CALIFORNIA COASTAL COMMISSION
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REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-06-115

Applicant: California Department of Transportation Agent: Bruce April

Description: Extension of the northbound High Occupancy Vehicles (HOV) lane and the creation of a southbound HOV lane both to be located in the median of Interstate 5 (I-5) from the north end of the San Dieguito River Bridge to the south end of the San Elijo Lagoon for a distance of 2.8 miles.

Site: Interstate 5 between San Dieguito River and San Elijo Lagoon, northbound and southbound lanes just south of Via de la Valle exit north to Manchester Ave., Solana Beach, San Diego County.

Substantive File Documents: Site Investigational Lead Report prepared by Geocon Consultants dated June 22, 2001, approved Coastal Development Permit 6-03-54 with amendment 6-03-54-A1.

STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the proposed development. The main concern raised is water quality issues for runoff draining into the San Dieguito River and San Elijo Lagoon. Further concerns raised are protection of biological resources and public access issues. The HOV expansion project will be contained entirely within the existing median portion of Interstate 5. There are no significant biological resources in the median within the project limits. The only vegetation is non-native oleander shrubbery. There is potential for water quality impacts to San Elijo Lagoon and the San Dieguito River. Caltrans has proposed treatment BMPs, a component to a previous permit (CDP 6-03-54), to be constructed concurrently with this project. These BMPs primarily consist of bioswales and a detention basin. There are no treatment BMPs proposed with this specific project. The treatment BMPs approved by CDP 6-03-54 will treat 40% (approximately 43,000 sq. ft.) of the proposed pavement created by the construction of the new HOV lanes. The remaining 60% (approximately 54,000 sq. ft.) will be conveyed

by vegetated ditches that provide some unquantifiable level of treatment prior to entering either the San Dieguito River or San Elijo Lagoon. In order to quantify the water quality treatment as stormwater runoff moves through these vegetated ditches, monitoring of the runoff will be required. In addition, taken together with the Interchange project (6-03-54), the amount of treated pavement (860,000 sq. ft.), greatly exceeds the amount of new pavement (280,000 sq. ft.) that will result from the combined projects, resulting in a net benefit to water quality. Thus, using the BMPs proposed by the applicant, in conjunction with the proposed special conditions, all adverse impacts to water quality have been minimized to the maximum extent practicable. As conditioned, all potential adverse impacts on coastal resources are addressed to assure consistency of the development with Chapter 3 policies of the Coastal Act.

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: ***I move that the Commission approve Coastal Development Permit No. 6-06-115 pursuant to the staff recommendation.***

STAFF RECOMMENDATION OF APPROVAL:

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

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Final Plans. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and written approval, full-size final plans for the permitted development that are in substantial conformance with the original plans submitted with the permit application dated September 27, 2006 by Caltrans Metric.

The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changed to the approved plans shall occur without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

2. Maintenance of Water Quality. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit a final detailed Water Quality Program (WQ Program) for review and written approval of the Executive Director for the **entire** project area, **including** the region of approved development under CDP 6-03-54 to be constructed concurrently with this HOV extension project, with construction BMPs to remain in place through completion of this HOV extension project. The WQ Program shall include the following specifications:

a. A Best Management Practices (BMP) Program addressing post-construction BMPs. This BMP program shall include, but not be limited to, the following:
    i. Final **drainage plans** delineating the detention basin, bioswales, inlet and outlet facilities, any other proposed treatment BMPs, and the overall flow path of runoff (shown from where it contacts and runs off the project site to where it ultimately outlets to a lagoon and/or river). Plans shall specifically show which areas of the HOV extension project are being treated by BMPs and which areas are not being treated.
    ii. Calculations that show the BMP facilities are designed to treat, infiltrate or filter the amount of stormwater runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMPs. The calculations shall apply to all runoff that will be treated by the BMPs, and shall specifically identify the amount of runoff from the HOV extension project that is being treated by the BMPs.
    iii. Maintenance plan for all treatment BMPs that includes the schedule for maintenance and the type of maintenance performed for each BMP.
    iv. Plan and schedule for trash collection and street sweeping along the I-5 highway within the project area.

b. A Best Management Practices (BMP) Program addressing Construction BMPs. This program shall include, but not be limited to, the following:

i. Detailed plan for erosion and sediment control BMPs during construction, specifically in areas that drain into San Elijo Lagoon or San Dieguito River, to prevent pollutants from entering coastal waters. These measures shall remain in place and be maintained in a functional condition throughout the duration of construction for the proposed development.
ii. Detailed plan for the storage and containment of construction-related chemicals and materials, to prevent those pollutants from entering coastal waters. A plan for the clean-up of accidental spill of petroleum-based products, cement, or other construction related chemicals or pollutants shall be provided and retained on-site with the contractor or engineer throughout construction. It shall include, but not be limited to, use of absorbent pads, or other similar and acceptable methods for clean- up of spills.
iii. Debris and trash shall be disposed of in the proper trash and recycling receptacles at the end of each construction day.
iv. Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems.
v. Staging areas shall be shown on the plans, and cover for those areas shall be provided. Staging areas shall be those areas already approved for staging pursuant to CDP #6-03-54.

c. Water Quality Monitoring Plan (WQMnP). This WQMnP will be submitted for the review and approval of the Executive Director prior October 15th, 2007 or before the start of construction, which ever is later. The WQMnP shall include, but not be limited to, the following:

i. The WQMnP shall be prepared by a licensed water quality professional and shall include measures to evaluate the quality of runoff generated by the portions of this project that are not treated by treatment control BMPs designed and constructed in conformance with Caltrans Stormwater Management Plan. The WQMnP shall evaluate the quality of runoff that enters and discharges from the drainage ditches that carry water from the freeway to coastal waters such as San Dieguito River and the San Elijo Lagoon.
ii. The WQMnP shall direct the development of a report regarding the potential impacts of the HOV lane and untreated runoff from the existing freeway on coastal waters. Modeling may be used to estimate the contribution of the HOV lane to the overall impacts.
iii. All pollutants of concern (parameters) shall be monitored, including, at a minimum: metals associate with freeway runoff (e.g., copper, zinc, and lead), nutrients, petroleum hydrocarbons (including diesel, gasoline, motor oil range hydrocarbons), suspended solids and acute aquatic toxicity.
iv. The maximum threshold levels for each water quality parameter, consistent with those established by the San Diego Regional Water Quality Control Board (SDRWQCB), the California Toxics Rule approved by the US Environmental Protection Agency (EPA), or other suitable criteria, shall be specified and submitted to the Executive Director for approval.

v. Sampling protocols to be used for each water quality parameter shall be specified and submitted to the Executive Director for approval. Measurements must be precise enough to evaluate compliance with applicable water quality threshold levels.

vi. Monitoring shall be designed to evaluate changes to runoff water quality as the runoff moves through the drainage ditches carrying water from the freeway to other coastal waters (e.g., the San Dieguito River and San Elijo Lagoon). The WQMnP shall describe how the samples will be collected in order to provide a statistically valid estimate of changes to water quality parameters as stormwater runoff moves through the drainage ditches.

vii. Monitoring shall occur during four (4) different storm events each year, for a period of 3 years, at a minimum. If runoff from four storms does not occur for three consecutive years, an additional year of monitoring will be added to collect data for a minimum of 12 storms. The WQMnP shall propose a minimum size for sampling to be approved by the Executive Director.

viii. Results of monitoring shall be submitted in an annual report (due by August 1st of each year) to the Executive Director and to the Executive Officer of the SDRWQCB . Any proposed modifications to the WQMnP may be submitted at the same time, but changes to the monitoring program must be approved by the Executive Director.

viii. Annual reports on the monitoring effort and a final report evaluating the water quality impact of the HOV lane shall be submitted to the CCC Executive Director and to the Executive Officer of the SDRWQCB within six months of the final annual report.

