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W10f & W11b

Addendum

March 7, 2016

To: Commissioners and Interested Persons

From: California Coastal Commission San Diego Staff

Subject: Addendum to **Items W10f** and **W11b, California Department of Transportation (Caltrans) Coastal Development Permit Application No. 6-15-2092** and **Notice of Impending Development No. NCC-NOID-0005-15 (Phase 1/Stage 1 – Interstate-5 Improvements at San Elijo Lagoon)**, for the Commission Meeting of March 9, 2016

The purpose of this addendum is to attach a letter from the applicant; to make minor clarifications to the above-referenced staff report dated February 26, 2016, two of which (numbers 1 and 5 below) are based on the applicant's letter; and to respond to the one suggestion in the applicant's letter that staff is not adopting, as follows:

1. Add the attached letter to the staff report as Exhibit No. 11.

2. On Pages 16-17 of the staff report, Special Condition #6 ("Agricultural Conservation Easement") shall be revised as follows:

A. No development, as defined in Section 30106 of the Coastal Act, shall occur in the area generally depicted on Exhibit 7~~6~~ as the pink-lined area (preserved farmland) of ~~Parcel 2 (~~the parcel currently designated by the San Diego County Assessor's office as APN 261-210-20~~)~~ except for the following, but only if approved by the City of Encinitas and/or the Commission through issuance of a future coastal development permit ("CDP") or CDP amendment, approval of a future notice of impending development ("NOID"), or concurrence with a future federal consistency certification:

1. construction staging and storage during construction, but either one only as described in the Final Integration Plan approved pursuant to Special Condition 1, above; ~~of Phase 1/Stage 1 improvements authorized by CDP No. 6-15-2092 and NOID No. NCC-NOID-0005-15,~~

2. installation of electricity and electric meter, installation of recycled water pipes and water meter, grading an access road to provide public access to the community garden area, grading/terracing to create a community garden, agricultural activities (including a community garden)~~,~~ and other incidental uses to support agricultural operations and a community garden (e.g., greenhouse, storage shed), and construction, operation, and

maintenance of accessory structure(s) (e.g., barn, outdoor classroom) to support agricultural operations and the community garden.

~~2. construction, operation, and maintenance of accessory structure(s) (e.g., barn, outdoor classroom) to support agricultural operations and the community garden, if approved by the City of Encinitas and/or the Commission through a future coastal development permit or NOID.~~

B. No development, as defined in Section 30106 of the Coastal Act, shall occur in the area generally depicted on Exhibit 7~~6~~ as the red-lined area (preserved open space) of ~~Parcels 1 (~~the parcels currently designated by the San Diego County Assessor's office as APN 261-210-16~~)~~ and ~~2 (~~APN 261-210-20~~)~~ except for the following, but only if approved by the City of Encinitas and/or the Commission through issuance of a future coastal development permit ("CDP") or CDP amendment, or approval of a future notice of impending development ("NOID"): ~~open space,~~ habitat preservation and/or restoration~~,~~ and installation and maintenance of utilities (e.g., water pipes and electrical lines).

C. PRIOR TO COMMENCEMENT OF CONSTRUCTION, Caltrans shall ensure that the owner(s) of ~~Parcels 1 and 2~~ the parcels currently designated by the San Diego County Assessor's office as APN 261-210-16 and APN 261-210-20 execute and record a document in a form and content acceptable to the Executive Director, irrevocably offering to dedicate to a public agency or private association approved by the Executive Director an agricultural conservation easement for the purpose of protecting ongoing agricultural resources (including a community garden) buffered by open space areas. The offered easement shall cover the area generally depicted by the pink-lined area (preserved farmland) and the red-lined area (preserved open space) of ~~Parcels 1 (~~the parcels currently designated by the San Diego County Assessor's office as APN 261-210-16~~)~~ and ~~2 (~~APN 261-210-20~~)~~ as shown in Exhibit 7~~6~~. The recorded document shall include formal legal descriptions of the entirety of ~~Parcels 1 (APN 26121016) and 2 (APN 26121020)~~ those two parcels and a metes and bounds legal description and graphic depiction, prepared by a licensed surveyor, based on an on-site survey, of each of the easement areas. The recorded document shall also reflect that development in the easement areas is restricted as set forth in this permit condition. The offer shall be recorded free of prior liens and free of encumbrances that the Executive Director determines may affect the interest being conveyed, shall run with the land, binding all successors and assigns, and shall be irrevocable for a period of 21 years from the date of recordation of the offer.

Notwithstanding the requirements in Section C of Special Condition 6, the Executive Director may allow Caltrans to begin construction in advance of recordation of the offer to dedicate required by that paragraph above, upon a showing of good cause.

3. On Page 17 of the staff report, Special Condition #7 shall be revised to reference the correct exhibit:

Final MOU with the San Elijo Lagoon Conservancy. PRIOR TO COMMENCEMENT OF CONSTRUCTION, Caltrans shall submit to the Executive Director for review and written approval, a Final Memorandum of Understanding (MOU)

or Cooperative Agreement with the San Elijo Lagoon Conservancy, to facilitate implementation of agricultural operations, including a community garden or other related agricultural activities, located in the pink-lined area (preserved farmland) and red-lined area (preserved open space) of ~~Parcels 1 (~~the parcels currently designated by the San Diego County Assessor's office as APN 261-210-16~~)~~ and ~~2 (~~APN 261-210-20~~)~~ as shown in Exhibit 7~~6~~. The MOU shall include, but not be limited to, description and purpose of the agricultural operations, the roles and responsibilities of each entity in the initial start up of the agricultural operations and facility preparation, and the roles and responsibilities of each entity in the ongoing operation and maintenance of the agricultural operations.

4. On Pages 17-18 of the staff report, Special Condition #8 shall be revised to reference the correct exhibit:

Establishment of Agricultural Endowment. PRIOR TO COMMENCEMENT OF CONSTRUCTION, Caltrans shall provide evidence, in a form and content acceptable to the Executive Director, that $800,000 has been deposited in a non-wasting endowment to support agricultural operations on ~~Parcels 1 (~~the parcels currently designated by the San Diego County Assessor's office as APN 261-210-16~~)~~ and ~~2 (~~APN 261-210-20~~)~~ as shown in Exhibit 7~~6~~.

A. The required endowment of $800,000 shall be deposited into an interest bearing account, to be established and managed by one of the following entities approved by the Executive Director of the Coastal Commission: San Elijo Lagoon Conservancy, City of Encinitas, California Coastal Conservancy, or a similar entity. The purpose of the account shall be to establish and support agricultural operations, including ongoing agricultural operations, on ~~Parcels 1 (~~the parcels currently designated by the San Diego County Assessor's office as APN 261-210-16~~)~~ and ~~2 (~~APN 261-210-20~~)~~ as shown in Exhibit 7~~6~~. The $800,000 and any accrued interest shall be used solely for the above stated purpose, in consultation with the Executive Director, on an ongoing basis to fund start up, operation, and maintenance costs of the agricultural lands. All development funded by this account will require review and approval by the Executive Director of the Coastal Commission and/or the City of Encinitas.

5. On Pages 39 of the staff report, the last paragraph shall be revised as recommended by the applicant to clarify that all temporary impacts are considered long-term temporary impacts:

Although the project has been sited and designed to avoid or minimize impacts to ESHAs, the Phase 1/Stage 1 project area would result in approximately 6.62 acres of permanent impacts to native upland vegetation, ~~approximately 10.05 acres of temporary impacts to native upland vegetation,~~ and approximately 13.01~~2.96~~ acres of long-term temporary impacts (disturbances resulting in impacts lasting more than 12 months) to native upland vegetation, as identified in the September 2015 Biological Resource Evaluation. The NCC PWP/TREP originally identified 22.08 acres of permanent upland impacts for the proposed project; however, due to the fact that some impacts that were originally considered permanent are now considered temporary because these areas will be

revegetated and restored, the permanent impact acreages have been reduced. Also, changes in the scope of the specific

6. On Page 63 of the staff report, the second and third paragraph which continues onto Page 64, shall be revised to reference the correct exhibit and parcel numbers:

Implementation of Phase 1/Stage 1 would impact 5.57 acres of agricultural fields in the City of Encinitas, north of Manchester Avenue and east of I-5. More specifically, the San Elijo Multi-Use Facility would encroach into a 42.47-acre area comprised of three parcels that have historically been farmed with strawberries and flowers. This encroachment would result in a total of 5.01 acres of permanent impacts and 0.56 acres of temporary impacts (Exhibit 7~~6~~) due to construction staging. However, the majority of impacts (4.55 acres permanent and 0.44 acres temporary) would be limited to the westernmost parcel (~~Parcel 2~~APN 261-21-020) located directly adjacent to the existing freeway off-ramp at Manchester Avenue, and would not substantially displace agricultural resources or disrupt or preclude continued agricultural operations on adjacent parcels. Further, the parcel located directly to the north (~~Parcel 1~~APN 261-210-16), held under common ownership ~~with Parcel 2~~ and currently comprise of fallow agricultural lands and open space would not be affected. To ensure preservation, in perpetuity, of the agricultural resources and open space opportunities available on these parcels, Caltrans purchased both of these ~~P~~parcels ~~1 and 2~~ in December 2015.

The multi-use facility would also result in minor impacts totaling 0.46 acres of permanent impacts and 0.12 acres of temporary impacts to one additional, actively farmed parcel located north of Manchester Avenue (~~Parcel 3~~APN 261-210-01). Caltrans attempted to purchase this parcel ~~Parcel 3~~ to provide further agricultural preservation; however, the property owner was unwilling to sell. Had Caltrans been able to purchase this parcel ~~Parcel 3~~, it would have effectively ensured all 42.47 acres of affected agricultural parcels were maintained as farmland or open space in perpetuity. Nonetheless, Caltrans has conducted an Agricultural Viability Analysis for the affected agricultural lands and determined that potential impacts would not compromise the ability for the remaining 37.46 acres of farmland unaffected at Manchester Avenue to remain in a combination of ongoing agricultural production ~~at Parcel 3~~, as well as development of new farming activities (5.73 acres) and preserved open space (12.17 acres)~~ on Parcels 1 and 2~~. While none of these parcels meet the Section 30241 Coastal Act standards for prime agricultural land, most are either actively farmed or have recently been in agricultural production.

7. The attached letter from Caltrans states that the discussion on Pages 48-49 of the staff report should describe that the “2 pole lights at the loop ramp could be considered out of the lagoon viewshed”. Although the two pole lights are not located directly over the San Elijo Lagoon, they are in close proximity to the lagoon and are within the overall lagoon viewshed. Thus, the suggestion does not accurately characterize the location of the 2 pole lights and was not adopted into the final staff report.

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March 4, 2016

Kanani Brown
California Coastal Commission
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SUBJECT: North Coast Corridor Public Works Plan/Transportation and Resource Enhancement Program – Phase 1/Stage 1 Project Coastal Development Permit and Notice of Impending Development (CDP/NOID) - Response to Combined Staff Report Recommendation for Items W10f and W11b

Dear Ms. Brown:

The California Department of Transportation (Caltrans), as the applicant for the North Coast Corridor Public Works Plan/Transportation and Resource Enhancement Program (PWP/TREP) CDP No. 6-15-2092 and NOID No. NCC-NOID-0005-15, has received and reviewed the combined Staff Report recommendation, findings and declarations for items W10f and W11b, dated February 26, 2016, to be heard on Wednesday, March 9, 2016.

The proposed Phase 1/Stage 1 project is subject to a CDP to replace the existing Interstate 5 bridge over San Elijo Lagoon with a longer and wider bridge to increase tidal flow, accommodate the addition of one HOV lane in each direction, and construct a suspended pedestrian bridge under the new I-5 bridge, in Encinitas, San Diego County. Additionally, the proposed project is subject to a NOID, pursuant to the Public Works Plan No. PWP-6-NCC-13-0203-1, as proposed to be amended. The subject NOID would add one HOV lane in each direction, construct the associated segment of the North Coast Bike Trail, enhance an existing pedestrian trail adjacent to the lagoon, and construct a Multi-Use Facility in the northeast quadrant of I-5 and Manchester Avenue that will be used as a Park and Ride and staging area for lagoon visitors. The NOID proposes construction on I-5 from Lomas Santa Fe undercrossing in Solana Beach to Birmingham Drive overcrossing in Encinitas, San Diego County.

We thank staff for their time and attention to prepare a comprehensive staff report and strongly support the recommendation for approval of the CDP and NOID, as conditioned. Based on our careful review, we would like to offer the following minor clarifications and comments, for consideration:

- On pages 39 and 40, the discussion states that the Phase 1/Stage 1 project area would result in approximately 10.05 acres of temporary impacts to native upland vegetation, and approximately 2.96 acres of long-term temporary impacts (disturbances resulting in impacts lasting more than 12 months), as identified in the September 2015 Biological Resource Evaluation. However, we have

assumed the 10.05 acres of temporary impacts to native upland vegetation would likewise be considered long-term temporary, for a combined total of 13.01 acres of long-term temporary impacts, and are proposing to mitigate accordingly.

- On pages 48 and 49, the discussion about the number of lights is not consistent with the most current, agreed upon changes. Figure 1-8 correctly shows the following: Existing: 3 pole lights and 1 illuminated sign; Initial Design: 16 pole lights; Final Design 11 pole lights, however 2 pole lights at the loop ramp could be considered out of the lagoon viewshed.

The first phase of the North Coast Corridor PWP/TREP highway, public access and community enhancements, and bridge replacement improvements to be located within the San Elijo Lagoon watershed this represents a collaborative effort among SANDAG, Caltrans, the California Coastal Commission, and the cities of Solana Beach and Encinitas to continue development and implementation of a comprehensive multi-modal and resource enhancement program that will serve residents and visitors of the greater San Diego Coastal Zone area and assist in satisfying an ever increasing demand for coastal public access and recreation for years to come. We thank you for your time and assistance to get this first major effort to an expeditious hearing and positive recommendation.

Sincerely,

Allan Kosup
I-5 & SR76 Corridor Director, Caltrans

cc: Gabriel Buhr, CCC
Linda Culp, SANDAG
Rob Rundle, SANDAG
Arturo Jacobo, Caltrans
Kim Smith, Caltrans

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W10f, W11b

DATE: February 26, 2016

TO: Commissioners and Interested Persons

FROM: Sherilyn Sarb, Deputy Director, San Diego Coast District
Deborah Lee, District Manager, San Diego Coast District
Gabriel Buhr, Coastal Program Manager, San Diego Coast District
Kanani Brown, Coastal Program Analyst III, San Diego Coast District

SUBJECT: **Coastal Development Permit Application No. 6-15-2092** and **Notice of Impending Development No. NCC-NOID-0005-15 (Phase 1/Stage 1 - Interstate-5 Improvements at San Elijo Lagoon)** for Public Hearing and Commission Action at the March 9, 2016 Commission Meeting in Santa Monica

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SYNOPSIS

Coastal Development Permit (CDP) No. 6-15-2092 and Notice of Impending Development (NOID) No. NCC-NOID-0005-15 were submitted by District 11 of the California Department of Transportation (Caltrans) on December 4, 2015, and the CDP application was filed as complete on January 4, 2016. The date by which the Commission must take action on the CDP absent an extension of the time limit is July 2, 2016. Caltrans has waived the required 30-day processing time for the NOID in order to make the March 2016 Commission meeting.

The subject CDP and NOID are associated with North Coast Corridor Public Works Plan and Transportation and Resource Enhancement Program (NCC PWP/TREP) Amendment No. PWP-6-NCC-16-0001-1 submitted by Caltrans and the San Diego Association of Governments (SANDAG) – which is also scheduled for Commission review at the March 9, 2016 meeting. That amendment includes proposed changes to the NCC PWP/TREP that must be heard and acted upon prior to consideration of the subject NOID. The standard of review for the NOID is the NCC PWP/TREP, and without the proposed changes to the NCC PWP/TREP, the specific project as submitted could not be found consistent with the NCC PWP/TREP. The standard of review for the subject CDP is Chapter 3 of the Coastal Act with the NCC PWP/TREP, as amended, to be used as guidance.

EXECUTIVE SUMMARY

Background

The North Coast Corridor (NCC) is approximately 27 miles long by 6 miles wide, and is home to over 525,000 people (Exhibit 1). Six San Diego County cities lie entirely or

partially within the NCC: San Diego, Del Mar, Solana Beach, Encinitas, Carlsbad, and Oceanside. The NCC includes long open stretches of public beaches, six coastal lagoons, and five creeks and rivers, as well as associated open space and other coastal habitat areas.

The North Coast Corridor Public Works Plan and Transportation and Resource Enhancement Program (NCC PWP/TREP) was approved by the Commission on August 13, 2014 (PWP-6-NCC-13-0203-1). The NCC PWP/TREP, jointly prepared by Caltrans and SANDAG, is a single integrated document for comprehensively planning, reviewing, and permitting the transportation, community, and resource enhancement projects within the NCC extending from La Jolla to Oceanside along the North San Diego County coastline (Exhibit 1). The NCC PWP/TREP creates a framework within which identified specific projects can be analyzed and implemented over the next 40 years under a coordinated plan. The goal of this process is to optimize the suite of improvements so that transportation goals are achieved in a manner that maintains and improves public access while also maximizing protection and enhancement of the region's significant sensitive coastal resources.

The NCC PWP/TREP includes a Phasing Plan that provides an implementation schedule for a series of rail, highway, transit, bicycle, and pedestrian projects to improve and maintain mobility and access to coastal recreational resources in the NCC. The NCC PWP/TREP also includes a comprehensive restoration program designed to protect, restore, and enhance sensitive coastal resources in the NCC as one means of mitigating the potential resource impacts caused by implementation of the transportation and community enhancement projects. The framework created within the Phasing Plan creates linkages between these various project types to ensure that transportation infrastructure improvements move forward in a balanced fashion as compared with regional restoration efforts in order to protect and enhance coastal resources and to ensure that mitigation for impacts caused by the project occurs in a timely manner in relation to the associated impacts.

Chapter 5 of the NCC PWP/TREP (Coastal Development Policies and Resources) is divided into ten sections (5.1 – Energy Conservation and Emissions Reduction; 5.2 – Promotion of Public Transit and Smart Growth; 5.3 – Public Access and Recreation; 5.4 – Marine Resources; 5.5 – Environmentally Sensitive Habitat Areas and Special-Status Species; 5.6 – Archaeological and Paleontological Resources; 5.7 – Coastal Visual Resources; 5.8 – Site Stability and Management, 5.9 – Agricultural Resources, and 5.10 – Coastal Act Policy Conflict Resolution) with each section containing policies, design/development strategies, and implementation measures, specific to the relevant issue area. The policies and design/development strategies apply to all NCC PWP/TREP improvements, while the implementation measures are project-specific and apply to NCC PWP/TREP improvements that are subject to the NOID review process. The Phase 1/Stage 1 specific project as conditioned is consistent with all policies and has incorporated all design/development strategies and implementation measures, as discussed below, and in greater detail in the findings section.

Summary of Proposal and Coordination

At this time, Caltrans is requesting review of Phase 1/Stage 1 of the Interstate-5 (I-5) North Coast Corridor Project. Construction for Phase 1/Stage 1 will occur on I-5 from the Lomas Santa Fe Drive undercrossing in Solana Beach to the Birmingham Drive overcrossing in Encinitas. The project scope includes the addition of one HOV lane in each direction, replacement of the San Elijo Lagoon I-5 Bridge with a bridge that is longer to increase hydrologic connectivity in the lagoon and wider to accommodate the new HOV lanes, construction of the North Coast Bike Trail from Lomas Santa Fe Drive to the entrance of the San Elijo Ecological Reserve and Regional Park, and enhancement of the existing pedestrian trail on the east side of the freeway at the lagoon. The project also includes construction of a Multi-Use Facility in the northeast quadrant of I-5 and Manchester Avenue that will be used as a Park-and-Ride as well as a staging area for lagoon visitors, and a new trail and sidewalk connection that extends from the proposed Multi-Use Facility to the existing Lagoon Visitor Center located in the central basin of San Elijo Lagoon. Construction for all of the Phase 1/Stage 1 improvements is anticipated to begin in fall 2016 and end in summer 2020.

As required by Senate Bill 468 (SB 468) and the NCC PWP/TREP, Caltrans has coordinated Phase 1/Stage 1 of the I-5 North Coast Corridor Project with SANDAG's San Elijo Double Track Project and the San Elijo Lagoon Conservancy's San Elijo Lagoon Restoration Project to minimize environmental impacts to the San Elijo Lagoon. As such, replacement of the LOSSAN rail and I-5 freeway bridges will be conducted concurrently with implementation of the San Elijo Lagoon Restoration Project. SANDAG has submitted a Federal Consistency application to the Commission for the San Elijo Double Track Project, which will be scheduled for the Commission's review at a future meeting once it is deemed complete. Additionally, the San Elijo Lagoon Conservancy anticipates submitting a CDP application to the Commission in the upcoming months for the San Elijo Lagoon Restoration Project. Thus, all projects are in the process of obtaining necessary permits before the anticipated construction start date – fall 2016.

In January 2015, as part of the preconstruction process, the San Elijo Lagoon Integration Team was created and is comprised of the Construction Manager General Contractor (CMGC) and staff from Caltrans, SANDAG and the San Elijo Lagoon Conservancy. This unique process has allowed all of these separate projects to collaborate and coordinate construction activities for the highway, rail and lagoon restoration as intended by SB 468 and the NCC PWP/TREP. If these three projects were not coordinated and constructed concurrently, the construction schedule would likely exceed 88 months (44 months for the highway, 18 months for the rail, and 26 months for the lagoon) instead of the currently proposed 44 months which effectively cuts the temporal impacts from construction activities within the lagoon in half, and thereby will significantly minimize construction impacts to sensitive coastal resources within and adjacent to the San Elijo Lagoon. Another benefit of coordination between projects is opportunity to utilize the location of the future Manchester Multi-Use Facility as a constructing staging area shared

by all projects. Similarly, access roads will be shared by all projects as well. Another benefit of coordination is a reduction in truck trips, including 1,500 fewer trips to a landfill since the contractor can perform clear and grub activities at the multi-use facility. Beach quality sand from the highway project will be exported to the rail project embankment and to the lagoon restoration project for capping the dredge pit, reducing truck trips by approximately another 11,000 trips. Without integration of these projects, any excess material would need to be disposed of at an off-site location, resulting in potential adverse impacts to public access, air quality and energy consumption as a result of increased truck trips.

Project Benefits and Impacts

Public Access

As travel demand in the I-5 highway corridor continues to increase, so does the existing coastal access impediment of traffic congestion. Traffic congestion inhibits many potential carpool, vanpool, and bus transit options, as these modes of travel currently are subject to the same traffic congestion that single occupancy vehicles experience on the I-5 highway. However, the addition of HOV lanes in Phase 1/Stage 1 will give priority to ride-sharers and public transit, while reducing overall congestion, and protecting and facilitating public access to and along the coast. The Manchester Multi-Use Facility also includes amenities that promote ride-sharing, including a park-and-ride facility with 153 parking spaces and a passenger drop-off area. It also includes a staging area and 20 designated lagoon parking spaces to support public access and recreation opportunities to the adjacent San Elijo Lagoon trail network. The North Coast Bike Trail will encourage non-automobile transportation by providing access to and along the coast and recreation areas via a new continuous bicycle path roughly parallel to the highway. The North Coast Bike Trail, as well as the bike and pedestrian improvements on Manchester Avenue, will better connect users with existing regional bike and pedestrian facilities as well as public transit centers. Thus, the Phase 1/Stage 1 improvements will encourage ride-sharing, public transit, and multimodal travel, which will reduce traffic congestion that would otherwise adversely affect the ability of the public to reach the coast along this primary coastal access corridor.

Agriculture

Implementation of Phase 1/Stage 1 would impact 5.57 acres of agricultural fields in the City of Encinitas, north of Manchester Avenue and east of I-5. More specifically, the Manchester Multi-Use Facility would encroach into a 42.47-acre area comprised of three parcels that have historically been farmed with strawberries and flowers. This encroachment would result in a total of 5.01 acres of permanent impacts and 0.56 acres of temporary impacts (Exhibit 6) due to construction staging. The majority of these impacts would be limited to the area directly adjacent to the existing I-5 highway off-ramp, thereby concentrating development contiguous with the existing developed facility, consistent with Coastal Act Section 30250, and the NCC PWP/TREP anticipates and authorizes these impacts. Caltrans has conducted an Agricultural Viability Analysis for

the affected agricultural land and determined that potential impacts would not disrupt or preclude continued agricultural operations in the remaining area.

Caltrans' proposed mitigation package for Phase 1/Stage 1includes mitigation of the combined permanent (5.01 acres) and temporary (0.56 acres) impacts to agricultural resources at a 1:1 ratio utilizing Tier 1 mitigation (as defined in the NCC PWP/TREP) – the preservation of existing, actively farmed land located immediately north of and adjacent to the multi-use facility. In accordance with Tier 1 provisions, this land will be preserved in perpetuity and any future development potential inconsistent with agricultural use will be extinguished. Further, the remainder of the unaffected area along with the neighboring open space parcel held under common ownership (12.17 acres) will be maintained in open space to ensure there is an adequate buffer between the ongoing agricultural production and surrounding development. As required by Special Condition #6, a conservation easement will be placed on these two properties to prohibit non-agricultural uses in perpetuity. Additionally, and in accordance with Tier 2 provisions, Caltrans in coordination with the San Elijo Lagoon Conservancy (SELC) proposes to construct and operate a 5.73-acre preserved farmland area/community garden on the subject site that would support "urban agriculture" in the Coastal Zone. This community garden would be maintained and operated by the SELC for the community to participate in onsite agricultural related programs. The community garden will also include an educational component for adults and children relating to plant cultivation. Caltrans will enter into a cooperative agreement with the SELC to facilitate the implementation of the community garden and to outline the purpose of the community garden, as well as the roles and responsibilities of both agencies in its initial start up as well as ongoing operations. Special Condition #7 requires Caltrans to submit this agreement or Memorandum of Understanding with the SELC to the Executive Director for review and written approval.

