

DATE ISSUED: August 30, 2007 **REPORT NO.** PC-07-101

ATTENTION: Planning Commission, Agenda of September 6, 2007

SUBJECT: BAYSHORE BIKEWAY - PROJECT NO. 1901. PROCESS 5

**OWNER/
APPLICANT:** Metropolitan Transit System/M&A Gabae CLP
City of San Diego, Engineering and Capital Projects Department
(Attachment 16)

SUMMARY

Issue(s): Should the Planning Commission recommend to the City Council approval of a Site Development Permit for the construction of a 1.8 mile Class I bikeway, to be located along the Otay River Berm and the Main Street Dike; and the relocation of an existing haul road utilized by the South Bay Salt Works in the Otay Mesa-Nestor Community Plan area?

Staff Recommendations:

1. Recommend City Council **CERTIFICATION** of Environmental Impact Report (EIR) Project No. 1901 **ADOPTION** of the Statement of Overriding Considerations and **ADOPTION** of the Mitigation Monitoring and Reporting Program (MMRP); and
2. Recommend City Council **APPROVAL** of Site Development Permit No. 3276.

Community Planning Group Recommendation: The Otay Mesa-Nestor Planning Group voted on September 18, 2002 to approve the project with no conditions.

Historic Resources Board (HRB) Recommendation: On August 23, 2007, HRB voted 7:0:1 to support the preservation of the bridges, those areas proposed for preservation of lines and ties in place, and the interpretive programs, with further research and consideration given to preserving more ties in place through capping and limiting the chain link fence to 3-feet-6-inches. There was clarification that there should be consideration of both technological and economic factors in determining the feasibility of capping more of the resource. Their recommendation to preserve the ties in place through

capping has not been implemented. This situation is considered unsafe and presents significant safety issues for future users of the bike path because the wooden ties are in various states of deterioration and are expected to continue to deteriorate. If the ties were to remain in place the bike path would be expected to experience surface pavement deterioration (potholes, cracks, and surface level changes) over time, as the ties continue to deteriorate and crumble under the bike path surface, creating voids under the bike path users and an uneven path surface. The US Fish and Wildlife Service required a 7-foot security fence to provide a barrier between the bike path and the adjacent sensitive habitat.

Environmental Review: Environmental Impact Report (EIR) Project No. 1901 has been prepared in accordance with the State of California Environmental Quality Act (CEQA) Guidelines for this project and identifies significant and unmitigated impacts to Land Use and Historical Resources. Approval of the proposed project will require the Decision Maker to make findings that a) Project alternatives are infeasible, and b) the overall project is acceptable despite significant impacts because of the overriding considerations.

Fiscal Impact Statement: All costs associated with the processing of this project are paid through a deposit account maintained by the applicant.

Code Enforcement Impact: None with this action.

Housing Impact Statement: The property is zoned IH-2-1; IL-3-1 (industrial) and OF-1-1 (open space), and the land use designation in the Otay Mesa–Nestor Community Plan is Open Space and Special Study Area; therefore, the proposed bikeway will have no impact on the supply of housing in San Diego.

BACKGROUND

The proposed project is the 1.8 mile long “Western Salt Segment” of the Bayshore Bikeway. The Bayshore Bikeway is a designated 24-mile bikeway route around San Diego Bay. The land use designation for the proposed project site is Open Space (Attachment 1), the zoning is OF -1-1, IL-3-1 and IH-2-1, and is within a Special Flood Hazard Area. The proposed project is located adjacent to extractive industrial uses (the South Bay Salt Works mining operations), and open space uses (United States Fish and Wildlife Service San Diego Bay National Wildlife Refuge), and is less than one-half mile west of Interstate 5 and less than one-half mile north of Palm Avenue (State Route 75) (Attachments 2 and 3). The project is in an area that is not covered by the City's Local Coastal Program (LCP); therefore a Coastal Development Permit from the California Coastal Commission is required.

A portion of the bike path segment would be located on top of the existing Otay River Berm and a portion of the segment would also be located on the Main Street Dike (Attachment 4). Both the Otay River Berm and Main Street Dike are man-made, linear features that are raised higher than the surrounding topography. On either side of the berm and dike, the topography of the area is

essentially flat and is subject to tidal influence. The berm and dike are approximately 10 to 15 feet above mean sea level (MSL).

