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

F14c

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Addendum

January 9, 2014

Го:	Commissioners and Interested Persons
From:	California Coastal Commission San Diego Staff
Subject:	Addendum to Item F14c , Coastal Commission Permit Application No. 6-13-0662 (San Diego Unified School District) , for the Commission Meeting of Friday, January 10, 2014.

Staff recommends the following changes be made to the above-referenced staff report. Deletions shall be marked by a strikethrough and additions shall be <u>underlined</u>.

- 1. On Page 5 of the staff report, Special Condition No. 3 shall be revised as follows:
 - 3. **Final Lighting Plan.** PRIOR TO <u>CONSTRUCTION OF THE STADIUM</u> <u>LIGHTS</u> ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval a final lighting plan. The lighting plan shall govern the use of stadium lighting around the football field and shall include the following parameters:

a. Lighting after sunset may only occur for a maximum of $\frac{1}{1000}$ three (3) days in any calendar week and must be limited to the following restrictions:

- During Pacific Standard Time (defined as of 2011 to be the first Sunday in November to the Second Sunday in March) the Fall and Spring bird migration seasons (September 1 – first week of November and last week of March – May 31st) the lights may be illuminated no later than 7:30 PM, except as indicated below:
- <u>ii. As proposed</u>, F<u>f</u>rom each September 1 through May 31 period, inclusive, the lights may be only be illuminated after 7:30 PM up to 18 times, and then (a) the lights must be dimmed at <u>approximately</u> 9:00 PM, (b) completely off by 10:00 PM, (c) cannot be used on consecutive nights, and (d) no more than two nights in any given calendar week.

- iii. The lights may not be illuminated at any time between June 1 and August 31, inclusive, of any year;
- <u>iv.</u> Proposed lights shall use the best available visor technology to capture and redirect light spillage onto the field.

The applicant shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the 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. On Page 6 of the staff report, Special Condition No. 4 shall be revised as follows:
 - 4. Avian Monitoring Plan. PRIOR TO <u>CONSTRUCTION OF THE</u> <u>STADIUM LIGHTS</u> ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval a final avian monitoring plan. Said plan shall incorporate the following criteria:
 - a. Monitoring shall be conducted by a qualified ornithologist/ecologist to assess potential adverse impacts to migratory and resident bird species.
 - b. The monitoring design and schedule shall include a paired monitoring design (i.e. a night with lights immediately preceded or followed by a night without lights), and a monitoring frequency of once per week during any week when lights are operated during the Fall or Spring migration periods (September 1 first week of November and last week of March May 31, inclusive) for at least one year. If the monitoring results indicate that the one year monitoring period was a typical bird migration year with a typical range of atmospheric conditions and the main sports field lights have resulted in no adverse impacts upon birds, no additional monitoring may be required. If the monitoring results indicate otherwise, monitoring shall continue for an additional year(s) until a year of monitoring under typical conditions occurs and the consulting ornithologist obtains enough data to assess potential adverse impacts to migratory and resident bird species.
 - c. The description of observational monitoring activities shall include tallying species and numbers of birds observed within a 200-foot sphere of the light standards and noting atmospheric conditions, bird behavior, <u>bird mortality</u>, and changes in bird behavior.

- d. The monitoring plan shall specify a threshold for determining significant adverse impacts to migratory and resident bird species from field lights.
- e. Seasonal migration reports (Fall and Spring) of monitoring results shall be submitted to the Executive Director for review. However, the consulting ornithologist shall immediately notify the Executive Director should an adverse bird event related to the approved field lights occur at any time during the course of monitoring. The monitoring plan shall also include a provision for submission of the final monitoring report to the Executive Director at the end of the monitoring period for review and written approval. If no adverse impacts are identified and the Executive Director concurs, then the applicant may submit an amendment to revise the lighting restrictions required by this permit as appropriate. Similarly, if adverse impacts **are** identified, then the applicant shall submit an amendment to incorporate changes to the light operations to address any identified impacts.

The approved Avian Monitoring Plan shall be implemented concurrent with the approved field lighting operations. If the monitoring results indicate that the approved field lighting results in significant adverse impacts upon birds, then the applicant shall apply for modification of this permit in order to ensure avoidance of the identified impacts.

3. On Page 13 of the staff report, after the second full paragraph the following shall be added:

The Commission has recently addressed the potential for adverse impacts on avian species when the City of Malibu came before the Commission in October of 2011 with an LCP Amendment to allow the installation of stadium lighting at Malibu High School. In that situation, the Commission looked at the environmental context in which the high school was located and the potential impacts the proposed stadium lights could have on that environment. In the case of Malibu High School, habitat surveys of the surrounding area conducted by both independent biologists and the Commission's staff ecologist determined that the open space surrounding the high school consisted of substantial amounts of degraded and disturbed non-native habitat, with little evidence of nesting by raptors in the few stands of (non-native) trees that were in close proximity to the Malibu High School stadium. Furthermore, Malibu High School's stadium is located approximately 1.850 feet (over a third of a mile) from the nearest body of water, in that case the Pacific Ocean. Nevertheless, Malibu High School, just like Mission Bay High School, is located in the Pacific Flyway, and because of the stadium lights' potential impact on migrating birds, the Commission approved the City of Malibu's proposed LCP Amendment

subject to Commission's staff's recommended modification, which included limiting the number of nights per any given week that the school could use the lights to three and the total number of night games for a given year to eighteen, in addition to implementing an avian monitoring program.

