

**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO AREA

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Staff Report: 10/14/97  
Hearing Date: 11/4-7/97

**STAFF REPORT: CONSENT CALENDAR**

Application No.: 6-97-89

Applicant: Burlington Northern Santa Fe Agent: Tom Dodson

Description: Installation of approximately 2,500 lineal feet of railroad sidetrack adjacent to existing main line track.

Site: Within railroad right-of-way on the east side of Harbor Drive between 4th Street, National City; and 32nd Street, Barrio Logan, San Diego, San Diego County.

Substantive File Documents: City of National City Certified Local Coastal Program (LCP), Certified City of San Diego Local Coastal Program (Barrio Logan Segment).

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**STAFF RECOMMENDATION:**

The staff recommends the Commission adopt the following resolution:

**I. Approval**

The Commission hereby grants a permit for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

**II. Standard Conditions.**

See attached page.

### III. Findings and Declarations.

The Commission finds and declares as follows:

1. Project Description. The proposed development involves the installation of approximately 2,500 lineal feet of railroad side track adjacent to an existing main line track. The side track is to be installed within existing railroad right-of-way located on the east side of Harbor Drive, between 4th Street in National City and 32nd Street in the City of San Diego. The proposed development will occur on a previously disturbed area adjacent to the existing main line track and only minor grading is necessary to accommodate the project. A coastal development permit is required because, unlike routine repair and maintenance of the existing tracks, the project represents an additional passing lane where no track currently exists and, thus, represents an increase in intensity of use.

2. Coastal Act Consistency. Section 30251 of the Coastal Act provides for the protection of scenic coastal areas and for the compatibility of new and existing development. The proposed side track will be installed at grade within an existing disturbed area and will be visually compatible with the existing track. The subject section of railroad right-of-way is not visible from any public beach or recreation area. As such, the proposed development is consistent with Section 30251 of the Act.

Section 30240 of the Coastal Act addresses development in or adjacent to biologically-sensitive habitat areas and requires that such development be compatible with the continuation of such resources. The project site is a previously disturbed area located between existing industrial development (and parking for such) and the existing main line track. There are no sensitive biological resources in this area, only disturbed ruderal and other weedy plants and grasses. In addition, construction staging and access will not impact any sensitive habitat areas as they will all be contained within the existing disturbed railway roadbed. Because the proposed development will not have any adverse impacts on sensitive biological resources, it can be found consistent with Section 30240 of the Coastal Act.

A number of Coastal Act policies, including Sections 30210, 30211, 30212 and 30252, address the need to protect and enhance public access opportunities in association with new development. In the case of the proposed development, access to the site to complete the project will be from Harbor Drive and the existing railroad track. No impacts to public access are anticipated to result from the proposed development as no public access to the bay is currently available in this location (U.S. Navy land).

The side track is proposed to enhance rail operation capabilities in the vicinity of the Naval Station and Port of San Diego by providing additional rail car storage and

switching capacity so as to reduce the need to delay trains and to avoid collisions on the existing tracks. Although no increase in the number of daily train trips is associated with this proposal, installation of the proposed track could accommodate additional train traffic in the future, beyond the number of trips currently accommodated; however, in this particular case, this should not result in any conflicts with Chapter 3 policies. Relative to the potential for growth inducement, this rail corridor serves freight operations only, and any additional development which may result from an increase in train service in this area must be found consistent with the existing General Plans/LCPs for the area.

3. 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 the case of the proposed development, such a finding can be made.

While the project is located within both the Cities of National City and San Diego, it is not subject to their local review or subject to the provisions of their certified LCP's. This is because the subject site is located on United States Navy lands. In addition, the project is not subject to the Commission's Federal Consistency Review process because the development occurs within a Burlington Northern Santa Fe Right-of-Way Easement and is not proposed by a federal agency. As such, the standard of review is Chapter 3 policies of the Coastal Act. Based on the above discussion, the subject development is proposed to better facilitate existing railway operations and is consistent with all applicable Chapter 3 policies of the Coastal Act.

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

As discussed, the proposed development will not cause significant adverse impacts to the environment. There are no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact which the proposed activity may have on the environment. Therefore, the Commission finds the proposed project is the least environmentally-damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.



# PROJECT SITE

EXHIBIT NO. 1  
APPLICATION NO.  
6-97-89  
Location Map