3. Timing of Construction/Public Access. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and written approval a final construction schedule identifying the project start and stop dates. The schedule shall include the following modification:

a. Adverse effects on traffic flow on Interstate 5 shall be minimized during the summer months by closure of no more than **one** lane in either direction of Interstate 5 during the summer months, including any portion of the highway also affected by the construction of approved CDP 6-03-54.

The permittee shall undertake development in accordance with the approved construction schedule. Any proposed changes to the approved construction schedule shall be reported to the Executive Director. No changed to the approved construction schedule shall occur without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

4. Disposal of Graded Spoils. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall identify the location for

the disposal of graded spoils. If the site is located within the coastal zone, a separate coastal development permit or permit amendment shall first be obtained.

5. As-Built Plans. **WITHIN 60 DAYS FOLLOWING COMPLETION OF THE PROJECT**, the permittee shall submit as-built plans of the approved development verifying HOV lanes have been constructed in conformance with the approved plans for the project. As built plans shall include:

a. The distance and location of vegetated filtration and filtration through bare soil prior to entering the median culverts. The plans shall also include the distance and location of the project where there is no filtration (areas where space allows only for concrete barriers within the existing median) prior to entering the median culverts.

6. Limitation of this Authorization. This permit does not authorize any activities associated with the future North Coast Interstate 5 Corridor (widening) Project. The widening project will require additional review for conformity to the Coastal Act, which review and analysis will be conducted independently of the current decision. The approval of this permit in no way commits the Commission to approval of any component of the widening project.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. The Department of Transportation is proposing the extension of an existing Northbound (NB) and creation of a Southbound (SB) High Occupancy Vehicle (HOV) lane along Interstate 5 (I-5), in the City of Solana Beach (see Exhibit #1). The southbound HOV lane will be constructed by laying new pavement in the median of I-5 and re-striping the remaining lanes. The HOV lane will begin at the south end of the San Elijo Lagoon I-5 Bridge and terminate at the north end of the San Dieguito River I-5 Bridge. The southbound HOV lane will both commence and terminate within the confines of this project and will not be an extension of any existing HOV lanes. The northbound HOV lane will also be constructed by laying new pavement and re-striping the existing lanes. The northbound HOV will be an extension of an existing HOV lane that currently runs from the I-5/I-805 split to Via de la Valle. The existing HOV lane currently becomes the #1 lane (lane closest to the median), thus losing its carpool restriction, at the Via de la Valle exit. The proposed development would continue this HOV lane to the south end of the San Elijo Lagoon I-5 Bridge just south of Manchester Ave (see Exhibits #2a-2e). The proposed development also includes widening of the Via de la Valle Bridge and reconstructing the drainage system in the median.

As proposed, the I-5 HOV expansion project will be constructed concurrently with the I-5/Lomas Sante Fe interchange project (CDP #6-03-054), which the Commission has previously approved. This interchange project includes construction of new loop ramps

for the Lomas Sante Fe Interchange, widening the I-5 overpass, installing a raised median in front of Lomas Sante Fe Plaza, rerouting Marine View Ave and landscaping and drainage improvements.

Traffic congestion and delay occur in both the northbound and southbound direction of I-5 within the project limits. According to the applicant, the average duration of congestion (speeds of less than 35 miles/hour) on NB I-5 at this location lasts about three hours during the weekday evening peak. In the southbound direction, drivers experience on average two hours of congestion during the weekday morning peak. Traffic along this corridor increases in the summer months due to the San Diego County Fair and the Del Mar Race Track. There are currently six northbound lanes of traffic at the San Dieguito River overcrossing. This number quickly decreases to four lanes, with the #6 lane (the lane closest to the outside shoulder) exiting at Via de la Valle, and the #5 and #4 lanes merging into one lane just north of the Via de la Valle off-ramp. Again, according to the applicant, this rapid decrease in lanes often causes congestion at the Via de la Valle exit.

The extension of HOV lanes would be accomplished by re-striping existing lanes and widening I-5 into the existing median only; no construction would occur on the outside shoulders, as such, there will be no expansion of the road prism. There are no significant biological resources in the median within the project limits. The only existing vegetation is non-native oleander shrubs, which do not provide habitat for endangered, threatened, or other sensitive species. The bridge overpass at Via de la Valle will require widening; however no habitat will be impacted. Approximately 29,420 cubic yards of soil will be removed from the median and about 2.2 million sq. ft. of new pavement along 2.8 miles of I-5 will be required to create the HOV lanes. The existing concrete barriers and metal beam guard rail in the median will be removed to construct the new pavement and replaced with a dual run of concrete barriers on each side of oleander shrubs currently in the median. Approximately .37 miles at the Villa de la Valle interchange, and approximately .15 miles at the Lomas Sante Fe interchange will have a run of single concrete barriers due to lack of space and line-of-sight constraints.

A total of approximately one-half mile of oleander shrubs would be removed to improve sight distance and would potentially be replanted if the shoulders are reconfigured for construction of the North Coast Interstate 5 Corridor (widening) Project. Barrier tapers near the two undercrossings would require about .19 miles of oleanders to be removed and another .03 miles would be removed with the installation of new drainage structures in the median for a total of .22 miles of oleanders to be permanently removed. This permit authorizes only the currently proposed HOV lane expansion. It does not authorize or in any way commit the Commission to approving the North Coast Interstate 5 Corridor (widening) Project, which is currently in the planning stage at Caltrans.

Because there is no certified LCP for Solana Beach, the standard of review for this project is the Chapter 3 policies of the Coastal Act.

2. Water Quality. The following Coastal Act policies address water quality. Those most applicable state in part that:

Section 30231

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

Current Conditions

There are currently no approved treatment BMPs for Interstate 5 along the project site in Solana Beach. As such, runoff from approximately 2.2 million sq. ft. of impervious roadway surface flows into San Elijo Lagoon and the San Dieguito River with no structural treatment BMPs. Pollutants such as petroleum hydrocarbons and heavy metals are associated with highway runoff. These pollutants can have adverse impacts on coastal resources. Currently, all runoff drains from the lanes of traffic to either the median or the outside shoulder. The median and outside shoulder provide some form of informal filtration as both are vegetated soil. The runoff from the median also passes through "scuppers" which are used to screen out larger sized debris (e.g. coffee cups, large leaves, etc.). No biologically important species exist within the median, as it is currently vegetated with non-native oleander shrubbery. The runoff from the medians and outside shoulders then flows into the storm drains. The storm drains from approximately the Lomas Santa Fe interchange southward discharge into drainage ditches that run along the base of the I-5 slopes south of the Via de la Valle exit (see Exhibit #3) on either side of the freeway. These ditches are natural bottomed and vegetated with disturbed coastal brackish marsh. These ditches eventually drain into the San Dieguito River. Drainage from the Lomas Santa Fe Interchange northward feeds into earthen ditches located on either side of the I-5 prior to discharging into San Elijo Lagoon (see Exhibit #3). Thus, while the freeway in this location does not have any structural treatment BMPs approved under Caltrans' Storm Water Management Plan, runoff from the freeway does receive some level of treatment through passage of the runoff through long, vegetated ditches. Treatment in these ditches is based on the same principals found in treatment wetlands (filtration through plants, sedimentation of particulates and adsorption of nutrients, hydrocarbons and other hydrophobic compounds on soil and plants).

