

**CALIFORNIA COASTAL COMMISSION**

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 Staff: EL-SD  
 Staff Report: September 15, 2001  
 Hearing Date: October 9-12, 2001

REGULAR CALENDAR  
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-01-108

Applicant: North San Diego County Transit  
 Development Board

Agent: Leslie Blanda

Description: Replacement of an existing single-track timber railroad bridge over Tecolote Creek with a new double-track concrete slab railroad bridge and continuation of double-tracking approximately 400 feet north and 1,000 feet south of the bridge to join existing/approved track.

Site: Within the existing railroad right-of-way, and extending north and south of the Tecolote Creek Bridge, San Diego, San Diego County.

Substantive File Documents: Certified City of San Diego LCP and CCC File #6-01-064

STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the proposed development. The proposal is primarily to replace a deteriorated timber bridge, and is needed to allow continued train service under current schedules. The project also adds a second track. Although this will accommodate future double-tracking through this area, the subject proposal itself does not raise any Coastal Act issues. Special conditions require submittal of erosion control plans to address permanent and temporary erosion controls and submittal of copies of permits required by other state and federal agencies.

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

**MOTION:** *I move that the Commission approve Coastal Development Permit No. 6-01-108 pursuant to the staff recommendation.*

**STAFF RECOMMENDATION OF APPROVAL:**

Staff recommends a **YES** vote. 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 the Commissioners present.

**RESOLUTION TO APPROVE THE PERMIT:**

The Commission hereby approves a coastal development permit for the proposed development 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 and 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. 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.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Erosion Control. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, final erosion control plans which shall incorporate the following:

A. All permanent runoff and erosion control devices shall be developed and installed prior to or concurrent with any on-site grading activities.

B. The use of temporary erosion control measures appropriate to prevent sediments and/or other pollutants from impacting Tecolote Creek, such as berms,

interceptor ditches, sandbagging, filtered inlets, debris basins, and silt traps shall be utilized to minimize soil loss from the construction site.

The permittee shall undertake development in accordance with the approved erosion control plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the approved plans shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

2. Other Permits. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, the applicant shall submit for review and written approval of the Executive Director, copies of all other required local, state or federal discretionary permits, such as permits from the U.S. Army Corps of Engineers (ACOE), California Department of Fish and Game (CDFG) and the Regional Water Quality Control Board (RWQCB), for the development herein approved. Any changes to the project required through said permits shall be reported to the Executive Director and shall become part of the project. Such modifications, if any, may require an amendment to this permit or a separate coastal development permit.

3. Import Site. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall identify the location for the import of fill materials. 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. Detailed Project Description. The applicant is proposing to replace an existing deteriorated timber bridge with a concrete slab bridge over Tecolote Creek, and construct approximately 1/4 mile of passing track parallel to, and approximately 15 feet west of, the existing main line. The timber bridge is not up to current seismic standards and is vulnerable to fire. The 24 existing timber piles (six each in four bents of the bridge) will be replaced with 18 reinforced concrete piles (six each in three bents). The passing track bridge is necessary to maintain rail service and detour trains around the construction site during the construction period. The proposed passing track will extend approximately 400 feet north to connect with the approved, but not yet constructed, False Bay passing track (Coastal Development Permit #6-01-064), and approximately 1,000 feet south to taper back into the existing single track.

Tecolote Creek drains a significant part of the Mission Bay watershed, and flows pretty much year round, due, in part, to intense upstream urban development. Much of the creek is channelized, including the portion where the bridge will be replaced, with both the banks and the channel bottom concrete. Further west, the concrete ends and Tecolote

Creek has a natural bottom, and banks reinforced with riprap; the creek enters Mission Bay approximately 700 feet west of the proposed development. There will be approximately 873 cu.yds. of cut and 1,582 cu.yds. of fill required to complete the project. Special Condition #3 requires the applicant to identify the import site and, if the site is within the coastal zone, demonstrate that a permit allowing export has been approved for that site. Approximately six weeks will be required for the work within the channel itself, and the entire project will take about six months. It is proposed to be constructed in conjunction with the False Bay passing track project, and all materials will be staged and stored within the right of way.