Bayshore Bikeway Plan

The Bayshore Bikeway is a designated 24-mile bikeway route around San Diego Bay. Planning for the Bayshore Bikeway began in 1975 with a feasibility study prepared by Caltrans and funded by National City (adopted in March 1976). SANDAG (2006) prepared an update to the originally adopted Bayshore Bikeway Plan, which focused on ways to connect gaps in the current route with new off-street bike path segments, with the goal of identifying an off-street bike path alignment for the entire bikeway loop around San Diego Bay. The Bikeway Plan identifies existing conditions, planning and policy context needs analysis, recommended improvements, cost estimates, design guidelines, and management, maintenance and security. The Bikeway Plan identifies 10 numbered segments of the bikeway route. The proposed project is identified within the plan as part of study Segment 9, the 1.8 mile Western Salt Segment. The Plan recommends that the Western Salt Segment provide a direct connection between Bay Boulevard/Main Street and the Silver Strand bike path 13th Street in Imperial Beach, bypassing the current on-street segments on Saturn Boulevard and Palm Avenue.

San Diego Bicycle Master Plan

The City's Bicycle Master Plan identifies the proposed project site, from 13th Street to Main Street/Frontage Road for the development of a Top Priority Proposed Class I segment of the Bayshore Bikeway.

The Otay Valley Regional Park (OVRP) Concept Plan

The Otay Valley Regional Park (OVRP) Concept Plan is a multi-jurisdictional planning effort by the County of San Diego and the cities of San Diego and Chula Vista to coordinate the planning, acquisition, and design of the OVRP. The OVRP area encompasses a large area of sensitive resources, including areas that are currently undergoing, or are proposed for restoration and enhancement along the Otay River. The Concept Plan recommends providing a trail corridor for the Bayshore Bikeway, which would link the existing trails throughout the area.

Coronado Belt Line

On December 19, 2003 the Historic Resource Board (HRB) designated the proposed bike path portion of the Coronado Belt Line within the City of San Diego as Historical Resource No. 640. The designation is based on Criterion A for the site's archaeological value, as an example of private capitalization of infrastructure, and for the site's significant contributions to the cultural, physical and economic development of San Diego; Criterion B for its association with John D. Spreckels, Elisha Babcock and Hampton L. Story; and Criterion C for representing railroad construction of the late 1880s, as evidenced by the presence of ca. 1890 Carnegie steel rails and other character-defining features and retaining a high degree of integrity.

The designation was appealed to the San Diego City Council. The appeal was granted on September 7, 2004 thus removing the designation. This action was followed by a legal challenge filed in Superior Court by Save Our Heritage Organization (SOHO). The Court remanded the matter back to the City Council to make the necessary findings under the Municipal Code. On September 13, 2005, in response to the Court remand, the San Diego City Council again considered the appeal of the HRB designation action. The City Council voted to deny the appeal and uphold the historical designation of the Coronado Belt Line.

DISCUSSION

Community Plan Analysis

The proposed Bayshore Bikeway project is located within the Otay Mesa-Nestor community planning area of the City of San Diego, and prevailing policies for the site are contained within the City's Progress Guide and General Plan, the Otay Mesa-Nestor Community Plan, and the Otay Valley Regional Park Concept Plan. The proposed project site has a land use designation of Open Space with a Special Study Area Overlay (Attachment 1).

The City's Progress Guide and General Plan contain broad goals and policies for the communities of San Diego. The Recreation Element recommends the provision of a broad range of recreational and educational opportunities, as well as the development of an extensive and varied open space system and recreational facilities. The proposed bikeway project would provide recreational and educational opportunities and would not adversely affect the goals and recommendations of the Progress Guide and General Plan.

The Otay Mesa-Nestor Community Plan contains policies, goals, and strategies for the provision of continuous trails in the Otay River Valley and the Salt Pond areas. Within Topic 1a of the Otay Mesa-Nestor Community Plan, entitled Otay Valley Regional Park, one of the strategies recommends the provision of a continuous east-west trail system for hiking, bicycling, and equestrian use along the Otay Valley. The plan further states that appropriate alignment and location of trails should incorporate existing trails and utility easement roads, where possible. Topic 1b, entitled Salt Ponds, contains strategies that recommend the planning and implementation of a section of the Bayshore Bikeway route in the vicinity of the Salt Ponds or open space areas north of Palm Ave, along with the provision of a trail linkage connecting the Bayshore Bikeway route to the future OVRP bicycle trail system in the Otay Valley. The proposed project would use the existing railway berm and hauling road for the bikeway, and would help implement the goals and strategies of the Otay Mesa-Nestor Community Plan.

