

CALIFORNIA COASTAL COMMISSION

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STAFF REPORT: CONSENT CALENDAR

Application No.: 6-21-0127

Applicant: San Diego Metropolitan Transit System

Agent: Aaron Brownwood and Beth Jolie Martinez

Location: Las Chollas Creek Bridge, west of the western terminus of Norman Scott Road, Barrio Logan, San Diego (APN No. 550-500-20)

Project Description: Repairs to bridge pilings, including surrounding the piles with fiberglass reinforced polymer jackets and filling the voids with underwater grout; pile caps, including removing the cover over existing reinforced steel bars for the entire concrete surface, cleaning the bars of rust, installing zinc anodes to prevent further erosion, and encapsulating the bars in new concrete; and abutments, including three localized areas of deterioration in a similar approach as the pile caps.

Staff Recommendation: Approval with conditions.

SUMMARY OF STAFF RECOMMENDATION

The subject request is the follow-up permit application to Emergency Permit No. G-6-21-0024. The applicant is seeking permanent authorization of the development, which was completed in May 2022 under the temporary authorization granted by the

emergency permit. The primary issues raised by this project relate to fill and water quality.

The project has resulted in approximately 16 square feet of fill impacts to the waters of Chollas Creek due to the pile jackets. However, the bridge is used to transport members of the public on the trolley and as such, is an incidental public service project permitted under Section 30233 of the Coastal Act. The project impacts were minimized to the extent feasible, and to help offset biological impacts from the fill approximately 5 cubic yards of debris were removed from the project site during construction to improve the biological quality of the area. The applicant has further agreed to conduct biannual monitoring of the project site for two years and clean up any debris that is found in the creek or on land; **Special Condition No. 1** memorializes this commitment.

Finally, implementation of water capture and treatment of water from jetting activities occurred, as well as best management practices to prevent debris from entering the water during construction activities. All work was conducted by hand and no heavy machinery was used.

Commission staff recommends that the Commission **APPROVE** coastal development permit application 6-21-0127, as conditioned. The motion is on page 4. The standard of review is Chapter 3 of the Coastal Act.

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EXHIBITS

[Exhibit 1 – Location Map](#)

[Exhibit 2 – Site Plan](#)

[Exhibit 3 – Site Photos](#)

I. MOTION AND RESOLUTION

Motion:

I move that the Commission **approve** the coastal development permit applications included on the consent calendar in accordance with the staff recommendation.

Staff recommends a **YES** vote. Passage of this motion will result in approval of all the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of Commissioners present.

Resolution:

The Commission hereby approves the Coastal Development Permit for the proposed project 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. 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

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 applicant 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 of 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 applicant to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. **Debris Monitoring and Cleanup Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall submit, for the review and approval of the Executive Director, a Debris Monitoring and Cleanup Plan. At a minimum, the proposed Debris Cleanup and Monitoring Plan must include:
 - a. The permittee shall monitor the project site for debris two times per year for a period of two years following the approval of the subject permit.
 - b. Should any debris be found in or around the project site, the applicant shall collect, weigh, photograph and dispose of the debris at a permitted facility located outside of the Coastal Zone. All debris removal shall occur by hand.
 - c. The applicant shall submit the results of all monitoring and cleanup events, including the items in Special Condition 1.b, above, to the Executive Director within 30 days of the event.

The permittee shall undertake development in accordance with the approved final Debris Monitoring and Cleanup Plan unless the Commission amends this permit or the Executive Director provides written determination that no amendment is legally required for any proposed minor deviations.

IV. FINDINGS AND DECLARATIONS

A. Project Description and Background

The subject request is the follow-up permit application to Emergency Permit No. G-6-21-0024 which approved structural repairs to Las Chollas Creek Bridge. The Las Chollas Creek Bridge is a railroad and trolley bridge located in southwest San Diego in a right-of-way that runs through Naval Base San Diego ([Exhibit No. 1](#)). The bridge is owned by the applicant, San Diego Metropolitan Transit System (MTS), and supports more than 220 trolley trips and 36,000 riders each weekday (down from 60,000 weekday riders pre-COVID), as well as freight trains at night.

In May of 2020, MTS received an annual bridge inspection report for the bridge noting the need for repair to spalling concrete elements of the structures. At that time, the inspection team suggested modifying train operations until the work could be complete; however, to avoid operational impacts, MTS proposed to conduct a special bridge inspection under freight loading, initiate quarterly bridge inspections to monitor for additional deterioration; and begin the process of designing and permitting the repairs.