The site is located within existing NCTD right-of-way, east of I-5, and west of Morena Boulevard. The inland extent of the railroad right-of-way forms the coastal zone boundary in this area. The right-of-way occupies the far western fringes of the Linda Vista community. However, because so little of the community is geographically in the coastal zone, the City has not included Linda Vista as a segment in its LCP. Therefore, coastal development permit jurisdiction remains with the Coastal Commission, and Chapter 3 of the Coastal Act is the standard of review.

2. Visual Resources. Section 30251 of the Coastal Act addresses visual resources, and 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 site is located east of I-5 and west of Morena Boulevard, paralleling both roads. Mission Bay Park is located just west of I-5, so the general area is scenic. However, the water views are afforded to motorists on I-5 looking westward, away from the railroad tracks, and to private properties on the hillsides east of Morena Boulevard, out of the coastal zone. Moreover, the project consists of replacement of an existing single-span bridge with a two-span bridge, and installation of an additional track adjacent to, and at the same elevation as, the existing main track. Both facilities, existing and proposed, would be lower in elevation than either I-5 to the west or Morena Boulevard to the east. Other things associated with the normal operation of trains, such as lights, signals, etc. may occur, but these would not be visual impairments. Thus, the new development will have no significant effect on existing visual resources. The Commission finds the proposed development, as conditioned to address other concerns, is consistent with Section 30251 of the Act.

3. Biological Resources. The following Coastal Act policy is most applicable to the proposed development:

**Section 30240**

(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.

The proposed development is proposed to be aligned in a narrow corridor between Morena Boulevard to the east and I-5 to the west. There are no developments between I-5 and Morena Boulevard (east of the existing track) except improvements associated with the railroad operations. There is existing residential and commercial development along most of the east side of Morena Boulevard, and on the hillsides beyond, although there are a few vacant areas as well. East of the railroad right-of-way, and thus outside the coastal zone, Morena Boulevard follows a similar parallel alignment with the train tracks and I-5; inland runoff is captured by the existing drainage system in Morena Boulevard.

The applicant's biology report, submitted with the permit application, identified no sensitive vegetation within the subject portion of Tecolote Creek. The creek is contained in a 40-foot-wide, trapezoidal, concrete channel at this point; there is no existing vegetation within the project area, and very little sediment has collected on the channel bottom to support any such growth. As stated previously, the creek is now perennial, with storms producing channel scour during the winter months, and upstream development providing water the remainder of the year.

Downstream (west) of the development site, west of I-5 and within Mission Bay Park, the creek maintains a more natural configuration, with an earthen bottom and banks, although the banks are stabilized with riprap. A small amount of wetlands exists at the mouth of the creek, approximately 700 feet downstream from the project site. Based on the certified Mission Bay Park Master Plan, additional treatment wetlands will be built in the future to enhance the water quality of this portion of Mission Bay. Because of all the urban development in the Tecolote Creek watershed, the creek is an identified, frequent source of polluted runoff entering the Bay.

Although the project will not impact either wetlands or softbottom habitat, the concrete channel represents waters of the U.S., and the applicant is seeking permits from the ACOE, CDFG and the RWQCB. The applicant has submitted copies of the applications for these permits, and Special Condition #2 requires submittal of copies of the final approved permits from these agencies prior to the commencement of construction. Again, the proposal has no direct impacts on any biological resources, nor will it adversely affect adjacent/nearby sensitive areas. As conditioned, the Commission finds the proposal, located a short distance upstream from sensitive habitat, consistent with Section 30240 of the Act.