Proposed Conditions

The proposed HOV expansion project will increase the amount of impervious surfaces. Increases in impervious surfaces amplify the contaminant load and rate of runoff in proportion to the increase in surface area. Again, currently there are no structural treatment BMPs for the portion of the highway where this project will occur. This

project, as proposed, will not add treatment BMPs to the median within the HOV extension limits. The lack of treatment BMPs is primarily due to safety concerns for BMP maintenance and the lack of space in which to install such measures. In addition, any BMP features that might slow runoff from the freeway surface could create a hazard on the freeway during storm conditions and infiltration features are not recommended where they may impact structural stability of the pavement.

Treatment BMPs included in the approved permit CDP #6-03-54, which will be constructed concurrently with this proposed development, will treat a significant portion of the runoff from this proposed development. The treatment BMPs incorporated into CDP 6-03-54 include a single detention basin and 13 bioswales. A treatment BMP was proposed by Commission staff to convert the vegetated ditches to treatment ponds, however, this conversion would require impacts to sensitive habitat and therefore was not considered a viable option. Special Condition #2 requires the applicant to submit a detailed water quality program for the project that includes drainage plans delineating these BMPs as well as calculations to show the BMP program facilities are designed to treat the amount of runoff produced by an 85^{th} percentile storm event. Critical to the successful function of post-construction structural BMPs in removing pollutants in stormwater to the Maximum Extent Practicable (MEP) is the application of appropriate design standards for sizing BMPs. The majority of runoff is generated from small storms because most storms are small. Additionally, storm water runoff typically conveys a disproportionate amount of pollutants in the initial period that runoff is generated during a storm event. Designing BMPs for the small, more frequent storms, rather than for the large infrequent storms, results in improved BMP performance at lower overall cost. The Commission finds that sizing post-construction structural BMPs to accommodate (infiltrate, filter or treat) the amount of stormwater produced by all storms up to and including the 85th percentile storm event, in this case, is equivalent to sizing BMPs based on the point of diminishing returns (i.e. the BMP capacity beyond which, insignificant increases in pollutants removal (and hence water quality protection) will occur, relative to the additional costs. Therefore, the Commission requires the selected post-construction structural BMPs be sized based on design criteria specified in Special Condition #2 and finds this will ensure the proposed development will be designed to minimize adverse impacts to coastal resources, in a manner consistent with the Chapter 3 policies of the Coastal Act. In addition, Special Condition #2 requires the applicant to submit a maintenance plan for all treatment BMPs, and a plan and schedule for trash collection and street sweeping to further protect water quality through source control measures.

These BMPs will treat approximately 850,000 sq. ft. of existing and new pavement (see Exhibit #3). The total new pavement for this project is approximately 97,000 sq. ft. The treatment BMPs to be installed under CDP #6-03-54 will treat approximately 40% (approximately 43,000 sq. ft.) of the new impervious surfaces resulting from the subject HOV expansion project. The remaining 60% (approximately 54,000 sq. ft.) of new impermeable surfaces will not be treated by the BMPs approved under CDP #6-03-54, but, as noted above, will receive some unquantifiable level of treatment from the vegetated drainage ditches. Although some pollutants may be retained as runoff moves through the drainage ditches, the applicant has not provided quantitative evidence that the

HOV project will not cause adverse impacts to the water quality and wildlife in the ditches or the San Dieguito River or San Elijo Lagoon. In order to ensure that the runoff is not adversely impacting receiving waters, Special Condition #2 also requires a monitoring plan to be prepared and submitted for review and approval. This monitoring plan will detail the types of pollutants to be monitored, provide a schedule for monitoring.

Although there will be a portion of this project where runoff will not be treated, the overall impacts associated with this project and the Interchange project (6-03-54) have been analyzed. Currently, there is 2.2 million sq. ft. of highway pavement that is not treated. The two projects together will add an additional 280,000 sq. ft. of new pavement. The treatment BMPs will treat some existing and some new pavement, for a total of 860,000 sq. ft. of treated pavement (see Exhibit #3). Taken together, the amount of treated pavement greatly exceeds the amount of new pavement that will result from the development, resulting in a net benefit to water quality.

The proposed project is limited to the existing median. The space remaining after the HOV expansion will not be sufficient to allow for the installation or safe maintenance of any treatment BMPs in the median. Further, because there is no large-scale lane realignment proposed as a component of this project, and the freeway is delimited by sensitive habitat on both sides of the highway (i.e., southward between Via de la Valle and San Dieguito River, and northward from northern Solana Beach to San Elijo Lagoon). These restrictions do not allow space for treatment BMPs either within the shoulder or within the Caltrans right of way (ROW) without impacting sensitive habitat.

The applicant plans to construct treatment BMPs for the remaining runoff as a component of an anticipated future Interstate 5 widening project. While this permit in no way suggests approval of the widening project, further measures for water quality BMPs may be available in the near future, but that due to constraints of the existing freeway, are not feasible at this time. Special Condition #6 puts the applicant on notice that the permitted activities of this project are limited to those necessary for the HOV expansion and, that the approval of this permit exerts no influence over or causes any prejudice to the outcome of I-5 Widening Project.

The Commission typically requires calculations/evidence that the facilities are designed to treat, infiltrate or filter the amount of stormwater runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMPs. Special Condition #2 requires the applicant to submit a detailed water quality program for the project. The water quality program shall include a Best Management Practices (BMP) Program addressing treatment BMPs. This program shall include calculations to show the BMP program facilities are designed to treat the amount of runoff produced by an 85^{th} percentile 24-hour storm event.

With the inclusion of treatment BMPs developed for CDP 6-03-054 and the vegetated drainage ditches, all of the runoff will pass through some form of treatment. Again, 40%

of the runoff will pass through bioswales, a form of treatment BMP approved in Caltrans' Storm Water Management Plan. The runoff from the remaining 60% of the HOV lanes will receive some treatment as it passes through the vegetated drainage ditches along the freeway, but the ditches have not been designed for water treatment and the effectiveness of the treatment in these ditches has not been quantified. In order to better quantify the effectiveness of treatment in the ditches, runoff will be monitored to ensure that it does not cause adverse impacts to the water quality and wildlife in either the drainage ditches or the San Dieguito River or San Elijo Lagoon. Also, taken together with the Interchange project, the amount of treated pavement greatly exceeds the amount of new pavement that will result from the development, providing a net benefit to coastal water quality. Thus, runoff resulting from the proposed HOV expansion project will not result in significant water quality impacts to either San Elijo Lagoon or the San Dieguito River Valley.

The San Dieguito River watershed is a drainage area of approximately 346 square miles in west-central San Diego County. The watershed includes portions of the cities of Del Mar, Escondido, Poway, San Diego, and Solana Beach, and unincorporated San Diego County. In terms of land area, the majority of the watershed (79.8%) is within the unincorporated jurisdiction. The San Dieguito River watershed is presently divided into vacant/ undeveloped (54%), parks/ open space (29 %), and urban (18%) land uses. Nearly half of the vacant land area is open to future development, most of which is zoned for residential usage. The current watershed population is approximately 125,000 however; this level is projected increase to over 210,000 residents by 2015. The Pacific Ocean at the mouth of the San Dieguito River is listed as a 303(d)-impaired water body for elevated coliform bacteria. In the absence of a comprehensive watershed planning effort, large-scale future development may exasperate current water quality problems and create additional beneficial use impairments. The development of the HOV lane will add impervious surface and pollutants associated with automobile transportation to the watershed, but should not add to the coliform bacteria loading of the water body. While this project will result in 0.9 hectares of new impervious surface, the contiguous Lomas Santa Fe Interchange project will result in treatment of 8.0 hectares of impervious surfaces. The impacts of the untreated impervious surface will be difficult to distinguish from the regional effects of polluted runoff and by looking at the two contiguous projects as a whole, there will be a regional stormwater treatment benefit.