Similar to Malibu High School, Mission Bay High School is proposing to install tall, bright stadium lights to illuminate their football field, and similar to Malibu High School, Mission Bay High School is located in the Pacific Flyway. However, unlike Malibu High School, Mission Bay is located in relatively close proximity to substantial amounts of sensitive habitat, such as Rose Creek and the Kendall Frost Marsh Preserve (750 feet and 550 feet, respectively). The open waters of Mission Bay and the acres of wetlands on its northern shores within the Preserve in proximity to Mission Bay High School make the area much more likely to be used by migrating birds than the degraded open space around Malibu High School. Furthermore, starting in 2017, much of nearby De Anza Cove, on the eastern bank of Rose Creek and currently housing an RV park, is slated to be vacated and at least partially restored to wetland. After analysis by the Commission's staff ecologist, similar lighting restrictions in line with Malibu High School were found to be appropriate here. Under the proposed lighting restrictions, Mission Bay High School would still be able to illuminate the football field for up to 18 night games during the school year, as the applicant has proposed. The applicant will also be able to conduct sport practice events after sunset, but subject to reasonable limits during the sensitive two-month fall and spring bird migration periods, when the potential for adverse wildlife impacts are greatest.

It must be understood that sports field lighting is now getting more scrutiny due to its potential impacts on avian wildlife. The Model Lighting Ordinance published in 2011 by the Illuminating Engineering Society puts sports field lighting in the category of "types of lighting that are intrusive or complex in their impacts and need a higher level of scrutiny and/or site sensitivity". Sports lighting emits typically 20 to 50 times more light per unit area than any other lighting application and approximately 25% of sport's lighting is reflected and contributes to sky glow and glare. The closest thing that rivals sports field lights are lights associated with car dealerships.

4. On Page 14 of the staff report, the first and second full paragraphs shall be revised as follows:

The Commission's staff ecologist has analyzed the lighting data provided by the applicant and determined that in order to minimize impacts to night migrating birds, as well <u>wading birds</u>, other wetland bird species and other <u>bird species that may be attracted and adversely impacted by the sports</u> <u>field night lighting</u>, as breeding and nesting raptors and owls, night lighting at the main sports field at Mission Bay High School should be limited to primarily during the Fall and Spring bird migration seasons (September 1 through the first week in November and the last week of March through May 31st.Pacific Standard Time, which currently starts the first Sunday in November and ends the second Sunday in March. Pacific Standard Time starts in late fall, continues through winter, and ends in early spring. This timing avoids the peak and majority of the fall migration and all of spring migration. Raptors and owls start courtship and breeding in late January followed by nesting in late February and March through August. Limiting night lighting to Pacific Standard Time significantly limits the amount of time that nesting raptors and owls would be exposed to artificial lights at the athletic field.

In addition to restricting night lighting primarily to the Fall and Spring bird migration seasons, Pacific Standard Time, night lighting should be restricted to no more than two three nights per week and then only until 7:30 p.m. According to the Commission's Staff Ecologist, over 60 species of migrating water fowl and songbirds are known to use the Pacific Flyway and most night migrating birds start their nightly migration during the first couple of hours after the sun goes down, the exact time when Mission Bay High School wants to use their lights every night until 7:30 p.m. While no pier reviewed articles that directly address impacts of migrating birds and sports field lighting have been identified to date, there is pier reviewed research showing that birds are attracted to lit oil platforms and communication towers and are drawn off course and can become confused, exhausted and die. In addition, there have been newspaper article accounts of sports field lighting adversely impacting birds, including an incident at the University of California at Santa Barbara (UCSB). Sky glow, glare, and spillover must also be minimized to the maximum extent possible by using the best available visor technology (e.g. total light control visors), minimizing lights directed above the horizontal plane, directing lights downward, using the minimum amount of wattage necessary, and building the lights at the minimum height necessary to adequately light the field. Birds are most confused and attracted to lights emitting red wavelength energy therefore lights that maximize energy in the blue and green spectrum should be utilized to the greatest extent feasible¹.

5. On Page 14 of the staff report, the third full paragraph shall be revised as follows:

Special Condition No. 1 requires the applicant to construct the development in conformance to approved final plans so as to ensure that impacts are properly mitigated and unforeseen impacts do not arise in the adjacent habitat areas. **Special Condition No. 2** requires the applicant to adhere to the approved landscaping plan to ensure that invasives <u>are aer</u> not introduced near habitat areas. **Special Condition No. 3** requires the applicant to submit and adhere to a final lighting plan that will set

parameters on night time lighting so allow reasonable usage while minimizing impacts to nearby habitat and wildlife. <u>Special Condition No.</u> <u>4 requires the applicant to conduct an approved avian monitoring program</u> for at least one year to determine what impacts, if any, the proposed stadium lights have on migrating birds in the greater Mission Bay area. If no adverse impacts are identified and the Executive Director concurs, then the applicant may submit an amendment to revise the lighting restrictions required by this permit, as appropriate. Similarly, if adverse impacts <u>are</u> identified, then the applicant shall submit an amendment to incorporate changes to the light operations to address any identified impacts.

