

CALIFORNIA COASTAL COMMISSION

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



W7a

Filed:	1/11/18
180th Day:	7/10/18
Staff:	M. Lasiter-SD
Staff Report:	3/23/18
Hearing Date:	4/11/18

STAFF REPORT: CONSENT CALENDAR

Application No.:	6-17-0283
Applicant:	City of San Diego
Agent:	Mark Berlin
Location:	Nimitz pedestrian bridge, Halsey Road, Peninsula, San Diego, San Diego County
Project Description:	Construct ADA improvements, replace existing light fixtures with 3,000 Kelvin LED lighting, install light pole, repair concrete, and replace joint seals
Staff Recommendation:	Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION

The proposed project is located on a pedestrian bridge over a boat channel leading into the San Diego Bay. The project will benefit public access by constructing Americans with Disabilities Act (ADA) improvements. The primary Coastal Act issue raised by the proposed development is potential impacts to biological resources due to the replacement of the existing sodium lighting with light emitting diode (LED) lights that contain blue light frequencies known to disrupt circadian rhythm. However, after coordinating with Commission staff, the applicant has modified the project to include 3,000 Kelvin LED lights, instead of the originally proposed 4,000 Kelvin lights. LED lights in this range of color temperature (2,000-3,000 Kelvin) are recommended by environmental groups, dark sky organizations, and the American Medical Association to reduce biological impacts associated

6-17-0283 (City of San Diego)

with LED lighting. **Special Condition No. 1** requires the submittal of revised final plans to reflect the change in the LED lighting proposed.

In addition, there is the potential for water quality impacts due to construction over water. To address these potential adverse impacts, Commission staff is recommending **Special Condition No. 2** that would prevent or mitigate any negative impacts on water quality associated with the project by requiring BMPs to be implemented during construction. As conditioned, the proposed development conforms to the public access, recreation, and marine resource protection policies of the Coastal Act.

Commission staff recommends **approval** of coastal development permit application 6-17-0283 as conditioned.

TABLE OF CONTENTS

I. MOTION AND RESOLUTION.....	4
II. STANDARD CONDITIONS	4
III. SPECIAL CONDITIONS	4
IV. FINDINGS AND DECLARATIONS.....	9
A. PROJECT DESCRIPTION	9
B. BIOLOGICAL RESOURCES	11
C. PUBLIC ACCESS	11
D. LOCAL COASTAL PLANNING.....	11
E. CALIFORNIA ENVIRONMENTAL QUALITY ACT	11

APPENDICES

[Appendix A – Substantive File Documents](#)

EXHIBITS

[Exhibit 1 – Vicinity Map and Aerial Photo](#)

[Exhibit 2 – Site Plan](#)

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** the coastal development permit applications included on the consent calendar in accordance with the staff recommendations.*

Staff recommends a **YES** vote. Passage of this motion will result in approval of all the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

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 of 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. **Submittal of Revised Final Plans.**
 - A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the applicant shall submit, for the review and written approval of the Executive Director, a full-size set of the revised final plans that substantially conform with the plans

submitted to the Commission titled “Nimitz Street Bridge and NTC Rehabilitation” provided to the San Diego Coastal Commission office on May 15, 2017, except that they shall be modified to include LED lights with a maximum correlated color temperature of 3,000 Kelvin.

- B. The permittee shall undertake development in conformance with the approved final plans unless the Commission amends this permit or the Executive Director determines that no amendment is legally required for any proposed minor deviations.

2. **Construction and Pollution Prevention Plan. PRIOR TO COMMENCEMENT OF CONSTRUCTION** the applicant shall submit, for the review and written approval of the Executive Director, a final Construction and Pollution Prevention Plan. The final Plan shall demonstrate that all construction, including, but not limited to, clearing, grading, staging, storage of equipment and materials, or other activities that involve ground disturbance; building, reconstructing, or demolishing a structure; and creation or replacement of impervious surfaces, complies with the following requirements:

A. **Overwater Best Management Practices.** The applicant shall comply with the following best management practices for activities that occur over water:

