

CALIFORNIA COASTAL COMMISSION

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DATE: July 21, 2017

TO: Commissioners and Interested Persons

FROM: Karl Schwing, Deputy Director, San Diego Coast District
Gabriel Buhr, Coastal Program Manager, San Diego Coast District
Kanani Brown, Coastal Program Analyst III, San Diego Coast District

SUBJECT: **Notice of Impending Development No. NCC-NOID-0003-17 (Manchester Avenue Sound/Retaining Wall)** for Public Hearing and Commission Action at the August 9, 2017 Commission Meeting in Malibu

SUMMARY OF STAFF RECOMMENDATION

Caltrans submitted Notice of Impending Development (NOID) No. NCC-NOID-0003-17 to provide notice of its intent to commence construction of an approximately 14-28 ft. high (only 14-16 ft. of the wall would be visible from the freeway and off-ramp), 1,321 linear ft. sound/retaining wall along the west side of the southbound off-ramp from Interstate-5 (I-5) to Manchester Avenue in the City of Encinitas. The primary purpose of the wall is to block and buffer the nearby residences from vehicle noise. It will also serve as a retaining wall to support the realigned off-ramp, which was the subject of a previous NOID, reviewed by the Commission in March 2016 (NCC-NOID-0005-15) as part of Phase 1/Stage 1 of the I-5 NCC Project. Construction of the wall will be conducted concurrently with Phase 1/Stage 1 and will utilize the same staging areas.

The development is included in the certified North Coast Corridor Public Works Plan and Transportation and Resource Enhancement Program (NCC PWP/TREP), a comprehensive program of transportation, community and resource enhancement projects within what is referred to as the "North Coast Corridor" (NCC). This corridor includes the Los Angeles – San Diego – San Luis Obispo (LOSSAN) rail line and Interstate-5 (I-5) freeway along the North San Diego County coastline from La Jolla to Oceanside. More specifically, the NCC PWP/TREP includes widening of I-5 to accommodate four high occupancy vehicle (HOV) lanes, double tracking of the LOSSAN rail corridor, Enhanced Coastal Bus and a Bus Rapid Transit service, a new 27 mile NCC Bikeway that will provide non-motorized connectivity through the corridor, completion of 7 miles of the Coastal Rail Trail, other shorter connections to existing trail networks and transit stations, and resource enhancement projects (e.g., San Elijo Lagoon Restoration Project) to mitigate for impacts arising from some of these transportation projects. Jointly prepared by the California Department of Transportation (Caltrans) and San Diego Association of Governments (SANDAG), the NCC PWP/TREP was originally approved by the Commission in August 2014 (PWP-6-NCC-13-0203-1), and has been amended twice since then, with the Commission approving those amendments in March and

December of 2016 (PWP-6-NCC-16-0001-1 and PWP-6-NCC-16-0006-2, respectively). The standard of review for the Commission's review of the subject NOID is whether the project described in the NOID is in conformity with the certified NCC PWP/TREP, including the policies, design/development strategies (DDS) and implementation measures (IM) identified therein.

The subject NOID was submitted by District 11 of the California Department of Transportation (Caltrans) on June 15, 2017, and was filed as complete on July 3, 2017. The date by which the Commission must take action on the NOID absent an extension of the time limit is August 15, 2017.

Construction of the subject wall would result in an additional 0.11 acres of permanent impacts to wetlands and 0.01 acres of permanent impacts to sensitive uplands that were not considered as part of the NOID for Phase 1/Stage 1; however, the NCC PWP/TREP anticipates these impacts and authorizes them. Pursuant to the NCC PWP/TREP's Resource Enhancement and Mitigation Program (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, including the Hallmark East site and La Costa Preservation site. 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 of the wall; however, to ensure this, proposed Special Condition #1 requires Caltrans to provide evidence of such mitigation credit availability prior to commencement of construction of the wall.

In conclusion, the development has been designed to be consistent with all applicable policies, design/development strategies, and implementation measures of the NCC PWP/TREP. Therefore, staff is recommending that the Commission determine that the impending development, as conditioned, is consistent with the certified NCC PWP/TREP. The motion and resolution begin on Page 5. The findings for the determination of the NOID's consistency with the NCC PWP/TREP begin on Page 6.

ADDITIONAL INFORMATION

Further information on the subject NOID may be obtained from Kanani Brown at (619) 767-2370.

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I. PROCEDURAL ISSUES

PUBLIC WORKS PLAN BACKGROUND AND HISTORY

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 permitting jurisdictional boundaries. A PWP is an alternative to project-by-project review for public works (which, in the case of the overarching plan of which the current proposal is a part, 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 their consistency with the Chapter 3 policies of the Coastal Act (in areas that are pre-LCP certification) or the certified LCP (in areas with certified LCPs). 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 must submit notice in the form of a NOID, which requires 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.