6. On Page 20 of the staff report, Appendix A shall be revised as follows:

APPENDIX A

SUBSTANTIVE FILE DOCUMENTS

- Water Quality Technical Report by PE Burkett & Wong Engineers, dated July 17, 2013
- Traffic Impact Study by KOA Corporation, dated August 21, 2013
- Geotechnical Evaluation by Zagrodnik + Thomas, dated January 31, 2013
- Environmental Impact Report, prepared by ICF International, dated September, 2013
- <u>September 22, 2011 staff report for the City of Malibu Local Coastal</u> <u>Program Amendment No. MAL-MAJ-1-11-A for the October 2011</u> <u>Commission Hearing in Huntington Beach.</u>

CALIFORNIA COASTAL COMMISSION

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



F14c

Filed:	8/23/13
180th Day:	2/19/14
Staff:	A. Llerandi-SD
Staff Report:	12/19/13
Hearing Date:	1/8-10/14

STAFF REPORT: REGULAR CALENDAR

Application No.:	6-13-0662	
Applicant:	San Diego Unified School District	
Agent:	Devon Muto	
Location:	2475 Grand Avenue, Pacific Beach, San Diego, San Diego County (APN No. 424-460-04)	
Project Description:	Upgrade the existing athletic facilities at Mission Bay High School by replacing the existing football stadium with a new artificial turf field and all- weather track with 2,400-person capacity bleachers, press box, two restroom/concession/ticket facilities, storage, and four 100-foot tall stadium lights; upgrading a baseball and a softball field with 200- person capacity bleachers, scoring booth, and concession stand each.	
Staff Recommendation:	Approval with Conditions	

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending approval of this project, with conditions.

The proposed project raises issues of public access, habitat impacts, visual resources, and water quality. Public access issues arise because the property is located between the first public road and the sea and adjacent to an existing public access path. Habitat impacts and water quality issues arise because the property is located in close proximity to Rose

Creek and the Kendall Frost Marsh Reserve, as well as within the Pacific Flyway avian migratory path. Visual resource issues arise because the project involves the installation of four 100-foot tall light poles with stadium lighting.

The proposed field lighting will consist of four light poles – two light poles behind the grandstands on the western side of the football stadium and two light poles across the stadium opposite from them, flanking eastern grandstand. All four poles will have two 1500W MZ lights affixed 70 feet high. The western light poles will have seventeen 1500W MZ lights affixed 100 feet high and the eastern light poles will have fourteen 1500W MZ lights affixed 90 feet high. The lights will be directed down onto the playing field and will have 14-inch visors to redirect light downward to reduce light spillage.

Recommended conditions include requiring the applicant to adhere to final construction, BMP, and landscaping plans to ensure that the athletic upgrades are constructed in a manner conforming to approved plans that limit impacts to views and surrounding habitat. Special conditions limiting on the hours of operation of the stadium lights will minimize impacts to the surrounding habitat while still allowing sufficient use by the applicant. Special conditions requiring avian monitoring after installation of the stadium lights will assist in recording what, if any, impacts the lights are having on migratory birds or other wildlife.

Commission staff recommends **approval of** coastal development permit amendment 6-13-0662, as conditioned.

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APPENDICES

<u>Appendix A – Substantive File Documents</u>

EXHIBITS

Exhibit 1 – Location Map Exhibit 2 – Aerial View Exhibit 3 – Site Plan Exhibit 4 – BMP Plan 1 Exhibit 5 – BMP Plan 2 Exhibit 6 – Landscaping Plan 1 Exhibit 7 – Landscaping Plan 2 Exhibit 8 – Landscaping Plan 3

I. MOTION AND RESOLUTION

Motion:

I move that the Commission **approve** Coastal Development Permit No. 6-13-0662 pursuant to staff recommendation.

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:

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 policies of Chapter 3 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

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 applicant 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 of 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 applicant to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

The permit is subject to the following conditions:

1. **Final Construction/BMP Plans.** PRIOR TO THE ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval final project and BMP plans. Said plans shall in substantial conformance with the plans drafted by Scott Thomas and submitted on August 23, 2013.

The applicant shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the 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 Landscape Plans.** PRIOR TO THE ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval final landscape plans. Said plans shall be in substantial conformance with the plans drafted by Scott Thomas and submitted on August 23, 2013, and shall include the following:
 - a. All landscaping shall be drought-tolerant 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.

The applicant shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the 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. **Final Lighting Plan.** PRIOR TO THE ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval a final lighting plan. The lighting plan shall govern the use of stadium lighting around the football field and shall include the following parameters:

a. Lighting after sunset may only occur for a maximum of two (2) days in any calendar week and must be limited to the following time restrictions:

- i. During Pacific Standard Time (defined as of 2011 to be the first Sunday in November to the Second Sunday in March) the lights may be illuminated no later than 7:30 PM, except as indicated below;
- ii. From each September 1 through May 31 period, inclusive, the lights may be only be illuminated after 7:30 PM up to 18 times, and then (a) the lights must be dimmed at 9:00 PM, (b) completely off by 10:00 PM, (c) cannot be used on consecutive nights, and (d) no more than two nights in any given calendar week.
- iii. The lights may not be illuminated at any time between June 1 and August 31, inclusive, of any year;
- iv. Proposed lights shall use the best available visor technology to capture and redirect light spillage onto the field.

