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Filed: 2/21/2024
180th Day: 8/19/2024
Staff: M. Escaron-SD
Staff Report: 2/7/24
Hearing Date: 3/14/2024

STAFF REPORT: REGULAR CALENDAR

Application No.: **6-22-0196**

Applicant: **City of San Diego**

Agent: Karl Lintvedt, Associate Planner

Location: El Camino Real between Via De La Valle and San Dieguito Road, San Diego, CA

Project Description: The replacement and widening of the El Camino Real bridge over the San Dieguito River and the associated realignment and widening of El Camino Real between San Dieguito Road and Via de la Valle with a four-lane, 354-ft. long, 76-ft. wide bridge structure, construction of a new intersection at El Camino Real and De la Valle Place, medians, protected bike lanes, landscaped sidewalks, multi-modal trail connections, signal-protected ingress/egress lanes and reconfigured driveways, right-of-way and wooden fencing to protect habitat, installation of buried riprap and turf reinforcement mats on the northeast bank of San Dieguito River, utilities and culvert relocations within the right-of-way, biofiltration basins to protect water quality, wildlife-sensitive lighting, wayfinding signage, temporary access roads, three temporary trestles required for bridge construction, demolition of the existing bridge, and restoration of disturbed areas. The proposed project, if approved, will result in the ministerial relocation of the Coastal Zone Boundary up to 70 yards inland, in the City of San Diego, San Diego County.

Staff Recommendation: Approval with conditions.

STAFF NOTE

Currently, the Coastal Zone Boundary (CZB) follows the inland right-of-way boundary of El Camino Real. On March 1, 1977, the Commission approved a motion requiring the relocation of the CZB in cases where the CZB follows road rights-of-way, provided that the relocation is not more than 100 yards inland from the center line. The proposed realignment of El Camino Real would relocate the inland right-of-way boundary eastward by 70 yards (210 feet). Thus, in this case, upon subject project completion, the CZB would be relocated to the inland boundary of the realigned El Camino Real right-of-way by a distance of up to 70 yards, below the 100-yard threshold required by the adopted motion. Staff will execute the boundary adjustment as a ministerial action.

SUMMARY OF STAFF RECOMMENDATION

The City of San Diego Engineering and Capitol Development Department (City) is proposing construction of the El Camino Real Bridge/Road Widening Project (subject project) in the northern area of the City of San Diego. The subject project area is located along El Camino Real, between San Dieguito Road to the south and Via de Ia Valle to the north, within the San Dieguito River valley. The primary purpose of the project is to replace a functionally obsolete, aging and seismically unsound two-lane bridge with a 4-lane bridge built to modern structural and seismic standards, while creating multimodal public access opportunities within this scenic coastal setting.

To address the chronic public safety and infrastructure deficiencies, the subject project would construct a new cast-in-place prestressed concrete box girder bridge structure with a length of 354 feet and a width of 76 feet, set on a diagonal across the San Dieguito River to the east of the existing bridge. The new El Camino Real alignment will be located eastward of its existing location by up to 210 feet. The proposed roadway and bridge will include protective medians, signal-protected ingress and egress from adjacent properties and reconfigured driveways, protected bike lanes, and landscaped sidewalks. An equestrian-friendly multi-use trail will be created beneath the north side of the new bridge and will connect to an existing coastal trail to the west and to a segment of the Crest to Coast Trail still in the planning phase. In order to build the new bridge while minimizing construction related traffic impacts, the proposed design will keep traffic on the existing roadway while the new roadway alignment is constructed. The

existing bridge will be demolished, and the site restored once the proposed bridge is open to traffic.

Because the proposed roadway/bridge spans the San Dieguito River on the eastern side of San Dieguito lagoon, the proposed project would result in .77 acre of impacts to riparian Environmentally Sensitive Habitat Area (ESHA) and 3.33 acres of impacts to wetlands. The City's Environmental Impact Report for the subject project analyzed seven alternative projects which all would replace the bridge to improve public safety as a first priority. The Eastern Alignment was chosen because it would allow the existing bridge to be used during construction of the new bridge thereby minimizing impacts to public access to and along the coastal road. In addition, the Eastern Alternative provides extensive public access improvements in the form of protected bike lanes, landscaped sidewalks, and equestrian friendly multi-use trail connections. Through a multi-year, multi-agency effort, advanced mitigation was secured for the subject project at the San Dieguito Lagoon Restoration Project W-19 (W-19) mitigation site, adjacent to the project site. The construction of the 15-acre mitigation site is currently underway, with the goal of expanding habitat and connectivity for sensitive species impacted by the subject project. Thus, **Special Condition 4** requires the establishment and conservation in perpetuity of 13.32 acres of coastal brackish marsh habitat at the W-19 mitigation site. Likewise, **Special Condition 5**. requires the establishment and conservation in perpetuity of 2.31 acres of riparian habitat at the W-19 mitigation site.

Located within a riparian corridor, the subject project site provides habitat for sensitive wildlife species. **Special Condition 1** requires a revised Lighting Plan to minimize lighting impacts while **Special Condition 6** is designed to protect nesting birds through monitoring, reporting, and establishment of protective no-work buffers.

The Kumeyaay people are known to have been the first inhabitants of the San Dieguito River valley. The Commission acknowledges Tribal sovereignty and consistent with the Commission's Tribal Consultation Policy, **Special Condition 7** requires that during ground disturbing activities, a Qualified Archaeologist shall be present and a Native American monitor from the Kumeyaay Nation shall be invited onsite to inspect and monitor the excavation work.

Due to unavoidable impacts to ESHA for a purpose not listed under Section 30240(a), staff recommends that the Commission apply conflict resolution analysis to support an approval. The project promotes public access and protects water quality, two mandates in the Coastal Act that can be balanced against the loss of ESHA.

In conclusion, the proposed bridge replacement is necessary and appropriate to provide safe public access to and along the coast; it will limit adverse impacts to wetland and riparian habitat, marine resources, and water quality; it will ensure long-term resilience of the bridge; it will create multimodal public access; and it will protect visual resources,

archaeological resources, and other coastal resources to the maximum extent feasible, as described in more detail in this staff report. Thus, staff recommends that the Commission conditionally approve CDP 6-22-0196. The motion and resolution for this recommendation can be found on page 7. The proposed project site is located within an Area of Deferred Certification in the City of San Diego. Therefore, pursuant to Section 30519 of the Coastal Act, the standard of review is the Chapter 3 policies of the Coastal Act.

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I. MOTION AND RESOLUTION

Motion:

I move that the Commission approve Coastal Development Permit 6-22-0196 pursuant to the staff recommendation.

Staff recommends a **YES** vote on the foregoing motion. 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 Commissioners present.

Resolution:

The Commission hereby approves the Coastal Development Permit for the proposed project 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. 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

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 applicant 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 of 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 the 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 applicant to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. Revised Final Plans. PRIOR TO COMMENCEMENT OF CONSTRUCTION, the Permittee shall submit, for the review and written approval of the Executive Director, revised Final Plans that conform to the plans submitted to the Commission, titled, "Final Submittal/El Camino Real P&P." Final plans shall include the following:

a. Revised chain-link fencing specification prohibiting vinyl-coated fencing and requiring all proposed chain-link fencing to receive a bronze-patina treatment to reduce visual impacts.

b. Traffic Management Plan.

c. Revised landscape plan requiring the planting palette for all restored groundcover and shrubs within the project footprint be made up exclusively of native plants that are appropriate to the habitat and region and that are grown from seeds or vegetative materials obtained from local natural habitats. Horticultural cultivars shall not be used.

d. Revised plan sheet showing wayfinding signage for the multi-use connection to the W-19 trail.

e. Lighting Plan which conforms to the following:

(1) Maximum color temperature of lighting fixtures shall contain a maximum color temperature of 2,700 degrees Kelvin, unless it can be demonstrated that such features would not meet required safety measures. In no case shall lighting exceed a correlated color temperature of 3,000 Kelvins (K).

(2) All lighting fixtures shall be the minimum lumens required for safety and security. No non-security or non-safety lighting and no lighting for aesthetic purposes are allowed.

(3) Security lighting attached to the structures shall use a control device or automatic switch system or equivalent functions to minimize lighting.

(4) All lighting fixtures shall be shielded and directed downward and away from the riparian corridor to minimize light shining on adjacent properties or natural areas. Shielded shall mean that the light rays are directed onto the site, and the light source (e.g., bulb, tube, etc.) is not visible beyond the property boundary of the site of the light source.

(5) No permanently installed lighting shall blink, flash, or be of unusually high intensity or brightness.

(6) Stand-alone light fixtures shall be limited to a maximum height of 20 feet.

(7) No lighting shall produce an illumination level greater than one-foot candle (10.76 lumens) beyond the property boundary of the site of the light source.

(8) No night work may occur in the riparian corridor. Nighttime construction work may occur outside of the riparian corridor provided the lighting substantially conforms with the above conditions.

(9) Permanent project lighting will be fitted with bird control spikes to ensure that raptors will not be able to use lighting as a perch to prey on listed bird species.

Minor adjustments to the approved Final Project Plans may be allowed by the Executive Director if such adjustments: (1) are deemed reasonable and necessary by the Executive Director; and (2) do not adversely impact coastal resources.

2. Final Stormwater Pollution Prevention Plan. PRIOR TO COMMENCEMENT OF CONSTRUCTION, the Permittee shall submit the Final Stormwater Pollution Prevention Plan (SWPPP) and proof of a Water Quality Certification to the Executive Director for review and written approval. The SWPPP shall include all housekeeping, source control, and treatment control best management practices (BMPs) that will be used during construction and shall be updated as needed to reflect progression and phasing of the project. The Permittee shall undertake development in accordance with the approved SWPPP and Water Quality Certification. Minor adjustments to the approved SWPPP may be allowed by the Executive Director if such adjustments: (1) are deemed reasonable and necessary by the Executive Director; and (2) do not adversely impact coastal resources.

3. Construction Best Management Practices. PRIOR TO COMMENCEMENT OF CONSTRUCTION the Permittee shall submit, for the review and written approval of the Executive Director, a Construction and Pollution Prevention Plan prepared and certified by a qualified licensed professional. The final Construction and Pollution Prevention Plan shall demonstrate that all construction, including, but not limited to, clearing, grading, staging, storage of equipment and materials, or other activities that involve ground disturbance; building, reconstructing, or demolishing a structure; and creation or replacement of impervious surfaces, complies with the following requirements:

a. Minimize Erosion and Sediment Discharge. During construction, erosion and the discharge of sediment off-site or to coastal waters shall be minimized through the use of appropriate Best Management Practices (BMPs), including, at a minimum:

(1) Land disturbance during construction (e.g., clearing, grading, and cut-and-fill) shall be minimized, and grading activities shall be phased, to avoid increased erosion and sedimentation.

(2) Erosion control BMPs (such as mulch, soil binders, geotextile blankets or mats, or temporary seeding) shall be installed as needed to prevent soil from being transported by water or wind. Temporary BMPs shall be implemented to stabilize soil on graded or disturbed areas as soon as feasible during construction, where there is a potential for soil erosion to lead to discharge of sediment off-site or to coastal waters.

(3) Sediment control BMPs (such as silt fences, fiber rolls, sediment basins, inlet protection, sandbag barriers, or straw bale barriers) shall be installed as needed to trap and remove eroded sediment from runoff, to prevent sedimentation of coastal waters.

(4) Tracking control BMPs (such as a stabilized construction entrance/exit, and street sweeping) shall be installed or implemented as needed to prevent tracking sediment off-site by vehicles leaving the construction area.

(5) Runoff control BMPs (such as a concrete washout facility, dewatering tank, or dedicated vehicle wash area) shall be implemented during construction to retain, infiltrate, or treat stormwater and non-stormwater runoff.

b. Minimize Discharge of Construction Pollutants. The discharge of other pollutants resulting from construction activities (such as chemicals, paints, vehicle fluids, petroleum products, asphalt and cement compounds, debris, and

trash) into runoff or coastal waters shall be minimized through the use of appropriate BMPs, including:

(1) Materials management and waste management BMPs (such as stockpile management, spill prevention, and good housekeeping practices) shall be installed or implemented as needed to minimize pollutant discharge and polluted runoff resulting from staging, storage, and disposal of construction chemicals and materials. BMPs shall include, at a minimum:

(A) Covering stockpiled construction materials, soil (except topsoil), and other excavated materials to prevent contact with rain, and protecting all stockpiles from stormwater runoff using temporary perimeter barriers. Permanent stockpiling of materials is prohibited.

(B) Cleaning up all leaks, drips, and spills immediately; having a written plan for the clean-up of spills and leaks; and maintaining an inventory of products and chemicals used on site.

(C) Proper disposal of all wastes; providing trash receptacles on site; and covering open trash receptacles during wet weather.

