

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
 7575 METROPOLITAN DRIVE, SUITE 103
 SAN DIEGO, CA 92108-4402
 767-2370

RECORD PACKET COPY



Tue 9c

Filed: November 21, 2001
 49th Day: January 9, 2002
 180th Day: May 20, 2002
 Date of Ext. Req. May 7, 2002
 Length of Ext: 90 days
 Final Date for CCC Action:
 August 5, 2002
 Staff: EL-SD
 Staff Report: June 24, 2002
 Hearing Date: July 8-12, 2002

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:

This item came before the Coastal Commission on May 7, 2002, with a recommendation of denial for the following reasons: 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, there did not appear to be any benefit gained from widening the subject bridge to three lanes. The primary concern related 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 appeared 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 would result in direct, permanent impacts to wetlands and the amount of impact had not been quantified, and potential future widening of the northern bridge would impact environmentally sensitive habitat areas.

The Commission took public testimony and discussed the item, but ultimately continued the matter, asking staff to work with the City first. The applicant provided a 90-day extension request to allow the item to continue, as it was nearing the 180th day pursuant to the Permit Streamlining Act. Concerns raised by the Commission included the need to eliminate the third lane of traffic (second northbound lane) and the need to gain a clear understanding of all potential biological impacts. This required additional wetlands analysis, including a delineation done according to state protocol, rather than federal. Since then, Commission and City staff, consultants and members of the community have met on several occasions to discuss the matter. Staff is now recommending approval with conditions. The City has expressed its willingness to reduce the bridge surface striping to only two travel lanes, and Exhibits #8 and #9 represent the City's suggested revisions in the design of the retaining walls and drainage facilities.

The City continues to maintain that any project alternatives would have approximately the same level of impacts due to the staged construction method required to keep two lanes of traffic flowing throughout the construction period. The only way to rebuild a two-lane bridge approximately in its current alignment would be to close the road altogether for the construction period, which the City believes would cause a serious disruption of regional traffic patterns. Many members of the community seem willing to accept the temporary inconvenience of a closed road in the interest of keeping the bridge as narrow as possible, eliminating impacts to sensitive habitat, and still achieving the project goals of a safe bridge, increased disabled access and greater use of public transit. Since this road acts as a regional commuter conduit, the City does not agree with this position. In addition, the City maintains that redesigning the project at this point would cause delays and add substantial costs that the City cannot fund.

Staff is recommending approval of the proposed bridge reconstruction, with a number of special conditions. Key among these is a requirement to redesign the bridge surface to have only one northbound lane with a wide median, requirements to avoid all permanent wetland impacts for the proposed retaining walls and drainage facilities, and a requirement for a complete mitigation and monitoring program for the identified coastal sage impacts. Other conditions address water quality, landscaping and public vehicular access.

PRELIMINARY STAFF RECOMMENDATION:

MOTION: *I move that the Commission approve Coastal Development Permit No. 6-01-172 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

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

RESOLUTION TO APPROVE THE PERMIT:

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

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Revised Final Plans. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, final plans for the permitted development, that are in substantial conformance with the plans titled *North Torrey Pines Road Bridge over Los Penasquitos Creek*, received in the San Diego Coastal Commission office on January 2, 2002, except that they shall be revised as follows:

- a. The bridge shall be striped for only two lanes (one in each direction) and shall have a wide central median of decorative pavement and low, built-in, planter boxes.
- b. Revisions shall document that the retaining walls and drainage facilities avoid any wetland impacts.

- c. Plans shall include details of construction staging, methods and technologies demonstrating that the walls will be constructed in a manner that avoids any wetland impacts.
- d. Plans shall document that retaining walls have been minimized to the extent possible and constructed as tightly against the slope as possible to eliminate encroachments into wetlands and sensitive uplands and to reduce the visual impact.
- e. The riprap revetments shall be surveyed and the revetment survey shall be submitted with the final plans. The plans shall identify permanent benchmarks from the property line or another fixed reference point to which the elevations (toe and crown) and seaward limit of the revetment can refer for measurements in the future

2. Coastal Sage Mitigation Plan. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a final detailed coastal sage mitigation plan to the Executive Director for review and written approval. The plan shall be developed in consultation with the California Department of Fish and Game(CDFG) and the U.S. Fish and Wildlife Service (Service), and shall include the following:

- a. A detailed site plan of the impact area that substantially conforms to the Biological Assessment for the North Torrey Pines Road Bridge Replacement Project, dated December 28, 2000. The final plan must delineate all impact areas, the types of impact (both permanent and temporary), and the exact acreage of each identified impact.
- b. The Biological Assessment for the North Torrey Pines Road Bridge Replacement Project, dated December 28, 2000.
- c. A location for the required mitigation within the Los Penasquitos Lagoon watershed and in the coastal zone and a description of how the site will be secured (i.e., dedication, easement, etc.).
- d. The following goals, objectives, and performance standards for the project site:

Creation of 2:1 in-kind mitigation for all Coastal Sage Scrub impacts (permanent and temporary). The mitigation shall achieve 90% coverage in 5 years. Mitigation/revegetation of the site of the bridge replacement shall occur within 30 days of completion of construction.

- e. The final design and construction methods that will be used to ensure the mitigation site achieves the defined goals, objectives, and performance standards.
- f. Provisions for submittal, within 30 days of completion of initial restoration work, of "as built" plans demonstrating that the mitigation site has been established in accordance with the approved design and construction methods.

The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

3. Final Monitoring Program. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a final detailed monitoring program for monitoring of all coastal sage mitigation sites for review and written approval of the Executive Director. The applicant shall develop the program in consultation with the U.S. Department of Fish and Game and the U.S. Fish and Wildlife Service as appropriate. The monitoring program shall at a minimum include the following:

- a. Provisions for monitoring the revegetation of all coastal sage mitigation sites.
- b. Provisions assessing the initial biological and ecological status of the "as built" mitigation site within 30 days of establishment of the mitigation site in accordance with the approved mitigation program. The assessment shall include an analysis of the performance standards that will be monitored pursuant to the program, with a description of the methods for making that evaluation.
- c. Provisions to ensure that remediation will occur within 60 days of a determination by the permittee or the Executive Director that monitoring results indicate that the site does not meet the goals, objectives, and performance standards identified in the approved mitigation program.
- d. Provisions for monitoring and remediation of the mitigation site in accordance with the approved final mitigation program for a period of five years, commencing upon submittal of the "as built" analysis.
- e. Provisions for submission of annual reports of monitoring results to the Executive Director for the duration of the required monitoring period, with the first annual report due one year after submission of the "as-built" assessment. Each report shall also include a "Performance Evaluation" section evaluating the status of the mitigation project in relation to the performance standards.

- f. Provisions for submission of a final monitoring report to the Executive Director at the end of the five-year reporting period. The final report must be prepared in consultation with a qualified biologist. The report must evaluate whether the mitigation site conforms with the goals, objectives, and performance standards set forth in the approved final mitigation program.

If the final report indicates that the mitigation project has not met all approved performance standards, the applicant shall submit a revised or supplemental mitigation program to compensate for those portions of the original program which did not meet the approved performance standards. The revised mitigation program shall be processed as an amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

The permittee shall monitor and remediate the mitigation sites in accordance with the approved monitoring program. Any proposed changes from the approved monitoring program shall be reported to the Executive Director. No change to the program shall occur without a Commission-approved amendment to the permit unless the Executive Director determines that no amendment is legally required.

4. Maintenance of Water Quality. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a final detailed water quality program for review and written approval of the Executive Director. The applicant shall develop the program in consultation with the Regional Water Quality Control Board (RWQCB). The program shall consist of the following:

- a. The applicant shall continue to fund Los Penasquitos lagoon mouth openings, when biologically warranted, until the entire bridge replacement is open for public use.
- b. The applicant shall submit final grading plans for the entire alignment, with existing and proposed contours clearly delineated.
- c. The applicant shall submit a Best Management Practices (BMP) Program addressing post-construction BMPs. This program shall include, but is not limited to, the following:
 - i. Final drainage plans shall be modified to remove the proposed sedimentation basis on the southeast side of the creek, and shall replace this with a new pipe and energy dissipater (see Exhibit #8) including a mechanism 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.
 - ii. The applicant shall demolish and remove approximately 7,000 sq.ft. of existing pavement no longer needed for travel lanes and shoulders (as the road

moves five feet to the east), and replant the area with coastal sage species, coastal dune habitat, and/or other drought-tolerant, non-invasive native plant materials.

- d. The applicant shall submit a Best Management Practices (BMP) Program addressing construction BMPs. This program shall include, but is not limited to, the following:
- i. Machinery or construction materials not essential for the proposed project shall not be allowed in the lagoon or on the beach.
 - ii. Debris and trash shall be disposed of in the proper trash and recycling receptacles at the end of each construction day.
 - iii. Discharge of any hazardous materials into the lagoon and/or beach areas shall be prohibited.
 - iv. The applicant shall immediately retrieve and properly dispose of any materials that fall into the water.
 - v. The BMP program shall include a detailed plan for clean-up of accidental spill of petroleum-based products, cement, or other construction related pollutants. The plan shall be retained on-site with the contractor or engineer throughout construction. It shall include, but not be limited to, use of absorbent pads and floating broom.

The permittee shall undertake development in accordance with the approved final BMP program. Any proposed changes to the approved final program shall be reported to the Executive Director. No changes to the approved BMP program shall occur without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

5. Landscaping Plan. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a final landscaping plan for the review and written approval of the Executive Director. The plan shall include the following:

- a. A maintenance plan for the landscaped area that shall describe the herbicide, pesticide and fertilizer practices as well as list the chemical pesticides and fertilizers that will be employed on site. Said chemicals shall not be toxic to fish or wildlife or persistent in the environment. Herbicides and pesticides, if used at all, shall be applied by hand application or by other means that will prevent leakage, percolation, or aerial drift into adjacent lagoon, park areas and ocean;

- b. A plan showing the type, size, extent and location of all plant materials used. To maintain existing views, species used in the planter boxes in the center median should not exceed 18-24 inches in height;
- c. Drought-tolerant, non-invasive, native plant materials shall be utilized; any existing non-native trees impacted by the development shall be replaced with native species.
- d. A planting schedule that indicates that the planting plan shall be implemented within 60 days of completion of the bridge replacement;
- e. A plan for the southeast retaining wall, demonstrating use of the two-tiered design conceptually shown on *South-East Retaining Walls (Alternative 1: 50% - 50% Split)*, and screening landscaping to the degree possible, with species compatible with the adjacent salt marsh;
- f. All required plantings shall be maintained in good growing conditions, and whenever necessary, shall be replaced with new drought-tolerant native or non-invasive plant materials to ensure continued compliance with landscape requirements; and
- g. Five years from the date of issuance of the coastal development permit, the applicant shall submit a landscape monitoring report for review and written approval of the Executive Director. The report shall be prepared by a licensed Landscape Architect or qualified Resource Specialist, and certify that the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and written approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

The permittee shall undertake the development in accordance with the approved landscape plans. Any proposed changes to the approved landscape plans shall be reported to the Executive Director. No changes to the landscape plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

6. Public Parking. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a final parking plan for the area

along the west side of North Torrey Pines Road where informal on-street parking now exists for the review and written approval of the Executive Director. The plan shall provide diagonally-striped parking to assure no net loss in public parking spaces during the construction of the approved project.