Within Appendix 1b of the Otay Mesa-Nestor Community Plan, entitled Salt Ponds, the Special Study Area application and criteria are discussed. The proposed project is a discretionary action and should require a special study per the community plan. Because there are no building structures associated with the project and the majority of the route is proposed along the Metropolitan Transit System (MTS) railroad right-of-way with a small portion proposed along an

existing hauling road, City Planning and Community Investment is not requiring a Special Study from the applicant.

Appendix C of the Otay Mesa-Nestor discusses recommendations for View Corridors and View Points. Many of the north/south running streets which terminate at the salt ponds or Palm Avenue is called out as view corridors for the Bay and the Otay Valley Regional Park. The proposed bikeway, with no development of obstructive structures would not adversely affect the goals and recommendations of Appendix C.

Within the Otay Valley Regional Park (OVRP) Concept Plan, the concept map for the area that encompasses the proposed project also includes a trail corridor through the southern Salt Ponds area. The OVRP recommendation is to provide a corridor for the Bayshore Bikeway which will link the existing trails. The proposed bikeway project, while connecting segments of the Bayshore Bikeway, would provide an opportunity for the future OVRP trail system to utilize any or all portions of the Bayshore Bikeway to provide the recommended continuous multi-purpose trail network, thus not adversely affecting the goals and objectives of the Concept Plan.

Project Description

The proposed project is for the construction of the Western Salt Segment of the Bayshore Bikeway. The proposed 1.8 mile long bicycle route would be located along the Otay Mesa River Berm and the Main Street Dike and is primarily located within the MTS railroad right-of-way; however, a portion of the proposed segment exits the right-of-way and is then located within an existing haul road utilized by the South Bay Salt Works. The proposed haul road relocation component of the project would involve relocating the haul road from its current location to within the MTS right-of-way (Attachments 5 and 6). Pursuant to Section 143.0130(e) of the City's Land Development Code public access paths are permitted uses in wetland buffer areas; therefore, the proposed bike path is an allowable use in the Refuge.

Bike Path Construction

The proposed project would construct a new 12-foot wide paved path, consisting of an 8-foot wide paved asphalt path with 2-foot wide paved porous concrete shoulders. The bike path construction would also include the placement of fill material.

The bike path would be located primarily within MTS railroad right-of way. The bike path would be constructed both on top of the existing railroad tracks and outside (along the side) of the railroad tracks, depending on the location of the alignment. Attachments 7 and 8 depict a cross section of the proposed bike path both within, and outside the existing railroad tracks, respectively. Where the project would be located within the tracks, the existing steel railroad rails are proposed to be retained in place and capped with dirt and the paved bike path. The existing wooden railroad ties are proposed to be removed.

There is a portion of the railroad tracks that would not be a part of the proposed bike path. There are approximately 200-feet of track which are adjacent to the proposed bike path. The rails and ties in this area will remain visible and in situ, interpretive signage will be installed describing the historical attributes of the railroad line

The new alignment would be changed from a Class II bike lane to a Class I bike path because it would provide a completely separated right-of-way for the exclusive use of bicycles and pedestrians, with no cross flow of motorized traffic along the proposed bike path segment.

Fencing

From the proposed south truss bridge to Imperial Beach a three foot high post and cable fence would be installed to tie into the existing fencing at Imperial Beach. A black vinyl coated security fence would also be located downslope of the bike path per US Fish and Wildlife Service standards (Attachment 9).

Signage

Informational signs would be posted along the new Class I bike path, including notices, rules and/or restrictions on bikeway usage; and reminders to pet owners to clean up pet waste. Proposed informational signs would be carefully considered and made of easy to clean material. Signage would be located so that there are three feet between the edge of the sub-grade material and the edge of the sign, as well as eight feet between the top of the sub-grade surface to the bottom of the sign. The signs' vertical and horizontal dimensions would generally range from 12 to 24 inches.

Interpretive signs indicating the historic uses of south San Diego Bay; habitats and species observed from the path, as well as their sensitivity; the history and current operation of the South Bay Salt Works and the salt ponds; the goals of the South San Diego Bay Unit of the National Wildlife Refuge; and information on the history of the Coronado Belt Line railroad are proposed to be located at the southern and northern ends of the proposed bikepath, away from sensitive biological areas.

Haul Road Relocation

The Main Street Dike is currently used as a haul road by the South Bay Salt Works. Since the proposed bike path would utilize this dike for a portion of its new alignment, a new haul road would be needed (i.e., the existing haul road would be relocated). The project would relocate the existing haul road to the north of the Main Street Dike along the MTDB right-of-way (Attachment 10). The right-of-way and the infrastructure contained within it are not currently in use. Conversion of this area would entail providing a 12-foot wide roadway in existing railroad bedding material (rock), and rails. Once converted, the haul road would consist of a dirt/gravel surface, and would not be paved.

