amendment 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 amended development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended development on the environment.

## II. Special Conditions.

The permit is subject to the following conditions:

Special Condition #1 of the original permit shall be revised as follows:

4. Use Restrictions on Building 34/179. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT**, 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, marine-related industrial or marine-related commercial uses 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; however, after completion of the public esplanade, an amendment to this permit may be considered for limited public seating in the esplanade area. The amendment shall be subject to review and approval by the Commission.

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.

2. Prior Conditions of Approval. All prior conditions of approval of the permit, as amended, not specifically revised herein shall remain in full force and effect.

## III. Findings and Declarations.

The Commission finds and declares as follows:

1. Project History/Amendment Description. The proposed project is located within the Liberty Station development, a 361-acre site formerly known as the Naval Training Center (NTC), 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 the NTC Precise Plan and Local Coastal Program 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 NTC Historic District. The approved NTC project consisted of the following development:

- a. Demolition of some 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.

On January 30, 2007, the City of San Diego approved an amendment to permit No. 99-1076 addressing the subject site, which is known as Shoreline Plaza. The amendment, which was appealed to the Commission as CDP #A-6-PEN-07-26, provided for expansion of a previously approved parking lot located on the shoreline at the inland terminus of the boat channel, north of Chauncey Road, east of Decatur Road and north of the boat channel (see Exhibit #1).

The site was previously developed with parking and approximately eight main buildings and several small out buildings. The amended permit as approved by the City allowed for the demolition of 10 existing non-historic buildings, most of which were miscellaneous sheds/storage buildings, and reconfiguring the parking spaces to increase the parking on the site from the originally approved approximately 336 parking spaces, to approximately 460 spaces. Building 186, a major building previously proposed to remain on the site was to be demolished, and Building 34/179, previously proposed to be demolished, was to remain. Development of the site included landscaping and construction of a 20-foot to 140-foot wide public esplanade along the boat channel next to the existing buildings and the parking lot, that would connect to the public esplanade currently under construction to the southwest. No aspect of the project provided direct access to the boat channel, which was, and still is, under Navy ownership. However, the existing boat channel ramp and boat dock were to remain.

The Commission approved the project on appeal on April 10, 2007, with several special conditions addressing landscaping, water quality, and the use of Building 34/179. The Precise Plan designates Shoreline Plaza for Commercial Uses, which permits a wide variety of arts and culture uses, for-profit office uses, retail establishments, restaurants, recreational uses and activities, light industrial uses, and special educational uses. However, Special Condition #4 of the approved permit limits uses in Building 34/179 to only visitor-serving uses open and available to the public.

Since that time, Building 186 has been demolished, and the esplanade along the site has been completed and is open to the public. However, as discussed in detail below, the San Diego Airport Authority, as the Airport Land Use Commission (ALUC), recently determined that for safety and noise exposure reasons, only the light-industrial uses that were previously operating on the site when it was under Navy ownership can continue at the project site. In its approval, the ALUC required the applicant to record a deed restriction against the site limiting use of both buildings to a maximum density of 22 persons. Therefore, the proposed amendment would revise the condition to permit marine-related industrial uses in Building 34/179.

As an amendment to 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. Public Access/Visitor-Serving Recreation/Visual Quality. The relevant policies of the certified LCP and Coastal Act are as follows:

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 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 30222

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

Section 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.

Section 30255

Coastal-dependent developments shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division, coastal-dependent developments shall not be sited in a wetland. When appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support.

Section 30260

Coastal-dependent industrial facilities shall be encouraged to locate or expand within existing sites and shall be permitted reasonable long-term growth where consistent with this division. However, where new or expanded coastal-dependent industrial facilities cannot feasibly be accommodated consistent with other policies of this division, they may nonetheless be permitted in accordance with this section and Sections 30261 and 30262 if (1) alternative locations are infeasible or more environmentally damaging; (2) to do otherwise would adversely affect the public welfare; and (3) adverse environmental effects are mitigated to the maximum extent feasible.

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

**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.

[...]

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

[...]

- 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.

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. A 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. **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. [...]



