

DATE ISSUED: September 14, 2005 REPORT NO. 05-177

ATTENTION: Honorable Mayor and City Council
Docket of September 20, 2005

SUBJECT: LAKE HODGES PEDESTRIAN/BICYCLE BRIDGE, PROJECT NO.
5429. Council District 5, Process 4

REFERENCE: Report to the Planning Commission, Report No. PC-05-196 date June 2,
2005, for the approval to construct a 990 foot long pedestrian/bicycle bridge
and related trail connections across Lake Hodges.

OWNER/ APPLICANT: City of San Diego, Owner
San Dieguito River Park, Joint Powers Authority, Applicant

SUMMARY

Issue: Should the City Council approve or deny the appeal of the Planning Commission's decision to approve Site Development Permit No. 193075 to construct a 990-foot long pedestrian/bicycle bridge and related trail connections across Lake Hodges linking the Lake Hodges North Shore Trail with the Bernardo Bay trail staging area and Piedras Pintadas Trail?

Staff's Recommendation: DENY the appeal and APPROVE Site Development Permit No. 193075.

Planning Commission Decision: Voted 7-0 to approve the Site Development Permit to construct a 990 foot long pedestrian/bicycle bridge and related trail with the following recommendations:

1. Encourage 24 hour access of the bridge as this is a federally funded transportation corridor and is replacing other 24 hour access, therefore it should be maintained, and;

2. Condition No. 16 modified to allow for the lighting on the bridge to match the times of opening.

Community Planning Group Recommendations: The project is located within the Rancho Bernardo Community Planning Board and the San Pasqual-Lake Hodges Planning Group areas. On May 19, 2005, the Rancho Bernardo Community Planning Board voted 17-0-0 to recommend approval with the following conditions (Attachment No. 9):

1. Approval of the portion of the project that extends from the trail staging area south to the Community Park shall be delayed until an appropriate alignment has been identified. This part of the project shall be separated from the rest of the Site Development Permit and processed as a second phase of the project;
2. Construction of the trail leading from the bridge to the staging area shall be conditioned upon the approval of the second phase of the Site Development Permit;
3. The River Park staff shall continue to work with the Rancho Bernardo Community Planning Board and City staff to identify an alignment for the southern segment of the project that does not impact the visual quality of the Community Park entrance or the existing pedestrian uses in the area;
4. The Site Development Plan and City Lease shall include a condition that requires the maintenance and monitoring of the willows and mule fat to be planted as screening material in front of the cantilever trail's concrete piles. These activities shall be implemented for the life of the project to ensure the long-term health of this screening vegetation. Dead or dying vegetation shall be replaced in a timely manner. If the hydrology in the area changes and the plantings die due to a lack of water or from too much water, than this vegetation shall be replaced with other appropriate screening vegetation that can tolerate the changed conditions;
5. The Site Development Plan and City Lease shall include a condition that requires the development and implementation of a program to monitor the use of the bridge by various user groups. If a conflict between users is identified, measures shall be implemented in a timely manner and in consultation with City staff to ensure the quick resolution of such conflicts;
6. The Site Development Plan and City Lease shall include a condition that prohibits the opening of the pedestrian/bicycle bridge until bike lanes are provided along West Bernardo Drive, a signalized intersection is operational at the south end of the bridge, and there is a opening in the center median at the intersection to permit bicycle access to and from the bridge from the south side of West Bernardo Drive; and
7. The City lease and the JPA Board of Directors shall acknowledge that the Rancho Bernardo Community Plan designates West Bernardo Drive as a four lane major street and that at sometime in the future the road may have to be widened to accommodate

additional traffic. Widening may result in the temporary closure and/or replacement of the pathway that is proposed to extend from the bridge to the trail staging area. In addition, the lease shall acknowledge that bike lanes will be maintained on West Bernardo Drive following widening and the median will remain open for bicycle access at the intersection with the south end of the bridge.

On May 5, 2005, the San Pasqual-Lake Hodges Planning Group voted 7-6 to recommend approval with the condition that proposed public path improvements must meet Class 1 bike path standards on the north side of the lake.

Other Recommendations: On December 16, 2004, the U.S. Fish and Wildlife Service issued Biological Opinion 1-6-04-F-2484 for the project (Attachment No. 8).

Environmental Review: The San Dieguito River Park Joint Powers Authority (JPA), as Lead Agency and the City of San Diego, as the Responsible Agency for the project has conducted an Initial Study of the project, which determined that the proposed project could have a potentially significant effect on biological resources, cultural resources, and geology and soils. Subsequent project revisions and specific mitigation measures have been identified in the project's Mitigated Negative Declaration, SCH No. 2005011085 and as conditioned in Site Development Permit No. 193075 to reduce the potential adverse effect to below a level of significant environmental effects. On May 20, 2005, the JPA Board certified the Mitigated Negative Declaration, SCH No. 2005011085 and adopted the Mitigation, Monitoring and Reporting Program.