7. Long-Term Monitoring Program. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a long-term monitoring plan for the bridge abutment shoreline protection for review and written approval of the Executive Director. The plan shall require the applicant to monitor and record the changes in beach profile fronting the site and to identify damage/changes to the revetment such that repair and maintenance is completed in a timely manner to avoid further encroachment of the revetment on the beach. The monitoring plan shall incorporate, but not be limited to the following:

- a. An evaluation of the current condition and performance of the revetment, addressing the exposure of any geotextile material or underlining fabric, any migration or movement of rock which may have occurred on the site and any significant weathering or damage to the revetment that may adversely impact its future performance.
- b. Measurements taken from the benchmarks established in the survey as required in Special Condition #1e of this permit (6-01-172) to determine settling or seaward movement of the revetment and changes in the beach profile fronting the site.
- c. Recommendations on any necessary maintenance needs, changes or modifications to the revetment to assure its continued function and to assure no seaward encroachment beyond the permitted toe.

The above-cited monitoring information shall be summarized in a report prepared by a licensed engineer familiar with shoreline processes and submitted to the Executive Director for review and written approval. The report shall be submitted to the Executive Director after each winter storm season but prior to May 1st of each year starting with the completion of construction.

The permittee shall undertake development in accordance with the approved monitoring program. Any proposed changes to the approved program shall be reported to the Executive Director. No changes to the program shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

8. Maintenance Activities. The permittee shall be responsible for the maintenance of the riprap revetment in its approved state. Based on the information and recommendations contained in the monitoring report required in Special Condition #7 of CDP #6-01-172 above, the permittee shall be responsible for removing any stones or materials that become dislodged or any portion of the revetment that is determined to extend beyond the approved toe. The permittee shall contact the Coastal Commission

District Office immediately to determine whether such activities require a coastal development permit.

IV. 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. Within the last couple weeks, the applicant has also submitted suggested redesigns of the southeast retaining wall and drainage outlet, that will eliminate all potential impacts to salt marsh habitat.

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:

(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.

(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 exotics (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 river mouth 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. Representatives from the City of Del Mar have indicated they will not widen the northern bridge, which crosses the railroad tracks. This is very significant from a Coastal Act perspective, since expanding the northern bridge would result in greater impacts to wetlands and uplands, including direct impacts on breeding gnatcatchers. 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 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 original

submittal did 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, and underneath, 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, but a wetland delineation using the state protocol was conducted on May 29th, 2002. Under this protocol, it was determined that two of the proposed bridge columns would be located within unvegetated wetlands, and represent a permanent impact of approximately 100 sq.ft. Removal of forty existing columns in wetlands will restore a total of approximately 90 sq.ft.; thus the net loss of wetlands is approximately 10 sq.ft.

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. As conditioned, the proposed development can satisfy these criteria. The only applicable purpose identified in Section 30233 is where the

development is for an "incidental public service," (see Section 30233(a)(5)). As proposed with one additional travel lane, the bridge was designed to increase capacity and to accommodate additional traffic associated with anticipated future development in the region. Road expansions do not qualify as an incidental public purpose unless the 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, was to accommodate future traffic demands. Therefore, 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, providing three lanes 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. Therefore, Special Condition #1 has been attached and requires that the bridge only be striped for two travel lanes, one northbound and one southbound; the applicant is in agreement with this requirement. The bridge needs to be replaced as it is currently both structurally and seismically deficient. By eliminating the second northbound lane, the proposed bridge will not increase capacity over what the existing bridge can accommodate. Construction of a narrower bridge would result in either of two adverse impacts. Either the City would have to construct a second, temporary bridge across the lagoon, which would create significant additional adverse impacts to the lagoon or the City would have to divert all traffic that would normally use this bridge onto Interstate 5 (I-5). Such a detour would have significant adverse impacts on public access to the coast. Construction of the new bridge at the proposed width therefore serves the incidental public purpose of allowing traffic to continue using this significant coastal access route during construction without requiring construction of a temporary bridge. The development, as conditioned, is therefore a permissible use within the meaning of Section 30233.

The applicant has not demonstrated that the proposed design is the least environmentally-damaging alternative from a biological perspective, although the City states that impacts from other alternatives would be approximately the same. Any project alternative would have a similar, 4-column support system, resulting in approximately 100 sq. ft. of wetland impacts. In addition, most of the upland impacts are associated with keeping two lanes of travel open during construction. This calls for long road transitions both north and south of the bridge, which in turn require the proposed retaining walls. The City's argument that it must retain the proposed bridge width, and keep two-way traffic service during construction, is based on assumptions of how the displaced traffic would relocate if the bridge were closed or restricted to one lane. Thus, although complete closure would be the biologically-preferred alternative, complete closure of North Torrey Pines road would also be infeasible because it would require diversion of significant amounts of traffic onto already congested I-5.

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. Following is a description of the five alternatives and the reasons why the City is not proposing one of them:

1. Using a temporary construction bridge of 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.
2. 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.
3. 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.
4. 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 and 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.
5. Shifting the design of the new bridge to occur east of the 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.

Permanent wetland impacts, which are limited to the bridge columns, would likely be the same as proposed for any of the described alternatives, since the bridge support system would still need to be strong and balanced. The City has indicated a significant increase

in both cost and temporary impacts with any of the suggested alternatives, except for one calling for complete closure of the road during the construction phase. The City also cited beach and emergency access associated with the complete closure alternative. However, beach parking lots are located north and south of the bridge, so people could still access the beach from both north and south; they just couldn't easily move from one side to the other. Moreover, in recent meetings, the City has indicated that a complete closure could reduce costs by a couple million dollars and might reduce the construction period by up to six months. However, the City still strongly opposes this alternative because of the identified traffic and circulation impacts, and the Commission concurs that the alternative is thus infeasible.

At a recent meeting, the community also suggested another alternative, which has not been formally analyzed, but which appears to have merit. This suggestion would be similar to #3 above, in that it would reduce traffic to one lane. However, this alternative would have the lane be one-way southbound in the morning, and one-way northbound in the evening. This would accommodate approximately 90% of the motorists, leaving a small amount of opposing traffic to relocate to other streets. Under this scenario, signage could reduce or eliminate the need for traffic-control personnel, and, since traffic would never be going both ways at once, would appear to reduce the need for night lighting.

Ultimately, the Commission finds that the proposed alternative, as modified by the special conditions, is the least environmentally-damaging feasible alternative from a time and money standpoint. This is because there is a legitimate concern that some funding sources may become unavailable if the project does not proceed in a timely manner (i.e., out to bid this fall). Also, once the bridge is completed, it is expected to reduce the number of times each year the lagoon mouth requires mechanical opening. The City is currently obligated to fund these openings, and will not be relieved of that responsibility until the end of the construction period. The applicant has identified significant funding concerns if substantial redesign, and potentially additional environmental review and an LCP amendment, are required.

With respect to the 100 gross sq.ft. of permanent impact from the new bridge columns to unvegetated wetlands; this figure will not significantly change under any of the suggested scenarios. No wetland mitigation is proposed based on specific site circumstances. In this particular instance, the Commission concurs that no mitigation is required, and does so for the following reasons: 1) this area is currently unvegetated and is unlikely to ever provide viable habitat, as it is located in the main channel of the lagoon, under the bridge and permanently shaded; 2) the area is dredged periodically to open the lagoon mouth, which would destroy any vegetation that tried to establish; and 3) the actual net loss of wetlands is only 10 sq.ft. Until the most recent revisions were suggested, and which are required to be implemented pursuant to Special Condition #1, there would have also been a permanent impact on 40 sq.ft. of vegetated salt marsh; this will be eliminated by pulling the drainage facilities a little higher up the slope, out of the wetlands, and preventing erosion with the use of geotextile materials and vegetation, as shown in Exhibit #9. Thus, the Commission is able to determine that the project, as amended through special conditions, is the least environmentally damaging feasible alternative that can be

implemented in the near term, and finds the proposal consistent with 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 and/or a wide central median, 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 and/or a widened median that ends just north of the bridge.

Said impact is caused by the need for long transition lanes to move from the existing bridge alignment to the new, significantly wider, alignment, without relying on turns or sharp curves that would result in a serious traffic hazard. Since the proposed, phase 1 construction crossing becomes part of the new bridge alignment, the transitions are permanent, not temporary. The alignment would have to be moved westward, or narrowed in that direction, to reduce the amount of upland impact, or the complete closure construction method would have to be employed.

The City proposes mitigation for the total impact in the form of a financial 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. Because the affected coastal sage scrub is located close to gnatcatcher habitat, adequate mitigation must be provided pursuant to Section 30240(b) in order to avoid significantly degrading the nearby gnatcatcher habitat. The Commission does not find the proposed form of mitigation adequate for the subject development. Both temporary and permanent upland impacts should be mitigated at a 2:1 ratio within the Los Penasquitos Lagoon watershed, and preferably within the coastal zone. This requirement is provided in Special Conditions #2 and 3, which first require the mitigation to occur, then establish a five-year monitoring program to assure mitigation goals are accomplished. For the temporary impacts, revegetation can be accepted as satisfying half the mitigation requirement, but the revegetated areas must also be included in the monitoring program.

In summary, the proposed bridge will result in impacts to wetlands and sensitive upland habitat, but proposed mitigation is not adequate. The Commission understands the City's determination that the proposed development, as conditioned, is the least environmentally damaging feasible alternative based on the difficulties, time delays and cost in public

dollars to redesign, re-analyze and re-permit a different alternative and upon the adverse effects of the alternatives to public access. If a significant difference (i.e., reduction) in impacts could be realized with a different design, the Commission would not endorse this proposal at this time. However, relying on the alternatives researched to date and discussed previously, the resulting impacts of any alternative, other than a complete bridge closure, will likely be very similar to those associated with the subject project, which promises significant improvements to water quality, tidal circulation and public access. Therefore, the Commission finds the proposal, with all the attached special conditions, is consistent with the cited resource protection policies of the Act.

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, as currently certified, 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, as currently proposed, this is new development, and, based on Section 30253 of the Act, should be sited and designed to minimize geologic and flooding hazard and so as not to destroy the surrounding site or to require the construction of protective devices that would substantially alter natural landforms along bluffs. 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 greatly increase the amount of significant adverse impacts on the biological resources in Los Penasquitos Lagoon.

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. The demolition and reconstruction of the aging bridge to meet current structural and seismic standards could be considered consistent with Coastal Act policies. As conditioned, the physical expansion of the facility is allowed. The existing facility includes manufactured side slopes and some riprap, primarily under the bridge and along the ocean frontage, but no retaining walls currently 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 accepting the need for this level of protection, the Commission has acknowledged that revetment work is needed even if the new bridge is not built; it is needed to support the existing abutment. The Commission has applied several conditions to assure that the riprap is maintained and that no further seaward encroachment occurs. Special Condition #1 requires that the surveyed toe of the revetment be shown on a final site plan to establish the seaward extent of the permitted revetment. The survey must document the buried toe of the revetment relative to a fixed reference point such as a surveyed property line or street monument. It must be drawn on a beach profile with cross-section that shows the configuration of the existing rock in relation to the current level of beach sand to determine the elevation of visible rock and the toe of buried rock. Special Condition #7 requires a long-term monitoring plan to monitor and record the changes in beach profile fronting the site and to identify damage/changes to the revetment such that repair and maintenance is completed in a timely manner to avoid further encroachment of the revetment on the beach. This condition will assure revetment maintenance will occur in a timely and orderly way and without adverse impacts to public access. Special Condition #8 provides that the permittee is responsible for removing any stones or materials that become dislodged or any portion of the revetment that is determined to extend beyond the approved toe. The permittee must first contact the Coastal Commission district office to determine if a coastal development permit is necessary.