4. Erosion Control/Water Quality/Stream Alteration. The following Coastal Act policy is applicable to the proposed development and states:

**Section 30230**

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**

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

**Section 30236.**

Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.

Also, Section 30240 of the Coastal Act, cited previously, calls for the protection of sensitive habitat by, among other means, regulation of development in adjacent areas. The project site is not immediately adjacent to any sensitive habitat areas, but includes construction activities within a concrete drainage channel (Tecolote Creek) emptying into Mission Bay.

With respect to hydrology, and the creek's ability to maintain its current flow rate, the project includes the replacement of 24 existing timber piles with 18 concrete ones. The existing configuration consists of four rows of six piles and the new configuration will be three rows of six piles; the rows of piles are oriented parallel to the water flow. Although

the reinforced concrete piles cover a larger area of the concrete channel per pile (30" diameter as compared to 16" diameter for the timber piles), overall the flow rate will stay the same or be slightly improved. This is due to the reduction in rows of piles from four to three, thus forming less of an impediment to stream flow. The proposed development, therefore, does not constitute a substantial alteration of Tecolote Creek within the meaning of Section 30236 of the Coastal Act. Moreover, current seismic standards require the use of the larger reinforced concrete piles. These facts are included in the applicant's hydraulic analysis of August 16, 2001 and further clarified in the applicant's August 21, 2001 letter.

The project will not result in any significant increase in impervious surfaces, since, except for the short span of the bridge itself (approximately 40 feet) the new track will be laid on a permeable base. However, the construction activities could have adverse impacts on downstream resources. The project includes approximately 873 cu.yds. of cut grading and 1,582 cu.yds. of fill to prepare a level base and match the elevation of the existing track. This amount of earthwork is fairly small, but could produce some runoff if the site is not appropriately protected. Special Condition #1 requires submittal of an erosion control plan addressing all runoff issues. In addition, the applicant has indicated that Best Management Practices (BMPs) will be implemented to assure construction related activities do not result in water quality impacts. The applicant has also indicated that, on a daily basis, other BMPs are implemented to assure trash and other debris within its right-of-way is collected and removed. Finally, Special Condition #3 requires the applicant to identify the import site for fill material, and, if that site is in the coastal zone, assure that proper permitting for export from that site is in place. As conditioned, the Commission finds the proposed development consistent with all applicable Coastal Act policies.

5. Growth Inducing Impacts. The following policy of the Coastal Act provides, in part:

**Section 30250**

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources....

Any proposed increase in public services carries the potential to induce growth in surrounding less developed areas by making necessary services available. The railroad provides a public service, and growth often occurs along rail corridors, especially near stations. This particular project does not include any new stations and is located in an already built-out area. The primary purpose of the project is to replace an existing deteriorated timber railroad bridge with a new one that meets current seismic and safety regulations. The installation of approximately ¼ mile of passing track is required to

provide a rail detour and maintain train service during the construction phase. Although it will also allow the current system to run more efficiently, and bring the bridge up to current seismic safety codes, its purpose is not to increase the number of trains. It is necessary for smooth operation of the current train schedule, with or without other rail improvements which may be proposed in the future.

However, the proposed development will eventually become part of the larger "double-tracking" project currently being planned, if that larger plan moves forward. The proposed new bridge and passing track itself could not accommodate a significant increase in train traffic as it only adds approximately ¼ mile of track to the 2-1/2 mile False Bay project approved recently, which is located immediately north of the subject project. Any future increase in train traffic could only occur in the context of the "double tracking" project that the applicant is currently evaluating.

Thus, the proposed project is not by itself growth inducing, and, as conditioned, does not impact any coastal resources. Any growth-inducing effects related to a possible future "double-tracking" project can be fully evaluated at the time that project comes before the Commission. Approval of this incremental project will not prejudice the Commission's review of future proposals for double-tracking, which may involve resource impacts and occur in more rural areas, where it may be inappropriate for urban development to be encouraged. Therefore, the Commission finds the proposal, as conditioned to address other concerns, consistent with Section 30250 of the Act.

