CALIFORNIA COASTAL COMMISSION
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REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-01-172

Applicant: City of San Diego, Engineering and Capital Projects Department

Agent: Ken Finnigan

Description: Demolition and reconstruction/widening of the existing, two-lane, North Torrey Pines Road Bridge over Los Penasquitos Creek (southern bridge) to a three-lane bridge with two northbound lanes and one southbound lane. Also proposed are improvements to North Torrey Pines Road for the necessary road transitions north and south of the bridge, improved, accessible bus stops and access paths north of the bridge, and mitigation/revegetation for project impacts to sensitive biological resources.

Site: North Torrey Pines Road, south of Carmel Valley Road and the railroad bridge, North City, San Diego, San Diego County.

Substantive File Documents: Certified Torrey Pines Community Plan and Land Development Code; CCC Application #6-00-070

STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

The proposed bridge widening and accessory improvements would have temporary and permanent impacts on sensitive wetland and upland habitats, potential adverse impacts on water and air quality, and impacts on public views and shoreline access. In addition to these concerns, there does not appear to be any benefit gained from widening the subject bridge to three lanes. The primary concern relates to the fact that the second northbound lane, as proposed, would terminate south of the northern bridge, Carmel Valley Road and the City of Del Mar limits, and there is no expectation that the City of Del Mar will propose a similar widening of the roadway north from where this proposed widening would terminate. Therefore, it appears these improvements would result in more cars on this major coastal access route with the expectation that it is an alternative to Interstate 5

as a through route; however, it would not serve that purpose. Additionally, such widening results in direct, permanent impacts to wetlands, and potential future widening of the northern bridge would impact environmentally sensitive habitat areas. The City has not calculated impacts to intertidal areas, nor has it provided information on the nature and scope of impacts associated with several potential alternatives it presented to staff recently. Staff is recommending denial of the proposed bridge reconstruction as there appear to be less environmentally damaging alternatives available that could reduce the level of impact, particularly permanent impacts to biological resources.

I. PRELIMINARY STAFF RECOMMENDATION:

MOTION: ***I move that the Commission approve Coastal Development Permit No. 6-01-172 for the development proposed by the applicant.***

STAFF RECOMMENDATION OF DENIAL:

Staff recommends a **NO** vote. Failure of this motion will result in denial 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 TO DENY THE PERMIT:

The Commission hereby denies a coastal development permit for the proposed development on the ground that the development will not conform with the policies of Chapter 3 of the Coastal Act. Approval of the permit would not comply with the California Environmental Quality Act because there are feasible mitigation measures or alternatives that would substantially lessen the significant adverse impacts of the development on the environment.

II. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. The City of San Diego is proposing replacement of the existing southern North Torrey Pines Road bridge crossing the mouth of Los Penasquitos Creek/Lagoon. The existing bridge is structurally deficient, as sections of the original concrete have deteriorated, especially at substructure levels. Moreover, the applicant claims that the existing bridge cannot accommodate current and future traffic levels. To ease any existing peak-hour commuter congestion, and address future growth anticipated by regional planning, the City proposes to add a second northbound lane; a single southbound lane is sufficient. The linear project extends 0.41 mile, including a

721-foot transition area south of the bridge, a 1,108-foot transition north of the bridge, and a bridge span of 340 feet. The width of the project site will vary depending upon construction staging areas in use at any given time, and will range from 60 feet wide to 230 feet wide. The proposed highway improvements for the transition areas north and south of the bridge include three retaining walls, bus turnouts to increase public safety, and beach access paths designed for the disabled community. The project also includes revegetation of temporarily disturbed areas, and consolidation and augmentation of the existing riprap protection at the bridge abutments.

The City submitted Coastal Development Permit Application #6-00-070 two years ago for nearly the same project as the subject proposal. The application was never filed due to a lack of critical information, and was ultimately returned to the City. The City redesigned some portions of the proposal, mostly associated with the bus turnouts and pedestrian ramps, but the majority of the proposal remains as submitted in 2000.

As currently proposed, the demolition and reconstruction work will be done in phases to retain two open traffic lanes (i.e., two-way traffic) throughout the construction period. The first phase will construct the two northbound lanes, with traffic being maintained on the existing bridge. When that span is completed, traffic will be moved to the new lanes, the old bridge will be demolished, and the new southbound lane constructed. A third phase will involve filling in the space between the two new spans, and performing various finishing improvements. The project is expected to take approximately two years to construct. There will also be temporary impacts on traffic circulation and public access during the construction phases, and possible impacts to visual resources, water quality and air quality. Mitigation is proposed for the permanent impacts to coastal sage scrub communities.

The City of San Diego has a fully certified Local Coastal Program (LCP) and issues its own coastal development permits in most areas. The subject site, however, is historic and/or filled tidelands and remains in the Commission's area of original jurisdiction. Thus, Chapter 3 of the Coastal Act is the legal standard of review, and the provisions of the Torrey Pines Community Plan and Land Development Code are used for guidance.

2. Environmentally Sensitive Resource Areas (ESHA)/Wetlands. The following two policies of the Coastal Act are most applicable to the subject development:

Section 30233.

(a) 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:

(l) 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.

(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable long shore current systems. . . .

Section 30240.

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

The subject bridge crosses the mouth of the Los Penasquitos Creek/Lagoon, a biologically sensitive area containing a variety of wetland and upland habitat types, as well as intertidal areas and sandy beach used for public recreation. The lagoon complex is located under and east of the existing bridge, and people make use of both the ocean and the lagoon's shallow waters for recreation. North Torrey Pines Road is elevated on manufactured fill slopes on either side of the lagoon mouth; the slopes are riprapped on the ocean side and south of the lagoon mouth on the lagoon side. North of the creek, on the lagoon side, some invasive exotic (mostly ice plant) are interspersed with plant species of the coastal sage scrub community. The Torrey Pines State Beach is adjacent to the west along the shoreline of the Pacific Ocean.

South of the rivermouth area are the coastal bluffs of the Torrey Pines State Reserve, and the Reserve Extension is located north of the lagoon beyond Carmel Valley Road. The Reserve supports the rare Torrey Pine tree and also functions as a natural public park with hiking trails. North of the subject bridge, North Torrey Pines Road becomes Camino del Mar and enters the City of Del Mar. There is also a second bridge, north of the subject one, which is entirely within Del Mar. That City has indicated it will not widen the northern bridge, which crosses the railroad tracks. East-west trending Carmel Valley Road forms the northern boundary of the lagoon, and north-south I-5 is the eastern border. The lagoon extends far to the south, and is bordered there by industrial development.

With respect to wetlands, the Commission's staff ecologist recently visited the site and noted that the area defined as "open water" in the application is more correctly identified as "intertidal" or "estuary" due to the shallow water depths. However, all three classifications are protected under Section 30233 of the Coastal Act, and the submittal does not include a specific analysis of the project impacts to this area that is subject to tidal influence. In addition, the City's environmental review did not identify sandy areas adjacent to the bridge that would be affected by the project as wetlands since it was using the Federal protocol, rather than the state protocol. The difference between the two protocols is that areas defined as wetlands by federal standards must have all three wetland indicators (i.e., hydrology, hydric soils and wetland vegetation) present; any area that has even one of the three indicators present may be considered a wetland pursuant to the state protocol. This area is not vegetated, but has the appropriate hydrology to support wetland habitat. The staff ecologist based his determination that this area is wetlands on Section 13577(b)(1) of the California Code of Regulations, which states in part: "Wetland...shall include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent and drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salts or other substances in the substrate."

When staff received a nearly-identical coastal development permit application in May, 2000, letters were sent to the City asking for additional information in order to file and process the application. Our June 22, 2000 letter asked for (among other things) "clarification of whether the biological assessment delineated wetlands according to the

federal or state protocol." After the City advised that the federal protocol was used, Commission staff responded on August 24, 2000, saying:

> "You state that the wetlands delineation was done according to the federal protocol rather than the state protocol. Since this agency relies on the state protocol, please advise whether, and/or how much, wetland impact would occur when wetlands are delineated under state parameters. Please calculate all potential impacts, direct and indirect, permanent and temporary, and calculate whether widening the bridge affects the level/type of impacts that would occur (i.e., do impacts occur with widening that would not occur if the bridge were replaced in its existing alignment?)."

When no response to that letter was received, the non-filed application was returned to the City in August, 2001. The current application relies on the same biological assessment as the former one, and still does not include a wetland delineation using the state protocol. During review of the subject application, the topic of wetland delineation has been discussed at meetings with the City and in telephone conversations.

For a project that involves fill of wetlands, estuaries, or open coastal waters to be consistent with Section 30233 of the Coastal Act, the project must be for one of the eight purposes identified in Section 30233, must be the least environmentally damaging alternative, and must include feasible mitigation measures to minimize adverse environmental impacts. The proposed development does not satisfy these criteria. The only potentially applicable purpose identified in Section 30233 is where the development is for an "incidental public service." See Section 30233(a)(5). If the project proposed replacing the current structurally deficient bridge with a modern bridge of the same capacity, the project probably would qualify as an incidental public purpose. Road expansions, however, do not qualify as an incidental public purpose unless that expansion itself is necessary to maintain existing traffic capacity by, for example, fixing a safety hazard. The City's purpose in expanding the bridge from two lanes to three, however, is to accommodate additional traffic associated with anticipated future development in the region. Pursuant to *Bolsa Chica Land Trust v. Superior* Court (1999) 71 Cal.App.4th 493, this justification does not qualify as an incidental public purpose. Even if road expansions to address future traffic demands could qualify as an incidental public service, this project would not accomplish its stated purpose. Because the City of Del Mar has decided not to widen the two-lane bridge immediately north of the subject bridge, the proposed new bridge will not remove the bottleneck. It will simply shift the location of the bottleneck slightly northward. The proposed development, therefore, is not a permissible use within the meaning of Section 30233.

