

CALIFORNIA COASTAL COMMISSION

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STAFF REPORT AND RECOMMENDATION**ON CONSISTENCY CERTIFICATION**

Consistency Certification No.	CC-064-99
Staff:	JRR-SF
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APPLICANT:**SAN DIEGO METROPOLITAN TRANSIT DEVELOPMENT BOARD****DEVELOPMENT LOCATION:**

City of San Diego along the San Diego Northern Railway right-of-way between the Mission Valley light-rail Line, just south of the San Diego River, and Balboa Avenue on the north side of Mission Bay. (Exhibit 1 and 2)

DEVELOPMENT DESCRIPTION:

Extension of light-rail tracks and construction of three stations at Tecolote Road, Clairemont Drive, and Balboa Avenue (Exhibit 3-7)

EXECUTIVE SUMMARY:

The San Diego Metropolitan Transit Development Board (Transit Board) has submitted a consistency certification for its proposed mid-coast light-rail extension in San Diego. The line will begin at the existing Old Town trolley station and proceed north across the San Diego River along the right-of-way for the existing railroad tracks. The extension will terminate just north of Balboa Avenue. The proposed light rail will be located just east of Mission Bay. The project includes three bridge crossings at the following locations: San Diego River, Tecolote Creek, and Balboa Avenue. The project also includes the construction of three stations at the following locations: Tecolote Road, Clairemont Drive, and Balboa Avenue. Finally, the project includes a new station for the San Diego commuter train, known as "The Coaster," which is located approximately 2.5 miles inland from the coastal zone boundary.

The proposed project is consistent with the public access policies of the California Coastal Management Plan (CCMP). The light-rail extension will relieve traffic congestion that is currently degrading automobile access to the coast. Additionally, the project will offset future traffic impacts associated with expected growth in the region,

and thus help to maintain access to the shoreline. Finally, the project will provide access to the shoreline through the construction of a pedestrian bridge between the Clairemont Station and Mission Bay Park.

The proposed project is inconsistent with the wetland protection policies of the CCMP. The project affects coastal wetland resources by placement of pilings into riparian wetlands as it crosses the San Diego River and by shading impacts from the crossing of that river and the crossing of Tecolote Creek. The project is not an allowable use for fill of wetland resources as identified by Section 30233(a)(1-8) of the Coastal Act. The project, however, is the least damaging feasible alternative, includes feasible mitigation, and maintains the biological productivity of the affected habitat. Several other San Diego River crossings with pilings in the floodplain are located nearby.

The proposed project is consistent with the water quality policies of the CCMP. The project will reduce automobile vehicle miles traveled and will have a corresponding reduction in non-point source pollution. This reduction will be relatively low in the near future. However, over time, the benefits to water quality resources will increase.

The project creates a conflict between the access and water quality policies of the CCMP on the one hand and wetland policies on the other. If the proposed project is denied based on wetland policy requirements, the existing and future access and water quality impacts from traffic congestion would not be reduced. The increased traffic problems will result in the continued deterioration of these resources. Therefore, the project results in a conflict among Coastal Act policies. The access and water quality benefits from this project are significant and the project benefits other coastal resources and issues because it is an extension of a mass transit facility that will improve air quality and reduce energy consumption. The wetland impacts are not significant for two reasons. First, the amount of wetland fill is small, 0.007 acre (304.92 square feet). Second, the impact to the resource is not significant because it is degraded, affected by urban encroachment, and does not support any endangered, threatened, or special status species. Therefore, concurrence with this consistency certification is on balance most protective of coastal resources.

The proposed project is consistent with the air quality and energy consumption policies of the CCMP. The project will reduce automobile vehicle miles traveled, and thus will have a corresponding reduction in air pollution and energy consumption. The project does not affect other environmentally sensitive habitat areas, visual resources, or archaeological sites. Therefore, it is consistent with those policies of the CCMP.

SUBSTANTIVE FILE DOCUMENTS:

1. Draft Environmental Impact Statement/Environmental Impact Report, Mid-Coast Corridor, San Diego California, February 1995.
2. Final Environmental Impact Report, Mid-Coast Corridor, San Diego California, December 1995.
3. Mission Bay Park Master Plan Update, City of San Diego, August 2, 1994.

4. Updated Biology Technical Report, For the Nobel Drive Coaster Station, the Tecolote, Clairemont, and Balboa Light Rail Transit Stations and Associated Trackage and Improvements, Metropolitan Transit Development Board, December 15, 1998.
5. Revised Final, San Diego River Habitat Conservation Plan, San Diego Association of Governments, September 1991.

STAFF SUMMARY AND RECOMMENDATION:

I. Project Description.

The proposed Balboa light-rail transit extension provides public light-rail transit service from the Old Town Station across the San Diego River and north adjacent to I-5 to a terminal station at Balboa Avenue, with intermediate stations at Tecolote Road and Clairemont Drive.

Light-Rail Line. The Balboa light-rail transit extension will lie almost entirely within the existing San Diego Northern Railway right-of-way, which is owned by San Diego Metropolitan Transit Development Board. The project will begin south of the San Diego River, where the Balboa light-rail Transit Extension will diverge from the Mission Valley light-rail Transit line. The Mission Valley line curves to the east across the San Diego River at this point. The Balboa light-rail transit extension will continue north on a new bridge over the San Diego River and Friars Road, running parallel to and on the east side of the existing San Diego Northern Rail Line tracks. The extension will pass under Tecolote Road, under Clairemont Drive, and over Balboa Avenue, where it will terminate.

Light-Rail Stations. Three stations are proposed for the Balboa extension. Proceeding north from the Old Town Transit Center, the light-rail transit stations will be located at Tecolote Road, Clairemont Drive, and Balboa Avenue. Surface parking is proposed at each station, including 103 spaces at the Tecolote Station, 50 spaces at the Clairemont Station, and 272 spaces at Balboa. The Transit Board does not propose parking structures at any of the stations.

The three light-rail Transit stations will have one platform on the outside of each light-rail track. These platforms will be approximately 110 meters (360 feet) long to accommodate a four-car light-rail train. Typical passenger amenities at stations will include:

Separation wall between the light-rail Transit platform and the San Diego Northern Rail Line tracks.

1. Covered shelter with seating.
2. Fare vending machines and ticket validators.
3. Telephones (outgoing calls only).

4. Landscaping.
5. Lighting.
6. Drinking fountains.
7. Bicycle racks and lockers.
8. Information kiosk.
9. Easy access for elderly and disabled passengers.

Tecolote Station. The proposed Tecolote Station will be located below the Tecolote Road bridge and will include a 103-space parking lot. Street improvements at this station will include driveway access from West Morena Boulevard to the station as well as access to the station from the signalized intersection of West Morena Boulevard and Vega Street via an internal station driveway. Sidewalks will be constructed along the project frontage and on the east side of West Morena Boulevard between Vega Street on the south and Knoxville Street on the north. Additionally, a pedestrian walkway will be constructed from the stub end of Knoxville Street to West Morena Boulevard. Recessed bus bays will be constructed on both sides of West Morena Boulevard near the light-rail Transit station to accommodate a local bus route.

Clairemont Station. The proposed Clairemont Station will be located on the west side of Morena Boulevard, beginning at Ingulf Street and extending north under the Clairemont Drive bridge. The proposed station will have up to 50 parallel parking spaces located on the west side of Morena Boulevard north of the station. Street improvements will include reconstructing the west side of Morena Boulevard, allowing for a shift of the southbound travel lanes into the median area to provide adequate room for the station platforms. A sidewalk will also be constructed from the station north to approximately 160 meters north of McGraw Street. An elevator and stairs will be located at the north end of the station platform to allow access to the north side of Clairemont Drive for transit patrons wanting to reach Mission Bay Park or bus routes on Clairemont Drive. To further facilitate this movement, the sidewalk on the north side of Clairemont Drive will be widened to three meters and pedestrian ramps will be constructed at intersections. The Clairemont Drive bridge over the railroad tracks and the adjacent northbound on-ramp to I-5 will also be widened to provide bus bays for express bus routes connecting this station with the Clairemont and Pacific Beach communities.

Balboa Station. The proposed Balboa Station will be the largest station of the extension. It will include station platforms, a 272-space parking lot, and four bus bays on-site. The station will provide a pedestrian walkway on the light-rail bridge over Balboa Avenue with ramps to both sides of the street to facilitate pedestrian access to the surrounding community. In addition to sidewalk improvements along the project frontage, the project will also involve modification of the ramps to and from eastbound Balboa Avenue. This will include elimination of the existing southbound on-ramp to Morena Boulevard and widening of the existing northbound loop ramp to accommodate both north and southbound movements. The widened ramp will be signalized at its intersection with Morena Boulevard and will be the primary point of access for the station.

Freight Spur Tracks, and Track Signaling. Freight spur tracks currently connect with the San Diego Northern Rail Line railroad and serve some businesses south of the Tecolote Station area and east of the San Diego Northern Rail Line tracks. The addition of two light-rail transit tracks to the east of the San Diego Northern Rail Line tracks will require the realignment of portions of spur tracks in the area, and the complete relocation of one existing spur. In addition, specialized track signaling will be required to allow a freight spur track to cross the light-rail Transit tracks at-grade south of the Tecolote Station.

Right-of-way requirements for the addition of two light-rail transit tracks east of the San Diego Northern Rail Line tracks make it necessary to remove the current spur tracks west of the Union Tribune Building at the west end of Anna Avenue. The Transit Board proposes to construct a replacement spur track on Lovelock Street to serve the east rather than the west side of this building. The spur relocation will also require construction of a new loading dock and awning on the east side of the Union Tribune Building.

The Transit Board proposes to improve spur track tracks on streets north of Lovelock Street. These track curvature changes will require acquisition of some property along the east side of the San Diego Northern Rail Line right-of-way. Use of the new and relocated spur tracks will occur only during non-light-rail transit operating hours, from approximately 1 to 5 A.M.

Traction Power. A series of modular, containerized, traction power substations will be required along the right-of-way to feed electricity from the San Diego Gas and Electric power system to the light-rail transit overhead catenary system. The overhead catenary system will consist of steel poles, located between the tracks, supporting overhead copper wires. Five traction power substations are proposed to be located as follows:

1. Two at the Tecolote Station;
2. One north of the Clairemont Station;
3. One south of the Balboa light-rail Transit Station parking; and
4. One just north of Balboa Avenue.

Light-Rail Transit Bridge Improvements. The Balboa Extension will include three bridges over two watercourses and two highways. The southernmost bridge will be 275 meters long and will cross both the San Diego River and Friars Road. This bridge will be a reinforced concrete box girder bridge. The second bridge, also a concrete box girder bridge, will be 20 meters long and will span Tecolote Creek. The third bridge will be a 37-meter long concrete box girder bridge over Balboa Avenue.

