

**CALIFORNIA COASTAL COMMISSION**

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



# W12b

Filed: 6/5/19  
180th Day: 12/2/19  
Staff: M.Lasiter-SD  
Staff Report: 9/26/19  
Hearing Date: 10/16/19

## STAFF REPORT: REGULAR CALENDAR

**Application No.:** 6-19-0438

**Applicant:** San Diego Unified Port District

**Agent:** Juliette Orozco

**Location:** San Diego-Coronado Bridge (California State Route 75),  
San Diego, San Diego County

**Project Description:** Temporary installation of artistic programmable light-emitting diode lights ranging from 2,400 to 3,000 Kelvin on four center piers and lighting testing for a period of seven consecutive nights.

**Staff Recommendation:** Approval with Conditions

---

## SUMMARY OF STAFF RECOMMENDATION

The purpose of the proposed project is to gain information to inform the design of a permanent artistic light installation on the San Diego-Coronado Bridge, currently being pursued by the San Diego Unified Port District (Port), that would install LED lights on all 30 of the bridge piers. The project site is the San Diego-Coronado Bridge, a 2.12 mile long bridge that spans San Diego Bay and links the cities of San Diego and Coronado. The San Diego-Coronado Bridge is located within the Commission's original jurisdiction; therefore, the Chapter 3 policies of the Coastal Act are the standard of review.

6-19-0438 (San Diego Unified Port District)

The primary Coastal Act issue raised by the proposed development is potential impacts to biological resources due to the increase in lighting on the bridge. However, the applicant has submitted a biological report that recommends project design features and best management practices to avoid or minimize biological impacts. The Commission's ecologist, Dr. Laurie Koteen, has reviewed the project and the findings of the report and agrees that with implementation of the report's recommendations, the mock-up lighting is not expected to result in any impacts to biological resources. **Special Condition No. 1** requires the applicant to submit final plans consistent with the report's recommendations and **Special Condition No. 2** prohibits testing during the spring and fall peak avian migration periods. Finally, the applicant will be required to comply with permits from other agencies, including the California Department of Transportation, which is responsible for operation and maintenance of the bridge. Thus, Commission staff is recommending **Special Condition No. 3** that would require the applicant to submit copies of other required permits to the Commission prior to construction and notify the Commission should any changes to the project be made in those permits.

Commission staff recommends **approval** of coastal development permit application 6-19-0438, as conditioned.

## TABLE OF CONTENTS

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

### **EXHIBITS**

[Exhibit 1 – Location](#)

[Exhibit 2 – Site Plan](#)

[Exhibit 3 – Renderings of Permanent Display](#)

## I. MOTION AND RESOLUTION

### Motion:

*I move that the Commission **approve** Coastal Development Permit Application No. 6-19-0438 subject to the conditions set forth in the staff recommendation.*

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

### Resolution:

*The Commission hereby approves coastal development permit 6-19-0438 and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.*

## II. STANDARD CONDITIONS

This permit is granted subject to the following standard conditions:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

### III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. **Final Plans. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the applicant shall submit, for the review and written approval of the Executive Director, a full-size set of the final plans that substantially conform with the recommendations contained in the report submitted to the Commission titled “Engineering Assessment of Potential Environmental Impacts of Bridge Lighting and Recommended Guidelines and Best Management Practices” by Benya Burnett Consultancy and dated April 24, 2019.

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. **Project Timing.** By acceptance of this permit, the applicant agrees that project activities shall be limited to seven consecutive nights and shall be prohibited during the periods of peak avian migration, including spring migration (March 24 to May 31<sup>st</sup>) and fall migration (September 1 to November 7).

3. **Other Permits. PRIOR TO COMMENCEMENT OF CONSTRUCTION,** the permittee shall provide to the Executive Director copies of all other required state or federal discretionary permits, including permits issued by U.S. Army Corps of Engineers and the California Department of Transportation for the proposed project.