(D) Prompt removal of all construction debris from the lagoon.

(E) Detaining, infiltrating, or treating runoff, if needed, prior to conveyance off-site during construction.

(2) Fueling and maintenance of construction equipment and vehicles shall be conducted off site if feasible. Any fueling and maintenance of mobile equipment conducted on site shall take place at a designated area located at least 50 feet from coastal waters, drainage courses, and storm drain inlets, if feasible (unless those inlets are blocked to protect against fuel spills). The fueling and maintenance area shall be designed to fully contain any spills of fuel, oil, or other contaminants. Equipment that cannot be feasibly relocated to a designated fueling and maintenance area may be fueled and maintained in other areas of the site, provided that procedures are implemented to fully contain any potential spills.

(3) Minimize Other Impacts of Construction Activities. Other impacts of construction activities shall be minimized through the use of appropriate BMPs, including:

(A) Soil compaction due to construction activities shall be minimized, to retain the natural stormwater infiltration capacity of the soil.

(B) The use of temporary erosion and sediment control products (such as fiber rolls, erosion control blankets, mulch control netting, and silt fences) that incorporate plastic netting (such as polypropylene, nylon, polyethylene, polyester, or other synthetic fibers) shall be avoided, to minimize wildlife entanglement and plastic debris pollution.

c. Construction In, Over, or Adjacent to Coastal Waters and Habitat. Construction taking place in, over, or adjacent to coastal waters and habitat shall protect the coastal waters and habitat by implementing additional BMPs, including:

(1) The majority of work shall take place during daylight hours, to the greatest extent feasible, and no night work shall take place in the riparian corridor.

(2) All construction equipment and materials shall be stored beyond the reach of tidal waters. All construction equipment and materials shall be removed in their entirety from the river floodplain area by sunset each day that work occurs. The only exceptions may be for erosion and sediment controls or construction area boundary fencing, where such controls or fencing are placed as close to the base of the seawall, bluff, or back of the beach as feasible, and are minimized in their extent.

(3) Tarps or other devices shall be used to capture debris, dust, oil, grease, rust, dirt, fine particles, and spills to protect the quality of coastal waters.

(4) All erosion and sediment controls shall be in place prior to the commencement of construction, as well as at the end of each workday. At a minimum, if grading is taking place, sediment control BMPs shall be installed at the perimeter of the construction site to prevent construction-related sediment and debris from entering the ocean, waterways, natural drainage swales, and the storm drain system, or being deposited on the beach.

(5) All debris resulting from construction activities shall be removed within 30 days of completion of construction.

d. Manage Construction-Phase BMPs. Appropriate protocols shall be implemented to manage all construction-phase BMPs (including installation and removal, ongoing operation, inspection, maintenance, and training) to protect coastal water quality.

e. Construction Site Map and Narrative Description. The Construction and Pollution Prevention Plan shall include a construction site map and a narrative description addressing, at a minimum, the following required components.

    (1) A map delineating the construction site and the location of all temporary construction-phase BMPs (such as silt fences, inlet protection, and sediment basins).

    (2) A description of the BMPs that shall be implemented to minimize land disturbance activities, minimize the project footprint, minimize soil compaction, and minimize damage or removal of non-invasive vegetation. Include a construction phasing schedule, with a description and timeline of significant land disturbance activities.

    (3) A description of the BMPs that shall be implemented to minimize erosion and sedimentation, control runoff and minimize the discharge of other pollutants resulting from construction activities. Include calculations that demonstrate proper sizing of BMPs.

    (4) A description and schedule for the management of all construction-phase BMPs (including installation and removal, ongoing operation, inspection, maintenance, and training), including any temporary BMPs that shall be converted to permanent post-development BMPs.

f. Construction Site Documents. The Construction and Pollution Prevention Plan shall specify that copies of the signed CDP and the approved Construction and Pollution Prevention Plan be maintained in a conspicuous location at the construction job site at all times, and be available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of the CDP and the approved Construction and Pollution Prevention Plan, and the public review requirements applicable to them, prior to commencement of construction.

g. Construction Coordinator. The Construction and Pollution Prevention Plan shall specify that a construction coordinator be designated who may be contacted during construction should questions or emergencies arise regarding the

construction. The coordinator's contact information (including, at a minimum, an e-mail address and a telephone number available 24 hours a day for the duration of construction) shall be conspicuously posted at the job site and readily visible from public viewing areas, indicating that the coordinator should be contacted in the case of questions or emergencies. The coordinator shall record the name, phone number, and nature of all complaints received regarding the construction, and shall investigate complaints and take remedial action, if necessary, within 72 hours of receipt of the complaint or inquiry.

h. Notification. The Permittees shall notify the Coastal Commission's San Diego District Office at least three working days in advance of commencement of construction activities and promptly upon completion of construction activities, and shall promptly notify staff of any anticipated changes in the schedule based on site conditions, weather or other unavoidable factors.

i. Progress Reports. The Permittees shall submit annual reports reflecting the progress and status of the project, including an identification of any outstanding issues that may have arisen since the last progress report, or are anticipated to arise in the foreseeable future.

The Permittees shall undertake development in accordance with the approved Construction and Pollution Prevention Plan, unless the Commission amends this permit, or the Executive Director provides written determination that no amendment is legally required for any proposed minor deviations.

4. Wetland Mitigation. To offset impacts to wetlands, 13.32 acres of brackish marsh habitat (including 3.33 acres of creation) are currently being established for conservation in perpetuity at the San Dieguito Lagoon W-19 mitigation site for the fulfillment of the subject project mitigation requirements in accordance with CDP No. 6-20-0160 and the associated Commission-approved W-19 Habitat Mitigation and Monitoring Plan (W-19 HMMP). In the event that the Mitigation Site fails to attain projected success criteria as outlined in the W-19 HMMP, the Permittee shall adhere to the Adaptive Management Plan as described in the Commission-approved Long Term Management Plan associated with CDP No. 6-20-0160.

5. Riparian ESHA Mitigation. To offset impacts to riparian ESHA, 2.31 acres (including .77 acres of creation) of riparian habitat are currently being established for conservation in perpetuity at the San Dieguito Lagoon W-19 mitigation site for the fulfillment of the subject project mitigation requirements in accordance with CDP No. 6-20-0160 and the associated Commission-approved W-19 Habitat Mitigation and Monitoring Plan. In the event that the mitigation site fails to attain projected success criteria as outlined in the W-19 HMMP, the Permittee shall adhere to the Adaptive

Management Plan as described in the Commission-approved Long Term Management Plan associated with CDP No. 6-20-0160.

6. Nesting Bird Monitoring and Avoidance Plan. PRIOR TO COMMENCMENT OF CONSTRUCTION, the Permittee shall submit for review and written approval, a Nesting Bird Monitoring and Avoidance Plan that shall include, but not be limited to, the following provisions:

> If project activities occur during bird nesting season (i.e., February 1 through September 15), a qualified biologist, with experience conducting nesting surveys, for the sensitive species previously found on the project site, shall survey for active nests within seven days prior to commencement of project activities, and once a week thereafter during construction, to detect any such activity within 500 feet of the project area. If an active songbird nest(s) is located within 300 feet of construction activities (500 feet for raptors), the qualified biologist shall halt construction activities to enable the Permittee to employ best management practices (BMPs) to ensure that construction activities do not disturb or disrupt nesting activities. Noise levels at active nest sites must not exceed 65 dB unless a noise study has determined that ambient noise in the immediate area exceeds that level. If this is the case, noise levels at the nest site must not exceed the ambient noise level measured. Noise reducing measures may include using alternative equipment, equipment noise buffering, sound blankets, etc. Alternatively, construction activities and schedules may be adjusted to avoid active nest areas until the respective young birds have fledged. Unrestricted construction activities may resume when no active nests remain in the construction area. Results of nesting bird surveys, ambient noise surveys, and any follow-up construction avoidance measures shall be documented in monthly reports by the qualified biologist and submitted to the Executive Director throughout the bird breeding season.

7. Protection of Archeological and Tribal Cultural Resources. The Permittee shall undertake development in compliance with the following mitigation measures to protect archaeological resources:

> (a) AT LEAST 30 DAYS PRIOR TO COMMENCEMENT OF ANY GROUND-DISTURBING CONSTRUCTION ACTIVITIES, the Permittee shall (i) notify the Native American Heritage Commission (NAHC) designated Tribal Representatives of the Kumeyaay Tribe (ii) invite Tribal Representatives to be present and to monitor ground-disturbing activities; and (iii) arrange for a qualified Archaeological Monitor and a Tribal Monitor to be present to observe ground-disturbing activities in those construction segments mapped and approved through Tribal consultation as requiring cultural monitoring. The Monitor(s) shall have experience monitoring for archaeological resources of the

local area during excavation projects, be competent to identify significant resource types, and be aware of recommended Tribal procedures for the inadvertent discovery of archaeological resources and human remains.

(b) If an area of archaeological resources is inadvertently discovered during ground-disturbing activities, including, but not limited to, concentrations of prehistoric artifacts (e.g., chipped chert, arrow points, groundstone mortars and pestles), culturally altered ash-stained midden soils associated with pre-contact Native American habitation sites (e.g., midden with or without shell), concentrations of fire-altered rock and/or burned or charred organic materials, etc., all construction shall cease and shall not recommence except as provided in subsection (c) hereof, and the Permittee shall retain a qualified archaeologist to analyze the significance of the find, in consultation with the above-referenced Tribal Representatives to be incorporated into the Supplementary Archaeological Plan (SAP) described below. The archaeologist shall immediately notify all of the Tribal Representatives. An "exclusion zone" where unauthorized equipment and personnel are not permitted shall be established (e.g., taped off) around the discovery area that includes a reasonable buffer zone recommended by the Monitor(s). Construction may continue outside of the exclusion zone.

(c) A Permittee seeking to recommence construction within the exclusion zone following discovery of the archaeological resources shall submit an SAP, prepared in consultation with the Tribal Representatives, that proposes mitigation measures to avoid impacts to the resource for the review and written approval of the Executive Director. If the Executive Director approves the SAP and determines that the SAP's recommended changes to the proposed development or mitigation measures are de minimis in nature and scope, construction may recommence after this determination is made by the Executive Director in writing. If the Executive Director approves the SAP, but determines that the changes therein are not de minimis, construction may not recommence until after an amendment to this permit is approved by the Commission.

8. Assumption of Risk, Waiver of Liability & Indemnity. By acceptance of this permit, the Permittee acknowledge and agree, on behalf of themselves and all successors and assigns, to all of the following: (a) that the site may be subject to coastal hazards, including, but not limited to, episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, tsunami, tidal scour, coastal flooding, bluff and geologic instability, liquefaction and the interaction of some, many of which may worsen with future sea level rise; (b) to assume the risks to the Permittees and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (c) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (d) to indemnify and hold harmless the

Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

IV. FINDINGS AND DECLARATIONS

A. Project Location, Background and Description

Project Location

The City of San Diego (City), with financial and technical support from the California Department of Transportation (Caltrans), is proposing to construct the El Camino Real Bridge/Road Widening Project (subject project) in the northern area of the City of San Diego (Exhibit 1). The subject project area is located along El Camino Real, between San Dieguito Road to the south and Via de Ia Valle to the north, within the San Dieguito River valley (Exhibit 2). The portion of the San Dieguito River located within the subject project area is bounded by the San Diego Association of Governments (SANDAG)-owned W-19 mitigation site to the southwest, a golf course to the southeast, horse stables to the northwest, and soccer/polo fields (leased by Surf Cup) to the northeast.

Project Background

The existing bridge spanning the San Dieguito River is structurally deficient and impedes storm flows, causing flooding during medium-high flow events. The bridge piles are relatively shallow and buried in sediments that could fail in an earthquake due to liquefaction, making the bridge seismically unsound. The existing roadway has one lane in each direction and operates at a Level of Service of F, which represents the most dysfunctional operational level. This scenic coastal roadway is heavily used by vehicles and cyclists alike. With no median nor designated bike lanes, and non-standard shoulders or sidewalks, vehicles currently dangerously cross over the centerline to navigate around cyclists and pedestrians. The City of San Diego Community Plan calls for a modernized four-lane roadway, to resolve seismic and flooding deficiencies, to improve safety by reducing vehicle-cyclist/pedestrian conflicts, and to alleviate chronic traffic congestion.

Project Description

To address these public safety and structural deficiencies, the subject project proposes to construct a new cast-in-place prestressed concrete box girder (Exhibit 4) bridge structure with a length of 354 feet and a width of 76 feet, set on a diagonal across the San Dieguito River to the east of the existing bridge. The new bridge will have six columns at the two piers. In the existing condition, flows in the San Dieguito River during a 10-year storm event overtop a low point along El Camino Real. The proposed bridge elevation will be above the 100-year flood level with capacity to convey 100-year

storm flows, which will increase channel velocities and the potential for erosion. An anticipated increase in erosional velocities upstream of the bridge will be addressed by installing buried rock slope protection and/or turf reinforcement mats along approximately 410 feet of the northeast riverbank.

