

**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO AREA  
3111 CAMINO DEL RIO NORTH, SUITE 200  
SAN DIEGO, CA 92108-1725  
(619) 521-8038



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STAFF REPORT: CONSENT CALENDAR

Application No.: 6-98-141

Applicant: City of San Diego

Description: Installation of approximately 165 12-foot high light poles along 2 ½ miles of a 10-foot wide public walkway adjacent to the bay.

Site: Along East Mission Bay, beginning at DeAnza Cove extending south to Fiesta Island, Mission Bay Park, San Diego, San Diego County.

Substantive File Documents: Certified Mission Bay Park Master Plan

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STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit for the proposed development, subject to the conditions below, on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, 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 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Timing of Construction. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, a final construction schedule, which shall be incorporated into construction bid documents. The schedule shall specify that development shall not occur between Memorial Day weekend and Labor Day of any year.

#### IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Project Description. Proposed is the installation of approximately 165 12-foot high light poles (100 watt lamps) along the east side of a public walkway in East Mission Bay. The public walkway consists of an improved 10-foot wide pedestrian sidewalk ("boardwalk") that meanders along the west side of the bay and is bordered by public park land (grass and/or beach). The installation of the lights is proposed to fill in a gap in lighting along the walkway that borders the vast majority of parklands throughout Mission Bay Park in order to create lighting for pedestrians who use the walkway at dawn, dusk and the evenings. Presently, there are a few light poles in the area but they are basically limited to the location of existing comfort stations, parking lots, streets and driveways. The long stretch of the walkway bordering the bay remains unlit and poses a potential safety concern. The lights are proposed to be installed at De Anza Cove, extending south to Fiesta Island, south of the Hilton Hotel leasehold.

The project site is located within Mission Bay Park in an area of original jurisdiction where the Commission retains permit authority permanently. As such, the Chapter 3 policies of the Coastal Act are the standard of review.

2. Public Access and Recreation. Many policies of the Coastal Act address the provision, protection and enhancement of public access to and along the shoreline, in particular Sections 30210, 30212.5, 30213, 30221 and 30223. These policies address maintaining the public's ability to reach and enjoy the water, preventing overcrowding, and providing adequate parking facilities for public use.

The existing public walkway where light poles are proposed to be installed is heavily used by members of the public for strolling, bicycling and skating, etc. In this particular case, the proposed project would not, in and of itself, have any significant impact on public access or recreation. As stated, the proposed development includes the installation of approximately 165 12-foot high light poles along 2 ½ miles of a public walkway that is adjacent to east Mission Bay. The proposed development will not significantly affect coastal access opportunities because it merely involves installing light poles along a pedestrian path. Although there may be some minor inconvenience to those using the walkway, it should be short term in nature. The City has indicated that they the project will be constructed in six phases such that two to three segments of the walkway will be closed for a half day at a time to allow access for the cement truck to lay down the

foundation in three areas at once. However, the the walkway will be re-opened for public use for the remainder of the day.

There are ample areas to access this section of shoreline and numerous public parking lots in the area including recreational amenities such as picnic tables, playground equipment and grassy areas. Public access along the shoreline will not be adversely impacted for pedestrian use since the public can still walk around the areas of construction during construction. The entire 2 ½ mile segment will not be closed all at once and will be phased, as described above. Thus, although the proposed development will affect pedestrian access to the area, it will be temporary and pedestrian public access to and along the shoreline from other areas will still be maintained.

With regard to timing of development, access and staging, the development is proposed to commence in February and is expected to last approximately 80 working days. The City has also indicated they expect the project to be completed before Memorial Day. No portion of the public parking lots in East Mission Bay will be closed or used for staging purposes. The proposed staging area and storage of construction materials will be located in a landscaped strip bordering East Mission Bay Drive as opposed to grassy picnic areas or other parklands utilized by the public. As such, no impacts to park users should occur as a result of the storage of construction equipment, etc.

In addition, given that the proposed construction is expected to be completed prior to Memorial Day, the potential for any impacts to public recreation is further reduced. However, to further assure that construction does not occur during the peak summer season, Special Condition #1 has been attached requiring that construction not occur between Memorial Day weekend and Labor Day. In summary, while the subject project will result in minor inconvenience to pedestrians along the walkway during construction periods, the impact will be short term in nature and ample public access to the remainder of the public parkland will be available for park users. In addition, upon completion of the project, public access will be enhanced by providing night lighting of the walkway where currently none exists. As conditioned, no significant impacts to public access or public recreation are anticipated. Therefore, the Commission finds the proposed development can be found consistent with Sections 30210, 30212.5, 30213, 30221 and 30223 of the Coastal Act.

3. Visual Resources. Section 30251 of the Act states, in part, that the scenic and visual qualities of coastal areas shall be protected and permitted development shall protect views to and along the ocean and scenic coastal areas. The proposed development is an improvement to an existing public walkway in the form of installation of light poles along the walkway to improve public safety for park users. A total of 165 light poles (100 watt lamps) will be installed along the walkway. Presently, the only lighting in the 2 ½ mile segment of this walkway is in the existing public parking lots, streets, driveways and comfort stations. The City proposes to fill in a gap in the walkway

by installing light poles along the 2 ½ mile long walkway. The new light poles will be similar in design to the existing light poles in that they are round and composed of concrete. However, the new light poles will be much shorter in height (12 feet high) whereas the existing light poles in the public parking lots and near the restrooms are approximately 20 to 30 feet high.