The applicant shall inform the Executive Director of any changes to the project required by other state or federal agencies. Such changes shall not be incorporated into the project until the applicant obtains a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

### IV. FINDINGS AND DECLARATIONS

#### A. PROJECT DESCRIPTION & HISTORY

The project site is the San Diego-Coronado Bridge (Coronado Bridge), a 2.12 mile long bridge that spans San Diego Bay and links the cities of San Diego and Coronado ([Exhibit](#)

1). The bridge superstructure and roadway are supported by 30 twin-columned concrete piers. The center span of the bridge has a clearance of 200 feet over the main shipping channel between the northern and southern portions of San Diego Bay. The bridge supports a segment of California State Route 75, which is in the California Department of Transportation's (Caltrans) jurisdiction; however, the project proponent and applicant is the San Diego Unified Port District (Port).

The applicant proposes to conduct testing of artistic lighting on four center piers of the bridge. The lighting would consist of programmable light emitting diode (LED) lights with a correlated color temperature of 2,400-3,000 Kelvin (K), temporarily attached to the bridge by clamps and anchors. Testing would be conducted for seven consecutive nights for a period of four to six hours per night on Piers 15 to 18 of the bridge, however, Pier 14 may be used if one of the other piers is unavailable ([Exhibit 2](#)). The purpose of the project is to gain information to inform the design of a permanent artistic light installation on the bridge, a project currently being pursued by the Port that would install LED lights on all 30 of the bridge piers ([Exhibit 3](#)). The future project is anticipated to cost \$14-16 million to be funded through donations, and is targeted for completion by 2022. Once testing is complete, the applicant intends to update the lighting design, obtain environmental approvals in accordance with the California Environmental Quality Act, and then apply for required agency approvals, including a coastal development permit from the Commission.

The proposed project is located within the Commission's original jurisdiction; therefore, the Chapter 3 policies of the Coastal Act are the standard of review.

## **B. BIOLOGICAL RESOURCES**

Section 30230 of the Coastal Act states:

*Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*

Section 30231 of the Coastal Act 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 San Diego Bay's coastal habitats support seven federally or state listed threatened and endangered species, tens of thousands of migratory birds that travel along the Pacific Flyway and a diverse fish population. Because of its importance to birds, the south San Diego Bay National Wildlife Refuge, which is located south of the Coronado Bridge, has been identified as a Globally Important Bird area and a Western Hemisphere Shorebird Reserve Network Site.<sup>1</sup> Because of the prevalence and diversity of biological species in the Bay, any substantial increase of lighting at the site that would occur as a result of the proposed project has the potential to impact wildlife in the area.

Artificial lighting at night has the potential to disrupt natural circadian rhythms leading to alteration or disruption of feeding, roosting, breeding, foraging, migrating, and nesting of wildlife and special-status species. In addition, LED lights typically have high blue light frequencies, which can adversely impact sensitive biological resources. Environmental studies, dark sky advocates, and the American Medical Association recommend a correlated color temperature of 3,000 Kelvin or less, because this range contains less blue light.

In this case, the applicant has submitted a report that addresses the subject project only, and not a permanent installation, and finds that with the implementation of the following project features and best management practices, the mock-up lighting is not expected to result in any impacts to biological resources: (1) preserve the early evening twilight foraging and feeding period of shorebirds and other lifeforms by not activating lighting until the end of astronomic twilight (the darkest of the three twilight phases)<sup>2</sup>; (2) preserve the value and biological relevance of daily cycles by extinguishing all lighting at midnight on testing days. Additionally, lighting testing must be extinguished during periods of significant foggy or marine layer conditions; (3) luminaires containing white polychromatic white chips for the testing should employ 3,000 K (or lower) white LEDs; (4) limit the artistic use of violet, blue, and blue green saturated or pastels including off-whites, however, pure white and off-white polychromatic light is acceptable if correlated color temperature and Kelvin temperature does not exceed 3,000 K; (5) although some of the light luminaries will be directed downward onto pier surfaces, all efforts to avoid illuminating the dolphins should be undertaken; and (6) the maximum luminance of any illuminated surface must not exceed 100 candelas per square meter at any time. The Commission's ecologist, Dr. Laurie Koteen, has reviewed the report and agrees with its findings. Therefore, **Special Condition No. 1** requires the applicant to submit final plans consistent with these recommendations.