The San Elijo Lagoon is experiencing impairments to beneficial uses due to excessive coliform bacteria and sediment loading from upstream sources. San Elijo and other nearby coastal lagoons (Agua Hedionda and Buena Vista) represent critical regional resources that provide freshwater and estuarine habitats for numerous plant and animal species. San Elijo is within the Carlsbad Hydrologic Unit and the population of that area is approximately 500,000 residents making it the third most densely populated hydrologic unit (HU) in San Diego County behind the Pueblo San Diego and the Penasquitos HUs. A high percentage of the undeveloped land is in private ownership and the population of the Carlsbad HU is projected to increase to over 700,000 residents by 2015. As stated above, the development of the HOV lanes will add impervious surface and pollutants associated with automobile transportation to the watershed, but should not add to the

coliform bacteria loading of the water body. And, while small amounts of particulates may be added to the runoff by the additional lane of traffic, the main sediment issue in San Elijo Lagoon is high volumes of sediment from erosion exacerbated by nearly and upstream development. Again, the impacts of the untreated impervious surface from the HOV development will be difficult to distinguish from the regional effects of polluted runoff within San Elijo lagoon and by looking at the two contiguous projects as a whole, there will be a regional stormwater treatment benefit.

Construction BMPs

During the construction phase, due to grading, the main potential pollutant of concern would be sediment. Other potential pollutant sources are slurries from mortar mixing and paving as well as the temporary storage of construction material and equipment on site. While proposed work is located primarily within the I-5 median, indirect impacts to water quality from runoff over the proposed impervious surfaces during construction is a concern. Such runoff can carry sediments and urban pollutants and deposit them in downstream sensitive receiving waters. Directly to the north and south of the project site are water bodies (San Elijo Lagoon and the San Dieguito River). Given the close proximity to the lagoon and river, further measures need to be taken to ensure all water quality impacts to these regions will be minimized, and to the extent possible, eliminated. Standard erosion control practices are proposed to minimize soil erosion following construction activities. Temporary BMPs anticipated for this project include fiber rolls, controlled construction entrances, sweeping, temporary drainage inlet protection, and portable concrete washouts. To ensure that water quality remains a priority during construction, the project will utilize non-stormwater BMPs including material storage BMPs, thorough inspection and non-visible pollutant monitoring.

Special Condition #2b requires the applicant to include erosion control/water quality management measures specific to areas in close proximity to San Elijo Lagoon and San Dieguito River as well as any proposed staging areas and a detailed plan for the storage and containment of construction-related chemicals and materials. Special condition #2b also requires the applicant to include trash and debris disposal and accidental spills within their water quality program.

Soil Composition

A preliminary review of potential hazardous waste issues reported the presence of aerially deposited lead (ADL) in hazardous concentrations in the median soil. Lead laden soils are typical in areas adjacent to highly used roadways as the lead is deposited from the brake pads of automobiles. The proposed project includes the removal of 29,420 cubic yards of soil. As proposed, soil containing ADL may be excavated and reused onsite (placed beneath new pavement) or disposed of in a Class 1 Landfill. However, the project description does not include the location of disposal for soils either unaffected by ADL or soils with ADL below hazardous levels. Condition #4 requires the applicant to identify the disposal site and if located in the Coastal Zone, show proof of a valid coastal development permit for disposal of the soil.

In summary, the proposed development will add new impervious surfaces which raises concerns relative to water quality. The existing project site does not include any approved water quality treatment measures. While the proposed project does include water quality treatment BMPs for a portion of the project (approximately 40% of the new impervious surfaces will be treated with structural BMPs), the applicant has demonstrated that it is not feasible to construct treatment BMPs for the entire length of the project. Although no approved treatment measures are proposed for 60% of the new impervious surfaces, the runoff resulting from this area will get some limited treatment as it runs though the vegetated drainage ditches before it is discharged into the San Dieguito River and San Elijo Lagoon. To ensure that this runoff is not contributing pollutants to the receiving waters, monitoring will be required. In addition, a net benefit to water quality will result from the total amount of new pavement being treated in both the HOV and Interchange projects. Thus, using the BMPs proposed by the applicant, in conjunction with the proposed special conditions, all adverse impacts to water quality have been minimized to the maximum extent practicable. The proposed development is therefore consistent with the Chapter 3 policies of the Coastal Act.

3. Public Access. The following Coastal Act policies address public access. Those most applicable state in part that:

Section 30210

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 30252

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

Section 30253

New development shall….(4) Minimize energy consumption and vehicle miles traveled.

The development, as proposed, will be constructed concurrently with the Lomas Santa Fe Interchange Project (CDP 6-03-54). The HOV lane project is designed to decrease traffic and congestion in the Solana Beach area. Interstate 5 is one of the two major north and south bound freeways in San Diego County, and is the only coastal alternative to Highway 101. By adding additional HOV lanes not only is public access facilitated but carpooling is encouraged. In addition, HOV lanes will accommodate greater mobility for multi-passenger vehicles, such as city buses.

Special Condition #3 requires that construction related lane closures be limited to one lane on both north and southbound routes during summer months. By limiting the number of lanes closed, public access impacts will be minimized. Therefore, as conditioned, the proposed development is consistent with the Chapter 3 policies of the Coastal Act pertaining to public access.

4. Environmentally Sensitive Habitat.

Section 30240

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Given the project's close proximity to the San Dieguito River to the south and San Elijo Lagoon to the north additional measures will need to be taken to assure the potential impacts to these areas will be addressed. The development as proposed will remain within the median portion of Interstate 5. Again, no biologically important species exist within this median, as it is currently vegetated with non-native oleander. The northern and southern boundaries of this project are San Elijo Lagoon and San Dieguito River thus potential impacts to the above stated locations during staging activities are possible. Special Condition #2b requires the applicant to locate project staging areas in the same locations as the staging areas approved pursuant to CDP #6-03-54.

Numerous species of shorebirds are known to inhabit San Elijo Lagoon and the river valley. If construction noise is not controlled, the loud noises can lead to the abandonment of eggs and/or fledglings. As proposed, the development will not require any construction on the outside shoulders closest to the lagoon and construction noise is considered to be negligible in the context of the ambient roadway noise. If there is additional work outside the median, or if the project description changes, then further review will be necessary. Special Condition #1 requires the applicant to notify the Executive Director should any changes to the approved final plans be necessary.

The overpass bridge at Via de la Valle will be widened as a component of this project; however, no vegetation or sensitive habitat will be affected. The bridge crosses over existing pavement and traffic lanes, thus no impacts in sensitive habitat are expected. Therefore, the Commission finds the proposed improvements, as conditioned, are consistent with Section 30240 of the Coastal Act.

6. Growth Inducement. Section 30254 of the Coastal Act is applicable and states, in part:

> New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division….

The proposed development is intended to improve traffic flows and address peak congestion problems. The proposed extended HOV lanes will be located within a developed urban area and are intended to provide safe and adequate traffic circulation for motorists, not for the purpose of expanding highway capacity in unurbanized areas where intensification of development might be inconsistent with Coastal Act requirements. Therefore, the proposed improvements should not have a significant overall inducement to growth within the coastal zone, and the development is consistent with Section 30254 of the Coastal Act.

7. Local Coastal Planning. Section 30604(a) also requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. In this case, such a finding can be made.

The City of Solana Beach does not have a certified LCP at this time. Thus, the Coastal Commission retains permit jurisdiction in this community and Chapter 3 of the Coastal Act remains the legal standard of review. The proposed development is consistent with Chapter 3 of the Coastal Act. Approval of the project will not prejudice the ability of the City of Solana Beach to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3.