The installation of the light poles should not result in any adverse visual impacts to the area and they are similar to the lighting that presently exists along other walkways and boardwalks throughout Mission Bay Park. In addition, the light poles should not result in any public view blockage of the bay as they are low in height and will be spaced approximately 80 feet apart. Also, the proposed lighting will not be situated near any least-tern nesting sites or other environmentally sensitive areas where impacts from light and glare might occur. In summary, the proposed development will not result in any adverse visual impacts and has been sited and designed to protect public views. Therefore, the Commission finds the proposal consistent with Section 30251.

4. 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. As conditioned, such a finding can be made for the subject development.

Mission Bay Park is both an area of deferred certification and an area of original jurisdiction, where the Commission retains permit authority permanently. The project site is zoned Parklands and is designated for Open Space in the certified Mission Bay Park Master Plan. The proposed parking lot improvements are consistent with these designations. The subject development will enhance public access and safety in an existing shoreline park and has been found consistent with all applicable Chapter 3 policies of the Coastal Act. Therefore, the Commission finds that approval of the conditioned project should not prejudice the ability of the City of San Diego to prepare a fully certifiable LCP for Mission Bay Park.

5. Consistency with the California Environmental Quality Act (CEQA).

Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, 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.

As discussed herein, the proposed project will not cause significant adverse impacts to the environment. Specifically, the project has been found consistent with the public access and visual resource policies of the Coastal Act. As conditioned, there are no

feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact which the activity might 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.

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. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. 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.
7. 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.



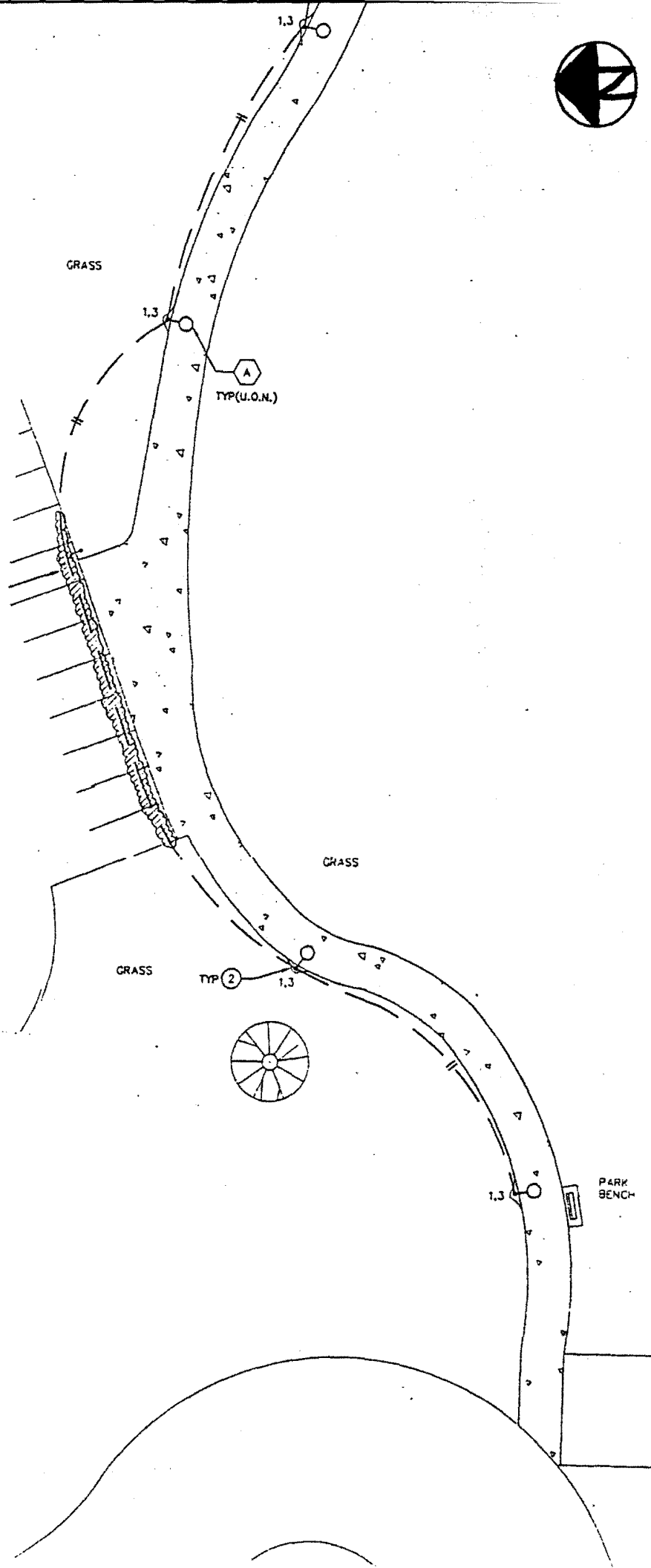



EXHIBIT NO. 2
APPLICATION NO.
<b>6-98-141</b>
Partial Site Plan De Anza Cove Segment
 California Coastal Commission