The applicant shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the 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.

4. **Avian Monitoring Plan.** PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval a final avian monitoring plan. Said plan shall incorporate the following criteria:

- a. Monitoring shall be conducted by a qualified ornithologist/ecologist to assess potential adverse impacts to migratory and resident bird species.
- b. The monitoring design and schedule shall include a paired monitoring design (i.e. a night with lights immediately preceded or followed by a night without lights), and a monitoring frequency of once per week during any week when lights are operated during the Fall or Spring migration periods for at least one year. If the monitoring results indicate that the one year monitoring period was a typical bird migration year with a typical range of atmospheric conditions and the main sports field lights have resulted in no adverse impacts upon birds, no additional monitoring may be required. If the monitoring results indicate otherwise, monitoring shall continue for an additional year(s) until a year of monitoring under typical conditions occurs and the consulting ornithologist obtains enough data to assess potential adverse impacts to migratory and resident bird species.
- c. The description of observational monitoring activities shall include tallying species and numbers of birds observed within a 200-foot sphere of the light standards and noting atmospheric conditions, bird behavior, and changes in bird behavior.

- d. The monitoring plan shall specify a threshold for determining significant adverse impacts to migratory and resident bird species from field lights.
- e. Seasonal migration reports (Fall and Spring) of monitoring results shall be submitted to the Executive Director for review. However, the consulting ornithologist shall immediately notify the Executive Director should an adverse bird event related to the approved field lights occur at any time during the course of monitoring. The monitoring plan shall also include a provision for submission of the final monitoring report to the Executive Director at the end of the monitoring period.

The approved Avian Monitoring Plan shall be implemented concurrent with the approved field lighting operations. If the monitoring results indicate that the approved field lighting results in significant adverse impacts upon birds, then the applicant shall apply for modification of this permit in order to ensure avoidance of the identified impacts.

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION/HISTORY.

The proposed project is to upgrade the athletic facilities at Mission Bay High School by replacing the existing football field with an artificial turf field and all-weather track, 2,400-person capacity bleachers, press box, two restroom/concession/ticket facilities, storage, and four 100-foot tall stadium lights, and also upgrade a baseball field and softball field with 200-person capacity bleachers, scoring box, and concession stand at each. The project site is Mission Bay High School in the Pacific Beach community of San Diego, near Mission Bay Park.

The project site is Mission Bay High School, a 38.5-acre facility owned by the San Diego Unified School District ("applicant") that opened in 1953 and serves grades 9 through 12, with an enrollment of approximately 1,584 students. The campus is bordered by Grand Avenue to the north, single family residences to the west, Rose Creek to the east, and a public access path and Campland by the Bay RV camping facility to the south. The sports fields are located in the southern half of the school's campus. Existing seating capacity for the football field and baseball field is 1,580 and 100, respectively. There is currently no seating at the softball field and no lighting for any of the existing athletic facilities.

The subject site is located within the Pacific Beach segment of the City of San Diego's certified LCP. The subject site is bisected in such a manner that the central swath of the site is located within an area of the Commission's original jurisdiction and the western and eastern halves are located within the City of San Diego's permit jurisdiction, the latter still being within the Commission's appeal jurisdiction. Pursuant to Coastal Act section 30601.3, with the consent from the applicant and the City, the permit for the entire project is being processed as a consolidated permit by the Coastal Commission, with Chapter 3 policies of the Coastal Act as the legal standard of review and the City's certified LCP used as guidance.

B. PUBLIC ACCESS.

The following Coastal Act policies are most pertinent to this issue, and state in part:

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 of the Coastal Act states:

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

Section 30212 of the Coastal Act states, in part:

(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, (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

[...]

(c) Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to 66478.14, inclusive, of the Government Code and by Section 4 of Article X of the California Constitution.

Section 30213 of the Coastal Act states, in part:

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

[...]

Section 30604 of the Coastal Act states, in part:

[...]

(c) Every coastal development permit issued for any development between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone shall include a specific finding that the development is in conformity with the public access and public recreation policies of Chapter 3 (commencing with Section 30200).

The project site is Mission Bay High School, a 38.5-acre facility owned by the San Diego Unified School District ("applicant") that opened in 1953 and serves grades 9 through 12, with an enrollment of approximately 1,584 students. The campus is bordered by Grand

Avenue to the north, single family residences to the west, Rose Creek to the east, and a public access path and Campland by the Bay RV camping facility to the south. The sports fields are located in the southern half of the school's campus. Existing seating capacity for the football field and baseball field is 1,580 and 100, respectively. There is currently no seating at the softball field. Because the project site is located between the first public road and the sea, public access is a concern.

Pacific Beach is a popular beach community within the City of San Diego. Its proximity to both the Pacific Ocean and Mission Bay afford multiple coastal recreational opportunities, while the commercial district's restaurants and shops along Garnet Avenue and Mission Boulevard draw large number of visitors both during and outside of the summer tourist season. As such, Pacific Beach is both a residential community and a highly utilized recreation area, which can lead to issues of traffic and parking throughout the year. However, the vast majority of the visitor-serving commercial and recreational opportunities are located in the western half of Pacific Beach, west of Ingraham Street, beginning approximately a mile from Mission Bay High School, which is located in the eastern half of Pacific Beach.