In addition, the applicant has not demonstrated that the proposed design is the least environmentally-damaging alternative, since the applicant has not provided the Commission with the information necessary to compare impacts at this time. Moreover, the Commission cannot find the proposed mitigation plan adequate, when not all biological impacts of the proposed bridge are known.

The City has taken the position that the project will have no permanent impacts on wetlands, but the environmental analysis did not evaluate the impacts to the open and intertidal area beneath, and east of, the existing bridge. In addition, it does not appear possible to construct the proposed retaining wall at the toe of the road slope southeast of the existing North Torrey Pines Road Bridge, without at least temporary impacts on the adjacent channel with salt marsh vegetation existing at the foot of the slope. Moreover, the additional area covered by the expanded bridge design should be identified as a permanent shading impact. These impacts to resources are over and above those identified in the Mitigated Negative Declaration (MND), and thus have not been acknowledged, quantified, analyzed or mitigated.

Because the CEQA review in this case resulted in a Mitigated Negative Declaration, not an EIR, a detailed analysis of potential project alternatives was not part of the environmental review. Section 30233, however, requires such an analysis because of the fill of open waters, estuary, and wetlands. In response to concerns raised by Commission staff, the City described five potential project alternatives, all having just two travel lanes instead of the proposed three lanes. While permanent wetland impacts would likely be less under a two-lane scenario, the City has indicated a significant increase in both cost and temporary wetland impacts with any of the suggested alternatives, except for one calling for complete closure of the road during the construction phase. The City generally indicated that different levels of impact and additional costs are associated with the five alternatives. However, the City has not yet provided substantiation of this argument in the form of regulatory requirements, detailed comparison of construction methods and timing, amount of actual impacts (type, size, and location, including direct, indirect, temporary, permanent, noise, lighting, etc.) and required mitigation for each alternative. Thus, the Commission is unable to determine if the project is the least environmentally damaging alternative, as is required pursuant to Section 30233 of the Coastal Act.

The proposed development would also have both permanent and temporary impacts on sensitive upland habitat in the form of two diegan coastal sage scrub communities, one dominated by *artimesia* and the other by *eriogonum*. These resources are located in the northeast portion of the project site, north of the existing bridge on the eastern fill embankment of North Torrey Pines Road and within an adjacent valley area just east of the slope identified as a construction staging area. Although nesting California gnatcatchers are known to breed just north and east of this area, within state park lands, surveys did not reveal their presence within the area of potential effect for the proposed development. Widening the road in this area to accommodate the third travel lane, a bus turnout and an access ramp will directly impact 1.78 acres of disturbed coastal sage scrub, although most of that impact is temporary and the area will be revegetated after completion of the project. However, 0.21 acres will be permanently impacted to create a third lane that ends just north of the bridge (i.e., goes nowhere). The City proposes to mitigate for the total impact by a contribution to the City's Habitat Acquisition Fund sufficient to purchase 1.78 acres of coastal sage scrub habitat within the Multi-Habitat Preserve Area (MHPA). Although the proposed project site is not within the MHPA, the lagoon complex immediately to the east is within the preserve. The applicant has not

provided the Commission with adequate information to assess whether these impacts would be completely eliminated if only a two-lane bridge were built, but it is reasonable to expect they would at least be reduced.

In summary, the proposed bridge will result in impacts to wetlands and sensitive upland habitat, but the amount and type of impacts have not been specifically identified or quantified. In addition, the City has identified several alternatives to the proposed project. However, specific impacts to wetlands and sensitive upland habitats resulting from these alternatives have also not been identified or quantified. The Commission cannot identify the least environmentally damaging alternative without having all impacts of all alternatives quantified and analyzed. Therefore, the proposal cannot be found consistent with the above cited provisions of Section 30233 of the Coastal Act, and the Commission finds it must deny the proposed bridge replacement.

3. Site Stability/Hazards. The following Coastal Act policies are most applicable to this issue, and state in part:

Section 30235.

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. ...

Section 30253.

New development shall:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. ...

The proposed development is demolition and reconstruction of an existing highway segment, including a bridge over the mouth of Los Penasquitos Creek. The bridge is scheduled for replacement because a Caltrans inspection revealed significant structural deficiencies and substandard barrier rails. In addition, the Torrey Pines Community Plan includes a three-lane bridge in its circulation element, both to accommodate existing traffic levels and in anticipation of additional growth, especially east of I-5 in the Carmel Valley Community.

The new bridge will be approximately two feet higher above the water level than the existing bridge to better accommodate the dredging equipment that is used to open the lagoon mouth from time to time. The increase in height calls for a buildup of the roadbed both north and south of the bridge to meet the planned bridge height. Approximately 20,000 cu.yds. of grading will be required to recontour the site and achieve the required elevations; this operation will use over 16,000 cu.yds. of imported fill material. The finished project will add 42,000 sq.ft. of new paved area, and an additional 105,000 sq.ft. of landscaping, resulting in a correlating decrease in unimproved area within the total 6-acre area proposed for disturbance. The height of fill slopes will vary, with the highest being 35 feet. In addition to the roadway, the slopes will support the bus stop and access ramp improvements.

Three retaining walls are proposed to maintain the re-manufactured fill slopes supporting the widened roadway and bridge abutments. Two retaining walls are proposed to be located on the west (ocean) side of the road, north of the bridge, and one is located on the east (lagoon) side of the road, south of the bridge. Dimensions of the proposed walls, from north to south, are: 140 feet long, average of three feet high; 70 feet long, average of five feet high; and 700 feet long, heights ranging from three to fifteen feet. The applicant maintains that, without the walls, the fill slopes would extend much further to the east and west, occupying sandy beach and lagoon habitat. In addition to the retaining walls, riprap support for the existing bridge abutments and southwest of the bridge along North Torrey Pines Road will be moved to accommodate the project, then replaced around the new facilities and augmented as needed to assure stability of the new highway/bridge improvements.

The Commission's technical staff raised concerns over the proposal's inclusion of shoreline protection, since this is new development, and, based on Section 30253 of the Act, should be sited and designed to not need protective devices. In particular, there were concerns over coastal erosion, liquefaction, seismic hazards and the size of the proposed retaining walls. They questioned the wisdom of replacing a deteriorating bridge, already nearly in the surf zone, in its same location. During the projected life of the proposed structure, sea level rise may cause the entire beach seaward of the roadway to be lost. However, moving the road further inland would increase the amount of significant adverse impacts on the biological resources in Los Penasquitos Lagoon.

Since there are public recreational areas nearby, and Carmel Valley Road is a major coastal access route and scenic drive, the length and height of the proposed retaining walls is also a concern, if they are designed larger than necessary. Of particular concern is the wall proposed for the northbound lanes on the south side of the bridge. The retaining walls on the southbound side, north of the bridge are at or near the top of the slopes, immediately adjacent to the road and upper portions of the pedestrian ramp. Their location should not impact, or be impacted by, normal shoreline processes, nor will they be at eye level of persons on the beach. However, the proposed wall southeast of the bridge would be at, or near, the bottom of the manufactured fill slope, and would also be at, or near, lagoon wetlands. Thus, the Commission finds that this wall could be affected by tidal action and potentially interfere with natural shoreline sand transport and supply.

Section 30235 of the Act provides that protection shall be granted to existing development, but must be mitigated if it would adversely impact shoreline sand supply, and Section 30253 requires that new development shall not create nor contribute to erosion or substantially alter natural landforms along bluffs and cliffs.

The cited Coastal Act policies prohibit approving new development that will require shoreline protective devices that significantly alter natural landforms. While the rehabilitation of the aging bridge could be considered non-exempt repair and maintenance, the demolition, reconstruction and expansion of the facility is clearly new development as defined in the Coastal Act. The existing facility includes manufactured side slopes and some riprap, primarily under the bridge and along the ocean frontage, but no retaining walls exist. This application proposes to remove the existing riprap during construction, then replace it to protect the new development; the applicant also proposes to augment the riprap where necessary. The applicant maintains that the proposed level of shoreline protection is the minimum necessary to protect the proposed, new and expanded bridge structure without causing impacts on adjacent wetland habitat. The Commission's engineer preferred smaller walls, but acknowledged that habitat concerns might be driving the design.

In summary, the Commission finds the proposed shoreline protective measures inconsistent with the cited Coastal Act policies. As designed, the new, expanded bridge will not only need shoreline protection, it will require augmentation of the level of protection currently afforded the existing bridge. Moreover, at least one of the proposed retaining walls, as well as the riprap, could affect sand supply and accelerate beach erosion. This particular retaining wall is needed to support an expanded roadway to accommodate three lanes; it would probably not be required to support a redesigned two-lane bridge since the existing manufactured fill slope already accommodates two lanes, bike path and sidewalk. Therefore, the Commission determines that the application must be denied.

4. Water Quality/Hydrology/Traffic. The following Coastal Act policies are most applicable to the proposed development, and state in part:

Section 30230.

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.

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, ...

The proposed bridge reconstruction has a positive benefit on the cited resources, because the bridge to be removed now has 72 pilings/piers supporting it, and the proposed new bridge will only have 4. As a result, Los Penasquitos Creek will be more free-flowing in this area, especially during flood conditions when the number of obstructions under the bridge serves to slow down the water, causing the floodwaters to spread out and cover more ground upstream. In addition, bridge pilings can snag items in the floodwater, such as tree branches and pieces of structures, and thus form a dam, increasing even more the likelihood of upstream flooding. Because a reconstructed bridge with a reduced number of pilings will improve the flow of the creek, it can also have a beneficial effect on water quality. Sediments are less likely to drop out within the lagoon system, but instead will be washed out to sea. A freer flow may also increase the amount of time the lagoon mouth naturally stays open; algae blooms and fish kills are less likely to occur with an open lagoon mouth.