In summary, the Commission finds the conditioned project, as replacing a deteriorated transportation facility with a new one for the same use and of the same capacity, consistent with the cited Coastal Act policies. As designed, the new, expanded bridge will need shoreline protection, as does the existing bridge and North Torrey Pines Road south of the bridge. Due to its greater expanse and safer design, it will require augmentation of the level of protection currently afforded the existing bridge. 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 meet current design standards. The City has recently suggested revisions to use a two-tier design instead of the originally proposed long and high single wall. Breaking up the wall in this manner allows better absorption of stormwater and thus

reduces the likelihood of erosion. Therefore, the Commission finds the proposed shoreline protective measures consistent with the cited Coastal Act policies, with the inclusion of the special conditions, which incorporate the City's recent suggestions.

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 noted in the previous finding on biology, the four new columns actually occupy about the same area on the ground as the 72 existing pilings, but they provide a far greater area of free span over the mouth of the lagoon. 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 and lagoon sedimentation. 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, which significantly degrade water quality, 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, partly 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 construction 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.

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 the subject of this permit action.

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. 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.

To address these concerns, Special Condition #4 requires a program to maintain, and improve, water quality in the area. The condition requires submittal of BMP programs to address both construction and post-construction conditions. These require, at a minimum, drainage facilities consistent with the Commission's standard for filtration which 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. In addition, with the western edge of the bridge being shifted five feet to the east, the condition provides that the no longer needed strip of pavement in the approaches north and south of the bridge be removed and the area landscaped with appropriate native vegetation. This will help mitigate for the additional impermeable surfaces occurring with this project.

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 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. As discussed previously, Special Condition #1 requires redesign of the bridge surface to eliminate the second northbound lane, which will keep the "choke point" where it now occurs, well south of the lagoon mouth. Only with these and other special conditions can the Commission find the proposed development consistent with the marine resources policies of the Coastal Act.

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 offer 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 lagoon 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 in the lagoon that is currently used for public recreation. 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, with the project as currently proposed. 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 would be an inconvenience to several beachgoers each day. The City has recently indicated it can reconfigure the parking in such a way that the number of spaces is retained throughout construction. Special Condition #6 formalizes this proposal. Also, since the 550-space North Torrey Pines State Beach parking lot only reaches full capacity on summer weekends (especially holiday weekends), there would still be spaces available, for a price, on weekdays.

In summary, the Commission finds the proposed project will provide public access improvements with enhanced bus stops and pedestrian ramps. It should be noted that the bus stops already exist and people make their way down the side slopes to the beach now. This has been a cause of ongoing erosion, which the applicant believes a formal accessway will prevent. Moreover, the proposed improvements would assist persons with physical disabilities; although there are handicapped parking spaces in the parking lot now, with access to a paved walkway to the beach, many disabled persons do not drive and rely exclusively on public transportation. The Commission finds that the identified access benefits outweigh the direct loss of public beach area, particularly since modifications can result in no temporary loss of existing public parking spaces. Therefore, the Commission finds the proposal consistent with all public access and recreation policies of the Coastal Act.

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. Since there are public recreational areas surrounding this facility, 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. The southeast wall would be visible even from a distance, although the City proposes coloration to help it blend in with its surroundings. However, the City is proposing breaking the wall into two tiers. Landscaping could then be placed on the bench between the tiers to screen and soften the appearance of the wall. Special Condition #5 requires this design, as well as addressing all other landscaping concerns for the project. Also, Special Condition #1 requires that all retaining walls be of the minimal size necessary to fulfill their function, and be aligned as tightly into the slopes as possible to minimize visual impacts and encroachments into public recreational areas. The Commission finds that the proposed development, as conditioned, will be subordinate to the character of its setting and will not detract from existing public views. Therefore, the Commission finds the proposal, as conditioned, consistent with Section 30251 of the Act.

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 can 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. For that reason, the plan requires that the bridge be striped to only two lanes unless and until the northern bridge is also widened. As conditioned, a two-lane bridge will be constructed, consistent with LUP policies. In this case, the proposed development is located entirely within the Commission's original permit jurisdiction, meaning that the LCP is only used for guidance and Chapter 3 of the Coastal Act is the legal standard of review. Prior findings have addressed the project's consistency with the Coastal Act. Thus, the Commission finds that, with all the attached special conditions, approval of the project will not prejudice continued implementation of the LCP in all areas where the City has coastal permit authority.

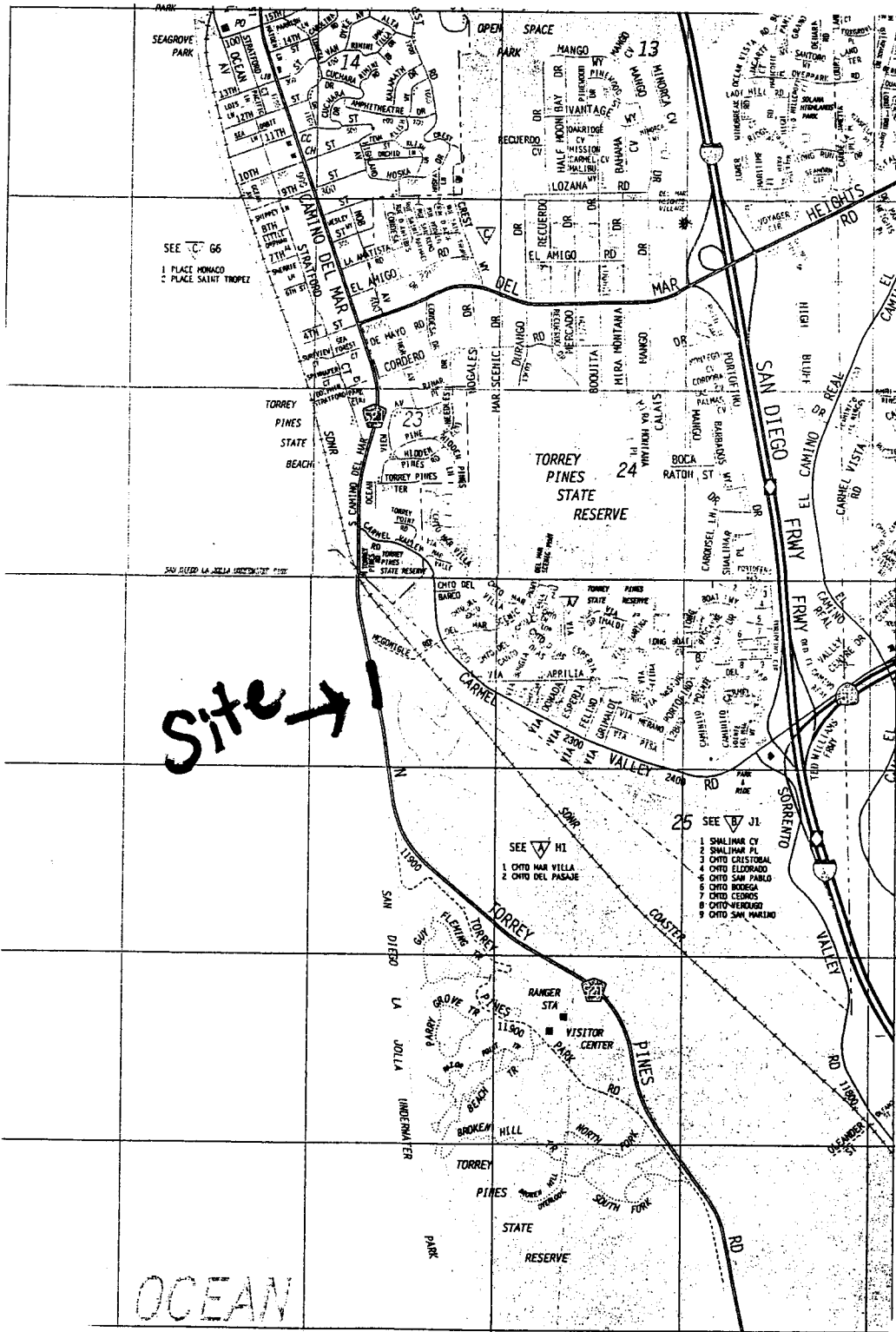
8. Consistency with the California Environmental Quality Act (CEQA). Section 13096 of the Commission's Code of Regulations requires Commission approval of coastal development permits to be supported by a finding showing the permit to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

As discussed herein, the proposed project will not cause significant adverse impacts to the environment. Specifically, the project, as conditioned, has been found consistent with the biological resources, hydrology, water quality, public access and visual resources policies of the Coastal Act. These issues are those that were identified within the mitigated negative declaration prepared for the proposed development. There are no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact which the activity might have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally damaging feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