8. Consistency with the California Environmental Quality Act (CEQA).
Caltrans is the lead agency for purposes of CEQA review. The project, as reviewed, has been deemed categorically exempt from CEQA. Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. Mitigation measures, including conditions addressing water quality and construction schedules 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 is consistent with the requirements of the Coastal Act to conform to CEQA.

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

6-06-115

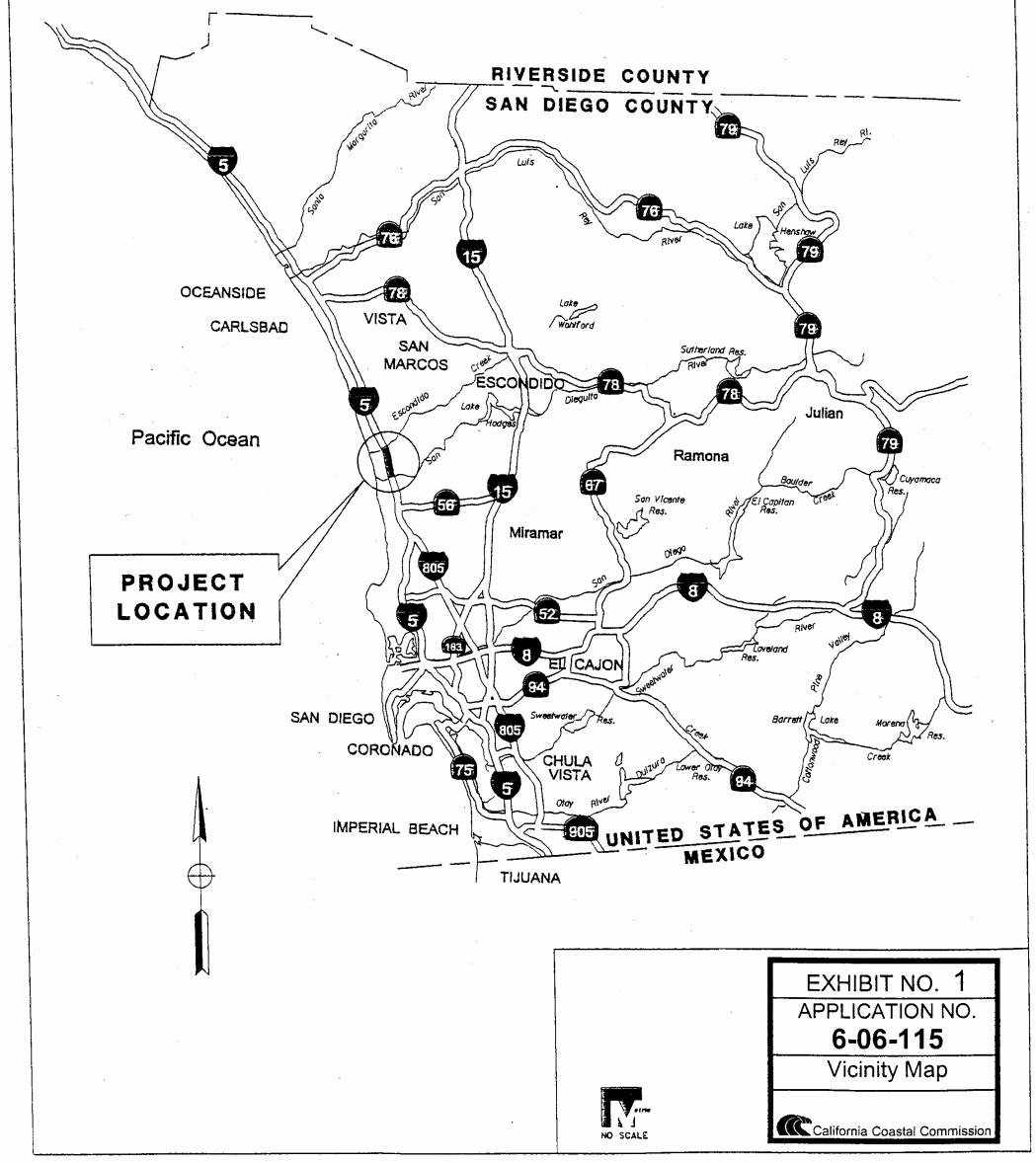

EXHIBIT NO. 1
APPLICATION NO.
6-06-115
Vicinity Map
California Coastal Commission

6-06-115

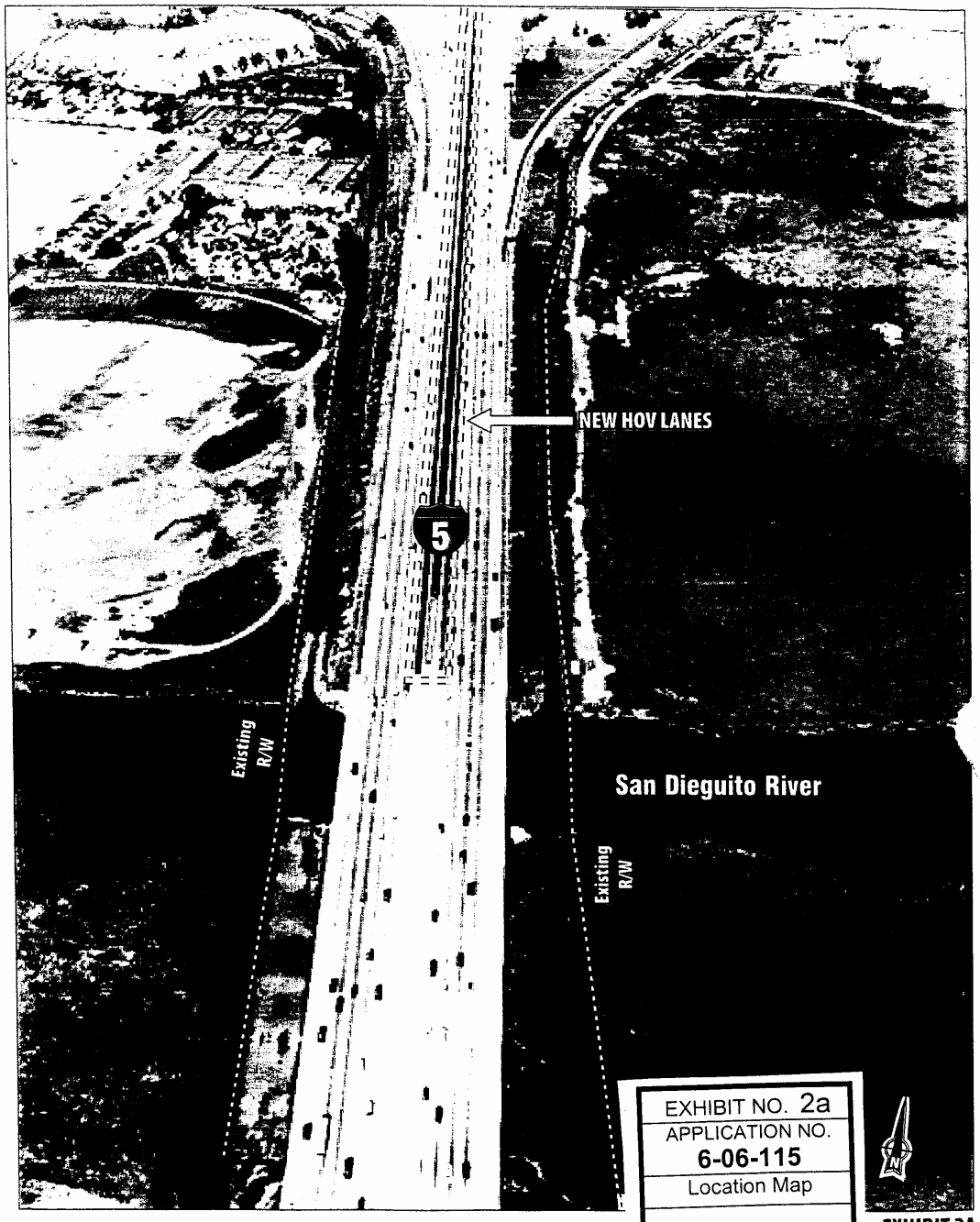

EXHIBIT NO. 2a
APPLICATION NO.
6-06-115
Location Map
California Coastal Commission

