

**CALIFORNIA COASTAL COMMISSION**

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Filed: 9/2/19  
 180th Day: 2/25/19  
 Staff: M.Lasiter-SD  
 Staff Report: 11/21/19  
 Hearing Date: 12/11/19

**STAFF REPORT: REGULAR CALENDAR**

**Application No.:** 6-19-0348

**Applicant:** San Diego County Regional Airport Authority

**Agent:** Ted Anasis

**Location:** San Diego International Airport, North Harbor Drive and Lindbergh Field Way, San Diego, San Diego County

**Project Description:** Construction of a 73,609 sq. ft., 33 ft. tall airline support building with parking and landscaping, and after-the-fact demolition of an employee parking lot and installation of stormwater management facilities.

**Staff Recommendation:** Approval with Conditions

**SUMMARY OF STAFF RECOMMENDATION**

The San Diego County Regional Airport Authority (Authority) proposes to construct a new airline support building east of the administration building and long term parking lot at the San Diego International Airport (SDIA) in order to consolidate airline support functions into a single building. The primary Coastal Act concerns related to this project include potential impacts to public access, visual resources, and biological resources.

SDIA is located just inland of North Harbor Drive, the major coastal access route along San Diego's bay shoreline. Increased traffic to and around the airport could significantly impact the ability of the general public to access the shoreline. In this case, however, the proposed project would reduce traffic by removing truck trips to the airline support building from North Harbor Drive 0.5 mile earlier than the existing location and

relocating employee parking to an inland location, thus reducing employee vehicle trips on North Harbor Drive. The Authority does not propose to demolish the existing airline support buildings at this time; however, the existing buildings would remain vacant and would not be occupied by any other uses or tenants that may increase vehicle trips to the site. As such, **Special Condition No. 3** prohibits occupation of the existing support buildings without an amendment to this permit.

Although the structure would not block views of San Diego Bay or the San Diego skyline, the airline support building would be visible to those traveling along North Harbor Drive and from public vantage points along the San Diego Bay. However, the Authority has proposed to install a 6 ft. high black vinyl-coated chain-link fence along North Harbor Drive, landscaped with vines and shrubs on the south side of the fence and trees on the north side of the fence. This landscaping will screen and soften the potential visual impacts of the southern façade of the airline support facility. The Authority submitted visual renderings of the proposed screening, both with and without green slats installed in the chain-link fence; however, the open fence, without the green slats, is preferable as the building is set back over 200 ft. from North Harbor Drive and the open fence maintains the open feel of the area that exists without the building. **Special Condition No. 2** requires the applicant to submit final landscaping plans without the green slats.

Finally, the site is located in close proximity to nesting habitat for the endangered California least tern. The applicant has proposed measures to protect the nesting birds, including conducting exterior construction outside of the least tern nesting season to protect the birds during construction, and installing permanent prey perching deterrents (i.e., filament wiring and bird spikes) to protect the terns from predators following construction. As such, **Special Condition No. 1** requires the applicant to submit final plans that identify the permanent perching deterrents and **Special Condition No. 4** prohibits exterior construction during the least tern nesting season.

The subject amendment application was received in May 2019. In October 2019, Commission staff observed that the subject project was underway and, consequently, informed the Authority that the development was unpermitted. The applicant immediately stopped construction; however, portions of the project were already completed, including demolition of an 879 space employee parking lot, 20,000 cu. yds. of grading (10,000 cu. yds. of cut and 10,000 cu. yds. of fill), and installation of stormwater management facilities including pipes, overflow lines, and infiltration beds. Thus, the proposed project includes after-the-fact approval of these components. In order to ensure that the unpermitted development component of this application is resolved in a timely manner, all Special Conditions must be fulfilled within 180 days of Commission action, as required by **Special Condition No. 5**.

The San Diego International Airport is within the Coastal Commission's permit jurisdiction and the Chapter 3 policies of the Coastal Act constitute the standard of review.

Commission staff recommends **approval** of coastal development permit application 6-19-0348 as conditioned.