The San Diego River/Friars Road and Tecolote Creek bridges will both be less than nine meters wide to accommodate two light-rail transit tracks, overhead catenary poles, and an emergency walkway as required by the California Public Utilities Commission. The Balboa Avenue bridge will be nearly 12 meters wide to allow for a three-meter-wide pedestrian walkway in addition to the two tracks and the catenary poles.

Commuter Rail Station at Nobel Drive. The Nobel Coaster Station will be located on the south side of Nobel Drive, east of Towne Centre Drive, on a vacant parcel of land currently owned by the City of San Diego. The station will include two side platforms 205 meters (1,000 feet) long. Bus bays will be provided on Nobel Drive. A parking area with 225 parking spaces will be located at street level and will connect, using a combination of stairs, ramps, and elevator, to the station platform approximately 10 meters (33 ft.) below the parking area. The station stairs, ramps, and elevator will also allow access via the station platform to the Rose Canyon Open Space Park, which lies south of the commuter rail tracks. The proposed station stairs, ramps, and elevator will also enable access to the informal bicycle trail that runs parallel to the railroad right-of-way in this area.

II. Applicant's Consistency Certification. The San Diego Metropolitan Transit Development Board certifies that the proposed project is consistent with the California Coastal Management Program.

III. Staff Recommendation.

MOTION. I move that the Commission **concur** with the San Diego Metropolitan Transit Development Board consistency certification.

The staff recommends a **YES** vote on this motion. A majority vote in the affirmative will result in adoption of the following resolution:

Concurrence

The Commission hereby **concurs** with the consistency certification made by the San Diego Metropolitan Transit Development Board for the proposed project, finding that the project is consistent with the California Coastal Management Program.

IV. Procedures and Status of Local Coastal Program. Federal consistency review of this project under the CZMA is triggered by Transit Board's application for both Federal Transit Administration (FTA) funding and a Section 404 permit from the U.S. Army Corps of Engineers. Consistency review at this early stage gives the Commission the ability to give early guidance and object to or propose modifications for projects that would conflict with Coastal Act policies. Because the project does not contain all the detailed, site-specific information required for an application for a coastal development permit, the consistency review must focus on the preferred alternative location and major design features of the project, together with, to the extent they can be anticipated at this time, the project's impacts on coastal zone resources.

In general, the Commission relies on the coastal development permit process to address Coastal Act concerns where the federal consistency process and the coastal permit process would be fully duplicative. The staff would normally combine the Commission's consistency and permit reviews in order to expedite processing and avoid duplicative hearings. However, in cases such as this where choices among basic project alternatives must be made before more detailed planning can occur, early stage consistency review is not duplicative. In these cases, the federal funding agency (FTA) requires the applicant

to obtain Commission consistency review and concurrence prior to the FTA's final acceptance of the Environmental Impact Statement (EIS) and award of funds.

Because this review is being conducted before the EIS is finalized and before federal design funds are awarded, any revisions and/or mitigation measures needed to bring the project into conformance with the Coastal Act can be integrated into the project before money is expended on detailed design.

The standard of review for federal consistency determinations is the policies of Chapter 3 of the Coastal Act, and not the Local Coastal Program (LCP) of the affected area. If the Commission certified the LCP and incorporated it into the CCMP, the LCP can provide guidance in applying Chapter 3 policies in light of local circumstances. If the Commission has not incorporated the LCP into the CCMP, it cannot guide the Commission's decision, but it can provide background information. The Commission has not incorporated the Mission Bay Segment of the City of San Diego's LCP into the CCMP.

V. Findings and Declarations.

The Commission finds and declares as follows:

A. Access and Recreation Resources. Sections 30210 and 30252 require maximum public access to the shoreline and identify mass transit and traffic congestion as coastal access issues. These sections provide, in relevant part, that:

Section 30210

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access ... shall be provided for all the people....

Section 30252

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service....

In past actions, the Commission has considered traffic congestion to be an impact on public access to the shoreline. Increased traffic on roads, which also provide access to coastal recreation areas, makes it more difficult for the public to get to the beach. Additionally, Section 30252 of the Coastal Act identifies the connection between public transit and public access to the shoreline. This section provides that public access can be maintained or enhanced by the extension of public transit and non-automobile circulation. The light-rail tracks are located just east of Mission Bay. This area is a major coastal destination providing recreational beach and boating opportunities. Additionally, the area provides for commercial visitor-serving facilities including overnight facilities and Sea World, a marine oriented amusement park. According to the Mission Bay Park Master Plan Update (City of San Diego, August 2, 1994), "*At peak times, the current infrastructure of roadways, paths and parking areas is over-taxed, resulting in congestion and reduced access to the Park*" (page 99).

According to the applicant's traffic analysis, there were 129.5 miles of highways in the general area of the proposed rail extension that were at Level of Service (LOS) E and F in 1990. The San Diego area is expected to continue to grow at significant rates and traffic congestion will continue to get worse. If San Diego does not improve its traffic management, by the year 2015, the Transit Board estimates that there will be approximately 260 miles of highway operating at LOS E and F. These increases in traffic will continue to interfere with access to coastal recreation areas.

One of the traffic management proposals that will help reduce congestion is the extension of light-rail service. The Transit Board estimates that, by the year 2015, the proposed Mid-Coast Light-Rail Extension to Balboa Avenue will reduce traffic by 83,000 vehicle miles traveled (VMT) daily, which represents a 0.1% reduction in VMT regionwide. This transit project will also result in improvements to the LOS on nearby roads. The Transit Board estimates that the light-rail extension will increase the length of regional roadways operating at LOS A to C by approximately six miles, while the length of roadways at LOS E to F is projected to decrease by about three to four miles, or 1.5 % reduction in miles of highways at LOS E and F.

While the traffic benefits from this project alone are not significant in terms of overall percentages (0.1% reduction in VMT or 1.5% improvement in LOS), the expansion of this public transit system will have a cumulative improvement on traffic congestion. The proposed project is part of a regional public transportation system designed to provide an alternate means of transit in the San Diego area. This regional transit system includes bus service, light-rail and commuter trains, and trolleys. The proposed project will open the northern coastal region of the City of San Diego to light-rail train service and provide for the possibility of extending that service further north. The Transit Board has plans to extend the light rail as far north as Del Mar, approximately three miles north of the currently proposed terminus. The Transit Board estimates that this extension will increase the use of public transit in the region. For the Mid-Coast area (the area between Old Town and Del Mar), the project will increase peak hour use of transit for work trips by 24 percent. For the San Diego region, there will be a corresponding increase of five percent. The project will shift over 10,000 trips per day from auto to transit, creating over 13,000 additional transit boardings per day. As identified by Section 30252 of the Coastal Act, public transit improvements like this project benefit public access resources. Additionally, the proposed project will increase acceptance of public transit as a desirable mode of transportation. As its acceptance and use increases, public agencies may be motivated to further improve the public transit system and these improvements will result in corresponding reductions in traffic congestion.

Not only will the project improve access by decreasing traffic, it will directly provide increased access to the shoreline. Specifically, the project design includes construction of new access to Mission Bay from the Clairemont Light-Rail Station. The applicant describes the proposed improvements and future access potential as follows:

The project conforms with the public access objectives of the California Coastal Act by providing improved public access to Mission Bay and Mission Bay Park from the proposed Clairemont LRT Station, via an

elevator and stairs at the north end of the station platform. To further facilitate this access, the sidewalk on the north side of Clairemont Drive would be widened and pedestrian ramps would be constructed at intersections. This crossing provides convenient access to Mission Bay Park's main visitor center, which is located across I-5 from Clairemont Station. The option has been preserved to construct future direct pedestrian access to Mission Bay Park, though funding constraints prevent inclusion in the present project. This direct public access to Mission Bay Park from the Clairemont Station will provide new access to the Coastal Zone via LRT, including the lines serving San Diego County, and bus routes that provide feeder service to LRT stations.

In conclusion, the proposed project will improve public access to the shoreline by reducing traffic on roads that also provide for shoreline access, by encouraging mass transit as an alternative means to get to the shoreline, and by constructing access improvements at the Clairemont Station. Therefore, the Commission finds that the proposed project is consistent with the access policies of the CCMP.

B. Wetland Resources. Sections 30231 and 30233(a) protect aquatic and wetland resources of the coastal zone. These sections provide that:

Section 30231:

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.

Section 30233(a) (in relevant part):

The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

- (1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.*
- (2) Maintaining existing, or restoring previously dredged, depths in*

existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

(3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland. The size of the wetland area used for boating facilities, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, shall not exceed 25 percent of the degraded wetland.

(4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

(5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

(6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

(7) Restoration purposes.

(8) Nature study, aquaculture, or similar resource dependent activities.

The proposed light-rail tracks will cross the San Diego River and Tecolote Creek. The San Diego River crossing requires the placement of pilings into the river's floodplain, which supports riparian wetlands. These pilings will fill wetlands and must be consistent with the requirements of Section 30233. The Tecolote Creek crossing will use a single-span bridge and will not require the placement of fill in wetlands or other coastal waters. Both of these crossings will affect the wetland resources by increased shading.

The habitat of the San Diego River at the proposed crossing is identified on Fish and Wildlife Service wetland inventory maps as palustrine forested and palustrine emergent wetland (forested and scrub riparian wetlands). These maps also identify this area as seasonally flooded. In its evaluation of habitat resources affected by the project, the Transit Board describes the wetland values of San Diego Creek as follows:

Southern cottonwood-willow riparian forest (riparian habitat) is the dominant native habitat within the San Diego River floodplain. Representing the climax community in the riparian systems of larger coastal southern California drainages, it is dominated by dense growth of arroyo willow (Salix lasiolepis) and black willow (Salix gooddingii). The remainder of the native overstory species consists of sandbar willow (Salix

hindsiana), red willow (*Salix laevigata*), Fremont cottonwood (*Populus fremontii*), yellow willow (*Salix lasiandra*), and western sycamore (*Platanus racemosa*). This wetland habitat occurs in the San Diego River crossing (0.23 hectare/0.58 acre) and in the Nobel Drive Coaster Station Area (0.028 hectare/0.07 acre). A number of exotic species have become naturalized throughout the San Diego River, including giant reed (*Arundo donax*), common reed (*Phragmites communis*) castor bean (*Ricinus communis*), salt cedar (*Tamarix spp.*), canary island palm *Phoenix canariensis*), and eucalyptus (*Eucalyptus spp.*). These species have little value to riparian wildlife species and often compete aggressively with native riparian plant species.