The Commission previously approved a similar project (CDP No. 5-00-384) that included artistic lighting on the Vincent Thomas Bridge in the Port of Los Angeles. This approval was granted following a comprehensive review of biological impacts in consultation with the California Department of Fish and Wildlife and U.S. Fish and Wildlife, with operational restrictions included as part of the project proposal. These restrictions

---

<sup>1</sup> Source: United States Fish and Wildlife Service National Wildlife Refuge System <https://www.fws.gov/refuges/news/NewLifeForSanDiegoBaySaltPonds.html>

<sup>2</sup> For the definition and explanation of types of twilight, go to <https://www.timeanddate.com/astronomy/different-types-twilight.html>.

addressed the protection of migratory bird species by limiting the daily hours of operation and prohibiting the operation during overcast/foggy weather conditions, similar to the recommendations contained in the report for the subject project, as well as during the birds' migratory periods. As such, and to further reduce the likelihood of impacts to migratory birds, **Special Condition No. 2** prohibits project activities during the fall (September 1 through November 7) and spring (March 24 through May 31) avian peak migration periods.

The applicant will also be required to acquire and comply with permits from other agencies, including the California Department of Transportation, which is responsible for operation and maintenance of the bridge, and the U.S. Army Corps of Engineers. Thus, **Special Condition No. 3** requires the applicant provide the Executive Director copies of all other required permits, and to provide notification should the project change.

In conclusion, the project, as conditioned, contains adequate provisions to minimize substantial adverse impacts to biological resources. Thus, the project as conditioned is consistent with the biological resource protection policies of Chapter 3 of the Coastal Act.

### **C. VISUAL RESOURCES**

Section 30251 of the Coastal Act 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 views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

Section 30251 of the Coastal Act provides for the protection of scenic coastal areas and for the compatibility of new development with existing development. California State Route 75, which includes the San Diego-Coronado Bridge, is a designated scenic highway. Because of its length and location, the Coronado Bridge is visible from many coastal vantage points and, as such, any alteration of the appearance of the bridge also has the ability to impact visual resources extensively throughout the San Diego Bay. While the existing bridge lighting consists of yellow incandescent lighting limited to the upper deck of the bridge to illuminate the road, the project would add multi-color LED lighting along the entire extent of the approximately 200-foot tall pillars of the bridge that would be programmed to change colors. The addition of new lights with the capability to change colors on the bridge would, by design, distract from existing views of the bay and could appear as visual clutter, especially if the lights are designed to change colors over a short duration of time. In addition, brighter lights would be incompatible with the existing character of the surrounding area which is generally dark at night.



However, in this case the proposed project would result in temporary visual impacts, due to the limited duration of lighting testing on seven consecutive nights only. Thus, the Commission finds the proposed development is consistent with Section 30251 of the Coastal Act.

**D. LOCAL COASTAL PLANNING**

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

The San Diego-Coronado Bridge connects the municipalities of San Diego and Coronado, both of which have fully-certified LCPs, and portions of the bridge pass through areas within the Port's jurisdiction, which has a certified Port Master Plan. The proposed testing is consistent with those certified plans. The subject project site is located within the Coastal Commission's area of original permit jurisdiction and Chapter 3 of the Coastal Act is the standard of review. As conditioned, the development is consistent with Chapter 3 of the Coastal Act. Approval of the project will not prejudice the ability of a contiguous local government to continue implementation of its certified program.

**E. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. The San Diego Unified Port District found the proposed project to be exempt from CEQA permitting requirements (Cal. Code of Regs., tit. 14, Guidelines 15301 [minor alterations to existing facilities] and 15306 [data collection]).

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 biological resources, will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally-damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.