To build the new bridge while minimizing construction related-traffic impacts, the proposed design will keep traffic on the existing roadway while the new bridge and roadway alignment are constructed. The new El Camino Real alignment will be located eastward of its existing location by up to 210 feet. The new bridge and 2,400 linear feet of roadway would be widened to four lanes with protective medians, signal-protected ingress and egress and reconfigured driveways for the businesses north of the bridge, protected bike lanes and landscaped sidewalks in each direction (Exhibit 3). An equestrian-friendly multi-use trail connection to the planned Crest to Coast Trail will be created beneath the north side of the new bridge. The new intersection with Via de la Valle will be shifted to the existing Via de la Valle/De la Valle Place intersection. Approximately 1,400 linear feet of Via de la Valle will also be widened to accommodate installation of biofiltration systems for storm water quality treatment, culvert installation, drainage inlet installation, curb and gutter replacement, and for roadway transition into the existing finished grade.

The equestrian-friendly multiuse undercrossing will be paved with stabilized decomposed granite, with a width of 12 feet and will connect to the existing public trail along the northwest bank and the planned Coast to Crest Trail alignment on the northeast bank. The north river bank slope will be steepened from a 2:1 to a 1.5:1 grade for approximately 200 feet under the new bridge to accommodate the proposed trail. Wooden split rail and lodgepole fencing will be installed along the multi-use trail to keep users out of sensitive habitat areas. At the northwest corner of the El Camino Real/San Dieguito Road intersection a new signal pole and American with Disabilities Act compliant curb ramps will provide public access to the proposed sidewalk and planned San Dieguito Lagoon (W-19) trail connection.

A new 16-inch diameter water transmission main will be installed along El Camino Real from Via de la Valle to San Dieguito Road in anticipation of a future project that will replace existing water infrastructure in the area. The existing dual 19-inch by 30-inch reinforced concrete pipe culvert under Via de la Valle near El Camino Real will be replaced with an underground triple reinforced concrete box culvert. The existing culverts under Via de la Valle will be replaced with a triple 10-foot by 3.5-foot culvert. A low-flow storm drain will be constructed within the widened Via de la Valle to convey runoff from the upstream edge of the proposed culvert system to the existing ditch just east of existing El Camino Real.

The existing portion of El Camino Real extending from the Horse Park driveway north to the Mary’s Tack and Feed driveway will remain in place after construction to serve as

access to Mary's Tack and Feed and the veterinary hospital. The existing intersection of El Camino Real and Via de la Valle would be converted to a cul-de-sac. A new driveway for activities at the Surf Cup property would extend into the proposed realigned right-of-way.

South of the bridge, the new road would be constructed in phases, with the eastern half constructed first, unconstrained by existing El Camino Real. Then traffic would be moved to the new eastern half, and the western half of the new road would be constructed. Temporary construction easements will allow for movement of equipment and materials outside of the roadway. Construction access for bridge construction and demolition will require the construction of three temporary trestles to create work platforms. The 30-foot-wide trestles will be supported on 700 to 800 driven piles installed across the width of the river. Driven piles will also be needed for support of the falsework beneath the bridge.

For all phases of construction, staging would occur in previously disturbed areas. Temporary construction fencing and silt fencing would be installed around the perimeter of the staging area for the duration of construction to ensure that habitats adjacent to the project area are not affected, and to contain sediment. All access related to project construction would be attained through areas that have been previously disturbed or already affected by project components.

The anticipated preferred haul route is from Interstate-5, east on Del Mar Heights Road, then north on El Camino Real, which is already four lanes to San Dieguito Road, and continuing northward to the portion of El Camino Real under construction. The designated staging areas for project construction total approximately three acres and include: a privately owned parcel bounded by El Camino Real, Old El Camino Real, and San Dieguito Road that is periodically used by fruit, Christmas tree, and pumpkin vendors; and a City-owned property within the alignment of Old El Camino Real north of San Dieguito Road and east of the curved portion of El Camino Real. Upon completion of construction, the disturbed areas will be cleared, regraded to match existing conditions, and where appropriate, hydroseeded in conformance with the Applicant's submitted final plans.

The Applicant will implement vegetation restoration with a 5-year monitoring period. Maintenance visits will be conducted twice per month for the first six months, once per month for the remainder of the first year, and quarterly thereafter. Maintenance activities will include plant replacement as needed and plants shall be increased in container size relative to the time of initial installation or establishment or maintenance period may be extended. The portion of existing El Camino Real north of the bridge that is not needed for business access will be vacated, the pavement will be removed, and the area will be graded and revegetated with native species.

Right-of-way and temporary construction easements will be needed from several properties along Via de la Valle and El Camino Real. Right-of-way negotiations are ongoing for the Horsepark, Surf Cup fields, Mary's Tack and Feed, and private property south of Via de la Valle and east of El Camino Real.

Schedule
Construction of the subject project is anticipated to begin in February of 2025, with the new bridge opening to the public in January of 2028. The demolition of the existing bridge and subsequent site restoration are scheduled for February through July of 2028.

Jurisdiction
The proposed project site is located within an Area of Deferred Certification in the City of San Diego. Therefore, pursuant to Section 30519 of the Coastal Act, the standard of review is the Chapter 3 policies of the Coastal Act.

B. Public Access and Recreation

Section 30210 of the Coastal Act states:

> In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30212(a) of the Coastal Act states:

> Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or, (3) agriculture would be adversely affected. A dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

Section 30213 of the Coastal Act states, in part:

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

Section 30223 of the Coastal Act states:

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

The El Camino Real roadway links the public to shoreline access in the northern area of the City of San Diego. The subject project will improve the intersection of El Camino Real and Via de la Valle which provides a major east-to-west accessway, and is the only major coastal access route between State Routes 78 and 56. The subject project will provide public access benefits to coastal residents and visitors by improving local traffic circulation, as well as constructing sidewalks and bicycle lanes to support multimodal transportation. Due to the lack of a shoulder, bike lane, or sidewalks on the existing two-lane bridge, cyclists share the road with motorists, creating unsafe conditions when motorists pass cyclists by swerving into oncoming traffic. The proposed bike lanes will be separated from traffic by flexible delineators. The addition of a median, left-hand turn pockets, and signals to allow for ingress and egress from adjacent properties will also enhance safety for motorists and cyclists. The proposed sidewalks and bike lanes will connect to the regional trail system, including trails in San Dieguito Lagoon and the planned Crest to Coast Trail. At the northwest corner of the El Camino Real/San Dieguito Road intersection, a new signal pole and American with Disabilities Act compliant curb ramps and a signal will provide public access to the proposed sidewalk and the San Dieguito Lagoon (W-19) trail connection. **Special Condition 1** requires a wayfinding sign for the W-19 trail connection.

During construction, the Applicant will implement its standard traffic management specifications, which are a suite of measures designed to maintain traffic access within the project area while keeping the traveling public separated from construction activities. Examples of these measures include reduction of speed limits to reduce potential for traffic incidents, installation of construction warning signs to inform the public of construction ahead, and advance publication of construction activities and roadway closures in local news media.

In conclusion, the Commission finds that the proposed project will provide necessary public safety improvements for this route that provides access to the coast, and will provide for new pedestrian, cycling, and equestrian access opportunities with sidewalks, bike lanes and trail connections in both directions. Although the project will have temporary traffic impacts, the Applicant has committed to implementing measures to minimize these impacts. Given that vehicular and cycling access will be maintained, and there will be no restrictions to public parking or access points during construction, the subject project will not have significant adverse effects on public access to and along the coast, and will enhance such access when complete. Therefore, the Commission finds that, as submitted, the proposed development will not have an adverse impact on public access to the coast or to nearby recreational facilities and is consistent with Sections 30210, 30212, 30213, and 30223 of the Coastal Act.

C. Biological Resources

Wetlands

Section 30230 of the Coastal Act states:

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

Section 30231 of the Coastal Act states:

> The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of wastewater discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with the surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30233 of the Coastal Act provides, in part, as follows [emphasis added]:

> (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:…
>
> (4) 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.
> …(7) 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 these purposes to appropriate beaches or into suitable longshore current systems.
>
> (c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary.

Site Description

San Dieguito Lagoon historically supported a range of habitats, including vegetated salt and brackish marsh, associated tidal embayments, sloughs, and mudflats. Beginning in the early 20th century, large portions of the San Dieguito Lagoon marsh plain were filled for construction of roads, farmland, an airfield, the Del Mar Fairgrounds, and a shopping center. Today, less than half of the historical wetlands remain intact, and the estuary's area is greatly reduced from its historical extent, although restoration efforts in recent years have compensated for this loss to some degree. Nevertheless, multiple wetland vegetation communities remain within and adjacent to the project footprint.

The project area lies along a mostly north-south segment of El Camino Real between Via de la Valle to the north and San Dieguito Road to the south. The current and proposed bridge spans the San Dieguito River. To the west of the project is the San Dieguito Lagoon Restoration Project known as W-19 as well as an equestrian facility. Residential and commercial development lie north of the project area. To the east are a country club with a golf course, polo fields, and the San Dieguito River channel. Residential and undeveloped land lies south of the project.

To evaluate the wetland areas, the Commission ecologist reviewed three reports: The Environmental Impact Report Addendum, including a Biological Resources Report Update, from November 2023; a Jurisdictional Resources Delineation Report prepared by Rocks Biological Consulting in November 2020; and a Natural Environmental Study drafted in 2015 which included a Preliminary Jurisdictional Delineation prepared by ICF International in September 2012. The identified wetland boundaries and vegetation communities were largely cohesive among all reports with minor changes to vegetation boundaries over time. Identified impacts described here apply to the vegetation types identified in the Biological Resources Report Update from November 2023.

Wetland Delineation and Vegetation

The provided delineation did not follow a 1-parameter definition of wetland per California Code of Regulations Section 13577(b), so the paired data points necessary to delineate wetland boundaries are absent. Therefore, the Commission ecologist examined the described vegetation communities in the reports above as well as the data collected at individual wetland delineation data points to best determine wetland areas at the site. The data points did identify several species that are obligate wetland species, or species that almost always occur in wetlands under natural conditions. These include cattails (Typha spp.), Eastern annual saltmarsh aster (Symphyotrichum subulatum), California bulrush (Schoenoplectus californicus), and pickleweed (Salicornia pacifica). Cattails are particularly characteristic of coastal and valley freshwater marsh, whereas California bulrush and Eastern annual saltmarsh aster were found in areas classified as Southern coastal salt marsh. Pickleweed was found in both habitats though at greater

absolute cover in Southern coastal salt marsh. Alkali weed (Cressa truxillensis), a perennial herb classified as a facultative wetland species that occurs in wetlands 67%-99% of the time, is characteristic of and dominant in the alkali marsh vegetation community. Several data points taken within each of the coastal and valley freshwater marsh, alkali marsh, and Southern coastal salt marsh vegetation types had all three field indicators of wetlands present. Several points in these habitat types also had 1-2 field indicators present, as well as facultative upland species, or species found outside of wetlands 67-99% of the time, within these habitat types. All of the data points recorded within mapped areas of coastal and valley freshwater marsh, alkali marsh, and Southern coastal salt marsh met the 1-parameter definition of wetlands. Therefore, mapped areas of these three vegetation communities are classified as wetlands for the purposes of the impact and mitigation analysis.

Three data points were recorded in mule fat scrub that also met the 1-parameter definition of wetlands. However, staff did not classify the mule fat scrub and tamarisk scrub as wetland for several reasons. First, these vegetation types are dominated by the facultative species mule fat (Baccharis salicifolis) and tamarisk (Tamarix spp.), respectively. According to the National Wetland Plant List, facultative species are equally likely to occur in wetlands and non-wetlands. The data points recorded within mapped mule fat scrub in 2020 appear to be invaded by tamarisk when the vegetation was mapped again in 2022. None of the wetland delineation data points are recorded in areas of tamarisk scrub. Finally, unlike the areas classified as coastal and valley freshwater marsh, mule fat scrub and tamarisk scrub appear to reside at the bank edge, above the bank, and outside of the San Dieguito River channel. Therefore, the likely function of this habitat is riparian rather than wetland, and therefore evaluated in the Environmentally Sensitive Habitat Areas section of this staff report.