## **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.

### **Permitted Uses**

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, the Precise Plan places 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. At the time the NTC Precise Plan LCP was being developed in 2000, the San Diego Port District was the airport operator, and the Port District was consulted in developing the land use restrictions and allowances contained in the Precise Plan RPZ regulations.

In 2003, the San Diego Regional Airport Authority was created. The Airport Authority has not reviewed or approved the Precise Plan for consistency with the Airport Land Use Compatibility Plan, and does not consider the Precise Plan when reviewing projects.

The Shoreline Plaza amendment proposed development of a variety of light-industrial, retail and restaurant uses in the existing buildings on the site. At the time the permit was being reviewed first by the City and then by the Commission on appeal, the Airport Authority was involved in review of the project, and submitted comments indicating that it had no objection to the project as being inconsistent with the Airport Land Use Compatibility Plan (ALUCP) (see Exhibit #4). (The Airport Authority did, however, indicate its dissatisfaction with the City's coordination with the Authority).

However, On April 3, 2008, the San Diego Airport Authority, acting as the Airport Land Use Commission (ALUC), determined that only the light-industrial uses that were previously operating on the site when it was under Navy ownership can continue at the project site (see Exhibit #5). The ALUC reviews projects within the Airport Influence Area for conformity with the ALUCP, and is responsible for preserving the operational

capacity of airports and minimizing the public's exposure to excessive noise and safety hazards within the areas around public airports. The ALCUP imposes land use restrictions within the Runway Protection Zone (RPZ) to preclude incompatible development from intruding into areas of significant risk resulting from aircraft takeoff, landing and pattern operations. The staff report approving light industrial uses at the project site quotes an FAA Advisory Circular that describes the land uses prohibited in the RPZ as "residences and places of public assembly. (Churches, schools, hospitals, office buildings, shopping centers, and other uses with similar concentrations of persons typify places of public assembly)." In addition, the proposed project is located within the 80-85 db CNEL noise contours for the San Diego Airport. The ALUCP prohibits offices and public assembly uses within contours greater than 70 cB CNEL. Thus, in its approval, the ALUC permitted only the continuation of the light industrial uses previously on the site, and required the applicant to record a deed restriction against the site limiting use of both buildings to a maximum density of 22 persons.

### **Public Esplanade**

The Commission approved the project with the following condition:

4. Use Restrictions on Building 34/179. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, 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; however, after completion of the public esplanade, an amendment to this permit may be considered for limited public seating in the esplanade area. The amendment shall be subject to review and approval by the Commission.

This restriction was placed on the building because the applicant was proposing to retain Building 34/179 instead of demolishing it as originally proposed. Building 34/179 is located very close to the boat channel, and the Commission was concerned that retaining the building would require narrowing the required public esplanade alongside the boat channel, reducing its functionality and privatizing the public space.

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.

The original esplanade as conceptually depicted on the approved plan was a constant 25-foot in width (approximately) along the entire site. The esplanade approved by the Commission on appeal, and since constructed, is 20 feet wide at its narrowest point next to Building 34/179, and 140 feet wide at the landscaped triangle towards the east side of the site. Overall, the esplanade approved with the retention of Building 34/179 is as large or larger than the originally approved concept plan and as such, provides more space for the public to walk along the shoreline.

However, the retention of Building 34/179, because it is so close to the shoreline, does constrain the potential width of the public esplanade. To address the concern that Building 34/179 limits the esplanade to 20 feet at that location, the applicant proposed and the Commission required that a café, restaurant, or other visitor-serving, pedestrian-activating use oriented towards the esplanade be located in the building, to serve as a public recreational amenity that would enhance the pedestrian experience along the esplanade. (It should be noted that Building 358, which is even closer to the esplanade than Building 34/179, has always been proposed to remain. This building is next to an existing dock, and was previously used as a dockmaster's office. It has always been anticipated to be used for boating related 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 Airport Authority has approved continued use of this building as a dockmaster's office).

Because of the Airport Authority's determination that only light industrial uses can occur in Building 34/179, the applicant has proposed amending the above condition to allow marine-related light industrial uses in the building. As proposed, the amendment would not prohibit visitor-serving uses in the site, in the event that such uses are ever allowed in this location in the future.

