

CALIFORNIA COASTAL COMMISSION

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STAFF REPORT: CONSENT CALENDAR

Application No.: 6-19-0191

Applicant: City of San Diego: Kevin Nguyen

Location: 1100 W. Mission Bay Drive, Mission Bay, San Diego, San Diego County (APN 423-680-12)

Project Description: Renovations to an existing playground structure including construction of an ADA compliant pathway, replacement of existing comfort station and updated security lighting on a half-acre park site.

Staff Recommendation: Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION

The proposed development includes upgrades to an existing playground area and comfort station to the Bonita Cove West area of Mission Bay Park. The project will update the existing playground equipment and provide ADA compliant access pathways and comfort station. 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 in animals. However, after coordinating with Commission staff, the applicant has modified the project to reduce the lighting to 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 with LED

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

The project also has the potential to impact public access as the staging will be located in the adjacent public parking lot and will result in the temporary closure of 29 public parking spaces of a highly used public parking reservoir. However, the project is being proposed outside the summer season (Memorial Day through Labor Day) and will only result in the loss of 29 of the existing 696 spaces, or just over 4% of the available parking. The applicant submitted an alternatives analysis and no superior feasible locations for the staging area were identified. Therefore, the potential impacts to public access are not considered significant and the project can be found consistent with the public access policies of the Coastal Act as submitted.

Commission staff recommends **approval** of coastal development permit application 6-19-0191 as conditioned.

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APPENDICES

Appendix A – Substantive File Documents

EXHIBITS

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

[Exhibit 2 – Site Plan](#)

I. MOTION

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 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. **Submittal of 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 “Bonita Cove West” provided to the San Diego Coastal Commission office on June 7, 2019.

- 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.

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION

The City of San Diego is proposing to renovate an existing half-acre playground, including updating playground equipment, providing Americans with Disabilities Act (ADA) compliant sidewalks, new security lighting, and replacement of the exiting comfort station with a new, smaller structure. Both the playground area and the comfort station will also be designed to facilitate ADA access and usability. The project will create a continuous ADA accessible path of travel from the existing sidewalks located along west Mission Bay Drive to the playground and comfort station.

The project site is located south of Mission Bay Drive and within the southern cove of Mission Bay (ref. Exhibit No. 1). The site is surrounded by development to the north, Belmont Park and the ocean to the west, and Mission Bay to the south and southeast. There is a Least Tern nesting area located more than 1,000 feet to the east on Mariner’s Point (ref. Exhibit No. 1).

Construction is expected to last up to nine months and will be scheduled outside the summer season. Construction staging will be located in a public parking lot directly adjacent to the project site (ref. Exhibit No. 2). The staging area will result in the temporary closure of 29 of the 696 existing public parking spaces.

The security lighting proposed includes the removal of two (2) existing 30 feet high low pressure sodium (LPS) light fixtures to be replaced with 18 light emitting diode (LED) fixtures with a maximum height of 20 feet tall and equipped with house side shielding to minimize light overspill. The replacement of the existing LPS lighting with LED lighting could impact nearby marine and avian species within Mariner’s Point and Mission 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. Originally, the City proposed to replace the existing LPS lighting with LED lights that contain the City standard CCT of 4,000 Kelvin. However, through cooperative efforts between the Commission and the applicant, the applicant agreed to modify the project to include 3,000 Kelvin LED lighting system. As revised,

there will be a significant improvement over the existing lights in terms of glare and light spillover, and therefore no biological impacts are expected. Special Condition No. 1 requires the applicant to submit final plans which include the revised 3,000 Kelvin LED lighting system.

B. BIOLOGICAL RESOURCES

Coastal Act Section 30251 protects 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 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 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/PARKING

The proposed project includes improvements to site to provide access compliance with the Americans with Disabilities Act (ADA) and will increase the public's ability to access the site. The staging for the project will result in the temporary closure of 29 public parking spaces located directly adjacent to Mission Bay Park and the ocean, and in an area highly used by the public. However, the overall total parking spaces provided within the lot is nearly 700 and thus, the loss of 29 spaces (approximately 4%) is not considered substantial. In addition, construction is proposed outside the summer season (Memorial Day through Labor Day), thus all public parking spaces will be available when use of the parking lot is highest. Therefore, the proposed development will not have a significant 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 LUP for the Mission Bay Park LUP segment of the City of San Diego LCP was certified on May 11, 1995, but no implementation plan has been developed as yet, and Chapter 3 of the Coastal Act remains the legal standard of review. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for the area. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3.

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 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 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.

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