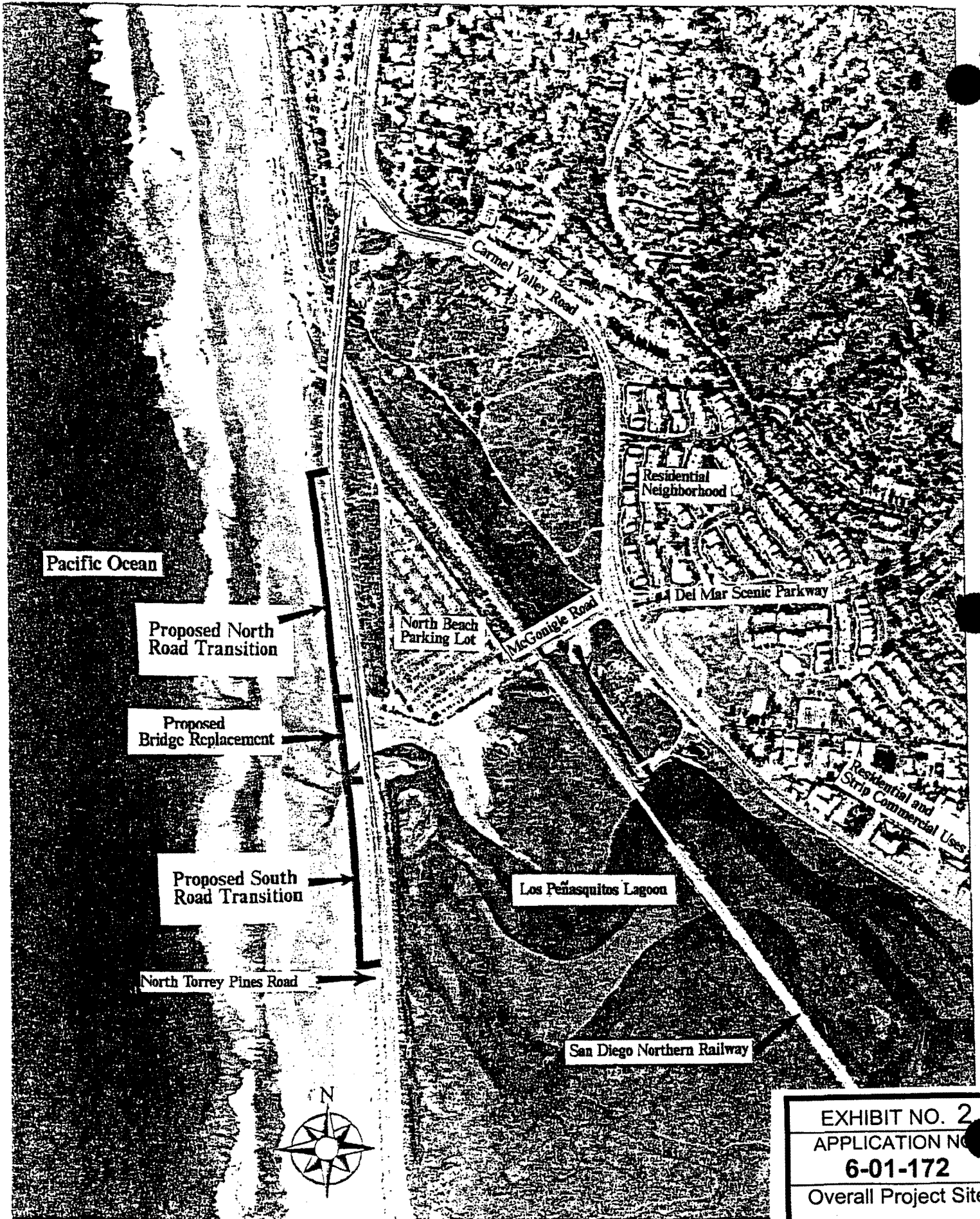


Site →

OCEAN


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

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

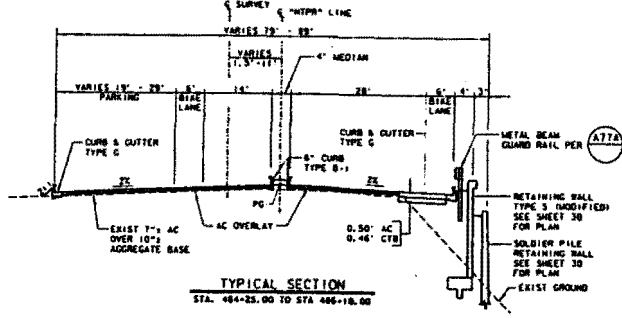
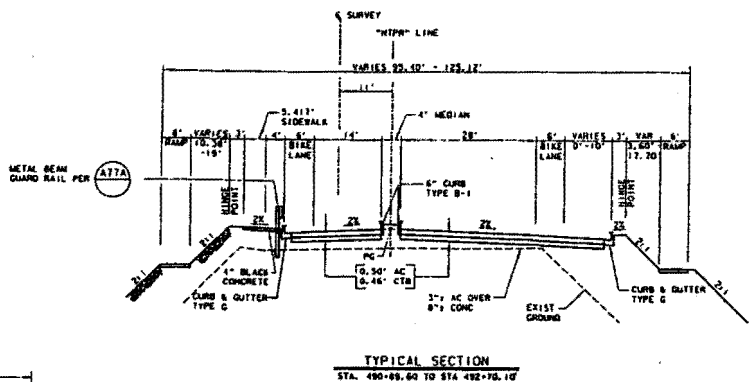
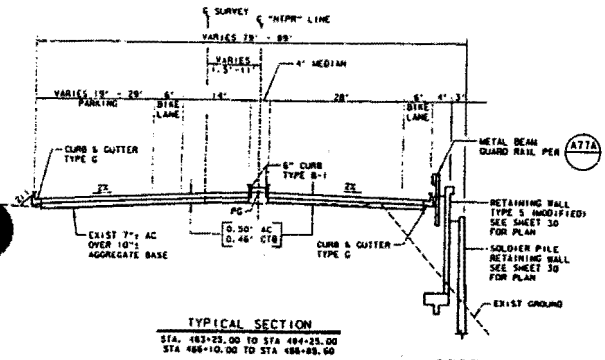
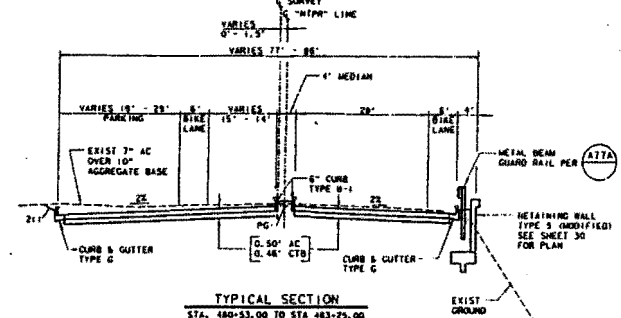
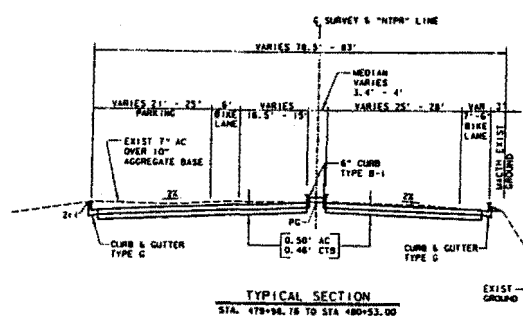
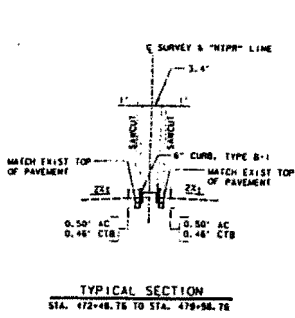
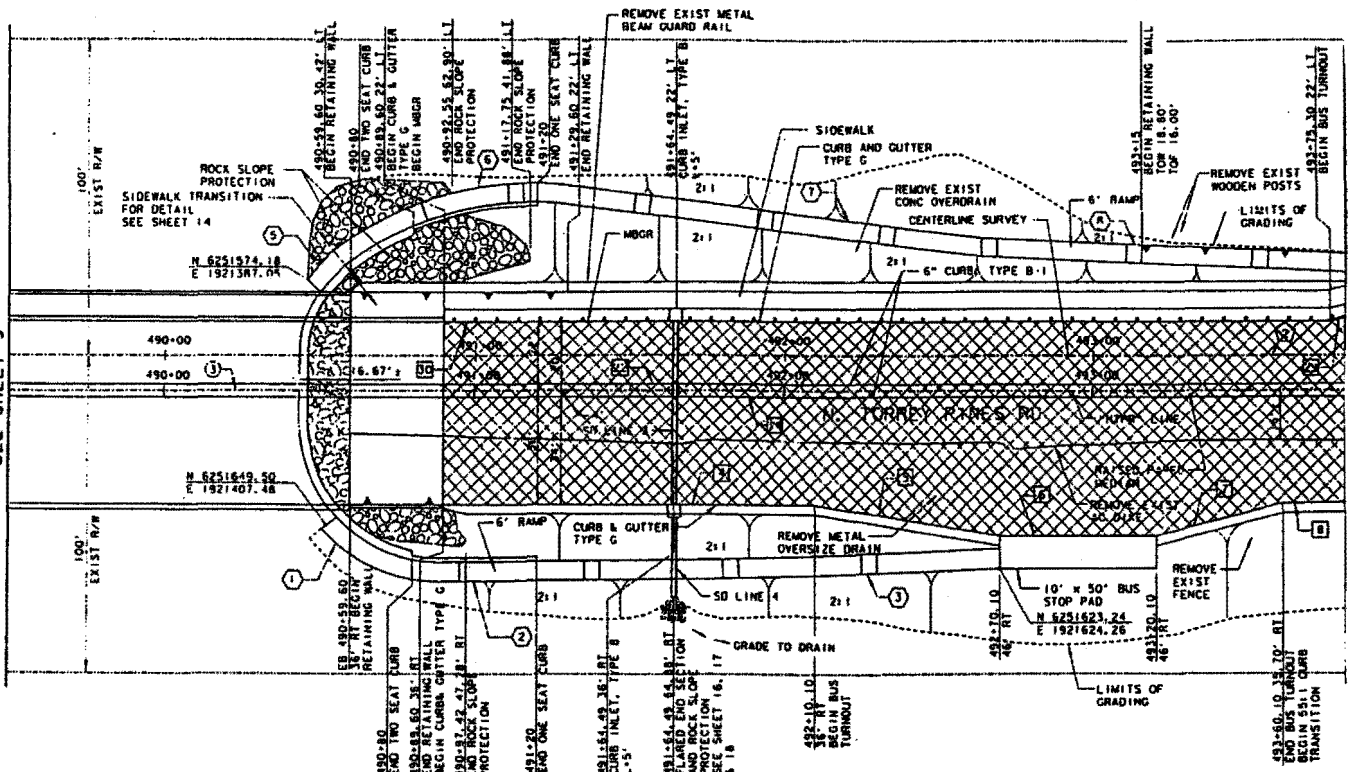


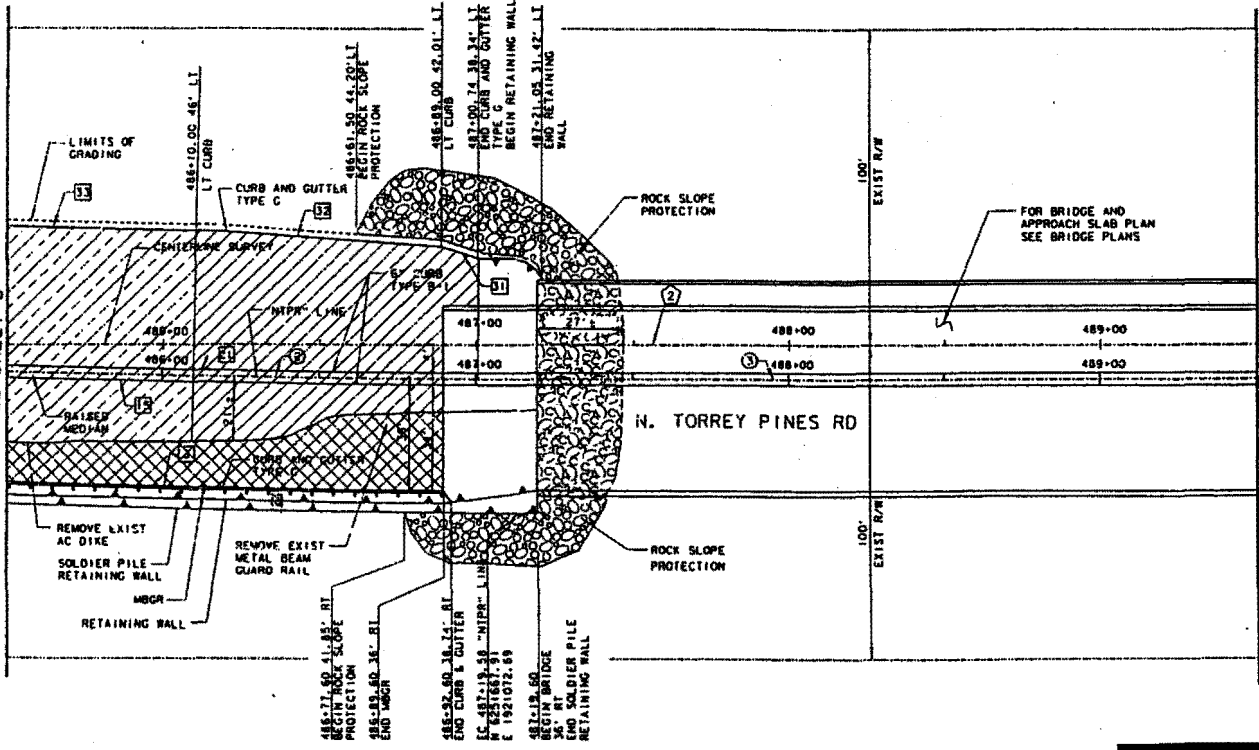
EXHIBIT NO. 3
APPLICATION NO.
6-01-172
Typical Cross-Sections