The proposed project also affects wetlands at the proposed Tecolote Station and at the proposed Nobel Coaster Station: 0.054 acre (2352.24 square feet) of wetland impacts will occur at the Tecolote Station parking lot and 0.115 acre (5009.4 square feet) of wetland impacts will occur at Nobel Drive Station. The habitat at the Tecolote Station includes freshwater and brackish water marshes. According to the applicant's biological assessment, the habitats at this station are degraded. These habitats are also inland of the coastal zone boundary and are not hydrologically connected to the coastal zone. Therefore, the Commission finds that the placement of fill within these wetlands will not affect coastal zone resources. The proposed project avoids the placement of fill into Tecolote Creek, but the single-span bridge will affect the stream resource by increased shading. Tecolote Creek at this location consists of open water riverine habitat and does not contain any wetland resources. Finally, the proposed project will affect wetland resources at the Nobel Drive Coaster Station. However, this station will be located outside the coastal zone, on the south side of Nobel Drive, east of Towne Centre Drive, approximately 3 miles from the coast, and 2.5 miles inland of the coastal zone boundary. The wetland habitat at station is hydrologically isolated from the coastal zone and the impacts from the project at this site would not affect coastal zone resources.

A total of 0.66 acre (28749.6 square feet) of impacts (including both temporary and permanent impacts) to wetlands and open waters will occur within the coastal zone at the San Diego River crossing and along the Balboa Extension alignment. The project's impacts consists of 0.007 acre (304.92 square feet) of permanent loss of habitat from the placement of fill (pilings), 0.653 acre (2844.468 square feet) of temporary loss of resources during construction, and degradation of value from shading. For activities that result in fill of wetlands, Section 30233 of the Coastal Act requires the project to fall within the scope of one of the identified allowable uses, to be the least environmentally damaging feasible alternative, and to include feasible mitigation measures.

Section 30233(a) does not authorize wetland fill unless it meets the "allowable-use" test. To meet this test, the activity must fit into one of eight categories of uses permitted for wetland fill enumerated in Sections 30233(a)(1-8). Fill for the proposed project does not appear to fall within any of the eight categories. However, because the proposed project will provide a public service, the Commission has considered whether the fill falls within section 30233(a)(5). This section authorizes fill for "Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and

maintenance of existing intake and outfall lines.”

In order to determine if the fill is for an incidental public service purpose, the Commission must determine that it is both incidental and a public service. Since the bridge will be constructed by a public agency in order to provide mass transportation services to the public, this fill is clearly for a public-service purpose. However, it is not clear that the “public-service purpose” represented by this bridge is “incidental” within the meaning of that term as it is used in Section 30233(a)(5). The courts have defined the term incidental as “depending upon or appertaining to something else as primary” (Davis v. Pine Mountain Lumber Co. (1969) 273 Cal.App.2d 218, 222-223 (77 CR 8251). One could argue the light-rail extension is the primary part of the project, and the pilings are secondary to the extension. However, the pilings are a necessary functional part of the light-rail extension. Without the pilings, the Transit Board could not build the bridge (as described in the alternatives discussion below) and could not cross the San Diego River. Therefore, the Commission finds that the pilings are a primary part of the project.

Furthermore, the examples of incidental public services cited in Section 30233(a)(5) all have in common the characteristic that the wetland impacts associated with them have a duration that is temporary¹. To provide further guidance in implementing these sections, the Commission also has adopted Statewide Interpretive Guidelines on Wetlands (Wetlands and Other Wet Environmentally Sensitive Habitat Areas, adopted February 4, 1981)², in which the Commission defines “incidental public services” to constitute temporary impacts to wetlands. However, those Guidelines mention roads in the context of a discussion of the incidental public purposes that might be allowed under Section 30233(a)(5). Specifically, the Guidelines explained incidental as:

Incidental public service purposes which temporarily impact the resources of the area, which include, but are not limited to, burying cables and pipes, inspection of piers, and maintenance of existing intake and outfall lines (roads do not qualify)³ (emphasis added)

¹ See Mein v. San Francisco Bay Cons. & Dev. Comm’n (1990) 218 Cal. App. 3d 727, 733 (267 CR 2521 (Common characteristic of “all the uses in [Government Code section 66605](a)’s illustrative list,” namely, “[functional dependency] on proximity to the water” used to determine that “housing” does not qualify as “water-oriented use.”)

² Adopted pursuant to Section 30620(a) & (b) of the Coastal Act, which state in relevant part:

The Commission may, from time to time ... adopt ... permanent procedures or guidelines for the ... review ... of coastal development permit applications ... as it determines to be necessary to better carryout this division.... Such procedures shall include:....

(3) Interpretive guidelines designed to assist local governments, the commission, and persons subject to this chapter in determining how the policies of this division shall be applied in the coastal zone prior to certification of local coastal programs....

The footnote (footnote 3) elaborating on the limited situations where the Commission would consider a road as an exception to this policy states:

When no other alternative exists, and when consistent with the other provisions of this section, limited expansion of roadbeds and bridges necessary to maintain existing traffic capacity may be permitted
(emphasis added).

Thus the clear interpretation that the Commission gave in these guidelines to Section 30233(a)(5) was that to qualify under that section the impacts of "incidental public service purposes" must be temporary. (The Commission has also acknowledged this definition for incidental public services in the findings for a permit application for a similar bridge project proposed by the California Department of Parks and Recreation, 4-82-605.) The Guidelines indicate that fill for the expansion of roadways and bridges may be considered to have an incidental public service purpose if limited to maintaining existing traffic capacity. Although the proposed project is not a road, its purpose is similar enough that it must be considered in the context of the Guidelines' footnote. The Transit Board, in this case, proposes to extend the light-rail tracks across the river on a new bridge. Therefore, the new bridge will extend the light-rail service into an area where service does not currently exist and will expand the capacity of the service to transport people. Therefore, the project will expand, rather than maintain, traffic capacity.

In addition, it is arguable that the proposed fill is incidental to managing traffic capacity of the roads and highways in the region. In other words, it could be argued that the project is necessary to maintain existing capacity of the existing roads and highways. However, the proposed project will not change the traffic **capacity** of the roads and highways, rather it reduces traffic by providing an alternative means of transportation. In fact, the light rail will increase the capacity of the regional transportation system (including roads, highways, and mass transit) to move people. Therefore, the Commission finds that the project does not fall within the exception (footnote 3) cited in the Guidelines.

In conclusion, in order for a public service to be incidental, it must not be the primary part of the project and the impacts must have a temporary duration. The Commission finds that the wetland fill impacts from the Mid-Coast Light-Rail Extension project are neither "temporary," since clearly the project is a permanent facility, nor "incidental" to "something else as primary," since the bridge pilings are an integral component of the proposed light-rail extension. Therefore the project cannot qualify as an incidental public service purpose, and, further, does not in any other way qualify as one of the eight enumerated allowable uses under Section 30233.

Section 30233(a) of the Coastal Act also requires the Commission to consider alternatives to the proposed activity. This section requires the Commission to find that the proposed project is the least damaging feasible alternative. Because the fill of wetlands at the Tecolote and Nobel Stations are outside of the coastal zone and do not affect coastal resources, the alternative analysis focuses on impacts to habitat within the San Diego

River channel. After a thorough analysis of alternatives, the Commission concludes that the proposed transit improvements are the least damaging feasible alternative. The applicant has designed the project to minimize the impact to the resources in this area. The San Diego River crossing will result in the loss of 0.007 acre of wetland habitat, as identified by the U.S. Army Corps of Engineers. (In this case, there is no discrepancy between Corps defined wetlands and Coastal Act defined wetlands, because the applicant has concluded that the entire floodplain is wetland.). Additionally, the applicant has designed the project to avoid placement of pilings in the low-flow channel of the river and has aligned the pilings with the existing pilings on the adjacent railroad bridge. Additionally, as part of its consistency certification, the applicant evaluated several alternative stream crossings to avoid or lessen the effect on the wetland resources within San Diego River. The Transit Board evaluated the following alternatives:

1. Unmodified Mission Valley light-rail train bridge;
2. Modified Mission Valley light-rail train bridge;
3. Interstate 5 and Pacific Highway bridges;
4. Existing single track railroad bridge; and
5. Clear span Mid-Coast light-rail train bridge.

The first alternative considers the use of the existing Mission Valley light-rail Bridge for the proposed river crossing. The Transit Board constructed Mission Valley light-rail Bridge several years ago for extending mass transit through the Mission Valley. In its analysis, the Transit Board concludes that this alternative is not feasible. The Board's analysis and conclusion are as follows:

Unmodified Mission Valley LRT [light-rail train] bridge:

As it is currently constructed, the Mission Valley bridge is not feasible for use as the Mid-Coast crossing of the San Diego River. If this bridge were to be used, LRT trains continuing north would have to find a way to turn around to proceed north. Under the most optimistic scenario, LRT trains would first have to travel east 0.3 miles to the Morena/Linda Vista Station and then reverse direction and proceed on a very low speed alignment along the levee on the north side of Friars Road. To reverse directions at the Morena/Linda Vista Station would require the operator to exit the train and walk to the opposite end of the train. More importantly, a crossover would need to be installed west of the station to accommodate this movement. Due to the track geometry and physical constraints (SDG&E tower, tunnel under Morena Blvd. and the levee) there is no room for this crossover.

Even if a crossover could be installed at another station, further east along the Mission Valley Line, the delay to the train service from out-of-direction travel would seriously affect the level of service and would compromise its ability to offer an alternative to the automobile. Ridership would also be substantially lower, reducing or eliminating the traffic benefits projected for the project and increasing the traffic congestion

experienced on beach access routes.

Modified Mission Valley LRT bridge

To avoid the problems of turning around and backtracking along the Mission Valley Line, another alternative would be to modify the Mission Valley Bridge so that the northern end would form a "Y." This "Y" would allow Mid-Coast LRT trains to connect more directly back into the rail right-of-way north of the river. This alternative is technically feasible but would increase the impact to the river and wetlands beyond what is currently proposed. This is because the connecting structure would be curved and would require more pilings for support both during construction and permanently than would the proposed straight bridge. While the Mission Valley LRT bridge is out of the coastal zone, it is close to the boundary and the connecting bridge back to the rail right-of-way would necessarily come back into the coastal zone. Thus while feasible, a modified Mission Valley LRT bridge would be a more damaging alternative.

In addition to the use of the existing light-rail bridge, the Board considered the use of three other existing bridges, including the Pacific Highway Bridge, Interstate 5 Bridge, and railroad bridge.

Interstate 5 and Pacific Highway Bridges.

The Interstate 5 and Pacific Highway bridges in the vicinity either have no room or soon will have no room for the LRT due to increasing traffic growth and are inaccessible due to the physical constraints of Interstate 8.