The subject amendment presents a very unusual situation. At the time the Commission approved the NTC Precise Plan, it was anticipated that existing buildings at Shoreline Plaza would be reused for low-intensity office or industrial type uses. The City coastal development permit was amended in part because the applicant was proposing to use several of the buildings for higher intensity visitor-serving uses such as retail and restaurant, as well as some light-industrial uses, and additional parking was required as a result of this intensification. In order to accommodate the additional parking, the larger Building 186 was demolished, and the smaller Building 34/179 was retained. Had it been known that the Airport would prohibit visitor-serving uses in Building 34/179, it is likely that the amendment would never have been pursued, and the buildings retained and demolished as originally proposed.

Coastal-related uses are one of the higher priority uses under the Coastal Act, and the LUP prioritizes marine-related uses. If visitor-serving uses cannot be located at Building

34/179, then marine-related uses, and uses that support recreational boating would be the best alternative use. In allowing the building to remain, the Commission previously determined that the physical location of the building would not actually *block* the esplanade or render it unusable; the concern was that it would lessen the attractiveness of the esplanade to the general public. However, now that the esplanade has now been constructed, it is possible to evaluate the impact of Building 34/179 in the context of the entire shoreline access along the site. The building does encroach visually onto the esplanade, in the sense that it, and the nearby boathouse, limit long-range views of the esplanade from portions of the path. However, as designed, the esplanade is meandering, with varying widths and frequent diversions around landscaping islands. The building does not represent a serious visual disruption in the flow of the esplanade or create the sense that the esplanade does not continue past or along the building. Indeed, although the esplanade along Shoreline Plaza does not yet link up with the main esplanade alongside the boat channel (currently under construction), the Shoreline Plaza esplanade is well used by the public. As a marine-related industrial business, the esplanade-facing side of Building 34/179 is no longer proposed to have direct access from that side of the structure. But the building has been designed with landscaping, signage, and architectural features consistent with the requirement that it not present a blank “back of the building” appearance.

The narrowing of the esplanade represented by the retention of Building 34/179 is not ideal, and marine-related industrial uses are not the best use adjacent to a public esplanade. The Commission encourages the applicant and the Airport Authority to continue exploring the development of some level of visitor-serving uses in this location, consistent with public safety mandates. Were any additional structure to be located so close to the esplanade in the future, it probably would impact the flow of public access, but as proposed, Building 34/179 will not result in a significant adverse impact to public access and recreation, even in the absence of the offsetting benefits of a visitor-serving use in the building.

Therefore, Special Condition #4a is revised as follows:

- a. Only visitor-serving uses open and available to the public, marine-related industrial or marine-related commercial uses shall be permitted in the building.