The proposed athletic upgrades include increasing the seating capacity of the football field to 2,400 people and the baseball field and softball fields to 200 people, each. The existing sports fields are all currently being used by the applicant for various student athletic competitions during the daylight hours due to lack of lighting. The baseball field and softball field upgrades do not include the installation of lighting, and their events will continue to take place during day time. However, the football field will be receiving four stadium lights, so some of the existing sporting events already held there will be shifted to night time, though track and field events will continue to be held during the day time.

The highest trip generator for the project site is expected to be high school football games. The applicant anticipates a maximum of approximately 15 evening events per year to occur at the school, with the football games being the largest events. Evening football games may start at 6:30 PM and end at 9:00 PM. To analyze the traffic impacts resulting from the athletic upgrades, the applicant commissioned a traffic study by KOA Corporation and dated August 21, 2013. KOA's analysis of 15 nearby intersections found that the projected use of the upgraded athletic facilities would not cause an increase in traffic delays beyond the City of San Diego's significance criteria. All of the 15 study areas are projected to operate at acceptable Level of Service (LOS) D or better. This is in part because the athletic events are already occurring, and the athletic upgrades, namely the stadium lights, will simply allow some of the events (namely the football games) to be shifted to later in the evening.

Regarding parking impacts, the non-homecoming football games have a projected parking demand of 373 spaces. The upgrades to the athletic facilities will increase the total on-site parking supply to 351 parking spaces, leaving a 22 space shortfall. However, across Grand Avenue to the north of Mission Bay High School is another school, Barnard Elementary. That school will have 36 spaces available for parking during games, covering the remainder of projected demand.

The highest parking demand is projected to be during the annual homecoming game, with a projected parking demand of 613 parking spaces. On-site parking within Mission Bay and Barnard Elementary will still leave a shortfall of 226 spaces. As Mission Bay High School is located in a predominantly residential section of Pacific Beach, there are 673 public street parking spaces within 3/8 of a mile from the school. These spaces will be able to absorb the excess demand from the annual game, which, like the other football games, is expected to finish around 9:00 PM (when this permit requires that stadium lights be dimmed in preparation for full cessation by 10:00 PM). As mentioned above, Mission Bay High School is approximately a mile away from the popular restaurant and commercial district of western Pacific Beach. Thus, the overflow parking due to the annual homecoming game is not expected to displace public visitors to Pacific Beach wishing to enjoy the coastal amenities on a Friday night.

Along the southern boundary of the Mission Bay High School campus is a public access path that leads to the recently constructed Rose Creek Bridge, and is utilized by pedestrians and bicyclists. This path is part of the greater trail system encircling Mission Bay Park, allowing the public to circumnavigate the Bay from one side to the other. The projected athletic upgrades are in the portion of the campus abutting this public access path. However, the upgrades will be wholly contained within the school's property and will not encroach into this or any other public access path. For safety and security reasons, the majority of the school campus is encircled by fencing, further delineating the school property from the public access way.

To ensure that the applicant conducts development in a manner consistent with these findings, **Special Condition No. 1** requires the applicant to adhere to final plans that are in substantial conformance with the plans approved by the Commission as part of this application submittal to further ensure that public access is not adversely affected, but instead enhanced. Therefore, the Commission finds that all access concerns associated solely with development approved herein are adequately addressed, and that the proposed development, as conditioned, is consistent with the cited policies of the Coastal Act.

C. BIOLOGICAL RESOURCES

Section 30240 of the Coastal Act states the following:

- (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.

The project site is Mission Bay High School, a 38.5-acre facility owned by the San Diego Unified School District ("applicant"). The campus is bordered by Grand Avenue to the north, single family residences to the west, Rose Creek to the east, and a public access

path and Campland by the Bay RV camping facility to the south. The sports fields are located in the southern half of the school's campus.

Rose Creek, along the eastern boundary of Mission Bay High School, is a tidally influenced creek that originates inland outside of the coastal zone and flows into nearby Mission Bay. The nearest point of the proposed athletic upgrades will be the baseball field, approximately 250 feet west of the creek. However, the nearest proposed stadium light will be approximately 550 feet away from the creek.

To the southwest of Mission Bay High School is Kendall Frost Marsh Reserve, which was established in 1965 on the north shore of Mission Bay and is managed by the University of California, San Diego. The reserve occupies 16 acres of tidal wetlands and is composed of several habitats, including coastal sage scrub, south coastal salt marsh, tidal channels, salt flats, mudflats, sand spit, and eelgrass beds. Species that utilize the reserve include the Light-footed Clapper Rail, Reddish Egret, Beldin's Savannah Sparrow, and California Least Tern. The Kendall Frost Marsh Reserve is adjacent to, and works in conjunction with, the 40-acre Northern Wildlife Preserve that is owned by the City of San Diego and consists of additional wetlands and open water within Mission Bay. The nearest point within the project area to the Preserve is the southwest corner of the campus, which is approximately 750 feet away from the Reserve and is separated by the Campland by the Bay property.