Existing Railroad Bridge.

The only other bridge crossing the San Diego River in the vicinity is the existing single track railroad bridge. We looked at expanding the railroad bridge and found that this was not feasible due to the through-girder construction of the bridge. Combining LRT and freight/passenger rail traffic on the railroad bridge was also not feasible for two reasons. First, there is insufficient capacity to allow both LRT and freight/passenger traffic on the same bridge. Secondly, the light rail vehicles do not comply with the FRA requirements to operate on the SDNR tracks, and neither the SDNR nor the BN Santa Fe is willing to downgrade their service to accommodate the LRT.

Finally, the applicant considered the use of a single span bridge that avoids the need to place pilings into the wetlands, and thus avoiding the fill. The Transit Board describes the alternative as follows:

It was determined during the preliminary engineering phase of the project that a clear span bridge over the San Diego River was not feasible. This

study was done as part of the bridge type selection study prepared in accordance with Caltrans practice. The type selection study found that due to the overhead constraints of Interstate 8, it was not feasible to construct a clear span since the required depth of the superstructure would be too much to clear the 100-year flood elevation.

In evaluating these alternatives, the Transit Board has concluded that the proposed activity is the least damaging feasible alternative. From the information submitted by the Transit Board, the Commission agrees with its conclusion. It is clear that the use of the existing highway bridges is not feasible because of the conflicts with the existing highway use. Additionally, widening of these highways would probably have impacts similar to the proposed project. The use of the existing railroad bridge is not feasible because of the conflicting rail types. Finally, the use of the existing light-rail bridge would either require additional fill or a significant detour, which would affect transit time and ridership. Therefore, the Commission finds that the proposed activity is the least damaging feasible alternative, and therefore, is consistent with the alternatives test of Section 30233(a) of the Coastal Act.

Section 30233(a) of the Coastal Act provides that the Commission require feasible mitigation for unavoidable impacts to wetland resources. The applicant proposes to mitigate for habitat impacts from the proposed project. The mitigation ranges from 3:1 (three acres of restored habitat for every acre affected) to 1:1, depending on the nature of the impact and the type of habitat. The applicant describes the status of the mitigation as follows:

The project will avoid or minimize impacts to wetland habitats where avoidance alternatives exist, or mitigate impacts to achieve no net loss. Impacts to wetlands and other waters of the U.S. will be mitigated by creating or restoring wetlands to compensate for the loss of these habitats.... Detail regarding the site evaluation process and the conceptual mitigation plan is provided in the technical report, Updated Biology Technical Report (December, 1998)....

On-site wetland mitigation will occur at the LRT San Diego River crossing. This will consist of restoration of areas within the project limits affected by temporary construction impacts. In addition, special measures shall be considered to salvage and replant existing vegetation in order to preserve, as much as possible, the existing canopy and shrub cover.

Off-site wetland impacts of the Build Alternative will be mitigated by wetland creation or restoration at three sites: Tecolote Canyon, the Handlery Site, and the Tijuana River Valley As part of the permit process with the ACOE [Army corps of Engineers], USFWS [U.S. Fish and Wildlife Service], and City of San Diego, the conceptual mitigation plan details all impacts to wetland habitats and specifies either in-kind replacement of habitat prior to the initiation of construction or mitigation after initiation of construction at higher replacement ratios. The objective

of the revegetation effort will be to create quality riparian habitat wherever possible, because this habitat provides the highest benefit to wildlife species. MTDB [Metropolitan Transit Development Board] shall submit a final mitigation plan to the ACOE, the USFWS and the USEPA [U.S. Environmental Protection Agency] for review and final ACOE approval at least 30 days before initiating wetland impacts. The plan will include the following:

Mitigation at the ratios described in Table 5.7-1, with an exact delineation of where temporary impacts shall be mitigated on-site at the San Diego River crossing;

Final topographic-based grading, irrigation and landscape/planting plans (with 0.3-meter/ 1-foot contours) for all mitigation areas;

Five-year maintenance and monitoring plans (including sampling methods);

Success criteria (including statistical analysis) and contingency measures for unforeseen mitigation problems or failures;

A detailed water quality monitoring and maintenance plan; and

A schedule that shows when each mitigation phase (i.e., grading, planting, irrigation, monitoring, maintenance) will begin and be completed in relation to wetland impacts.

MTDB has conducted informal consultations with ACOE and the City Park and Recreation Department regarding each of these sites. These discussions indicate that the proposed creation/restoration of wetlands, described above, will serve as adequate mitigation of wetlands impacts....

The mitigation described above could meet the requirements of Section 30233(a) of the Coastal Act if an adequate mitigation plan has been developed. Since the applicant has not developed such a plan, the Commission cannot determine consistency with the Coastal Act's mitigation requirements. In most circumstances, with this deficiency, the Commission would find the project inconsistent with Section 30233(a) of the Coastal Act. However, in this case, the applicant has provided a description of the elements of the proposed mitigation, and the project will require a coastal development permit from the Commission. The applicant will apply for that permit after it has finalized its development plans, including the mitigation plan. Therefore, through the coastal development permit process, the Commission will evaluate the mitigation plan for consistency with the Coastal Act sections. In this case, the federal consistency review is a preliminary or conceptual analysis. With respect to the mitigation components described above, the Commission is concerned that it is not an agency identified by the applicant as one that the applicant would coordinate with to develop the mitigation plan. The Transit Board should add the Commission to the list of agencies requiring coordination. Additionally, without a complete analysis of mitigation sites and

restoration project details, the Commission cannot determine if the mitigation ratios and restoration sites are adequate to meet the Commission's requirements. These issues will be evaluated at the permit phase. Therefore, in finding that the project, at this phase, is consistent with the mitigation requirement of Section 30233(a), the Commission is not necessarily finding that the mitigation ratios or the mitigation sites are adequate to address Coastal Act concerns. These issues underscore the importance of further coordination with the Commission in developing the mitigation. However, even with these concerns, the applicant's commitment to mitigation, as described above, allows the Commission to find that at this phase the project is consistent with the mitigation requirement of Section 30233(a) of the Coastal Act.

In addition to the direct impacts associated with the placement of fill, the proposed project will degrade the quality of wetland and open water resources by increased shading from the San Diego River and Tecolote Bridges. The applicant describes the impact from this shading as follows:

Impacts to southern cottonwood-willow riparian forest (0.23 hectare/0.58 acre) would occur in this area. Field surveys of vegetation communities in this area indicate that shrub and woodland vegetation communities have not developed under the I-5, Morena Boulevard and SDNR bridges, which vary from approximately 6 to 12 meters (20 to 40 feet) in height. Rather, low-growing herbaceous plant species dominate the vegetation. Shading from the bridges is considered to have affected the vegetation communities. Because the actual shading impacts would vary with the new bridge's height and orientation to the sun, maximum long-term ("worst-case") impacts where the rail is elevated over wetlands have been calculated for analysis.

The proposed bridge will not eliminate riparian wetland habitat affected by the shading. However, it will degrade the quality of that habitat. The applicant proposes to mitigate for this impact by creating new wetland habitat, as described above. With this mitigation, the proposed project will be consistent with the requirements of Section 30231 of the Coastal Act to maintain the biological productivity of the resource. As stated above, however, at this preliminary stage, the Commission cannot fully determine that the mitigation will meet the requirements of Section 30231 of the Coastal Act. However, that determination will be made during the Commission's review of the coastal development permit for this project. In that permit process, the Commission may require modifications to the mitigation, including mitigation site locations and ratios, in order to find that the project will maintain the biological productivity of the resource. Therefore, the Commission finds that at this preliminary phase, the applicant's commitment to mitigation is sufficient to conclude that the proposed project is consistent with Section 30231 of the Coastal Act.

In conclusion, the Commission finds that the proposed activity is the least damaging feasible alternative, includes feasible mitigation, and maintains the biological productivity of the habitat. However, the Commission also finds that the proposed

project is not an allowable use for wetland fill, and therefore, the project is not consistent with the wetland resource policies of the CCMP.

C. Habitat Resources. Section 30240 of the Coastal Act provides for the protection of environmentally sensitive habitat resources. That section provides, in part, that:

(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....

The DEIR/S for the proposed project identifies several federal and state listed threatened and endangered species located in the vicinity of the proposed project. The following chart identifies the sensitive species found in the vicinity of the proposed project.

Species	Status	Habitat Present	Habitat Not Present
California Least Tern	Federal and state endangered		Not expected in the study area.
Least Bell's Vireo	Federal and state endangered	Habitat Present	Not expected in the study area, due to high levels of urbanization and ambient noise.
Light Footed Clapper Rail	Federal and state endangered		Surveys detected no clapper rails in study area.
Willow Flycatcher	Federal endangered, state first-priority species of special concern	Habitat Present	No evidence of this species was observed during site visits.
Quino Checkerspot Butterfly	Federal endangered		Focused surveys detected no evidence of plant species that serve as larval host (dwarf plantain) or nectar source (owl's clover) for this butterfly.
California Gnatcatcher	Federal threatened	This species was detected in the Nobel Station area.	The small remnant of disturbed coastal sage scrub in the Balboa LRT Extension area is not sufficient to support the California gnatcatcher; therefore, surveys to determine the presence of the species were not conducted in this area.
San Diego Black-tailed Jack Rabbit	Federal and state species of special concern	This species was detected in the Nobel Station area.	
San Diego Marsh Elder	Federal species of special concern		No evidence of this species during site visits.
Southwestern Pond Turtle	Federal species of special concern		Not expected in the study area, due to degraded water quality.
Two-Striped Garter Snake	Federal species of special concern		Not expected in the study area, due to degree of urbanization.
Yellow-Breasted Chat	State species of special concern		No evidence of this species was observed during site visits.
Yellow Warbler	State species of special concern		No evidence of this species was observed during site visits.

As described above, there are sensitive species located in the vicinity of the light-rail extension. The project will directly impact potential habitat for the least Bell's vireo, willow flycatcher, and the California gnatcatcher. The riparian habitat within the San Diego River has the potential to support both the least Bell's vireo and the willow flycatcher. However, because of its degraded condition and urban intrusion, the area does not support these species. Therefore, the Commission finds that this area is not an environmentally sensitive habitat area (ESHA). (Even if the area supported endangered species, because of it is a riparian wetland, it would be regulated under Section 30233 of the Coastal Act, which, as a more specific policy, takes precedence over the ESHA policy.) Additionally, a small area of coastal sage scrub exists within the light-rail corridor. Coastal sage scrub habitat can support the California gnatcatcher, a federally listed threatened species. However, the area affected by the project is small, degraded and isolated from other coastal scrub habitats and it does not support the gnatcatcher. Therefore, the area is not an ESHA. In conclusion, the Commission finds that the proposed project will not affect ESHAs, and therefore, the project is consistent with the ESHA policy of the CCMP.