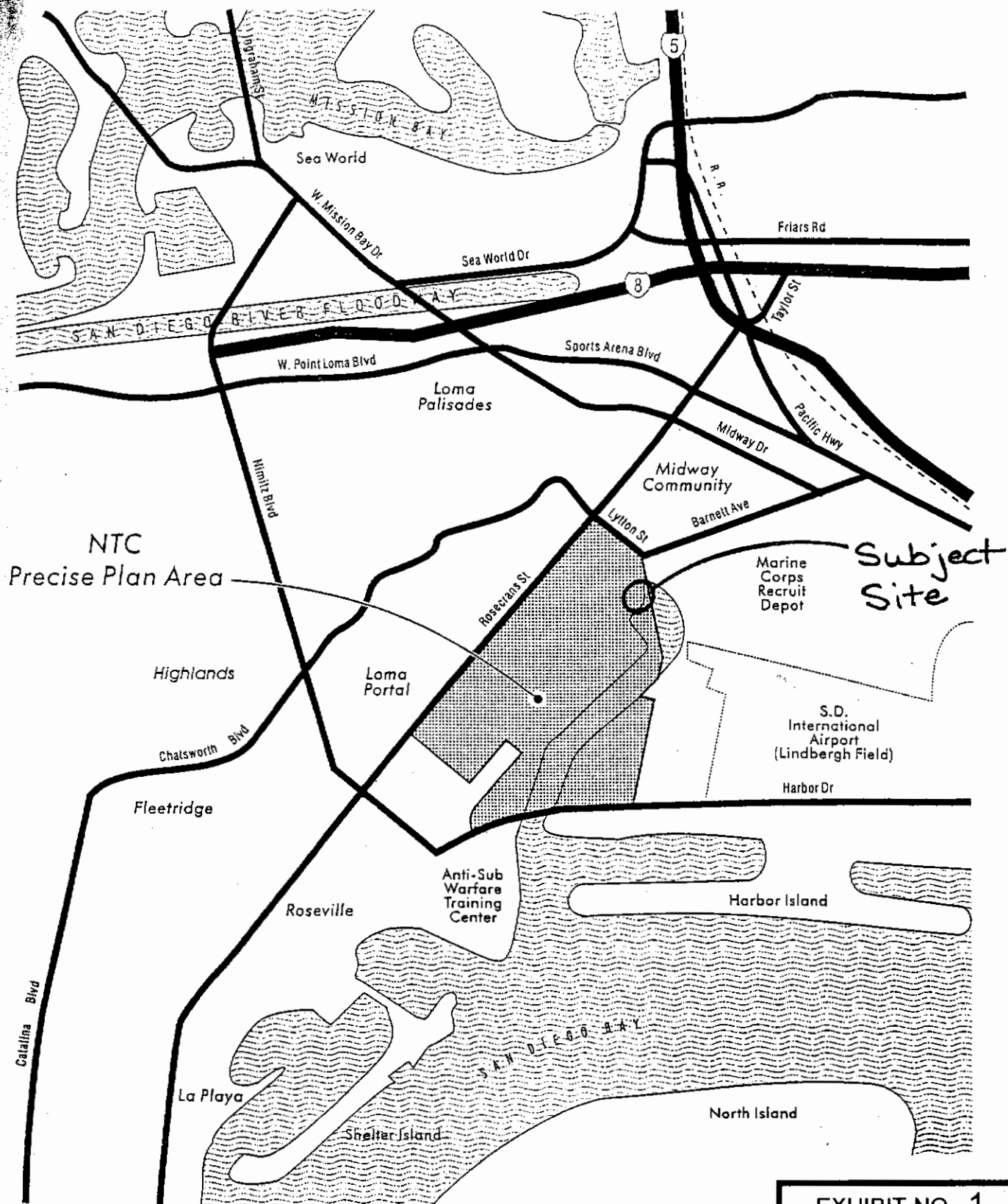
The condition would allow both marine-related industrial and marine-related commercial uses on the site, since all marine-related uses are high priority uses. Again, this amendment does not preclude visitor-serving uses in the building should the Airport Authority decide such a use is consistent with their mandate at some point in the future; it simply offers the applicant the option of utilizing marine related uses.

As conditioned, no impacts to public access, recreation, or visual quality will result from the amendment, consistent with the above-cited LCP and Chapter 3 policies of the Coastal Act.

3. 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.

4. 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, and visual protection 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.