There are, however, several adverse impacts the proposal may have on the water quality of the lagoon. Construction activities always pose a high risk for water quality impacts because of the grading operations which leave the soils more vulnerable to wind and rain erosion. Oil and gasoline spills may also occur during construction activities because of the heavy machinery used and stored at the site. These impacts are, of course, temporary during construction only, but the subject proposal estimates a two-year construction schedule, which means the impacts would be long-term, even if temporary.

Also, there are potentially significant permanent water quality impacts from car emissions if vehicles are stopped and idling on the bridge itself during times of heavy traffic. This generally consists of heavy late afternoon weekday commuter traffic between the Torrey Pines and University Communities' employment centers and the bedroom communities of North City and Del Mar. However, Torrey Pines State Beach is an extremely popular public recreational venue, and traffic can be heavy on weekends as well. Moreover, the "going home from work" and "going home from the beach" times often occur simultaneously.

Significantly more traffic uses the northbound portion of the road, which is why the City is proposing to construct an additional northbound lane. Currently, northbound traffic stacks up seven hundred or more feet south of the bridge, where the two northbound lanes coming down the hill from North Torrey Pines Mesa merge into a single lane. It is at this point that traffic typically backs up during peak periods now. The single lane continues north across the existing southern lagoon mouth bridge and the northern railroad bridge, then becomes two lanes again where it enters the City of Del Mar, north of Carmel Valley Road. The southern bridge is owned by the City of San Diego and the northern bridge by the City of Del Mar; only the southern bridge is addressed herein.

The two cities have different visions for the future of these bridges and the associated roadway approaches. The City of San Diego maintains that the level of traffic warrants a second northbound lane (or three lanes altogether, adding in the one southbound lane); the City of Del Mar has decided its bridge will remain with just one lane in each direction, as currently exists. Therefore, if the proposed third lane for the City of San Diego is constructed, and the northern bridge remains at two lanes, the "choke" point for traffic will move north to the area between the two bridges (i.e., immediately over the lagoon and sensitive habitats). This will result in slow or stopped vehicles, with engines idling and possibly oil or other hydrocarbons dripping on the bridge platform above the lagoon mouth. Members of the Torrey Pines community, and others, raised this as a significant adverse result of the proposed design, with potentially significant impacts on the water quality of the lagoon. After the issue was raised, the City conducted a study to try and determine if this argument was valid. The consultant's conclusion was that any impact would probably be negligible. The Commission does not have sufficient information to draw a conclusion. Nonetheless, project opponents assert that air pollution and water pollution go hand in hand, and have raised both as issues for the Commission's consideration.

The wider road, bus turnouts and paved pedestrian ramps represent new impervious surfaces, which will increase site runoff slightly. The City is proposing to elevate the roadway to maintain the existing drainage patterns, which are to the east into vegetated parkland. Although the proposed project includes new drainage facilities to capture all road runoff, and runoff will be directed into vegetation, the applicant has not proposed any oil or grease separators, or similar devices, to filter the runoff as it leaves the road. In summary, traffic and water quality are integrally related in this permit review. Although there is currently peak-hour congestion in this location, it occurs more than 1,000 feet south of the southern bridge, a greater distance from the biological, visual and recreational resources in the area. It already has a real, if not significant, impact on coastal resources. Community members believe that moving the point of congestion north to a location between the two bridges would make this situation even worse, by allowing idling cars in much greater proximity to the resources. While this has not been conclusively proven, it would appear to be prudent to avoid the risks where possible. It would be shortsighted indeed to relocate a traffic jam to a more sensitive location than where it now occurs, or to knowingly increase impervious highway surfaces without full filtration in the drainage system. The Commission's standard for filtration is that selected BMPs (or suites of BMPs) shall be designed to treat, infiltrate or filter stormwater from each runoff event, up to and including the 85th percentile, 24-hour runoff event for volume-based BMPs, and/or the 85th percentile, 1-hour runoff event, with an appropriate safety factor, for flow-based BMPs. Unless the City can demonstrate that filtration by vegetation alone is adequate to achieve this standard, the proposed drainage system is inadequate. Constructing a third lane that, in effect, goes nowhere, neither alleviates congestion nor improves traffic circulation. The Commission finds the proposed development is not consistent with the marine resources policies of the Coastal Act, and must, therefore, be denied.

5. Public Access and Recreation. Many policies of the Coastal Act address these subjects. Those most applicable to the development being reviewed follow, and state in part:

Section 30211.

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

Section 30213.

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

Section 30220.

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Section 30221.

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Section 30223.

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

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, ... (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, ...

The nearby Torrey Pines Reserve provides a wooded mountain habitat adjacent to the shoreline, which is unique in Southern California. Also unique are the Torrey pines themselves, which only grow there and on one of the Channel Islands. People come from throughout California, and throughout the country, to view these trees and hike the paths in the reserve, which have stunning views of the coastline. Torrey Pines State Beach

itself draws visitors from all the inland communities in this general part of the coast, as well as regional and national visitors.

The beach has two public parking lots, one south of the bridge, off North Torrey Pines Road, and one north of the bridge, off Carmel Valley Road. Both parking lots receive a high level of use throughout the summer months, and some use year-round as well. There is also informal parking along the west (southbound) side of North Torrey Pines Road. The north parking lot is located east of North Torrey Pines Road, but has an access path under the existing Los Penasquitos Creek Bridge from the parking lot to the shoreline.

The proposed project will have both beneficial and adverse impacts on public access and recreational resources. On the positive side, the City is proposing to improve the existing accessway under the bridge, build bus turnouts both north and south of the bridge, and create new access paths from the bus stops to the beach. These features will enhance existing pedestrian access, encourage the use of public transportation, and provide ADA-compliant facilities for persons with disabilities.

On the negative side, there are two main concerns related to public access and recreation.

One concern regards a permanent access impact resulting from the proposed project. There will be a permanent loss of sandy beach due to the widening of the road, and potentially as a result of building the pedestrian access ramps and augmenting existing riprap. The main loss of beach area occurs within the lagoon mouth, as the road is proposed to be widened approximately 21 feet towards the east. Many families, especially those with young children, prefer the calmer and more shallow waters of the lagoon mouth to the open ocean. Although the actual shoreline area will remain the same, more of it will be permanently shaded under the wider bridge. The road widening south of the bridge, and the proposed augmented riprap, will displace approximately 12 linear feet of sandy beach. The total square footage of beach that will be lost to an expanded roadway/bridge in this location is dependent on the tides.

The other concern is a temporary loss of approximately 15 parking spaces on North Torrey Pines Road during the construction period. With a two-year construction window, these spaces will be unavailable for two consecutive summer seasons. Because road parking is immediately adjacent to the beach and free, and the parking lots charge a fee and are located further away, the street spaces are always the first to fill, so this will be an inconvenience to several beachgoers each day. Since the 550-space north Torrey Pines State Beach parking lot only reaches full capacity on summer weekends (especially holiday weekends), there should still be spaces available, for a price, on weekdays.
In summary, the Commission finds the proposed project will provide some public access improvements with enhanced bus stops and pedestrian ramps. However, the bus stops already exist and people make their way down the side slopes to the beach now. The proposed improvements would assist persons with physical disabilities; however, there are handicapped parking spaces in the parking lot now, with access to a paved walkway to the beach. Although the City maintains the additional travel lane is necessary to

address current and future traffic needs, constructing a third lane here will not accomplish anything that benefits traffic circulation unless the City of Del Mar also decides to build a three-lane bridge. Del Mar has stated it will never construct a third lane. More significant from a Coastal Act perspective, however, is that expanding the northern bridge would result in greater impacts to wetlands and uplands, including direct impacts on breeding gnatcatchers. The Commission finds that the identified access benefits are outweighed by the direct loss of public beach area, along with the two-year loss of existing public parking spaces, resulting from project implementation. Therefore, the proposal cannot be found fully consistent with public access and recreation policies of the Coastal Act, and must be denied.

6. Visual Resources. The Coastal Act provides for the protection and enhancement of visual resources in the following policy:

Section 30251.

> 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.

This is a particularly scenic area of the California coastline, with tall wooded bluffs, the wide expanse of Los Penasquitos Lagoon and the overall beach setting. Torrey Pines State Beach, Torrey Pines Reserve, and the lagoon attract visitors from throughout the country. The described features are visible from a wide variety of vantage points, both close-up and more distant. Those who don't want to swim or surf in the ocean, or hike the trails in the Reserve, still come just to enjoy the views.

As proposed, the new bridge would not significantly change existing views, even though the facility would be bigger than the existing bridge, because existing views are primarily horizontal. The access improvements north of the bridge would not be visually obtrusive, although they could certainly be seen. Of greatest concern are the proposed retaining walls, particularly the proposed 15-foot wall southeast of the bridge. This will be visible even from a distance, although the City proposes coloration to help it blend in with its surroundings. Close-up, the impact will be far greater, with a vertical wall rising immediately adjacent to the lagoon channels, where now there is a vegetated slope. The only apparent purpose for this retaining wall is to support the proposed third lane, since there are no bus or path facilities, existing or proposed, on the south side of the bridge. As has been discussed previously, a third travel lane that goes nowhere does not accomplish the stated purpose of the project, and a redesign to a two-lane bridge will likely result in elimination of the largest proposed retaining wall, since the existing two-lane road is adequately supported by the existing fill slope. The Commission finds that the proposed development is not subordinate to the character of its setting nor will it

protect and enhance public views. Therefore, the Commission finds the proposal inconsistent with Section 30251 of the Act, and thus denies the permit.