Wetland Sensitive Species

Two sensitive wildlife species were observed using the identified wetland habitats, including light-footed Ridgway's rail (Rallus obsoletus levipes; state- and federally endangered; California Fully Protected Species) and Clark's marsh wren (Cistothorus palustris clarkae; California Species of Special Concern). Light-footed Ridgway's rail is recorded throughout the San Dieguito River corridor as both pairs and individuals over several years. A single identification of Clark's marsh wren is mapped in the coastal and valley freshwater marsh vegetation community just west of the current alignment of El Camino Real. Several avoidance and minimization measures for construction-related impacts to light-footed Ridgway's rail are discussed in the Protection for Birds section of this staff report.

Allowable Uses

Section 30233 of the Coastal Act imposes a three-part test on dredging and filling projects: (1) the allowable use test; (2) an alternatives test; and (3) a mitigation test. Regarding the first test, the relevant category of use for the proposed project is identified under Section 30233(a)(6): public service purposes. The project's creation of a multi-use trail also supports resource-dependent uses such as observing nature in the lagoon. For the second test, the project was analyzed in an Environmental Impact Report (EIR), which included an analysis of three other alternatives, including the No Project Alternative. All seven other alternatives were found to result in significantly more impacts to environmental resources with fewer environmental benefits when compared to the proposed project. Finally, the project, as conditioned, includes measures to minimize adverse environmental impacts and to mitigate for unavoidable impacts. Thus, the proposed dredging and filling of wetlands is allowable under Section 30233.

Coastal Act Section 30108.2 defines "fill" as "earth or any other substance or material, including pilings placed for the purposes of erecting structures thereon, placed in a submerged area." The Commission has long considered grading, excavating, and other ground-disturbing activities in coastal wetlands and estuaries to be a form of dredging. (CDPs 1-06-036, 1-08-011, 1-08-012, 1-08-020, 1-09-020, 1-09-030, and 1-10-032.) Wetland delineation field investigations for the subject project were performed in 2009, 2011, and 2012 and using both the United States Army Corps of Engineers and Coastal Commission wetland definitions. Using the Coastal Act wetlands definition, the subject project would result in 3.33 acres of wetland fill. These impacts would result from the construction of the El Camino Real Bridge and its public access amenities, the demolition of the existing El Camino Real Bridge, the widening of the Villa de la Valle roadway, and installation of water quality best management practices.

The Coastal Act recognizes the importance and scarcity of wetlands. Section 30233 of the Coastal Act limits the fill of wetlands to specific, enumerated uses, and also requires that any project which results in fill of wetlands (a) be the least environmentally damaging feasible alternative, and (b) provide feasible mitigation measures to minimize adverse environmental effects. A project must pass all three tests to be authorized pursuant to Section 30233(a). In addition, Coastal Act Sections 30230, 30231, and 30233 together require that marine resources, the biological productivity and quality of coastal waters, and the functional capacity of wetlands and estuaries be maintained and enhanced.

As mentioned above, any proposed filling, diking, or dredging in wetlands must be for one of the seven allowable uses listed under Section 30233(a).22 Section 30233(a)(4) authorizes wetland fill for: "Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines." To qualify as an incidental public service purpose, the fill of coastal waters being undertaken must demonstrate that: (a) it provides a "public service" insofar as it confers benefits to the public, either at large, or to those served by the public entity;

and (b) is “incidental,” within the meaning of that term as it is used in the Coastal Act (i.e., is ancillary and appurtenant to an existing public service purpose).

The Commission has determined that the fill for certain coastal roadway safety improvement projects that did not increase vehicular capacity could be considered an “incidental public service” pursuant to the requirements of Coastal Act Section 30233(a)(4). These actions have included road widening, road realignments, and bridge replacements (CDPs 4-21-0182, 1-18-1078, 3-19-1199, 3-22-0165).

The wetland impacts would result from safety and public access improvements within the existing roadway corridor, replacement of a functionally obsolete bridge with a new bridge built to current design and safety standards with the capacity to convey 100-year storm event flows, construction of a roadway median to separate oncoming traffic, and provision or multimodal public access infrastructure. First, the proposed fill placement is being undertaken by a public agency to serve the public, and therefore, has a public service purpose. Secondly, the public safety purpose is incidental to the primary transportation purpose of the existing bridge. Third, although the subject roadway will be expanded from two lanes to four lanes, the project connects to an existing two-lane roadway to the north, the roadway capacity in the area will not increase, and the improvements do not expand the roadway to areas not already served by the existing system. Although the applicant states that traffic in the corridor is likely to increase as the population of the region continues to grow, the project is not a roadway expansion intended to accommodate future traffic of new development projects in the area. Given that the design of the project is driven by safety needs, combined with the fact that the subject widening ties into an existing two-lane road to the north, the Commission finds that the proposed project would not increase overall roadway capacity and the fill is for an incidental public service purpose necessary to safely maintain existing capacity.

Therefore, the Commission finds here that for the reasons discussed above, the wetland fill for the proposed project is for an incidental public service purpose, and thus, is an allowable use pursuant to Section 30233(a)(4) of the Coastal Act.

Alternatives Analysis

For projects involving diking, dredging, or filling of wetlands, the Commission must ensure that the proposed project has no feasible less environmentally damaging alternative, consistent with Section 30233 of the Coastal Act. Coastal Act Section 30108 defines “feasible” as “…capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.” Eight project alternatives were analyzed in the FEIR before promoting the Eastern Alignment Alternative, the subject project design, as the preferred alternative. These alternatives include (a) the “no project” alternative, and (b) several alternatives that would involve different approaches to realigning/widening the

roadway, replacing the bridge, reconfiguring the Via de la Valle intersection, accessing businesses, and providing multimodal access as summarized below.

No Project Alternative: The “no project” alternative means that none of the project improvements involving wetland fill would be undertaken. Under the “no project” alternative, the functionally obsolete and seismically unsound two-lane bridge, which is essential for public access in the area, would remain unsafe for motorists and cyclists alike, and would contribute to flooding and erosion of riparian resources, including endangered species habitat, as climate-driven storm events intensify in the future.

The Applicant determined that this “no project” alternative would not fulfill the basic project purpose to address public safety concerns associated with aging infrastructure. Furthermore, El Camino Real roadway links the public to shoreline access in the northern area of the City of San Diego. Improving the safety of the public roadway is necessary to maximize public access to and along the coast consistent with public safety needs as required by Section 30210 of the Coastal Act. Therefore, the Commission finds that the “no project alternative” is not a feasible less environmentally damaging alternative to the proposed project.

Central Alignment Alternative: This alternative included a fully widened roadway cross section roughly centered on the existing alignment of El Camino Real. This alternative would impact neighboring properties on the east and west sides relatively equally. The new bridge would be high enough to provide an elevated multi-use trail undercrossing set under the north bridge abutment. This alternative would permanently impact 3.69 acres of wetlands, more than the proposed project’s 3.33 acres of wetland impacts. Therefore, the Commission finds that this project alternative is not a less environmentally damaging alternative to the proposed project.

Road Capacity Alternative: This alternative includes four travel lanes and a narrow painted (striped) median, but would not provide a concrete median, pedestrian walkways, landscaping, or bicycle lanes. An elevated multi-use trail undercrossing would be provided under the north bridge abutment. This alternative would impact 1.28 acres of wetlands, less than the proposed project’s 3.33 acres of wetland impacts. However, this alternative would not improve the Level of Service of this coastal roadway. This alternative would generate the most significant and unmitigable impacts to traffic and circulation and would generate the most severe impacts to existing traffic during the two-year construction period. Further, bridge construction would span three bird breeding seasons versus one. This alternative would not improve public access by providing bike lanes and sidewalks necessary to maximize public access to and along the coast consistent with public safety needs as required by Section 30210 of the Coastal Act. For these reasons, the Commission finds that this project alternative is not a less environmentally damaging alternative to the proposed project.

Bicycle Safety Alternative: This alternative included a narrow roadway cross section with an alignment shifted west, two travel lanes, bicycle lanes and a raised central median. This alternative would not provide pedestrian walkways, landscaping, or additional travel lanes to reduce chronic congestion. This alternative would avoid impacts to the wetlands in the drainage ditch parallel to the eastern edge of El Camino Real, identical to the Road Capacity Alternative. An elevated multi-use trail undercrossing would be provided under the north bridge abutment. This alternative would permanently impact 1.28 acres of wetlands, less than the proposed project's 3.33 acres of wetland impacts. However, similar to the Road Capacity Alternative, this alternative would have greater impacts to sensitive wildlife than the preferred alternative because bridge construction would span three bird breeding seasons versus one. In addition, this alternative would generate the most significant and unmitigable impacts to traffic and circulation, and would generate the most severe impacts to existing traffic during the two-year construction period. This alternative would not improve coastal access through creating multimodal public access and improving chronic coastal traffic congestion. For these reasons, the Commission finds that this project alternative is not a less environmentally damaging alternative to the proposed project.

Western Alignment Alternative: This alternative included a fully widened roadway cross section with an alignment shifted west toward San Dieguito Lagoon. An elevated multi-use trail undercrossing would be provided under the north bridge abutment. This alternative would permanently impact 2.76 acres of wetlands, less than the proposed project's 3.33 acres of wetland impacts. However, this alternative would incur the most impacts to the Multi-Habitat Planning Area property and businesses on the west side of the alignment than the other alternatives, and therefore, the Commission finds is not a less environmentally damaging alternative.

Roundabout Alternative: This alternative included a fully widened roadway cross section with an alignment shifted east. Roundabouts instead of signalized intersections would be located where El Camino Real meets San Dieguito Road, the Surf Cup/Horsepark driveways, and De la Valle Place, and where Via de la Valle meets El Camino Real North. The footprint of the Roundabout Alternative would be larger due to the need for transitions eastward and northward at the intersection of Via de la Valle and El Camino Real North, as well as at El Camino Real and San Dieguito Road and the need for additional area to accommodate the roundabouts compared to typical intersections. An elevated multi-use trail undercrossing would be provided under the north bridge abutment. This alternative would permanently impact 4.23 acres of wetlands, greater than the subject project's 3.33 acres of impacts. Therefore, the Commission finds that this project alternative is not a less environmentally damaging alternative to the proposed project.

Lower Elevation Alternative: This alternative would have a fully widened roadway cross section roughly centered on the existing alignment of El Camino Real, impacting

neighboring properties on the east and west sides relatively equally. El Camino Real would be raised on embankment with 2:1 side slopes. However, the Lower Elevation Alternative would be approximately 3 feet lower in vertical alignment than the other alternatives because this alternative would set the bridge elevation at just the elevation needed to clear the 100-year flood, and would not provide the multi-use trail undercrossing. This alternative would permanently impact 3.69 acres of wetlands, greater than the proposed project's 3.33 acres of wetland impacts. Therefore, the Commission finds that this alternative is not a less environmentally damaging alternative to the proposed project.

Eastern Alignment Alternative: The proposed project and preferred alternative include a fully widened roadway cross section with multimodal access and an alignment shifted to the east side of the existing drainage ditch parallel to the eastern edge of El Camino Real. This alternative would allow independent construction of the bridge by using the existing bridge for traffic during construction, thereby minimizing public access impacts to and along the coastal roadway. Temporal impacts to sensitive riparian species will be reduced to one bird breeding season. An elevated multi-use trail undercrossing would be provided under the north bridge abutment. This alternative would permanently impact 3.33 acres of wetlands.

Based on the above alternatives analysis, the Commission concludes that there are no feasible less environmentally damaging alternatives to the proposed development as conditioned. For the reasons stated above, the Commission finds that the proposed development, as conditioned, is consistent with the second test of Section 30233(a) because there is no feasible less environmentally damaging alternative to the proposed project as conditioned. Moreover, the Commission finds that there is no feasible less environmentally damaging alternative to the proposed project because the other alternatives result in more wetland fill, increase temporal impacts to sensitive wildlife species, or increase traffic impacts and public access during the three year construction period.

Compensatory Mitigation for Dredging and Fill of Wetlands

Section 30233 further requires that feasible mitigation measures be provided to minimize adverse environmental effects. In addition, the project must maintain and enhance the functional capacity coastal wetlands and waters consistent with section 30233 and protect marine resources and the biological productivity and the quality of wetlands and waters consistent with the requirements of sections 30230 and 30231. Depending on the manner in which the proposed project is conducted, the potential significant adverse impacts of the project may include (1) construction-related impacts to water quality and aquatic habitat from sediment, pollutants, or debris from construction activities entering coastal waters and from post-construction storm water

runoff; and, (2) construction-related impacts to wetlands, sensitive species and nesting birds.

Compensatory mitigation is required for the fill and permanent loss of 3.33 acres of wetlands. According to the EIR addendum, permanent impact 1.35 acres of coastal and freshwater valley marsh, 0.33 acres of alkali marsh, and 1.65 acres of southern coastal salt marsh. These acreages are based on the EIR Addendum from November 2023. As shown above, these various impacts result from public safety improvements, multimodal public access improvements, and minimization of public access impacts during construction.