In order to facilitate the initial start up of the community garden, Caltrans has agreed to perform the following construction activities: 1) run electricity and install an electric meter, 2) run recycled water pipes and install a water meter, 3) run potable water pipes and install a water meter, 4) grade an access road to provide public access from Manchester Avenue and/or the multi-use facility, and 5) grade/terrace the garden once a final plan has been approved. In addition, to provide support for the ongoing operation of the community garden, Caltrans proposes to contribute an endowment of $800,000. The endowment would have an assumed interest rate of 5% and an average annual return of approximately $40,000. Based on this anticipated rate of return and analysis conducted by Caltrans and the SELC, it is estimated that this would be sufficient to cover annual operations and maintenance costs. Special Condition #8 requires this endowment to be established prior to commencement of construction.

Lighting

There are two existing pole lights and one illuminated sign for a total of three lights at the existing Manchester Avenue interchange. The subject CDP/NOID proposes to remove the existing 1970s-era lights, which provide substandard illumination at current traffic

volumes, and replace them with updated lights that will meet current Caltrans safety standards. Caltrans initially proposed 16 total pole lights to be consistent with State safety guidelines; however, the final lighting design has since been refined to 9 total pole lights, which Caltrans asserts is the minimum necessary for safety. The proliferation of tall structures, such as the proposed pole lights, has the potential to add visual clutter to the San Elijo Lagoon viewshed, which currently has limited lighting. Additionally, an increase in lights has the potential to contribute to greater light trespass into the night sky, which would potentially impact sensitive species that reside in the lagoon. Caltrans has conducted visual simulations and asserts that additional light from increased light poles would be insignificant in comparison to the light on the freeway from the headlights of vehicles traveling on the freeway both under current and future conditions.

To address potential impacts to visual and biological resources, Caltrans proposes to use new types of light fixtures at the San Elijo Lagoon crossing. These new light fixtures will use precise light beam angles and linear spread lenses to control the distribution of light; the light beam output distribution and shape ensures environmental protection by limiting light trespass into the sky. Not only are these lights better directed, but they are also better shielded and will utilize energy efficient LEDs with a low temperature of 3,000 Kelvins or lower, which is below the standard range of 3,500-6,500 Kelvins typically used for freeway lighting. Bird spikes will also be installed to ensure the pole lights are not used as perches by raptors hunting sensitive species that reside in the San Elijo Lagoon. Finally, as technological advances in lighting are realized, Caltrans has committed to retrofitting lighting in scenic viewsheds in the corridor, including the San Elijo Lagoon crossing, to further minimize potential coastal resource impacts.

While the subject CDP/NOID would result in an increase in freeway pole lights over existing conditions, the updates to freeway lighting are proposed to be sited in the same general vicinity as existing lighting and could still be visually compatible with the existing character of the corridor which is comprised of a major freeway that is heavily utilized and includes signage for way-finding and hazards, illuminated overhead signs, pole lights, and vehicles with head lights. The proposed addition of pole lights at Manchester Avenue interchange, if minimized, would not obstruct existing views to and along the ocean or lagoons. Special Condition #5 requires Caltrans to submit a Final Lighting Plan prior to installation of freeway lighting that includes applicable technologies designed to reduce night glow and light trespass, as well as minimization of the number of pole lights, while still maintaining a level of illumination for safe freeway operations.

Environmentally Sensitive Habitat Areas

The Phase 1/Stage 1 improvements would impact environmentally sensitive habitat areas (ESHA); however, the NCC PWP/TREP does anticipate and authorize these impacts, and the Resource Enhancement and Mitigation Program (REMP) in the NCC PWP/TREP provides for compensatory mitigation to enhance and restore the biodiversity and habitat functions on a regional scale within the NCC project area in advance of unavoidable project impacts. The REMP includes options for allocating funding from SANDAG for

regionally significant mitigation opportunities, including the establishment, restoration, enhancement, preservation, and long-term management of coastal wetlands and adjacent riparian areas, other transitional habitats, and upland areas. While these mitigation efforts do not include traditional in-kind habitat replacement mitigation ratios, the approved program is intended to restore and enhance an integrated ecosystem that provides habitat for birds, fish, and benthic organisms, which would not only compensate for the loss of ESHAs that would occur from the NCC PWP/TREP improvements, but would provide for enhancement of ESHAs throughout the North San Diego County coastal zone.

Implementation of Phase 1/Stage 1 would result in permanent impacts to 2.38 acres of wetlands and 6.62 acres of sensitive upland habitat from replacing the San Elijo Lagoon Bridge, armoring the bridge abutments, grading slopes to widen the freeway and constructing bike paths along I-5 and Manchester Avenue. The NCC PWP/TREP anticipates these impacts and authorizes these improvements or, in the case of project components within the Commission's retained jurisdiction, finds them approvable notwithstanding these impacts. Pursuant to the REMP, Caltrans proposes to mitigate these impacts through habitat establishment and restoration activities that have already been initiated at restoration sites identified in the NCC PWP/TREP. In addition, mitigation credits will also be used from funding an endowment for inlet maintenance at Los Penasquitos Lagoon and the first dredging of the inlet. Caltrans anticipates that these restoration sites will have achieved required performance measures tied to mitigation credit releases and that adequate mitigation credits will be available prior to the commencement of construction; however, Special Condition #4 requires Caltrans to provide evidence of such prior to commencement of construction. If adequate credits are not available, Caltrans shall provide mitigation using traditional in-kind habitat replacement mitigation ratios (e.g., 4:1 for wetlands and 2:1 for upland habitats), as provided for in the NCC PWP/TREP.

Conflict Resolution

The following conflict resolution discussion is applicable to wetland and ESHA impacts associated with Phase 1/Stage 1 as it is a specific project considered within the NCC PWP/TREP. Section 30233(a) of the Coastal Act only permits the diking, filling, or dredging of wetlands where there is no feasible less environmentally damaging alternative, where feasible mitigation measures have been provided to minimize adverse environmental effects, and when it is limited to certain uses. Section 30240 prohibits significant disruption or degradation of the habitat values of ESHAs. The findings for approval of the original NCC PWP/TREP (PWP-6-NCC-13-0203-1) found that the proposed fill, by itself, would not be an allowable use, and that other elements of the project would significantly disrupt and/or degrade ESHAs. However, the Commission also found that the project as a whole presented conflicts among Chapter 3 policies, and it used the "conflict resolution" provision of Sections 30007.5 and 30200(b) of the Coastal Act to allow limited dredging and filling of wetlands, despite its inconsistency with Section 30233, and limited impacts to ESHAs, despite their inconsistency with Section 30240. When the Commission identifies a conflict among Coastal Act policies, Section

30007.5 requires the Commission to resolve the conflict "in a manner which on balance is the most protective of significant coastal resources". The NCC PWP/TREP findings identified that approval of the NCC PWP/TREP would result in the fill of approximately 24 acres of wetlands throughout the NCC despite not being one of the identified allowable uses in Section 30233 as well as impacts to approximately 64 acres of ESHA despite not being one of the identified allowable uses in Section 30240. However, denying the NCC PWP/TREP because of this inconsistency would have been inconsistent with mandates of other Coastal Act policies and would have resulted in significant adverse effects on public access, biological resources, water quality and air quality due to the persistence of the antiquated transportation system in the NCC. Thus, the Commission found a conflict, and it went on to find that approval of the NCC PWP/TREP, notwithstanding its inconsistencies with Coastal Act Section 30233, was the "most protective of coastal resources" for purposes of the conflict resolution provisions of Coastal Act Sections 30007.5 and 30200(b).

Hydrology and Water Quality

The proposed replacement of the San Elijo Lagoon I-5 Bridge has been sited and designed to protect and restore hydrologic connectivity within San Elijo Lagoon. Tidal and fluvial hydraulic modeling in the San Elijo Lagoon Bridge Optimization Study analyzed a range of channel widths for the proposed replacement bridge to identify which would provide the optimum tidal and fluvial flows. A sensitivity analysis was conducted under typical dry weather tidal fluctuations and extreme storm conditions, including a 100-year storm and a 100-year storm plus a conservative projection of sea level rise (i.e., 4.5 feet in year 2100) combined water levels. Tidal range was used as the primary indicator for benefits to the wetland ecosystem, and extreme flood elevations were modeled to evaluate the potential for flooding of the bridge. It was determined that the 100-year storm would increase the water level by two feet, which is equivalent to between 19.5 and 21.1 feet of freeboard, or the distance between the surface of the water and that of the bridge deck, and therefore the bridge has been designed to accommodate sea level rise. Using these indicators, the "optimal" bridge length of 560 feet with an optimized channel width of 261 feet was identified; this represents a significant change compared to the existing bridge which is 340 feet long and has a channel width of 155 feet. This bridge design incorporates the length at which tidal range and flood conveyance were the most favorable, and beyond which further increases in bridge length would result in minimal benefits.

To protect and improve water quality in the corridor, Caltrans has taken advantage of all opportunities to treat existing and proposed impervious surfaces. There are 2 modular infiltration systems, 6 bio-infiltration swales, 1 detention basin, 1 enhanced infiltration through the natural environment biostrip, and 7 bioretention/infiltration cells (3 of which are within the City of Encinitas' right-of-way are not counted in the percent treatment below) proposed as part of the treatment strategy for the Phase 1/Stage 1 project that will treat 232% of the net new equivalent impervious areas and 76% of total impervious highway surfaces within the specific project footprint.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission **approve** CDP No. 6-15-2092, as conditioned, and find NOID No. NCC-NOID-0005-15, as conditioned, to be consistent with the NCC PWP/TREP. The standard of review for the subject NOID is whether the development is consistent with the NCC PWP/TREP, as amended by PWP-6-NCC-16-0001-1, and whether conditions are required to bring the development into conformance with the PWP. With the required special conditions, the development is consistent with the policies, design/development strategies, and implementation measures in the NCC PWP/TREP, as amended by PWP-6-NCC-16-0001-1. The standard of review for those portions of the Phase 1/Stage 1 improvements occurring in areas of the Commission's retained jurisdiction, including within and over San Elijo Lagoon, is the Chapter 3 policies of the Coastal Act, with the NCC PWP/TREP used as guidance. With the required special conditions, and as part of the larger package analyzed in the NCC PWP/TREP, those portions of the proposed project are also approvable.

The appropriate resolutions and motions begin on Page 13. The findings for approval of the CDP and determination of the NOID's consistency with the NCC PWP/TREP begin on Page 18.

ADDITIONAL INFORMATION

Further information on the subject CDP/NOID and the associated NCC PWP/TREP amendment may be obtained from Kanani Brown or Gabriel Buhr at (619) 767-2370.

TABLE OF CONTENTS

APPENDICES

EXHIBITS

I. PROCEDURAL ISSUES

PUBLIC WORKS PLAN SCOPE AND PROCEDURES

Section 30114 of the Coastal Act defines public works to include, among other things, the following:

> *(b) All public transportation facilities, including streets, roads, highways, public parking lots and structures, ports, harbors, airports, railroads, and mass transit facilities and stations, bridges, trolley wires, and other related facilities. (…)*
>
> *(c) All publicly financed recreational facilities, all projects of the State Coastal Conservancy, and any development by a special district.*

Section 30605 of the Coastal Act states, in part:

> *To promote greater efficiency for the planning of any public works (…) and as an alternative to project-by-project review, plans for public works (…) may be submitted to the commission for review in the same manner prescribed for the review of local coastal programs set forth in Chapter 6 (commencing with Section 30500).*

A Public Works Plan (PWP) is one of the alternatives available to the Commission and project proponents for Commission review of large or phased public works projects and remains under the authority of the Commission irrespective of coastal permit jurisdictional boundaries. A PWP is an alternative to project-by-project review for public works (which, in this situation, would require multiple coastal development permits, in multiple jurisdictions, if not processed through a PWP). PWPs must be sufficiently detailed regarding the size, kind, intensity, and location of development to allow the Commission to determine its consistency with the Chapter 3 policies of the Coastal Act (in areas that are pre-LCP certification) or the certified LCP (in post-LCP certification areas). Once the Commission approves a PWP, no coastal development permit is required for a specific project described within it; rather, before commencing each specific project, the project proponent would need to submit notice in the form of a NOID, which would require the Commission to determine whether the submitted project is consistent with the standards within the PWP, or if conditions are necessary to make it consistent. Although the PWP portion of the NCC PWP/TREP does not directly authorize aspects of the subject project that are within the areas of the Commission's retained jurisdiction, it does assess their benefits and impacts as part of the overall package, and the TREP portion of the NCC PWP/TREP, which implements the Commission's federal consistency review authority, covers those aspects of the project as well.

STANDARD OF REVIEW

Sections 30605 and 30606 of the Coastal Act and Title 14, Sections 13357(a)(5), 13359, and 13353-54 of the California Code of Regulations govern the Coastal Commission's review of subsequent development where there is a certified Public Works Plan (PWP). The standard of review for those portions of the proposed project that are specifically authorized by the PWP component of the NCC PWP/TREP, and for which a Notice of Impending Development has been submitted, is whether the development is consistent with the PWP. Section 13354 requires the Executive Director to review the Notice of Impending Development within five working days of receipt and determine whether it provides sufficient information to determine if the proposed development is consistent with the certified PWP. The notice is deemed filed when all necessary supporting information has been received.

Pursuant to Section 13359 of Title 14 of the California Code of Regulations, within thirty working days of the filing of the Notice of Impending Development, the Executive Director shall report to the Commission the pendency of the development and make a recommendation regarding the consistency of the proposed development with the certified PWP. The NCC PWP/TREP includes language that allows this deadline to be extended if Caltrans agrees to waive the 30-day requirement, and in the case of the subject NOID, Caltrans has agreed to extend the processing time in order to make the March 2016 Commission meeting. After public hearing, by a majority of its members present, the Commission shall determine whether the development is consistent with the certified NCC PWP/TREP and whether conditions are required to bring the development into conformance with the NCC PWP/TREP.

The standard of review for those portions of the specific project improvements occurring in areas of the Commission's retained jurisdiction, and for which a CDP application has been submitted, including within and over the San Elijo Lagoon, is the Chapter 3 policies of the Coastal Act.

PUBLIC PARTICIPATION

The subject CDP/NOID application was formally submitted to the Commission on December 4, 2015. Additionally, the draft NCC PWP/TREP amendment associated with the subject CDP/NOID was first released for public review in December 2015. On January 26, 2016, Caltrans held a public hearing to solicit feedback and answer questions from the public regarding the associated NCC PWP/TREP amendment. This local hearing was duly noticed to the public and all known interested parties. The amendment was formally submitted to the Commission on February 5, 2016. Coastal staff has continued to accept public comment throughout the review process for the CDP/NOID and the NCC PWP/TREP amendment.

LOCAL GOVERNMENT CONSULTATION

Throughout the development of the NCC PWP/TREP, Caltrans and SANDAG have engaged the local governments in the review process. Focused meetings were held with City staffs beginning in January 2011 and extending through the summer of 2012. In the fall of 2013, Caltrans and SANDAG presented agendized briefings to the City Councils of San Diego, Encinitas, Carlsbad, and Oceanside in order to provide an update on the ongoing PWP document development and process. Staff from Caltrans, SANDAG, and the Commission have had ongoing coordination meetings with the corridor cities since the approval of the NCC PWP/TREP in August 2014 to discuss the preliminary NCC PWP/TREP projects. Most recently, on February 11, 2016, Commission staff consulted with staff from the affected corridor cities, including the cities of San Diego, Solana Beach, Encinitas, Carlsbad, and Oceanside, to discuss PWP Amendment No. PWP-6-NCC-16-0001-1 and components of the Phase 1/Stage 1 specific project that is the subject of this CDP/NOID.

STAKEHOLDER CONSULTATION

The Resource Enhancement and Mitigation Program (REMP) within the NCC PWP/TREP was developed through a collaborative process with representatives from various resource agencies including the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, the California Department of Fish and Wildlife, the Regional Water Quality Control Board, NOAA National Marine Fisheries Service, the U.S. Environmental Protection Agency, and the California Coastal Conservancy. The development of the REMP was initiated by members of this group as early as 2010 in order to identify regionally significant restoration and enhancement opportunities within the NCC. Through the NCC PWP/TREP, this group has been formalized as the REMP Working Group and meets quarterly to track and guide progress through the planned implementation phases of the PWP. The Phase 1/Stage 1 specific project that is the subject of this CDP/NOID has been presented to the REMP Working Group through the course of several recent REMP working group meetings convened between 2015-16. All comments and feedback received from the REMP Working Group members have been addressed by Caltrans as a part of the subject submittal. Additional permits for the specific project are also required from the various resource agencies, and those reviews are either underway concurrently or have already been concluded at this time.

II. MOTIONS AND RESOLUTIONS

A. NOID NCC-NOID-0005-15: APPROVAL WITH CONDITIONS

MOTION I:

I move that the Commission determine that the development described in Notice of Impending Development NCC-NOID-0005-15, as conditioned, is consistent with the certified North Coast Corridor Public Works Plan and Transportation and Resource Enhancement Program, as amended.

Staff recommends a **YES** vote. Passage of this motion will result in a determination that the development described in the Notice of Impending Development NCC-NOID-0005-15, as conditioned, is consistent with the certified North Coast Corridor Public Works Plan and Transportation and Resource Enhancement Program, and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION I:

The Commission hereby determines that the development described in the Notice of Impending Development NCC-NOID-0005-15, as conditioned, is consistent with the certified North Coast Corridor Public Works Plan and Transportation and Resource Enhancement Program as amended, for the reasons discussed in the findings herein.

B. CDP NO. 6-15-2092: APPROVAL WITH CONDITIONS

MOTION II:

I move that the Commission approve Coastal Development Permit Application No. 6-15-2092 subject to the conditions set forth in the staff recommendation.

Staff recommends a **YES** vote on the foregoing motion. Passage of this motion will result in conditional approval of the permit and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION II:

The Commission hereby approves coastal development permit 6-15-2092 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.

III. STANDARD CONDITIONS

This coastal development permit is granted subject to the following 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 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 permittee to bind all future owners and possessors of the subject property to the terms and conditions.

IV. SPECIAL CONDITIONS

A. SPECIAL CONDITIONS FOR BOTH CDP 6-15-2092 & NOID NCC-NOID-0005-15

1. **Final Plans.** PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, Caltrans shall submit to the Executive Director for review and written approval, final project plans for the Phase 1/Stage 1 specific project, including the following: Final Construction Plans, Final Construction Schedule including lane/ramp closures, Final Stormwater Pollution Prevention Plan, and Final Integration Plan. Said plans shall be in substantial conformance with the preliminary plans submitted with this application on December 4, 2015.

Caltrans shall undertake the development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans for the portions of the project covered by CDP 6-15-2092 shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment to the coastal development permit is legally required; and no changes to the approved final plans for the portions of the project covered by NOID NCC-NOID-0005-15 shall occur without a subsequent NOID unless the Executive Director determines that a subsequent NOID is not legally required.

2. Required Agency Permits. PRIOR TO COMMENCEMENT OF CONSTRUCTION, Caltrans shall submit to the Executive Director for review and

written approval, all necessary state and federal permits for all aspects of the Phase 1/Stage 1 specific project, including from the U.S. Army Corps of Engineers, the California Regional Water Quality Control Board, U.S. Fish and Wildlife Service, California Fish and Wildlife Service, and National Marine Fisheries Service.

3. Cooperative Maintenance Agreements. PRIOR TO COMMENCEMENT OF CONSTRUCTION, Caltrans shall submit to the Executive Director for review and written approval, Cooperative Maintenance Agreements with the City of Encinitas and the City of Solana Beach for community enhancements and water treatment features in Phase 1/Stage 1 that are within their jurisdictions.

4. Final Mitigation. PRIOR TO COMMENCEMENT OF CONSTRUCTION, Caltrans shall provide evidence, in a form and content acceptable to the Executive Director, that adequate credits have been released from the Resource Enhancement and Mitigation Program (REMP) in order to provide compensatory mitigation for Phase 1/Stage 1 impacts to wetlands and sensitive upland habitats. If adequate credits are not available, the applicant shall provide mitigation using typical ratios required by the Commission, as follows: 4:1 for wetlands; 3:1 for riparian habitats, rare habitat types or habitats that support rare species; and 2:1 for other ESHAs, including coastal sage scrub and southern mixed chaparral. Mitigation shall be consistent with the provisions of the REMP.

5. Final Lighting Plan. PRIOR TO INSTALLATION OF FREEWAY LIGHTING, Caltrans shall submit to the Executive Director for review and written approval, a Final Lighting Plan. In order to protect visual and biological resources in and adjacent to San Elijo Lagoon, the Final Lighting Plan shall include a final lighting design that includes applicable technologies designed to reduce night glow and light trespass, and minimize the number of light poles, while still maintaining a level of illumination necessary to maintain required freeway lighting for operations and safety.

B. SPECIAL CONDITIONS FOR NOID NCC-NOID-0005-15

6. Agricultural Conservation Easement.

A. No development, as defined in Section 30106 of the Coastal Act, shall occur in the area generally depicted on Exhibit 6 as the pink-lined area (preserved farmland) of Parcel 2 (APN 26121020) except for:

> 1. construction staging and storage during construction of Phase 1/Stage 1 improvements authorized by CDP No. 6-15-2092 and NOID No. NCC-NOID-0005-15, installation of electricity and electric meter, installation of recycled water pipes and water meter, grading an access road to provide public access to the community garden area, grading/terracing to create a community garden, agricultural activities (including a community garden), and other incidental uses to support agricultural operations and a community garden (e.g., greenhouse, storage shed.

2. construction, operation, and maintenance of accessory structure(s) (e.g., barn, outdoor classroom) to support agricultural operations and the community garden, if approved by the City of Encinitas and/or the Commission through a future coastal development permit or NOID.

B. No development, as defined in Section 30106 of the Coastal Act, shall occur in the area generally depicted on Exhibit 6 as the red-lined area (preserved open space) of Parcels 1 (APN 26121016) and 2 (APN 26121020) except for: open space, habitat preservation and/or restoration, and utilities (e.g., water pipes and electrical lines).

C. PRIOR TO COMMENCEMENT OF CONSTRUCTION, Caltrans shall ensure that the owner(s) of Parcels 1 and 2 execute and record a document in a form and content acceptable to the Executive Director, irrevocably offering to dedicate to a public agency or private association approved by the Executive Director an agricultural conservation easement for the purpose of protecting ongoing agricultural resources (including a community garden) buffered by open space areas. The offered easement shall cover the area generally depicted by the pink-lined area (preserved farmland) and the red-lined area (preserved open space) of Parcels 1 (APN 26121016) and 2 (APN 26121020) as shown in Exhibit 6. The recorded document shall include formal legal descriptions of the entirety of Parcels 1 (APN 26121016) and 2 (APN 26121020) and a metes and bounds legal description and graphic depiction, prepared by a licensed surveyor, of the easement areas. The recorded document shall also reflect that development in the easement areas is restricted as set forth in this permit condition. The offer shall be recorded free of prior liens and encumbrances that the Executive Director determines may affect the interest being conveyed, shall run with the land, binding all successors and assigns, and shall be irrevocable for a period of 21 years.

7. Final MOU with the San Elijo Lagoon Conservancy. PRIOR TO COMMENCEMENT OF CONSTRUCTION, Caltrans shall submit to the Executive Director for review and written approval, a Final Memorandum of Understanding (MOU) or Cooperative Agreement with the San Elijo Lagoon Conservancy, to facilitate implementation of agricultural operations, including a community garden or other related agricultural activities, located in the pink-lined area (preserved farmland) and red-lined area (preserved open space) of Parcels 1 (APN 26121016) and 2 (APN 26121020) as shown in Exhibit 6. The MOU shall include, but not be limited to, description and purpose of the agricultural operations, the roles and responsibilities of each entity in the initial start up of the agricultural operations and facility preparation, and the roles and responsibilities of each entity in the ongoing operation and maintenance of the agricultural operations.

8. Establishment of Agricultural Endowment. PRIOR TO COMMENCEMENT OF CONSTRUCTION, Caltrans shall provide evidence, in a form and content acceptable to the Executive Director, that $800,000 has been deposited in a non-wasting endowment to support agricultural operations on Parcels 1 (APN 26121016) and 2 (APN 26121020) as shown in Exhibit 6.

A. The required endowment of $800,000 shall be deposited into an interest bearing account, to be established and managed by one of the following entities approved by the Executive Director of the Coastal Commission: San Elijo Lagoon Conservancy, City of Encinitas, California Coastal Conservancy, or a similar entity. The purpose of the account shall be to establish and support agricultural operations, including ongoing agricultural operations, on Parcels 1 (APN 26121016) and 2 (APN 26121020) as shown in Exhibit 6. The $800,000 and any accrued interest shall be used solely for the above stated purpose, in consultation with the Executive Director, on an ongoing basis to fund start up, operation, and maintenance costs of the agricultural lands. All development funded by this account will require review and approval by the Executive Director of the Coastal Commission and/or the City of Encinitas.

B. PRIOR TO EXPENDITURE OF ANY FUNDS CONTAINED IN THIS ACCOUNT, the Executive Director shall review and approve, in writing, the proposed use of the funds as being consistent with the intent and purpose of this condition. In addition, the entity accepting the funds required by this condition shall enter into a memorandum of understanding (MOU) with the Commission, which shall include, but not be limited to, the following: (1) a description of how the funds will be used to create or support agriculture; (2) a requirement that the entity accepting the funds must preserve these agricultural lands in perpetuity; (3) the terms provided in subsection (a) of this condition; and (4) an agreement that the entity accepting the funds will obtain all necessary regulatory permits and approvals, including but not limited to, a coastal development permit for development of the agricultural amenities required by this condition.

V. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION

The I-5 NCC Project includes improvements and maintenance of existing and future traffic operations on the I-5 freeway from La Jolla Village Drive in San Diego to Harbor Drive in Oceanside/Camp Pendleton, extending approximately 27 miles. In July 2011, Caltrans identified the 8+4 Buffer Alternative as the Locally Preferred Alternative which was further supported by its identification as the Least Environmentally Damaging Practicable Alternative during the environmental review process. It consists of two high occupancy vehicle (HOV)/Managed Lanes in each direction separated by a buffer from the existing four general purpose lanes in each direction. Other components include auxiliary lanes, bridge replacements, overcrossing improvements, two new Direct Access Ramps (DARs), interchange improvements, six access points to the HOV lanes, park-and-ride facilities, gateway features, intelligent transportation system features, and retaining and sound walls. The project will be implemented in three phases.

At this time, Caltrans is requesting review of Phase 1/Stage 1 of the I-5 NCC Project. Construction for the Phase 1/Stage 1 specific project will be within and adjacent to the I-

5 highway extending from the Lomas Santa Fe undercrossing in Solana Beach to the Birmingham Drive overcrossing in Encinitas. The specific project scope includes the addition of one HOV lane in each direction, replacement of the San Elijo Lagoon I-5 Bridge with a bridge that is longer to increase hydrologic connectivity in the lagoon and wider to accommodate the HOV lanes, construction of the North Coast Bike Trail from Lomas Santa Fe Drive to the San Elijo Ecological Reserve and Regional Park entrance, and enhancement of the existing pedestrian trails on the east side of the highway at the lagoon. The project also includes construction of a Multi-Use Facility in the northeast quadrant of I-5 and Manchester Avenue that will be used as a park-and-ride and a staging area for lagoon visitors, and a new trail and sidewalk connection that extends from the proposed Multi-Use Facility to the existing Lagoon Visitor Center located in the central basin of San Elijo Lagoon. Construction is anticipated to begin in fall 2016 and end in summer 2020.

Highway Improvements

HOV/Managed Lanes

The ultimate 8+4 Buffer Alternative will construct four HOV/Managed Lanes, two in each direction, and will separate HOV/Managed Lanes from general purpose lanes with a 4-ft. variable width buffer. The Phase 1, Stage 1 specific project will pave for ultimate widening (i.e., two lanes in each direction) on the San Elijo Lagoon I-5 Bridge, but only one lane in each direction will be open to traffic initially. The rest of the freeway will be paved to accommodate the addition of one HOV lane in each direction at this time. The length of the project is 2.4 miles and will include updated lighting and signage.

San Elijo Lagoon I-5 Bridge

The existing 340 ft. long bridge, with a 155 ft. wide channel bottom, extends over the San Elijo Lagoon and will be replaced with a longer and wider bridge structure designed to optimize the lagoon channel width and depth, to provide more favorable conditions for tidal expression and flood conveyance, to re-establish 'waters of the U.S.', and to accommodate the addition of HOV lanes. The new bridge is proposed to be a 560 ft. long, three span structure with a raised profile. The bridge will vary in width (303 ft. to 388 ft.) due to the widening required for the on- and off-ramps at Manchester Avenue and to accommodate construction of the replacement bridge. A 261-ft. wide channel bottom is proposed, pursuant to lagoon optimization analysis as determined in the PWP. A 12-ft. wide bench will be provided on the southern abutment to facilitate wildlife movement underneath the bridge.

Multi-Use Facility

The Manchester Multi-Use Facility will provide parking and staging for commuters and recreational users visiting the lagoon. This facility will include construction of a new access road from Manchester Avenue, and Via Poco will be realigned to provide access to the existing gas station located on Manchester Avenue. The multi-use facility will

include 153 parking spaces, trailhead staging area with a kiosk, seating, litter receptacles, bike racks/lockers, solar electric vehicle charging stations, lighting, and enhanced water treatment that will clean water runoff before it leaves the site. Combined with planned improvements to the Manchester Avenue undercrossing, the Multi-Use Facility will connect directly to Class I bicycle lanes extending in both directions along Manchester Avenue; providing access to the Coastal Rail trail, the North Coast Bike Trail, Cardiff State Beach, and San Elijo State Beach. New and improved trails extending along the lagoon and under the highway bridge will be easily accessible from the Multi-Use Facility.

Realignment of Interchange Ramps

The basic configuration of the interchange ramps at Manchester Avenue would generally remain; however, the number of lanes and alignment would be modified to accommodate widening of I-5 and to improve vehicular, pedestrian, and bicycle circulation.

Auxiliary Lanes

Auxiliary lanes are located on the outside edge of the freeway and connect with on- and off-ramps to allow for acceleration, deceleration, merging, truck climbing, and purposes supplementary to through traffic. These lanes maximize capacity by reducing congestion caused by weaving and variable travel speeds. In the NCC, where access to local streets from I-5 (ramp volume) is high due to local trips using the freeway, the distances between interchanges are short, and freeway volumes are high, resulting in increased merging movements that can create greater levels of congestion. As such, 12-ft. wide auxiliary lanes with shoulders up to 12 ft. wide will be constructed from Lomas Santa Fe Drive on-ramp to the Manchester Avenue off-ramp (northbound acceleration lane) as part of the Phase 1/Stage 1 specific project.

Retaining Walls

Five retaining walls are proposed for Phase 1/Stage 1 and will range in height from 8 to 16 feet, and will range in length from 80 to 1,941 feet. Retaining walls will be constructed to reduce property acquisition needs, stabilize slopes, minimize environmental impacts, and accommodate engineered structures and bike/pedestrian facilities.

Bicycle & Pedestrian Improvements

North Coast Bike Trail

The North Coast Bike Trail is a new bicycle and pedestrian facility that generally parallels I-5 and will provide continuous north-south bicycle commuting options in the corridor. The Phase 1/Stage 1 specific project will construct approximately three miles of the trail beginning north of the Lomas Santa Fe Drive interchange. The trail will begin adjacent to Solana Hills Drive on the west side of the highway, then merge with the

existing Solana Hills trail, cross San Elijo Lagoon via a suspended pedestrian bridge, and continue on Manchester Avenue. The North Coast Bike Trail will be approximately 16-ft. wide and will be lighted by bollard style lighting fixtures, 2-ft. high and spaced approximately every 12 feet. Within the lagoon viewshed, the trail will be fenced with 36-in. high lodge pole fencing to allow unobstructed views through the fence. Outside the lagoon viewshed, a 36-in. high dark brown chain link fence will separate the bike trail from the highway or slope embankments.

Pedestrian Improvements within Existing Lagoon Trail Network

A new trail and associated sidewalk improvements will also be constructed under the I-5 bridge along the south side of Manchester Avenue and across San Elijo Lagoon, connecting the existing trail segments that are separated by the lagoon and freeway. The Phase 1/Stage 1 specific project consists of the following: 1) paving and installing guardrails to improve the trail adjacent to the south bridge abutment with connecting trails on the east and west freeway slopes; 2) constructing a pedestrian walkway structure across San Elijo Lagoon, suspended from the west side of the widened freeway bridge; and 3) constructing streetscape improvements and a sidewalk on the south side of Manchester Avenue. Existing trails along the perimeter of the lagoon system are heavily used but have limited continuity and there is no connection across the lagoon. The new trail and associated sidewalk improvements will implement a future trail segment along Manchester Avenue identified within the City of Encinitas General Plan. The east-west trail connection will join the existing trails on the shores of the San Elijo Lagoon south of Manchester Avenue. The north-south connection will span the open water of the lagoon, connecting to the east-west sidewalk on Manchester Avenue. The proposed connections will promote a unified and effective trail system.

Manchester Avenue Trail

Construction of a new Class I trail along Manchester Avenue that is separated from traffic will connect the San Elijo Multi-Use Facility to the San Elijo Lagoon Nature Center. A portion of the alignment along Manchester Avenue will be shared with the I-5 North Coast Bike Trail. However, this proposed trail connection will be an enhancement above and beyond the sidewalk improvements and the Class III bike route originally proposed. These improvements will enable safer pedestrian crossings under the highway bridge and improved east-west connectivity to the existing trail system.

Community Enhancements

Solana Hills Drive Trailhead Improvements

The improvements previously proposed at Solana Hills Drive have been reduced in scope at the request of the City of Solana Beach and the San Elijo Lagoon Conservancy. The money that was being used to fund the improvements at this location have been redirected to the purchase and restoration of the Gateway parcel, as well as construction of a rail undercrossing southwest of San Elijo Lagoon. However, the placement of

interpretive signs and waste receptacles is still proposed at Solana Hills Drive to support trailhead users. In addition, the bicycle node has been moved further south and will include a short curb wall for seating.

Staging Areas

Caltrans proposes to use two staging areas for the Phase I/Stage 1 specific project. The future site of the San Elijo Multi-Use Facility and the surrounding areas to the north and west are approximately 420,000 sq. ft. and are proposed as the primary staging area. Potential uses at this site include: offices, material storage, batch plant, crushing/recycling, stockpiling, and processing of earthen materials. The I-5/I-56 Interchange is proposed as the secondary staging area and will be used for construction offices.

B. AIR QUALITY AND GREENHOUSE GAS EMISSIONS

Section 30253 of the Coastal Act states:

> *New development shall do all of the following: (…)*
>
> > *(c) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Board as to each particular development.*
> > *(d) Minimize energy consumption and vehicle miles traveled. (…)*

In addition, Policy 5.1 of the PWP states:

> *New highway, rail station, bicycle and pedestrian improvements, and associated community enhancements shall seek to minimize increases in energy consumption, VMT, and person hours of travel, and be consistent with SDAPCD and CARB requirements. Where new development may potentially increase energy consumption or be inconsistent with air pollution requirements, appropriate mitigation measures shall be required and implemented as discussed in Sections 5.1.3.3. and 5.1.3.4*

Section 30253 of the Coastal Act requires that new development minimize energy consumption and vehicle miles traveled (VMT) and that new development is consistent with air quality requirements, including restrictions on greenhouse gas (GHG) emissions.

One of the key objectives of the I-5 NCC Project is to improve the efficiency of the corridor by encouraging alternatives to single occupancy vehicle (SOV) travel. This requires a multimodal transportation approach. As such, Phase 1/Stage 1 includes the addition of HOV lanes to I-5, in association with other highway-related improvements such as the Manchester Multi-Use Facility, and bicycle and pedestrian facilities such as the North Coast Bike Trail. The multi-use facility also includes bicycle storage facilities

and electric vehicle charging stations, in accordance with design/development strategy (DDS) 9. The HOV lanes and multi-use facility will primarily accommodate and encourage carpools, vanpools, and future, planned bus rapid transit – all of which are transportation modes that move more people and not necessarily more vehicles. These improvements will reduce congestion and traffic delays, providing free-flow travel, particularly in HOV lanes, which, in turn, will reduce vehicle hours traveled (VHT) and associated emissions. By maximizing person throughput in the corridor while minimizing the level of energy use and emissions per person mile traveled, the subject CDP is consistent with Coastal Act Section 30253.

Increased traffic congestion during project construction would result in air quality conditions that would exacerbate nonattainment status of the San Diego Air Basin. However, Caltrans proposes to implement required construction-phase BMPs and mitigation measures to ensure project consistency with the requirements of the San Diego Air Pollution Control District and California Air Resources Board. In addition, Caltrans will adhere to policies, design/development strategies, and implementation measures in Section 5.1 of the NCC PWP/TREP (Energy Conservation and Emissions Reduction), as discussed below, to minimize energy consumption and VMT.

DDS 3, DDS 4, DDS 7, and DDS 8 collectively require development and adherence to a Construction Energy Conservation Plan (ECP) that implements BMPs for controlling project-level emissions during construction. The ECP prepared for Phase 1/Stage 1 includes BMPs such as the use of low-sulfur fuel in all construction equipment, limitations on idling vehicles, and properly maintaining equipment. The ECP also includes best available control technologies such as the use of energy efficient construction equipment, minimizing amount of GHG-emitting construction materials, and recycling of construction debris. A Sustainability Plan, a Dust Control Plan, and a Traffic Management Plan have also been prepared to address energy conservation during construction.

The ECP complements the measures contained within the transportation demand management (TDM) measures in the Public Outreach Plan for Phase 1/Stage 1, required by DDS 6, to ensure energy conservation efforts are maximized. For example a Public Outreach Plan has been developed and encourages carpooling and commuting during non-peak hours to minimize energy consumption during construction. Additionally, a toll-free hotline and website will be established and updated regularly with construction updates, advisories, and notices. The hotline and website will provide tips to ease commutes during construction periods, and will be shared with elected officials during briefings to ensure they have the ability to incorporate the number and web address in local resources and newsletters.

Energy use and emissions from construction activities would be addressed by adherence to Implementation Measure (IM) 5.1.1, requiring minimization of emissions from fugitive dust and particulate matter through compliance with Caltrans Standard Specification Section 14.9.03, or its future equivalent, relating to Dust Control,

minimizing land disturbance and unnecessary vehicle and machinery activities, covering trucks when hauling dirt, using water trucks, and by covering stockpiles.

In accordance with DDS 5 and to be consistent with SB 468, Caltrans and SANDAG have coordinated construction activities between proposed improvements within the I-5 and LOSSAN transportation corridors and with the San Elijo Lagoon Restoration project in order to minimize energy consumption and impacts to sensitive coastal resources. Utilizing the Construction Manager General Contractor (CMGC) procurement method for Phase 1/Stage 1 improvements allows for the combination of various project types affecting the San Elijo Lagoon under one construction contract to foster greater collaboration and coordination between the major project components. To support early coordination efforts amongst key stakeholders, a steering committee comprised of decision makers from SANDAG, Caltrans, the San Elijo Lagoon Conservancy, and the CMGC was established to ensure the project progresses forward in a coordinated effort and that decisions are made in the best interest of the coastal resources within the corridor. This comprehensive planning effort will result in shorter construction periods, less environmental impacts due to shared construction staging areas and access points, reduced costs, lower risk, and greater transparency. Advantages of this integrated planning process on energy consumption include reduced truck trips (1,500 fewer trips to a landfill for clear and grub activities and 11,000 fewer truckloads of beach quality sand leaving the project site), the use of combined access/storage areas presenting an overall time and energy savings, and innovative technologies to reduce the amount of concrete needed for roadway paving and bridge construction.

IM 5.1.2 requires improvement of the roadway system efficiency by better managing the region's transportation resources and traveler information in order to minimize congestion, improve reliability and safety, and enhance the overall productivity of the transportation system. Caltrans will achieve this through the placement of Intelligent Transportation System (ITS) informational gathering systems, such as closed-circuit television cameras and loop detectors, and electronic communications, such as changeable message signs and ramp meters in appropriate locations that avoid impacts to significant coastal resources or views. Technology such as ITS, electronic communications, and incident responders (Freeway Service Patrol), would further improve corridor efficiency and reduce congestion and idling, as required by IM 5.1.3.

Finally, IM 5.1.3 requires development and implementation of greening and resource conservation measures. Caltrans facilities will incorporate energy efficient lighting and light emitting diode (LED) lighting that have a long life span. The number of light fixtures on the freeway, multi-use facility parking lot, and bike path will be minimized to limit light disturbance and reduce energy consumption further. Sustainable landscaping with native plants (except for median oleanders) will be used. All irrigation systems will use reclaimed water and water-saving features like High Flow Detection to identify irrigation breaks and automatically turn off the water flow. The multi-use facility will also have electric vehicle charging stations.

In conclusion, the Phase 1/Stage 1 specific project as proposed would avoid or minimize potential adverse impacts to air quality, as described above. Therefore, the Commission finds that the subject CDP is consistent with Section 30253 of the Coastal Act. In addition, by applying the policies, design/development strategies, and implementation measures included in Section 5.1.3 of the NCC PWP/TREP, the Commission finds that the subject NOID is consistent with the NCC PWP/TREP.

C. PUBLIC ACCESS AND RECREATION

Section 30210 of the Coastal Act states:

> *In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

Section 30212(a) of the Coastal Act states:

> *Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or, (3) agriculture would be adversely affected. Dedicated access shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.*

Section 30212.5 of the Coastal Act states:

> *Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.*

Section 30213 of the Coastal Act states:

> *Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. […]*

Section 30223 of the Coastal Act states:

> *Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.*

Section 30252 of the Coastal Act states:

> *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, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (…)*

In addition, Policy 5.3.1 of the PWP states:

> *Maximum public access to and along coastal and inland recreational resources in the PWP/TREP planning area shall be protected and enhanced, consistent with public safety and sensitive coastal resource needs.*

As discussed in the NCC PWP/TREP, I-5 is the primary north/south highway in San Diego County that provides access to the coast and upland recreation areas. As travel demand in the I-5 highway corridor continues to increase, so does the existing coastal access impediment of traffic congestion. Traffic congestion inhibits many potential carpool, vanpool, and bus transit options, as these modes of travel currently are subject to the same traffic congestion that SOVs experience on the I-5 highway. However, the addition of HOV lanes in Phase 1/Stage 1 will give priority to ride-sharers and public transit, while reducing overall congestion, and protecting and facilitating public access to and along the coast.

The Manchester Multi-Use Facility would also result in benefits to public access. The multi-use facility includes public transportation infrastructure to support more frequent, attractive, and reliable bicycle and multi-modal transportation services. The installation of public transportation infrastructure would result in higher transit ridership and reduced traffic congestion that would otherwise adversely affect the ability of the public to reach the coast along this primary coastal access corridor. The multi-use facility includes a new access road, a park-and-ride facility with a passenger drop-off area, electrical vehicle charging stations, and parking for approximately 153 cars, all of which will facilitate ride-sharing. It will also provide a staging and parking area for users accessing the adjacent San Elio Lagoon trail network through provision of 20 designated lagoon parking spaces and bicycle racks.

Another key component of the Phase 1/Stage 1 improvements is the I-5 North Coast Bike Trail, a new bicycle facility that will run the entire length of the NCC, roughly parallel to the highway. It will be located partially within the I-5 highway right-of-way and partially on adjacent local streets. The Encinitas segment that is part of the subject CDP/NOID will ultimately connect riders to Solana Beach to the south and Carlsbad to the north. The planned route will share city streets for the majority of its Encinitas alignment, but will utilize several separated trails and undercrossings, including Class I bicycle lanes at Manchester Avenue, to connect with regional bicycle facilities. The I-5 North Coast Bike Trail will encourage non-automobile transportation by providing access to and along the coast and recreation areas via a new continuous bicycle path. These bicycle improvements, including those associated with the Manchester Avenue undercrossing,

will also better connect with public transit centers, thereby promoting carpooling and transit use. Finally, such improvements will also provide multimodal access to lower-cost, visitor-serving recreation areas for transit-dependent populations that may not otherwise have the means to access coastal areas, in accordance with the public access and recreation policies of the Coastal Act.

Temporary impacts to public access and recreation would occur during construction. Construction activities and staging areas at Manchester Avenue will disrupt travel patterns to the coast and inland recreation areas, particularly during the summer season and weekends when demand for coastal access is at its highest. More specifically, portions of the Santa Inez and Solana Hills trails within the San Elijo Lagoon will be subject to extended closures to allow for the installation and compaction of materials for highway embankments, as well as to truck cut material out of the lagoon. Upon completion of construction, these trails will be restored to their original condition. At Manchester Avenue, a covered pedestrian walkway will be installed to maintain existing east-west public access whenever possible during construction, and will provide some safety for pedestrians traversing the site along Manchester Avenue. This area will still involve extended closures, as needed, for public safety, or to conduct more complex construction operations. Although the current pedestrian trail under the south end of the bridge will be closed during bridge construction, alternative routes will be made available to the public through the east and west lagoon basins. Additionally, the existing pedestrian trail provided along Manchester Avenue from I-5 to the Lagoon Visitor Center will be temporarily impacted during construction of the bike trail. However, other existing trail access to the Reserve would remain available throughout construction.

Caltrans has developed a Trail and Bike Plan for Phase 1/Stage 1 that includes measures to ensure continued access during construction activities. Signs are to be posted at all trailheads, as well as online, detailing trail closure dates and durations, along with alternate routes to the coast. A combination of fencing, cones, and flaggers will be posted to close trail traffic, as necessary, for safety reasons. No fencing or other barriers, except as specifically authorized pursuant to the subject CDP/NOID, will be placed in a location that would limit public access to pedestrian or bicycle trails or other public recreation areas. At the end of each construction shift, when safe and feasible, a path will be cleared for pedestrian access. Debris is to be collected as frequently as possible, stored in dumpsters away from pedestrian trails, and hauled off site on a regular basis, so as not to affect the public.

In accordance with DDS 2, the Phase 1/Stage 1 improvements are consistent with the Phasing Plan in Chapter 6A of the NCC PWP/TREP for the initial phase (2010-2020) as shown in Exhibit 4. Due to budgetary constraints, the Manchester Avenue Direct Access Ramp (DAR) that was originally proposed for construction concurrent with the bridge replacement and multi-use facility is being deferred to a later stage of construction, but DAR improvements are still scheduled to be implemented within the first phase. Additionally, SANDAG has submitted a Federal Consistency application for the Phase 1 rail and transit improvements, including the San Elijo Lagoon Double Track Project, which will be scheduled for the Commission's review at a future meeting once the

application is deemed complete. Further, the San Elijo Lagoon Conservancy anticipates submittal of a CDP application for the San Elijo Lagoon Restoration Project in the upcoming months. Thus, the highway, rail and lagoon restoration projects are all in the process of obtaining necessary permits and are tracking together in anticipation of a fall 2016 construction start date.

In accordance with DDS 3, cooperative maintenance agreements are required for community enhancement projects. All facilities constructed in the Caltrans right-of-way will be maintained by Caltrans, all facilities constructed within the San Elijo Lagoon County Park and Ecological Reserve will be maintained by the San Elijo Lagoon Conservancy, and all facilities constructed within a local jurisdiction's right-of-way will be maintained by the local jurisdiction. Special Condition #3 requires Caltrans to submit a copy of the cooperative maintenance agreements with the affected local jurisdictions prior to the commencement of construction to ensure proper and ongoing maintenance of the improvements.

DDS 4 provides for new pedestrian crossing designs to demonstrate compliance with applicable state and federal standards, including the Americans with Disabilities Act (ADA), and to consult with the relevant local and state stakeholders in order to include available safety upgrades at pedestrian crossings. The pedestrian crossings at Manchester Avenue and the San Elio Lagoon Pedestrian Bridge will meet ADA requirements. The submitted project plans demonstrate that the profile grade of the bridge will not exceed 5% grade. However, a section of the I-5 North Coast Bike Trail that parallels I-5 will not be ADA compliant as the grade of the bike trail will exceed 6%; however, the portion of the bike trail that parallels Manchester Avenue will be compliant.

DDS 6 provides for incorporation of additional community enhancement projects into the NCC PWP/TREP, if requested by the affected local jurisdiction. In consultation with the City of Encinitas, San Elijo Lagoon Conservancy, and the City of Solana Beach, funding that had been identified for implementation of street and trailhead improvements at Solana Hills Drive has been redirected to the purchase and restoration of the Gateway parcel. The placement of interpretive signs and waste receptacles to support the trailhead will be the only work performed at Solana Hills Drive. The proposed bicycle node has moved further south and will include a short curb wall for seating. Additionally, at the request of the San Elijo Lagoon Conservancy, SANDAG has added a pedestrian undercrossing near the southern extent of the lagoon to allow pedestrians to pass safely under the rail track and allow connectivity between the lagoon trails, beach, and Gateway parcel. This change will result in enhanced public access for a wider user group, including the Solana Beach community and visitors to the San Elijo Lagoon trail system and adjacent beach.

IM 5.3.1 requires a project-specific construction schedule identifying dates of construction and planned road/access closures. The Phase 1/Stage 1 specific project is scheduled to begin in fall 2016 and end in 2010. A final construction schedule identifying dates of construction and planned road/access closures, including anticipated ramp closures at Manchester Avenue and Lomas Santa Fe, is currently being developed

and Special Condition #1 requires it to be submitted prior to commencement of construction. However, to avoid adverse effects on traffic flow on I-5 and local arterials, no more than one lane in each direction of I-5 shall be allowed to be closed during peak travel hours.

In conclusion, the Phase 1/Stage 1 specific project as proposed would result in temporary impacts to public access and recreation during construction; however the improvements would enhance the corridor's existing transportation system and thereby improve public access to and along the coast, as described above. Therefore, the Commission finds that the subject CDP, as conditioned, is consistent with the applicable public access and recreation policies of the Coastal Act. In addition, by applying the policies, design/development strategies, and implementation measures included in Section 5.3.3 of the NCC PWP/TREP, as well as the required special conditions, the Commission finds that the subject NOID is consistent with Section 5.3.3 of the NCC PWP/TREP.

D. WATER QUALITY AND WETLANDS

Section 30230 of the Coastal Act states:

> *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 of the Coastal Act states:

> *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 30233(a) of the Coastal Act states, in part:

> *(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been*

provided to minimize adverse environmental effects, and shall be limited to the following:

(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channel, turning basins, vessel berthing and mooring areas, and boat launching ramps.

(3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

(4) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

(5) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

(6) Restoration purposes.

(7) Nature study, aquaculture, or similar dependent activities.

Section 30236 of the Coastal Act states:

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.

In addition, Policy 5.4.1 of the NCC PWP/TREP states:

NCC transportation facility and community enhancement projects shall be sited and designed so that marine resources are maintained, enhanced, and, where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance.