7. Potential Alternatives. The Commission finds that replacement of the existing substandard bridge might be consistent with the Coastal Act if it were redesigned or sited differently. Thus, if the applicant redesigns or resites the project to protect wetland resources and address water quality, traffic circulation, public views and public access/recreation, the project could potentially be found consistent with the above-cited policies of the Coastal Act. Providing a third lane really has no benefit, and most of the identified resource impacts result from widening the bridge. A third lane will just move standing traffic closer to the resources, and Del Mar is strongly opposed to widening the northern bridge.

There appear to be viable alternative ways to redesign the development. The Commission identifies alternatives here as suggestions only, and without implication that any or all would definitely be consistent with the Coastal Act. Further, the suggestions do not take into consideration comparative costs, future permit requirements or potential public interest or opposition.

As stated previously, the City itself has recently reviewed a number of potential alternatives to the proposed bridge design (see attached Exhibit 10). Most of them feature a two-lane bridge roughly in the same location as the existing one. The difference between three of the five is in the method used to maintain through traffic during the construction period. The City suggested various temporary facilities, including a two-way detour on one side or the other of the existing bridge, two one-way temporary bridges on both sides of the existing bridge, and reducing traffic to one lane only during much of the construction period to allow the City to work on one side of the bridge at a time.

A fourth alternative would be to close the road entirely during the construction period. Although the City states this would "effectively preclude public access to the beach and Torrey Pines State Park Reserve," the Commission finds that this is not totally accurate. The closure of North Torrey Pines Road in no way precludes persons from using the north public beach parking lot accessed from Carmel Valley Road. Moreover, if the construction zone stays at roughly 0.41 of a mile in length, as currently proposed, access to the southern lot from Torrey Pines Mesa (to the south) would remain available as well. Only access between the two parking lots would be precluded for approximately two years, and people normally using North Torrey Pines Road as a through street would be redirected to I-5, which is approximately one mile to the east.

The fifth suggested alternative calls for redesigning the bridge further east, enabling use of the existing bridge during construction. The main benefit of this would be that by moving the bridge further from the surf zone, it would lessen the need for shoreline protective devices and to open up the areas under the existing bridge for more intense human use. However, the additional biological impacts of such a design, which would cut through significant portions of lagoon habitats, makes this alternative undesirable

from a Coastal Act perspective, since it appears impossible to ever identify this as the "least environmentally damaging" alternative.

A last alternative that should be investigated is the feasibility of completely spanning the lagoon mouth without pier supports in water or wetlands. All of these alternatives would increase processing time and costs to the City. In addition, the City has identified other potential impacts, including further encroachment into either, or both, the sandy ocean beach or sandy lagoon beach, a potential need for night lighting for traffic control, and increased traffic on I-5. Therefore, the City is not prepared to formally offer any of these alternatives at this time.

There is also the potential alternative of permanently closing North Torrey Pines Road to through traffic, and cease its function as a commuter link. As discussed previously, people could still access the recreational amenities from either the north or south (see fourth alternative). The road could cul-de-sac where the bridge abutments used to be and could be improved as additional park land. No permanent adverse resource impacts would occur under this scenario. This alternative would also remove all obstructions (bridge pilings) from the mouth of the lagoon. Not only would tidal circulation be improved, but the risks of upstream flooding would be reduced. Moreover, heavy equipment would have full access if the mouth needed to be artificially opened. However, North Torrey Pines Road is a portion of historic Highway 1, and its permanent closure may not be culturally or politically acceptable.

All of these various concepts, and any other proposed alternatives, need to be formally analyzed for feasibility and impacts to resources and approved through the City of San Diego public review process. In any case, the level of redesign needed in order to meet the Coastal Act concerns raised in previous findings would be significant.

7. 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 cannot be made.

The Torrey Pines Community Plan includes the improvement of North Torrey Pines Road to a three-lane road extending all the way north to Carmel Valley Road. This designation is based on existing and forecasted traffic volumes and does not consider the possible environmental impacts of such a proposal. The plan also acknowledges that the northern portion of the road is in the City of Del Mar's jurisdiction, and that the plan cannot be fully implemented without Del Mar's concurrence. In addition, the Torrey Pines Community Plan has many policies protecting public access, public recreation and sensitive biological resources, particularly lagoon wetlands. Thus, there are conflicts within the certified community plan addressing exactly when, how, and if this project can be built. Because the proposed development has not reconciled the City's planning goal of constructing a three-lane road with the resource protection policies of the LUP,

approval of the project as proposed would prejudice adoption of an LCP that complies with the provisions of Chapter 3.

8. Consistency with the California Environmental Quality Act (CEQA). As previously stated, the proposed development will result in impacts to biological, visual and marine resources, as well as public access and recreation, which will result in unmitigable environmental impacts. Furthermore, a variety of potential project alternatives have been identified that may lessen the environmental impact of the proposed project on coastal resources, although the alternatives have not yet been specifically analyzed for impacts. Because the applicant has not adequately analyzed these alternatives, approval of the project would be inconsistent with the requirements of CEQA.

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6-01-172

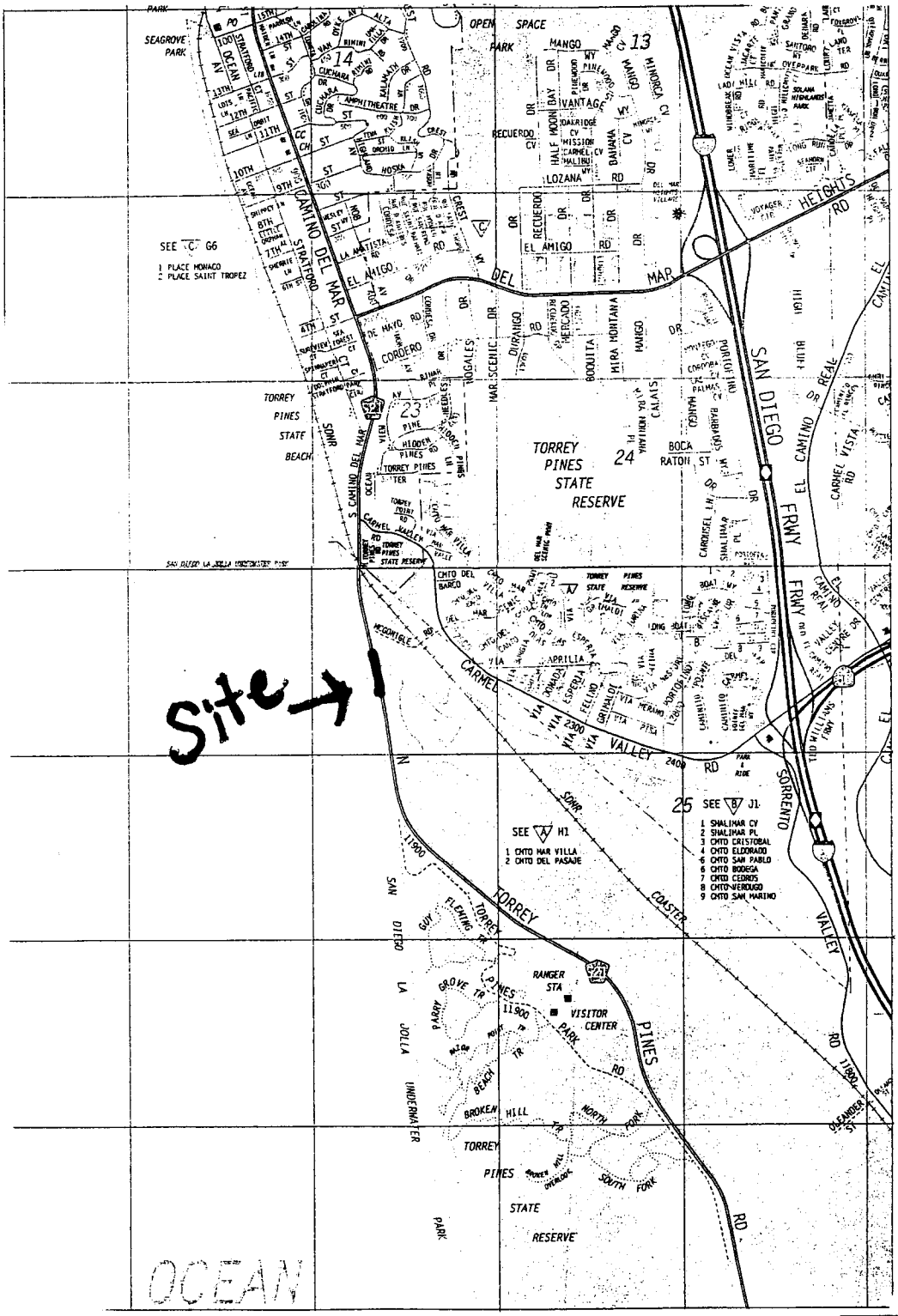
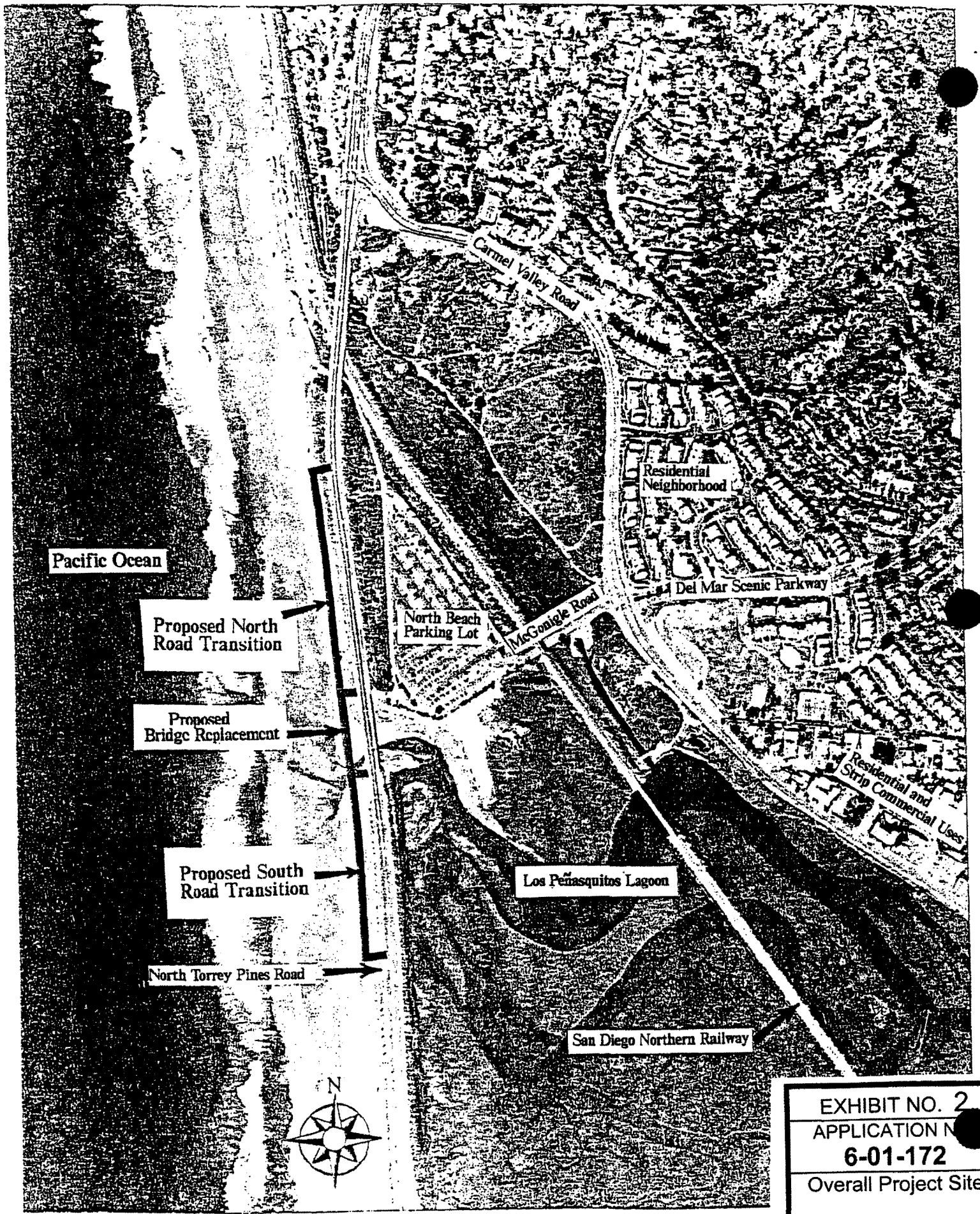