NTC  
Precise Plan Area

Subject Site

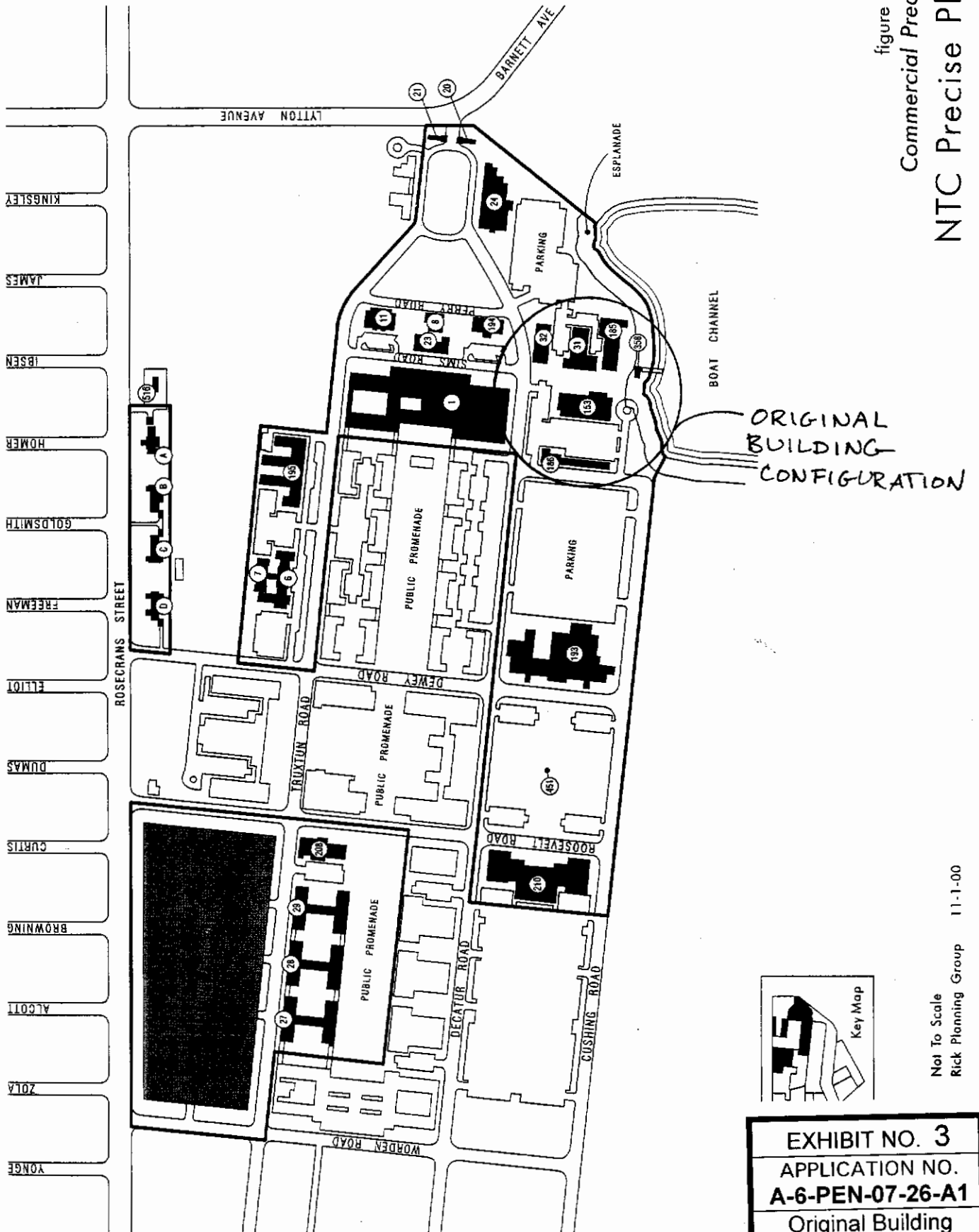


Approximate Scale: 1"=2500'  
Rick Planning Group 7-19-00

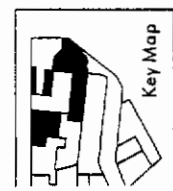
EXHIBIT NO. 1
APPLICATION NO.
<b>A-6-PEN-07-26-A1</b>
Location Map
 California Coastal Commission



figure 2.5b  
 Commercial Precinct  
 NTC Precise Plan



ORIGINAL  
 BUILDING  
 CONFIGURATION



Key Map

Not To Scale  
 Rick Planning Group 11-1-00

<b>EXHIBIT NO. 3</b>
<b>APPLICATION NO.</b>
<b>A-6-PEN-07-26-A1</b>
<b>Original Building</b>
<b>Configuration</b>
California Coastal Commission



1/30/07

item 332

**SAN DIEGO COUNTY  
REGIONAL AIRPORT AUTHORITY**

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

January 29, 2007

City of San Diego  
City Clerk's Office  
202 C Street-2<sup>nd</sup> 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



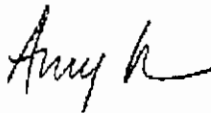
**SAN DIEGO  
INTERNATIONAL  
AIRPORT**

<b>EXHIBIT NO. 4</b>
<b>APPLICATION NO.</b>
<b>A-6-PEN-07-26-A1</b>
<b>SD Airport Original</b>
<b>Comment Letter</b>
 <b>California Coastal Commission</b>

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. Bowers, President/CEO San Diego County Regional Airport Authority  
Breton K. Lobner, General Counsel