As a result of a multi-year and multi-agency advanced mitigation planning effort, the mitigation for the subject project was identified, planned, funded, and currently under construction in advance of the project related habitat impacts. To offset impacts to wetlands that will result from the subject project, **Special Condition 4** requires 13.32 acres of wetlands (3.33 of creation), for conservation in perpetuity at the San Dieguito Lagoon W-19 Mitigation Site (Exhibit 5) in accordance with CDP No. 6-20-0160 and the associated W-19 Habitat Mitigation and Monitoring Plan (W-19 HMMP), approved by the Commission in 2020.

The W-19 HMMP includes detailed requirements regarding construction scheduling, grading, planting, irrigation, maintenance, monitoring, and success criteria among other topics, and generally facilitates implementation of the mitigation and assessment of its success. For this project, all compensatory mitigation for wetland impacts will include the re-establishment and creation of brackish marsh in an upland area of coyote bush scrub, which established after the cessation of agricultural uses at the W-19 restoration site. The final performance standard of establishment of brackish marsh and riparian habitat is expected to be attained within five years of creation. Once the performance standards for vegetation and habitats have been achieved, maintenance is expected to be minimal.

Further, in the event that the mitigation site fails to attain projected success criteria as outlined in the W-19 HMMP, **Special Condition 5** requires that the Permittee shall adhere to the Adaptive Management Plan as described in the Commission-approved Long Term Management Plan (LTMP) for the W-19 Mitigation Site. Over the long-term, W-19 is expected to contribute to the conservation and recovery of the species by restoring high quality rail breeding and foraging habitat in north coastal San Diego County. The Commission finds that the project as conditioned provides feasible mitigation measures to minimize the project's impacts on wetland habitat consistent with Section 30233 of the Coastal Act.

Water Quality

Stormwater treatment and management devices are proposed along El Camino Real and Via de la Valle in accordance with the 2021 City of San Diego Storm Water Standards. The Best Management Practice (BMP) devices proposed include a combination of curb cuts and inlets along the road where flow will be treated and collected by a series of storm drains and earthen channels to ultimately convey treated flows to the San Dieguito River. Within the landscaped sidewalk features, pervious areas are proposed including cobble swales that lead into biofiltration areas. Biofiltration basins are proposed to manage roadway runoff water quality. The biofiltration basins consist of reinforced concrete vaults with a contained water treatment system that regulates the quality of the water that is discharged into existing storm drain systems. The entire system is encased in a reinforced concrete vault and does not allow infiltration into surrounding soil. The two proposed biofiltration basins consist of a ponding basin on top of a soil filtration layer with a PVC underdrain embedded in an aggregate storage layer. The ponding basin, filtration layer, and storage layer are lined with a plastic liner preventing infiltration into surrounding soil. The proposed BMPs provide treatment for the 85th percentile storm event. The flow-based compact biofiltration BMPs provide for a factor of safety of 1.5 as required by the City. The plans have been reviewed by Commission Water Quality staff.

Despite the inclusion of these best management practices in the proposed project, construction may affect water quality by causing erosion and sedimentation. Therefore, **Special Condition 2** requires that the Applicant submits a Stormwater Pollution Prevention Plan (SWPPP) and proof of possession of a Water Quality Certification prior to construction and incorporates water quality protection measures into the construction specifications and plans. Site management will maintain proper housekeeping of the project site, and sediment and erosion control and water quality BMPs will be installed and maintained. Staging of construction equipment could result in spills that could also adversely affect water quality. Measures will be implemented by the Applicant to prevent erosion and sedimentation, prevent and capture any spills, and limit staging to designated areas. All debris from the demolition and construction of bridges will be contained so that it does not fall into the San Dieguito River.

Finally, to ensure that City implements the proposed erosion and sediment control plan and construction-phase BMPs, **Special Condition 3** requires that a final erosion and sediment control and pollution prevention plan be submitted for the review and approval of the Executive Director. That plan shall demonstrate compliance with the BMPs proposed in the project description and shown on the final plans**.**

Therefore, the Commission finds that the project, as conditioned, will maintain and enhance the biological productivity, quality, and functional capacity of coastal waters

and wetlands consistent with the requirements of Sections 30230, 30231, and 30233 of the Coastal Act.

Environmentally Sensitive Habitat Areas

Section 30240 of the Coastal Act states:

> 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.

Site Description

To inform an ESHA determination for the site, the Commission ecologist reviewed the project Environmental Impact Report Addendum, including the Biological Resources Report Update, from November 2023; the US Fish and Wildlife Service Biological Opinion Amendment from January 2023; The W-19 Habitat Mitigation and Monitoring Plan from 2020; and the Natural Environmental Study chapters 1-5 and appendices A, B, C, F, and G from 2015. These reports identified multiple vegetation types in the project footprint and the surrounding project area according to the Holland vegetation communities classification system. This section will describe the reported vegetation communities present in the entire project area that are not considered in the Wetland section of this staff report. Identified impacts described here apply to the vegetation types identified in the Biological Resources Report Update from November 2023.

The vegetation communities directly in the project footprint include Diegan coastal sage scrub, eucalyptus woodland, mule fat scrub, tamarisk scrub, disturbed land, and urban/developed land. Of these communities, mule fat scrub and tamarisk scrub are immediately relevant to ESHA as each is considered riparian habitat. Riparian habitat has declined as much as 90% throughout California, particularly in the urbanized southwest. Even when highly invaded as is the case for tamarisk scrub, riparian habitats continue to provide important functions across the landscape for water quality and habitat structure. The mule fat scrub at the site is described as consisting primarily of mule fat (Baccharis salicifolia) in addition to invasive tamarisk (Tamarisk spp.), whereas the communities of tamarisk scrub are predominated by tamarisk with a few individuals of arroyo willow (Salix lasiolepis) and mule fat.

Multiple potential sensitive wildlife species were identified as using the riparian vegetation communities on or adjacent to the project site, including least Bell's vireo (Vireo bellii pusillus; state and federally-listed, a globally imperiled subspecies), yellow warbler (Setophaga petechia; California Species of Special Concern, globally secure but vulnerable statewide), and yellow-breasted chat (Icteria virens; California Species of Special Concern, globally secure but vulnerable statewide). While any area that contained these species may also be considered ESHA, the riparian vegetation at this site alone warrants ESHA designation. Mitigation for construction-related impacts to least Bell's vireo are discussed in the Protection For Birds section of this staff report. While plant species with California Rare Plant Rankings (CRPR) were identified at the project site, none of the species carried a rare ranking that rises to the level of ESHA.

The remaining impacted vegetation types include Diegan coastal sage scrub, eucalyptus woodlands, disturbed land, and urban/developed land. None of these vegetation communities were occupied by sensitive plant or wildlife species. Diegan coastal sage scrub is a Holland vegetation community that may consist of rare vegetation alliances that according to the Manual of California Vegetation may meet the rarity component of ESHA. However, the scrub habitat is fragmented across the project site and particularly so in areas directly in the project footprint. Other vegetation communities occur in the project area but are not directly impacted by the project, including Southern arroyo willow riparian forest, which is characterized on site by a dominance of arroyo willow with scattered non-native species. See the Wetlands and Water Quality sections of this staff report for measures to protect the adjacent riparian habitat.

ESHA Determination

Section 30107.5 of the Coastal Act states that "environmentally sensitive area" means any area in which plant or animal life, or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments. The Commission ecologist finds that ESHA is present on this site due to the rarity of the riparian vegetation in the region and state as a whole. On site, the riparian vegetation includes mule fat scrub and tamarisk scrub vegetation communities. These communities are especially valuable due to their biodiversity, including the presence of sensitive avian species, maintenance of habitat structure, and water quality functions, and are easily degraded by human activities and developments.

Compensatory Mitigation for ESHA Impacts

Compensatory mitigation is required for the 0.77 acres of project impacts to ESHA, including the permanent loss of 0.34 acres of mule fat scrub and 0.43 acres of tamarisk scrub. As a result of a multi-year and multi-agency advanced mitigation planning effort,

the mitigation for the subject project was identified, planned, funded, and currently under construction in advance of the project related habitat impacts. To offset impacts to riparian ESHA that will result from the subject project, **Special Condition 5** requires the establishment of 2.31 acres (including 0.77 acres of creation) of riparian habitat for conservation in perpetuity at the San Dieguito Lagoon W-19 mitigation site for the fulfillment of the subject project mitigation requirements in accordance with CDP No. 6-20-0160 and the associated Commission-approved W-19 Habitat Mitigation and Monitoring Plan (W-19 HMMP).

The W-19 HMMP includes detailed requirements regarding construction scheduling, grading, planting, irrigation, maintenance, monitoring, and success criteria among other topics, and generally facilitates implementation of the mitigation and assessment of its success. For the loss of riparian habitat associated with the project, significant riparian restoration and enhancement will occur just west of the project along the San Dieguito River corridor at the W-19 mitigation site. The final performance standard of establishment of riparian habitat is expected to be attained within five years of creation. Once the performance standards for vegetation and habitats have been achieved, maintenance is expected to be minimal.

Further, in the event that the mitigation site fails to attain projected success criteria as outlined in the W-19 HMMP, Special Condition 5 requires that the Permittee to adhere to the Adaptive Management Plan outlined in the Commission approved Long Term Management Plan for the W-19 Mitigation Site. Despite the construction-related disturbance, vireos are expected to persist within the W-19 area and elsewhere along the San Dieguito River corridor.

However, Coastal Act Section 30240 allows only resource-dependent uses in environmentally sensitive habitat areas, and requires that development adjacent to sensitive habitats be sited and designed so as to not significantly degrade the habitats. The proposed impacts to environmentally sensitive habitat areas for public safety and public access purposes in this case is not an allowable resource-dependent use under Section 30240(a), and therefore is inconsistent with Section 30240.

Protection for Birds

Light-footed Ridgway’s rail (Rallus obsoletus levipes) has been repeatedly identified on the project site based on surveys conducted in 2012, 2017, and 2021. The 2022 census documented a record high of 45 breeding pairs of light-footed Ridgway’s rail in the San Dieguito River and Lagoon, making it the third largest subpopulation of this species in California. This reclusive subspecies is state- and federally endangered, a state fully protected species, and considered critically imperiled globally. Their rarity is primarily due to the extensive degradation and loss of the salt marsh and freshwater marsh habitats they depend on for the entirety of their life history. Light-footed Ridgway’s rails

use dense marsh vegetation for roosting and nesting and move to mud flats and shallow water to forage on a variety of insects, crustaceans, and small fish. Additional impediments to recovery include predation by raptors and mammals, particularly when forced out of marsh habitat by high tides, in addition to low genetic diversity which makes this subspecies particularly susceptible to localized environmental changes and extirpation.

Suitable habitat for Light-footed Ridgway's rail occurs both east and west of the existing bridge in vegetation classified as alkali marsh, coastal and valley freshwater marsh, and southern coastal salt marsh. The most recent survey for rails within the subject project area in 2021 documented a minimum of two pairs of nesting rails and 13 individual rails identified in coastal and freshwater valley marsh. Project construction activities may result in temporary impacts to rails. Per the United State Fish and Wildlife Service (USFWS) Biological Opinion dated January 30th 2023, rails are expected to be impacted by construction noise during a single breeding season, based on surveys for rails conducted at the project site and predicted noise and vibrations from pile driving. Other impacts could include increased turbidity; change in pH; short term release of contaminants; and construction pits and trenches that can capture terrestrial organisms. Mitigation for the permanent loss of rail habitat is described in the Wetlands section of this report pursuant to Section 30233. Avoidance and minimization measures for impacts to rails during construction are provided below.

Least Bell's vireo (Vireo bellii pusillus) has been repeatedly identified on the project site based on surveys conducted in 2002, 2012, and 2021. This songbird subspecies is state- and federally endangered and considered an imperiled subspecies globally. Their rarity is primarily caused by the extensive degradation and loss of riparian areas where vireos breed and has reduced the current range of this subspecies to Southern California. Least Bell's vireo was historically abundant across much of the state, including the Central Valley, Sierra and Coast foothills, and Mojave Desert. Brood parasitism by the brown-headed cowbird (Molothrus ater) is another primary impediment to the recovery of least Bell's vireo, and this species has also been sighted in the project area.

The most recent surveys for least Bell's vireo were conducted within the subject project area in 2021 and documented a minimum of five vireo territories within 1,200 feet of the proposed project. These territories are outside of the project footprint but within the area expected to experience construction noise higher than 60 dBA (a protective threshold measurement of relative levels of sound). Since the 2021 surveys, removal of suitable vireo habitats occurred during the implementation of the W-19 mitigation project, and in 2022 only two vireo territories were observed.