EXHIBIT NO. 1
APPLICATION NO.
6-01-172
Vicinity Map

California Coastal Commission

6-01-172



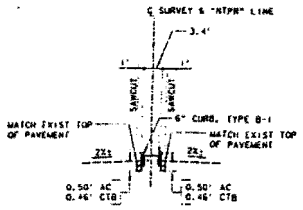
Base Map Source: Aerial Fotobank, flown 12/91

Aerial Photograph of the Project and Vicinity

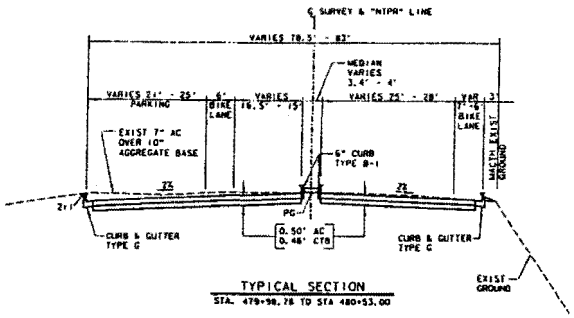
EXHIBIT NO. 2
APPLICATION NO.
6-01-172
Overall Project Site

California Coastal Commission

6-01-172



TYPICAL SECTION
STA. 472+48.76 TO STA. 479+98.76



TYPICAL SECTION
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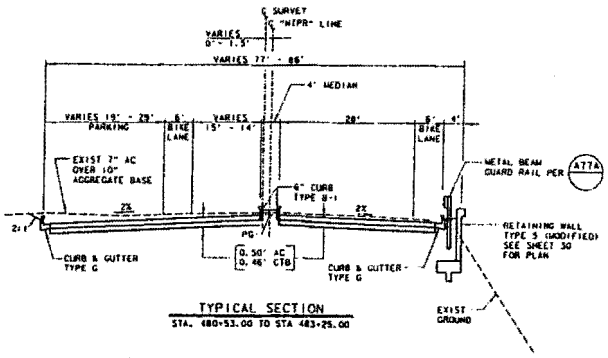

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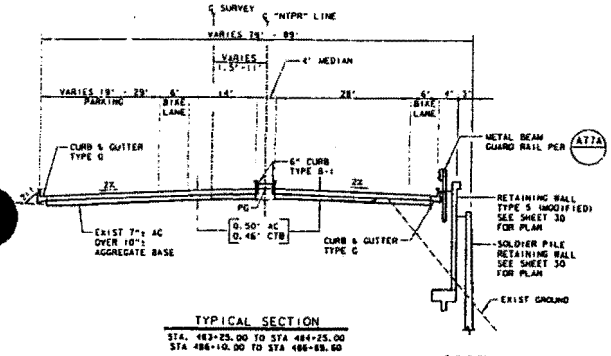

TYPICAL SECTION
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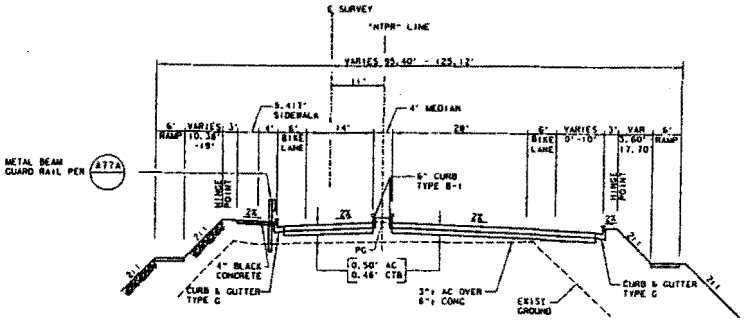
STA 486+10.00 TO STA 486+85.60



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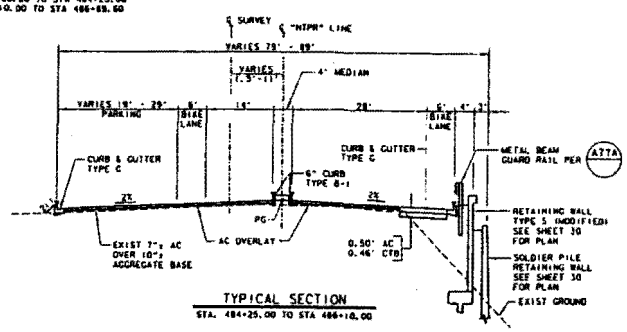

TYPICAL SECTION
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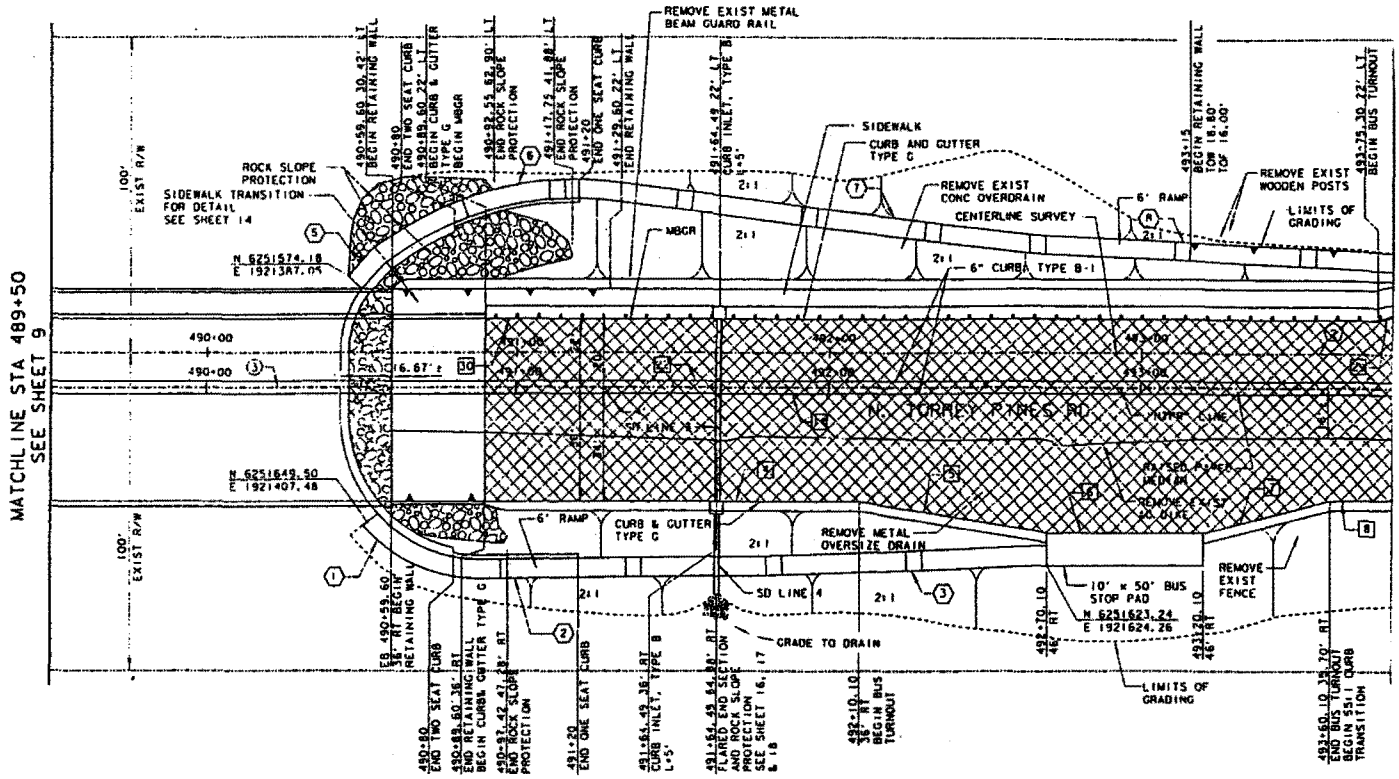
EXHIBIT NO. 3
APPLICATION NO.
6-01-172
Typical Cross-Sections
California Coastal Commission