Policy 5.4.2 of the NCC PWP/TREP states:

> *Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*

Policy 5.4.3 of the NCC PWP/TREP states:

> *Coastal water quality shall be restored by minimizing wastewater discharges, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging wastewater reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural watercourses.*

The proposed replacement San Elijo Lagoon Bridge has been sited and designed to protect and restore San Elijo Lagoon and improve water quality. Tidal and fluvial hydraulic modeling in the San Elijo Lagoon Bridge Optimization Study analyzed a range of channel widths under the proposed replacement bridge structure crossing the lagoon to identify which would provide the optimum tidal and fluvial flows. A sensitivity analysis was conducted under typical dry weather tidal fluctuations and extreme storm conditions, including a 100-year storm and a 100-year storm plus a conservative projection of sea level rise combined water levels. Tidal range was used as the primary indicator for benefits to the wetland ecosystem, and extreme flood elevations were modeled to evaluate the potential for flooding of Manchester Avenue. Using these indicators, the "optimal" bridge length of 560 feet was identified along with an optimized channel width of 261 feet and a depth of -6.0 NGVD. This optimized dimension represents the length at which tidal range and flood conveyance were the most favorable, and where further increases in bridge length would result in minimal benefits.

A conservative projection of sea level rise of 4.5 feet in year 2100 was also modeled in combination with the 100-year flood storm condition to determine flow velocities and amount of freeboard, or distance between the waterline and top of the bridge deck, available to pass predicted flows. The 100-year flood height would increase by approximately 2 feet, which is equivalent to between 19.5 and 21.1 feet of freeboard for the proposed I-5 bridge, and therefore the bridge has been designed to accommodate a predicted 4.5 ft. sea level rise condition.

The San Elijo Lagoon Restoration Project (SELRP) is being coordinated with the subject Phase 1/Stage 1 specific project, as well as the San Elijo Lagoon Double Track Project, and all projects will be constructed concurrently using the same CMGC. The objective of the SELRP is to restore the lagoon's functions and habitat values, given the constraints presented by surrounding existing development. The combination of the optimized I-5 bridge, optimized LOSAN railroad bridge, and components of the SELRP would result in increased tidal range and fluvial flow characteristics, with associated benefits for lagoon habitats, residence time, water quality, and flood control. In accordance with DDS 7, the CMGC in collaboration with Caltrans, SANDAG, and the resource agencies has analyzed

the options, benefits, and feasibility of coordinating the construction of highway and rail improvements in San Elijo Lagoon with the SELRP.

The Phase 1/Stage 1 specific project has been sited and designed to protect and restore natural hydrologic features and minimize the potential for adverse impacts to water quality, consistent with DDS 1, DDS 3, and DDS 16. DDS 1 requires the project to be sited and designed to protect and restore natural hydrologic features, such as groundwater recharge areas, natural stream corridors, floodplains, and wetlands. DDS 3 requires a project-level analysis of potential water quality and marine habitat impacts to ensure runoff management is incorporated early in site design planning integrating existing site characteristics that affect runoff such as topography, drainage, vegetation, soil conditions, and infiltration properties, with strategies that minimize post-project runoff, control pollutant sources, and, where necessary, remove pollutants. The project-level analysis required by DDS 3 includes: field surveys of potential surface water impacts, identification of potentially substantial alteration of water flow and drainage patterns and evaluation of designs and construction techniques to minimize sedimentation, analysis of additional impervious surface and potential mitigation, analysis of future requirements for load reductions of project generated contaminants, wetland delineations, and an analysis of future sea level rise scenarios. Additionally, DDS 16 requires any opportunities to improve coastal hydrology in tidal lagoons shall implement specific construction methods or facility designs consistent with the lagoon optimization studies.

An expanded-format Storm Water Data Report (SWDR) has been prepared for the Phase 1/Stage 1 specific project which incorporates the design/development strategies and implementation measures requiring improvements to minimize impacts to coastal waters through site design and planning and incorporation of BMPs designed to control the volume, velocity, and pollutant load of stormwater leaving the developed areas. In accordance with DDS 2 and DDS 3, which describe that all development shall be designed and managed to maintain or enhance on-site infiltration of runoff, the project has maximized infiltration opportunities through the use of soil augmentation. The quantification of those efforts for treatment BMPs and treatment through the natural environment through the use of the SWDR's infiltration tool further ensures that water quality treatment achieves the maximum amount practicable. Further, through the project development process, three biofiltration swales have been converted to two modular infiltration systems which will infiltrate an additional 14 acres of contributing drainage area.

Pursuant to DDS 9, the SWDR addresses post-construction treatment BMPs as well as enhanced infiltration through adjacent natural environment opportunities in order to protect and restore coastal water quality. The SWDR also fulfills the detailed requirements of IM 5.4.4, IM 5.4.8, and IM 5.4.13 through inclusion of treatment BMPs. Pursuant to IM 5.4.12, the SWDR contains source control BMPs and measures to ensure that vegetation will be utilized to provide water quality benefits through vegetative interception, pollutant uptake, transpiration, and erosion control per IM 5.4.16, including avoidance and minimization measures, preservation of existing vegetation, landscape protection areas, and treatment BMP strategies. Pursuant to DDS 10, DDS 12, and DDS

13, all available opportunities to treat impervious highway surfaces have been implemented, including newly created impervious areas and existing impervious surfaces.

There are 2 modular infiltration systems, 6 bio-infiltration swales, 1 detention basin, 1 enhanced infiltration through the natural environment biostrip, and 7 bioretention/infiltration cells proposed (3 of which are within the City of Encinitas right-of-way and are not counted in the percent treatment below). This treatment strategy will treat 232% of the net new equivalent impervious area proposed as part of this Phase 1/Stage 1 specific project and 76% of the total impervious surface within the proposed project area. These treatment percentages have been maintained from the 30% pre-consultation process held on August 12, 2013 and throughout the project development process in accordance with IM 5.4.11, and presented in the NCC PWP/TREP. Caltrans coordinated with the City of Encinitas in the design and siting of the bioretention facilities that will treat existing and proposed impervious pavement within the City's right-of-way along Manchester Avenue. As a result of these coordination efforts, the City of Encinitas has agreed to allow bioretention facilities within its right-of-way and Caltrans has agreed to take on the first three years of maintenance responsibilities to ensure they are functioning properly.

DDS 11, DDS 21, and IM 5.4.14 require use of Low Impact Development (LID) strategies to minimize alteration of the site's natural hydrologic conditions and to maximize opportunities to retrofit existing project surfaces, so that pollutants carried in runoff and the changes in runoff volume itself, including flow rate, duration, timing, and temperature, are minimized. LID measures for the Phase 1/Stage 1 specific project include: grading slopes to blend with natural terrain and decrease the need for dikes, promoting sheet flow to vegetated areas that can provide water quality benefits and promote infiltration; designing permanent drainage facilities that mimic the existing drainage pattern of the area through the use of permanent detention basins for attenuation of flow and disconnected drainage facilities; constructing permanent vegetated drainage ditches to decrease the velocity of discharge, plus decreasing the volume of discharge by promoting infiltration and allowing for pollutant removal; and maintaining existing vegetated areas.

DDS 18 requires use of pervious pavements at parking facilities to hydraulically disconnect runoff where feasible. Pervious pavement has been determined to be infeasible at the Manchester Avenue Multi-Use Facility due to the proximity of groundwater to the invert of the infiltration reservoir at the low point of the multi-use facility. A 10-ft. separation from groundwater for infiltration type BMPs is required by Caltrans standards. As an alternative means of pervious pavement, bioretention/infiltration cells are proposed to treat 100% of the multi-use facility.

In accordance with IM 5.4.18, all post-construction treatment control BMPs and ancillary drainage features will be inspected annually and records of inspection and maintenance will be submitted annually to the Commission. In addition, per the current National Pollutant Discharge Elimination System (NPDES) Stormwater Permit, Caltrans will use a

watershed-based database to track and inventory treatment BMPs and treatment BMP maintenance. A summary of the tracking system along with a report on maintenance activities for post construction BMPs shall be included in the annual report to the Commission. In accordance with IM 5.4.2, maintenance BMPs will be implemented to reduce the amount of pollutants discharged into surface waters, including but not limited to, trash and litter removal, road sweeping, and control of chemical use in herbicide, pesticide and fertilizer applications. Additionally, DDS 8 addresses the standard maintenance requirements for the vegetated stormwater basins, vegetated filter strips, vegetated swales, and other natural drainage features to be installed in order to maintain their intended function. This strategy explicitly states that these devices are not to be treated as wetlands as their intent is for water quality purposes. Thus, no maintenance activities for the proposed treatment BMPs will require operating in any exiting wetland. Further, the bio-infiltration swales are designed with native grass sod which does not require maintenance.

A draft Stormwater Pollution Prevention Plan (SWPPP) has been prepared for Phase 1/Stage 1 that identifies construction BMPs that will be implemented to reduce pollutants in stormwater discharges and eliminate non-stormwater discharges during construction. As required by Special Condition #1, a final SWPPP will be prepared and submitted for review and written approval by the Executive Director prior to commencement of any construction activities. In accordance with DDS 4, the SWPPP and NPDES permits, other applicable jurisdictional requirements, and ultimately, the provisions in the NCC PWP/TREP protecting water quality will be implemented. Pursuant to DDS 5, the SWPPP contains a spill prevention and emergency response plan. In accordance with DDS 20, the SWPPP will ensure debris from the replacement of bridges or construction of new bridges will be contained and will not enter lagoons or other waterbodies.

Pursuant to IM 5.4.1, IM 5.4.6, and IM 5.4.7, construction BMPs will be implemented according to applicable BMP Manuals and will include temporary soil stabilization, temporary sediment control, wind erosion control, tracking control, non-storm water management, and waste management and materials pollution control. Plastic netting will be avoided. Additionally, the construction and staging plans ensure that the project will preserve existing vegetation outside the work areas, stabilize slopes with vegetative cover comprised of native plant species and keep the total paved area to a minimum per IM 5.4.5. IM 5.4.9 requires fueling of construction equipment to occur in designated areas at a distance no less than 100 feet from the lagoon, river, or other waterbodies and associated plant communities to preclude adverse water quality impacts. In constrained circumstances (e.g., heavy/large equipment such as cranes) where the 100 ft. buffer is not feasible additional BMPs will be implemented to maximize the protection of coastal waters when fueling.

DDS 6 and IM 5.4.10 ensure impacts to lagoon, riparian or other isolated wetland habitats will be fully mitigated pursuant to the Restoration Enhancement and Mitigation Program (REMP) contained within the NCC PWP/TREP. Project-specific impact assessment for wetland habitats was prepared pursuant to the REMP for the Phase 1/Stage 1 improvements, as discussed in greater detail in the following ESHA section.

This assessment has determined that adequate advanced mitigation will be in place prior to the commencement of construction as required by the REMP.

The San Elijo Lagoon is primarily coastal brackish marsh with either mudflats or cattails in the center with salt marsh species at the base of slopes. There are well defined backs on both the eastern and northern edges of the lagoon. The slopes on the western side of the lagoon are more gradual and the hydrology and hydric soils generally follow an elevational line where the vegetation gradually turns to more facultative and upland vegetation. Conditions within San Elijo Lagoon have not changed since the wetland delineation completed for the NCC PWP/TREP submittal in 2014 which included both a State Wetland Delineation conducted in 2012 and an update to include the new proposed bike path along Manchester to the west of I-5 which was added as a component of the Phase 1/Stage 1 specific project after the 2012 State Wetland Delineation was completed. Impacts to State wetlands around San Elijo Lagoon delineated in the State Wetland Delineation are very similar to those identified in the Stage 1/Phase 1 submittal, with the exception of additional armoring required around the abutments of the San Elijo Bridge.

The San Elijo Bridge abutments are currently armored to protect the structure; however, due to FHWA standards, additional armoring was identified as necessary to protect the new bridge from a 200 year storm event (a federal safety requirement/standard). The total impacts to wetlands from the required abutment protection and new bridge construction will result in permanent fill of 2.05 acres. Approximately 0.43 acres of existing armoring on the northern abutment directly adjacent to State wetlands will be removed and replaced; and is included as a temporary impact. There is approximately 0.34 acres of existing armoring on the southern abutment within the limits of the State Wetland that will be removed as the channel is widened and the southern abutment is moved. There will be creation of 1.1 acres of new wetlands within the newly widened channel limits; however, armoring would be placed underneath a portion of the existing channel and this is included in the 2.05 acres of permanent impacts described above. Approximately 2.82 acres of temporary impacts will also result from construction activities associated with the bridge replacement. All temporary impacts in wetlands are assumed to be long term temporary due to the multiple stages of construction to replace the bridge over San Elijo Lagoon and are mitigated as required in the REMP.

The armoring of bridge abutments is not considered one of the limited uses permitted in wetlands pursuant to Coastal Act Section 30233(a). Thus, the proposed improvements can only be found consistent with the Coastal Act if they are part of a project that presents a conflict among Coastal Act policies and the application of the conflict-resolution provision of Coastal Act Section 30007.5 reveals that the project would, on balance, be the alternative that is most protective of significant coastal resources. In addition, it would also have to be demonstrated that there are no feasible less-damaging alternatives, and that feasible mitigation measures have been included to minimize significant adverse environmental impacts. As discussed in the findings for the approval of the original NCC PWP/TREP, this aspect of the project is, in fact, a small component of a much larger project for which the Commission has already conducted a conflict-resolution analysis (refer to findings in PWP-6-NCC-13-0203-1). In so doing, the

Commission found that approval of the NCC PWP/TREP, including this component, notwithstanding its inconsistencies with Coastal Act Section 30233, presented conflicts among Coastal Act policies and was, on balance, the "most protective of significant coastal resources" for purposes of the conflict resolution provisions of Coastal Act Section 30007.5. The proposed project has incorporated all of the design/development strategies and implementation measures in the NCC PWP/TREP to minimize and mitigate adverse environmental impacts; and therefore, can rely upon the conflict resolution findings contained within the original review of the NCC PWP/TREP.

The proposed bike path along Manchester Avenue and associated roadway modifications have been designed to minimize effects to the existing wetlands located adjacent to the street; however, it was not possible to avoid all impacts. The bike path will permanently impact 0.33 acres of State jurisdictional wetland and temporarily impact 0.14 acres of State Jurisdictional wetlands. These impacts are primarily small slivers of habitat along Manchester Avenue and some larger fills required to accommodate the bike lane and sidewalks on the northern side of Manchester Avenue near the nature center.

The total of 2.38 acres of permanent impacts (2.05 acres from bridge replacement/armoring plus 0.33 acres from bike/ped improvements) from Phase 1/Stage 1 will be mitigated at a 1:1 ratio through wetland establishment at the Hallmark East and Hallmark West mitigation sites and through use of the Los Penasquitos Lagoon inlet maintenance mitigation credit. The widening of the San Elijo Lagoon Bridge will result in an increase of 1.1 acres of newly created wetlands; therefore, the net long term impact of the project is 0.94 acres of State wetland impacts (2.38 acres of total permanent impacts – 1.1 acres of newly created wetlands – 0.34 acres of existing armoring removed and not replaced). The total of 2.96 acres of temporary impacts (2.82 acres from bridge replacement/armoring plus 0.14 acres from bike/ped improvements) will be revegetated or in open water covered with sediment and mitigated through the San Elijo Lagoon Restoration Project.

The NCC PWP/TREP includes an Implementation Framework and Phasing Plan which coordinates the timing of specific project components and is designed to ensure that transportation projects do not outpace habitat restoration and enhancement mitigation projects in the corridor. Wetland mitigation parcels have been purchased to ensure no net loss of wetlands throughout the NCC and to support special-status plant and animal species. For the near-term phase, the following mitigation sites are identified in the NCC PWP/TREP: San Dieguito W19 Site, Hallmark (East & West) Site, Dean Site, Batiquitos Bluffs Site, Deer Canyon II Site, Laser Site, La Costa (Ayoub) Site, the San Elijo Lagoon Restoration Project, and a Lagoon Management/Endowment/Regional Dredging Program (Exhibit 6).

A total of 1.6 acres of salt marsh wetland mitigation credits are anticipated to be available for release from the Hallmark West mitigation site prior to commencement of construction in September 2016 and will be used to mitigate impacts associated with 1.6 acres of wetland fill for armoring the bridge abutments, new bridge columns, widening the freeway and construction of the bike path on Manchester Avenue. In addition, 0.22

acres of wetland mitigation credits will be available for release from the Hallmark East mitigation site prior to commencement of construction and will be used to mitigate 0.22 acres of permanent impacts to the drainage channel north of Manchester. Lastly, 4.6 acres of mitigation credits will be available for release from funding of the endowment of inlet maintenance for Los Penasquitos Lagoon, in perpetuity, and the first dredging of the inlet and 0.56 acres of that credit will be used as mitigation for the remaining wetland impacts for Phase 1/Stage 1. In the event that adequate wetland mitigation credits have not been released prior to the commencement of construction from the various mitigation sites included in the REMP, then Special Condition #4 requires mitigation for impacts to wetlands to be provided using the Commission's typical ratio of 4:1, instead of the ratio of 1:1 for compensatory mitigation as allowed pursuant to the REMP if mitigation activities have achieved identified performance standards before any construction related impacts associated with Phase 1/Stage 1 occur.

In conclusion, Phase 1/Stage 1 consists primarily of improvements to existing transportation facilities located in previously developed and disturbed areas within existing I-5 highway right-of-ways; however, some impacts to wetlands would be unavoidable, and some of the project components resulting in these impacts would not, on their own, be approvable. However, these components are part of a larger project that the Commission has found, in the context of approving the NCC PWP/TREP, to present conflicts among Coastal Act policies and, as a result of the conflict resolution analysis, found, overall, and on balance, to be most protective of significant coastal resources. As a result, the NCC PWP/TREP envisions these components moving forward and the project as a whole nevertheless remaining consistent with the Coastal Act. In addition, the specific project includes mitigation included in the REMP that would significantly enhance and restore wetland habitat resources, all of which would facilitate improved wetland condition throughout the NCC. The proposed program provides for advanced mitigation opportunities that would allow for habitat establishment or significant restoration of degraded habitat prior to project implementation. Therefore, the Commission finds that approval of the proposed CDP, as conditioned, notwithstanding inconsistencies of individual project components with Coastal Act Section 30233, as part of the overall project, is as consistent as possible with Section 30233, is consistent with other water quality policies of the Coastal Act, and approvable. In addition, by applying the policies, design/development strategies, and implementation measures included in Section 5.4.3 of the NCC PWP/TREP, the Commission finds that the subject NOID, as conditioned, is consistent with the NCC PWP/TREP.

E. ENVIRONMENTALLY SENSITIVE HABITAT AREAS

Section 30240 of the Coastal Act states:

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.

Section 30107.5 of the Coastal Act states:

> *"Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.*

Policy 5.5.1 of the PWP states:

> *Development of NCC transportation facility and community enhancement projects shall be sited and designed to ensure that ESHAs are protected against any significant disruption of habitat values. Development in areas adjacent to ESHAs shall be sited and designed to prevent impacts that would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

Coastal Act Section 30240 sets forth a strict limitation on the type of development and uses that are permitted to occur in environmentally sensitive habitat areas (ESHAs), and requires that new development adjacent to ESHA be compatible with the continuance of the ESHA and be sited and designed to prevent impacts that would significantly degrade the ESHA. Similarly, Policy 5.5.1 requires development of NCC transportation facility and community enhancement projects to be sited and designed to ensure that ESHAs are protected against any significant disruption of habitat values and to prevent impacts that would significantly degrade those areas, and requires development to be compatible with the continuance of those habitat areas.

Portions of the Phase 1/Stage 1 specific project, including freeway widening and bridge replacement will occur in areas containing ESHA, and these uses are not considered resource-dependent uses under the Coastal Act. Therefore, these improvements within ESHAs that are not exclusively resource-dependent uses are inconsistent with the limited uses permitted in EHSAs pursuant to Coastal Act 30240. Thus, the proposed improvements can only be found consistent with the Coastal Act if they are part of a project that presents a conflict among Coastal Act policies and the application of the conflict-resolution provision of Coastal Act Section 30007.5 reveals that the project would, on balance, be the alternative that is most protective of significant coastal resources. In addition, it would also have to be demonstrated that there are no feasible less-damaging alternatives and that feasible mitigation measures have been included to minimize significant adverse environmental impacts. As discussed in the findings for the approval of the original NCC PWP/TREP, this aspect of the project is, in fact, a small component of a much larger project for which the Commission has already conducted a conflict-resolution analysis. In so doing, the Commission found that approval of the

PWP, notwithstanding its inconsistencies with Coastal Act Section 30240, presented conflicts among Coastal Act policies and was, on balance, "most protective of significant coastal resources" for purposes of the conflict resolution provisions of Coastal Act Section 30007.5. The proposed project has incorporated all of the design/development strategies and implementation measures in the NCC PWP/TREP to minimize and mitigate adverse environmental impacts; and therefore, can rely upon the conflict resolution findings contained within the original review of the NCC PWP/TREP.

In accordance with DDS 1 and DDS 9, an updated project-level biological evaluation and impact analysis has been prepared for Phase 1/Stage 1 to assess and identify all potential permanent and temporary impacts to ESHAs and special-status species, as well as to identify appropriate mitigation measures. ESHAs observed in the project area, include the San Elijo Lagoon which contain wetland/riparian habitats and upland habitats, some of which support sensitive or special-status plant and animal species and wildlife corridors. Permanent impacts to the following upland habitats, which constitute ESHA, are expected to occur: coastal sage scrub, disturbed coastal sage scrub, southern maritime chaparral, and disturbed southern maritime chaparral. Additionally, the following special-status plant species may be impacted by the project, including Spineshrub, Seaside calandrinia, Ashy spike-moss, Southwestern spiny rush, Del Mar sand aster, Orcutt's pincushion, Sea dahlia, Wart-Stemmed ceanothus, and Torrey pine.

Regarding sensitive wildlife, Phase 1/Stage 1 may result in impacts to portions of four coastal California gnatcatcher territories (Federally Threatened Species) and one Light-footed clapper rail (Federally Endangered Species) location during construction of the armoring around the southern bridge abutment. Impacts to coastal sage scrub will likely impact habitats used by southern California rufous-crowned sparrow (State Species of Concert) and Colorado island skink (State Species of Concern). Southern California rufous-crowned sparrows were observed east of I-5 on the slopes north of Manchester Avenue and the Coronado island skink was observed north of the viewpoint, west of I-5. Additionally, although Belding's savannah sparrow (State Endangered Species) habitat and Northwestern San Diego pocket mouse (State Species of Special Concern) habitat would not be directly impacted by the project, temporary impacts to these species may occur from construction. No previously unmapped ESHAs or special-status species were identified in the updated Biological Evaluation that were not already considered in the NCC PWP/TREP.

Although the project has been sited and designed to avoid or minimize impacts to ESHAs, the Phase 1/Stage 1 project area would result in approximately 6.62 acres of permanent impacts to native upland vegetation, approximately 10.05 acres of temporary impacts to native upland vegetation, and approximately 2.96 acres of long-term temporary impacts (disturbances resulting in impacts lasting more than 12 months), as identified in the September 2015 Biological Resource Evaluation. The NCC PWP/TREP originally identified 22.08 acres of permanent upland impacts for the proposed project; however, due to the fact that some impacts that were originally considered permanent are now considered temporary because these areas will be revegetated and restored, the permanent impact acreages have been reduced. Also, changes in the scope of the specific

project due to budget constraints have removed some components of Phase 1/Stage 1 that may still be included in a later stage of development associated with future I-5 improvements considered in the NCC PWP/TREP.

Where the proposed improvements would impact ESHA, the REMP approved as part of the NCC PWP/TREP provides for compensatory mitigation to enhance and restore the biodiversity and habitat functions on a regional scale within the NCC project area in advance of unavoidable project impacts. The REMP includes options for allocating funding from SANDAG for regionally significant mitigation opportunities, including the establishment, restoration, enhancement, preservation, and long-term management of coastal wetlands and adjacent riparian areas, other transitional habitats, and upland areas. While these mitigation efforts do not include traditional in-kind habitat replacement mitigation ratios, the approved program is intended to restore and enhance an integrated ecosystem that provides habitat for birds, fish, and benthic organisms, which would not only compensate for the loss of ESHAs that would occur from the PWP improvements, but would provide for enhancement of ESHAs throughout the North San Diego County coastal zone.

The NCC PWP/TREP further provides an Implementation Framework and Phasing Plan which coordinates the timing of project components and will ensure that transportation projects do not outpace habitat restoration and enhancement mitigation projects in the corridor. Upland habitat mitigation parcels have been purchased to ensure no net loss of upland habitat and to support special-status plant and animal species. For the near-term phase, the following mitigation sites are identified in the NCC PWP/TREP: San Dieguito W19 Site, Hallmark (East & West) Site, Dean Site, Batiquitos Bluffs Site, Deer Canyon II Site, Laser Site, La Costa Site, the San Elijo Lagoon Restoration Project, and a Lagoon Management/Endowment/Regional Dredging Program (Exhibit 6).

Specifically, mitigation proposed to offset approximately 6.62 acres of permanent impacts to native upland vegetation associated with the Phase 1/Stage 1 improvements includes the Deer Canyon II, Hallmark East, Hallmark West, and Dean mitigation sites. Permanent impacts will be mitigated at a 1:1 ratio with credits from these sites provided that restoration activities at the subject sites achieve certain performance standards, as detailed in the REMP. As required by DDS 2, Habitat Mitigation and Monitoring Plans (HMMPs) were prepared for these sites which specify the design and implementation of biological resources mitigation measures, including habitat replacement and revegetation, protection during construction, performance standards, maintenance criteria, and monitoring requirements. The REMP Working Group has reviewed and approved these draft HMMPs, as required by DDS 2. Habitat mitigation has started at all four sites and the first (15%) and second (15%) releases of upland mitigation credits will be available prior to commencement of construction. In addition, the third credit release at the Dean site will be available prior to commencement of construction. Therefore, 5.02 acres of coastal sage scrub credit will be available at Dean prior to commencement of construction. Hallmark East will have 0.74 acres of coastal sage scrub mitigation available and Hallmark West will have 0.86 acres of coastal sage scrub mitigation available. In the event that adequate credits have not been released prior to the

commencement of construction, Special Condition #4 requires mitigation for impacts to be provided using the Commission's typical ratio of 2:1 instead of the ratio of 1:1 for compensatory mitigation that is available when mitigation benefits are realized in advance of any impacts associated with construction activities related to Phase 1/Stage 1.