EXHIBIT 2A

6-06-115

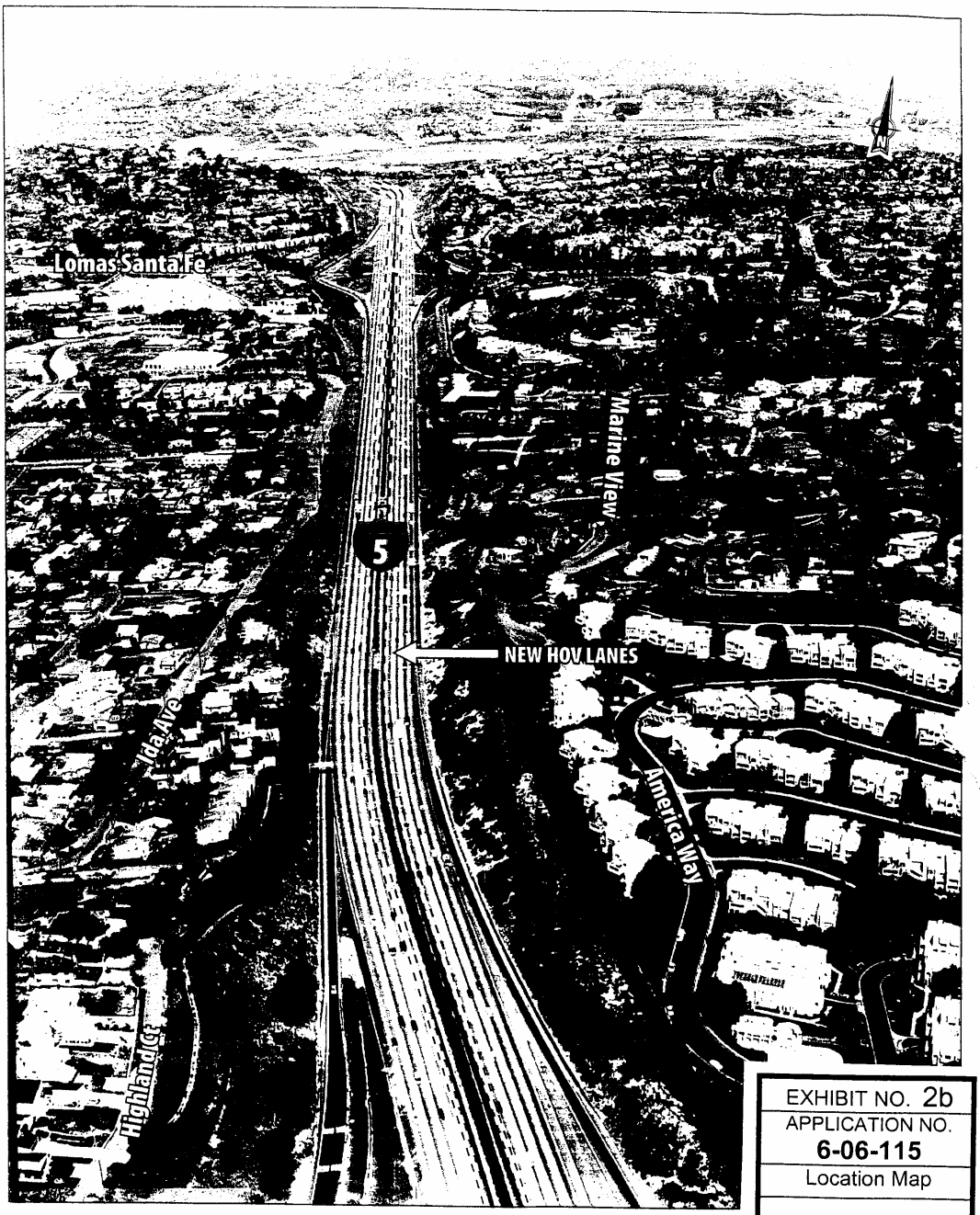

EXHIBIT NO. 2b
APPLICATION NO.
6-06-115
Location Map
California Coastal Commission

6-06-115

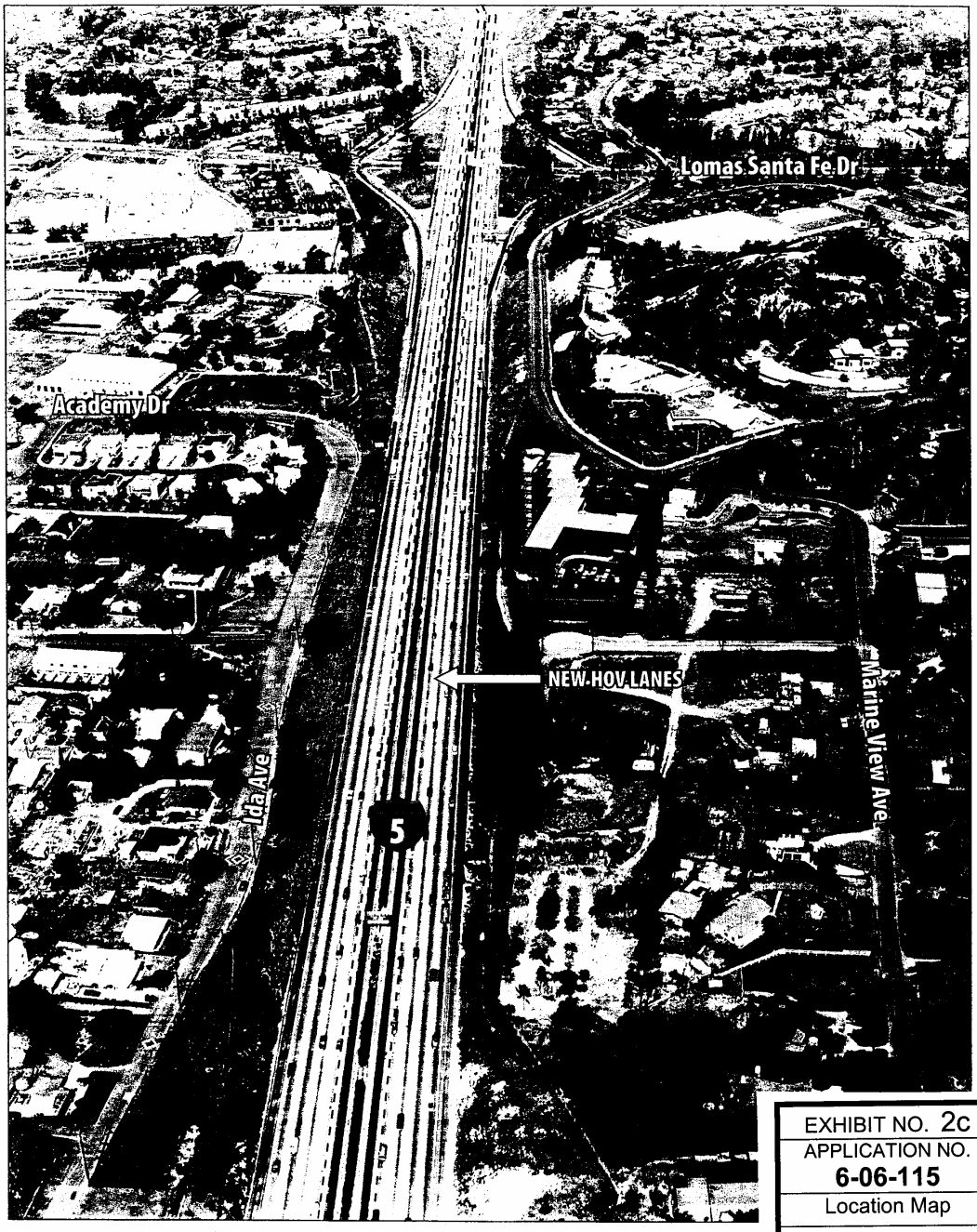

EXHIBIT NO. 2c
APPLICATION NO.
6-06-115
Location Map
California Coastal Commission