California Coastal Commission

MATCHLINE STA 489+50
SEE SHEET 9



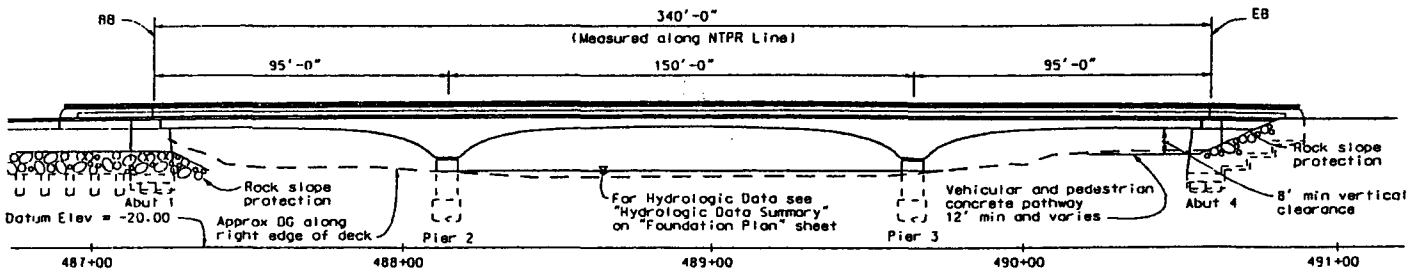
MATCHLINE STA 485+50
SEE SHEET 8



MATCHLINE STA 489+50

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

6-01-172



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	200 Tons	0	0.25	-65.00
	60"	375 Tons	0	0.25	-65.00

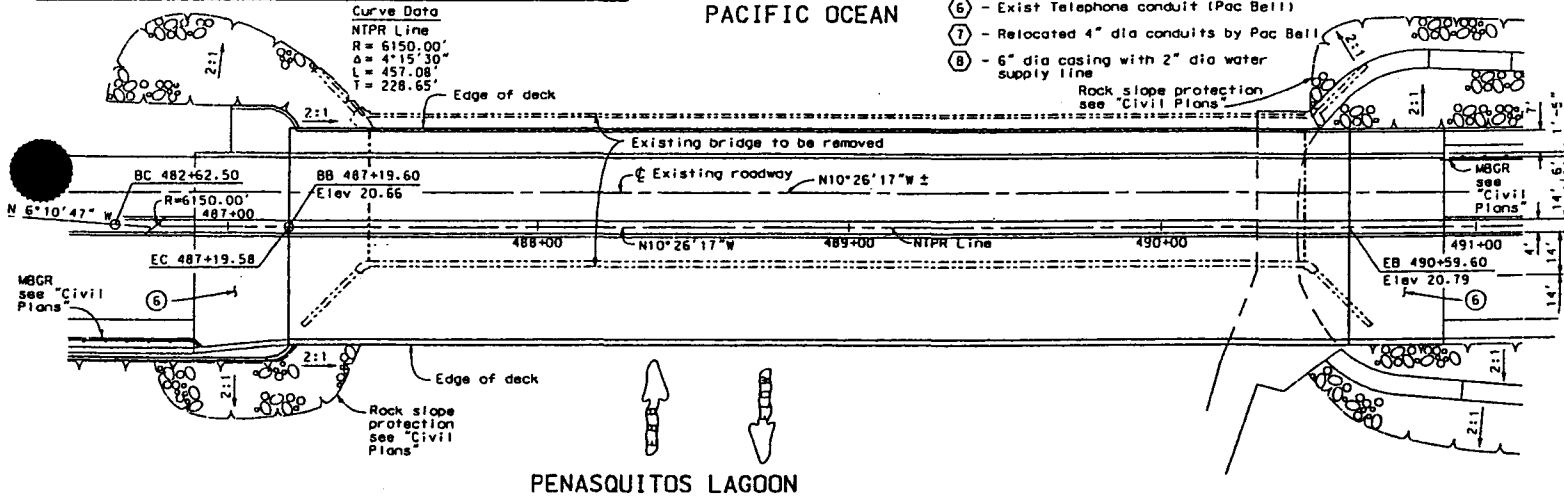
ELEVATION

1" = 20'

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

PACIFIC OCEAN



PENASQUITOS LAGOON

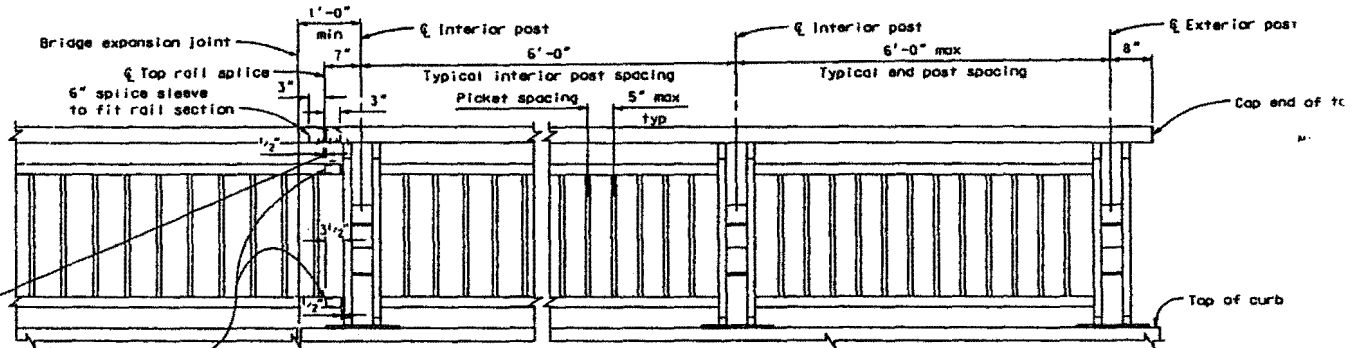
EXHIBIT NO. 5

APPLICATION NO.

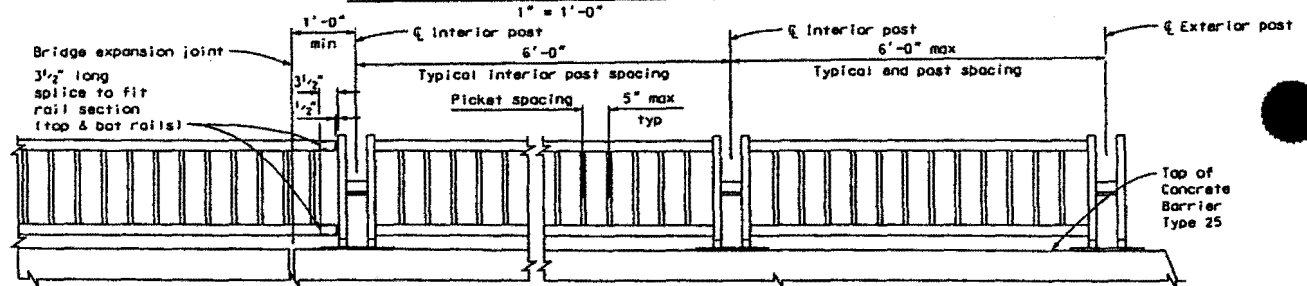
6-01-172

Elevation/Demo Plan

California Coastal Commission



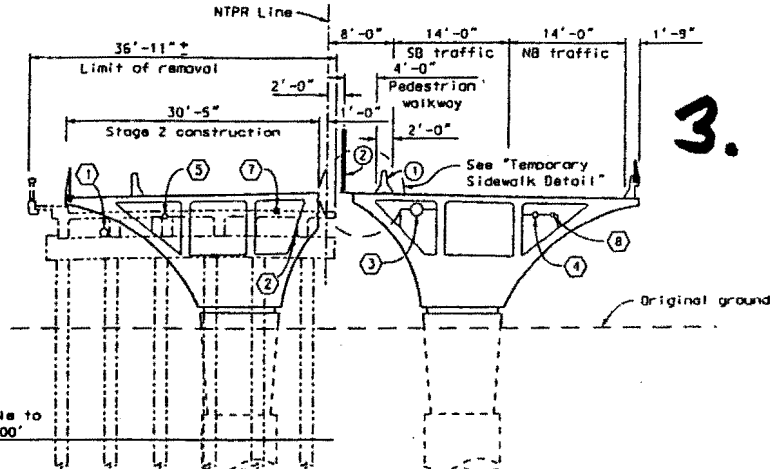
PART ELEVATION ALONG WEST EDGE OF DECK



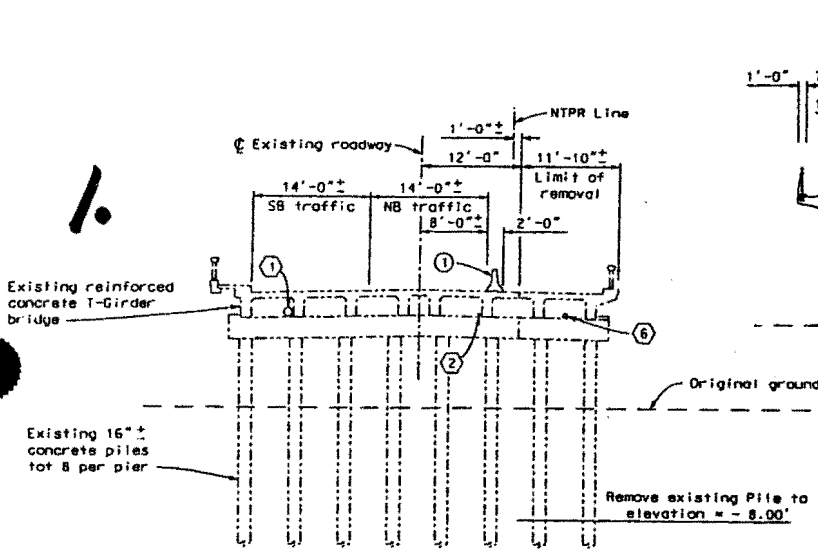
PART ELEVATION ALONG EAST EDGE OF DECK

1" = 1'-0"

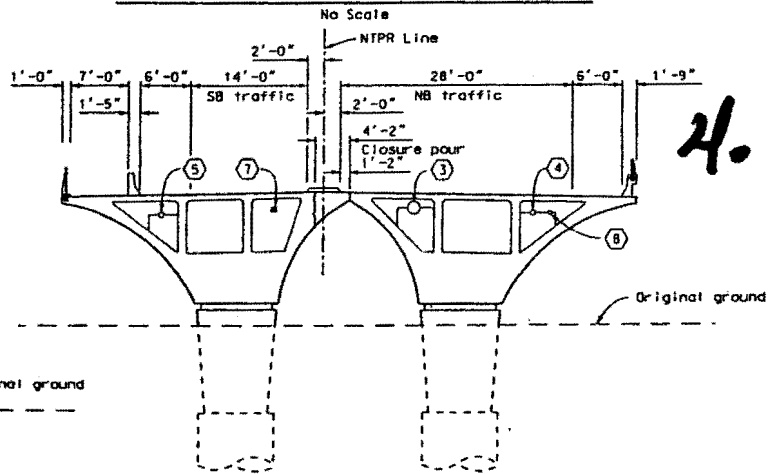
EXHIBIT NO. 6
APPLICATION NO.
6-01-172
Bridge Rails
California Coastal Commission