6-01-172



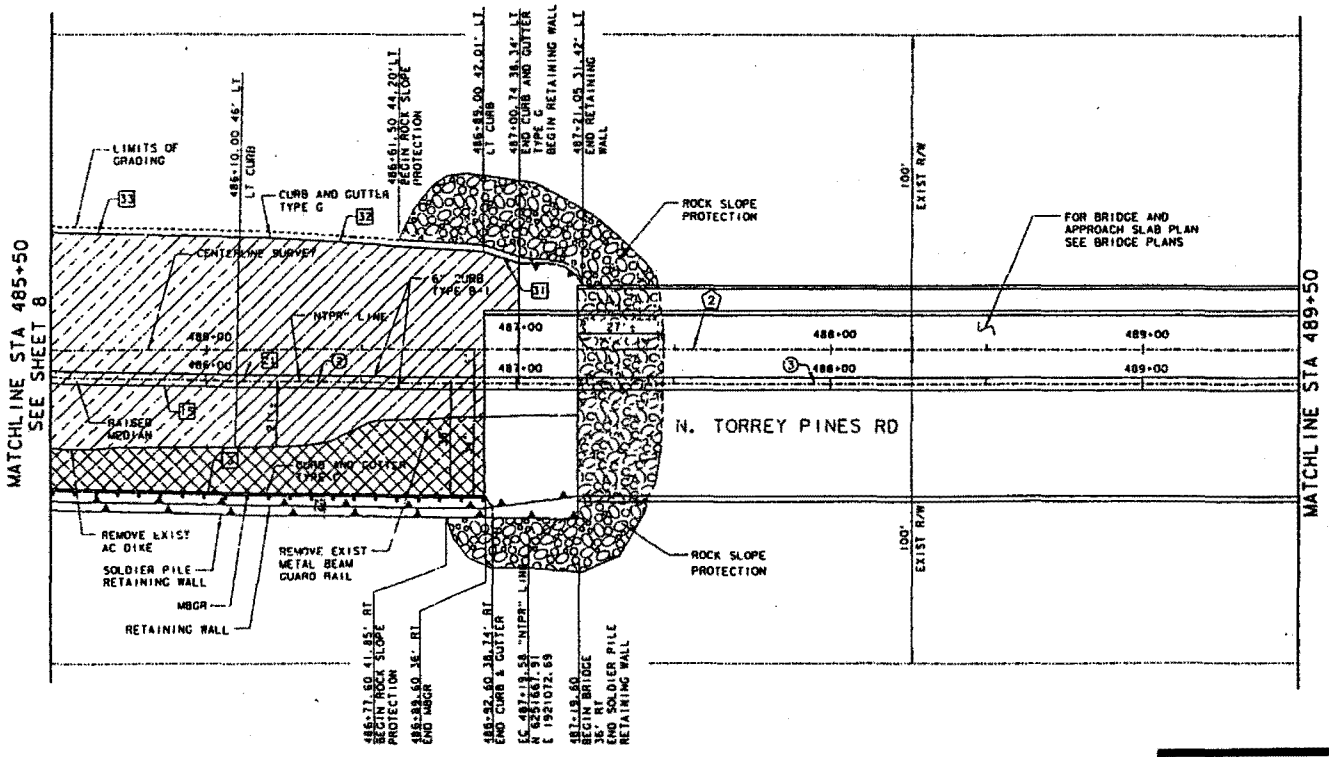
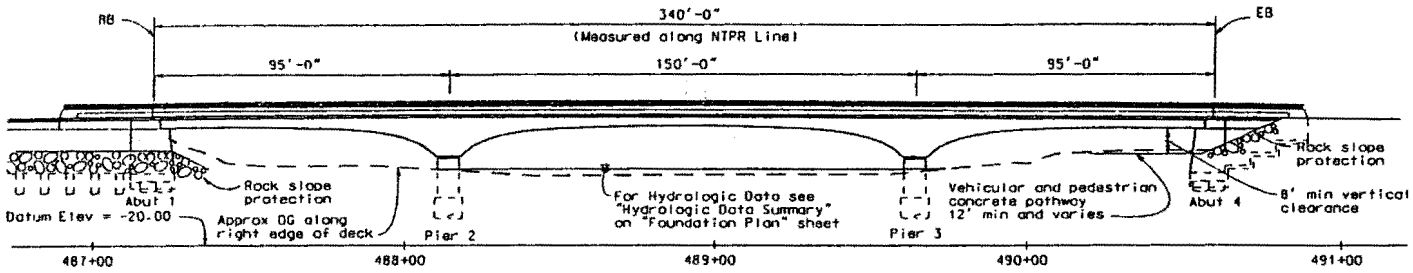


EXHIBIT NO. 4
APPLICATION NO.
6-01-172
Abutments, Paths, & One Bus Turnout
California Coastal Commission

6-01-172



ELEVATION

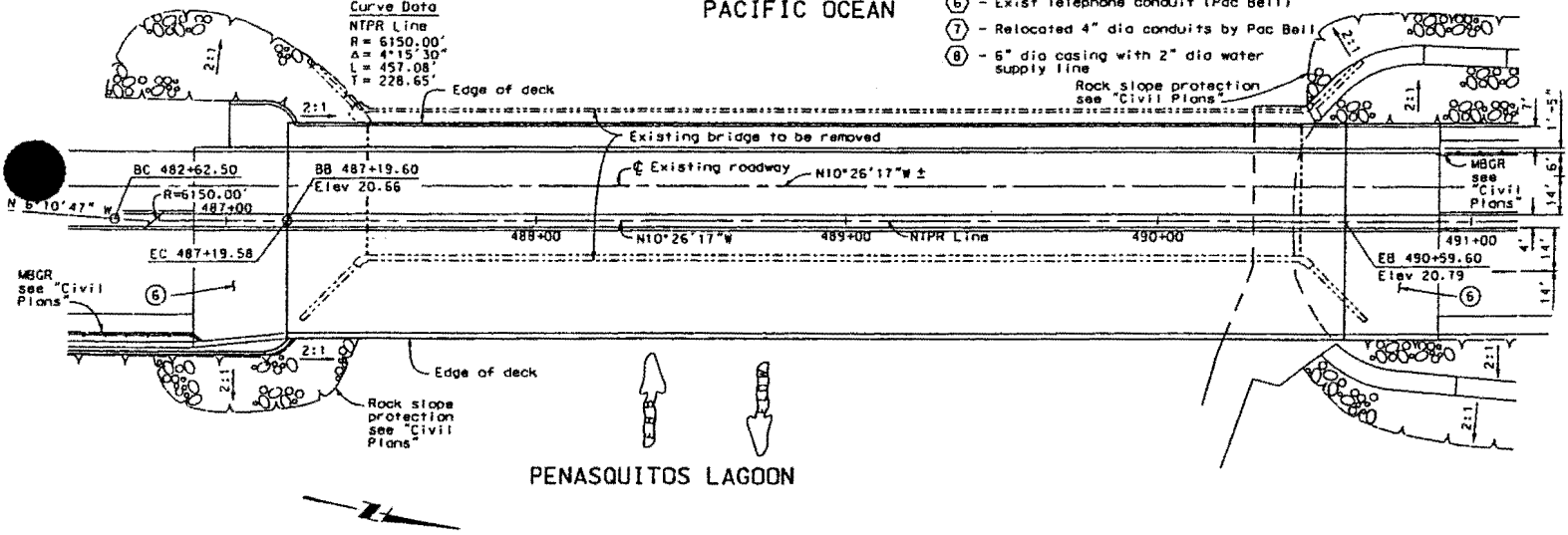
1" = 20'

Pile Data - CIDH Concrete Piles

Location	Diameter	Nominal Resistance		Cut-off Elevation	Specified Tip Elevation
		Compression	Tension		
Abut 1	60"	375 Tons	0	0.25	-105.00
Pier 2	108"	2600 Tons	0	-5.00	-102.00
Pier 3	108"	2600 Tons	0	-5.00	-104.00
Abut 4	36" or 60"	200 Tons	0	0.25	-65.00
		375 Tons	0	0.25	-65.00