6-06-115

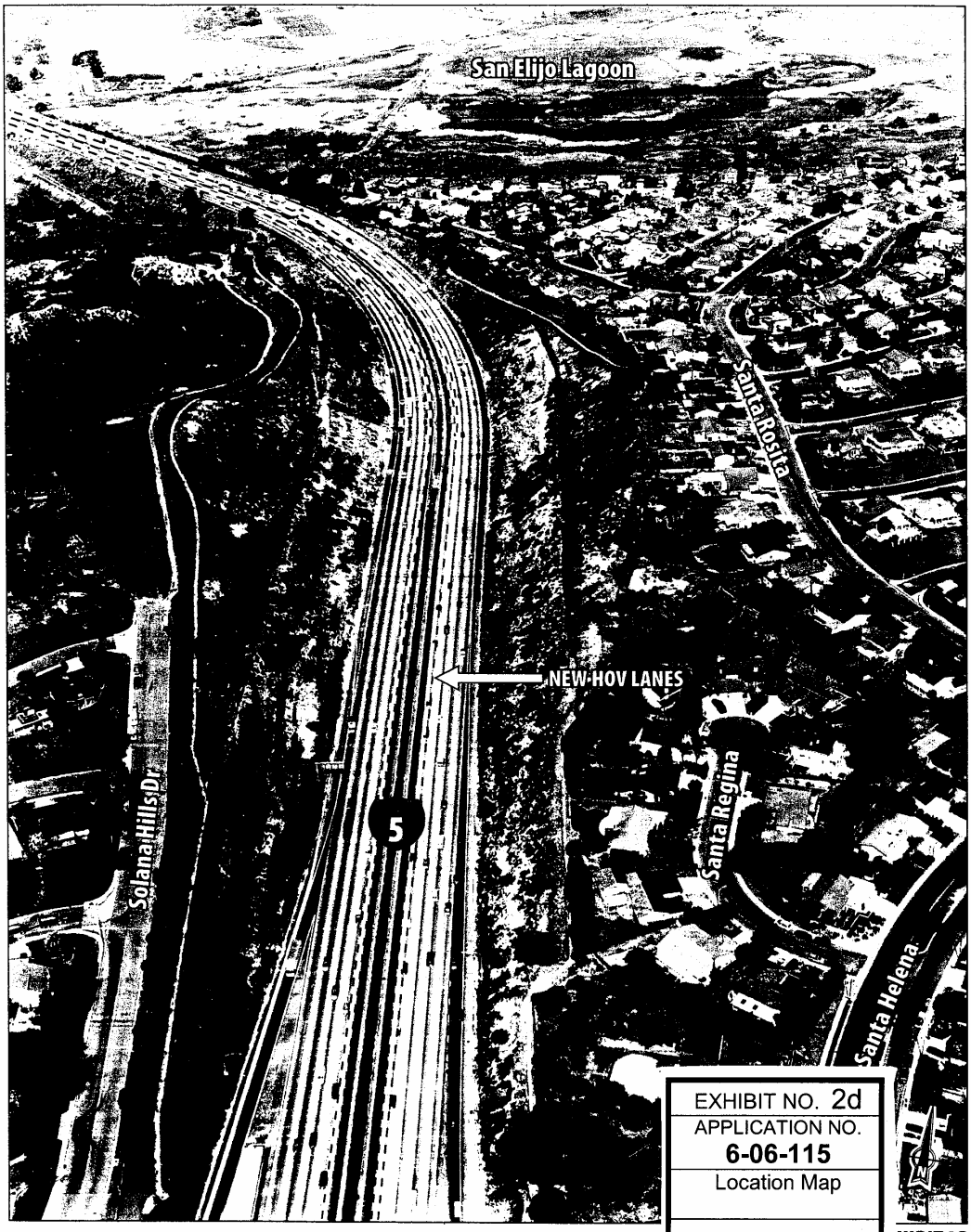

EXHIBIT NO. 2d
APPLICATION NO.
6-06-115
Location Map
California Coastal Commission