STAGE 2 REMOVAL AND CONSTRUCTION



STAGE 1 REMOVAL

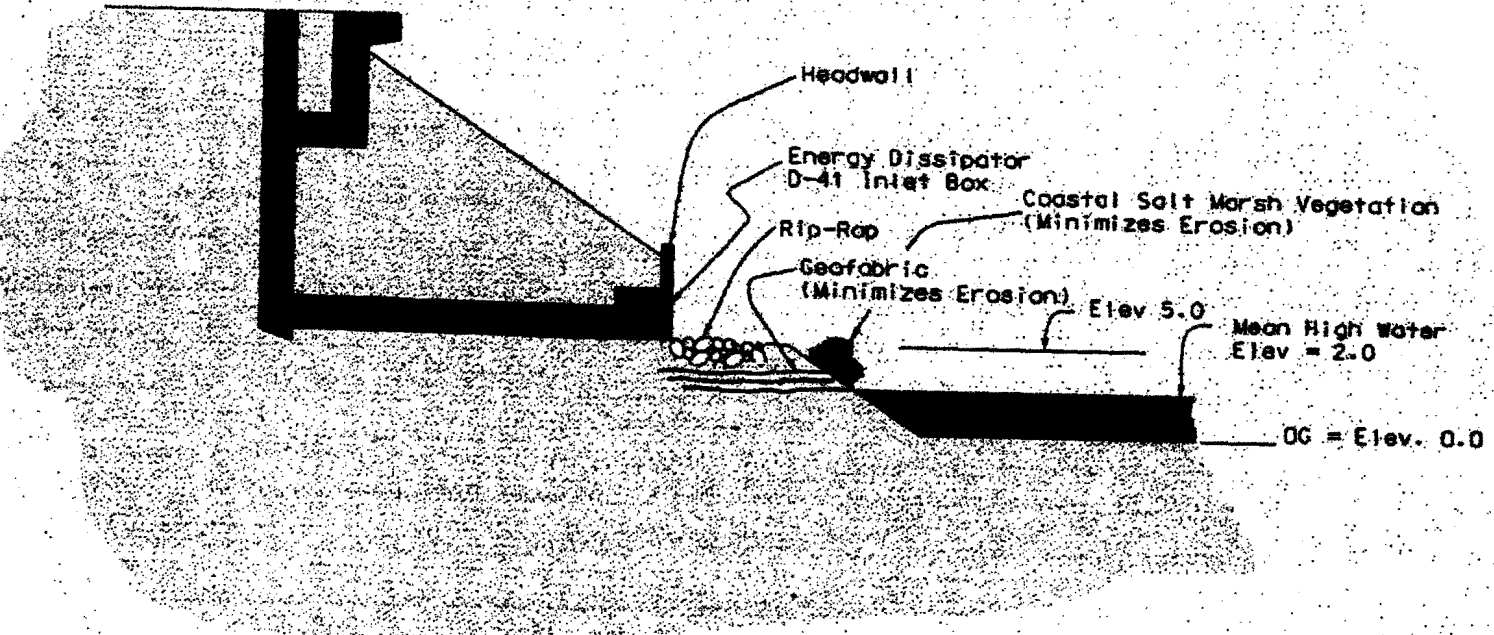


STAGE 1 CONSTRUCTION

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

6-01-172

STORM DRAIN AT STA. 481+49.81



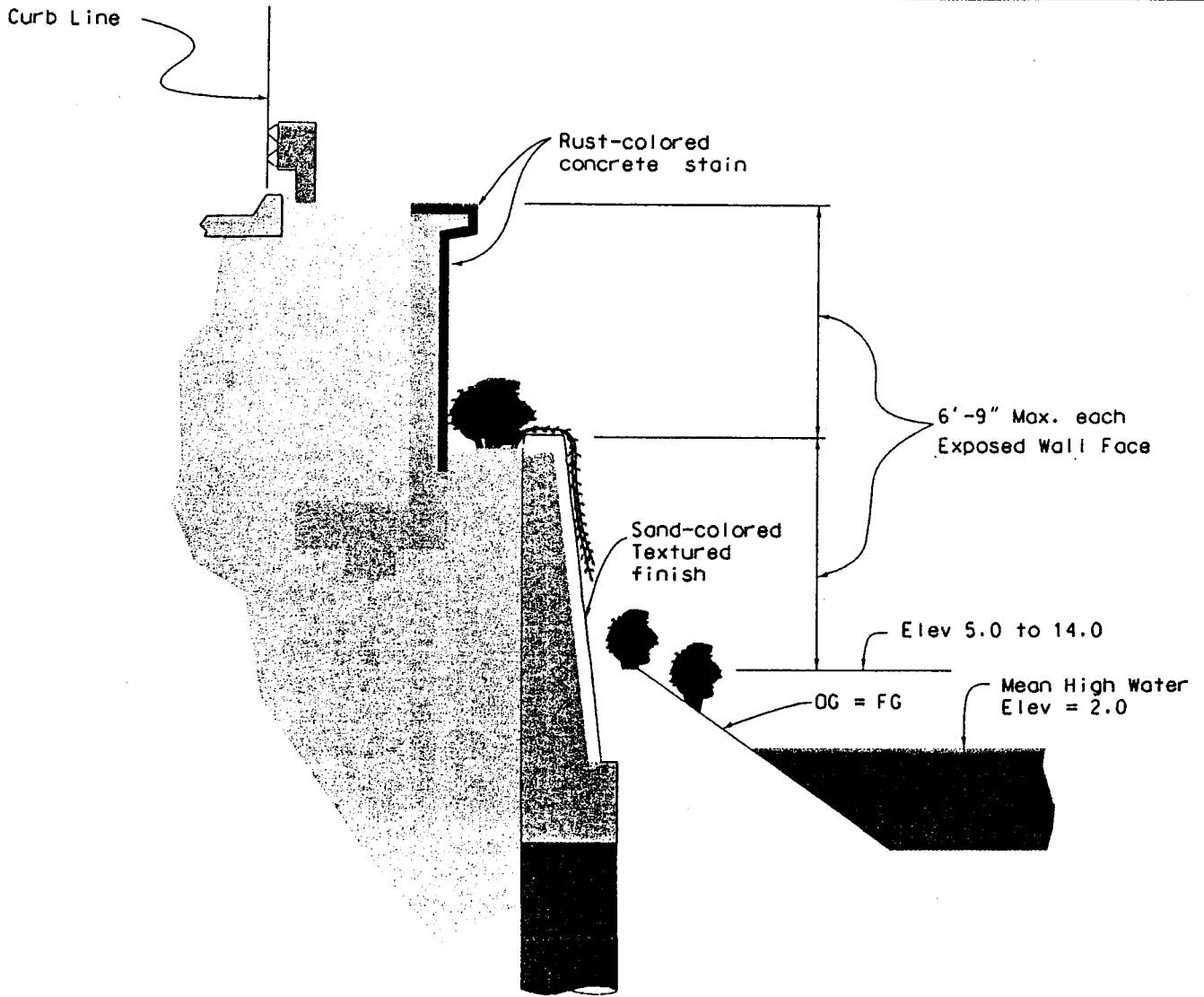
TYPICAL SECTION

Note: Slope maintenance will be required.

EXHIBIT NO. 8
APPLICATION NO. 6-01-172
Revised Storm Drain
California Coastal Commission

6-01-172

South-East Retaining Walls (Alternative 1: 50% - 50% Split)

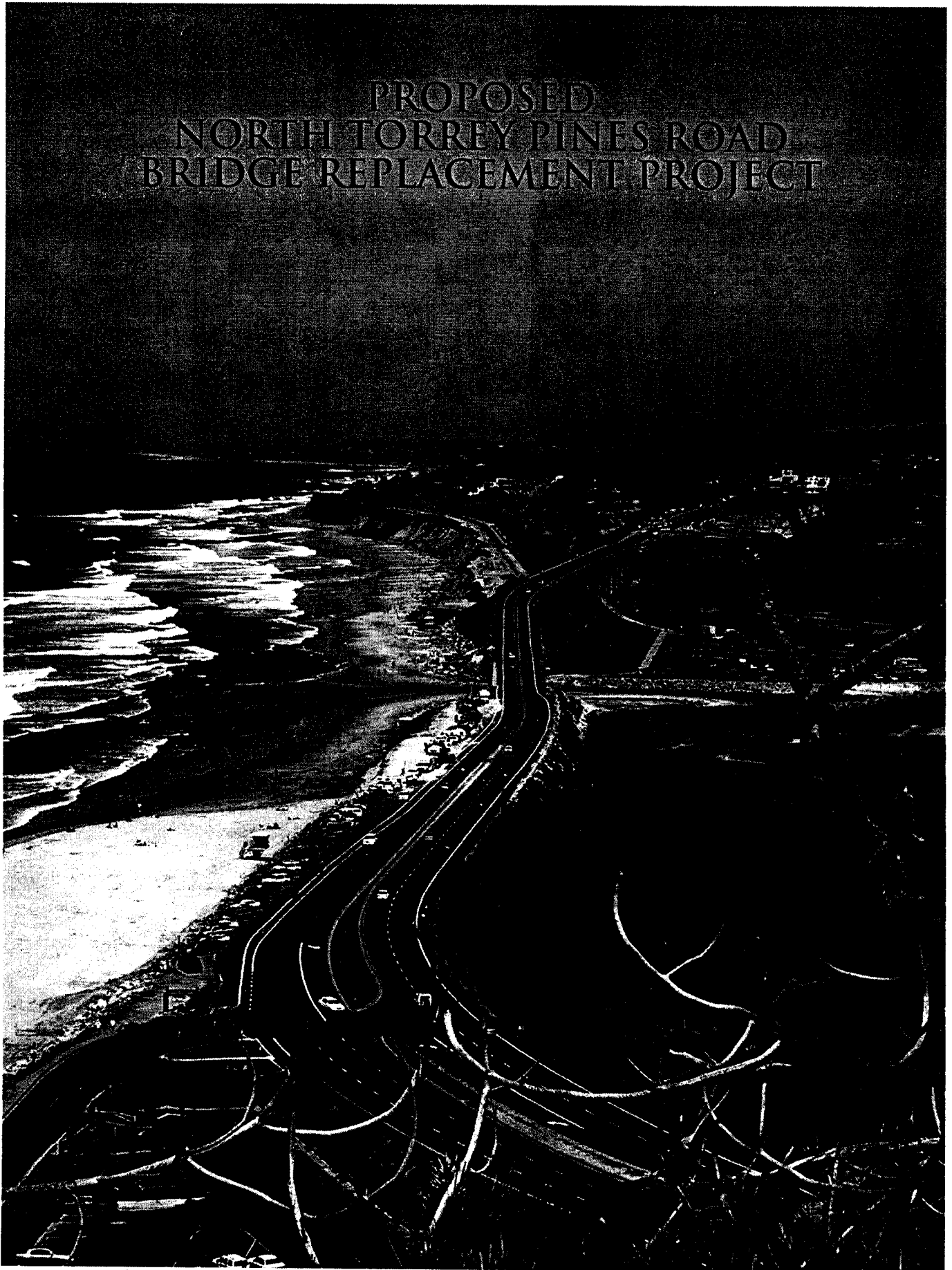


TYPICAL SECTION

EXHIBIT NO. 9
APPLICATION NO. 6-01-172
SE Retaining Walls
California Coastal Commission

6-01-172

PROPOSED
NORTH TORREY PINES ROAD
BRIDGE REPLACEMENT PROJECT



May Presentation

7 Pages



TORREY PINES COMMUNITY PLANNING BOARD

ROBERT GILLESKIE, CHAIR 2570 PINWOOD ST., DEL MAR, CA 92014
Phone 858-793-1757 Fax 858-654-8202 rjgilleskie@san.rr.com

May 1, 2002

California Coastal Commission
San Diego Coast Area
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4402

Agenda # 9D
Permit # 6-01-172
Torrey Pines Planning Board
OPPOSITION

Dear Commissioners,

On behalf of the Torrey Pines Community Planning Board I urge you to oppose the demolition and reconstruction of the North Torrey Pines Road Bridge project as proposed. This project includes a road and bridge widening proposal that lacks coordination with the City of Del Mar bridge located to the north and will result in unnecessary impacts to sensitive coastal resources. We urge you to study this proposal carefully and support a project that improves the public health, safety, and welfare while minimizing impacts to the coastal environment.