Temporary impacts to 2.2 acres of coastal sage scrub, 9.16 acres of disturbed coastal sage scrub, 1.56 acres of southern maritime chaparral, and 0.4 acres of disturbed southern maritime chaparral (13.32 acres in total) will be mitigated with a combination of revegetation of other non-native habitats with native upland habitat onsite at a 1:1 ratio and a 2:1 ratio at preservation sites. Further, 4.04 acres of preservation at the La Costa site is intended as mitigation for 2.02 acres of long-term temporary impacts at a 2:1 mitigation ratio. Habitat preservation credits are intended only as mitigation for long-term temporary impacts resulting from project impacts by ensuring long term preservation of upland sites in advance of any construction impacts.

Furthermore, as identified in the Implementation Framework and Phasing Plan, mitigation will also include development and implementation of a comprehensive lagoon restoration project for the 491 acre San Elijo Lagoon and will include endowments for the ongoing maintenance and management of the lagoon. DDS 3 requires impact reduction measures for wetland habitats to include construction monitoring and impact mitigation pursuant to the REMP as it relates to no net loss of habitat, habitat preservation, and comprehensive lagoon restoration mitigation. Lagoon restoration at San Elijo Lagoon would serve to substantially enhance and restore water quality in the corridor and would restore, enhance, and protect different habitat types and special status-species supported by those habitats, within the lagoon ecosystem. As identified in the NCC PWP/TREP, replacement of the I-5 highway bridge at San Elijo Lagoon will be installed concurrently with the replacement of the LOSSAN rail bridge, and implementation of the San Elijo Lagoon Restoration Project (SELRP) to avoid unnecessary impacts in the lagoon, limit temporary impacts by sharing access and staging areas, and better ensure restoration project success. Stakeholders, including the San Elio Lagoon Conservancy, SANDAG, and Caltrans, are currently coordinating efforts to prepare the Final EIR for the SELRP and anticipate submission of a CDP application in the upcoming months. Plans include restoration of the hydrological regime and the marsh habitat and conversion from mudflats and low marsh habitat to middle and high marsh habitat. Additionally, all of the restoration project alternatives under consideration will reduce tidal muting effects and enhance coastal lagoon habitat.

In accordance with DDS 3, impact reduction measures for sensitive coastal upland and wetland habitats have been incorporated into the project, including construction monitoring. Additionally, DDS 4 requires mitigation measures to protect sensitive vegetation communities and rare plants, including preconstruction focused surveys, construction monitoring, relocation of plants, seed collection, plant propagation, and salvage of plant species to a suitable mitigation site. Further, and as required by DDS 4, focused preconstruction surveys have been conducted to assure that the locations of all sensitive plant species in the development footprint and the surrounding 100 ft. buffer have been identified and will be mapped on construction drawings.

Additionally, the following measures will be implemented to avoid and minimize impacts to sensitive plant species during project construction and revegetation: all efforts will be made to eradicate invasive plant species (IM 5.5.3 and DDS 5); seeds will be collected and plants will be salvaged for relocation to the extent practicable (IM 5.5.2 and DDS 4); all native habitats outside the construction limits will be temporarily fenced with orange snow fences during construction (IM 5.5.1); cut slopes will be revegetated with a California native plant palette consistent with the Design Guidelines for the I-5 North Coast Corridor; bio-infiltration swales and detention basins are designed with Native Grass Sod which does not require maintenance; landscaping plans include only species native to southern California such that the proposed planted areas will be compatible with surrounding natural areas; seeding of native upland habitats will be completed between October and February to ensure the seed has proper conditions for germination (IM 5.5.1); top soil from areas with coastal sage scrub, maritime succulent scrub, and maritime chaparral that do not have high weedy species will be stockpiled and used during the revegetation effort to aid in revegetating slopes with native habitats (IM 5.5.1); and all temporary impact areas will be revegetated with native species and restored to pre-existing conditions.

The NCC PWP/TREP also includes design/development strategies and implementation measures to protect sensitive wildlife species during project development. DDS 6 requires mitigation measures for sensitive wildlife species, including preconstruction focused surveys, construction monitoring, and the restoration of suitable breeding and foraging habitat as established in the REMP. For Phase 1/Stage 1, focused surveys have been conducted for sensitive wildlife species and the locations of sensitive wildlife species observed will be mapped on construction drawings pursuant to DDS 6. Additionally, the following mitigation measures will be implemented to minimize impacts to wildlife species prior to and during construction, as required: vegetation clearing prior to onset of construction impacts will be implemented to minimize the wildlife use of areas slated for construction; clearing and grubbing of native wetland, riparian and upland habitats will occur outside of the breeding season (February 15 to September 15); all native or sensitive habitats outside and adjacent to the permanent and temporary construction limits will be temporarily fenced during construction with orange plastic snow fence or stakes and flagging with no disturbance allowed in these areas; a channel large enough to maintain hydrologic function/connectivity and for fish passage will be kept open throughout construction within the lagoon (IM 5.5.8); all pile driving near the lagoon will be completed outside the bird breeding season to minimize construction noise impacts (IM 5.5.8); if pile-driving takes place in or adjacent to lagoon waters greater than 1 meter in depth, a hydroacoustic monitoring plan will be implemented to avoid injury to fish or marine mammals from high levels of underwater sound; a qualified biologist will be made available for both preconstruction and construction phases to review plans, address protection of sensitive biological resources, and monitoring ongoing work; lighting used at night for construction will be shielded away from ESHAS; and exclusion devices will be installed on bridge drain holes and ledges during the non-breeding season to stop birds or bats from nesting on or within bridges to be demolished (IM 5.5.6).

A wildlife crossing under the San Elijo Lagoon Bridge has been designed to encourage wildlife use. The main east/west wildlife corridor in the vicinity at San Elijo Lagoon is the crossing under the I-5 Bridge. The existing lagoon bridge has steep, narrow abutments and widening the freeway could make existing crossings less attractive for wildlife use. DDS 7 requires wildlife crossings to be of a design, shape and size to be sufficiently attractive to encourage wildlife use. This includes appropriate vegetation to afford cover and to be fenced as needed to promote directional movement through the corridor and to provide connectivity to protected land for uses that provide wildlife permeability. The proposed project includes a 12-ft. wide bench on the southern abutment of the I-5 Bridge that is separated from the pedestrian trail. The trail would have approximately 20 feet of clearance except for a 15 foot span under the bike bridge that would be only approximately 5 to 5.64 feet of clearance. The bench is a flat expanse that parallels the pedestrian trail. Vegetation will be planted along the bench; however, is unlikely that vegetation will grow under the middle of the bridge. No night lighting will be used under the bridge except pathway lighting on the bike bridge across the lagoon to Manchester Avenue. Fences will be placed between the bike path and the freeway to prevent wildlife and people from accessing freeway and a split rail fence will separate the bike/pedestrian trail from the lagoon habitats. The wildlife would be able to go through the split rail fence to use the pedestrian/bike trail. The addition of the wildlife bench under I-5 will provide more attractive crossing for wildlife including rodents, skunk, opossum, coyote, bobcat, and mule deer.

The introduction of additional night lighting in close proximity to the San Elijo Lagoon and on the freeway bridge that crosses the lagoon has the potential to adversely impact biological resources. Artificial lighting at night could alter or disrupt feeding, roosting, breeding, foraging, migrating, and nesting of wildlife and special-status species. Additional pole lights would also increase the risk of predation by raptors that use pole lights as perches to hunt for wildlife in the lagoon, including special-status species. In order to avoid or minimize these potential impacts to sensitive biological resources, night lighting would be the minimum required for operations and safety. Caltrans proposes to use new types of light fixtures that use precise light beam angles and linear spread lenses to control the distribution of light; the light beam output distribution and shape ensures environmental protection by limiting light trespass into the sky. Not only are these lights better directed, but they are better shielded, lower temperature of 3,000 Kelvins or less, and energy efficient LED fixtures that will minimize biological impacts. Additionally, new pole lights will have bird spikes to prevent them from being used as predator perches. The REMP Working Group was consulted on the proposed lighting on February 11, 2016, and none of the resource agencies have raised concerns regarding the proposed lighting due to the inclusion of the project design components as described above.

Additionally, Special Condition #5 requires that Caltrans submit a Final Lighting Plan to the Executive Director for review and written approval prior to the installation of freeway lighting. The I-5 NCC Project is anticipated to take 44 months and during that time, new lighting technologies may arise that should be considered in the final design to further reduce night glow and light trespass and minimize the number of light poles, while still

maintaining a level of illumination necessary to maintain required freeway lighting for operations and safety. Thus, as conditioned, lighting for the Phase 1/Stage 1 specific project would not result in significant impacts to ESHAs in adjacent habitat areas.

Further, construction activities will not occur in more than two lagoons at any one time in order to minimize impacts to migratory birds dependent on lagoons for stop over, resting, and foraging habitats along the Pacific flyaway in compliance with DDS 8. The Phase 1/Stage 1 project will be the first major NCC PWP/TREP specific project to be implemented within a lagoon system, and the only other project that may begin when activities are in progress at the San Elijo Lagoon is the HOV and bridge replacement improvements at Batiquitos Lagoon. Therefore, pursuant to the phasing plan within the NCC PWP/TREP, construction in more than two lagoons will not occur at any one time.

In conclusion, Phase 1/Stage 1 consists primarily of improvements to existing transportation facilities located in previously developed and disturbed areas within existing I-5 highway right-of-ways; however, some impacts to ESHAs would be unavoidable, and as a result, some of the project components resulting in these impacts would not, on their own, be approvable. However, these components are part of a larger project that the Commission has found, in the context of approving the NCC PWP/TREP, to present conflicts among Coastal Act policies and, as a result of the conflict resolution analysis, found, overall, and on balance, to be most protective of significant coastal resources. As a result, the NCC PWP/TREP has authorized these components. In addition, the project includes mitigation through a comprehensive REMP which would significantly enhance wetland and upland habitat resources, all of which would facilitate enhancement of ESHA and special-status species throughout the NCC. The proposed program provides for advanced mitigation opportunities that would allow for habitat establishment or significant enhancement of degraded habitat prior to project implementation. Therefore, the Commission finds that approval of the proposed CDP, as conditioned, notwithstanding inconsistencies of individual project components with Coastal Act Section 30240, as part of the overall project, is as consistent as possible with Section 30240 and approvable. In addition, by applying the policies, design/development strategies, and implementation measures included in Section 5.5.3 of the NCC PWP/TREP, the Commission finds that the subject NOID, as conditioned, is consistent with the NCC PWP/TREP.

F. VISUAL RESOURCES

Section 30251 of the Coastal Act states:

> *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. New development in highly scenic areas such as those designated in the California Coastline Preservation and*

Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

In addition, Policy 5.7.1 of the PWP states:

Development of NCC transportation facility and community enhancement projects shall be sited and designed in a manner that protects, to the maximum extent feasible, public views to significant coastal resources, including views of the ocean and coastline, coastal lagoons and river valleys, and significant open space areas. New development shall be sited and designed to be compatible with existing development and surrounding areas such that the impacts of grading, operational activities and direct lighting on public views outside of the transportation facilities and community enhancement improvements are limited to the maximum extent feasible.

Design/Development Strategy #5 in Section 5.7.3.3 of the PWP also states:

Night lighting should be the minimum required for operations and safety and should be excluded from viewsheds containing scenic resources, including at lagoon crossings, wherever feasible. All lights should be hooded and directed to the area where the lighting is required to minimize excess shedding of waste light. New and replacement facility lighting should use updated, energy efficient lighting that is better directed to avoid/minimize visual impacts and nighttime glare.

Coastal Act Section 30251 provides for the protection of scenic and visual resources within the Coastal Zone. Coastal Act Section 30253(b) further provides that new development shall not require constructing protective devices that substantially alter natural landforms along bluffs and cliffs. Additionally, NCC PWP/TREP Policy 5.7.1 provides that development of NCC transportation facilities shall be sited and designed to protect public views to significant coastal resources to the maximum extent feasible, including views of the ocean and coastline, coastal lagoons, and significant open space areas. Policy 5.7.1 also requires new development to be sited and designed to be compatible with existing development and surrounding areas such that the impacts of grading, operational activities, and direct lighting on public views are limited to the maximum extent feasible.

Coastal visual resources within the project area that could be affected by the Phase 1/Stage 1 specific project include public views of natural coastal features such as the Pacific Ocean, the San Elijo Lagoon, and the surrounding natural coastal topography and open space character. Although a majority of the project will be located within existing rights-of-way directly adjacent and contiguous to existing facilities, proposed improvements that could potentially impact views include construction of new and extended paved surfaces from widening for HOV lanes, the expanded San Elijo Lagoon Bridge, the Manchester Multi-Use facility, new signage, signals, fencing, cameras, lighting, retaining walls, grading, and vegetation removal. However, the Phase 1/Stage 1

specific project has been sited and designed in accordance with the required design/development strategies and implementation measures in order to avoid and minimize impacts to visual resources to the maximum extent feasible.

Design solutions that have been incorporated into the project, per DDS 5, include reduced bridge support structures; minimization of grading, landform alteration, and vegetation removal; landscape treatments comprised of native vegetation such as trees, shrubs, and groundcover along the edge of the right-of-way to provide partial screening and to visually integrate the right-of-way into surrounding areas; addressing potential night-lighting impacts by limiting, shielding and directing lights to only focused areas that are required for operations and safety; and revegetating areas disturbing by grading activities.

Lagoon bridge crossings are one of the design elements considered to have the greatest potential for impact on the character of the corridor, along with retaining/sound walls, as identified in the NCC PWP/TREP. The replacement lagoon bridge as proposed is wider and longer than the existing bridge over San Elijo Lagoon, which may have an adverse visual impact due to additional road surface and massing. To avoid these impacts, the proposed bridge incorporates design concepts from the I-5 NCC Project Design Guidelines to preserve natural and community visual characteristics of the corridor. The San Elijo Lagoon Bridge was designed to have a natural curved form in accordance with these guidelines and is intended to serve as an example for future lagoon bridge designs.

The proposed replacement bridge has been designed to comply with all of the design/development strategies and implementation measures contained within the NCC PWP/TREP. In accordance with DDS 5, the bridge has been designed with fewer in-water columns, as new technology and construction methods allow for longer span distances, thereby opening up views under the bridge. The existing 340-ft. bridge has 22 support structures and the proposed 560-ft. replacement bridge will have 19 support structures. In accordance with DDS 4 and IM 5.7.1, a low profile, see-through bridge rail (Type 80) will be used on the bridge deck. In addition, the San Elijo Pedestrian Bridge will have a handrail and see-through rod railing to allow views to the lagoon. The bridge footprint has been minimized to reduce landform alteration and grading utilizing slope rounding, slope sculpting, and variable gradient techniques to approximate the appearance of the surrounding topography per DDS 5. Further, design features have been integrated into the bridge design to minimize visual impacts as required by IM 5.7.1. The bridge abutments will have “Flute” texture, retaining walls will have custom “Wave” texture, and the bridge and retaining walls are integrally colored, “Mesa Bluff”. Finally, the proposed bridge would replace the existing lagoon bridge that has steep, narrow abutments with a new bridge designed with a bench at the lagoon abutment for trail users to access the pedestrian bridge. A lower bench would facilitate wildlife movement and soften the appearance of the shoreline.

The Manchester Multi-Use Facility could affect coastal visual resources, as viewed by vehicles traveling on the I-5 highway and Manchester Avenue. This facility would include the construction of a new access road, trailhead staging area, and parking lot that would result in the loss of existing visual open space. This could increase the urban

visual character of this area; however, the scenic bluffs, hillside terrain, and the upper agricultural fields located on the northern and eastern slopes would remain undisturbed and visible from the highway and the majority of the surrounding area. Moreover, these improvements have been designed to minimize potential visual impacts through reduction of the project footprint to the maximum extent feasible, by grading to depress the parking lot pad elevation, and by landscaping with native shrubs included in the landscape palette that are selected to shield the scale and scope of the facility.

In accordance with IM 5.7.1, other design features have been integrated into the design of the Manchester Multi-Use Facility to minimize visual impacts. The Trailhead Staging Area will include a kiosk structure with display cabinets for trail maps and lagoon information. A low, curved wall with a "Mesa Bluff" color will provide seating. Paving is enhanced by scored or sawcut patterns, tan color, and exposed or seeded aggregate textures. This area will identify the lagoon trail entrance and provide a gathering place for trail visitors. The number of light fixtures within the facility has been minimized, and the height of these light poles has been minimized. A specialty fixture and slender 4 in. square pole has been selected to minimize the mass of each light. The dark bronze color of the light poles will blend with the landscaping during the day and blend into the darkness at night.

On Manchester Avenue, lodge pole fencing that is 36 in. high with double rails will separate the proposed bike path from the lagoon walking trails and will allow unobstructed views over and through the fence to the lagoon. In addition, the pathway between the bike path and Manchester Avenue will be covered by tan decomposed granite to blend with native soils.

At Solana Hills Drive, a vertical way-finding feature that is consistent with local community design will be constructed of "Mesa Bluff" colored concrete with weathering steel accents. A low, curved wall will define the edge of the bike node and separate trail users from the slope and highway. The wall will be colored "Mesa Bluff" to be consistent with the Southern Bluff design theme. Bike node paving will be enhanced by saw cut patterns and seeded aggregate textures. Finally, a kiosk with display cabinets for trail maps and lagoon information will be installed.

Retaining walls are one of the project components considered to have the potential for the greatest impact on the character of the corridor, as identified in the NCC PWP/TREP. The Phase 1/Stage 1 specific project includes additional retaining walls compared to existing highway conditions. Existing landscaped buffers between the highway and adjacent land uses would be reduced in size or removed and replaced with retaining walls in some locations. The visual experience of highway travelers, as well as bicyclists and pedestrians, could be affected by the introduction of new or taller walls. To avoid these impacts, the project has incorporated design concepts from the I-5 NCC Project Design Guidelines. In addition and in accordance with IM 5.7.1, new retaining walls are located at the edge of the highway to minimize the project footprint at the San Elijo Lagoon; conform to the Southern Bluff theme; include enhanced safety railings that are dark

brown to blend with the surrounding environment; and will have architectural surface treatments.

In accordance with DDS 5, areas that are disturbed by grading associated with the construction of new retaining walls will be seeded and/or planted, such that these areas will blend with the surrounding vegetating areas. Landscaping plans include only species native to Southern California such that the proposed planted areas will be compatible with surrounding natural areas. Landscaping will include native drought-tolerant trees (except no trees on Manchester Avenue), shrubs, groundcover, and hydroseeing. Native vegetation will be placed in appropriate locations and densities consistent with adjacent natural settings. Further, as required by IM 5.7.1 and the I-5 NCC Project Design Guidelines, the following highway landscape design features have been integrated into the project to avoid and minimize visual resource impacts: native landscaping is proposed in all areas adjacent to native habitat; highway planters are proposed for replacement planting within the highway facility wherever the available width allows; median oleanders will be preserved in place where possible and a median oleander replacement pilot project will assess the feasibility of use of native, non-invasive shrubs for maintenance and visual screening purposes; bioswales and detention basins will be planted with native grasses; where space allows, retaining walls will be randomly planted with Torrey Pines to soften and screen the walls; and no trees or tall shrubs will be planted that could disrupt scenic views to the San Elijo Lagoon.

As required by IM 5.7.1, the following drainage and water quality design features have been integrated into Phase 1/Stage 1 to minimize visual impacts: detention basins will be screened using native landscaping; detention basins and bioswales are designed to appear as natural landscape features; concrete drainages, ditches, and aprons are located, designed and colored to be unobtrusive in appearance; and maintenance access drives are located in unobtrusive areas away from local streets and consist of materials that are visually compatible with the surrounding landscape.

Special consideration is given to highway lighting and signage within the San Elijo Lagoon viewshed. The existing bridge and Manchester Avenue ramp lighting consist of four freeway lights that do not meet current highway safety standards. Highway lighting has been sited and designed to limit direct light on public views outside of the transportation facilities to the maximum extent feasible. The lighting design development process was an iterative process that included assessing the existing highway lighting at the existing ramps; proposing an initial design for the highway widening; and then refining this design as much as possible. The need, location, and spacing of each pole light has been evaluated with consideration of safety and to limit direct light on public views outside of the highway footprint.

The assessment of existing highway lighting concluded that the existing bridge and ramp lighting does not meet current highway safety standards. Two pole lights and an illuminated exit sign are located on Northbound (NB) I-5 while a single pole light is located on Southbound (SB) I-5. The 1970s-era, unshielded fixtures provide substandard

illumination of the one-lane ramps at current traffic volumes. More light poles would be required to meet current safety standards.

The widening of I-5 as part of Phase 1/Stage 1 will require more complicated decisions from the driver as three lanes taper into two and then merge into one lane on the freeway on- and off-ramps. The weaving section between the on-ramp and general traffic lanes will be much longer and occurs over the bridge within the lagoon viewshed. Safety lighting is necessary to increase the comfort level for drivers, reduce accidents and thereby reduce traffic. The design goal is to provide just enough light for the driver to assess the traffic, but not too much so that the driver's vision is impaired. The lighting designer considered different combinations of light intensity, spread and spacing with the goal of minimizing the number of poles, shielding unwanted light and providing adequate safety lighting for the driver. According to Caltrans' calculations, the additional lighting can be expected to result in a 16%-40% reduction in accidents.

The initial freeway lighting design within the San Elijo Lagoon viewshed, bridge and ramps proposed a total of seven pole lights along SB I-5 and nine pole lights along NB I-5. The final design as submitted proposes six pole lights along SB I-5 and three pole lights along NB I-5, as well as two pole lights on the NB off-ramp (Exhibit 8). The final lighting design assessed each light location, pole spacing and number, and light intensity and spread. Ramp geometrics, potential conflict areas, and freeway volume were also considered. The design review process eliminated one pole light at the SB ramp and four pole lights at the NB ramp. At the SB on ramp and NB off ramp, two pole lights were eliminated because of their "borderline" location just beyond the gore point. At the NB bridge ramp, four poles were eliminated. Three of these poles were removed because the unusually wide gore area made it unlikely that a driver would cross the gore at the last minute. One more light was eliminated before the off-ramp begins to curved because the next two lights at the curve provide sufficient lighting. Another change was to move one NB light and two SB lights next to the shoulder paving instead of on the retaining wall. This eliminates the need for a longer mast arm and moves the light pole structure further away from adjacent habitat areas. Caltrans also proposes not to illuminate the overhead sign in the lagoon viewshed, and instead use reflective lettering which will result in the reduction of another existing light impact on the adjacent dark skies in the lagoon.

Overall, Caltrans has made efforts to minimize the number of lights needed, while still meeting safety requirements. The initial design proposed sixteen pole lights with standard Caltrans light spacing. The design was then refined to reduce the number of pole lights to nine shielded light emitting diode (LED) fixtures to minimize spill-over and impacts to visual and biological resources. To further minimize visual impacts, pole lighting will be located next to the freeway shoulder instead of on the bridge rail wherever possible.

The Phase 1/Stage 1 specific project will introduce a new type of technology for highway lighting (LED Roadway III type with house side shielded lighting) which will reduce visual impacts. All lights will be shielded and directed downward to the target area to minimize spill-over. Fixtures will use precise light beam angles and linear spread lenses

to control the distribution of light without creating disabling glare to motorists or cyclists. The light beam output distribution and shape ensures environmental protection by limiting light trespass in the night sky and adjacent habitat areas. Bike path lighting is designed for way-finding and consists of low bollards. The San Elijo Pedestrian Bridge lighting minimizes spillage by placing a strip light below the bottom fence rail to illuminate only the edge of the pathway. All lighting will have low Kelvin temperatures of 3,000 Kelvins or less, instead of the traditional range of 3,500 to 6,500 Kelvins to minimize biological impacts in adjacent natural areas. Additionally, Caltrans commits to continuing to study and to retrofit corridor lighting as advancements in lighting technology are realized.

Finally, Special Condition #5 requires that Caltrans submit a Final Lighting Plan to the Executive Director for review and written approval prior to the installation of freeway lighting. The I-5 NCC Project is anticipated to take 44 months and during that time, new lighting technologies may arise that should be considered in the final design to further reduce night glow and light trespass and minimize the number of light poles, while still maintaining a level of illumination necessary to maintain required freeway lighting for operations and safety. Thus, as conditioned, lighting for the Phase 1/Stage 1 specific project would not result in significant impacts to visual or biological resources in San Elijo Lagoon.

Signage lighting is also the minimum required for operations and safety. Currently, all existing overhead signs are illuminated. To reduce night lighting impacts, the Phase 1/Stage 1 specific project will no longer illuminate exit signage. Instead, newly installed signage will use reflective lettering, with the exception of one sign, HOV #19, which will be illuminated. This sign is located near the Birmingham Drive exit and is outside of any scenic viewshed. Caltrans has asserted that HOV signs must be illuminated because HOV signage is critical for decision making. Lighting is essential where fog and overcast conditions are prevalent. All signage lighting will be mounted near the bottom of the sign panel on the overhead sign structure. The fixture is a full cut-off type and points up to the sign.