## TABLE OF CONTENTS

<b>I. MOTION AND RESOLUTION.....</b>	<b>4</b>
<b>II. STANDARD CONDITIONS .....</b>	<b>4</b>
<b>III. SPECIAL CONDITIONS .....</b>	<b>5</b>
<b>IV. FINDINGS AND DECLARATIONS.....</b>	<b>6</b>
A. PROJECT DESCRIPTION .....	6
B. PUBLIC ACCESS AND VISUAL RESOURCES.....	7
C. VISUAL RESOURCES .....	8
D. BIOLOGICAL RESOURCES .....	9
E. UNPERMITTED DEVELOPMENT .....	10
F. LOCAL COASTAL PLANNING.....	11
G. CALIFORNIA ENVIRONMENTAL QUALITY ACT .....	11

### APPENDICES

[Appendix A – Substantive File Documents](#)

### EXHIBITS

[Exhibit 1 – Site Map](#)

[Exhibit 2 – Site Plan](#)

[Exhibit 3 – Visual Renderings of Screening](#)

## I. MOTION AND RESOLUTION

### Motion:

*I move that the Commission **approve** Coastal Development Permit Application No. 6-19-0348 subject to the conditions set forth in the staff recommendation.*

Staff recommends a **YES** vote on the foregoing motion. Passage of this motion will result in conditional approval of the permit and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

### Resolution:

*The Commission hereby approves coastal development permit 6-19-0348 and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.*

## II. STANDARD CONDITIONS

This permit is granted subject to the following 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.

### III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. **Final Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, final project plans for the proposed development. Said plans shall be in substantial conformance with the plans prepared by C&S Companies dated July 9, 2019 and also include the location of the permanent prey perching deterrents.

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

2. **Final Landscaping Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, final landscaping plans for the proposed development. Said plans shall be in substantial conformance with the plans titled "Site/Landscape Plan" dated October 22, 2019, except as follows:

- (a) The green metal slats shall be removed from the fence plans.
- (b) Any proposed landscaping shall be drought-tolerant and native or non-invasive plant species. 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 within the property; and
- (c) If using potable water for irrigation, only drip or micro spray irrigation systems may be used.

The permittee shall undertake the development in accordance with the approved plans. Any proposed changes to the approved final plans shall be reported to the

Executive Director. No changes to the approved final plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

3. **Occupation of Existing Airline Support Buildings.** By acceptance of this permit, the permittee agrees that no occupation of the existing five airline support buildings shall take place without an amendment to this CDP No. 6-19-0348.
4. **Timing of Development.** By acceptance of this permit, the permittee agrees that no exterior construction shall take place for the project during the California least tern nesting season of any year (i.e, between April 1 and September 15).
5. **Condition Compliance.** Within 180 days of Commission action on this coastal development permit application, or within such additional time as the Executive Director may grant for good cause, the applicant shall satisfy all requirements specified in the conditions hereto. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

#### **IV. FINDINGS AND DECLARATIONS**

##### **A. PROJECT DESCRIPTION**

The proposed project is for the construction of an approximately 33 ft. tall, two-story, 73,609 sq. ft. airline support building, east of the San Diego County Regional Airport Authority's (Authority) administration building and the long term parking lot of the San Diego International Airport (SDIA) ([Exhibit 1](#)). The project also includes after-the-fact demolition of an 879 space employee parking lot that was previously onsite, 20,000 cu. yds. of grading (10,000 cu. yds. of cut and 10,000 cu. yds. of fill), and installation of stormwater management facilities, including pipes, overflow lines, and infiltration beds. The project also includes development of a 144,135 sq. ft. paved exterior apron on the secured airside, 96 parking spaces ([Exhibit 2](#)), and landscaping. **Special Condition No. 1** requires the applicant to submit final plans that substantially conform to the plans submitted with this application.

Airline support functions currently operate out of five aging buildings directly east of Terminal 1 ([Exhibit 1](#)). These buildings provide air cargo truck access, loading docks, warehouse space, airline provisioning, ground support equipment storage, maintenance areas, and public-facing offices for air freight deliveries of packages and goods that may be shipped as "belly cargo" in the cargo holds of commercial passenger aircraft. The purpose of the proposed project is to provide a single location for all of the airline support functions. The airport does not propose to demolish the existing airline support buildings at this time; however, the existing support buildings would remain vacant and would not be occupied by any other uses or tenants. The Authority is currently preparing an Environmental Impact Report for the replacement and expansion of Terminal 1, which

would include demolition of the existing support buildings at such time a Coastal Development Permit for that project is authorized by the Commission.

The San Diego International Airport was previously under the coastal permit jurisdiction of the San Diego Unified Port District, where the standard of review was the certified Port Master Plan; however, state legislation transferred authority over airport property to the newly created Airport Authority in January 2003. Thus, the airport is now within the Coastal Commission's permit jurisdiction and the Chapter 3 policies of the Coastal Act constitute the standard of review.

## **B. PUBLIC ACCESS AND RECREATION**

Section 30212.5 of the Coastal Act states:

*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.*

Section 30252 of the Coastal Act states:

*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 high-rise 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.*

The San Diego International Airport is located just inland of North Harbor Drive, the major coastal access route along San Diego's bay shoreline. North Harbor Drive serves as a primary access route not only to the airport but to and along the Bayfront promenade, Harbor Island, sports fishing interests, Shelter Island, Cabrillo Monument, Point Loma, and many other coastal destinations. Thus, increased traffic to and around the airport could significantly impact the ability of the general public to access the shoreline.