D. Water Quality. Section 30231 of the Coastal Act provides for the protection of water quality resources. That section provides:

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.

Although the proposed project will result in a slight increase of impervious surfaces, it will improve the quality of coastal waters and wetlands. The project will improve water quality by reducing non-point sources of water pollution in the mid-coast area. The reduction will result from two factors:

1. The project will reduce traffic by 83,000 VMT per day. Because the hydrocarbons that drip from automobiles are flushed by runoff from the streets and highways into rivers, streams, wetlands, and the ocean, this reduction will reduce the incoming pollution to coastal waters.
2. Passenger rail vehicles, particularly light-rail trains, are much cleaner than highway vehicles with respect to oil and grease drips. In part this is because any drips from rail vehicles fall into a ballasted right-of-way, where the gravel and soil act as a filter to prevent runoff from moving contaminants and because light rail involves less oil, grease, and other hydrocarbons.

As described in the Access Section above, the proposed project will reduce the number of vehicles on the road. By the year 2015, the project will result in a 0.1% reduction in VMT. Although this reduction is not significant, the rail extension will probably have significant VMT reductions as the regional mass transit program expands and as public transit becomes a more accepted mode of transportation. As the percentage of traffic accommodated by mass transit grows, there will be a corresponding reduction in non-point source pollution from automobiles. However, there will not be an increase in non-point source pollution as ridership of the light-rail system grows. Since the proposed project will allow future expansion of the light-rail system and will improve acceptance of mass transit in the region, it is likely to have significant benefits to water quality resources. Therefore, the Commission finds that the proposed project will reduce existing impacts to water quality resources and is consistent with the water quality policy of the CCMP.

E. Air Quality and Energy Consumption. Section 30253 provides for the protection of air quality and energy resources of the coastal zone. That section provides, in part, that:

New development shall:

(3) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development.

(4) Minimize energy consumption and vehicle miles traveled.

The proposed project will improve air quality resources and minimize energy consumption. Specifically, the project will reduce automobile traffic on local roads and highways by 83,000 VMT per day. According to the Transit Board, the reduction in automobile traffic will save 153.5 billion kilojoules of energy annually. Additionally, there will also be long-term regional benefits from reductions in air pollutant emissions due to the decrease in auto/truck VMT. The Transit Board describes the air quality benefit as follows:

By its nature, the Balboa LRT Extension/Nobel Drive Coaster Station Alternative would result in changes in travel patterns and concentrations of motor vehicle traffic in the vicinity of the light rail station areas, which would cause small increases in pollutant concentrations for these road segments, but no standards would be violated. At the same time, both the Balboa LRT Extension/Nobel Drive Coaster Station and the TSM Alternatives would result in a decrease in regional vehicle trips and vehicle miles traveled, which would reduce the emission of criteria pollutants, when compared to the No-Build Alternative.

Additionally, the project is consistent with the requirements of the Air Pollution Control District. The District identifies this light-rail train as a potential tool to manage air quality. The applicant describes this issue as follows:

A secondary effect of reduced traffic, roadway congestion, and parking requirements would be a decrease in auto emissions and a concomitant improvement in air quality in this federal non-attainment area for ozone and a state non-attainment area for ozone and particulates. The Mid-Coast Corridor Project, Balboa Extension and Nobel Drive Coaster station is included in SANDAG's current Regional Transportation Plan (RTP), 1996, and is in conformity with the State Implementation Plan for air quality attainment. Further, the project is included as a component of the San Diego Air District's 1992 Regional Air Quality Strategy.

The air quality benefits are partially offset by increased pollution caused by extra electrical generation needed to support the expanded train service. In the immediate future, therefore, the project will not have significant air quality benefits. However, as described in the Access Section above, the proposed project will probably have significant VMT reductions as the regional mass transit program expands and as public transit becomes a more accepted mode of transportation. As the percentage of traffic accommodated by mass transit grows, there will be a corresponding reduction in air pollution from automobiles. However, there will not be a corresponding increase in air pollution as ridership of the light-rail system grows. Since the proposed project will allow future expansion of the light-rail system and will improve acceptance of mass transit in the region, it is likely to have significant reductions in VMT. As ridership grows there will be more reductions in air quality impacts from automobiles.

In conclusion, the Commission finds that the proposed project will reduce energy consumption and improve air quality resources. Additionally, the project is consistent with the requirements of the Air Quality Board. Therefore, the Commission finds that the project is consistent with the energy consumption and air quality policies of the CCMP.

F. Archaeological Resources. Section 30244 of the Coastal Act provides for the protection of archaeological resources of the coastal zone. That section provides that:

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

The Transit Board conducted field inventory, literature, and historic map reviews for archaeological resources and identified 25 cultural resources recorded or potentially located with the study area. However, there are no sites listed on the National Register of Historic Places. The DEIR/EIS describes the potential impact to these resources as follows:

Site MC-1 was identified within the area of potential effect. This site had not been previously identified. Recent investigation of this site indicates that it has been destroyed by construction activity from another governmental agency and is no longer a concern.

Sites CA-SDI12, 557, CA-SDI-12,558, AND CA-SDI-12,560H have also

been identified along this portion of the APE [Area of Potential Impact] Impacts could also occur to the historic structures at H-2, H-4, AND H-5. These are the locations of historic structures and buried cultural remains that may be eligible for nomination to the National Register of Historic Places. Historic resources H-3, also included in this segment of the alternative, is not eligible for the National Register of Historic Places.

As mitigation for these potential impacts, the Transit Board will coordinate with the State Historic Preservation Officer and monitor the historic sites during construction. Additionally, the Transit Board proposes to use a qualified paleontologist to monitor potentially important sites during excavation for any fossil resources. With these measures the proposed project will protect archaeological and paleontological resources. Therefore, the Commission finds that the proposed project is consistent with the archaeological resource policy of the CCMP.

G. Visual. Section 30221 of the Coastal Act provides for the protection of visual resources of the coastal zone. That section provides that:

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.

The proposed project is located in an already developed corridor that includes Interstate 5, railroad tracks, and commercial, industrial, and residential development. The proposed project is consistent with this development. Additionally, the project is located east of Interstate 5 and will not interfere with public views of Mission Bay from that freeway. In conclusion, the Commission finds that the proposed project is consistent with the character of the area and will not interfere with coastal views. Therefore, the Commission finds that the proposed project is consistent with visual protection policies of the CCMP.

H. Conflict between Coastal Act Policies. Section 30007.5 of the Coastal Act provides the Commission with the ability to resolve conflicts between Coastal Act policies. That section provides that:

The Legislature further finds and recognizes that conflicts may occur between one or more policies of the division. The Legislature therefore declares that in carrying out the provisions of this division such conflicts be resolved in a manner that on balance is the most protective of significant coastal resources. In this context, the Legislature declares that

broader policies which, for example, serve to concentrate development in close proximity to urban and employment centers may be more protective, overall, than specific wildlife habitat and other similar resource policies.

1. **Conflict.** In order for the Commission to consider balancing Coastal Act policies, it must first establish that there is a conflict between these policies. The fact that a project is consistent with one policy of the Coastal Act and inconsistent with another policy does not necessarily result in a conflict. Rather, the Commission must find that to object to the project based on the policy inconsistency will result in coastal zone effects that are inconsistent with the Coastal Act. In this case, as described above, the proposed project is inconsistent with the wetland protection policies of the Coastal Act because it is not an allowable wetland fill activity as identified by Section 30233(a)(1-8). However, as described in the access section above, the purpose of the proposed light-rail extension is to improve public transit alternatives in the San Diego area. This improvement is needed to address existing and future traffic congestion. As identified in the specific plan for Mission Bay, existing traffic is interfering with access to the coastal recreational opportunities within Mission Bay. As traffic congestion increases with expected growth of the region, these access impacts will worsen.

Most of the other alternatives addressing this traffic concern require the construction of new road and highway lanes. These alternatives will raise similar wetland issues. The Transit Board is also considering a transportation system management alternative (TSM) to address these traffic impacts. This alternative requires managing bus times, routes, and transfer opportunities to maximize the efficiency of the bus system. Since these buses will compete with the existing highway and road traffic, ridership is not expected to be as high as the proposed light-rail extension.

The proposed project provides two benefits to mass transit. First, the extension of the system across the San Diego River allows for future extension of light-rail service to the north and northeast. The crossing of the river will facilitate an extension of light-rail service further north along the I-5 corridor, which is a highly congested area. If the river can not be crossed, there will be little mass transit service to Mission Bay, La Jolla, Serrento Valley, Del Mar, and other coastal areas. Therefore, the current project, although not extending very far north, is a crucial link to facilitate a northward extension. Second, the extension will provide service to a new area, significantly increasing the percentage of people using mass transit. Section 30252 of the Coastal Act specifies that the extension of public transit facilities has a direct benefit to maintaining and improving public access to the shoreline. This relationship is especially true in this case because of the proximity of the proposed light-rail extension to Mission Bay. Therefore, the Commission finds that the proposed project will maximize public access in a manner consistent with Section 30210 of the Coastal Act. However, without the proposed project, traffic congestion will continue to increase and continue to conflict with public access to the shoreline. Therefore, the Commission finds that the proposed project results in a conflict between the access and wetland policies of the Coastal Act.

Additionally, the proposed project presents a conflict between the water quality and the wetland policies of the Coastal Act. As described above, the proposed project will

improve the quality of coastal waters. Although, in the near-term, the project will not significantly reduce non-point source pollution, the development of a mass transit system, for which this project is an important link, will contribute significant benefits to the quality of coastal waters. As the system extends to new areas and the popularity of public transit increases, a higher percentage of the area's transportation needs will be met by mass transit. As more riders on the mass transit system replace automobiles, there will be further reductions in water quality impacts from cars and new or expanded highways. However, there will not be a corresponding increase in water pollution for the light-rail system. Eventually, San Diego's transit system will result in significant benefits to water quality. Section 30231 of the Coastal Act requires the Commission to approve activities that maintain and improve the quality of coastal waters. Therefore, the Commission finds that the proposed project creates a conflict between wetland and water quality policies of the Coastal Act.

In conclusion, the proposed project includes wetland fill that is inconsistent with the wetland policies of the Coastal Act. However, this project will provide access and water quality benefits that are necessary to maintain and improve these resources. Without the project, increased traffic on roads and highways in the region will degrade access and water quality resources in a manner inconsistent with the Coastal Act. Therefore, the Commission finds that the proposed project creates a conflict among Coastal Act policies.