HIBIT 2D

6-06-115

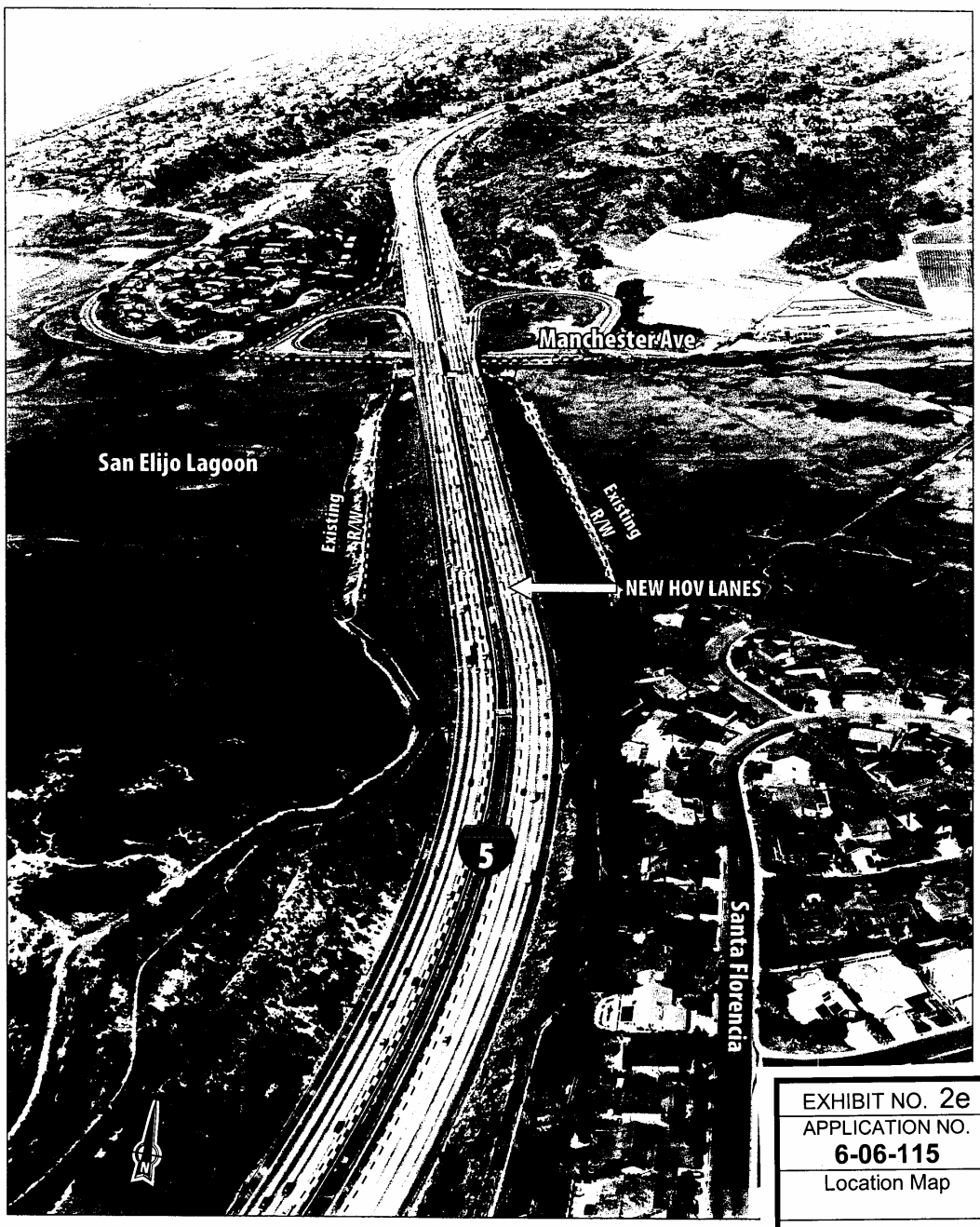

EXHIBIT NO. 2e
APPLICATION NO.
6-06-115
Location Map
California Coastal Commission

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

Caltrans Metric

INTERSTATE 5
HOV EXTENSION / LOMAS SANTA FE

TREATED PAVEMENT

EATED PAVEMENT

TOTAL EXISTING PAVEMENT (ALL UNTREATED) = 20.4 Ha
TOTAL NEW PAVEMENT = 2.6 Ha
TOTAL TREATED EXISTING AND NEW PAVEMENT = 8.0 Ha

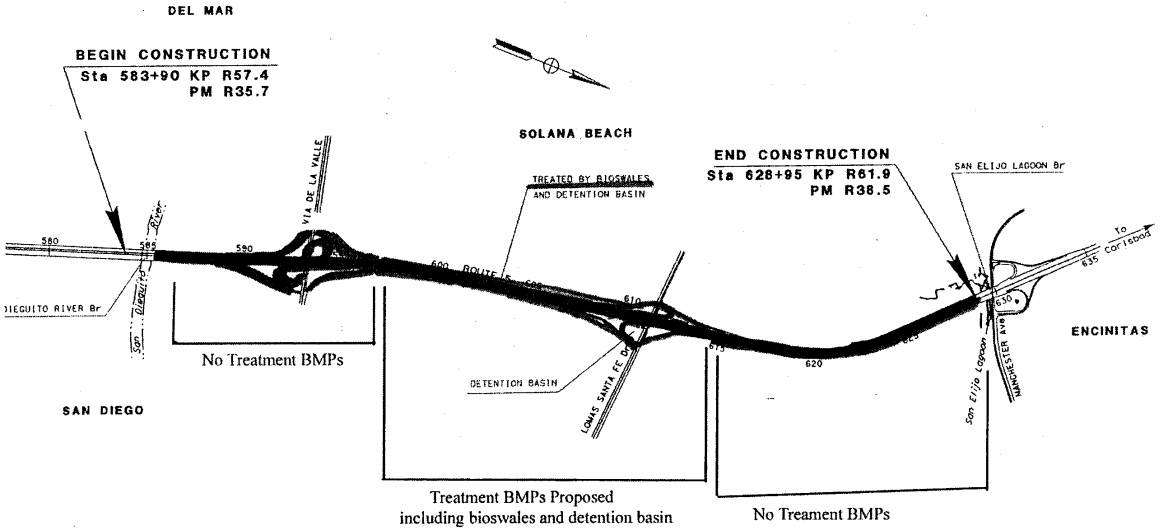

EXHIBIT NO. 3
APPLICATION NO.
6-06-115
Treated / Untreated pavement
California Coastal Commission

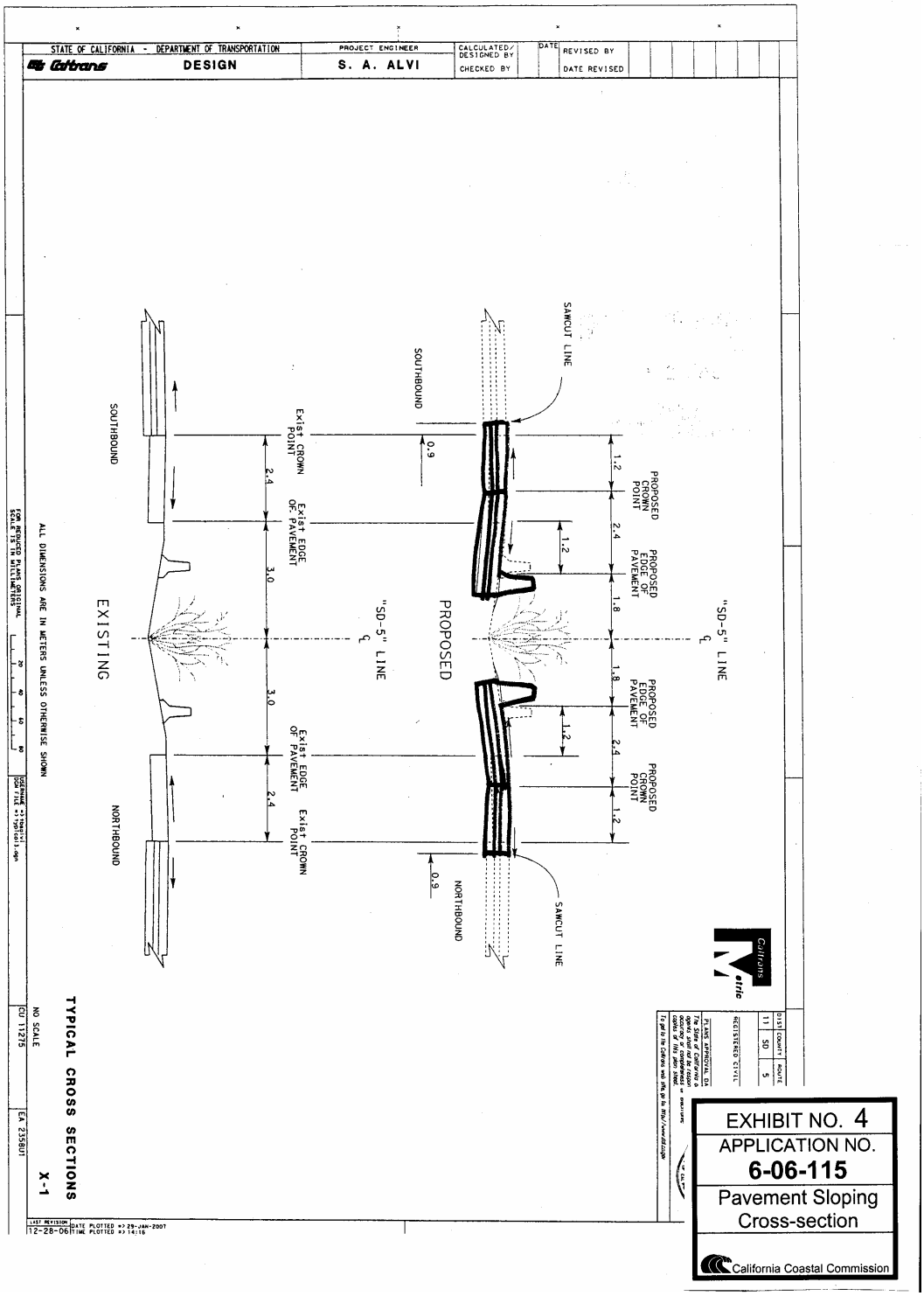

EXHIBIT NO. 4
APPLICATION NO.
6-06-115
Pavement Sloping Cross-section

California Coastal Commission