6. Public Transit. The following policies of the Coastal Act are applicable to the proposed development:

**Section 30252**

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service . . .

**Section 30253**

New development shall:

....

(4) Minimize energy consumption and vehicle miles traveled.

The proposed development is intended to increase the safety, reliability and convenience of train service, including public transportation provided to coastal communities by the Coaster commuter rail line and Amtrak's Surfliner. The project's primary purpose is to replace an older, below standard bridge with a new one meeting all current safety and seismic standards. The project should thus enhance coastal access by facilitating the provision of transit service. By making public transportation more convenient and attractive for people who might otherwise drive, this development may also reduce energy consumption and vehicle miles traveled. Therefore, the Commission finds the



proposed development, as conditioned to address other concerns, consistent with Sections 30252 and 30253 of the Act.

7. 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.

The project site is designated as General Industrial/Transportation Corridor in the City's General Plan and zoned M-1P. The location is within the geographic boundaries of the Linda Vista Community Plan, which is not part of the City's certified LCP. There is very little area in this community within the coastal zone, and most of that is occupied by the railroad right-of-way. Thus, the City has chosen not to make Linda Vista an LCP segment, but to leave coastal development permit jurisdiction with the Coastal Commission, although the requirements of the certified LCP, including the Implementation Plan ordinances, can be used for guidance. Thus, Chapter 3 of the Coastal Act is the standard of review, and the proposed development has been found consistent, as conditioned, with all applicable policies of the Act. Therefore, the Commission finds that approval of the project, as conditioned, will not prejudice the ability of the City of San Diego to continue implementation of its certified LCP in other areas.

8. Consistency with the California Environmental Quality Act (CEQA). Section 13096 of the Commission's Code of Regulations requires Commission approval of coastal development permits 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)(A) 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 effect which the activity may have on the environment.

As discussed herein, the proposed project will not cause significant adverse impacts to the environment. Specifically, as conditioned, the project has been found consistent with the policies of the Coastal Act addressing runoff control and water quality. There are no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact which the activity might have on the environment. Therefore, the Commission finds that 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. Interpretation. Any questions of intent or 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 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 permittee to bind all future owners and possessors of the subject property to the terms and conditions.

