

Summary of Argument in favor of Motion to Grant Resolution
Proposed by City Manager.

- I. The sole power of determining what highways are necessary or desirable within the City for the accommodation and convenience of public traffic into the city, or from one part of the city to another, lies in the Common Council.

Therefore, all arguments pro or con the proposed road through Torrey Pines Park based on

- (a) The expense of such road;
- (b) The comparative merits of such road with some other route, such as Sorrento Canyon;
- (c) Or the interest of one part of the city as against another,

are entirely outside the purview of the Park Board.

- II. On the other hand, Section 4 of Chapter VII of the city charter vests in the Board of Park Commissioners "exclusive control and management" of "all parks, plazas and squares now open and dedicated to the public use". Whether the power so granted is superior to the power of the Common Council to open and lay out streets and highways, as provided by Paragraph 44 of Section 1, Chapter II of the charter, is perhaps a moot question; but the Common Council, acting through the City Manager, has in this case requested of the Board an expression of its consent to the construction of the proposed highway through Torrey Pines Park. The legal question may, therefore, for present purposes, be ignored. Assuming, for the sake of argument, that the Board is vested with power to consent or refuse its consent to the construction of said road, the important point to be noted is that, in reaching its judgment, the Board should be guided entirely by the effect which the highway will have on the use and enjoyment of the park by the public. Three considerations suggest themselves:

- (a) Accessibility of the park to the public;
- (b) Attractiveness of the park to the public;
- (c) Safety of the public in the use of the park.

- III. Application of these considerations to the proposed highway.

1. Accessibility of the park to the public will be greatly increased by the new road. This is certainly true if we consider the travelling public as well as our own citizens, and has not been contested by the objectors, the burden of whose complaint seems to be that the road is undesirable because it will make the park too accessible. The proposed parking place and by-pass under the road to the beach at the north foot of the grade will make the beach adjacent to the park far more accessible to our own citizens than at present. Parking places and by-roads within the park itself can be readily constructed from the new road.

2. The chief objection of the League to the construction of the road in the first instance was that it would destroy the beauty of the park, but this contention was practically abandoned in the argument before the Board. In fact, the contention is entirely untenable.

(a) Comparatively few trees will be destroyed.

(b) The necessary cuts will be practically invisible from any part of the park except the road itself or from the beach, and few people now see the cliffs from the latter point.

(c) To offset such slight disfigurement as may be necessary, the beauties of the park will be made visible to a far greater extent than at present.

(d) In addition, the new road will afford the public a magnificent view of the whole coastline as far south as La Jolla, a finer view than can be had at any point along the coast highway between Los-Angeles and San Diego.

3. The safety of the road itself as a highway is the primary concern of the City Council and its engineering department, acting in conjunction with and under the advice of the State Highway Department, and the Park Board may very properly leave that responsibility where it belongs. The danger to pedestrians in the park will be less than that which now exists in the main artery through Balboa Park. There will be little occasion to cross the road, and a safe passage for those who desire to can be easily constructed under the road at the canyon spanned by the bridge.

IV. The Board has already committed itself in favor of the road, and acting upon that consent, the Council has made commitments and incurred expense. If the road is not built, valuable time will have been lost in removing the menace of the present highway through the park.