Fiscal Impact Statement: All costs associated with the processing of this project are paid from a deposit account maintained by the applicant.

Code Enforcement Impact: None with this action.

Housing Impact Statement: The project proposes to construct a pedestrian and bicycle bridge across Lake Hodges. No residential units are proposed in this project.

Water Quality Impact Statement: The project is classified as a priority project as defined by the City Storm Water Standards. The project is required to comply with the State Water Resources Control Board Order No.92-08-DWQ (NPDES General Permit No. CAS0000002). During construction, this project will comply with Best Management Practices (BMP's) through preparation of a Storm Water Pollution Prevention Plan (SWPPP) in conjunction with the grading plans. The SWPPP will identify all BMP's to be implemented during the construction phase to reduce/eliminate discharges of pollutants from the project site to the maximum extent practicable.

The post development Best Management Practices (BMP's) incorporated into the project consists of stabilized streambank on the north and south slopes of the project, permanent erosion control (seeding and planting), and rock slope protection. The post-construction BMP's detailed in the Water Quality Technical Report have been evaluated and accepted by the City Engineer. The JPA will be responsible for the long term maintenance of the

trails and bridge to include providing trash receptacles and pet waste bag dispensers with routine disposal operations.

BACKGROUND

The proposed project is located within the City of San Diego's Lake Hodges Reservoir, approximately 600 to 1,000 feet west of Interstate 15 and north of West Bernardo Drive, in the AR-1-1 Zone of the Rancho Bernardo and San Pasqual Community Plan areas. Lake Hodges is a potable water reservoir within the San Dieguito River Valley that is owned and managed by the City of San Diego Water Department. Lake Hodges and the surrounding area is also a regional recreational resource and includes boating and fishing activities on the lake itself and a network of trails around the lake.

The San Dieguito River Valley Regional Open Space Park Joint Powers Authority, also known as the San Dieguito River Park, is the agency responsible for creating a natural open space park in the San Dieguito River Valley. The JPA was formed as a separate agency on June 12, 1989, by the County of San Diego and the Cities of Del Mar, Escondido, Poway, San Diego and Solana Beach. It was empowered to acquire, plan, design, improve, operate and maintain the San Dieguito River Park.

The JPA, with funds from the Federal Highway Administration Transportation Enhancement Activity (TEA) grant administered by the California Department of Transportation, District 11, proposes to construct a pedestrian/bicycle bridge and related trail connections across Lake Hodges linking the Lake Hodges North Shore Trail with the Bernardo Bay trail staging area and Piedras Pintadas Trail.

On June 9, 2005, the Planning Commission conducted a Process 4, public hearing to consider the San Dieguito River Park Joint Powers Authority's (JPA) application for a Site Development Permit to construct an approximately 990 feet long, 14 feet wide pedestrian/bicycle bridge across Lake Hodges and provide related improvements to trail connections across Lake Hodges linking the Lake Hodges North Shore Trail with the Bernardo Bay trail staging area and Piedras Pintadas Trail. After public testimony, the Planning Commission voted unanimously to approve the Site Development Permit with recommendations to encourage 24 hour access of the proposed bridge and modify Permit Condition No. 16 to allow for the lighting on the bridge to coincide with hours of operation.

On June 16, 2005 Mr. Marc Lindshield, Chair of the San Pasqual/Lake Hodges Community Planning Group, filed an appeal on behalf of the group for the Planning Commissions' decision to approve the Site Development Permit based upon new information.

DISCUSSION

Community Planning Group's Appeal

The San Pasqual/Lake Hodges Community Planning Group's appeal cites concern with the Planning Commissioner's motions of approval for the Site Development Permit with the recommendation to encourage 24 hour access of the bridge and the modification of Permit Condition No. 16 that would allow for bridge lighting fixtures to coincide with bridge hours of operation. Specifically, Group's states three reasons of appeal:

1. The Bridge being open 24 hours and with lights was never presented to the Planning Groups as an option and was specifically opposed by Group;
2. Planning Commission amendments were major changes to the permit which were never considered or evaluated in the Mitigated Negative Declaration, and;
3. Amendment creates a potential attractive nuisance and potential civil liability to the City.