Chapter 4 of the NCC PWP/TREP (Scope of Planned Improvements) includes a description of specific projects, including rail improvements (e.g., double-tracking, rail bridge replacement, station improvements, tunnels); Interstate-5 improvements (e.g., high occupancy vehicle lanes, direct access ramp, auxiliary lanes, highway bridge replacement, park-and-rides); other transportation improvements (e.g., bus rapid transit, Coast Highway bus service, interchange improvements); bicycle, pedestrian, and recreational improvements (e.g., Coastal Rail Trail, North Coast Bike Trail, rail

crossings, highway crossings, community enhancement projects); and natural resource and environmental improvements (e.g., restoration of corridor lagoons, bridge optimization). The location of these specific projects is also illustrated in several figures within Chapter 4.

Chapter 5 of the NCC PWP/TREP (Coastal Development Policies and Resources) is divided into ten sections 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.

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 NOIDs for development that is covered by a certified 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 as proposed is consistent with the PWP. Section 13354 requires the Executive Director to review the NOID within five working days of receipt to determine whether it provides sufficient information to determine if the proposed development is consistent with the certified PWP. The notice is to be 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 NOID, 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. 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 as submitted, or whether conditions are needed to bring the development into conformance with the NCC PWP/TREP.

II. MOTION AND RESOLUTION

MOTION:

I move that the Commission determine that the development described in Notice of Impending Development NCC-NOID-0003-17, as conditioned is consistent with the certified North Coast Corridor Public Works Plan and Transportation and Resource Enhancement Program.

STAFF RECOMMENDATION:

Staff recommends a **YES** vote. Passage of this motion will result in a determination that the development described in Notice of Impending Development NCC-NOID-0003-17, as conditioned by the condition listed in the next section, 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 TO DETERMINE DEVELOPMENT IS CONSISTENT WITH NCC PWP/TREP:

The Commission hereby determines that the development described in the Notice of Impending Development NCC-NOID-0003-17, as conditioned, is consistent with the certified North Coast Corridor Public Works Plan and Transportation and Resource Enhancement Program for the reasons discussed in the findings herein.

III. SPECIAL CONDITION

1. Final Mitigation. PRIOR TO COMMENCEMENT OF CONSTRUCTION OF THE WALL, Caltrans shall provide updated mitigation accounting tables, for the review and written approval of the Executive Director, that demonstrate adequate credits have been released from the Resource Enhancement and Mitigation Program (REMP) in order to provide compensatory mitigation for 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 REMF.

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION

The NCC PWP/TREP comprises a plan and implementation schedule for a series of rail, highway, transit, bicycle, pedestrian, and resource enhancement projects to improve mobility and access to coastal recreational resources in the corridor, from La Jolla to Oceanside, extending approximately 27 miles. More specifically, the NCC PWP/TREP includes widening of Interstate-5 to accommodate four new HOV lanes, double tracking of the LOSSAN rail corridor, Enhanced Coastal Bus and a Bus Rapid Transit service, a new 27 mile NCC Bikeway that would provide non-motorized connectivity through the corridor, completion of 7 miles of the Coastal Rail Trail, other shorter connections to existing trail networks and transit stations, and resource enhancement projects (e.g., San Elijo Lagoon Restoration Project) to mitigate for impacts arising from some of these transportation projects. The primary goal for these transportation projects is to move people more efficiently through a more coordinated and connected suite of transportation

options that will encourage alternate modes of travel other than the single occupancy vehicle (SOV). This would result in an anticipated transit mode share (percentage of travelers using transportation modes other than SOVs) shift away from the existing 2-3% condition to a 10-15% transit mode share.

At this time, Caltrans is requesting review of a NOID to construct an approximately 14-28 ft. high (only 14-16 ft. of the wall would be visible from the freeway and off-ramp), 1,321 linear ft. sound/retaining wall along the west side of the I-5 southbound off-ramp to Manchester Avenue, in the City of Encinitas. Approximately 9,174 cu.yds. of grading (3,909 cu.yds. cut, 5,265 cu.yds. fill) is associated with the construction of the wall. The primary purpose of the wall is to block and buffer the nearby residences from vehicle noise. It will also serve as a retaining wall to support the realigned off-ramp, which was previously approved by the Commission in March 2016 (NCC-NOID-0005-15) as part of Phase 1/Stage 1 of the I-5 NCC Project. Construction of the wall will be conducted concurrently with Phase 1/Stage 1. Caltrans will utilize the same staging areas as those approved for Phase 1/Stage 1.

The standard of review for the subject NOID is its consistency with the NCC PWP/TREP. Caltrans has submitted Consistency Analyses for the following issue areas: Water Quality and Wetlands, Environmentally Sensitive Habitat Areas (ESHA) and Special-Status Species, and Visual Resources. The analyses discuss the NOID's consistency with the relevant sections of Chapter 5 of the NCC PWP/TREP. The Commission finds that the subject NOID is consistent with all policies and has incorporated all of the applicable design/development strategies and implementation measures of the NCC PWP/TREP, as discussed in greater detail in the findings sections below. The subsequent sections of this staff report include findings for the subject NOID and focus on consistency with the water quality, ESHA and visual resource policies of the NCC PWP/TREP, as there are no impacts to other coastal resources.