Coastal resources are limited and finite and need to be protected from constant erosion. While situations arise in which impacts to sensitive resources can be justified for the greater good, this is not one of them. This improvement project, as it is proposed, recommends a widened cross section, wider than the adjacent bridge to the north, merely to provide short-term traffic relief during construction. Its impact however will stay with us indefinitely and cannot be justified given the sensitivity of these resources.

By denying the bridge proposal as submitted and requiring a revised project with less impacts everyone will benefit, including generations to come. A revised project will benefit the City of San Diego; resulting in a new, safer bridge, with lessened environmental impacts, both aesthetic and biological.

Thank you for your consideration,

Robert Gilleskie, Chair
Torrey Pines Community Planning Board

THE GOOD AND THE BAD

Proposed North Torrey Pines Road Bridge Replacement Project

GOOD

- Improved Tidal Flushing
- Improved Bridge Safety
- Improved Coastal Access
- Improved Aesthetics

BAD

- Unnecessary Impacts (Aesthetic & Biological) to Sensitive Coastal Resources as Proposed with Extra Pavement Width.
- Lacks Coordinated Plan with North Bridge Improvements.
- Proposes Pavement Width Wider than Necessary.
- May Result Increased Construction Time Frame.
- Will Not Match the Width of North Bridge Improvement.
- Extra Pavement Width will not Result in Improved Traffic Circulation.
- Proceeded With Inadequate Publicity and Public Input.
- Lacks EIR
- Will Result in Loss of 1.78 Acres of Coastal Sage Scrub.
- Will Result in Loss of Monetary cypress & Other Mature Vegetation.
- Will Add Unnecessary Hardscape to Coastal Environment. An additional 42,000 s.f. of Pavement Proposed.
- Will Reduce Active Beach Use Areas.
- Will Increase Shadowing Under Widened Bridge.
- Will result in Massive Grading Including Cut (3200 cu.yds.), Fill (19,600 cu.yds.), Import (16,400 cu.yds.).
- Adds Additional Negative Impacts to Coastal Environment as Result of Increased Pavement Cross Section and Resultant Retaining Walls.
- No Plan to Build a Bridge in the Existing Alignment
- No Plan to Maintain the Road Width Which Would Eliminate Most or all of the Grading and Retaining Walls
- No Consideration of Alternate Bus Stops That Would be Closer to Sea Level and Require Less Road Widening.

AERIAL PHOTOGRAPH

Proposed North Torrey Pines Road Bridge Replacement Project



**Existing North Bridge (Railroad bridge)
to remain in current configuration
- 2 lane**

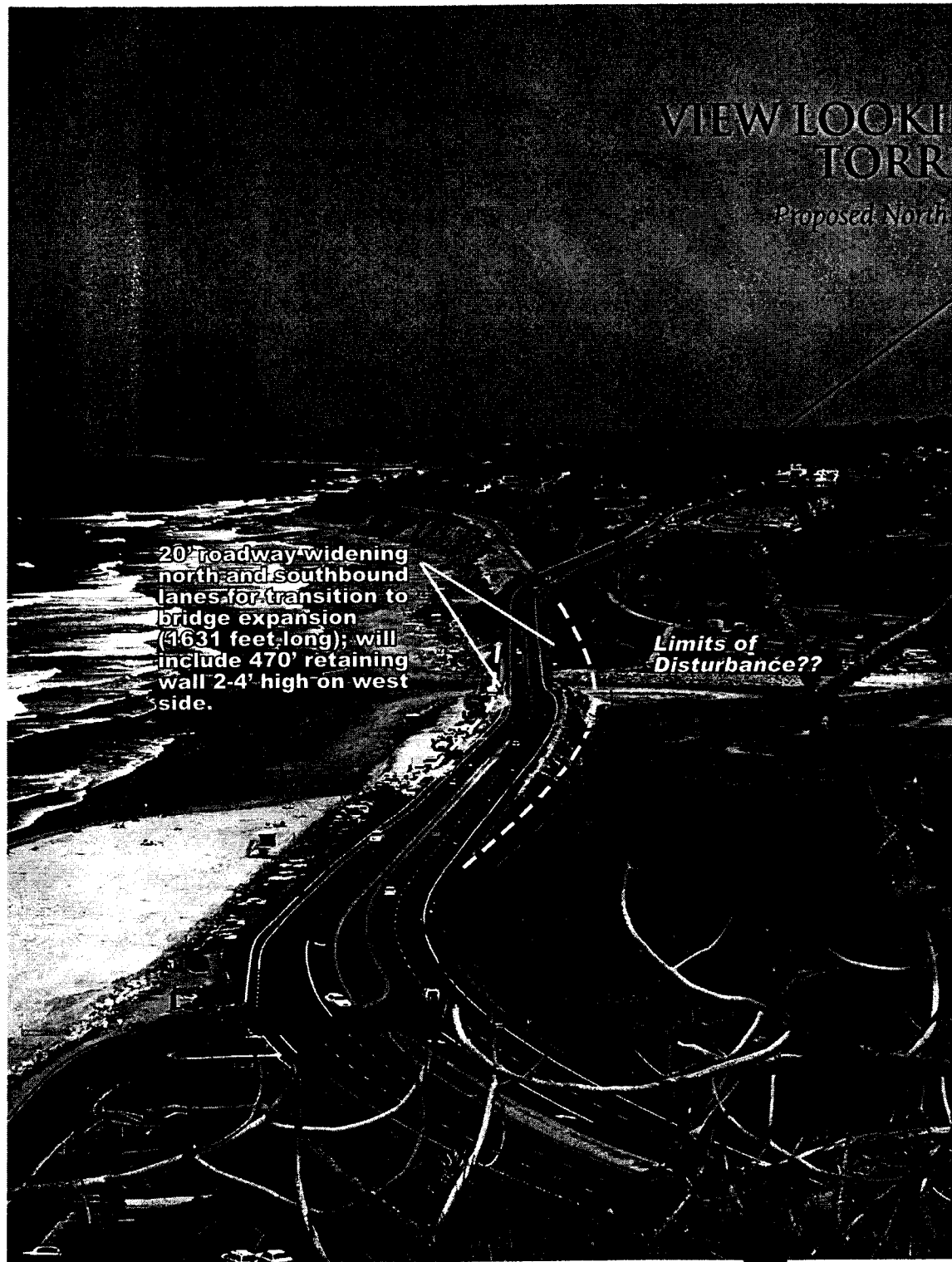
**Existing South bridge
(Lagoon bridge) to be replaced
- 3 lanes
- raised median
- bike lanes
- pedestrian ramp
- transitional traffic lanes**

Fleming Trail

1

VIEW LOOKING NORTHBOUND FROM TORREY PINES PRESERVE

Proposed North Torrey Pines Road Bridge Replacement Project



20' roadway widening north and southbound lanes for transition to bridge expansion (1631 feet long); will include 470' retaining wall 2-4' high on west side.

Limits of Disturbance??

Expanded fill slopes required for road transition & bridge widening

Up to 28' road widening north of bridge for 280'

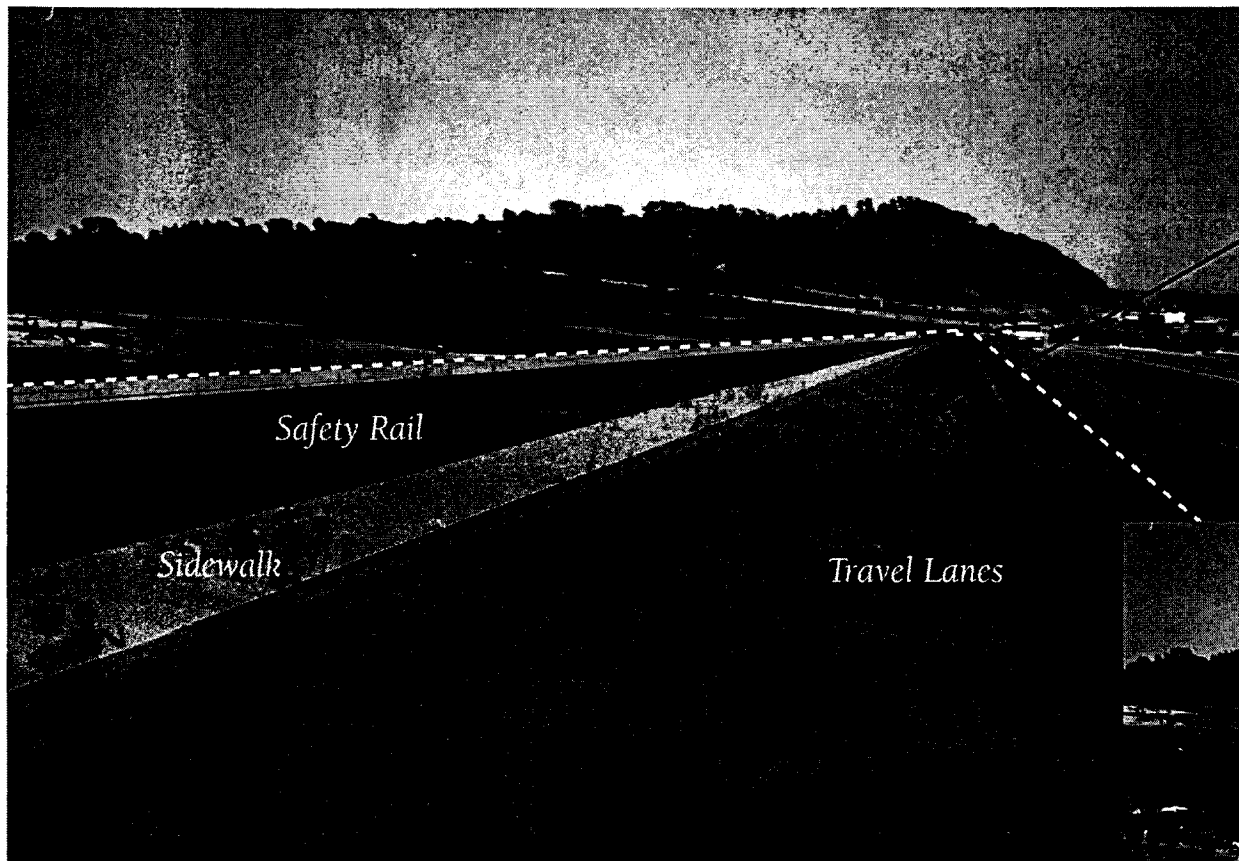
Mature vegetation & Coastal Sage Scrub to be removed