In February 2021 MTS submitted the subject CDP application for the following repairs:

- Bridge Piles: surround piles with fiberglass reinforced polymer jackets and fill voids with underwater grout.

- Pile Caps: remove the cover over the existing reinforced steel bars on pile caps for the entire concrete surface, clean the bars of rust, install zinc anodes to prevent further erosion, and encapsulate the bars in new concrete.
- Abutments: repair three localized areas of deterioration in a similar approach as the pile caps.
- Remove of approximately 15 cubic yards of existing riprap to conduct the repairs and replace following construction to prevent scour.

On May 5, 2021, prior to the completion of the CDP application, a quarterly bridge inspection identified new and increased degradation to the bridge piles which constituted an emergency. As such, MTS submitted an emergency permit application for the subject repairs which was approved by the Executive Director on June 25, 2021 (Emergency Permit No. G-6-21-0024). The emergency permit attached Special Condition No. 4 which required the work to be completed within 120 days of the date of approval, unless extended by the Executive Director for good cause. On February 28, 2022 and March 15, 2022, the applicant contacted staff to identify that the emergency work had not been completed and to request a time extension. According to the applicant, the approved repairs were not completed due to difficulty determining the proper means and methods for accomplishing the repairs by the contractor, staffing issues, and the quality of materials initially obtained. In addition, because the emergency situation still existed, the authorization was extended until July 1, 2022. The applicant has indicated that the subject repairs were completed in May 2022.

The project has resulted in approximately 16 square feet of fill impacts due to the piling jackets. The bridge is used to transport members of the public on the trolley and as such, is an incidental public service project permitted under Section 30233 of the Coastal Act. The Commission's engineer reviewed the project and determined that the design of the project is the minimum necessary to accomplish the safety upgrades. To help offset the impacts to wetland habitat associated with the fill, the applicant removed approximately five cubic yards of debris from the project site during construction. The applicant has further agreed to conduct biannual monitoring of the project site for two years and clean up any debris that is found in the creek or on land. These clean up efforts will help restore the natural habitat around the bridge. **Special Condition No. 1** memorializes this agreement and requires all cleanup to be conducted by hand and reported to the Executive Director within 30 days of each monitoring and clean-up event.

Implementation of water capture and treatment of water from jetting activities occurred, as well as best management practices to prevent debris from entering the water during construction activities. All work was conducted by hand and no heavy machinery was used.

A biological survey of the project site was conducted by the applicant which found that the bottom substrate at the site includes coarse sand and some silt along the creek banks with a mix of riprap and other debris under the bridge and in the center channel. No aquatic vegetation exists on site. A benthic survey found the benthic community

present to be normal and likely to rapidly re-occupy any areas disturbed during construction.

The subject permit is the follow-up permit to the emergency permit. The site is within an area of original jurisdiction where the Chapter 3 policies of the Coastal Act are the standard of review.

B. Biological Resources

Coastal Act policies 30240 and 30251 restrict the alteration of natural landforms and protect sensitive habitats. Section 30231 of the Coastal Act requires that coastal waters are protected and runoff minimized. Section 30233 limits development in open coastal waters, wetlands, estuaries, and lakes to specific permitted uses where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects.

The proposed development is an incidental public service project permitted under Section 30233. The project will not have an adverse impact on any sensitive habitat and will not result in erosion or adverse impacts to water quality. Thus, the project is consistent with the resource protection policies of Chapter 3 of the Coastal Act.

C. Public Access

The proposed development will not have an adverse impact on public access to the coast or to nearby recreational facilities since the project site is a bridge surrounded by a Navy Base which is restricted from the public. As such, the proposed development conforms to Sections 30210 through 30214, Sections 30220 through 30224, Section 30252 and Section 30604(c) of the Coastal Act.

D. Local Coastal Planning

The Las Chollas Creek Bridge is located within a railroad right-of-way that has been established since the early 1900s. Although this railroad bridge and right-of-way crosses through the Naval Base, it is not on federally owned land. The railroad in this location pre-dates the military base as the title to the land was acquired by SDAE in 1907 while the military base was not established until 1922. Thus, the project site is within the Commission's permit jurisdiction. Although the project site is not anticipated to be subject to a LCP, approval of this project would not prejudice the preparation of a LCP consistent with the requirements of Chapter 3. As discussed above, the proposed project is consistent with Chapter 3, including the biological resource protection policies of the Coastal Act.

E. California Environmental Quality Act

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, as conditioned, 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. The Metropolitan Transit System found the project to be exempt from CEQA under Class 1, Existing Facilities (SDCC # 2021-00004).

There are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may 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.