- 1. **Responsibilities for Use of Coatings, Construction and Repair of Bulkheads and Over-water Structures.** The applicant shall comply with the following best management practices for the use of corrosion coatings, and repair of bulkheads and over-water structures:
 - a. Coatings and sealants shall be composed of products that are inert after they have cured and dried. Fusion Bonded Epoxy, HDPE, and polyurea products are recommended. No coal tar-based sealants shall be used unless they are themselves coated or wrapped with an inert product to isolate them from the marine environment.
 - b. Installation and application of epoxy, resin, or cementitious grout/fill shall be conducted when predicted weather and ocean conditions allow effective control and full containment and will remain dry until cured, in order to prevent any leaching of uncured treatment materials into coastal waters. It is preferable to perform the work in dry conditions (low tide) or off-site in a controlled-environment manufacturing facility, wherever feasible.
 - c. All cleaning and preparation of surfaces shall use wet vacuum techniques, containment booms or heavy mesh containment netting so that any debris, chips, dust, dirt, and fine particles are collected and disposed of in a location where they will not enter coastal waters.
 - d. Preparation of corroded concrete by chipping, v-notching, or demolition shall be conducted while using a wet vacuum or similar technique so that any debris, dust, and fine particles are collected and disposed of in a location where they will not enter coastal waters. Dip nets shall be on-site and used to retrieve debris if it accidentally falls into the water.

- e. Methods to contain any leaks or spills of treatment materials during application shall be planned in advance, and any necessary equipment or supplies shall be readily accessible onsite. Any leaks or spills of anti-corrosion coatings, epoxy fillers, and waterproofing sealants shall be immediately cleaned up.
 - f. All pressure-injection and gravity-feed applications of epoxy, resin, or cementitious materials shall be closely monitored visually to ensure that these materials do not leak or spill into coastal waters during application.
 - g. Coatings and waterproofing sealants used in the field shall be carefully applied by brush or roller to limit application to the immediate surfaces intended for protection, and to prevent drips or spills into coastal waters.
 - h. All anti-corrosion coatings, epoxy fillers, and waterproofing sealants shall be properly stored and contained so that these products will not leak or spill, or otherwise enter the coastal environment.
2. **Construction Plan.** A Construction Plan shall be provided to the Executive Director that identifies the specific location of all construction areas, all staging areas, all storage areas, all construction access corridors (to the construction sites and staging areas), and all public pedestrian access corridors in site plan view. The Construction Plan shall, at a minimum, include the follow required criteria specified via conspicuous written notes within the Plan:
- a. All areas within which construction activities and/or staging are to take place shall be minimized to the maximum extent feasible in order to minimize construction encroachment on the tidelands and to have the least impact on public access and the marine environment.
 - b. The Plan shall specify all construction methods to be used, including all methods to be used to keep the construction areas separated from beach and other public recreational use areas and shall include a final construction schedule.
 - c. All erosion control/water quality best management practices to be implemented during construction and their location shall be noted. For the land side of a construction site, silt fences, or equivalent measures, shall be installed at the site perimeter to prevent construction-related runoff and/or sediment from entering coastal waters. For the water side of a construction site, turbidity curtains shall be used to contain sediment where coastal resources, such as benthic communities or eelgrass, may be at risk.
 - d. All work shall be performed during favorable tidal, ocean, wind, and weather conditions that will enhance the ability to contain and remove, to the maximum extent feasible, construction and demolition debris.
 - e. Tarps or other devices shall be used to capture debris, sawdust, particulates, oil, grease, rust, dirt, and spills to protect the quality of coastal waters.
 - f. Floating booms shall be used to contain debris if discharged into coastal waters, and any debris discharged will be removed as soon as possible but no later than the end of each day.

- g. Unless specifically authorized, all work shall take place during daylight hours and lighting of tidelands and water areas is prohibited.
- h. Construction work or equipment operations below the mean high water line shall be minimized to the maximum extent feasible, and, where possible, limited to times when tidal waters have receded from the authorized work areas.
- i. All construction materials shall be properly stored and contained so that these products will not spill or otherwise enter the coastal environment.
- j. Construction (including but not limited to construction activities, and materials and/or equipment storage) shall be prohibited outside of the defined construction, staging, and storage areas.
- k. Equipment washing, refueling, and/or servicing shall not take place on the tidelands or over-water structures to eliminate the possibility that pollutants may enter coastal waters.
- l. Bulkhead and over-water construction projects that will use heavy equipment for more than 30 days, shall use biodegradable hydraulic fluid and biodiesel as an alternative to petroleum products.
- m. The construction site shall maintain good construction site housekeeping controls and procedures (e.g., clean up all leaks, drips, and other spills immediately; keep materials covered and out of the rain (including covering exposed piles of soil and wastes); dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather; remove all construction debris from the tidelands).
- n. A construction coordinator shall be designated to be contacted during construction should questions arise regarding the construction (in case of both regular inquiries and emergencies), and their contact information (i.e., address, phone numbers, etc.) including, at a minimum, a telephone number that will be made available 24 hours a day for the duration of construction, shall be conspicuously posted at the job site where such contact information is readily visible from public viewing areas, along with indication that the construction coordinator should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies). The construction coordinator shall record the name, phone number, and nature of all complaints received regarding the construction, and shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry.
- o. A copy of the approved Construction Plan shall be kept at the construction job site at all times and all persons involved with the construction shall be briefed on its content and meaning prior to commencement of construction.
- p. The Coastal Commission's San Diego District Office shall be notified at least 3 working days in advance of commencement of construction, and immediately upon completion of construction.