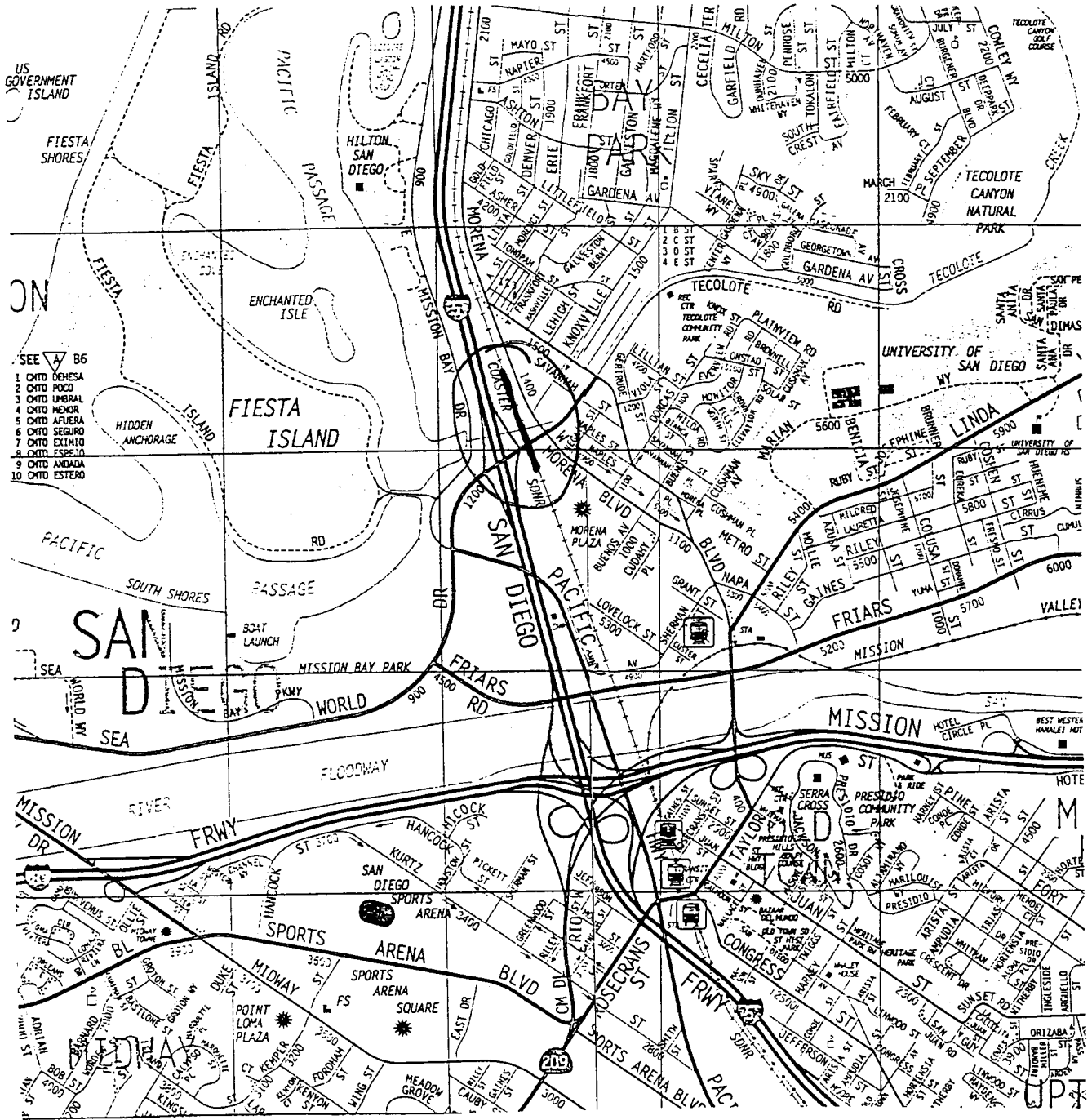



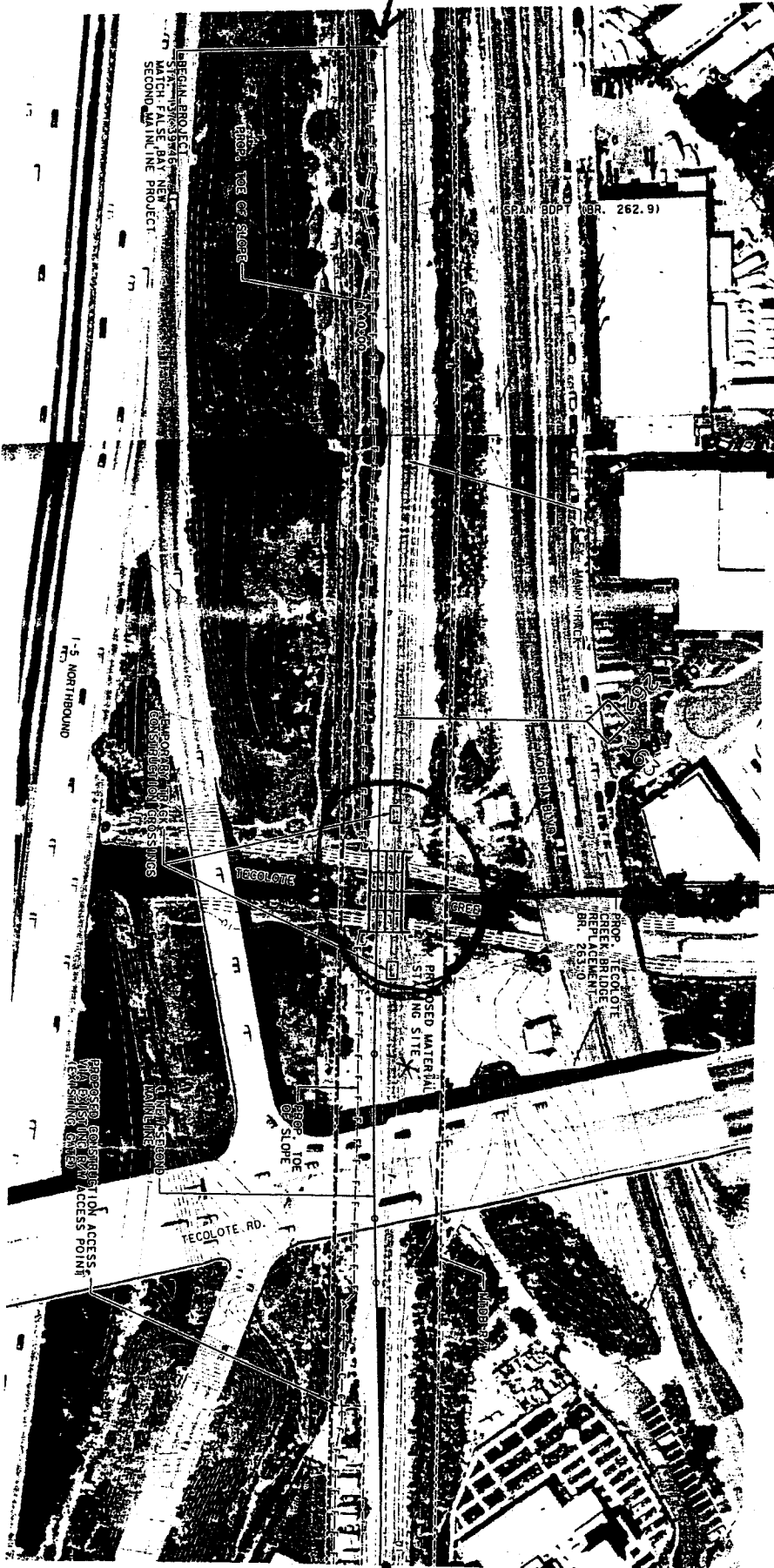
EXHIBIT NO. 1  
APPLICATION NO.  
**6-01-108**  
Location Map



California Coastal Commission

6-01-108

Begin



Bridge

End

EXHIBIT NO. 2
APPLICATION NO.
6-01-108
Site Plan
 <b>Entire Project</b> California Coastal Commission