Utilities:

(1) - Exist 12" dia HP Gas to be relocated by So Cal Gas Company
(2) - Exist 4" dia HP Gas to be relocated by SDG&E
(3) - Relocated 12" dia HP Gas by So Cal Gas Company
(4) - Relocated 4" dia HP Gas by SDG&E
(5) - Future utility opening
(6) - Exist Telephone conduit (Pac Bell)
(7) - Relocated 4" dia conduits by Pac Bell
(8) - 6" dia casing with 2" dia water supply line



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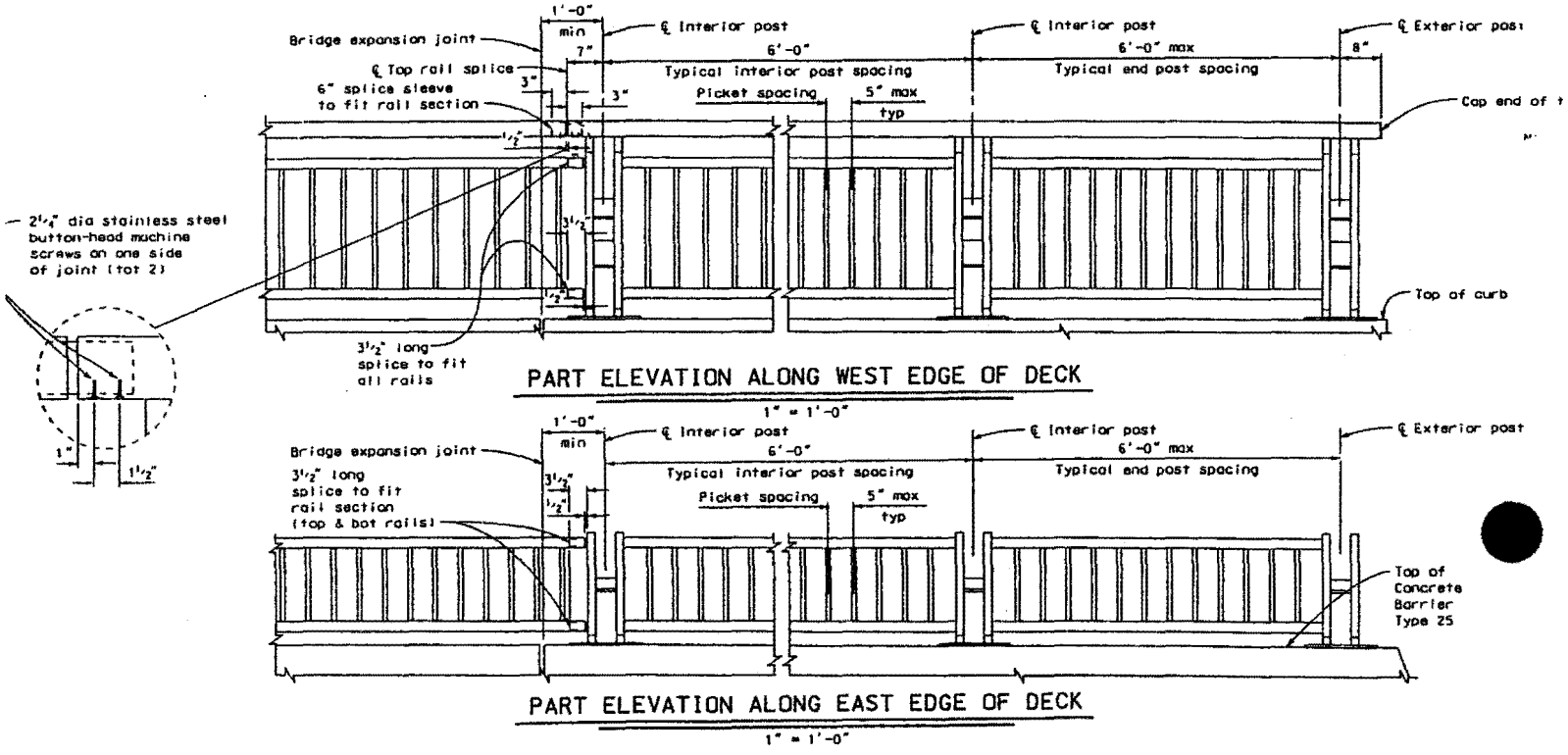


PART ELEVATION ALONG WEST EDGE OF DECK

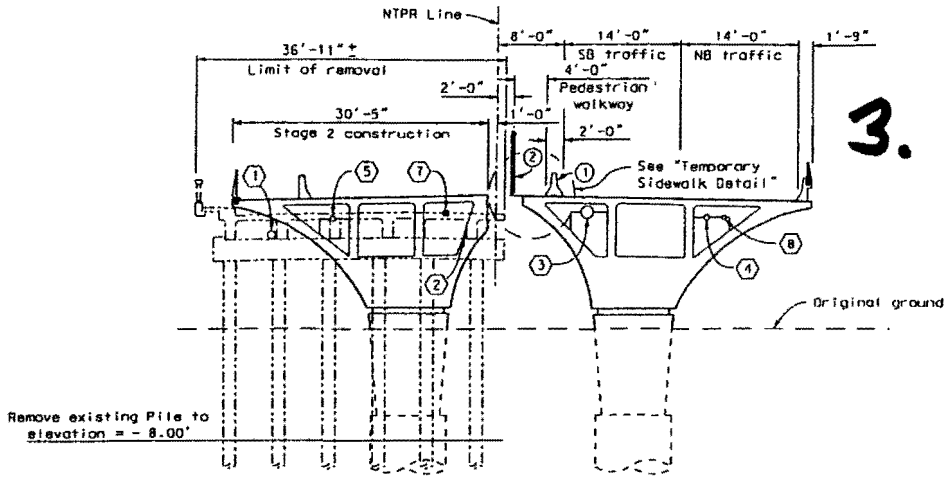
1" = 1'-0"

PART ELEVATION ALONG EAST EDGE OF DECK

1" = 1'-0"

EXHIBIT NO. 6
APPLICATION NO.
6-01-172
Bridge Rails
California Coastal Commission

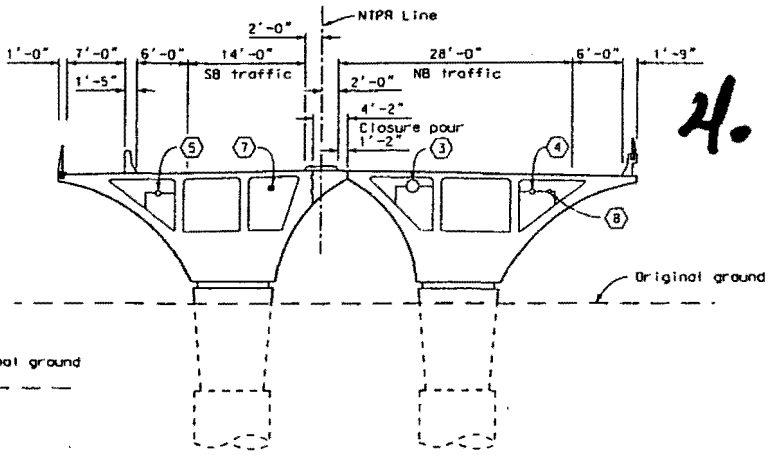
6-01-172



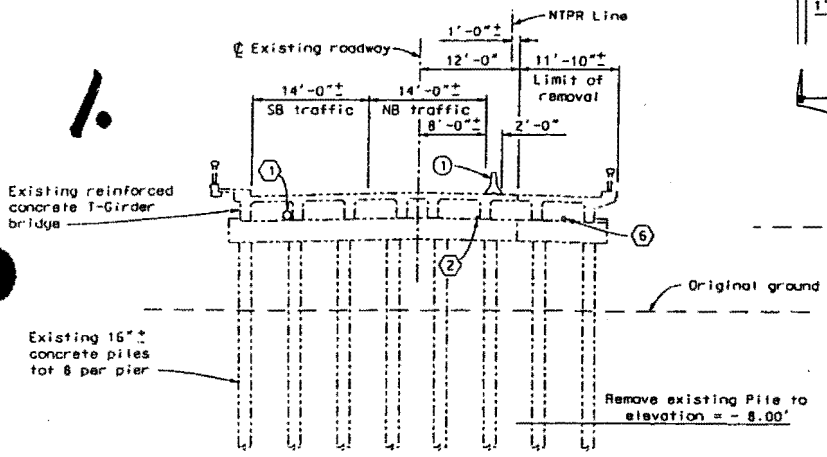
3.

STAGE 2 REMOVAL AND CONSTRUCTION

No Scale



4.



1.