B. Terrestrial Best Management Practices. The applicant shall comply with the following best management practices for activities that occur on land:

1. Best Management Practices designed to prevent spillage and/or runoff of construction-related materials, sediment, or contaminants associated with construction activity shall be implemented prior to the on-set of such activity. Selected best management practices shall be maintained in a functional condition throughout the duration of the project. Such measures shall include:
 - a. No demolition or construction materials, equipment, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain or tidal erosion and dispersion.
 - b. Any and all debris resulting from demolition or construction activities, and any remaining construction material, shall be removed from the project site within 24 hours of completion of the project.
 - c. Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters or stormdrains.
 - d. Erosion control/sedimentation best management practices shall be used to control dust and sedimentation impacts to coastal waters during construction. best management practices shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into coastal waters.
 - e. All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.
 - f. The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction.
 - g. Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the coastal zone, a Coastal Development Permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required.
 - h. All construction materials stockpiled on site shall be covered and enclosed on all sides to ensure that the materials are not discharged to a storm drain inlet or receiving waters.
 - i. Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. If thinners, petroleum products or solvents must be used on site, they shall be properly recycled or disposed after use and not be discharged into stormdrains, sewers, receiving waters or onto the unpaved ground.
 - j. The discharge of any hazardous materials into any receiving waters shall be prohibited.
 - k. Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction

materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The designated area shall be equipped with spill control materials and located to minimize the risk of spills reaching receiving waters, stormdrains, sewers or unpaved ground.

- l. Best management practices and good housekeeping practices designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity; and
- m. All best management practices shall be maintained in a functional condition throughout the duration of construction activity.

The permittee shall undertake development in accordance with the approved Construction and Pollution Prevention Plan, unless the Commission amends this permit or the Executive Director determines that no amendment is legally required for any proposed minor deviations.

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION

The project site is a pedestrian bridge over a boat channel located within Liberty Station, formerly known as the Naval Training Center (NTC). The project site is located within the NTC Precise Plan area in the Peninsula Community in the City of San Diego ([Exhibit 1](#)). The bridge links a shoreline esplanade that runs along both sides of the boat channel, providing a connection to the trail at Spanish Landing Park that runs along the San Diego Bay for several miles. The bridge crossing provides pedestrian and bicycle access.

The applicant proposes to conduct several improvements to the bridge, including installing four pedestrian curb ramps at the east and west ends of the bridge, replacing joint seals and concrete on both sides of the bridge, replacing the existing guardrail, installing ADA compliant pipe handrails, installing one new 20-ft. high light pole where one existed previously on the north side of the bridge, and replacing the existing six low pressure sodium (LPS) street light fixtures with light emitting diode (LED) fixtures equipped with house side shielding to minimize light overspill ([Exhibit 2](#)). One existing tree will also be removed during construction, and replaced in kind.

The replacement of the existing LPS lighting with LED lighting could impact nearby marine and avian species within the boat channel and San Diego Bay. While LED lighting is more energy efficient than LPS lighting, LED lighting has the potential to disrupt natural circadian rhythms leading to disruption in behaviors (e.g., breeding, foraging) and sleep due to the high blue light frequencies in LED lights. Environmental studies, dark sky advocates, and the American Medical Association recommend a correlated color temperature (CCT) of 3,000 Kelvin or below, a range that contain less

blue light. In addition, lighting should be analyzed to ensure that it is the minimum necessary in terms of number of lights, and that the operating characteristics of the lights are designed to decrease impacts of lighting (e.g., directed/shielded to avoid light spillover, sensors).

Originally, the applicant proposed to replace the existing LPS lighting with LED lights that contain the City standard CCT of 4,000 Kelvin. However, the applicant conducted a lighting study to compare the existing light fixtures to both 4,000 Kelvin and 3,000 Kelvin light fixtures and found that the 3,000 Kelvin LED lights would achieve the project goals and comply with the City's lighting guidelines. In addition, the 3,000 Kelvin LED lighting system would reduce light spillover onto the water by 78% compared to the existing LPS lighting system (in terms of overspill lumens). Thus, the applicant agreed to modify the project description to include the 3,000 Kelvin LED lighting system.