Furthermore, to the southeast of Mission Bay High School across Rose Creek, is the Mission Bay RV resort along De Anza Cove. This artificial peninsula currently serves as an RV resort and mobile home park. However, in 2003, the master lease for the area expired. Instead of moving, the local homeowners association launched litigation to prevent the closure of the park. Notwithstanding ongoing litigation on the matter, this area is slated to be redeveloped at at least partially, if not completely restored, to wetlands habitat at some point in the future.

When a project proposes lighting such as the type involved here, a concern is whether light spillage will impact nearby habitat areas or otherwise adversely impact wildlife. Light trespass can impact habitat areas by confusing the local wildlife and interfering with their sleep and activity patterns. Additionally, light trespass can make some wildlife more vulnerable to predation by making them easier to spot for predators.

When analyzing lighting proposals near habitat areas, it mus be assured that proper buffer spaces are incorporated into the project to separate the lighting and habitat areas. In other instances, a buffer of 100 feet has been used to limit the amount of light trespass by having the light be such a distance that light spillover would be sufficiently dim by the time it reaches habitat areas, if it reaches them at all. In the current case, the proposed lights will be at least 550 feet away from Rose Creek and at least 750 feet away from the Kendall Marsh Reserve. This distance will serve as sufficient buffer so that direct adverse impacts to habitat from the lighting is unlikely. The Commission's staff ecologist has looked at the project siting in relation to nearby habitat areas and determined that the proposed lights are of sufficient distance to not adversely impact the identified habitat areas.

While the lights themselves in this case have been determined to be sufficient distance from the nearby habitat areas to not result in adverse impacts to those resources, indirect impacts from lighting are also a concern. Mission Bay High School is located along the Pacific Flyway, and potentially within the pathway of northward spring and southward fall migrations, which occur during the months of late March through May and September through early November, respectively. Birds migrating along this route are heading to the Canadian Arctic, Canadian plains, and Canadian boreal forest in the spring and to Mexico, South America, and Pacific Islands in the fall. It is important to note that "Pacific Flyway" is a descriptor for a phenomenon that encompasses the entire state of California and beyond and that not all areas of the state are as important as others. However, depending on the types of migrating birds, certain pathways (e.g. bordering the ocean, along valleys, etc.) will be more frequented, and certain habitats (woodlands, riparian areas, wetlands) will be more important stopovers, than others.

The Mission Bay High School property itself is not likely to be used by migratory birds as a stopover site. The habitats suitable for supporting resting migrating birds are the nearby creek and wetlands. The main concern with night lighting at the athletic field is the potential for night migrating birds to become confused and attracted to the lights during inclement/foggy weather. In addition, most migratory movement occurs early in the evening so any impacts to migrating birds due to the high school lighting are likely to occur during the first two to three hours after sunset (6:00 to 8:00PM)¹, when the lights will be in use. Birds that migrate at night use the moon and stars for navigation. During clear weather they appear to be able to distinguish artificial lighting from light emanating from planets and stars. However, during inclement weather, birds can become confused and drawn to artificial lights. This phenomenon has been observed on numerous occasions at lighted buildings, oil platforms, and athletic fields. Once drawn into an artificial light source a number of negative outcomes including mortality can occur; birds may crash into something, circle the light source becoming exhausted, or become confused and drawn off course.

Currently, numerous (over two dozen) light poles are used at the Mission Bay Athletic Area and the Mission Bay Golf Course east of Mission Bay High School, across Rose Creek. The operating hours for the athletic area and golf course currently go into the night, with the lights at the golf course shutting down by 10:00 PM. However, despite the existing lighting operations in the area, the proposed stadium lights at the football field are substantial enough to warrant limitations on their operation. The aforementioned lights in the athletic area and golf course are further east away from the reserve and closer to already developed and lit areas along East Mission Bay Drive and the I-5 freeway, busy transportation corridors. The proposed stadium lights represent a westward expansion in the lighting footprint, into the darker areas closer to residences, Mission Bay, and the Kendall Frost Marsh Reserve. Furthermore, the aforementioned

¹ McCrary, M.D., R.L. McKernan, R.E. Landry, W.D. Wagner and R.W. Schreiber. 1982. Nocturnal Avian Migration Assessment of the San Gorgonio Wind Resource Study Area. Report Prepared for Research and Development, Southern California Edison Company, Rosemead, California through the Los Angeles County Natural History Museum Foundation, Section of Ornithology, Los Angeles, California.

light poles in the athletic area are approximately 50-feet in height and have only two or three lights atop them, while the proposed stadium light poles will be 100 feet tall and have between 16 and 19 lights atop each of them. Finally, the proposed stadium light poles are rated at 1500 watts, which is a very bright illumination and more intense than the nearby lights on the golf course, reflecting off the football field and contributing to sky glow during the night, especially during foggy or cloudy conditions.

The Commission's staff ecologist has analyzed the lighting data provided by the applicant and determined that in order to minimize impacts to night migrating birds, as well as breeding and nesting raptors and owls, night lighting at the main sports field at Mission Bay High School should be limited to primarily Pacific Standard Time, which currently starts the first Sunday in November and ends the second Sunday in March. Pacific Standard Time starts in late fall, continues through winter, and ends in early spring. This timing avoids the peak and majority of the fall migration and all of spring migration. Raptors and owls start courtship and breeding in late January followed by nesting in late February and March through August. Limiting night lighting to Pacific Standard Time significantly limits the amount of time that nesting raptors and owls would be exposed to artificial lights at the athletic field.