2. Conflict Resolution. After establishing a conflict among Coastal Act policies, Section 30007.5 requires the Commission to resolve the conflict in manner that is on balance most protective of coastal resources. In this case, the proposed project will result in the fill of only 0.007 acre (304.92 square feet) of wetlands. There are five other bridges that cross the San Diego River near the proposed project. Additionally, Interstate 8 runs parallel and immediately adjacent to the river. Also, the river is channelized, for flood control purposes, in the area of the proposed crossing. Finally, this portion of the river does not support any endangered or threatened species. In conclusion, the proposed project's wetland impacts are relatively small (0.007 acre) and the resource has been degraded by transportation projects, a flood-control facility, and other urban developments.

On the other hand, the proposed project will benefit public access to the shoreline by providing alternate transportation that will contribute to decreasing traffic congestion on existing roads that provide vehicular access to the coast. Additionally, the project will reduce the adverse access effects from future traffic congestion caused by expected growth of the area. Additionally, the proposed project increases opportunities for mass transit in the region. This type of transportation will improve water and air quality resources and reduce the amount of energy consumption. In conclusion, the Commission finds that the proposed project will have significant resource benefits.

In resolving this conflict, the Commission finds that the impacts on coastal resources from not constructing the project will be more significant than the project's wetland habitat impacts. Therefore, the Commission finds that approving the project is, on balance, most protective of coastal resources.

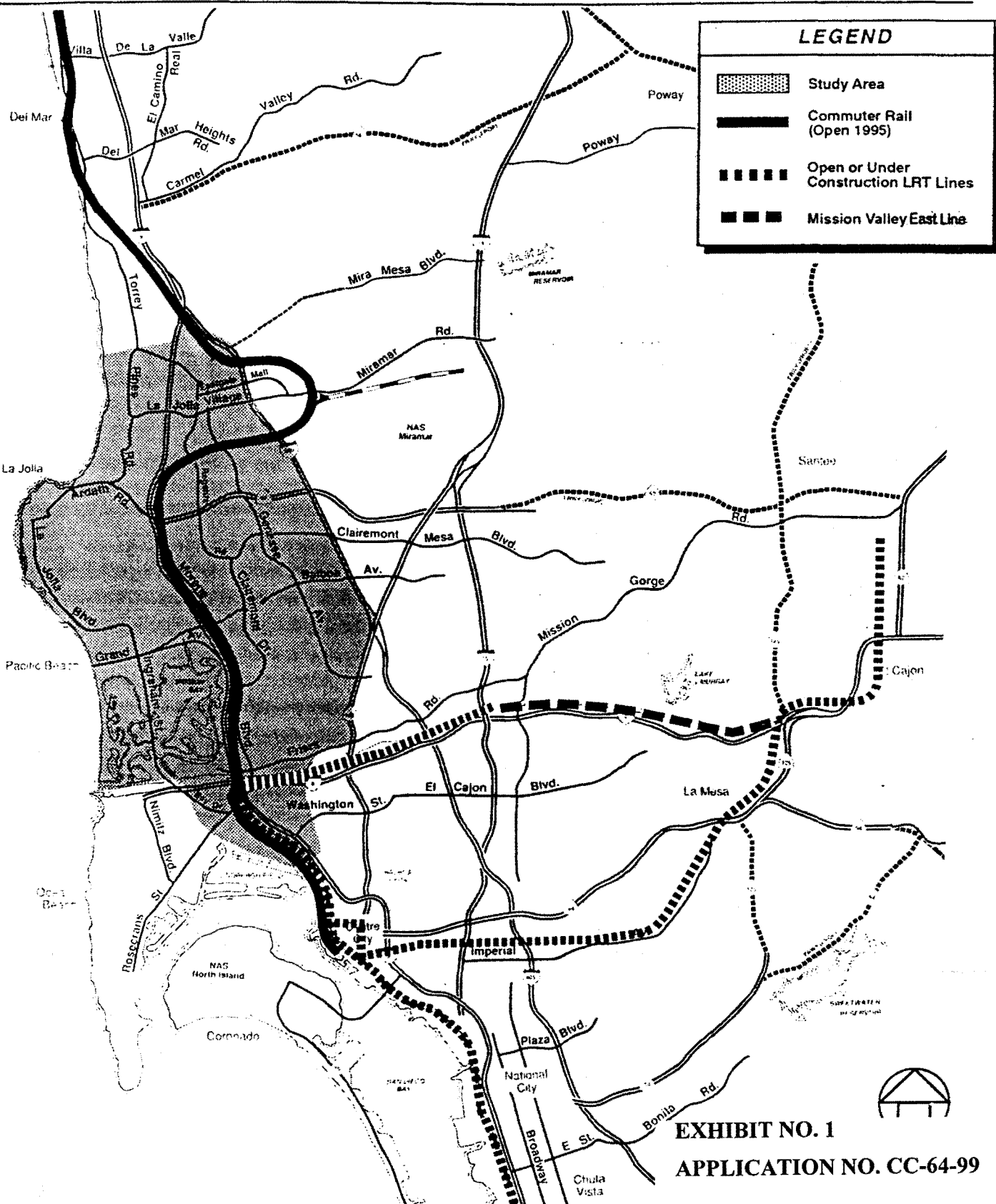


EXHIBIT NO. 1

APPLICATION NO. CC-64-99

California Coastal Commission

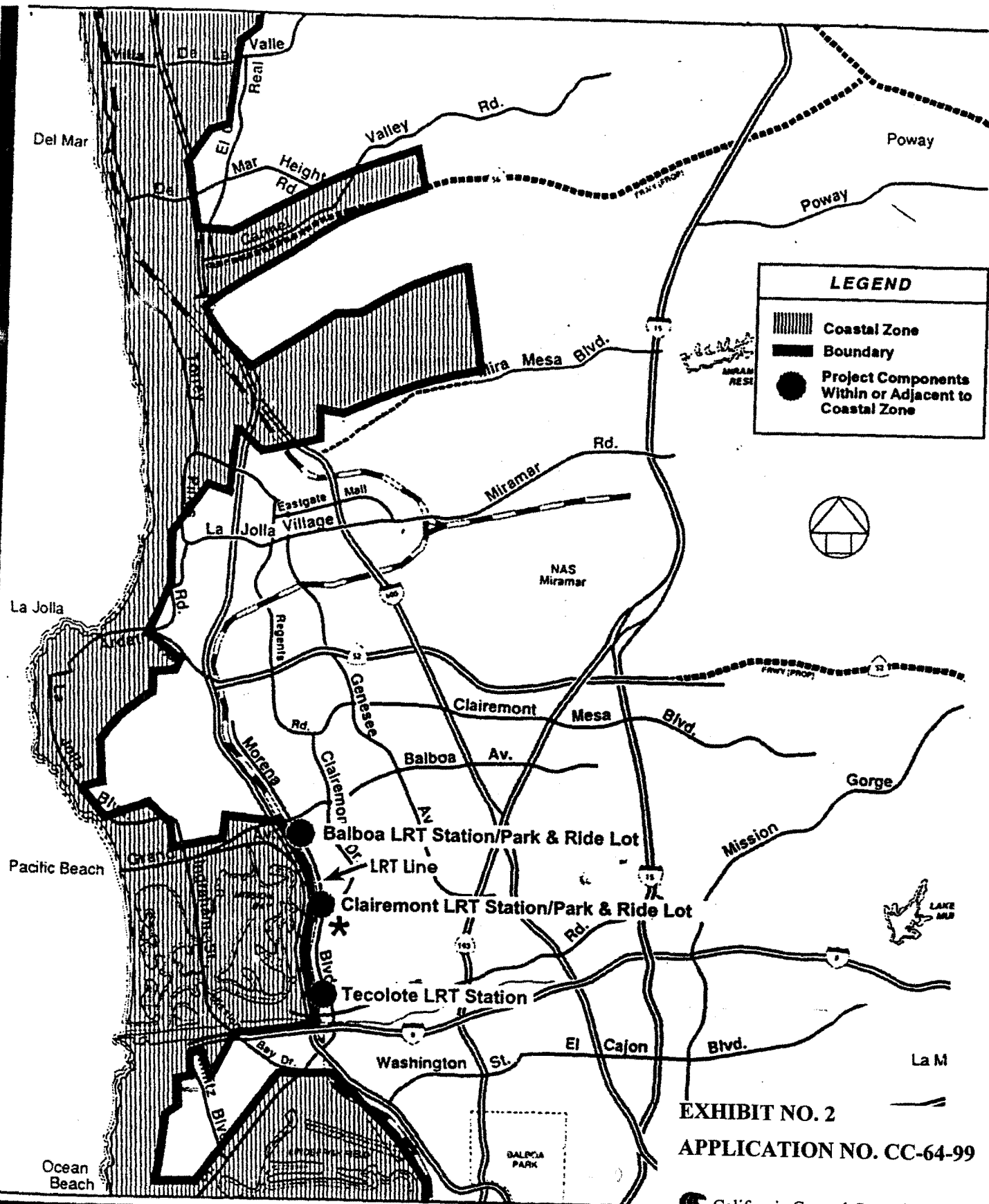
Transportation Study Area

MID-COAST LRT PROJECT

BALBOA EXTENSION AND NOBEL DRIVE COASTER STATION
FINAL ENVIRONMENTAL IMPACT STATEMENT

Metropolitan Transit Development Board
San Diego, California

Source: SANDAG, 1990



LEGEND	
	Coastal Zone
	Boundary
	Project Components Within or Adjacent to Coastal Zone

EXHIBIT NO. 2
APPLICATION NO. CC-64-99

MID-COAST LRT PROJECT
BALBOA EXTENSION AND NOBEL DRIVE COASTER STATION
FINAL ENVIRONMENTAL IMPACT STATEMENT

Metropolitan Transit Development Board
San Diego, California

California Coastal Commission
Coastal Zone Boundary in Mid-Coast Corridor
* Coastal zone boundary extends to eastern edge of railroad R.O.W. between I-8 and Balboa Ave.