Commission staff also requested the applicant consider a lesser CCT of 2,500 Kelvin lighting, which is the CCT limit required by the City's lighting regulations within 30 miles of the Palomar and Mount Laguna observatories. The applicant did evaluate the 2,500 Kelvin lighting and concluded that the 2,500 Kelvin lighting would not meet with the minimum foot candle standard contained in the City's lighting guidelines. While the lighting guidelines allow the City Engineer to exempt open space from the lighting provisions and this bridge is identified as open space in the City's LCP, the City was unwilling to install the 2,500 Kelvin lights due to concerns about health and safety in this area. In the future, the City should consider modifying its regulations in pedestrian areas near sensitive resources, such as coastal waters, to allow for LED lights with the least impactful CCT. However, in this case, the 3,000 Kelvin will be a significant improvement over the existing lights in terms of glare and light spillover, and are still within the recommended CCT threshold; therefore no biological impacts are expected. **Special Condition No. 1** requires the applicant to submit revised final plans incorporating the 3,000 Kelvin LED lighting system.

Because the proposed project will take place over and adjacent to coastal waters, water quality impacts could occur if construction best management practices are not in place. The applicant has agreed to implement BMPs for both overwater and terrestrial work recommended by the Commission's water quality specialist. **Special Condition No. 2** requires the applicant to submit evidence that the required BMPs have been incorporated into the Construction and Pollution Prevention Plan prior to the commencement of construction. Therefore, no impacts to water quality are expected.

Liberty Station, formerly known as the Naval Training Center (NTC) was operated as a military facility by the federal government from 1922 to 1997. In July 1993, the U.S. Navy declared its intention to close the base and the City of San Diego began planning for reuse of the base in 1993. The NTC Precise Plan serves as the Local Coastal Program and describes the development, design program, and implementation approach for approximately 360 acres of the former military training center. While the site has been transferred to the City of San Diego, it remains within the Commission's original coastal permit jurisdiction and public trust lands. Therefore, the standard of review is Chapter 3 of the Coastal Act with the City's LCP used as guidance.

B. BIOLOGICAL RESOURCES

Coastal Act policies 30240 and 30251 restrict the alteration of natural landforms and protect sensitive habitats. Section 30231 of the Coastal Act requires that coastal waters are protected and runoff minimized.

The proposed project will incorporate best management practices during construction to protect against any water quality impacts. In addition, the applicant has modified the project description to include a lighting design that will reduce light spillover into coastal waters, glare, and is in the range of recommended CCT to minimize impacts to biological species from blue light frequencies. As conditioned, the project will not have an adverse impact on any sensitive habitat, and will not result in erosion or adverse impacts to water quality. Thus, the project as conditioned is consistent with the resource protection policies of Chapter 3 of the Coastal Act.

C. PUBLIC ACCESS

The proposed project includes improvements to bring the bridge into Americans with Disabilities Act (ADA) compliance which will increase public access. The proposed development will not have an adverse impact on public access to the coast or to nearby recreational facilities. The proposed development conforms to Sections 30210 through 30214, Sections 30220 through 30224, Section 30252 and Section 30604(c) of the Coastal Act.

D. LOCAL COASTAL PLANNING

The proposed project is located on a site that was previously a U.S. Naval Training Center under the jurisdiction of the federal government. The site has been transferred to the City of San Diego; however, it remains within the Commission's original coastal permit jurisdiction as public trust lands.

Based on the above discussion, the proposed development, as conditioned, is consistent with the Chapter 3 policies of the Coastal Act. As proposed and conditioned, the development will provide adequate public access to the shoreline and sufficient public recreational amenities, as well as protecting water quality and biological resources. The Commission finds that approval of the proposed project, as conditioned, will not prejudice the ability of the City of San Diego to continue implementing its Local Coastal Program (LCP) that is in conformity with the provisions of Chapter 3 of the Coastal Act.

E. CALIFORNIA ENVIRONMENTAL QUALITY ACT

The City of San Diego found the proposed project categorically exempt from California Environmental Quality Act (CEQA) requirements under Section 15304 "Minor Alterations to Land" and Section 15301 "Existing Facilities" of 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 CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible

6-17-0283 (City of San Diego)

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 Chapter 3 policies of the Coastal Act. Mitigation measures, including conditions addressing marine resources and water quality 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

- Naval Training Complex Precise Plan and Local Coastal Program
- Peninsula Community Plan
- City of San Diego Street Design Manual – Lighting Update 2016
- City of San Diego Outdoor Lighting Regulations
- Rich, Catherine, and Travis Longcore. *Ecological Consequences of Artificial Night Lighting*. Island Press, 2013.
- Council on Science and Public Health Report 2-A-16. *Human and Environmental Effects of Light Emitting Diode (LED) Community Lighting*. American Medical Association, Annual Meeting. 2016.