The proposed El Camino Real bridge is located within riparian vireo habitat. Construction will permanently impact riparian vireo habitat and may impact vireos using

riparian habitat outside of the project footprint but in nearby riparian scrub. Potential impacts resulting from project construction could include disruption to nesting birds and deleterious behavioral impacts from construction noise. Mitigation for the permanent loss of riparian vireo habitat is occurring in the ESHA section of this report pursuant to Section 30240. Avoidance and minimization measures for potential impacts to vireos during construction are described in the Avoidance and Minimization Measures section and drafted in accordance with project consultation with state and federal agencies.

United States Fish and Wildlife Service (USFWS) Consultation History

The project is receiving federal funding through the Federal Highway Administration (FHWA). In partnership with the City, Caltrans has assumed FHWA's responsibilities under the Endangered Species Act as described in the National Environmental Policy Act Memorandum of Understanding between FHWA and Caltrans. On behalf of the City, Caltrans secured a Biological Opinion from the USFWS in 2017 which stated that with the implementation of proposed mitigation measures, the project was not likely to adversely affect least Bell's vireo. The Biological Opinion included an incidental take statement for light-footed Ridgway's rail. In 2022, Caltrans reinitiated consultation due to project modifications anticipated to have increased impacts on the rail and vireo beyond those already analyzed in the 2017 Biological Opinion. In 2023, the USFWS issued an amendment to the Biological Opinion that included Incidental Take Statements for both the rail and the vireo as well as additional protective noise monitoring measures.

California Department of Fish and Wildlife (CDFW) Consultation History

In 2022, CDFW issued a Streambed Alteration Agreement prohibiting work within riparian habitat during bird nesting season. In 2024, CDFW issued an Amendment to the Streambed Alteration Agreement allowing for work within riparian habitat during one bird nesting season with the implementation of the noise monitoring plan described in the USFWS' Amended Biological Opinion, dated January 30, 2023.

Avoidance and Minimization Measures

Proposed avoidance and minimization measures to protect light-footed Ridgway's rail and least Bell's vireo during project construction include seasonal and nighttime activity restriction, a noise abatement plan, and the maintenance of a wildlife corridor for rail movement. These measures are expected to also protect other sensitive avian species and raptors previously identified in the project area. During the vireo and rail breeding season (i.e., March 15 to September 15), a minimum of three focused preconstruction surveys will be performed, on separate days, in and adjacent to suitable habitat for the rail and/or vireo to determine the presence of these species in or within 500 feet of the project impact footprint. Surveys will begin a maximum of seven days prior to performing construction within 500 feet of rail or vireo habitat during the breeding season, and one survey will be conducted the day immediately prior to the initiation of construction within 500 feet of the species' habitat during the breeding season.

Additional surveys will be done once a week during project construction within 500 feet of rail or vireo habitat during the breeding season.

Since construction within and adjacent to the river corridor would occur during the Ridgway's rail breeding season, the City has committed to preparing a noise abatement plan to minimize noise impacts on the species during the single breeding season. The goal of the noise abatement plan is to minimize and attenuate construction noise within occupied rail habitat to the protective 60 dBA hourly Leq threshold (or ambient, whichever is greater) at the river corridor during the rail breeding season. If the noise limit is exceeded, the noise will be reduced by using temporary noise measures such as plywood barriers, equipment mufflers, or sound blankets. Noise monitoring will occur during the breeding season and be reported daily to the USFWS. If the USFWS-approved biological monitor suspects that avoidance and minimization measures are ineffective, and project activities may be adversely affecting more rails and vireos than anticipated, problematic activities will be suspended within 500 feet of active nests until nesting activity is completed and fledglings are no longer in the area or until effective avoidance and minimization measures can be identified, implemented, and demonstrated to the USFWS to be effective. If measures cannot be identified, implemented, and demonstrated to be effective to avoid adverse effects to the rail and vireo, then project construction will stop until USFWS consultation has been completed to address unanticipated impacts to the species.

Outside the bird breeding season (i.e., September 16 to March 14), a minimum of three focused preconstruction surveys will be performed on separate days to determine the presence of rails or vireos in the project impact footprint. Surveys will begin a maximum of seven days prior to performing vegetation clearing/grubbing, and one survey will be conducted the day immediately prior to the initiation of vegetation clearing. If any rails or vireos are found in the project impact footprint, the USFWS-approved biological monitor will direct construction personnel to begin vegetation clearing/grubbing in an area away from the rails or vireos. During project construction within the river corridor, before each workday begins, the biological monitor will check to see if rails or vireos have entered the active work area. If any rails or vireos are found within the active work area, work will be redirected away from sensitive species. It will be the responsibility of the biological monitor to implement measures to avoid death and injury of these species from vegetation clearing/grubbing and construction work. The biological monitor will also record the number and location of rails and vireos disturbed by vegetation clearing/grubbing and project construction. The City will notify the USFWS at least seven days prior to initiation of surveys and within 24 hours of locating any rails or vireos within the project footprint. All clearing of vegetation within 500 feet of vireo habitat will be conducted between September 16 and March 14, when vireos have migrated to their winter range and will not be present in the project area.

A wildlife corridor will be maintained throughout project construction to allow for safe movement of rail along the San Dieguito River. Depending on flow conditions, rails are anticipated to be able to move through the project area during construction by swimming or walking through the corridor, or by flight over the project construction area. When work in a flowing stream is necessary, the stream flow shall be diverted around or through the work area. Flow diversion shall be accomplished in a manner that prevents pollution and/or siltation and which provides flows to downstream reaches. Flows to downstream reaches shall be provided during all times that the natural flow would have supported aquatic life. Flows shall be of sufficient quality and quantity and of appropriate temperature to support fish and other aquatic life both above and below the diversion. Normal flows will be restored to the affected stream reach immediately upon completion of work at a given location.

No night work will occur in the river corridor, where the river corridor is defined as all water and riparian vegetation occurring between the banks of the river. Project work may be conducted at night in upland areas. In upland areas, if nighttime construction is necessary, all lighting used will be of the lowest illumination necessary for project construction, selectively placed and directed at the immediate work area and away from adjacent sensitive habitats. Light glare shields will be used to reduce the extent of illumination into sensitive habitats. Permanent project street lighting will be minimal and similar to existing lighting and shielded and directed away from the river corridor. Permanent project lighting will be fitted with bird control spikes to ensure that raptors will not be able to use lighting as a perch to prey on listed bird species. This is anticipated to minimize the impact of lighting on rail behavior in adjacent habitat to the point where such effects are insignificant.

D. Coastal Hazards, Air Quality and Greenhouse Gas Emissions

Section 30253 of the Coastal Act states, in applicable part, that new development shall do all of the following:

> (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
> (b) 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…
> (c) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Board as to each particular development.
> (d) Minimize energy consumption and vehicle miles traveled.

Section 30270 states that the commission shall take into account the effects of sea level rise in coastal resources planning and management policies and activities in order to

identify, assess, and, to the extent feasible, avoid and mitigate the adverse effects of sea level rise.

Coastal Hazards

The subject project is vulnerable to numerous hazards including seismic/geologic and flooding hazards. Regarding seismic and geologic hazards, the region surrounding San Diego Bay, particularly offshore to the west, is transected by a series of long, predominantly northwest-trending, strike-slip fault systems. Most of the faults in the offshore region are poorly known but clusters of aligned earthquakes, displaced young strata, and geomorphology suggest that they are active. The faults that form these fault systems comprise a network of closely spaced branching and discontinuous features which together form major linear fault zones.

The subject roadways and bridge are located in the San Dieguito River valley, at an elevation of approximately 25 feet above mean sea level. The proposed bridge would cross the San Dieguito River in the Holocene alluvial plain of the valley floor consisting of sediments from the San Dieguito River floodplain. The alluvial valley is dominated by Tujunga sand, 0 to 5% slopes. Due to the deep alluvial sediments and shallow groundwater beneath the site, a large earthquake could produce soil liquefaction in two relatively broad subsurface zones, and cause up to 9-10 inches of differential ground settlement.

Additionally, the space-constrained riparian corridor is subject to potential hazards from erosion and flooding, hazards that will worsen with increasing climate-driven storm events into the future. The existing berms along the bank of the river effectively channelize flows from storm events and the existing bridge is overtopped during medium-high flow events. During the 100-year flood, the area of inundation affects multiple properties, creating unsafe conditions. Accordingly, any proposed design should not raise the upstream flood level over the existing conditions. The proposed longer bridge span and larger bridge opening will also cause less backwater than the existing bridge. For the subject project, the roadway will be raised, overtopping flow will be eliminated, and the entire 100-year flood discharge will pass through the new bridge opening.

The City submitted a sea level rise analysis incorporating guidance from the following documents: California Coastal Commission Sea Level Rise Policy Guidance (2018); California Natural Resources Agency and California Ocean Protection Council (OPC) Guidance “State of California Sea-Level Rise Guidance(2018); State Lands Sea Level Rise Vulnerability Assessment, July 2019; and Caltrans Guidance on Incorporating Sea Level Rise (2011). These reports indicate that sea level rise will cause flooding and inundation, increased coastal erosion, changes in sediment supply and movement, and saltwater intrusion to varying degrees along the California coast. These effects in turn

could have a significant impact on the coastal economy and could put important coastal resources and coastal development at risk. The Commission guidance suggests the strongest approach for minimizing hazards is to avoid siting new development within areas vulnerable to flooding, inundation, and erosion, thus ensuring stable site conditions without the need for long-term financial and resource commitments for protective devices.

The impacts of sea level rise to the San Dieguito River through the project area were studied in detail for the San Dieguito Lagoon Restoration W-19 project. The following text is referenced in summary: “The upstream limit of the impact of raising sea level for both the 1.5-foot rise and the 5.5-foot rise is approximately the El Camino Real Bridge, where no significant difference is seen.”

The proposed El Camino Real Bridge will be located approximately three miles from the mouth of the San Dieguito River and the potential effect of the sea level rise decreases with distance from the mouth of the river. To analyze the impacts to the El Camino Real Bridge for a greater sea level rise, additional analysis was undertaken. Given a design life of 75 years for the bridge, the corresponding design year is approximately 2100. A Medium-High Risk Aversion was used with sea level rise of 7.1 feet for the El Camino Real Bridge hydraulic analysis applied pursuant to the Commission guidance document. Because the Commission considers El Camino Real Bridge to be “Critical Infrastructure” the Extreme Risk scenario of 10.2 feet of sea level rise for the year 2100 was also considered.

The City interpolated from the sea level rise impact analysis from the San Dieguito Lagoon Restoration W-19 site Tidal Hydraulic, Water Quality and sea level rise studies, that the 10.2 feet of sea level rise at the mouth of the San Dieguito River could result in approximately 1.8 feet of rise at the El Camino Real bridge starting Water Surface Elevation. Accordingly, an additional height of 1.8 feet was added to the starting Water Surface Elevation. Therefore, the City concluded that the current proposed profile of the El Camino Real bridge will allow for conveyance of the 100-year storm with freeboard, even when accounting for the tailwater effect of 10.2 feet of sea level rise.

In addition to the proposed project plans, Commission Engineering staff also reviewed the Geotechnical Design Report, Foundation Report, Hydraulics Report and Sea Level Rise Analysis and supported the City's conclusions that the bridge would be safe from hazards over the expected life of the structure. The foundation design is more than adequate to resist any small increase in liquefaction that could result from groundwater rise. When groundwater reaches the elevation of the streambed it would be expected to drain into the stream, preventing or slowing further increases in the water table.

Flooding of adjacent infrastructure and/or roadways and the potential for exposure of people or property to flooding hazards would not be increased over existing conditions

because the existing bridge floods at 10-year flood events and the proposed bridge is designed to pass 100-year flood events. Therefore, the subject project would reduce flooding elevations in comparison to the existing flood levels. In conclusion, the Hydraulic Report sufficiently demonstrates that the project was designed to withstand the anticipated effects of sea level rise for the expected life of the structure.

Flooding of adjacent infrastructure and/or roadways and the potential for exposure of people or property to flooding hazards would not be increased over existing conditions because the existing bridge floods at 10-year flood events and the proposed bridge is designed to pass 100-year flood events. Therefore, the subject project would reduce flooding in comparison to the existing condition. Despite the fact that the project as designed is resilient to future sea level rise predictions, the Coastal Act recognizes that certain types of development, such as the proposed project, may involve some risk.

As such, the Commission finds that due to the unforeseen possibility of erosion and flooding, the applicants shall assume the risks of development in a hazardous location as a condition of approval. Therefore, **Special Condition 8** requires the applicants to waive any claim of liability against the Commission for damage to life or property, which may occur as a result of the permitted development. For the foregoing reasons, the Commission finds that the subject project, as conditioned, is consistent with Coastal Act Section 30253(a) and 30253(b).