During the Planning Commissions public hearing testimony, Mr. Jim Bareoss, representing San Diego County Bicycle Coalition, stated concerns that the proposed bridge would not have 24 hour accessibility to bicyclists as currently provided by the existing Interstate 15 (I-15) bridge structure. Mr. Stephen Alvarez, Project Engineer, Caltrans District 11, during project support testimony, confirmed that Caltrans does intend to eliminate non-vehicular access to the bridge once the JPA pedestrian/bicycle bridge is operating. City staff informed the Commissioners that the proposed project is located at Lake Hodges, a City-owned potable water reservoir property that is managed by the City's Water Department. As included in Permit Condition No. 2c., prior to obtaining any grading or construction permits the JPA will be required to obtain property rights from the City's Real Estate Assets Department which would require City Council approval. Negotiations between the City and the JPA will include health, safety, security issues, and the bridge hours of operation and, therefore, the Site Development Permit does not include operational times.

Considering further City real property actions to allow the pedestrian/bicycle bridge, the Planning Commission provided a motion to approve the Site Development Permit with a recommendation encouraging 24 hour access of the proposed bridge since the bridge is a Federally Funded Transportation Corridor and would be replacing the current non-vehicle 24 hour access on the existing I-15 bridge. The Planning Commission also modified Permit Condition No. 16 to allow the proposed bridge lighting fixtures to operate consistent with the bridge hours as determined by the City Council when considering JPA's real property agreement.

Evaluation of Appeal Issues

Issue No. 1, The Bridge being open 24 hours and with lights was never presented to the Planning Groups as an option and was specifically opposed by Group.

The Site Development Permit, as approved by the Planning Commission, does not include hours of operation for the use of the proposed bridge. As designed and evaluated in the project's Mitigated Negative Declaration, SCH No. 2005011085, the bridge travel surface will be illuminated for safety purposes with low-level recessed lights (1200 lumen). The light fixtures

would be covered by aluminum louvers and staggered along the bridge length every ten feet on opposite sides of the railing. The trails leading to each end of the bridge would not be lit. Pursuant to Permit Condition 2c., the JPA will be required to obtain property rights from the City's Real Estate Assets Department. Negotiations between the City and the JPA will include health, safety, security issues, and the bridge hours of operation. Permit Condition No. 16 allows the lighting fixtures to operate consistent with the hours as determined by the City Council when considering the JPA's real property agreement.

Issue No. 2, Planning Commission amendments were major changes to the permit which were never considered or evaluated in the Mitigated Negative Declaration.

Planning Commission changed Permit Condition No. 16 to read "Bridge structure lighting fixtures shall operate consistent with the bridge hours of operation." The project's Mitigated Negative Declaration, SCH No. 2005011085 evaluated night lighting of the finished bridge structure and determined the lighting is not expected to adversely impact wildlife (page 37).

Issue No. 3, Amendment creates a potential attractive nuisance and potential civil liability to the City.

Similar to Issue No.1, the only Permit condition change was to allow the proposed bridge lighting fixtures to operate consistent with the hours as determined by the City Council when considering JPA's real property agreement. Pursuant to Permit Condition 2c., the JPA will be required to obtain property rights from the City's Real Estate Assets Department. Negotiations between the City and the JPA will include health, safety, security issues, and the bridge hours of operation.

CONCLUSION

The appellants' issues are directly related to the operation of the bridge which the City of San Diego and the JPA are currently negotiating. As specifically conditioned within this Site Development Permit (Permit Condition 2c.), the JPA must acquire all necessary property rights to construct the project from the City of San Diego through the Real Estate Assets Department, including rights to the project site that address conditions for operation of the bridge and facilities (security issues, hours of operation, locking gates, public information features, watershed signage, trash receptacles, etc.). Granting of this Permit does not obligate the City of San Diego with respect to property right acquisition. The Planning Commission's change to Permit Condition No. 16 would allow bridge lighting fixture to operate consistent with the bridge hours of operation as determined by future City real property agreements that would be considered by City Council. The City Manager recommends the City Council deny the appeal and approve Site Development Permit No. 193075

ALTERNATIVES

1. Deny the appeal and approve Site Development Permit No. 193075, with modifications.
2. Approve the appeal and deny Site Development Permit No. 193075, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

Gary W. Halbert
Development Services Director

Approved: Ellen Oppenheim
Deputy City Manager

HALBERT/TPD

Note: Attachments 6, 7, and 13 are available in electronic format. A complete copy for review is available in the Office of the City Clerk.

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Maps
3. Project Location Map
4. Project Data Sheet
5. Project Plans
6. [Draft Permit with Conditions](#)
7. [Draft Resolution with Findings](#)
8. US Fish and Wildlife, Biological Opinion 1-6-04-F-2484
9. Community Planning Group Recommendations
10. City Staff Response to Community Planning Group Conditions
11. Ownership Disclosure Statement
12. Project Chronology
13. [Copy of Appeal](#)

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