Bridge Construction

There are two, currently unserviceable, wooden railroad trestle bridges located along the proposed bike path segments that cross the Otay River. Both of these bridges have been damaged and require repair in order to be used for the proposed bike path. Because these bridges are considered a component of the locally-designated historical railroad, no alterations to these structures are proposed. Instead, the project proposes the placement of two steel truss bridges on top of the existing bridges, which would provide bicycle and pedestrian access across the Otay River, yet maintain the existing bridge structures in place. Attachment 11 depicts the proposed bridge plan concept for the two bridges. Attachment 12 is a visual simulation of the proposed steel truss bridge.

Discretionary Actions

The proposed project requires a Site Development Permit due to impacts to Environmentally Sensitive Lands (ESL), specifically to sensitive biological resources and for deviations to construct two steel truss bridges where structures are not permitted in a special flood hazard area, and to impact Historical Resource No. 640, the Coronado Belt Line (CBL) Railroad. The impacts to the historically designated railroad are related to the removal of the existing wooden ties, capping the existing railroad rails with soil and placement of steel truss bridges on top of the existing wooden trestle bridges.

Environmental Analysis

The evaluation of environmental issues concluded that the project would result in significant direct environmental impacts to land use, biological and historical resources. With the exception of significant and unmitigable effects to land use and historical resources, all direct environmental effects of the project would be reduced to below a level of significance through incorporation of mitigation measures.

Land Use and Historic Resources

The proposed project would structurally and aesthetically alter existing components of the CBL by capping the existing railroad rails with soil and placing steel truss bridges on top of the existing railroad trestle bridges, in order to preserve these features in place. Mitigation would be provided by documenting the existing elements of the CBL, recovery of excavated features of the CBL, and inclusion of interpretive facilities within the project corridor that identify elements of the CBL and its history. These mitigation measures are proposed to reduce the potential impact to the CBL to the extent feasible; however, the proposed project would still result in a structural and aesthetic modification of the CBL and are therefore in conflict with the City of San Diego Historical Resources Regulations resulting in significant and unmitigable impacts to land use and historic resources.

Biological Resources

The proposed project would result in direct permanent and temporary impacts to Diegan coastal sage scrub and temporary impacts to coastal salt marsh and salt panne habitats. Direct impacts to Diegan coastal sage scrub would be mitigated through on-site restoration of habitat within the MHPA, or in lieu fee payment into the Multiple Habitat Program Area (MHPA) habitat acquisition fund. The direct, temporary impact to coastal salt marsh and salt panne would be mitigated through on-site restoration at a 1:1 ratio due the nature of impact being temporary. It is anticipated that the habitats would recover on their own, as the impact would be from trampling and no grading or root system removal would occur.

Alternatives for Reducing Significant Impacts

With the exception of the No Project Alternative none of the project alternatives analyzed in the project's Environmental Impact Report (EIR) would completely eliminate all of the significant land use, biological and historical resource impacts. The No Project Alternative assumes that no development would occur on the proposed project site. This alternative is not recommended because it would continue the vehicle/bicycle conflicts that currently exist from using the existing bike lanes (along roadways). Additionally, the No Project Alternative would fail to meet the goals of the City of San Diego Bicycle Master Plan, the San Diego Association of Governments (SANDAG) Bayshore Bikeway Plan, and the Otay Valley Regional Park Concept Plan to provide an off-street bike path that connects to the 24-mile Bayshore Bikeway around San Diego Bay.

Conclusion

Staff concurs with the proposed mitigation and believes that there is substantial evidence to support the required findings and recommends that the Planning Commission recommend to the City Council adoption of Site Development Permit No. 3276 and the associated findings of approval.

ALTERNATIVES

- 1. Approve** Site Development Permit No. 3276, with modifications.
- 2. Deny** Site Development Permit No. 3276, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

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PXG

Attachments:

1. Community Plan Land Use Map
2. Aerial Photograph
3. Site Photographs
4. Location of Otay River Berm and Main Street Dike
5. Aerial Project Plan
6. Location of Proposed Project Components
7. Trail Cross Section Outside Railroad Tracks
8. Trail Cross Section Inside Railroad Tracks
9. Proposed Security Fence
10. Proposed Haul Road Relocation
11. Proposed Steel Truss Bridge Construction
12. Visual Simulation of Steel Truss Bridge
13. MHPA Location Map
14. Draft Permit with Conditions
15. Draft Resolution with Findings
16. Ownership Disclosure Statement