Air Quality and Greenhouse Gas Emissions

For purposes of Section 30253(c), the California Air Resources Board (CARB) is the state air resources board. The local air pollution control district is the South Coast Air Quality Management District (SCAQMD). CARB sets state ambient air quality standards (along with U.S. EPA, which sets National Ambient Air Quality Standards through the Federal Clean Air Act). Transportation projects must demonstrate conformity with designated standards and an emissions budget.

The proposed project would not result in an increase in mobile source air emissions and air quality impacts from project construction and operations would be less than significant. Further, there would be no cumulatively considerable net increase of any criteria pollutant for which the project region is in nonattainment under an applicable federal or state ambient air quality standard; no sensitive receptors would be exposed to substantial pollutant concentrations; no objectionable odors would be generated; and no air contaminants would be released. Thus, there would be less-than-significant operational air quality impacts and no mitigation would be required.

The proposed project would follow the recommended SCAQMD minimization measures that provide dust control practices to reduce particulate matter emissions from construction activities. The proposed project also states that it will employ other

measures to reduce construction emissions including limiting idling engines, keeping engines properly tuned, avoiding unnecessary use of construction equipment.

Under AB 32 (California Global Warming Solutions Act of 2006), CARB was required to create a comprehensive, multi-year program to reduce greenhouse gas (GHG) emissions in California. AB 32 required CARB to develop a Scoping Plan that describes the approach California will take to reduce GHGs to achieve the goal of reducing emissions to 1990 levels by 2020 update the program every five years. CARB adopted a scoping plan in 2008 and updated it in 2014, with another update in 2017 to reflect the increased emissions reductions targets of AB32. Among these steps, CARB staff has also adopted a “Mobile Source Strategy” for greenhouse gas emissions.

Transportation projects have an obvious potential to increase greenhouse gas emissions and the transportation sector is the largest emitter of GHG emissions in California. As the lead agency under CEQA, and consistent with federal and state law, the City undertook a study of climate-change impacts of the subject project consistent with CARB’s requirements. Under existing CEQA guidelines related to climate change, a project’s implications for climate change should be analyzed not only as individual contributions, but also as “cumulative” impacts. (See CEQA Guidelines sections 15064(h)(1) and 15130 (Cal. Code of Regs., tit. 14.)

The primary purpose of the subject project is to improve public safety, update aging infrastructure and create multimodal public access, and the Applicant states that there will be a reduction in GHG emissions, vehicle miles traveled (VMT) and energy consumption due to improved traffic flow as a result of the lane additions. Congestion created by the existing roadway conditions generally do not prevent trips and outings, rather motorists adapt by taking alternate routes, including nearby Interstate-5 to the west and San Dieguito Road to the east. By improving the Level of Service on this stretch of roadway, the proposed project will not induce demand, rather it is likely to decrease VMTs as motorists will no longer avoid the roadway, which is, on some trips, the more direct route. Additionally, the improvements will relieve vehicle idling caused by the current low Level of Service and congestion, thereby reducing GHGs. The proposed bike lanes, sidewalks and trial connections with improve safe multimodal access, which may further reduce VMTs and GHG’s. For the aforementioned reasons, GHG emissions and VMTs are not expected to increase as a result of the project relative to the existing conditions. Therefore, the project is consistent with Section 30253(c), 30253(d), and 30270. .

E. Cultural Resources and Tribal Consultation

Section 30244 of the Coastal Act states:

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

The Commission acknowledges Tribal sovereignty and understands that California's Tribes and their members have long served as stewards of the state's important coastal resources, and possess unique and valuable knowledge and practices for conserving and managing these resources in a sustainable manner, and in a manner consistent with the spirit and intent of the Coastal Act.

The Commission's Tribal Consultation Policy (adopted on August 8, 2018) recognizes the importance of State efforts to protect Tribal Cultural Resources and improve communication and coordination with Tribes, and it sets out a tribal consultation process that is fully consistent with, and complementary to the nature of, the Commission's goals, policies (including Section 30244), and mission statement. Tribal cultural resources can be sites, features, cultural landscapes, sacred places, and objects with cultural value and can also qualify as archeological, paleontological, visual, biological, or other resources that the Commission is tasked with protecting pursuant to the Coastal Act.

Consistent with the statutory obligations under the National Historic Preservation Act regulations and Section 106, the Applicant conducted cultural resource surveys for the subject project were conducted in 1998, 2003, 2004, and 2005. The records search and field reconnaissance surveys identified no significant historical resources within the Area of Potential Effect (APE). However, because there is the possibility for buried resources, there is a potential for significant impacts, which necessitates tribal consultation. The Applicant conducted a Native American contact program for the 2006 Draft EIR to identify Traditional Cultural properties and concerns in the project area. The Viejas Band of Mission Indians expressed concerns related to potential for human remains in the area and wanted the Tribe to be involved in any testing or construction monitoring. To address this concern, Native American monitoring has been included as part of the Mitigation Monitoring and Reporting Program by a qualified archaeologist and a Native American monitor.

Consistent with the Commission's tribal consultation policy, Commission staff reviewed the tribal consultation undertaken by the City. On May 13, 2022 and December 26, 2023, Commission staff wrote to the tribal representatives identified by the NAHC to inform them of the project's CDP application and the Commission's upcoming hearing on the project, to offer consultation, and to advise them of the opportunity to provide comments for the CDP hearing. At the request of Lisa Cumper, the Tribal Historic Preservation Officer for the Jamul Indian Village of California, Commission Staff scheduled a meeting for the June 21, 2022. Lisa Cumper was unable to attend the meeting and did not respond to a subsequent email proposing a rescheduled meeting.

Commission staff emailed the EIR Addendum to the Lisa Cumper on December 26, 2023, and did not receive a response to the email.

Site history

The Kumeyaay (formerly referred to as Diegueño) who inhabited the southern region of San Diego County, western and central Imperial County, and northern Baja California, are the direct descendants of the early Yuman hunter-gatherers. Kumeyaay territory encompassed a large and diverse environment, which included marine, foothill, mountain, and desert resource zones. Their language is a dialect of the Yuman language, which is related to the large Hokan super family.

The Kumeyaay were organized by patrilineal, patrilocal lineages that claimed prescribed territories, but did not own the resources except for some minor plants and eagle aeries. Some lineages occupied procurement ranges that required considerable residential mobility, such as those in the deserts. In the mountains, some of the larger groups occupied a few large residential bases that would be occupied biannually, such as those occupied in Cuyamaca in the summer and fall, and in Guatay or Descanso during the rest of the year. Many Eastern Kumeyaay spent the period of time from spring through autumn in larger residential bases in the upland procurement ranges, and wintered in mixed groups in residential bases along the eastern foothills on the edge of the desert (i.e., Jacumba and Mountain Springs). This variability in settlement mobility and organization reflects the great range of environments in the territory. Acorns were the single most important food source used by the Kumeyaay. Their villages were usually located near water necessary for leaching acorn meal. Other storable resources such as mesquite or agave were equally valuable to groups inhabiting desert areas, at least during certain seasons. Seeds from grasses, manzanita, sage, sunflowers, lemonade berry, chia and other plants were also used along with various wild greens and fruits. Deer, small game and birds were hunted and fish and marine foods were eaten. Houses were arranged in the village without apparent pattern. The houses in primary villages were conical structures covered with tule bundles, having excavated floors and central hearths. Houses constructed at the mountain camps generally lacked any excavation, probably due to the summer occupation. Other structures included sweathouses, ceremonial enclosures, ramadas and acorn granaries. The material culture included ceramic cooking and storage vessels, baskets, flaked lithic and ground stone tools, arrow shaft straighteners, stone, bone, and shell ornaments.

Hunting implements included the bow and arrow, curved throwing sticks, nets and snares. Shell and bone fishhooks as well as nets were used for fishing. Lithic materials including quartz and meta volcanics were commonly available throughout much of the Kumeyaay territory. Other lithic resources, such as obsidian, chert, chalcedony and steatite, occur in more localized areas and were acquired through direct procurement or exchange.

Kumeyaay culture and society remained stable until the advent of missionization and displacement by Hispanic populations during the eighteenth century. The ethnohistoric period refers to a brief period when Native American culture was initially being affected by Euroamerican culture and historical records on Native American activities were limited. Cultural activities within San Diego County between the late 1700s and the present provide a record of Native American, Spanish, Mexican, and American control, occupation, and land use.

The Spanish Period (1769-1821) represents a period of Euroamerican exploration and settlement. Dual military and religious contingents established the San Diego Presidio and the San Diego and San Luis Rey Missions. The Mission system used Native American slave labor to expand European settlement. The Mission system also introduced horses, cattle, other agricultural goods and implements; and provided construction methods and new architectural styles. The cultural and institutional systems established by the Spanish continued beyond the year 1821, when California came under Mexican rule. The effects of the mission system along with the introduction of European diseases greatly reduced the native population of southern California.

The Mexican Period (1821-1848) includes the retention of many Spanish institutions and laws. The mission system was secularized in 1834 which dispossessed many Native Americans and increased Mexican settlement. After secularization, large tracts of land were granted to individuals and families and the rancho system was established. Cattle ranching dominated other agricultural activities and the development of the hide and tallow trade with the United States increased during the early part of this period. The Pueblo of San Diego was established during this period and Native American influence and control greatly declined.

The Mexican Period ended when Mexico ceded California to the United States after the Mexican-American War of 1846-48. Soon after American control was established (1848-present) gold was discovered in California. The tremendous influx of Americans and Europeans that resulted quickly drowned out much of the Spanish and Mexican cultural influences and eliminated the last vestiges of de facto Native American control. Few Mexican ranchos remained intact because of land claim disputes and the homestead system increased American settlement beyond the coastal plain.

Construction activities that disturb soils (e.g., grinding, tilling, disking, and digging/ excavating) can damage archaeological, cultural, or paleontological resources. Although potential impact to known cultural resources within the subject project has been identified through preliminary investigations, there could be previously unidentified cultural resources buried within the subject project area. Therefore, **Special Condition 7** requires that during ground disturbing activities, a Qualified Archaeologist shall be present and a Native American monitor from the Kumeyaay Nation shall be invited onsite to inspect and monitor the excavation work. Prior to the start of any work that

requires monitoring, a Native American monitor will attend preconstruction meetings to review and approve an archaeological monitoring plan for the project, and will determine the extent of their presence during earth-moving activities based on the approved exhibit. If cultural materials are discovered, all earth-moving activities within and around the immediate discovery area would be diverted until a Qualified Archaeologist can assess the nature and significance of the find.

Based on staff review of the tribal consultation performed by the City, as well as the cultural resource mitigation measures and monitoring, evaluation, and protection protocols that will be implemented by the City as part of the subject project, the Commission finds that the proposed development, as conditioned, is consistent with Coastal Act Section 30244.

F. Visual Resources

Section 30251 of the Coastal Act states in part:

> The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

The project area is located in a scenic location. From the subject site, views looking westward include the San Dieguito Lagoon, the Del Mar bluffs and Torrey Pines ridge area. Views looking east include the Volcan mountains, as well as the San Dieguito river and floodplain. In general, the subject project is located in a sub-regionally important viewing scene (i.e., valley, river, and wetlands), and the proposed project would affect the visual quality of project area by disturbing the plant material in the river corridor during bridge construction. Following construction, construction access areas, staging areas, and other temporary uses will be re-contoured to match the surrounding natural topography. Vegetation trimmed or removed during project construction will be restored with appropriate native plants following construction. Landscaped sidewalks will enhance views and provide shade for users. This vegetative restoration, coupled with the removal of the aging and deteriorating bridge, will enhance views of the riparian corridor from the roadway approaches, and surrounding recreational facilities.

Visual impacts will result from the proposed removal of trees along the Surf Cup property. The proposed visual minimization measures require a tree replacement program. In order to provide a visually comparable tree massing within 3 to 5 years, the eucalyptus tree grove and the sycamore grove (assumed to be three trees) located at the southern end of the Surf Cup property are proposed to be replaced at a 3:1

replacement to removal ratio, based on the mature size of the trees removed, utilizing varying container sizes up to 36-inch box trees for a total of 45 new trees. These trees are proposed to all be sycamore, even though many of the existing trees are eucalyptus. They will be planted in a grove-like arrangement near the river, on each side of the bridge abutment, in a pattern that simulates natural conditions.

Finally, the proposed bridge railing will be more visually permeable than the existing railing, and the proposed bridge railings will be painted white to mimic the rural aesthetic of the existing railing. However, additional visual impacts may occur from the proposed chain-link right-of-way fencing. Therefore, **Special Condition 1** requires that all chain-link fencing be sprayed with a bronze patina treatment to better blend in with the natural setting. With the proposed visual impact mitigation measures, the Commission finds the project, as conditioned, consistent with Coastal Act Section 30251.