SAN DIEGO COUNTY  
REGIONAL AIRPORT AUTHORITY

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

May 19, 2008

City of San Diego  
Mr. Peter Lynch  
Development Services Dept.  
1222 First Avenue, MS 501  
San Diego, CA 92101-4154

Re: *San Diego County Regional Airport Authority, Airport Land Use Commission Consistency Determination – 2837 Historic Decatur Road, Buildings 34 & 179, City of San Diego; Development of 4 light industrial use in existing buildings; APN# 450-842-23; San Diego International Airport Land Use Compatibility Plan – LIN-08-010; Resolution No. 2008-0015 ALUC*

Dear Mr. Lynch:


This letter is to notify the City of San Diego ("City") of the April 3, 2008, consistency determination that was made by the San Diego County Regional Airport Authority ("Authority" or "SDCRAA"), acting in its capacity as the San Diego County Airport Land Use Commission ("ALUC"), for the referenced project. The ALUC has determined that the proposed project is **conditionally consistent** with the San Diego International Airport ("SDIA") Airport Land Use Compatibility Plan ("ALUCP"). A copy of Resolution 2008-0015 ALUC, approved by the ALUC on April 3, 2008, and memorializing the consistency determination, is enclosed for your information.

The ALUC's determination that the 2837 Historic Decatur Road, Buildings 34 & 179 project is **conditionally consistent** with the SDIA ALUCP was made consistent with the ALUC Policies and the State Aeronautics Act provisions (Cal. Pub. Util. Code §21670-21679.5), and was based on numerous facts and findings, including those summarized below:

- (1) The proposed project involves the interior tenant improvement of two attached, existing buildings to resume a prior light industrial use.
- (2) The proposed project is located within the 80-85 dB CNEL noise contours for SDIA. The SDIA ALUCP does not specify the compatibility of new commercial or industrial uses within any noise contours, but does specifically prohibit offices and public assembly uses. Therefore, the proposed project must be considered conditionally compatible, subject to the light industrial use not containing any incompatible uses such as offices or public assembly uses.
- (3) The proposed project is located within the City of San Diego Airport Approach Overlay Zone (AAOZ). However, the proposed project does not make exterior changes to the existing structure.



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- (4) The proposed project is located within the Runway Protection Zone (RPZ) for SDIA. Based on federal and state regulatory guidance documents, the intensity of the land use within the RPZ should be limited. Therefore, as a condition of project approval, a deed restriction with a limitation of occupancy for both buildings to a maximum of 22 persons must be recorded for the property with the County Recorder and a copy filed with the airport operator. In addition, evidence of posted notice to building occupants that the buildings are located within the RPZ must be provided to the airport operator.
- (5) Therefore, if the proposed project contains the above-required conditions, the proposed project would be consistent with the adopted SDIA ALUCP.
- (6) This Board action is not a "project" as defined by the California Environmental Quality Act (CEQA) Pub. Res. Code Section 21065; and is not a "development" as defined by the California Coastal Act Pub. Res. Code Section 30106.

Please contact Ms. Sandi Sawa at (619) 400-2464 if you have any questions regarding the issues addressed in this letter.

Very truly yours,



Thella F. Bowens  
President/CEO

TFB/SS/arw

Enclosures: Resolution 2008-0015 ALUC

cc: Amy Gonzalez, SDCRAA – General Counsel  
Mary Frederick, Caltrans – Division of Aeronautics  
Tait Galloway, City of San Diego, Planning & Community Investment

RESOLUTION NO. 2008-0015 ALUC

A RESOLUTION OF THE BOARD OF THE SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY MAKING A DETERMINATION THAT THE PROPOSED PROJECT: LIBERTY STATION BUILDINGS 34 & 179, DEVELOPMENT OF A LIGHT INDUSTRIAL USE IN EXISTING BUILDINGS, 2837 HISTORIC DECATUR ROAD, CITY OF SAN DIEGO, IS CONDITIONALLY CONSISTENT WITH THE ADOPTED SAN DIEGO INTERNATIONAL AIRPORT (SDIA) AIRPORT LAND USE COMPATIBILITY PLAN (ALUCP).