In this case, however, the proposed project would not increase traffic. It would not expand the capacity of airline support functions or add truck trips along North Harbor Drive. Airline support functions would support solely existing activities at the airport that are dependent on the number of passengers and aircraft that utilize SDIA. Specifically, the existing airline support buildings include the intake and outtake of air cargo that is

shipped in the belly of passenger aircraft, as well as maintenance of airline ground support equipment and airline provisioning, which are dictated by the number of passengers and aircraft that fly through SDIA. If the number of passengers or flights is reduced, activities will decrease; likewise, these activities would increase as passenger and flight numbers increase. Thus, the number of trucks traveling on North Harbor Drive would not change due to implementation of the project.

All trucks approach and depart the existing airline support buildings on Air Lane via North Harbor Drive with most trucks traveling to and from West Laurel Street to the east. The project would relocate airline support functions approximately 0.5 mile further to the east, which would reduce the travel distance for each truck route by 0.5 mile for each inbound and outbound truck trip. As such, while the route of truck trips to the airline support facilities will remain the same, trucks would depart North Harbor Drive earlier with the project, removing those vehicles from North Harbor Drive and further reducing traffic.

As identified in the Project Description findings above, the project site was previously utilized for employee parking. Employee parking has been relocated to an existing parking lot north of the runway which is accessed from Pacific Highway ([Exhibit 1](#)). The subject lot was previously used as economy parking, however, Authority staff has indicated that there are numerous private companies located nearby that provide economy parking services, thus, the economy parking reservoir is adequate and would not be replaced onsite. As such, employees now park at the employee lot off Pacific Highway and board an employee shuttle that transports them to the terminals via an on-airport road, removing those employee vehicle trips from North Harbor Drive, further reducing traffic on the coastal accessway.

The Authority does not propose to demolish the existing airline buildings at this time; however, the existing buildings would remain vacant and would not be occupied by any other uses or tenants that may increase vehicle trips to the site. **Special Condition No. 3** prohibits occupation of the existing buildings without an amendment to this permit. Therefore, the project, as conditioned, is consistent with the applicable public access and recreation policies of the Coastal Act.

## C. VISUAL RESOURCES

Section 30251 of the Coastal Act states:

*The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*



The proposed airline support facility would be located directly north of North Harbor Drive, a major coastal access road along the San Diego Bay shoreline. Although the structure would not block views of the bay or the San Diego skyline, the airline support building would be visible to those traveling along North Harbor Drive and from public vantage points along the San Diego Bay, such as the site of the previous rental car area adjacent to San Diego Bay that is proposed to be redeveloped with commercial recreation uses. Other projects in the area have been required to use architectural or visual treatments and landscaping to screen or break up the façade of the structure as it presents to pedestrians and vehicles on North Harbor Drive. In this case, the Authority has proposed to install a 6 ft. high black vinyl-coated chain-link fence along North Harbor Drive with vines and shrubs on the south side of the fence and trees on the north side of the fence. This landscaping will screen and soften the potential visual impacts on the southern façade of the airline support facility.

The Authority submitted visual renderings of the proposed screening both with and without green slats installed in the chain-link fence ([Exhibit 3](#)). The renderings show that the open fence, without the green slats, is preferable as the building is set back over 200 ft. from North Harbor Drive and the open fence maintains the open feel of the area that currently exists without the building. Alternatively, the fence with green slats appears to “wall off” the development when compared to existing conditions. As such, **Special Condition No. 2** requires the applicant to submit final landscaping plans without the green slats.

Finally, Authority staff has indicated that it has retained an artist to develop artwork that would be visible from North Harbor Drive. However, because the artwork is not fully developed at this time, the Authority would apply for a coastal development permit or amendment to this permit at a later date in order to obtain authorization from the Commission for the artwork. Therefore, the project, as conditioned, conforms to Section 30251 of the Coastal Act.

#### **D. BIOLOGICAL RESOURCES**

Section 30240 of the Coastal Act states:

*(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*

*(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

While the project site is not considered an environmentally sensitive habitat area (ESHA), the site is located in close proximity to nesting habitat for the endangered

California least tern. Listed under the Federal and California State Endangered Species Act since 1972, the California least tern (*Sternula antillarum browni*) is a migratory bird species that has managed to find suitable habitat at several locations at the airport. Typically, terns prefer to nest in small, scattered clusters on natural or artificial open areas near estuaries, bays, or harbors where small fish are abundant. At SDIA, terns have nested on the sand and gravel in five oval areas between the runway and airplane taxiways since 1970.