G. Conflict Resolution

Section 30200(b) of the Coastal Act states:

> Where the commission or any local government in implementing the provisions of this division identifies a conflict between the policies of this chapter, Section 30007.5 shall be utilized to resolve the conflict and the resolution of such conflicts shall be supported by appropriate findings setting forth the basis for the resolution of identified policy conflicts.

Section 30007.5 of the Coastal Act provides for the Commission to resolve conflicts between Coastal Act policies as follows:

> The Legislature further finds and recognizes that conflicts may occur between one or more policies of the division. The Legislature therefore declares that in carrying out the provisions of this division such conflicts be resolved in a manner that on balance is the most protective of significant coastal resources. In this context, the Legislature declares that broader policies which, for example, serve to concentrate development in close proximity to urban and employment centers may be more protective, overall, than specific wildlife habitat and other similar resource policies.

As discussed in the section Biological Resources/Environmentally Sensitive Habit Areas, the proposed project is inconsistent with Section 30240(a) of the Coastal Act because the proposed project will take place in riparian ESHA, will impact ESHA, and the project's purpose is not a resource-dependent use allowed within ESHA. However, if the Commission denied the development, the existing bridge would remain in its current unstable condition, potentially impacting water quality, and the improved public access to the coast and lagoon would be lost. In such a situation, when a proposed project is

inconsistent with a Chapter 3 policy and denial or modification of the project would also be inconsistent with other Chapter 3 policies, Section 30007.5 of the Coastal Act provides for resolution of such a policy conflict in a manner that is most protective of coastal resources.

Applying Section 30007.5

The standard of review for the Commission's decision on a coastal development permit in the Commission's retained jurisdiction is whether the proposed project is consistent with the Chapter 3 policies of the Coastal Act. In general, a proposal must be consistent with all relevant policies in order to be approved. If a proposal is inconsistent with one or more policies, it must normally be denied or conditioned to make it consistent with all relevant policies.

However, the Legislature recognized through Sections 30007.5 and 30200(b) that conflicts can occur among those policies. It therefore declared that when the Commission identifies a conflict among the policies of Chapter 3, the conflict is to be resolved "in a manner which on balance is the most protective of significant coastal resources," pursuant to Coastal Act Section 30007.5.

The Commission has traditionally resolved conflicts via Section 30007.5 by analyzing the project according to the following seven steps, each of which is explained in greater detail below:

1) The project, as proposed, is inconsistent with at least one Chapter 3 policy;
2) The project, if denied or modified to eliminate the inconsistency, would affect coastal resources in a manner inconsistent with at least one other Chapter 3 policy that affirmatively requires protection or enhancement of those resources;
3) The project, if approved, would be fully consistent with the policy that affirmatively mandates resource protection or enhancement;
4) The project, if approved, would result in tangible resource enhancement over existing conditions;
5) The benefits of the project are not independently required by some other body of law;
6) The benefits of the project must result from the main purpose of the project, rather than from an ancillary component appended to the project to "create a conflict;" and,
7) There are no feasible alternatives that would achieve the objectives of the project without violating any Chapter 3 policies.

1) The project, as proposed, is inconsistent with at least one Chapter 3 policy. Section 30240(a) states:

> 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.

For the Commission to apply Section 30007.5, a proposed project must be inconsistent with an applicable Chapter 3 policy. As discussed in Biological Resources/ Environmentally Sensitive Habitat Areas, the proposed project will take place within a riparian corridor, and would unavoidably impact .77 acre of ESHA, including the permanent loss of 0.34 acres of mule fat scrub and 0.43 acres of tamarisk scrub. The new bridge with access components, while creating important infrastructure, is not a use that is dependent on the resource, which is required as a purpose for development within ESHA. Therefore, the proposed project is inconsistent with the policy in Section 30240(a) that strictly limits uses in ESHA.

2) The project, if denied or modified to eliminate the inconsistency, would affect coastal resources in a manner inconsistent with at least one other Chapter 3 policy that affirmatively requires protection or enhancement of those resources.

The Commission is mandated to maximize public access (Section 30210) and to protect water quality (Section 30231).

As detailed in the section on Public Access, the project offers considerable benefits to maximize public access, including building a modern, wider bridge with protected medians that should increase traffic flow, the addition of bicycle lanes, and the creation of landscaped sidewalks for pedestrian use. Public safety, which helps promote access, will be aided by signals at ingress and egress points and reconfigured driveways for the businesses north of the bridge. The project will also create a trail for pedestrian and equestrian use that will connect to an existing trail and the planned “Crest to Coast” trail. At the intersection of El Camino Real and San Dieguito Road, a new signal pole and American with Disabilities Act compliant curb ramps will provide public access to the proposed sidewalk and the planned San Dieguito Lagoon (W-19) trail connection.

Water quality will be promoted by the replacement of an aging bridge subject to weather-related damage and erosion, and as detailed in the Water Quality section, by installation of water treatment systems. Stormwater treatment and management devices will be installed along El Camino Real and Via de la Valle. Flow will be treated and collected by a series of storm drains and earthen channels to ultimately convey treated flows to the San Dieguito River. Within the landscaped sidewalk features, pervious areas are proposed including cobble swales that lead into biofiltration areas. Biofiltration basins are proposed to manage roadway runoff water quality. Overall, the proposed BMPs provide treatment for the 85th percentile storm event.

Thus, denial or modification of the project to eliminate the inconsistency would fail to maximize public access and fail to protect water quality.

3) The project, if approved, would be fully consistent with the policy that affirmatively mandates resource protection or enhancement.

For denial of a project to be inconsistent with a Chapter 3 policy, the proposed project would have to protect or enhance the resource values for which the applicable Coastal Act policy includes an affirmative mandate. That is, if denial of a project would conflict with an affirmatively mandated Coastal Act policy, approval of the project would have to conform to that policy. If the Commission were to interpret this conflict resolution provision otherwise, then any proposal, no matter how inconsistent with Chapter 3, that offered a slight incremental improvement over existing conditions could result in a conflict that would allow the use of Section 30007.5. The Commission concludes that the conflict resolution provisions were not intended to apply to such minor incremental improvements.

In this case, the proposed project, would improve the intersection of El Camino Real and Via de la Valle which provides a major east-to-west accessway, and is the only major coastal access route between State Routes 78 and 56. If approved as conditioned, the proposed project would promote safe access to the coast, lagoon, and recreational trails, and would improve and protect water quality.

4) The project, if approved, would result in tangible resource enhancement over existing conditions.

The proposed project will result in a tangible resource enhancement over existing conditions due to the extensive mitigation requirements for the impacts to wetlands and the impacts to ESHA. As detailed in the Biological Resources section, more than 13 acres of wetlands will be conserved in perpetuity at the San Dieguito Lagoon W-19 mitigation site. Mitigation will include the re-establishment and creation of brackish marsh in an upland area of coyote bush scrub, with monitoring to ensure success. For the impacts to riparian habitat, more than two acres of riparian habitat will be conserved in perpetuity at the same site. Significant riparian restoration and enhancement will occur, with establishment of riparian habitat expected in five years.

Thus, the project will not only enhance important coastal resources but expand the overall amount of wetlands and riparian habitat.

5) The benefits of the project are not independently required by some other body of law.

No other law requires the particular benefits of the project; consideration of the Coastal Act and the special conditions are required to adequately protect the resources.

6) The benefits of the project must result from the main purpose of the project, rather than from an ancillary component appended to the project to “create a conflict.”

The main purpose of the project is to replace an aging bridge with a modern and wider bridge and comprehensive access components, including bicycle access. Thus, the benefits to water quality and to public access are not ancillary and are intertwined with the project’s purpose.

7) There are no feasible alternatives that would achieve the objectives of the project without violating any Chapter 3 policies.

As explained in the Alternatives Analysis in the Wetlands section, the City conducted a full alternatives analysis for its Final EIR and Addendum. The Commission finds that the proposed project is the least environmentally damaging alternative that is both feasible and meets the project goals.

In conclusion, although impacts to ESHA will occur as a result of realigning El Camino Real, the Applicant has included measures to minimize any ESHA impacts and has included advance mitigation for those impacts. While these impacts are inconsistent with Section 30240(a), the proposed project as mitigated and conditioned is approvable pursuant to the conflict resolution provisions of the Coastal Act.

H. Coastal Zone Boundary Relocation

Public Resources Code (PRC) Section 30103(a) specifically defines California's Coastal Zone as that land and water area of the State of California from the Oregon border to the border of the Republic of Mexico depicted on maps identified and set forth in Section 17 of that chapter of the Statutes of the 1975-76 Regular Session enacting PRC Division 20 (the Coastal Act of 1976). PRC Section 30103(b) directed the Coastal Commission to prepare and adopt more detailed 1:24,000 scale Coastal Zone Boundary (CZB) maps, which occurred March 1, 1977. These 161 adopted maps provide the official basis for all other representations of the landward CZB. A digital version of the CZB has been created as a geodatabase that is a conformed copy of the official boundary, and in some locations reflects legislative changes and Coastal Commission minor adjustments adopted from time to time since March 1977. This digital version of the boundary was developed to provide a georeferenced, attributed (to explain the basis of the mapped Coastal Zone), cadastral (parcel-based) depiction of the adopted Coastal Zone Boundary for the planning and regulatory activities of the Coastal Commission, local governments and others.

The Coastal Act defines the area of the coast that comes under the jurisdiction of the California Coastal Commission, which is called the “coastal zone.” The Coastal Zone extends seaward to the state’s outer limit of jurisdiction (three miles), including offshore islands. The inland boundary varies according to land uses and habitat values. In general, it extends inland 1,000 yards from the mean high tide line of the sea, but is wider in areas with significant estuarine, habitat, and recreational values, and narrower in developed urban areas.

Within the subject project limits, the inland right-of-way boundary of El Camino Real represents the Coastal Zone Boundary. The proposed realignment of El Camino Real would relocate the inland right-of-way boundary eastward by 70 yards (210 feet). This adjustment of the Coastal Zone boundary is required.

The following motion was adopted by the Commission on March 1, 1977 in conjunction with the CZB map adoptions pursuant to Section 30103(b) of the Coastal Act of 1976:

> 1. Where the Coastal Zone boundary follows road or railroad rights-of-way, the boundary of the Coastal zone shall be the inland boundary of the improved right-of-way as it exists as of January 1, 1977, or as modified by closure or additional improvement thereafter provided that it shall not be more than 100 yards inland from the center line.

Thus, in this case, assuming project approval and upon subject project completion, staff will relocate the Coastal Zone Boundary to the inland boundary of the realigned El Camino Real right-of-way by a distance of up to 70 yards, below the 100-yard threshold set by the adopted motion (Exhibit 6). This action is ministerial and not subject to the Commission vote on the overall project.

I. 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.

For this permit application, the policies of Chapter 3 of the Coastal Act are the standard of review. As conditioned, the proposed development is consistent with the public access, recreation, and environmental protection policies in Chapter 3 of the Coastal Act. Therefore, approval of the proposed development will not prejudice the ability of the City of San Diego to continue to implement its certified LCP.

J. California Environmental Quality Act

Section 13096 of Title 14 of the California Code of Regulations requires that a specific finding be made in conjunction with Coastal Development Permit applications showing the application to be consistent with any applicable requirements of CEQA. Public Resources Code, Section 21080.5(d)(2)(A) 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 that the activity may have on the environment.

The City of San Diego, acting as the lead agency under CEQA, certified the Final Environmental Impact Report (FEIR) for the project in June 2016, and provided a draft Addendum to the FEIR in December 2023 to address outstanding temporary construction impacts. The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of the Natural Resources Agency as being the functional equivalent of environmental review under CEQA (Section 15251(c)). The Commission has reviewed the relevant coastal resource issues with the proposed project and has identified appropriate and necessary modifications to address adverse impacts to such coastal resources. All above findings are incorporated herein in their entirety by reference.

As such, there are no additional feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse environmental effects which approval of the proposed project, as conditioned, would have on the environment within the meaning of CEQA. Thus, if so conditioned, the proposed project will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).

APPENDIX A – Substantive File Documents

El Camino Real Bridge/Road Widening Project Final Recirculated Environmental Impact Report, 2016, SCH No. 1999071104

El Camino Real Bridge/Road Widening Project Final Recirculated Environmental Impact Report Addendum, 2023

El Camino Real Bridge Replacement Project, Draft Natural Environment Study , Caltrans, April 2015

CDP 6-20-0160W-19 San Dieguito Lagoon Restoration Staff Report, October 2020
Final Habitat Mitigation and Monitoring Plan for the San Dieguito Lagoon W-19 Restoration Project, November, 2020

City of San Diego Final Plans Submittal/El Camino Real P&P, 2023

San Dieguito Lagoon Restoration W-19 Habitat Mitigation and Monitoring Plan

San Dieguito Lagoon Restoration W-19 Long Term Management Plan