WHEREAS, the San Diego County Regional Airport Authority, acting in its capacity as the Airport Land Use Commission (ALUC) for San Diego County, was requested by the City of San Diego to determine the consistency of a proposed project: Liberty Station Buildings 34 & 179, Development of a Light Industrial Use in Existing Buildings, 2837 Historic Decatur Road, City of San Diego, located within the Airport Influence Area (AIA) and the City of San Diego Airport Approach Overlay Zone (AAOZ) for the San Diego International Airport (SDIA) Airport Land Use Compatibility Plan (ALUCP), originally adopted in February 1992 and amended in April 1994 and October 2004; and

WHEREAS, the site plans for the proposed project indicate that it would involve the interior renovation of two attached, existing buildings to resume a prior light industrial use; and

WHEREAS, the proposed project would be located within the 80-85 decibel (dB) Community Noise Equivalent Level (CNEL) noise contours of the SDIA ALUCP, which does not specify the compatibility of any commercial or industrial uses within that contour, but does specifically prohibit office and public assembly uses within noise contours of 70 dB CNEL or greater; and

WHEREAS, the proposed project is located within the AAOZ but will not involve any exterior construction which would affect the height of the existing building; and

WHEREAS, the proposed project is located within the Runway Protection Zone (RPZ) for the SDIA; and

WHEREAS, this Airport Authority has considered the information provided by staff, including information in the staff report and other relevant material regarding the proposed project; and

WHEREAS, the Board has provided an opportunity for the City of San Diego and interested members of the public to present information regarding this matter;

NOW THEREFORE BE IT RESOLVED, that the Board, serving as the ALUC for San Diego County, pursuant to Section 21670.3 of the Public Utilities Code, determines that the proposed project: Liberty Station Buildings 34 & 179, Development of a Light Industrial Use in Existing Buildings, 2837 Historic Decatur Road, City of San Diego, is conditionally consistent with the adopted San Diego International Airport (SDIA) Airport Land Use Compatibility Plan (ALUCP), which was originally adopted in February 1992 and amended in April 1994 and October 2004, based upon the following facts and findings:

- (1) The proposed project involves the interior tenant improvement of two attached, existing buildings to resume a prior light industrial use.
- (2) The proposed project is located within the 80-85 dB CNEL noise contours for SDIA. The SDIA ALUCP does not specify the compatibility of new commercial or industrial uses within any noise contours, but does specifically prohibit offices and public assembly uses. Therefore, the proposed project must be considered conditionally compatible, subject to the light industrial use not containing any incompatible uses such as offices or public assembly uses.
- (3) The proposed project is located within the City of San Diego AAOZ. However, the proposed project does not make exterior changes to the existing structure.
- (4) The proposed project is located within the RPZ for SDIA. Based on federal and state regulatory guidance documents, the intensity of the land use within the RPZ should be limited. Therefore, as a condition of project approval, a deed restriction with a limitation of occupancy for both buildings to a maximum of 22 persons must be recorded for the property with the County Recorder and a copy filed with the airport operator. In addition, evidence of posted notice to building occupants that the buildings are located within the RPZ must be provided to the airport operator.
- (5) Therefore, if the proposed project contains the above-required conditions, the proposed project would be consistent with the adopted SDIA ALUCP.

BE IT FUTHER RESOLVED, that this Board action is not a "project" as defined by the California Environmental Quality Act (CEQA), Pub. Res. Code Section 21065, and is not a "development" as defined by the California Coastal Act, Pub. Res. Code Section 30106.

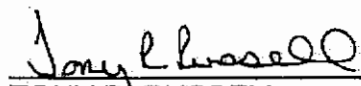
PASSED, ADOPTED AND APPROVED by the Board of the San Diego County Regional Airport Authority at a regular meeting this 3<sup>rd</sup> day of April, 2008, by the following vote:

AYES: Board Members: Bersin, Boland, Desmond, Miller, Watkins  
Young, Zettel

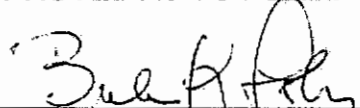
NOES: Board Members: Finnila, Panknin

ABSENT: Board Members: None

ATTEST:

  
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TONY R. RUSSELL  
DIRECTOR, CORPORATE SERVICES/  
AUTHORITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
BRETON K. LOBNER  
GENERAL COUNSEL