Overheard sign structures have been sited and designed to minimize impacts to public views outside of the transportation facilities to the maximum extent feasible. The Phase 1/Stage 1 specific project will install new and replacement advisory signs to identify exits and HOV lanes. The project will not install the intermediate access point (IAP) signage shown in Appendix B of the I-5 (i.e., tolling signs, advance signs to IAP entrance and scanners) because these features are included as components of Phase 1/Stage 1. All overhead signs will be mounted on single post structures that have been placed outside of the coastal viewshed, wherever possible. No double post sign structures will be constructed that span the entire width of the highway travel lanes. Sign panels and lettering are the smallest size that meets safety requirements. Poles are galvanized and a neutral gray color.

At one location, overhead signage within the lagoon viewshed cannot be avoided. Overhead Sign #8 (Manchester Avenue Exit) is proposed at NB I-5 just south of the San

Elijo Lagoon Bridge at the Manchester Avenue off ramp (Exhibit 10). This overhead sign must be sited where the ramp splits from the highway to alert drivers of the two-lane highway exit. The purpose of this sign is to safely guide freeway motorists who intend to exit the highway system to this local street destination. This sign also indicates which freeway lane must exist and which lane is optional to exit and is also designed so that it is readable in time to permit a proper response by the approaching road user. Per the state standard[1], "The Exit Direction sign should be located at the theoretical gore and display diagonally upward-pointing directional arrow above each lane that departs from the mainline alignment. The current location of the proposed sign meets this requirement. Moving this sign further north is not an option as it would not serve its purpose as described above and it would then be located past the off-ramp it is directing to. Caltrans has asserted that it is critical that this sign is located at the decision point, as currently designed, in order for the traveling public to interpret the message of the words and arrows in time to safely exit the freeway. After further review of this sign Caltrans has determined that the height of the panel can be reduced from 120" to 100". This will decrease the sign panel area by 35 sq. ft. and reduce its visual impact. In addition, a single post structure will be used instead of a double post. Finally, the sign will be located near the freeway shoulder instead of behind the lagoon retaining wall to reduce the length of the mast arm.

Other design features for lighting and signage have been integrated into the project to minimize visual impacts. Bollard lighting at bike trails will be dark brown with weathering steel to be consistent with the southern bluff design them. The mass and silhouette of each pole light at the multi-use facility will be minimized through thin, smooth curved fixtures that are mounted to a slender square post. Overhead sign structures will have a galvanized finish to be consistent with existing signage in the corridor and be a visually unobtrusive color. No signage with movable, self-illuminated features such as changeable message signs are proposed. Signage will be mounted on the freeway bridge over Manchester Avenue to avoid overhead sign structures between Manchester Avenue and the lagoon. Electrical and signal equipment at ramp termini will be placed in visually unobtrusive locations. Enhanced median and roadside barriers ("Mesa "Bluff" color and sandblast texture), as well as enhanced gore paving are proposed.

While the proposed amendment would result in an increase in overhead freeway lighting over existing conditions, the updates to freeway lighting are proposed to be sited in the same general vicinity as existing lighting and would be consistent with the Visual Resource Maps in the NCC PWP/TREP. Further, the corridor would still be visually compatible with the existing character of the I-5 freeway which is characterized by signage for way-finding and hazards, illuminated overhead signs, light poles, and vehicles with headlights. The proposed addition of light poles at interchanges would not obstruct existing views to and along the ocean or lagoons. Further, with the inclusion of a design process as part of future project-specific review that will carefully design and

[1] Section 2E.23.02 of the California Manual of Traffic Control Devices

refine final lighting design to avoid and minimize visual resource impacts, the scenic and visual quality of the corridor would be protected. Finally, the provisions in the proposed Appendix B-1 require Caltrans to study and retrofit existing lighting in the corridor as advancements in lighting technology are made, which would result in the restoration of the visual quality of highly scenic and sensitive habitat areas.

DDS 5 specifically requires a review of local urban design plans and policies to take into account local design objectives in the design of the project. Additionally, IM 5.7.2 requires affected local jurisdictions to be provided the opportunity to participate in the review of final design plans for project-specific improvements located within their jurisdiction. Early pre-consultation has occurred with the local jurisdictions, including the City of Solana Beach and the City of Encinitas in accordance with IM 5.7.2 and IM 5.7.3 for development of the environmental document, NCC PWP/TREP, and the Design Guidelines. Coordination is ongoing with respect to the final project design. The cooperative maintenance agreement with the City will be provided prior to construction.

In conclusion, the Phase 1/Stage 1 specific project proposed by the subject CDP/NOID would be visually compatible with the existing character of the corridor. Therefore, the Commission finds that the subject CDP is consistent with Sections 30251 and 30253 of the Coastal Act. In addition, by applying the policies, design/development strategies, and implementation measures included in Section 5.7.3 of the NCC PWP/TREP, the Commission finds that the subject NOID is consistent with the NCC PWP/TREP.

G. COASTAL HAZARDS

Section 30253 of the Coastal Act states, in part:

> *New development shall: (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard. (b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

Section 30235 of the Coastal Act states:

> *Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible.*

Section 30232 of the Coastal Act states:

Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.

Section 30236 of the Coastal Act states:

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.

In addition, Policy 5.8.1 of the PWP states:

All highway, rail, bicycle and pedestrian projects, and community and resource enhancement improvements shall be designed and implemented to minimize risks to life and property in high geologic, flood, and fire hazard, and to minimize risk associated with potential hazardous materials release or spillage. Site-specific project design shall be based on the results of detailed (design-level) engineering geologic and geotechnical studies.

Implementation Measure 5.8.13 of the PWP states:

NOID or Coastal Development Permit submittals for armoring that extends into the optimized channel width shall include the following information and materials:

-A mitigation and monitoring program to be implemented after construction to ensure the rock slope protection is not exposed.
-The monitoring program shall require, at a minimum, annual monitoring, as well as additional monitoring one month after any 20-year or greater storm event.
-Mitigation for permanent impacts shall be required as further described in the REMP.

Coastal Act Section 30253 addresses the need to ensure long-term stability and structural integrity, minimize risk, and avoid landform-altering devices. Coastal Act Section 30235 requires approval of shoreline protective devices only in certain, limited cases, including when required to protect existing structures or public beaches in danger from erosion, and only when designed to avoid or mitigate adverse impacts on local shoreline sand supply. Coastal Act Section 30236 requires that substantial modification to rivers and streams incorporate the best feasible mitigation measures, and limits development in such waterways to water supply and certain flood control projects, or for purposes of improving fish and wildlife habitat.

Geology, Soils, Seismicity, and Topography

The project site for Phase 1/Stage 1 is subject to ground shaking events, as well as potential instability due to lagoon sediments, comprised of Lagoonal Alluvium, which are subject to settlement and bearing capacity failure; however, the project has been designed to avoid and minimize potential impacts associated with geologic hazards, unstable soils, seismicity, and topography. Pursuant to DDS 1, requirements of Caltrans' Standard Specifications have been applied to ensure that all slopes will be geotechnically stable. Bridges have been designed using Caltrans Seismic Design Criteria (SDC) Version 1.7, and the new I-5 bridge includes piles that will be driven into bedrock located below the bridge to ensure stability. For the San Elijo Lagoon Pedestrian Bridge, a structure specific design was developed in conjunction with Caltrans Department of Engineering Services to address design items not covered by the SDC. Slopes, abutments, and foundations have been designed for global stability and have been coordinated with the Caltrans Office of Geotechnical Design South. The subsurface analysis and foundation recommendations prepared by Caltrans Office of Geotechnical Design South determined there is no risk for liquefaction at bridges. Therefore, the potential for structural damage as a result of liquefaction does not necessitate mitigation in the form of ground modification methods (soil densification) as required by DDS 2. Further, appropriate technical personnel will be present during construction to observe cuts, foundation subgrade, and embankment subgrade to assure that all design provisions are implemented, pursuant to DDS 3. If unexpected subsurface conditions are encountered during construction, a geotechnical specialist would be notified to make recommendations to the project engineer.

In accordance with DDS 4, a Storm Water Pollution Prevention Plan (SWPPP) and National Pollutant Discharge Elimination System (NPDES) permit are required prior to the commencement of construction and are to be implemented during construction in order to reduce pollutants in storm water discharges and to reduce the potential for erosion and sedimentation. Further, a complete analysis and documentation of new and existing impervious surfaces and associated treatment percentages to minimize impacts to surface runoff has been submitted (Section 5 of the expanded format Storm Water Data Report). As a result of coordination with staff from Caltrans, the Coastal Commission, and the City of Encinitas, the Permanent Treatment BMP strategy for this project will consist of 2 modular infiltration systems, 6 bio-infiltration swales, 1 detention basin, 1 enhanced infiltration through a natural environment Biostrip, and 7 bioretention cells (three of which are in the City's right of way and are not counted in the treatment percent). These BMPs will treat 232% of the new new equivalent impervious areas proposed as part of Phase 1/Stage 1, in accordance with DDS 8.

Drainage and Flooding

The project site is located adjacent to San Elijo Lagoon, a coastal wetland that is located within the Cities of Encinitas and Solana Beach. The existing watershed of the lagoon encompasses 77 square miles, and is fed by the Escondido Creek and San Elijo Creek,

also known as Orilla Creek. These creeks generate a 100-year discharge rate of 23,255 cubic feet per second. The lagoon contains three basins that are divided by existing transportation facility crossings, including Coast Highway 101, NCTD Railroad Bridge, and I-5. Furthest west is the ocean inlet that flows under Coast Highway and through a narrow channel into the western basin. The channel then flows under the railroad crossing into the central basin. The main channel flows primarily along the northern edge of the central basin, and then under the I-5 bridge into the eastern basin.

Design/development strategies require an assessment of floodplain hydrology and evaluation of potential impacts of specific designs on water surface elevation, flood conveyance, and potential risk. As development within the floodplain is unavoidable, the footprint of development has been minimized to the extent feasible and risks associated with drainage and flooding have been minimized through the design of NCC PWP/TREP improvements, as required by DDS 5 and DDS 7.

The existing floodplain was analyzed using aerial topography in coordination with a model to identify options for reducing the existing flooding of Manchester Avenue that occurs in association with large runoff events. The area of analysis ranges from where San Elijo and Escondido Creeks join to the Pacific Ocean. The two creeks meet in a wide portion of the lagoon with narrow, shallow channels during normal flow. In a 100-year storm event, the top width of the flow would range from 0.25 to 0.5 miles wide until it is channeled underneath the existing I-5 bridge which is constrained to a channel width of 155 feet by the infrastructure crossing. Moving west toward the ocean, the lagoon flow then expands again into the large central basin. The majority of the storm flow passes under the NCTD Railroad and Coast Highway bridges, whereas higher flood waters stay under the bridges, but could also overtop the railroad berm to the south. Finally, the water discharges into the ocean. Along its path to the ocean, a 100-year storm flow would frequently flood Manchester Avenue, including the undercrossing at I-5.

In addition to the hydrology and floodplain analyses that were performed to support the environmental review process, individual lagoon studies analyzed the potential effects that proposed bridge design alternatives would have on tidal circulation, flood flows and associated scour, sediment transport, sea level rise relative to freeboard, wildlife connectivity, channel protection features, and associated impacts on wildlife habitats and federal or state jurisdictional waters/wetlands. These analyses considered the existing infrastructure constraints in the context of the optimal lagoon environment in order to identify appropriate bridge dimensions. The San Elijo Lagoon Bridge Optimization Study, dated April 2012, determined that the highway bridge should be lengthened from 340 feet to 560 feet with a 261 foot channel bottom width to help lower the flood elevations in the East Basin, thereby significantly reducing the magnitude of flooding to Manchester Avenue. However, Manchester Avenue is still expected to experience some flooding in the East Basin during a 100-year event.

A Bridge Hydraulics Study for the San Elijo Lagoon prepared by Moffatt & Nichol, dated December 2014, also evaluated the hydraulic conditions of the lagoon under the proposed I-5 bridge and the pedestrian bridge suspended beneath it to support the bridge

design process. The two dimensional (2D) numerical models originally developed for the SELRP in 2010 were further refined to perform hydrodynamic modeling. The 2D models provide a detailed representation of flow patterns throughout the lagoon and under the bridge. The modeling results were used to estimate freeboard requirements for the I-5 bridge and suspended pedestrian bridge and to calculate scour depths for bridge foundation design.

In conclusion, Caltrans has conducted environmental and technical documentation for the subject CDP/NOID that concluded that the Phase 1/Stage 1 improvements have been designed to improve drainage and flood conveyance at the San Elijo Lagoon. Other than placing necessary bridge support structures, including abutments and pilings, and extending existing culverts, improvements would not involve the construction of new structures that would alter significant drainage patterns. The proposed I-5 Bridge replacement over San Elijo Lagoon would result in a wider and deeper channel that would provide more optimal conditions for tidal range and flood conveyance, resulting in environmental and flood protection benefits to the lagoon. Additionally, retaining walls have been included in the project design on cut slopes to minimize project footprint and to stabilize slopes. Further, grading techniques such as slope rounding, slope sculpting, and variable gradients will be used to approximate the appearance of natural topography. This will reduce the need for dikes, promoting sheet flow to vegetated areas which will provide water quality benefits and promote infiltration. Staging and storage areas will be located in previously disturbed areas to minimize the project footprint. Finally, no new pipes, box culverts, or underground channels that would adversely affect natural stream courses or cause drainage or flooding impacts are proposed.

Shoreline Erosion

For the Phase 1/Stage 1 specific project, Caltrans has determined that armoring/scour protection devices are necessary on the slopes of the abutments for the San Elijo Lagoon Bridge in accordance with Federal Highway Administration (FHWA) standards for bridge protection. Due to the updated FHWA standards for scour protection requiring design to accommodate a 200 year event, Caltrans in coordination with Moffatt & Nichol determined use of a perched toe design would be the least environmentally damaging alternative for armoring purposes. Although the design requires minimal encroachment of the rock “apron” into the optimized channel dimensions (the apron would be located two feet below portions of the optimized channel, but still technically would be within the optimized channel width), a detailed Alternatives Analysis was conducted to determine the optimal construction scenario, amount of stone, and toe depth needed. Additionally, a range of other design alternatives were assessed and determined to be infeasible, resulting in greater impacts, or insufficient to withstand scour capacities during severe storm events.

In accordance with DDS 6, the deepest scour will only be realized during the largest flood events which will allow for the perched toe design to be covered with two feet of sediment to provide a natural channel bottom that would only rapidly scour in periods of high flood flows. No part of the proposed armoring will extend above the optimized

channel depth, as identified in the Lagoon Bridge Optimization Study for San Elijo Lagoon. In accordance with IM 5.8.13, Caltrans will also prepare a mitigation and monitoring program to be implemented after construction to ensure the rock slope protection remains covered post-construction. The monitoring program requires annual monitoring, as well as additional monitoring one month after any 20-year or greater storm event. Caltrans also proposes to mitigate the buried abutment apron armoring as a permanent impact since there is the potential for the rock revetment to become exposed and remain exposed, which would be considered a permanent change in habitat. This mitigation shall be consistent with the requirements of the REMP.

Sea Level Rise

Sea level rise has occurred on a local and global scale over the past century and projections indicate that the rate may accelerate in the future. Potential effects of sea level rise include increased shoreline erosion and scour, increased nearshore wave energy, flooding, and reduced beach area, all of which can affect the long-term stability of infrastructure. In March 2013, the State of California's California Climate Action Team and Ocean Protection Council established the latest sea level rise guidance – with projected ranges in sea level rise of 0.13-.98 feet between 2000 and 2030, 0.39-2 ft. between 2000 and 2050, and 1.38-5.48 ft. between 2000 and 2100. This state guidance and the Coastal Commission's Sea Level Rise Policy Guidance document recommend a site-specific analysis to determine the appropriate sea level rise for design considerations.

To assist in planning and designing the NCC lagoon bridge crossings in consideration of sea level rise, Caltrans and SANDAG prepared the San Diego Region Coastal Sea Level Rise Analysis document, dated 2013. In accordance with DDS 10, this review provides an assessment of potential drainage, tidal inundation, and flooding impacts to transportation infrastructure crossing waterbodies within the NCC that are potentially subject to sea level rise, including the proposed San Elijo Lagoon I-5 Bridge. Based on this analysis, it is anticipated that the San Elijo Lagoon I-5 Bridge is unlikely to be impacted by high water levels and flooding because the replacement bridge has been designed to accommodate the anticipated increase in sea level rise through the year 2100, both with and without fluvial floods (50- and 100-year events). For the San Elijo Lagoon, the 50- and 100-year storm water levels were simulated such that the peak of the 50- and 100-year hydrograph coincides with the peak tide elevation at a specific crossing to model the highest water level flooding at each bridge crossing. Modeling was conducted for several scenarios and the results concluded that sea level rise is not expected to pose any risk to the proposed San Elijo Lagoon I-5 Bridge as the water surface elevation is projected to be below the soffit by two feet or more over the expected 75-year design life of the structure.

However, the San Elijo Lagoon Optimization Study identified that Manchester Avenue, extending along the entire northern boundary of the lagoon, is subject to potential flooding during a 100-year event. Additionally, the enhanced trails under the bridge crossing will be similarly impacted by flooding or storm surge. Manchester Avenue and the trails cannot be shifted inland to avoid potential impacts due to the constrained

location adjacent to existing development. Potential hazards will be minimized through the implementation of adaptation strategies in the future, such as preparing plans for temporary road and trail closures during flooding events.

Hazardous Materials

In accordance with DDS 9, all soils proposed for disturbance for construction of the Phase 1/Stage 1 specific project have been evaluated. A Site Investigation Report was prepared for lead contamination in June 2001 and a Limited Phase II Environmental Assessment was prepared in November 2005. Additionally, a Summary of Hazardous Waste Review for Widening of Route 5 was prepared in 2014 and sampling for agricultural chemicals was conducted in January 2004. An Aerially Deposited Lead Study for construction of the bike path along Manchester Avenue connecting to the Lagoon Visitor Center has also been initiated and will be completed prior to commencement of construction. Further, since there are known chemical constituents present in soil and groundwater in the corridor, soil excavation activities will be performed under the guidelines of a Soil Management Plan and Health and Safety Plan, pursuant to IM 5.8.3.

IM 5.8.4 requires Caltrans to follow the Department of Toxic Substances Control (DTSC) lead variance for excavation of ADL soil. For Phase 1/Stage 1, the DTSC lead variance would be followed for ADL soil excavated in the median. Soil in the median of I-5 to a depth of six inches is hazardous with regard to soluble ADL concentrations. This soil is proposed to be buried and reused on site in accordance with a DTSC lead variance issued to Caltrans. If this criterion cannot be met, then ADL soil would be disposed of at a Class I landfill. Soil excavated as a whole along the shoulders may be reused as clean material with regard to ADL, unless soil adjacent to the shoulder is segregated from the whole due to the presence of ADL. In these cases, the DTSC lead variance will apply for segregated soil from the shoulder. Thus, both hazardous and non-hazardous ADL soil is proposed to be reused on site. The Regional Water Quality Control Board will be notified of any onsite ADL reuse. In addition, the contractor will be required to survey the top and bottom perimeters of the burial locations of hazardous ADL placement and submit a burial report to Caltrans.

IM 5.8.5 requires soils located in the immediate vicinity of service stations in the corridor to be tested for petroleum hydrocarbons, volatile organic compounds, or semi-volatile organic compounds in order to evaluate the proper handling and/or disposal methods should contaminants be discovered. All soil excavation will be performed under a site-specific Soil Management Plan and handling or disposal of contaminated groundwater will comply with NPDES permit requirements. The Manchester Avenue service station has residual concentrations of petroleum hydrocarbons in the soil and groundwater even though the case has been closed by the County of San Diego Department of Environmental Health, so the standard specification will be followed for unanticipated discovery of asbestos and hazardous substances.

If soil from locations containing farmland and nurseries is exported or considered for reuse onsite, further characterization for pesticide/herbicides is required by IM 5.8.7. Nurseries and farmland were observed at various locations along both sides of I-5 at the Manchester Avenue Interchange. Nurseries are known to use pesticides and herbicides. Even though the use of certain pesticides has been banned since the late 1970s, concentrations of these pesticides and herbicides can remain in the soil for long periods of time. Pesticides and herbicides were encountered in shallow soils on and around nurseries in the project area. Overall, testing of soil for pesticides and herbicides indicates that soil containing these pesticides is not a hazardous waste. Additionally, any soils disturbed from locations containing farmland or nurseries will not be exported; these soils will be buried on site.

In accordance with IM 5.8.8, Hazardous Materials Contingency Plans have been developed to manage potential hazardous waste issues. In addition, IM 5.8.9 a safety and health work practices plan has been developed that addresses the safe handling and disposal of wood treated with creosote, including disposal at a composite-lined solid-waste landfill facility permitted to accept such wastes. In accordance with IM 5.8.10, surveys for lead-based paint and asbestos-containing materials will be prepared prior to demolition of existing structures and a safety and health work practices plan will be incorporated into the project.

IM 5.8.11 requires a Site Management Program/Contingency Plan to address known and potential hazardous material issues. Construction staging plans have been prepared with designated areas to accommodate equipment and vehicles fueling and are located a minimum of 100 feet away from waterbodies over paved or impervious surfaces; additionally, any fuel or petroleum products used for project equipment and vehicles will be stored a minimum of 100 feet from waterbodies. This 100 ft. buffer from waterbodies will be provided for Phase 1/Stage 1 construction activities except where i) in-water construction activities for lagoon bridge replacement is required and it would be impractical to transport large equipment to an upland location for each refueling, and ii) where site constraints (such as ESHA or existing infrastructure) adjacent to waterbodies do not allow for a setback of 100 feet.

For bridge replacement work over the San Elijo Lagoon, the 100 ft. refueling setback is not feasible due to equipment size, and site constraints presented by both Manchester Avenue on the north and the lagoon boundaries on the south. In accordance with the Fueling Plan prepared by the CM/GC dated March 23, 2015, large equipment would be required to travel across this active city street to move north of the lagoon 100 feet, whereas to the south, the existing freeway is bounded by the lagoon for almost ½ a mile. Equipment would have to traverse through other operations to clear the lagoon by 100 feet. Traveling speeds for large cranes are typically 1 mile per hour. Equipment such as generators for vibratory hammers, which are typically stationary, would require special equipment to move them back and forth to fuel locations outside of the 100 ft. lagoon radius. Pile driving hammers may require fuel multiple times in one shift. Thus, due to the size of the footprint of the lagoon, the location of the San Elijo Lagoon I-5 Bridge,

and the fuel consumption rates of the equipment, it is not feasible to move all equipment 100 feet away from the lagoon during refueling operations.

Accordingly, the maximum setback will be provided given the site constraints and additional BMPs will be implemented. Additionally, for any in-water fueling, fueling will take place in a location that has been dewatered and all refueling activities will be monitored by appropriate personnel identified by the contractor. Drip pans and absorbent pads will be used during fueling operations. If fueling must occur on a temporary work trestle, curbs or toe boards will be installed to contain spills and prevent materials, tools, and debris from leaving the trestle. Equipment and vehicles will be inspected daily for fuel or fluid leaks, and leaking equipment will be repaired or replaced immediately. Adequate spill containment equipment will also be available at each staging area and in equipment fueling trucks to respond to potential fuel or oil spills or leaks. Finally, all oilers and fuel truck operators will be trained to respond to a spill, should one occur.

Assumption of Risk

Although NCC PWP/TREP policies, design/development strategies, and implementation measures have been applied to the Phase 1/Stage 1 improvements, which are anticipated to withstand the predictable hazards associated with development in the corridor, it is not possible to remove all risk associated with the uncertainties of natural hazards. For this reason, even though Caltrans has minimized risks by engineering the proposed project to avoid, mitigate, and withstand the natural hazards posed by seismic events, tsunamis, liquefaction, storms, floods, erosion, and toxic contaminants, a degree of risk from natural hazards would remain and could not be fully mitigated. To protect the Commission and its employees from liability for the hazards posed by the subject structures and project features designed and managed by Caltrans, Caltrans acknowledges and accepts these risks pursuant to IM 5.8.12.

Conclusion

In conclusion, the Phase 1/Stage 1 specific project as proposed would avoid and minimize coastal hazards, as described above. Therefore, the Commission finds that the subject CDP is consistent with Sections 30253, 30235, 30232, and 30236 of the Coastal Act. In addition, by applying the policies, design/development strategies, and implementation measures included in Section 5.8.3 of the NCC PWP/TREP, the Commission finds that the subject NOID is consistent with the NCC PWP/TREP.

H. ARCHAEOLOGICAL AND PALEONTOLOGICAL RESOURCES

Section 30244 of the Coastal Act states:

> *Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.*

Policy 5.6.1 of the PWP states:

> *New highway development, rail station and pedestrian crossings, and associated community and resource enhancement improvements shall strive to protect and minimize impacts to archaeological and paleontological resources. Where new development may potentially adversely impact archaeological or paleontological resources, appropriate mitigation measures, including the measures identified below, shall be required and implemented.*

Section 30244 of the Coastal Act requires that archaeological and paleontological resources in the Coastal Zone be protected from adverse impacts by applying reasonable mitigation measures. Section 30116 of the Coastal Act defines archaeological sites that are referenced in the California Coastline and Recreation Plan or as designated by the State Historic Preservation Officer (SHPO) as sensitive coastal resources.

Phase 1/Stage 1 will avoid all impacts to previously identified archaeological and paleontological resources; however, policies, design/development strategies, and implementation measures included in the NCC PWP/TREP would protect cultural resources from any unanticipated adverse impacts during construction. In accordance with DDS 1 and IM 5.6.1, qualified monitors will be present during ground disturbing activities around established and suspected cultural resource Environmentally Sensitive Areas (ESAs), as outlined in the ESA Action Plan developed for Phase 1/Stage 1, as required separately by IM 5.6.2. In accordance with DDS 3, Caltrans has consulted with the SHPO and appropriate Native American tribes, and determined that there is no potential for significant archaeology sites within the Area of Potential Effect (APE). DDS 4 requires identification and mapping of the project specific APE to assess all direct and indirect impacts from construction. Four archaeological sites were identified as eligible for consideration in the National Register of Historic Places or the California Register of Historic Places; however, all of these sites fall outside the project's Area of Direct Impact and therefore would not be directly affected.