6-01-108

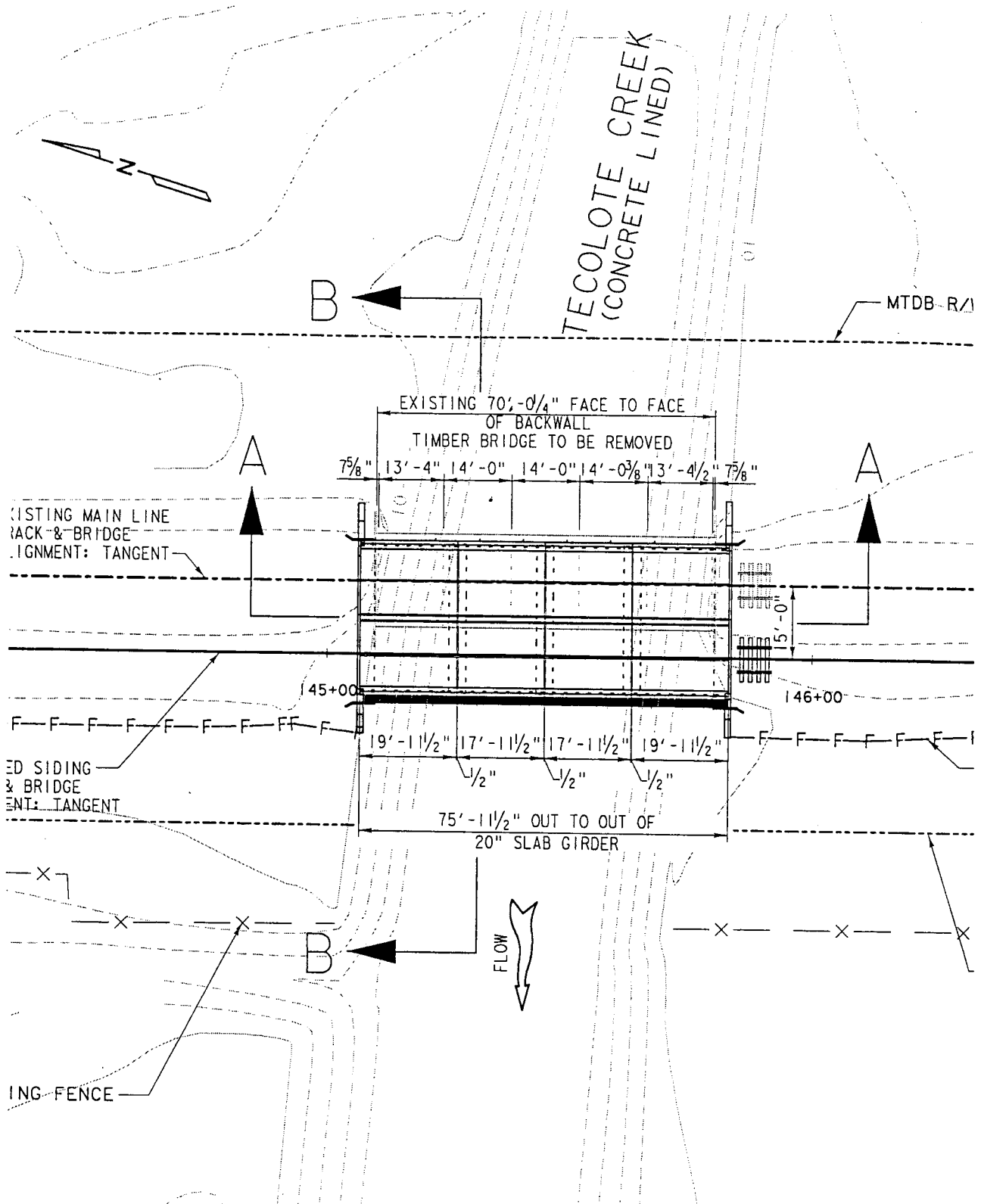
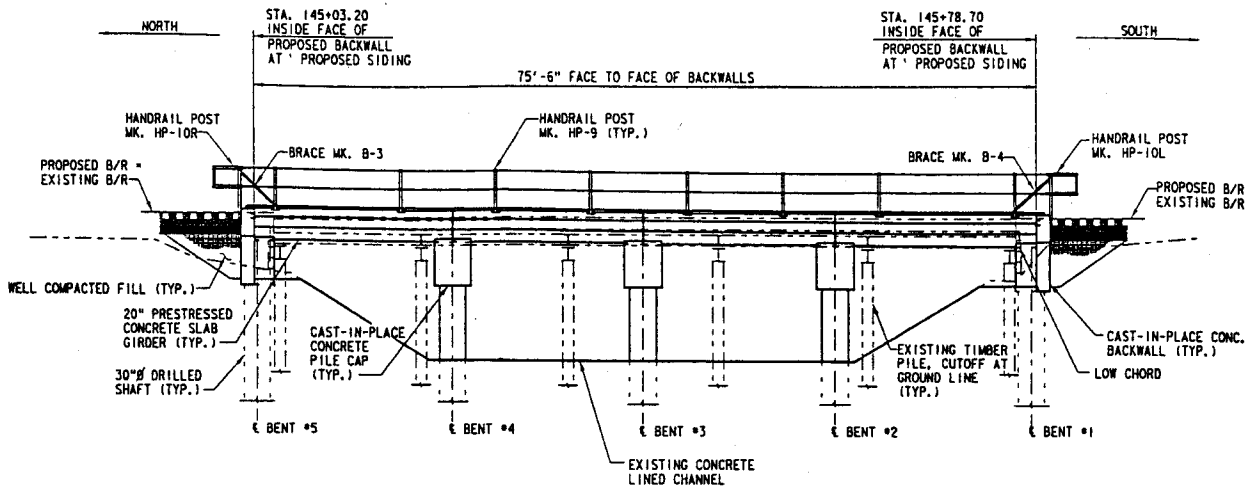