The project site is within 800 feet of a designated oval potentially utilized by the California least terns for nesting between April 1 and September 15. As such, the applicant has proposed measures to protect the nesting birds, including conducting exterior construction outside of the least tern nesting season to protect the birds during construction, and installing permanent prey perching deterrents (i.e., filament wiring and bird spikes) to protect the terns from predators following construction. To memorialize this commitment, **Special Condition No. 1** requires the applicant to submit final plans that identify the permanent perching deterrents and **Special Condition No. 4** prohibits construction during the least tern nesting season.

In addition, project lighting has the potential to impact sensitive biological species such as the California least tern colony located nearby. Specifically, light emitting diode (LED) lighting contains high blue light frequencies that have been shown to disrupt natural circadian rhythms in humans and wildlife, leading to disruption in sleep and wildlife behaviors (e.g., breeding, foraging). Lighting with lower color temperatures has less blue in its spectrum and is referred to as being “warm.” As such, environmental studies recommend a correlated color temperature (CCT) of 3,000 Kelvin (K) or below, a range that contains less blue light.

In this case, the Authority has proposed 3,000 K lighting on the south side of the building, which contains delivery and loading ramps and parking areas. However, the outside apron areas to the north and east of the building are located within the airport operating area, which is used by the airlines for circulation and loading/unloading of ground support equipment with air cargo. As such, the north apron area must function at day or night and meet minimum lighting requirements. Authority staff has indicated that the typical standard used for airfield operations is 5,700 K. However, in this case the Authority has agreed to reduce the lighting to 4,000 K, which would be limited to three, 50 ft. tall light poles and would still meet the minimum safety standard. While Authority staff did analyze an alternative that included only 3,000 K lighting, staff found that the 3,000 K lights would decrease the output of the lights, making the lighting substantially less efficient and requiring a significant increase in the number of light fixtures at the site. All of the light fixtures will be directed downward and shielded to prevent lighting from spilling offsite. As such, the lighting is not expected to impact the nesting California least terns located near the site. Therefore, the project, as conditioned, conforms to Section 30240 of the Coastal Act.

## **E. UNPERMITTED DEVELOPMENT**

Unpermitted development has occurred on the subject site without the required CDP. The unpermitted development consists of demolition of an 879 space employee parking

lot, 20,000 cu. yds. of grading (10,000 cu. yds. of cut and 10,000 cu. yds. of fill), and installation of stormwater management facilities, including pipes, overflow lines, and infiltration beds.

The subject amendment application was received in May 2019. In October 2019, Commission staff observed that the subject project was underway and, consequently, informed the Authority that the subject development was unpermitted. The applicant immediately stopped construction; however, the portions of the project identified above were already completed.

Although the development has taken place prior to submittal of this application, consideration of this application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act and as though the development was not in place. Approval of this application pursuant to the staff recommendation, issuance of the permit, and the applicant's subsequent compliance with all terms and conditions of the permit will result in resolution of the above described violations.

In order to ensure that the unpermitted development component of this application is resolved in a timely manner, all Special Conditions must be fulfilled within 180 days of Commission action, as required by **Special Condition No. 5**. Failure to comply with the terms and conditions of this permit may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act. Only as conditioned is the proposed development consistent with the Coastal Act.

#### **F. LOCAL COASTAL PLANNING**

Section 30604(a) also requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. In this case, such a finding can be made.

The San Diego International Airport was previously under the coastal permit jurisdiction of the San Diego Unified Port District and the standard of review for coastal development permits was the certified Port Master Plan. However, legislation which took effect in January 2003 transferred authority over airport property to the newly created Airport Authority. Thus, the airport is now within the Commission's permit jurisdiction. Although the airport is not anticipated to be subject to a LCP, approval of this project would not prejudice the preparation of a LCP consistent with the requirements of Chapter 3. As discussed above, the proposed project, as conditioned, is consistent with Chapter 3, including the public access, visual resource, and biological protection policies of the Coastal Act.

#### **G. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California

Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. In 2008, the Airport Authority prepared and adopted the San Diego International Airport Master Plan Environmental Impact Report (State Clearinghouse No. 2005091105) associated with the preparation and adoption of an Airport Master Plan to meet demand through 2015 and beyond. The San Diego Regional Airport Authority found the subject project to be exempt.

The proposed project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. Mitigation measures, including conditions addressing public access, visual resources, and biological resources, will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally-damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

San Diego International Airport Master Plan Environmental Impact Report (State Clearinghouse No. 2005091105)