

**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO AREA

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**STAFF REPORT: CONSENT CALENDAR**

Application No.: 6-97-100

Applicant: Burlington Northern Santa Fe Railroad Agent: Tom Dodson

Description: Replacement of an existing wooden timber railroad bridge over Chollas Creek with a concrete bridge. Also included is the importation of approximately 250 cubic yards of fill material.

Site: Approximately 1/4 north of 32nd Street on the east side of Harbor Drive, Barrio Logan, San Diego, San Diego County.

Substantive File Documents: Certified City of San Diego Local Coastal Program (Barrio Logan Segment); Wetland Delineation for Burlington Northern Santa Fe Bridge #270.9 by Tom Dodson and Associates dated October 1, 1997.

**STAFF RECOMMENDATION:**

The staff recommends the Commission adopt the following resolution:

**I. Approval with Conditions.**

The Commission hereby grants a permit for the proposed development, subject to the conditions below, 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 Environment Quality Act.

**II. Standard Conditions.**

See attached page.

### III. Special Conditions.

The permit is subject to the following conditions:

1. Implementation of Best Management Practices. Prior to the issuance of the coastal development permit, the applicant shall submit for review and written approval of the Executive Director, a Best Management Practices (BMPs) program for the bridge replacement project which has been designed to minimize adverse impacts on sensitive biological resources and water quality. Such measures shall include, but not be limited to:

- a. Wetland resources shall be protected from runoff and sedimentation with temporary lineal barriers such as silt fences, sand bags and straw bales.
- b. Any material that falls into the water shall be immediately collected by boat or an on-track crane.
- c. Dust shall be controlled/contained utilizing cloth sheets hung under the bridge.
- d. Washing of construction vehicles and equipment shall be prohibited adjacent to Chollas Creek.
- e. All building materials and debris, including wooden timbers, shall be disposed of consistent with state and federal law within a land fill or other off-site disposal site.
- f. A detailed plan for clean-up of accidental spill of petroleum-based products, cement, or other construction pollutants shall be prepared and kept on-site with the contractor or engineer. Said plan shall include, but not be limited to, the use of absorbent pads and floating booms in the creek on either side of the bridge.

2. Other Permits. Prior to the issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and written approval, copies of other required state or federal discretionary permits for the proposed bridge replacement. Mitigation measures or other changes to the project shall be reported to the Executive Director and become part of the project; such modifications, if any, may require an amendment to this permit or a separate coastal development permit.

3. Importation of Fill. Prior to the issuance of the coastal development permit, the applicant shall identify the location from which the import material will be obtained. If the site is located within the coastal zone, a separate coastal development permit or

permit amendment shall first be obtained from the California Coastal Commission or its successors in interest.

#### IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Project Description. The proposed development involves the replacement of an existing 293 ft. long open deck, timber-pile railroad bridge with a new 234 ft. long concrete bridge. The bridge is located over Chollas Creek, on the east side of Harbor Drive, approximately 1/4 mile north of 32nd Street in the City of San Diego. As proposed, the new bridge will be constructed incrementally allowing the existing bridge to remain in service during the construction period. The proposal involves only the replacement of an existing bridge and does not include any additional railway tracks.

Grading to accommodate the new bridge abutments and the shorter bridge span will involve the importation of approximately 250 cubic yards of fill material. Because the import site has not yet been identified, Special Condition #3 has been proposed. This condition requires the applicant to identify the import site and if it is within the Coastal Zone, provide evidence of an approved coastal development permit for the export of the material. The proposed bridge replacement is a repair and maintenance project that involves the placement of permanent structures and use of mechanized equipment within an environmentally sensitive habitat area and within 20 ft. of coastal waters; thus, a coastal development permit is required.

2. Coastal Act Consistency. Section 30231 of the Coastal Act requires that the biological productivity of coastal waters and wetlands be maintained and protected. In addition, Section 30233 of the Coastal Act limits the fill of open coastal waters and wetlands to eight identified uses.

The subject railroad bridge proposed for replacement crosses over the Chollas Creek Channel in the City of San Diego. Chollas Creek in this location is a soft bottom channel, which empties into San Diego Bay, west of the bridge crossing. While the channel in this location is tidally influenced, no sensitive biological plant species occur on the channel bottom. However, wetland vegetation has been identified along the upper limits of the channel, adjacent to the proposed development.

The proposed development involves the fill of the open water in the form of new concrete bridge piles. The pre-cast concrete piles will be driven into the channel bottom utilizing a pile driver from the existing bridge. After placement of the new piles, the existing timber piles will be removed by cutting them off at the mud line.

Section 30233(a)(5) of the Coastal Act allows the fill of open coastal waters and wetlands for incidental public service purposes. In this particular case, the development involves the replacement of an existing railroad bridge, which is old and in various stages of degradation, in order to ensure safe and effective rail operations. As such, the proposed development is for a public service purpose. Therefore, the placement of pilings in open water to support the new (replacement ) bridge is a permitted use under Section 30233 of the Coastal Act.

The applicant has submitted a wetland delineation of the project site. Based on this delineation, no sensitive vegetation occurs within the channel bottom. However a small area of wetland habitat (.051 acres) is located on the edge of the channel, adjacent to the proposed development. The applicant has also indicated that this wetland area will not be directly affected by the proposed development. In addition, the placement of the bridge piles within open water will not directly impact any sensitive vegetation or result in any significant adverse impacts to sensitive biological resources. While the proposed bridge replacement project will not have any direct impacts on sensitive biological resources, indirect impacts to such habitat areas and downstream water quality could result from project construction. As such, Special Condition #1 has been proposed. This condition requires the applicant to follow a Best Management Practices program, approved by the Executive Director, during construction. In this way, indirect impacts to wetlands and other sensitive biological resources and downstream water quality will be mitigated, consistent with Section 30231 of the Coastal Act.

The applicant has indicated that the proposed project will also require permits from the Army Corps of Engineers (ACOE) and the California Department of Fish and Game (DFG). Based on conversations with DFG regulatory staff, no mitigation will be required for placement of the new piles within the channel bottom. However, other conditions of approval and/or mitigation measures may be required from these agencies. For this reason, Special Condition #2 has been proposed. This condition requires that if any other state or federal discretionary permit is required, evidence of said approval must be submitted to the Commission prior to the issuance of the permit. Should any project modifications be required as a result of other permits, the applicant is further advised that an amendment to this permit may be necessary to incorporate said mitigation/changes into the project.

A number of Coastal Act polices, 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 bridge replacement project, 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). Therefore, as any identified potential adverse impacts on coastal resources have been

avoided or reduced to the maximum extent feasible, the Commission finds the proposed development is consistent with the above cited policies of the Coastal Act.

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 the City of San Diego, it is not subject to its local review or the provisions of its 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 proposed development, which involves the replacement of an existing wooden bridge with a new concrete bridge, is necessary to ensure train safety and as conditioned, 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.