A Paleontological Resource Assessment along with a Paleontological Mitigation Plan was prepared in 2009 by the San Diego Natural History Museum, as required by DDS 6 and IM 5.6.4. A Paleontological Mitigation and Monitoring Report shall be prepared during and post construction to document all findings.

Finally, IM 5.6.3 requires compliance with State Health and Safety Code Section 7050.5 and Public Resources Code Section 5097.98 should unanticipated human remains be discovered during construction. The ESA Action Plan includes measures to ensure work ceases in any area or nearby area, appropriate contacts are made, including coordination with the Native American Most Likely Descendants, and ongoing monitoring is provided during the respectful treatment and disposition of the remains.

In conclusion, the Phase 1/Stage 1 specific project as proposed would protect archaeological and paleontological resources from potential adverse impacts, as described above. Therefore, the Commission finds that the subject CDP is consistent with Section

30244 of the Coastal Act. In addition, by applying the policies, design/development strategies, and implementation measures included in Section 5.6.3 of the NCC PWP/TREP, the Commission finds that the subject NOID is consistent with the NCC PWP/TREP.

I. AGRICULTURAL RESOURCES

Policy 5.9.1 of the NCC PWP/TREP states:

> *New multimodal transportation development and associated community enhancement and habitat restoration improvements shall avoid and minimize impacts to agricultural resources consistent with Sections 30241 and 30242 of the Coastal Act. Where new development may potentially convert agricultural uses to non-agricultural uses, appropriate mitigation measures shall be required and implemented.*

In addition, Implementation Measure 5.9.1 of the NCC PWP/TREP states:

> *Permanent impacts to active coastal agricultural land, or land suitable for agriculture, shall be mitigated on a site-specific basis, utilizing a tiered approach. The first tier for implementation includes project-specific mitigation to be located within the affected jurisdiction, and could include specific activities such as acquiring, enhancing, or restoring other nonagricultural lands for agricultural use within the Coastal Zone or by the preservation of existing agricultural lands by retiring these lands from future development potential. For opportunities that result in the conversion of nonagricultural lands to agricultural uses, any required remediation activities would be completed in compliance with county, federal, and other applicable standards for hazardous materials. As part of this first tier of projects, public outreach would be implemented to engage the surrounding neighborhood(s) throughout the implementation process.*
>
> *The second tier for implementation would be for establishing school or community gardens within the affected jurisdiction within the Coastal Zone.*
>
> *Should a specific mitigation project within the affected jurisdiction not be feasible (tier 1), or a higher priority opportunity within the Coastal Zone not be available (tier 2), the third tier shall be implemented, which includes payment of an Agricultural Conversion Mitigation Fee, pursuant to an approved in-lieu fee program covering coastal agricultural resources. The fee would be based on n net acreage of affected coastal agricultural lands and reflect the approximate cost of preserving equivalent coastal agricultural lands elsewhere in the NCC Coastal Zone. If the City of Carlsbad's existing Agricultural Conversion Mitigation Fee program is able to be utilized, fund money would be dispersed according to the program's own priorities. Mitigation fees would be handled by Caltrans/SANDAG and/or the affected jurisdiction if within a currently approved in-lieu fee program, and would be expended in the following order of priority:*

- *Purchase of agricultural lands and/or agricultural improvements that will aid in continuing agricultural production within the NCC Coastal Zone.*
- *Committing to specific activities that support "urban agriculture," such as farm-to-school programs, farm-to-fork restaurants, buy local, farm-to-grocery stores, vertical farming, farmers' markets, innovative approaches to "urban agriculture" that help to create a demonstration project, re-tooling existing agricultural operations to allow for vertical farming, innovative approaches to farming, or substantial reduction in water usage, or endowments to programs of study in agricultural sciences in the NCC Coastal Zone.*
- *If determined feasible and desirable by the County of San Diego, coordinating with the county to establish a fund to offset loss of Williamson Act subvention funds from the state for 2009/2010, which would be used to assist the county in supporting agricultural resources and offsetting the lack of state subvention funds in 2009/2010 for the Williamson Act.*

The Manchester Multi-Use Facility would result in impacts to agricultural resources, however these impacts have already been considered and authorized in the original approval of the NCC PWP/TREP. Additionally, impacts to agricultural resources would be limited to areas outside the Commission's retained jurisdiction; thus, this section of the staff report applies only to the subject NOID and not the CDP. As such, the following findings describe how those aspects of the subject project listed within the NOID would be implemented in a manner that is consistent with the agriculturally-related resource protection provisions of the NCC PWP/TREP.

Implementation of Phase 1/Stage 1 would impact 5.57 acres of agricultural fields in the City of Encinitas, north of Manchester Avenue and east of I-5. More specifically, the San Elijo Multi-Use Facility would encroach into a 42.47-acre area comprised of three parcels that have historically been farmed with strawberries and flowers. This encroachment would result in a total of 5.01 acres of permanent impacts and 0.56 acres of temporary impacts (Exhibit 6) due to construction staging. However, the majority of impacts (4.55 acres permanent and 0.44 acres temporary) would be limited to the westernmost parcel (Parcel 2) located directly adjacent to the existing freeway off-ramp at Manchester Avenue, and would not substantially displace agricultural resources or disrupt or preclude continued agricultural operations on adjacent parcels. Further, the parcel located directly to the north (Parcel 1), held under common ownership with Parcel 2 and currently comprise of fallow agricultural lands and open space would not be affected. To ensure preservation, in perpetuity, of the agricultural resources and open space opportunities available on these parcels, Caltrans purchased both Parcels 1 and 2 in December 2015.

The multi-use facility would also result in minor impacts totaling 0.46 acres of permanent impacts and 0.12 acres of temporary impacts to one additional, actively farmed parcel located north of Manchester Avenue (Parcel 3). Caltrans attempted to purchase Parcel 3 to provide further agricultural preservation; however, the property owner was unwilling to sell. Had Caltrans been able to purchase Parcel 3, it would have effectively ensured all 42.47 acres of affected agricultural parcels were maintained as farmland or open space in

perpetuity. Nonetheless, Caltrans has conducted an Agricultural Viability Analysis for the affected agricultural lands and determined that potential impacts would not compromise the ability for the remaining 37.46 acres of farmland unaffected at Manchester Avenue to remain in a combination of ongoing agricultural production at Parcel 3, as well as development of new farming activities (5.73 acres) and preserved open space (12.17 acres) on Parcels 1 and 2. While none of these parcels meet the Section 30241 Coastal Act standards for prime agricultural land, most are either actively farmed or have recently been in agricultural production.

The construction of the San Elijo Multi-Use Facility would result in the permanent conversion of 5.01 acres of agricultural lands; however , the multi-use facility has been sited immediately adjacent to the existing I-5 freeway and would concentrate development contiguous with the existing developed facility, consistent with Section 30250. Furthermore, to avoid and minimize potential impacts to agricultural land, Caltrans has redesigned the project footprint to reduce previously identified project impacts from 18.5 acres to 6.9 acres, and now ultimately to 5.01 acres with the deferral of the Manchester DAR.

DDS 1 and IM 5.9.1 of the PWP provide that unavoidable impacts to active coastal agricultural lands are to be mitigated pursuant to a tiered approach, with the highest priority being implementation of project-specific mitigation such as acquiring, enhancing, or restoring other lands for agricultural use or by the preservation of existing agricultural lands by retiring these lands from future development potential. The second tier includes establishment of a school or community garden within the affected jurisdiction. The third tier, and lowest priority, includes payment of an in-lieu fee under an approved Agricultural Conversion Mitigation Fee program.

Caltrans' proposed mitigation package for impacts to agricultural resources associated with Phase 1/Stage 1includes mitigation of the combined permanent (5.01 acres) and temporary (0.56 acres) impacts to agricultural resources at a 1:1 ratio utilizing Tier 1 mitigation – the preservation of existing, actively farmed land located immediately north of and adjacent to the multi-use facility. In accordance with Tier 1 provisions, this land will be preserved in perpetuity and any future development potential will be extinguished (currently the land is zoned as residential in the City of Encinitas LCP). Further, the remainder of the unaffected farmland area along with the surrounding open space parcel held under common ownership (12.17 acres) will be maintained in open space. This surrounding area is comprised of steeper slopes with native vegetation and therefore provides a buffer between the ongoing agricultural production and surrounding residential development located to the north. A conservation easement will be placed on these two properties to prohibit non-agricultural uses in perpetuity.

Additionally, and in accordance with Tier 2 provisions, Caltrans in coordination with the San Elijo Lagoon Conservancy (SELC) proposes to construct and operate a 5.73-acre preserved farmland area/community garden in support of ongoing "urban agriculture" in the Coastal Zone. The community garden would be maintained and operated by the SELC for the community to participate in onsite educational programs related to local

farming efforts and will also include a community garden that will foster an educational component for adults and children related to plant cultivation. Caltrans will enter into a cooperative agreement with the SELC to facilitate the implementation of the community garden and to outline the purpose of the community garden, as well as the roles and responsibilities of both agencies in its initial start up as well as ongoing operations. Special Condition #7 requires Caltrans to submit this agreement or Memorandum of Understanding with the SELC to the Executive Director for review and written approval prior to commencement of any construction activities.

In order to facilitate the initial start up of the community garden, Caltrans has also agreed to perform the following construction activities: 1) run electricity and install an electric meter, 2) run recycled water pipes and install a water meter, 3) run potable water pipes and install a water meter, 4) grade an access road to provide public access from Manchester Avenue and/or the multi-use facility, and 5) grade/terrace the garden once a final plan has been approved. Finally, in order to provide support for the ongoing operation of the community garden, Caltrans proposes to contribute an endowment of $800,000. The endowment would have an assumed interest rate of 5% and an average annual return of approximately $40,000. Based on this anticipated rate of return, the $800,000 endowment would be sufficient to cover the community garden's ongoing operation costs related to agricultural production. Special Condition #8 requires this endowment to be established prior to commencement of construction.

A total of 0.56 acres of temporary impacts to agricultural resources will result from the temporary conversion of agricultural lands to construction staging areas within and north of the multi-use facility at Manchester Avenue, in an area currently used for agricultural production. However, in accordance with IM 5.9.2 of the NCC PWP/TREP, any temporarily affected agricultural areas or operations will be fully restored to pre-existing conditions after construction is completed. Thus, temporary impacts will not result in the long-term reduction in productivity or conversion of the subject lands to nonagricultural use.

In conclusion, although the Phase 1/Stage 1 specific project would result in both temporary and permanent impacts to agriculture, these impacts were considered and authorized in the NCC PWP/TREP. By applying the policies, design/development strategies, and implementation measures included in Section 5.9.3 of the NCC PWP/TREP, as well as required special conditions, the Commission finds that the subject NOID is consistent with the NCC PWP/TREP.

J. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Pursuant to Public Resources Code Section 21067 and Sections 15050 and 15051 of Title 14 of the California Code of Regulations, Caltrans is the lead agency for purposes of the California Environmental Quality Act (CEQA), as it is the public agency with principal responsibility for carrying out the I-5 related improvements and the larger NCC PWP/TREP. As the lead agency under CEQA, Caltrans certified a Final Environmental

Impact Report addressing the subject plan in November 2013.[2] Caltrans is also the state-designated lead agency under CEQA for the rail component of the plan and released the LOSSAN FINAL Program EIR/EIS in September 2007, with the Record of Decision issued on March 18, 2009.

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 CEQA. This requirement also applies to the Commission's review of NOIDs, based on Section 13550(d) of the Commission's Code of Regulations. 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 previously, the proposed project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act, and the NOID has been conditioned in order to be found consistent with the certified NCC PWP/TREP as amended by PWP-6-NCC-16-0001-1. Mitigation measures, including conditions addressing biological mitigation, agricultural mitigation and visual resource protection, will minimize all adverse environmental impacts. As conditioned, 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.

[2] The certification of that EIR is the subject of ongoing litigation in San Diego Superior Court. According to Caltrans, the matter has been fully briefed and a hearing date has been set for May 20, 2016. However, at this point, no relief has been granted that would affect the status of this EIR. Moreover, for the reasons stated in the Commission's findings in support of its original certification of the NCC PWP/TREP (see July 24, 2014 staff report at pages 26-28), which are incorporated herein by reference, that litigation does not prevent the Commission from taking the instant action on the subject CDP/NOID.

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

- PWP No. PWP-6-NCC-13-0203-1
- PWP Amendment No. PWP-6-NCC-16-0001-1

Camp Pendleton Marine Corps Base

I-5 NCC Corridor Alignment

LOSSAN Corridor Alignment

San Luis Rey River

Oceanside Harbor

City of Oceanside

Buena Vista Lagoon

Agua Hedionda Lagoon

City of Carlsbad

Batiquitos Lagoon

City of Encinitas

San Elijo Lagoon

City of Solana Beach

San Dieguito River

City of Del Mar

Los Penasquitos Lagoon

City of San Diego

City of Vista

City of San Marcos

Pacific Ocean

Orange County

Riverside County

San Diego County

MEXICO

NORTH

0 5 10 Miles

- North Coast Corridor Travel Shed
- Coastal Zone Boundary
- City Boundary
- I-5 NCC Project Area
- LOSSAN Proposed Track
- LOSSAN Existing Track
- Interstate
- State Route
- Major Arterial

DATA SOURCES: Caltrans, California Coastal Commission, Local Jurisdictions, SanGIS, SANDAG, Imagery: DigitalGlobe March 2008

North Coast Corridor PWP/TREP

FINAL: JUNE 2014

EXHIBIT NO. 1

NCC & Regional Map

CDP 6-15-2092 / NOID NCC-NOID-0005-15

California Coastal Commission

LEGEND

- ENVIRONMENTAL FOOTPRINT LIMIT
- RIGHT OF WAY
- CUT/FILL LIMIT
- 1/4 TON ROCK SLOPE PROTECTION
- 1/4 TON ROCK TOE PROTECTION (EARTH COVERED)
- NATIVE SOIL BACKFILL

EXHIBIT NO. 2

Phase 1/Stage 1 Aerial Map

CDP 6-15-2092/NOID NCC-NOID-0005-15

California Coastal Commission

I-5 NCC SAN ELIJO/MANCHESTER PROJECT

EXHIBIT - ENVIRONMENTAL FOOTPRINT - PACKAGE 1

FIGURE 6A-2: NOTICE OF IMPENDING DEVELOPMENT (NOID) PROCESS

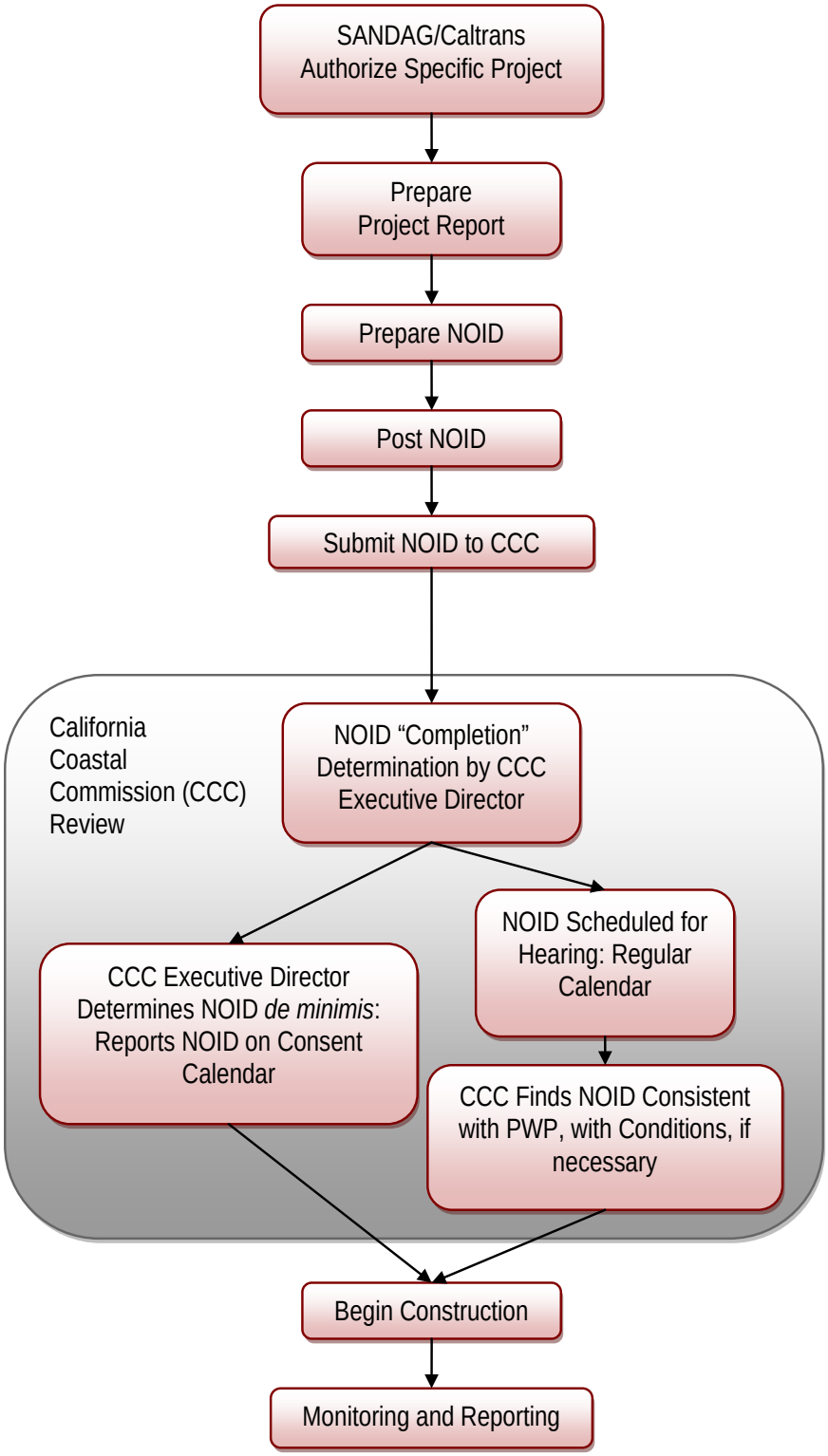
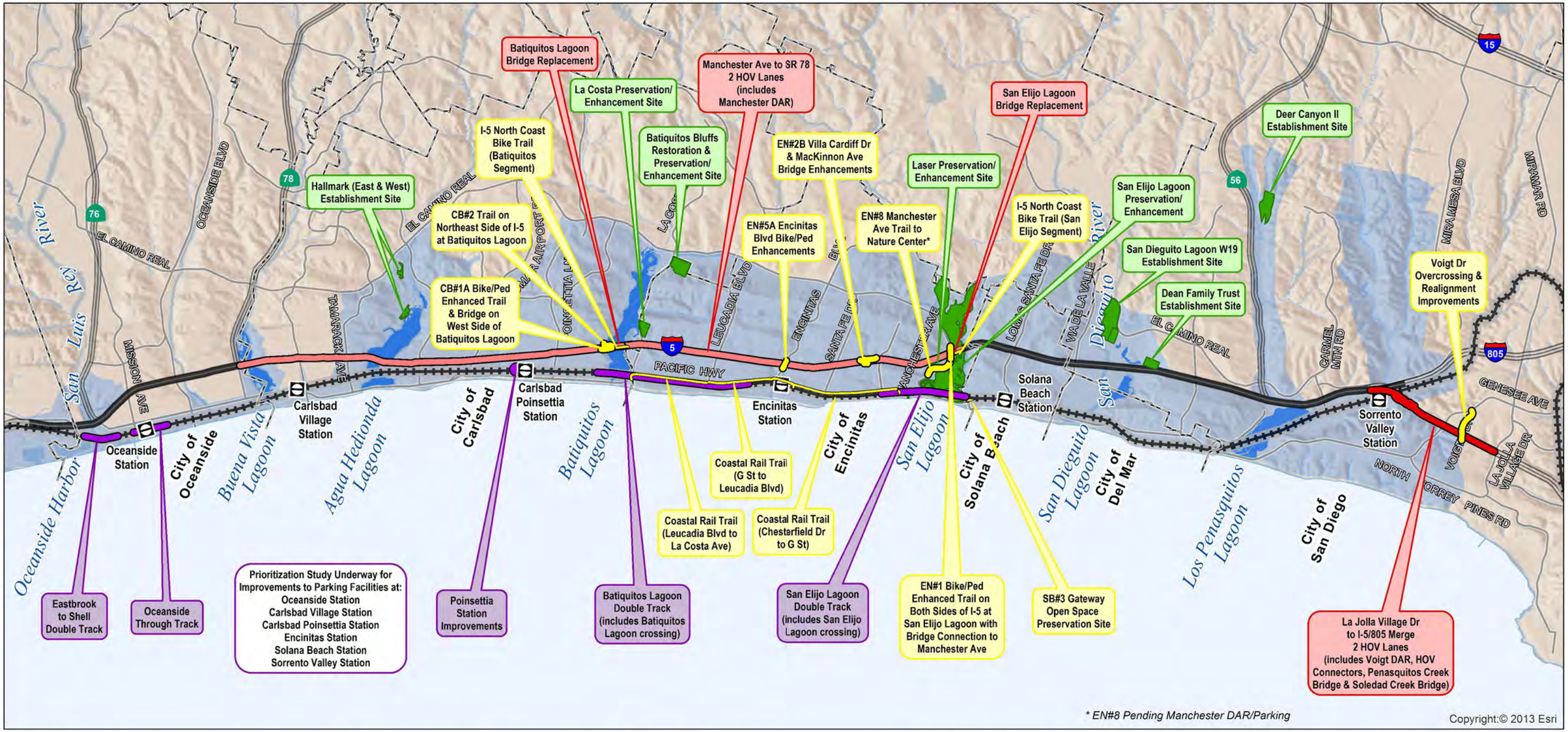


EXHIBIT NO. 3
NOID Process
CDP 6-15-2092 / NOID NCC-NOID-0005-15
California Coastal Commission

TABLE 6A-1: PHASING PLAN

Phase	Project Phase Benefits (Estimated)	Highway	Bicycle & Pedestrian/ Community Enhancements	Rail & Transit*	Environmental
2010-2020	• 29.7 lane-miles of new HOV facilities • 5.3 miles of new rail double-tracking • 6.3 miles of new bike/ped facilities (1.3 miles of improved facilities) • 2 new bike/ped crossings (4 improved crossings) • 220 acres of environmental mitigation • Potential enhancements to San Elijo Lagoon (491-acre system)* • Capital investment: – $1,037M highway & bike/ped – $259M rail & transit – $170M environmental*	• 2 HOV lanes from Manchester Av to SR 78 – San Elijo Lagoon Bridge Replacement – Batiquitos Lagoon Bridge Replacement – Manchester Av DAR – San Elijo Multi-Use Facility	<u>Highway Adjacent</u> • EN#1 Bike/Ped Trail on Both Sides of I-5 at San Elijo • EN#5A Encinitas Blvd Bike/Ped Enhancements • EN#2B Villa Cardiff & MacKinnon Bridge Enhancements • EN#8 Manchester Avenue Trail to Nature Center • SB#3 Gateway Open Space Preservation Site • CB#1A Bike/Ped Trail & Bridge on W Side of Batiquitos • CB#2 Trail on NE Side of I-5 at Batiquitos Lagoon • I-5 North Coast Bike Trail *(San Elijo and Batiquitos segments)* • Manchester Ave Undercrossing Improvements	• Eastbrook to Shell Double Track • Oceanside Through Track • Batiquitos Lagoon Double Track – Batiquitos Bridge replacement • San Elijo Lagoon Double Track – San Elijo Bridge replacement • Poinsettia Station Improvements • Parking improvements at selected rail stations (currently under prioritization study)	• San Dieguito W19 Establishment Site • Hallmark (East & West) Establishment Site • Dean Family Trust Establishment Site • Batiquitos Bluffs Restoration & Preservation/Enhancement Site • Deer Canyon II Establishment Site • Laser Preservation/Enhancement Site • La Costa (Ayoub) Site Preservation & Enhancement • San Elijo Lagoon Preservation/Enhancement • Lagoon Mgmt/Endowment/Regional Dredging Program
		• 2 HOV lanes from La Jolla Village Dr to I-5/I-805 – Voigt Dr DAR • I-5/I-805 HOV Connectors – Peñasquitos Creek Bridge – Soledad Creek Bridge	• Voigt Dr Overcrossing & Realignment Improvements <u>LOSSAN Adjacent</u> • Coastal Rail Trail *(Chesterfield Dr to G St)* • Coastal Rail Trail *(G St to Leucadia Blvd)* • Coastal Rail Trail *(Leucadia Blvd to La Costa Av)*		

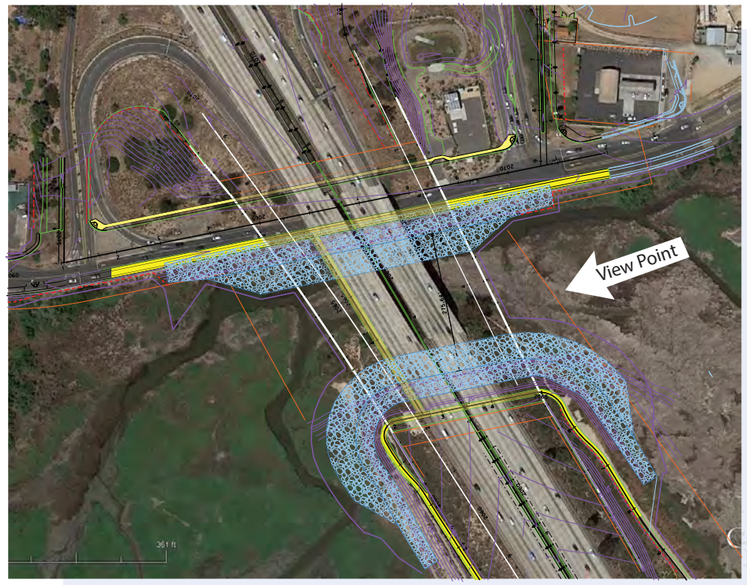
* Both the Buena Vista and San Elijo Lagoon restoration projects could be eligible for a $90M funding pool if all regulatory permits are obtained. The available funds could go to one lagoon or be shared between them. For purposes of this table, the $90M is split evenly between the two lagoons until actual allocations are determined.