Up to 20' road widening south of bridge for 280'

1018' of retaining walls 3 to 15' high for lane widening & sidewalk

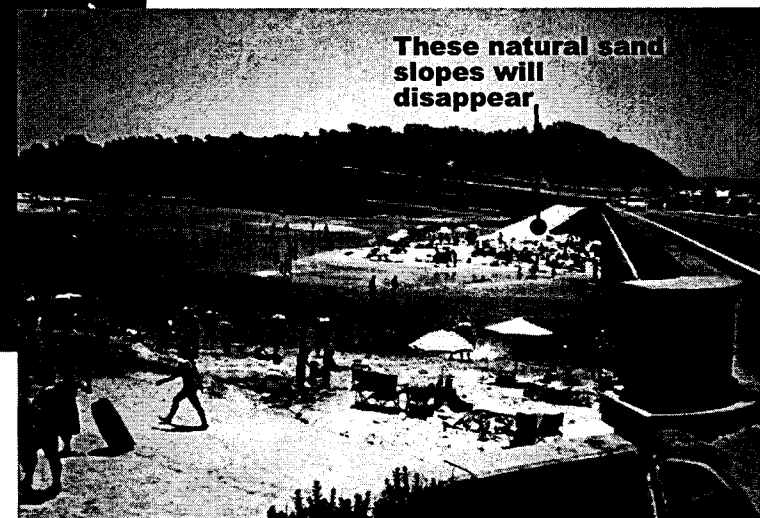
ADVERSE IMPACTS TO COASTAL USERS

Proposed North Torrey Pines Road Bridge Replacement Project



Simulation showing approximate location of bridge/roadway improvements

20' bridge widening to accommodate additional traffic lane and raised median

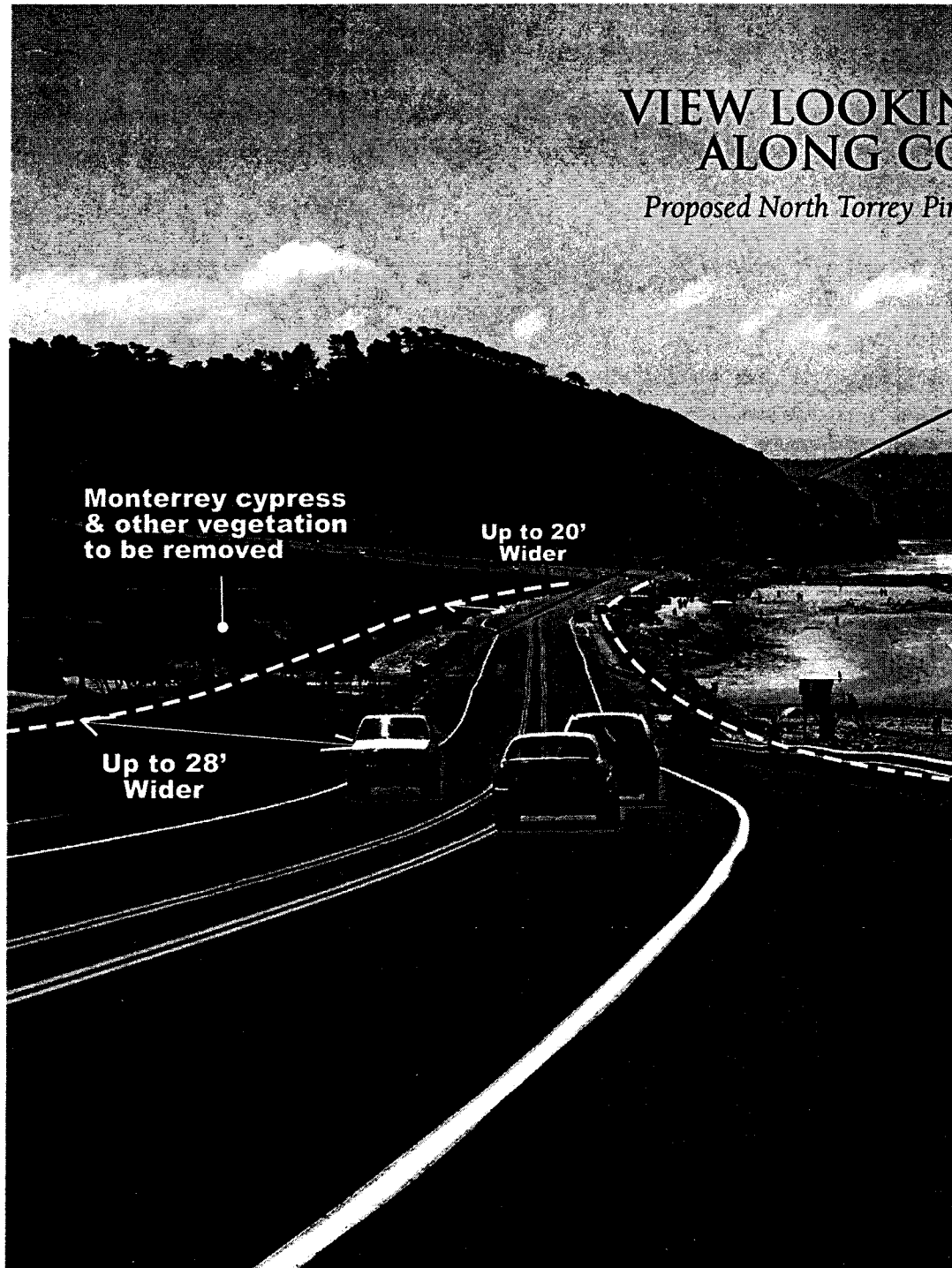


Existing Condition

3

VIEW LOOKING SOUTHBOUND ALONG COAST HIGHWAY

Proposed North Torrey Pines Road Bridge Replacement Project



Monterrey cypress
& other vegetation
to be removed

Up to 20'
Wider

Up to 28'
Wider

**Approximate limit of roadway
widening for north and
southbound lanes AND 20'
bridge widening to
accommodate additional
traffic lane and raised
median.**

W



RECEIVED

MAY 28 2002

SAN DIEGO HIGHWAY DEVELOPMENT ASSOCIATION CALIFORNIA COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

President
William R. Clevenger

465 Stable Ridge
El Cajon, California 92019
(619) 447-0229
FOUNDED 1935

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT
Directors

Mike Bemis
Jake Dekema
James Schmidt
Art Shurtleff

1st Vice President
Tom Held

2nd Vice President
Clifford A. Craft **May 20, 2002**

Executive Secretary/Treasurer
Dorothy Hansen

and

Immediate Past President
Mark Ashley

Past Presidents

- 1935 Neil E. Brown
- 1936 Neil E. Brown
- 1937 Ed Hastings
- 1938 Fred W. Simpson
- 1939 Fred A. Rhodes
- 1940 Thomas M. Hamilton
- 1941 Lorin W. Deewall
- 1942 Fred W. Simpson
- 1943 Fred W. Simpson
- 1944 Donald Boyden
- 1945 Donald Boyden
- 1946 William O. Cotton
- 1947 Russell S. Stowell
- 1948 Russell S. Stowell
- 1949 George Kahrs
- 1950 Aubrey M. Davis
- 1951 Frank G. Forward
- 1952 Frank O. Culy
- 1953 Stephen G. Fletcher
- 1954 Charles J. Murray
- 1955 Jackson L. Hicklin
- 1956 Otto A. Hirr
- 1957 K. W. Clague
- 1958 Norman Lighthart
- 1959 Rodney S. Sprigg
- 1960 Russell W. Crane, Jr.
- 1961 William M. Wallace
- 1962 Hugh A. Hall
- 1963 James A. Willis
- 1964 John M. Robinson
- 1965 Thomas Chapman
- 1966 Martin S. Evans
- 1967 E. A. Heilbron
- 1968 William M. Wallace
- 1969 James D. Bement
- 1970 Ralph Richey
- 1971 F. A. (Jake) Evans
- 1972 Howard W. Thomas
- 1973 James P. Gentry
- 1974 Russell W. Crane, Jr.
- 1975 E. F. Gabrielson
- 1976 E. F. Gabrielson
- 1977 Henry W. Woods
- 1978 Charles A. McGowan
- 1979 Charles A. McGowan
- 1980 Thomas B. Hazard
- 1981 Charles P. Strong
- 1982 Andrew P. Schlaefli
- 1983 Andrew P. Schlaefli
- 1984 David Thompson
- 1985 David Thompson
- 1986 William E. Byers
- 1987 Voyd H. Beights
- 1988 Voyd H. Beights
- 1989 Ralph Jungk
- 1990 Ralph Jungk
- 1991 Doug Paul
- 1992 Hannah Cohen
- 1993 William J. Hauf
- 1994 Arnold Torma
- 1995 Arnold Torma
- 1996 Ann Burnett
- 1997 William J. Hauf
- 1998 Kent Trimble
- 1999 Kent Trimble
- 2000 Kai Ramer
- 2001 Mark Ashley

Ms. Sharilyn Sarb
California Coastal Commission, San Diego District
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108

**SUBJECT: NORTH TORREY PINES ROAD BRIDGE AT LOS
PENASQUITOS CREEK - APPLICATION NO. 6-01-172**

Dear Ms. Sarb:

The San Diego Highway Development Association urges the Coastal Commission to **approve** Coastal Development Permit No. 6-01-172 for the subject project. In addition to replacing a structurally deficient bridge, this project would remove one of the few remaining bottlenecks along the coastal highway from San Diego to Oceanside. In addition to serving Torrey Pines State Beach, North Torrey Pines Road is a vital northerly access route for the major employment centers along Torrey Pines Road, including U.C.S.D., one of the largest employers in San Diego. Additional capacity on this route is desperately needed.

The San Diego Highway Development Association has been an advocate for investment in the region's roadway system for 67 years. The membership includes business leaders and transportation professionals that understand the importance of efficient transportation to the San Diego economy and quality of life.

Sincerely,

THE SAN DIEGO HIGHWAY DEVELOPMENT ASSOCIATION

William Clevenger
President

Advisory Board: John Robinson, Andrew P. Schlaefli,
F. A. Evans, Jack Grasberger, Arnold Torma

Ellen Lirley

From: San RR [srb@san.rr.com]
Sent: Monday, June 24, 2002 10:56 PM
To: elirley@coastal.ca.gov
Subject: Torrey Pines Bridge

Dear Ms. Lirley,

I am a physician and a new board member with the Torrey Pines Community Planning Board. At the first Torrey Pines Bridge meeting with Scott Peters a few weeks ago, I was pretty surprised to hear that despite the significant shading that would result from building the proposed widened bridge, there would be "no impact on the existing vegetation" in the lagoon. Granted, I am no biologist, but I've learned enough biology to know that PHOTOSYNTHESIS begins with "photo-" (light). How is it possible for the plant life in the lagoon not to be impacted by a loss of light if they are dependent upon it for sustenance? Would it be possible to hear the opinion of another biologist?

Thank you for your help.

Sincerely,

Sheri Belafsky, M.D.