In addition to restricting night lighting primarily to Pacific Standard Time, night lighting should be restricted to no more than two nights per week and then only until 7:30 p.m. Sky glow, glare, and spillover must also be minimized to the maximum extent possible by using the best available visor technology (e.g. total light control visors), minimizing lights directed above the horizontal plane, directing lights downward, using the minimum amount of wattage necessary, and building the lights at the minimum height necessary to adequately light the field. Birds are most confused and attracted to lights emitting red wavelength energy therefore lights that maximize energy in the blue and green spectrum should be utilized to the greatest extent feasible².

Special Condition No. 1 requires the applicant to construct the development in conformance to approved final plans so as to ensure that impacts are properly mitigated and unforeseen impacts do not arise in the adjacent habitat areas. Special Condition No. 2 requires the applicant to adhere to the approved landscaping plan to ensure that invasives aer not introduced near habitat areas. Special Condition No. 3 requires the applicant to submit and adhere to a final lighting plan that will set parameters on night time lighting so allow reasonable usage while minimizing impacts to neaby habitat and wildlife.

This permit, as conditioned, will limit the amount of night usage of the proposed light poles, minimizing their impacts to surrounding habitat and wildlife. Furthermore, the proposed siting of the light poles in final approved plans will place them well away from habitat areas, ensuring a sizeable buffer area to reduce light trespass. Therefore, as conditioned, the proposed development minimizes direct and indirect impacts to habitat resources, and the Commission finds the proposed project is consistent with Section 30240 of the Coastal Act.

D. WATER QUALITY

Section 30231 of the Coastal Act is states:

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

The project site is Mission Bay High School, a 38.5-acre facility owned by the San Diego Unified School District ("applicant") that is bordered by Grand Avenue to the north, single family residences to the west, Rose Creek to the east, and a public access path and Campland by the Bay RV camping facility to the south. The sports fields are located in the southern half of the school's campus.

While Mission Bay High School is located adjacent to Rose Creek, which flows into Mission Bay, the athletic fields proposed to be upgraded are located in the southeastern corner of the campus, on the opposite side from Rose Creek. There are additional athletic facilities, such as fields, basketball courts, and racquetball courts, between the subject site and Rose Creek.

Because these are athletic fields, the topography of the project area is very flat, gently sloping from the north to the south. Impervious surfaces include the internal roads, sidewalks, and buildings of the school, but the majority of the athletic area consists of the pervious athletic fields and landscaping. The proposed athletic upgrades will retain much of this pervious area, replacing the turf fields with artificial turf.

Currently, runoff that does not permeate into the athletic fields flows to the southern property line, where it flows westward off-site into a vegetated ditch that parallels Pacific Beach Drive for 900 feet before emptying into Mission Bay. The proposed athletic upgrades will improve runoff treatment in the athletic area by installing bioretention and infiltration basins to handle runoff, maximizing the amount that is retained on site and treating what runoff does flow off site.

An existing sewer line running under the location of the upgraded softball field will be relocated to the western property boundary, and four new manholes will be installed. Because this simply replaces an existing sewer line that is already tied into the City of San Diego's system, and will be located on the property line farthest from Rose Creek, no adverse impacts are foreseen.

Therefore, **Special Condition No. 1** requires the submittal of and adherence to approved final plans ensuring that the development itself implements approved construction and permanent BMPs to assure measures are taken to minimize adverse impacts on water

quality. Thus, as conditioned, the development approved by this permit will conform to the policies of Chapter 3 of the Coastal Act.

E. VISUAL RESOURCES

Section 30251 of the Act addresses scenic and visual qualities, and states, in part:

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 public views to and along the ocean and scenic coastal areas and, where feasible, to restore and enhance visual quality in visually degraded areas....

Pacific Beach is a popular beach community within the City of San Diego, in close proximity to the Pacific Ocean to the west and Mission Bay to the south. Pacific Beach itself is a relatively flat community, with few natural vista points in the inland portions (though several along the coast and bay shore). The flat nature of the area allows for coastal views over Pacific Beach when traveling north, up the slopes of adjacent Mount Soledad and the community of La Jolla.

One of the defining characteristics of the Pacific Beach community, as well as much of coastal San Diego, is the relative uniformity in structure height. This is in large part due to Section 132.0505(a) of the City of San Diego's Land Development Code, which states:

(a) Notwithstanding any section to the contrary, no building or addition to a building shall be constructed with a height in excess of thirty feet within the Coastal Zone of the City of San Diego.

This height restriction has been in place in San Diego's coastal zone since the 1970's, and has greatly influenced the character and direction of development along the coast.

The majority of the proposed athletic upgrades conform to the City's height restriction, with the tallest structure (notwithstanding the four stadium lights) being the press box and related elevator behind and above the grandstands. That structure reaches approximately 30 feet in height.

The aspect of the proposed athletic upgrades that is not in conformance with the City's height restriction is the installation of four 100-foot tall stadium lighting poles. These poles will be placed around the football field and will be used to light the field and grandstand area. This height, according to lighting analysis supplied by the applicant, will allow the stadium lighting to be more directly facing downward, reducing lateral light spillage into the surrounding area.