Source: City Of San Diego Planning Department

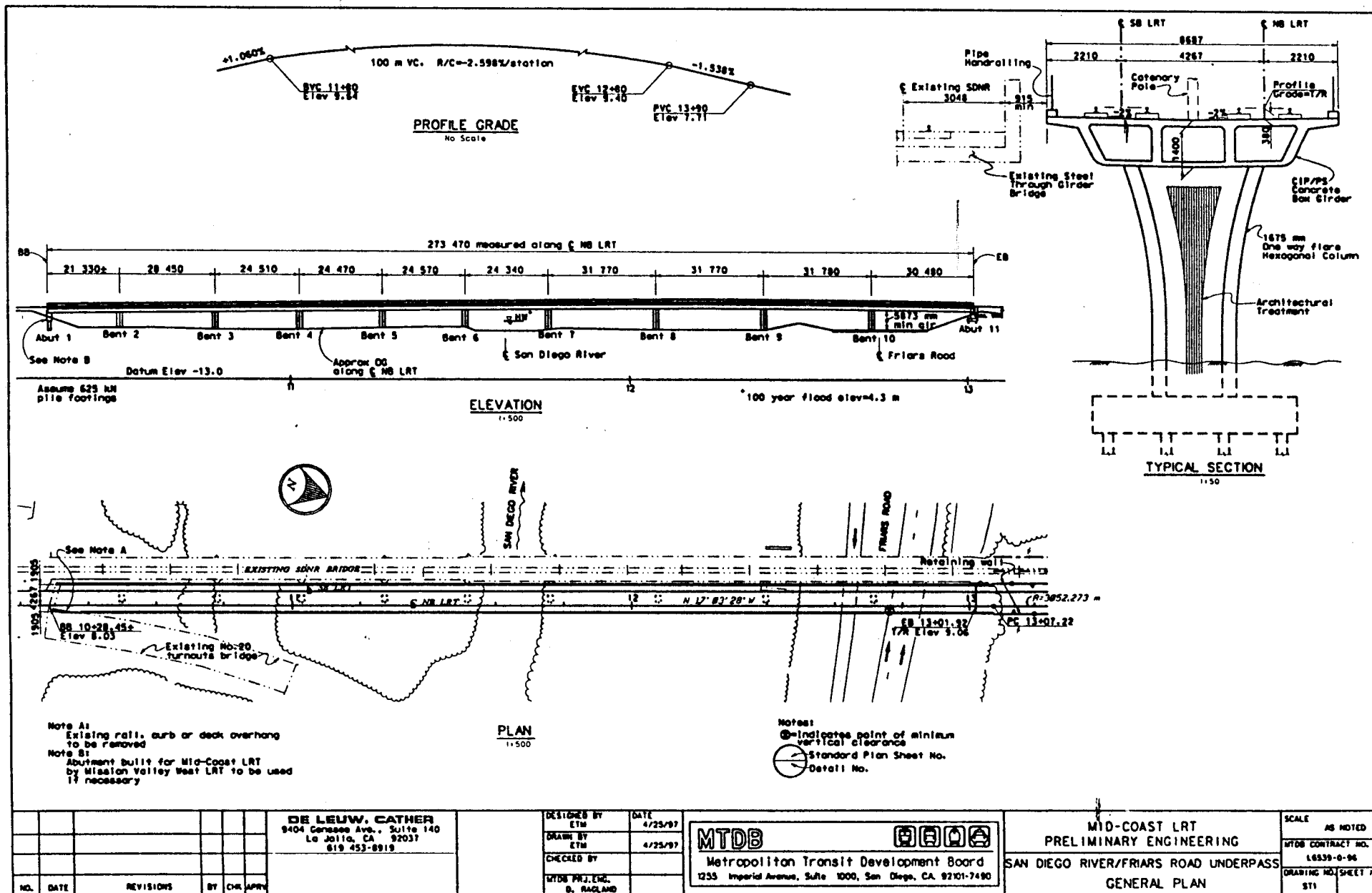


EXHIBIT NO. 3

APPLICATION NO. CC-64-99

Figure 2.4-32
San Diego River/Friars Road Bridge Typical Section

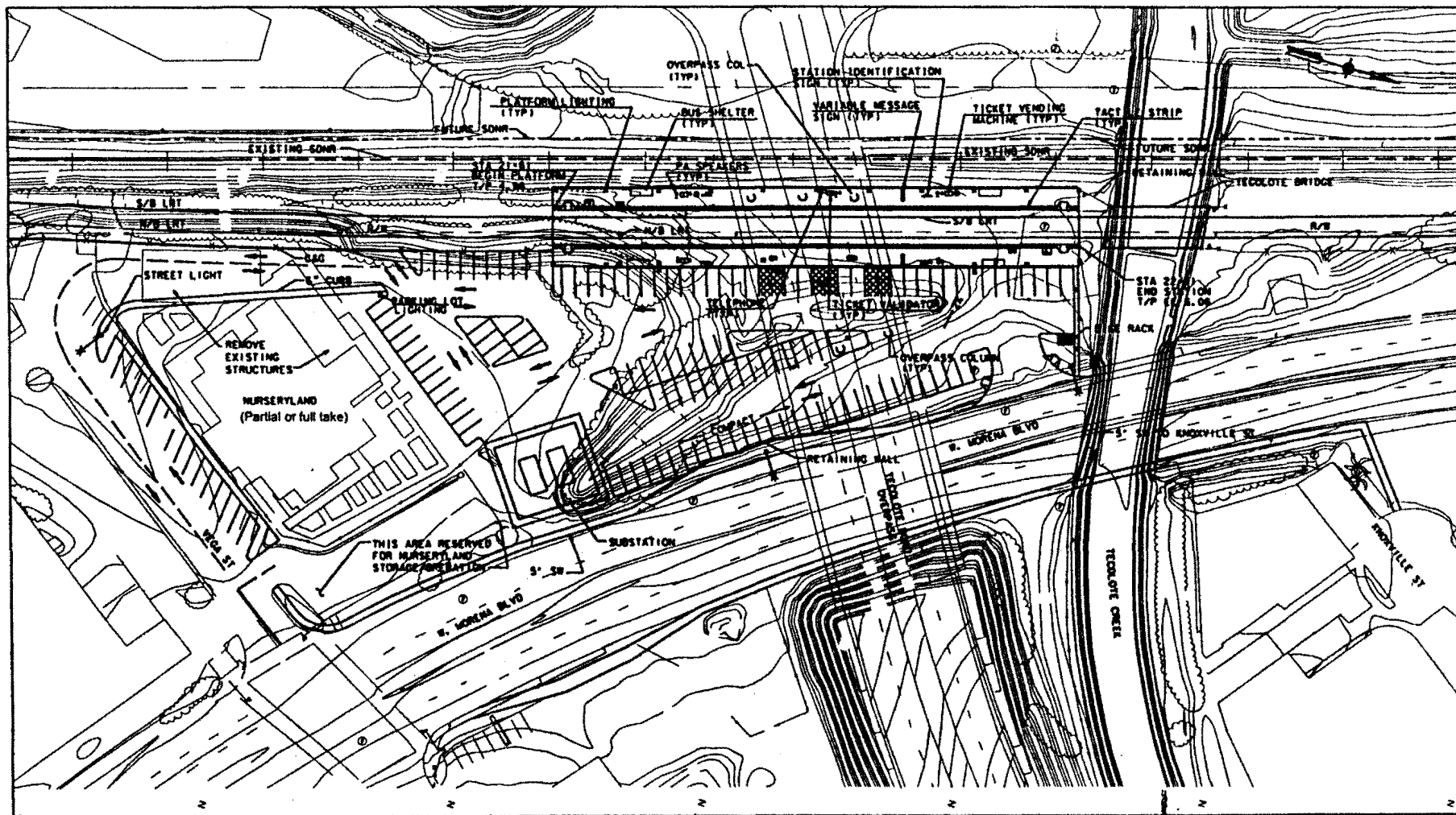


EXHIBIT NO. 4

APPLICATION NO. CC-64-99

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DESIGNED BY	DATE
DRAWN BY HRS	1/25/97
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MTDB

Metropolitan Transit Development Board
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MID-COAST LRT
PRELIMINARY ENGINEERING
LRT STATION PLAN
TECOLOTE STATION AND W. MORENA BL

SCALE 1:400
MTDB CONTRACT NO. L0539-0-98
DRAWING NO./SHEET NO.