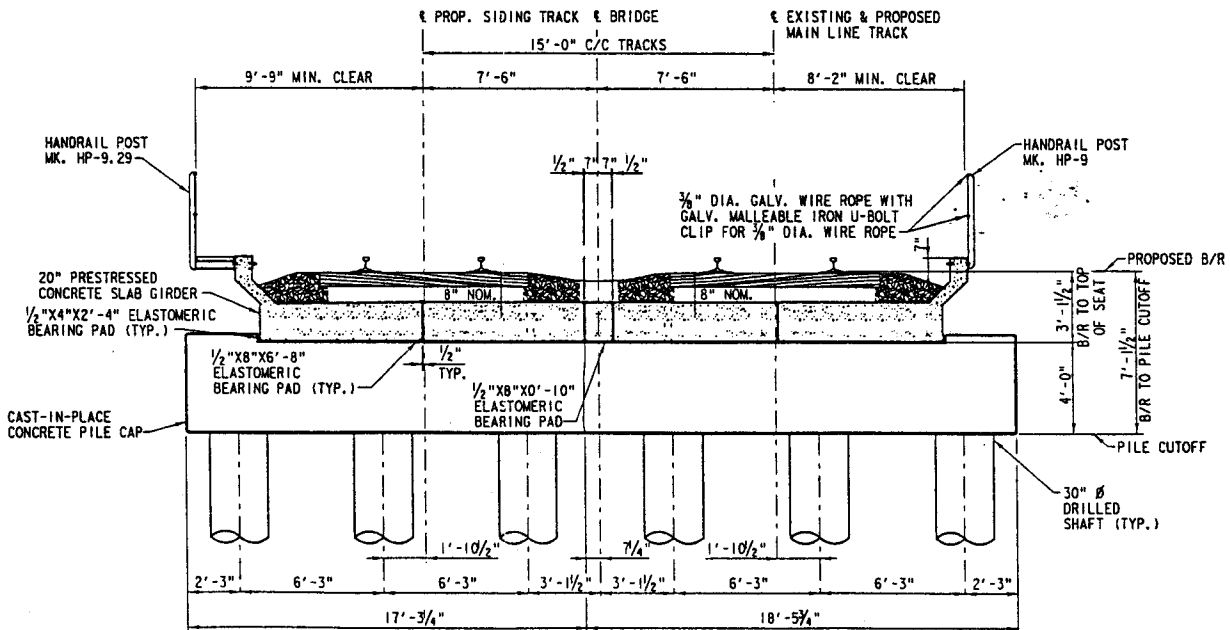
EXHIBIT NO. 3
APPLICATION NO.
6-01-108
Site Plan
Bridge
California Coastal Commission

6-01-108



**SECTION A-A**

NOT TO SCALE



**SECTION B-B**

NOT TO SCALE

EXHIBIT NO.	6
APPLICATION NO.	6-01-108
<i>Bridge Sections</i>	
<i>Elevations</i>	
California Coastal Commission	