STAGE 1 REMOVAL

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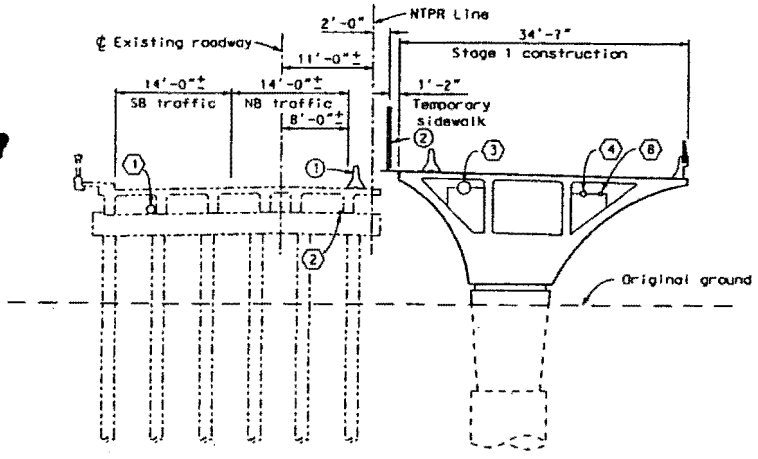
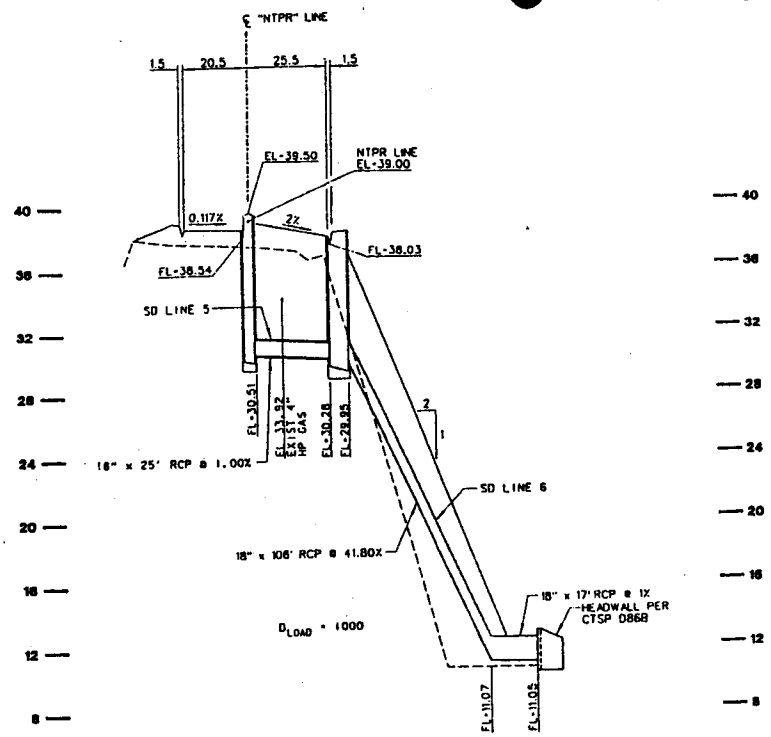


2.

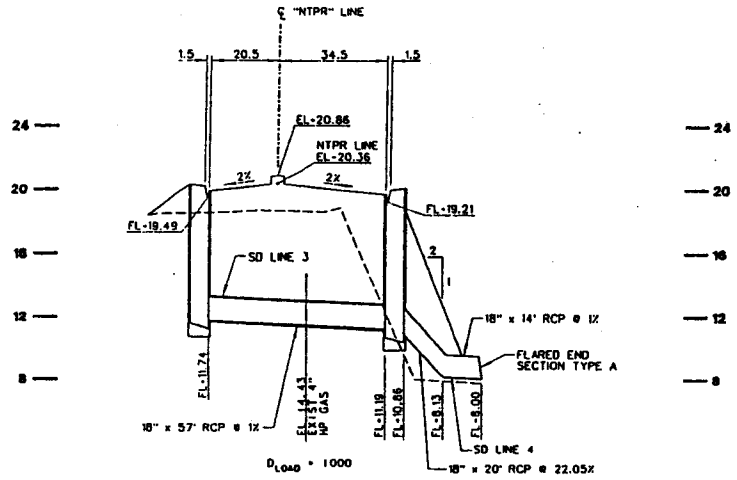
STAGE 1 CONSTRUCTION

EXHIBIT NO. 7
APPLICATION NO.
6-01-172
Construction Stages
California Coastal Commission

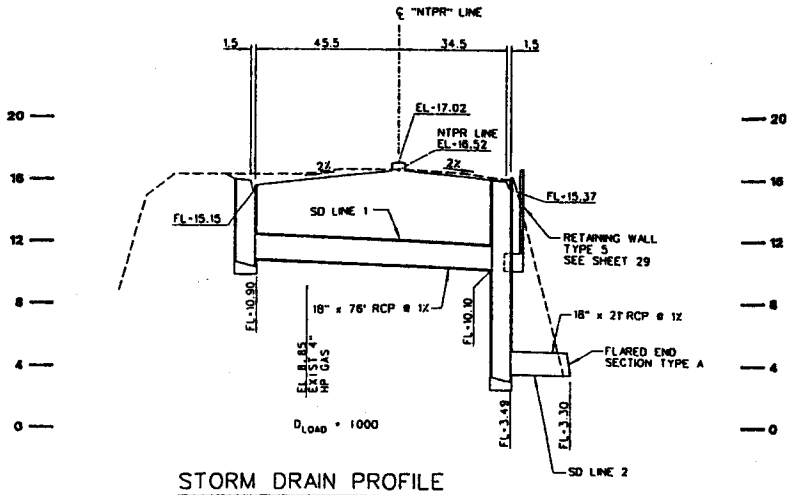
6-01-172



STORM DRAIN PROFILE
STA 498+39
SCALE VERT 1" = 4'
HORIZ 1" = 20'



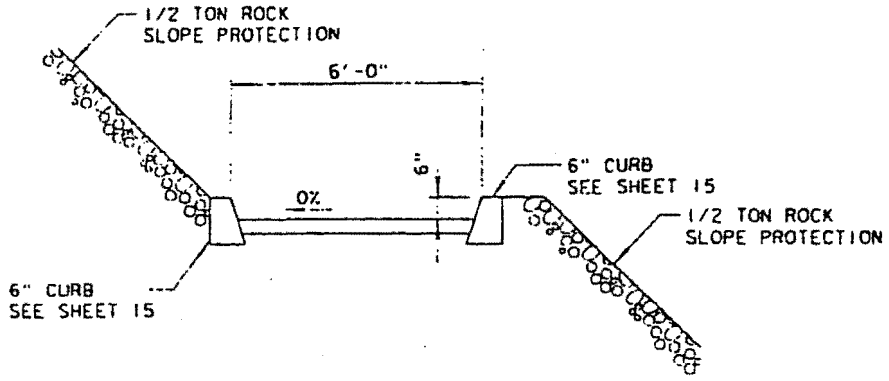
STORM DRAIN PROFILE
STA 491+64.49
SCALE VERT 1" = 4'
HORIZ 1" = 20'



STORM DRAIN PROFILE
STA 481+49.81
SCALE VERT 1" = 4'
HORIZ 1" = 20'

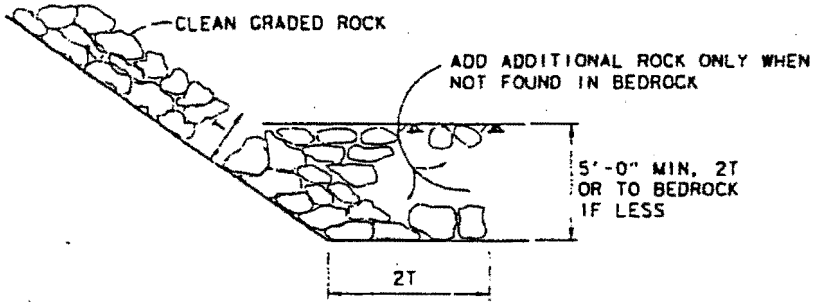
EXHIBIT NO. 8
APPLICATION NO
6-01-172
Drainage Profiles
California Coastal Commission

6-01-172



RAMP DETAIL

NO SCALE



NOTE:

"T" IS EQUAL TO OR GREATER THAN NOMINAL ROCK SPECIFIED. FOR METHOD B PLACEMENT, INCREASE "T" 25%

ROCK SLOPE PROTECTION

NO SCALE

EXHIBIT NO. 9
APPLICATION NO. **6-01-172**
Rock Slope Protection
California Coastal Commission

6-01-172

Alternative Options Considered:

- Using a temporary construction bridge on either side of the bridge to accommodate existing vehicle and bicycle traffic in both directions. Such a bridge would encroach approximately 60 feet into either the public beach area to the west or the lagoon to the east, for a total length of approximately 5,700 feet during the two-year construction window. This option would result in an increased cost of about $3 million.

- Using temporary east and west construction bridges, to accommodate vehicle and bicycle lanes traveling in either direction. These bridges would result in approximately 35 feet of encroachment on each side of the existing bridge, for a length of approximately 6,500 feet during construction. This option would also result in an increased cost of about $3 million.

- Working on one-half of the bridge at a time, reducing traffic to one lane with traffic control. This option would result in additional traffic delays during the construction period, which would likely be exacerbated by the I-5/I-805 improvements that are also scheduled to occur at the time. Fire and safety vehicle access would be impeded during the construction period. The traffic control would require significant night lighting, which would likely have impacts on lagoon habitat and there would be safety concerns for bicycle users, particularly at night. Heavy fog also affects the area, and there would be safety concerns associated with the potential for accidents during such times. This option would increase the project cost by about $4 million, for traffic control and redesign.

- Closing the road entirely to through traffic during construction. This option would effectively preclude public access to the beach and Torrey Pines State Park Reserve. It would virtually eliminate fire & safety vehicle access through the area for the two year construction period, and it would result in significant traffic increases to the surrounding area which will be exacerbated by the I-5/I-805 improvements. Additional costs have not been identified.

- Shifting the design of the new bridge to occur east of existing bridge. This option would enable the use of the existing bridge with no additional traffic impacts during the construction period. It would, however, constitute a major encroachment into the lagoon area, and would result in significant biological impacts to sensitive wetland habitat. Additional costs have not been identified.

EXHIBIT NO. 10
APPLICATION NO.
6-01-172
City's Potential Alternatives
California Coastal Commission