FOR REDUCED PLANS
ORIGINAL SCALE 6 IN. CENTIMETERS

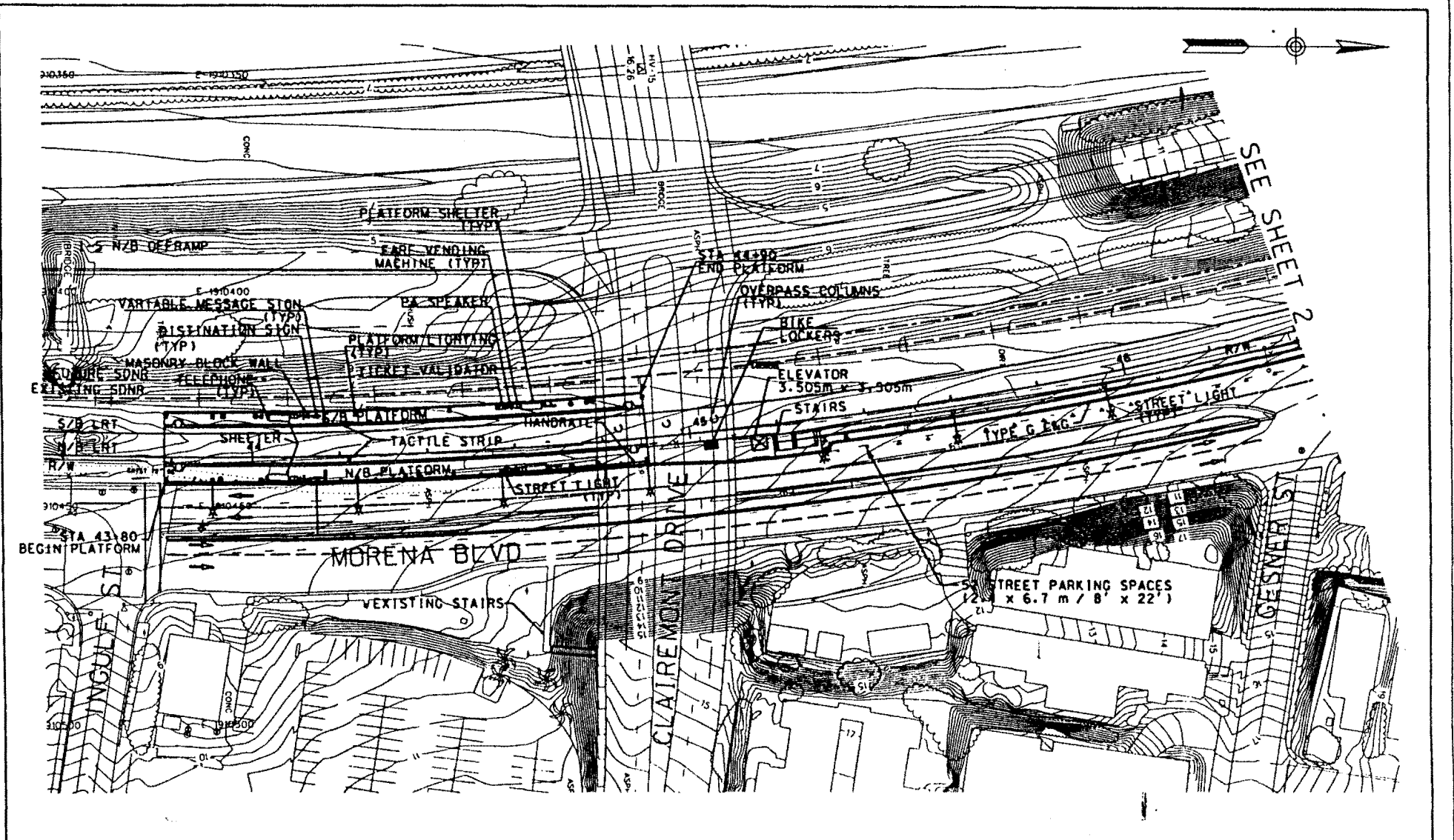


EXHIBIT NO. 5

APPLICATION NO. CC-64-99

DE LEUW, CATHAR
9404 Carobon Ave., Suite 140
La Jolla, CA 92037
953-8919

DESIGNED BY
DATE
DRAWN BY
CHECKED BY
MTDB PROJ. ENG.
B. RAGLAND

MTDB

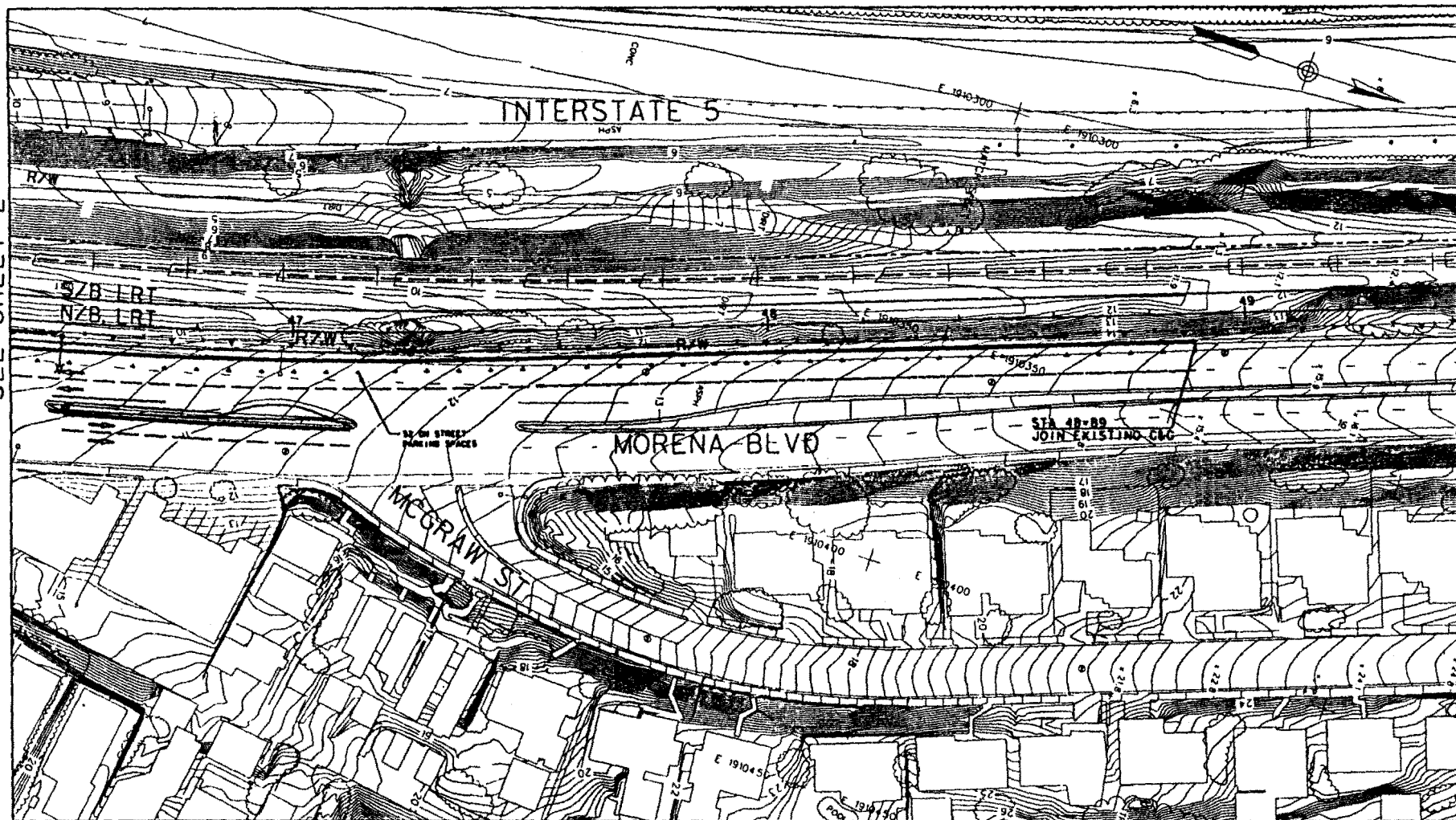
Metropolitan Transit Development Board
1235 Imperial Avenue, Suite 1000, San Diego, CA 92101-7480

MID-COAST LRT
PRELIMINARY ENGINEERING
LRT STATION PLAN
CLAIREMONT STATION & MORENA BLVD
SHEET 1 OF 2

SCALE 1"=400'
MTDB CONTRACT NO.
L0530-0-06
DRAWING NO./SHEET NO.

FOR REDUCED PLANS
ORIGINAL SCALE IS IN CENTIMETERS

SEE SHEET 2



DE LEUW, CATHEN 9404 Caronde Ave., Suite 140 La Jolla, CA 92037 619 453-8919				DESIGNED BY DATE	MTDB Metropolitan Transit Development Board 1255 Imperial Avenue, Suite 1000, San Diego, CA 92101-7480	MID-COAST LRT PRELIMINARY ENGINEERING LRT STATION PLAN CLAIREMONT STATION & MORENA BLVD SHEET 2 OF 2 <small>FOR REDUCED PLANS ORIGINAL SCALE IS IN CENTIMETERS</small>	SCALE 1" = 400' MTDB CONTRACT NO. L6839-0-96 DRAWING NO./SHEET NO.
NO. DATE REVISIONS BY CHK APPR				CHECKED BY MTDB PROJ. ENG. D. RAGLAND			

EXHIBIT NO. 6

APPLICATION NO. CC-64-99

Figure 2.4-22
Clairemont Station Plan (2 of 2)

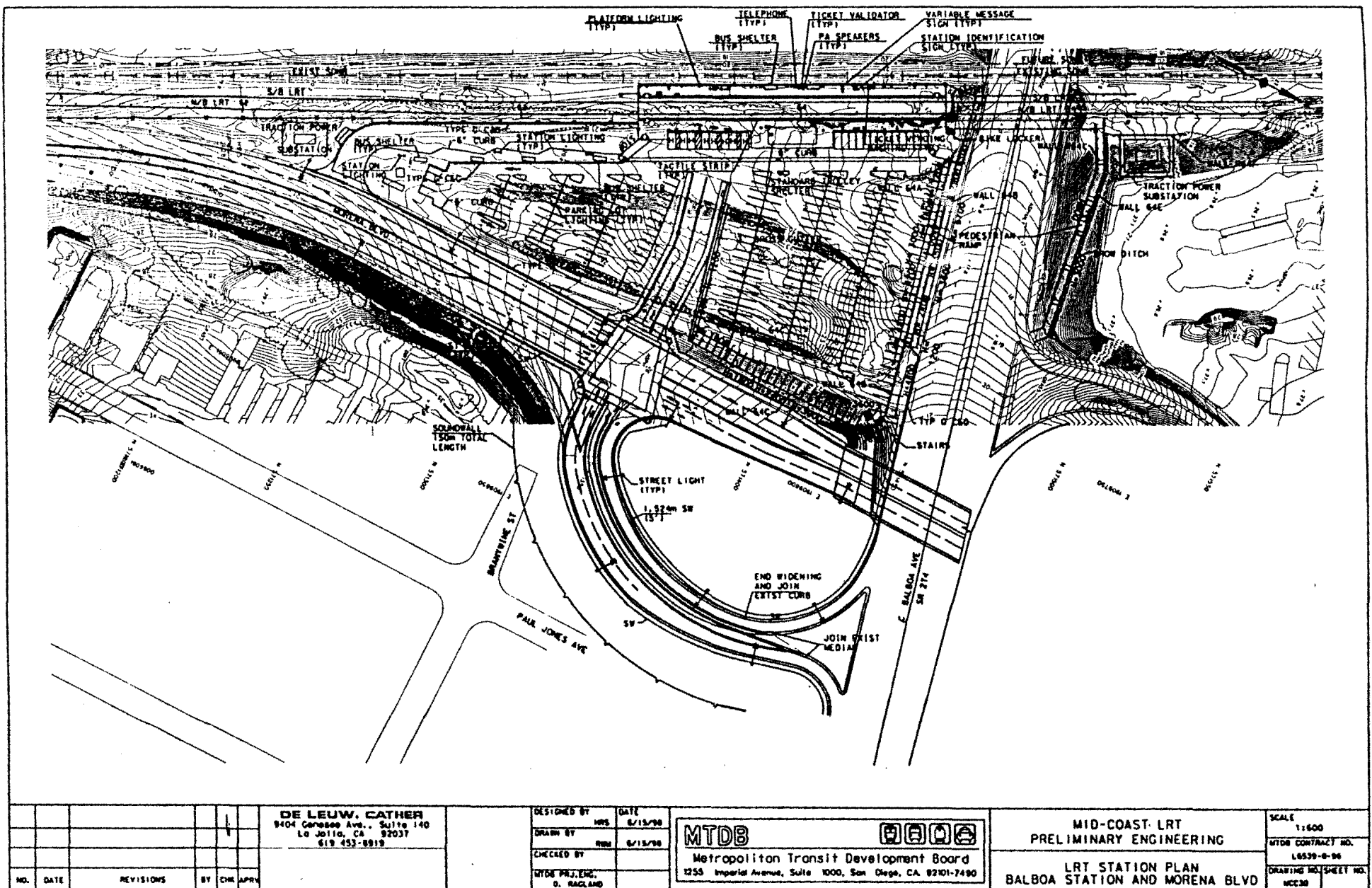


EXHIBIT NO. 7

APPLICATION NO. CC-64-99

Figure 2.4-24
Balboa Station Plan