Because the proposed stadium lights will exceed the City's height limits, the applicant has invoked California Government Code Section 53094, which states, in relevant part:

- (a) Notwithstanding any other provision of this article, this article does not require a school district to comply with the zoning ordinances of a county or city unless the zoning ordinance makes provision for the location of public schools and unless the city or county has adopted a general plan.
- (b) Notwithstanding subdivision (a), the governing board of a school district...by a vote of two-thirds of its members, may render a city or county zoning ordinance inapplicable to a proposed use of property by the school district...

While this section exempts the applicant from local zoning review, it does not exempt them from the certified LCP. However, in this case, because the Commission is reviewing the application as a consolidated permit, Chapter 3 of the Coastal Act is the standard, with the certified LCP used as guidance.

Because of the aforementioned City height limit, the majority of development within Pacific Beach is at or below 30 feet in height. However, there are various previously conforming structures within the community that, due to being constructed prior to the height limit's passage in the 1970's, are above this 30-foot height limit. One such area that contains such structures is the area in which Mission Bay High School is located. To the east of Mission Bay High School, across Rose Creek, are the Mission Bay Athletic Area and the Mission Bay Golf Course. Both facilities utilize tall lighting standards to light their operations for night time use. The majority of these lights are approximately 50-feet tall, are spaced throughout the athletic area and golf course, and readily visible from public roads and trails.

Nevertheless, the four proposed 100-foot tall stadium lights would be substantially taller than the aforementioned previously conforming lights in the athletic area and golf course. Additionally, the lights are slated to contain multiple 1500 watt lights, so their height and luminosity would be greater than the nearby lights. Finally, as the proposed lights would be located to the west of the athletic area and golf course, they would increase the footprint of field lighting and non-conforming structures.

That being said, the proposed lights are not expected to substantially impact visual resources for various reasons. As Pacific Beach is a relatively flat community, there are not many natural public vista points overlooking the community towards the ocean. The majority of vista points are along the coast or bay shore. Inland public views of the bay and the ocean are most likely to occur along the hills of northern Pacific Beach and neighboring La Jolla, at which distance the four light poles are not expected to be very noticeable or obstructive of views. At closer distances, the light poles will be partially or completely obstructed by surrounding development and trees. Finally, this permit will limit the total number of nights that the lights may be used, limiting their impact to night time views of the area.

While the four proposed 100-foot tall stadium light poles are not consistent with the certified LCP's 30-foot height limit, the above analysis demonstrates that they will not have a substantial impact on the visual resources or community character of the greater Pacific Beach community. Due to distance from most public roads and scenic

viewpoints, the light poles will not substantially impede coastal views. The light poles' location near the existing light poles of the neighboring athletic area and golf course mean that non-corming development is concentrated in this portion of Pacific Beach. Finally, the limitations of total numbers of nights in which the lights can be operated means that their contribution to the footprint of bright lighting will be substantially minimized to a small percentage of the year.

To ensure that the final construction does not encroach into the scenic quality of the bluff top area, **Special Condition No. 1** requires that the applicant submit and adhere to final, approved construction plans. **Special Condition No. 3** places limits on the total number of nights that the lights can be used in a given school year. Thus, this permit, as conditioned, adheres to the visual resource protection policies contained in Chapter 3 of the Coastal Act.

F. LOCAL COASTAL PLANNING

The subject site is located within the Pacific Beach segment of the City of San Diego's certified LCP. The subject site is bisected in such a manner that the central swath of the site is located within an area of the Commission's original jurisdiction and the western and eastern halves are located within the City of San Diego's permit jurisdiction, the latter still being within the Commission's appeal jurisdiction. Pursuant to Coastal Act section 30601.3, with the consent from the applicant and the City, the permit for the entire project is being processed as a consolidated permit by the Coastal Commission, with Chapter 3 policies of the Coastal Act as the legal standard of review and the City's certified LCP used as guidance.

While the four proposed 100-foot tall stadium light poles are not consistent with the certified LCP's 30-foot height limit, the above analysis demonstrates that they will not have a substantial impact on the visual resources or community character of the greater Pacific Beach community. The remainder of the proposed athletic upgrades, including the increased seating capacity, concessions facilities, improved playing fields, and support facilities all conform with the certified LCP and do not give rise to issues of potential non-conformance.

Therefore, the Commission finds that approval of the permit, as conditioned, should not result in adverse impacts to coastal resources nor prejudice the ability of the City of San Diego to continue to implement its fully-certified LCP for the Pacific Beach area.

G. 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, 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.

The proposed project has been conditioned in order to be found consistent with the visual resource, EHSA, and water quality policies of the Coastal Act. Mitigation measures, including conditions addressing biological resources, water quality, final plans, and landscaping 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 is consistent with the requirements of the Coastal Act to conform to CEQA.

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APPENDIX A

SUBSTANTIVE FILE DOCUMENTS

- Water Quality Technical Report by PE Burkett & Wong Engineers, dated July 17, 2013
- Traffic Impact Study by KOA Corporation, dated August 21, 2013
- Geotechnical Evaluation by Zagrodnik + Thomas, dated January 31, 2013
- Environmental Impact Report, prepared by ICF International, dated September, 2013

