DATA SOURCES: Caltrans, California Coastal Commission, Local Jurisdictions, SanGIS, SANDAG, Imagery: DigitalGlobe March 2008

FIGURE 6A-1A

Project Improvements and Enhancements: Initial-Term Phase (2010-2020)



Original Ground

Proposed Ground

Proposed Rip Rap

To Manchester Ave →

Proposed San Elijo Lagoon Bridge

Suspender Cables Spaced at 12.5 ft., Staggered

Begin Bridge

15.5 ft. Minimum Vertical Clearance

12 ft.

Multi-Use Trail

5.1 ft.

5.6 ft.

Wildlife Crossing

12 ft.

2:1

Channel Bottom

2 ft. Earth Cover (Native Soil)

Rock Slope Protection Fabric

3.3 ft. Rock Slope Protection 1/4 Ton, 2 layers minimum

2 ft. Aggregate Base

20'

2:1

Approximate Environmental Footprint

San Elijo Pedestrian/Bike Trail Suspended Bridge

Original Ground

PROPOSED SURFACE - INVERT ELEVATION = -3.89'

Pier

Station 2062+50

0 25 feet 50 feet

50 45 40 35 30 25 20 15 10 5 0 -5 -10 -15 -20

50 40 30 20 10 0 -10 -20 -30 -40 -50 -60 -70 -80 -90 -100 -110 -120 -130 -140 -150 -160 -40

View Looking West

I-5 NORTH COAST CORRIDOR PROJECT
SAN ELIJO LAGOON AREA

PLAN VIEW AND PROFILE VIEW OF REVETMENT DESIGN ALTERNATIVE

EXHIBIT NO. **5**

San Elijo Lagoon I-5 Bridge Section

CDP 6-15-2092 / NOID NCC-NOID-0005-15

California Coastal Commission

Hallmark East
Hallmark West
Batiquitos Bluffs
La Costa
Laser
San Dieguito Lagoon MOU
Deer Canyon II
Dean Family Trust

I-5 bridge optimization for Buena Vista Lagoon restoration

I-5 bridge optimization for Batiquitos Lagoon enhancement

I-5/LOSSAN bridge optimization for San Elijo Lagoon restoration

- I-5 NCC Project Area
- LOSSAN Proposed Track
- LOSSAN Existing Track
- North Coast Corridor Travel Shed
- City Boundary
- Interstate
- State Route
- Major Arterial
- Coastal Zone Boundary

Coastal Zone Appeal and Permit Areas

- Coastal Commission Permit Jurisdiction
- Lagoon

- Mitigation Sites
- Land Preservation Area

2 4 Miles

Caltrans, California Coastal Commission, Local Jurisdictions, SanGIS, SANDAG, Imagery: DigitalGlobe March 2008

EXHIBIT NO. 6

Mitigation Sites Map

CDP 6-15-2092 / NOID NCC-NOID-0005-15

California Coastal Commission

FIGURE 6B-1

Resource Enhancement and Mitigation Program Overview

EXHIBIT NO. 7

Agricultural Impacts Map

CDP 6-15-2092 / NOID NCC-NOID-0005-15

California Coastal Commission

LEGEND

26121016

PRESERVED OPEN SPACE - 284,934 sqft (6.54 acre)

26121001

TEMPORARY IMPACT AREA - 5,246 sqft (0.12 acre)

PERMANENT IMPACT AREA - 19,901 sqft (0.46 acre)

26121020

LEGEND

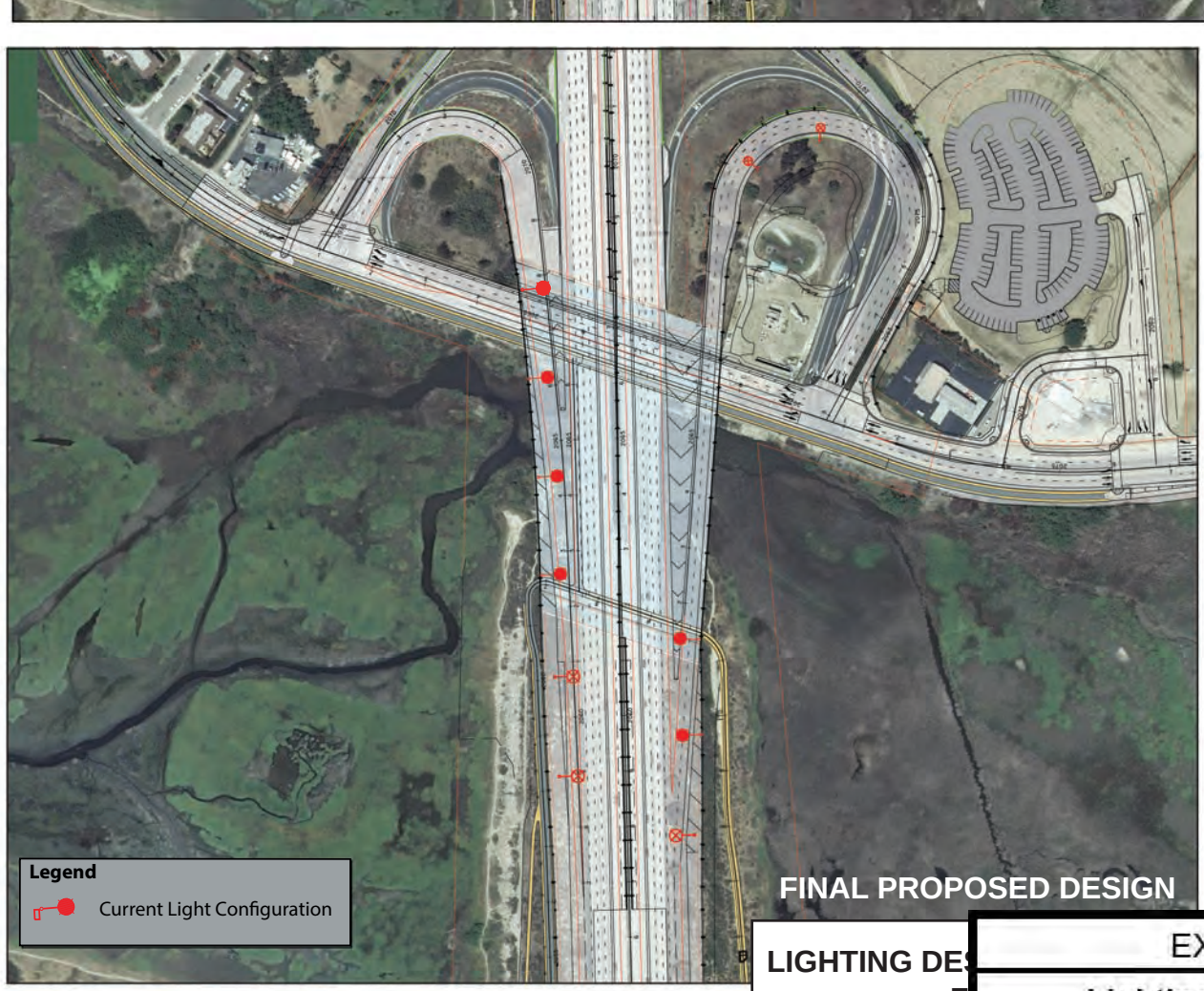
TEMPORARY IMPACT AREA - 19,270 sqft (0.44 acre)

PERMANENT IMPACT AREA - 198,127 sqft (4.55 acre)

PRESERVED FARMLAND - 249,841 sqft (5.73 acre)

PRESERVED OPEN SPACE - 245,129 sqft (5.63 acre)

PARK & RIDE REDUCED IMPACT

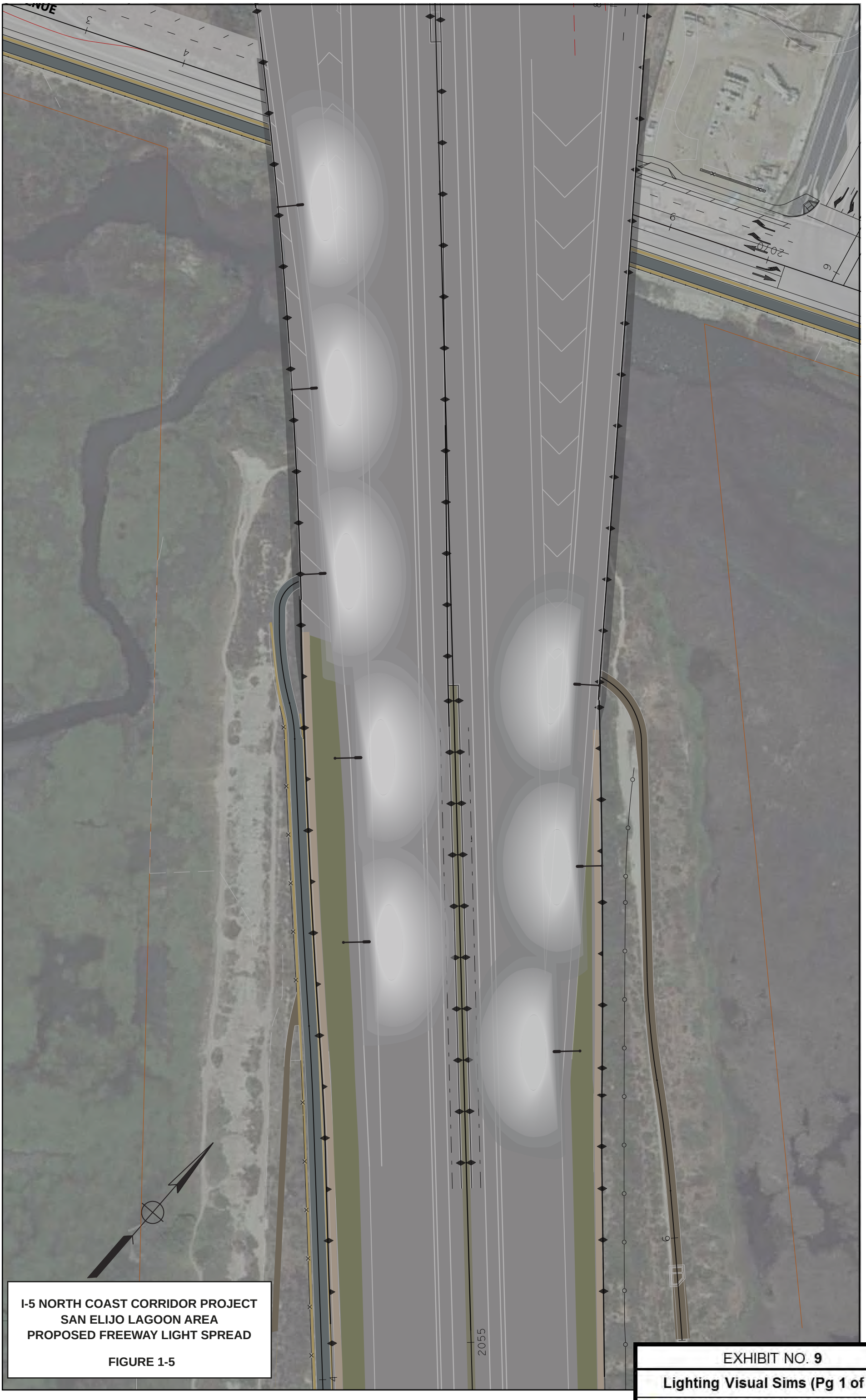


LIGHTING DES
F

EXHIBIT NO. **8**

Lighting Design Process

CDP 6-15-2092 / NOID NCC-NOID-0005-15
California Coastal Commission



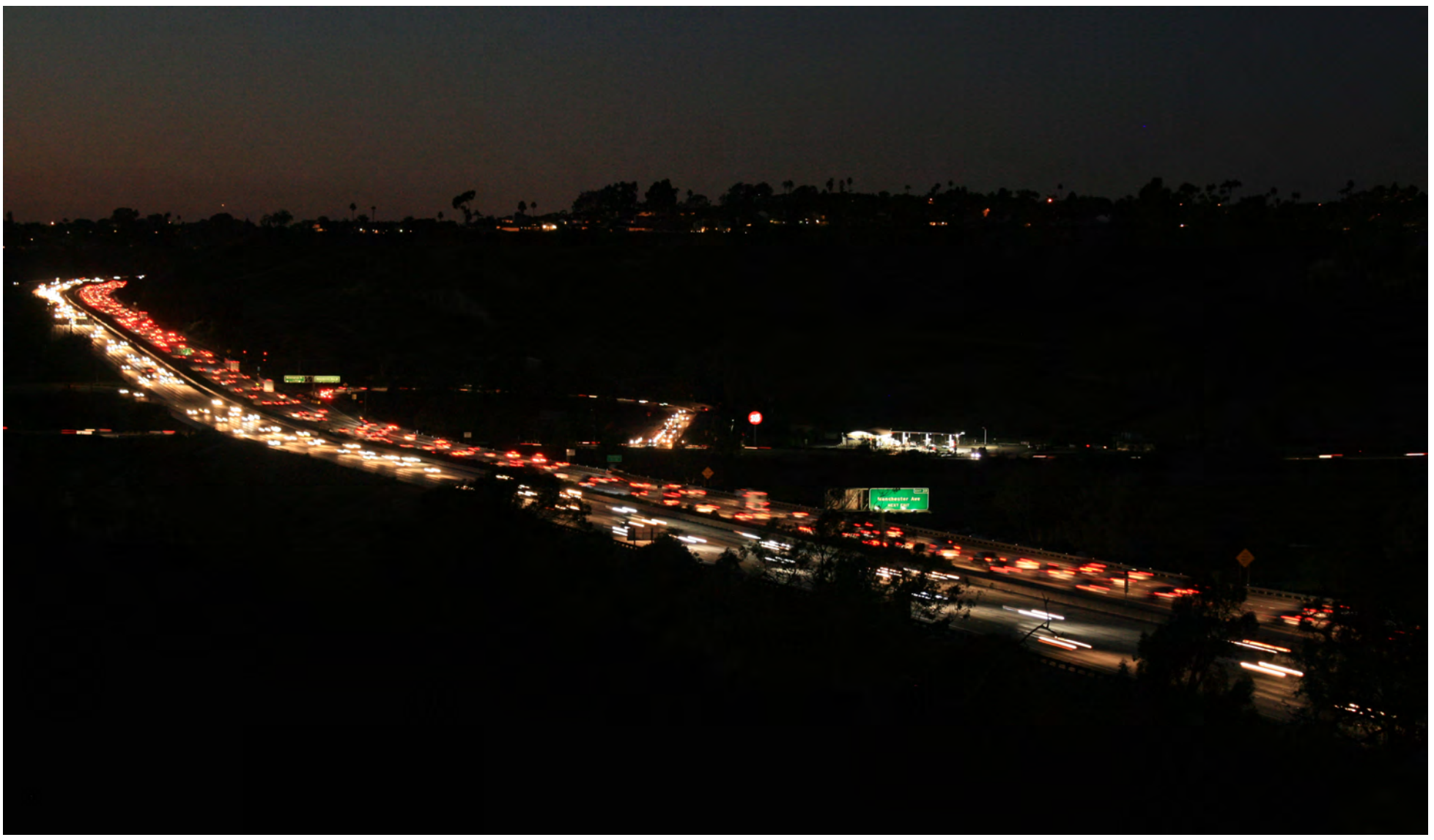
I-5 NORTH COAST CORRIDOR PROJECT
SAN ELIJO LAGOON AREA
PROPOSED FREEWAY LIGHT SPREAD

FIGURE 1-5

EXHIBIT NO. **9**

Lighting Visual Sims (Pg 1 of 4)

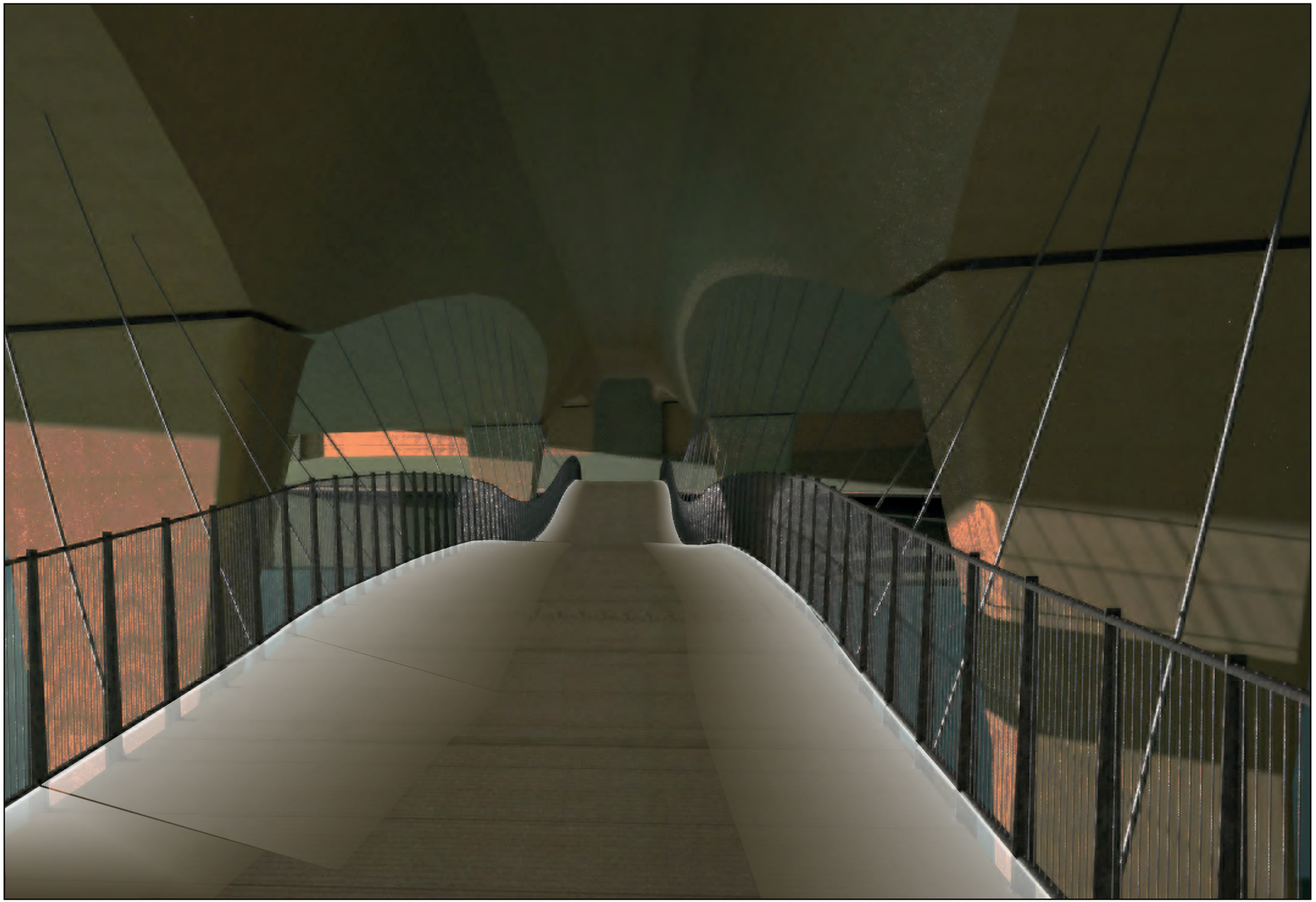
CDP 6-15-2092 / NOID NCC-NOID-0005-15
California Coastal Commission



Existing evening view to the north from the Solana Hills Hiking Trail

Photosimulation of the evening view to the north of the proposed multi-use facility from the Solana Hills Hiking Trail

SIM #14
Current Conditions and Photosimulaton of the view north from the Solana Hills Hiking Trail



SIM #5
Proposed San Elijo Lagoon Pedestrian Bridge Lighting

Existing evening view to the west of the San Elijo Bridge from Manchester Avenue

Photosimulation of the evening view to the west of the San Elijo Bridge and proposed multi-use facility from Manchester Avenue

SIM #15
Current Conditions and Photosimulaton of the evening view from Manchester Avenue

Legend

(#) Key View Location

Project Footprint

EXHIBIT NO. 10

Project Visual Sims (Pg 1 of 13)

CDP 6-15-2092 / NOID NCC-NOID-0005-15

California Coastal Commission

I-5 NORTH COAST CORRIDOR PROJECT
SAN ELIJO LAGOON AREA
PHOTOSIMULATION
KEY VIEW LOCATION MAP
Figure 8

SIM #1
Photosimulation of view to the northwest of the San Elijo Lagoon Bridge and Manchester Avenue

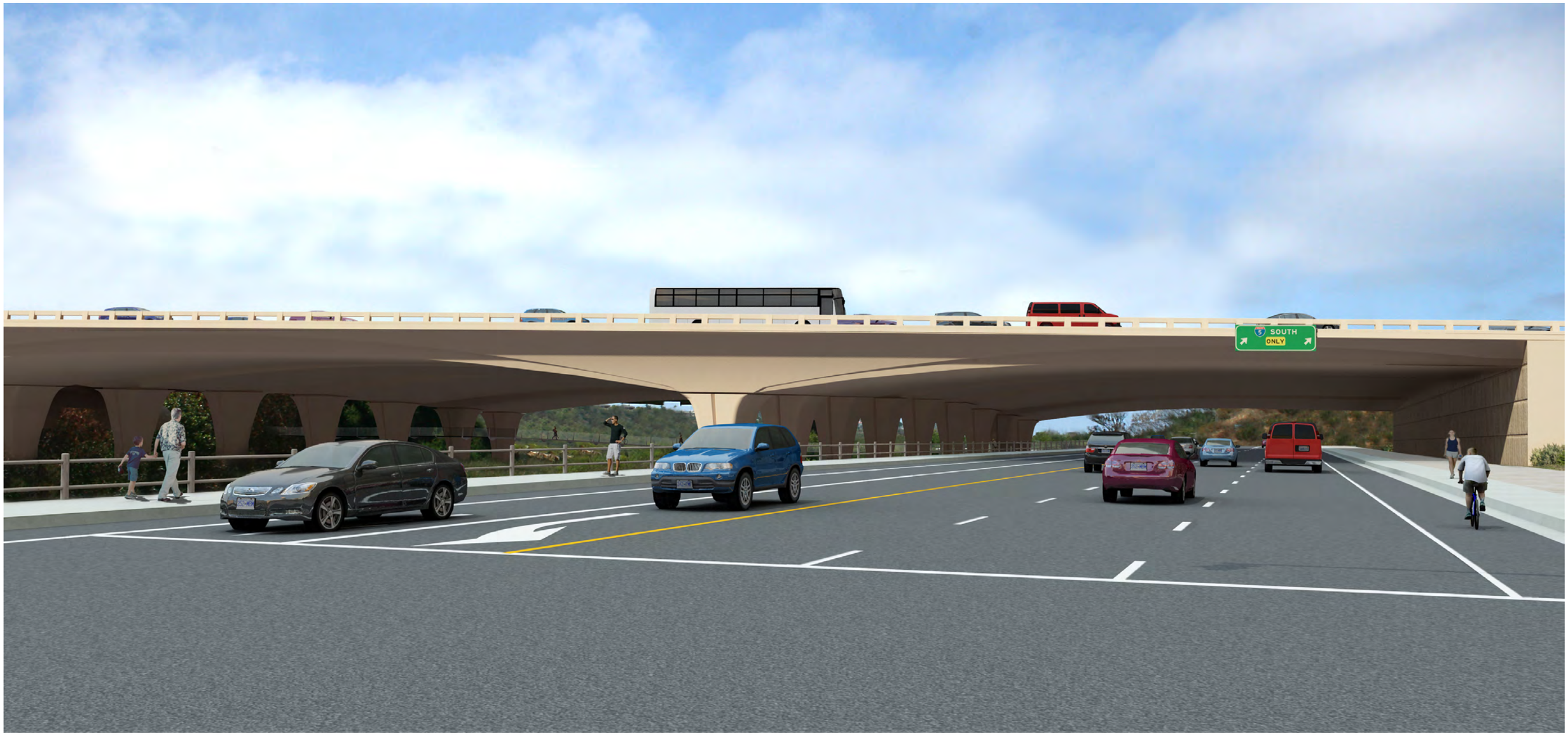
SIM # 2
Photosimulation of view to the east of the San Elijo Lagoon Bridge and Pedestrian Bridge

SIM #3
Photosimulation view to the northwest of the San Elijo Lagoon Multi-Use Trail

SIM #4
Photosimulation view to the north of the San Elijo Pedestrian Bridge

SIM #6
Photosimulation view to the west of the Manchester Multi-Use Trail

SIM #7
Photosimulation of San Elijo Bridge at Manchester Avenue



SIM #7
Photosimulation of the southwest view of the San Elijo Lagoon Bridge at Manchester Avenue

SIM #8
Photosimulation of the proposed Multi-Use Parking Facility from NB I-5 Manchester Avenue off-ramp looking east.

SIM #9
Photosimulation looking north of the proposed Multi-Use Parking Facility from Via Poco off Manchester Avenue

SIM #11
Photosimulation of the Southbound Overhead Signs #5, 6 and 8

SIM #12
Photosimulation on northbound I-5 of proposed overhead signs #5, 6 and 8

SIM #13
Photosimulation of proposed overhead sign #8 on northbound I-5 approaching the San Elijo Lagoon bridge