B. PROJECT HISTORY

The certified NCC PWP/TREP includes three separate soundwalls (S631, S633, S635) adjacent to the I-5 southbound off-ramp to Manchester Avenue ([Exhibit 3](#)). However, the residence directly adjacent to the southernmost portion of the off-ramp was not considered in the design of these soundwalls. In addition, as the design of the off-ramp was refined, the need for a retaining wall to support the ultimate configuration of the ramp was identified. After coordination with the City of Encinitas and the property owners, Caltrans decided to combine the three soundwalls (originally approved as part of Phase 1/Stage 1) into one combination soundwall/retaining wall (SW2069) in order to provide noise attenuation for the new receptor and achieve the necessary support for the ultimate configuration of the off-ramp. The wall would be located in approximately the same alignment as the approved soundwalls for the majority of its length; however, the southern portion (approximately 300 linear ft.) would be located approximately 200 linear ft. to the east along the west side of the off-ramp. Therefore, the proposed sound/retaining wall is in substantial conformance with the three separate soundwalls identified in the approved NCC PWP/TREP.

C. WATER QUALITY AND WETLANDS

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 wall is located within the approved construction limits of Phase 1/Stage 1; however additional grading and changes to the footprint of the southern portion of the wall would result in additional impacts to wetlands. The area that would be impacted is within an unnamed drainage north of Manchester Avenue. The existing drainage is fed mostly by urban runoff that flows through the canyon north of Manchester and east of I-5. The drainage is primarily unvegetated and flows into a large culvert under I-5 to the west side of I-5 where it outlets temporarily into a small path of southern willow scrub. Construction of the subject wall would result in an additional 0.11 acres of permanent impacts to southern willow scrub that were not considered in the original approval of Phase 1/Stage 1. Temporary wetland impacts would remain the same as those approved as part of Phase 1/Stage 1.

Caltrans proposes to mitigate for these impacts consistent with the requirements of the NCC PWP/TREP's Resource Enhancement and Mitigation Program, or REMP. Impacts to the southern willow scrub are proposed to be mitigated at Hallmark East. Credits would be utilized from the release of credits from the submittal of the Year 1 Annual Report in January 2017. Credits would also be utilized from the release of credits anticipated in November 2017 once the Year 2 Annual Report is submitted this October. Therefore, Special Condition #1 is required to ensure updated mitigation tables are provided that demonstrate adequate credits have been released prior to commencement of construction of the sound/retaining wall.

The subject development is a part of the Phase 1/Stage 1 project, which was sited and designed to protect and restore natural hydrologic features and minimize the potential for adverse impacts to water quality, consistent with design/development strategies (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, removal of 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.

An expanded-format Storm Water Data Report (SWDR) approved for the Phase 1/Stage 1 project will be implemented and includes the area where the proposed wall would be sited. The SWDR 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 will maximize 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.

Pursuant to DDS 9, the approved 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 implementation measure (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.

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. The approved Phase 1/Stage 1's LID measures 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.

As approved per the Phase 1/Stage 1 project, and 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 for Caltrans facilities, 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 approved treatment BMPs will require operating in any existing wetland.

The Stormwater Pollution Prevention Plan (SWPPP) that was approved for Phase 1/Stage 1 will also remain in place for the subject development. The SWPPP identifies construction BMPs that will be implemented to reduce pollutants in stormwater discharges and eliminate non-stormwater discharges during construction. 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.

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. In accordance with DDS 6 and IM 5.4.10, impacts to lagoon, riparian or other

isolated wetland habitats will be fully mitigated pursuant to the REMP. Project-specific impact assessment for wetland habitats was prepared pursuant to the REMP, as discussed previously.

In conclusion, the subject NOID has been designed consistent with the applicable policies, design/development strategies, and implementation measures included in Section 5.4.3 (Water Quality and Wetlands) of the NCC PWP/TREP. Therefore, the Commission finds that the subject NOID, as conditioned, is consistent with the NCC PWP/TREP.

D. ENVIRONMENTALLY SENSITIVE HABITAT AREAS

Policy 5.5.1 of the NCC PWP/TREP 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 ESHA 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.

The proposed wall is located within the approved construction limits of Phase 1/Stage 1; however additional grading and changes to the footprint of the southern portion of the wall would result in impacts to ESHA, including disturbed coastal sage scrub. On their own, these impacts would not be approvable. However, these impacts 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 impacts.

However, mitigation for these impacts is required through the NCC PWP/TREP's comprehensive Resource Enhancement and Mitigation Program (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 REMP provides for advanced mitigation opportunities that allow for habitat establishment or significant enhancement of degraded habitat prior to project implementation.

The Environmental Impact Report (EIR) for the NCC PWP/TREP analyzed the anticipated impacts associated with three soundwalls located in approximately the same configuration as the proposed sound/retaining wall (except the southernmost portion of the proposed wall is located approximately 200 linear ft. to the east along the west side of the off-ramp). However, actual impacts and associated mitigation are determined on a project specific basis as part of the coastal permitting process (e.g., NOID, CDP, Federal Consistency). Caltrans' proposal to construct the proposed sound/retaining wall in place of the three originally planned soundwalls would result in a minor increase in impacts over those anticipated in the EIR. Construction of the subject wall would result in an additional 0.01 acres of permanent impacts to disturbed coastal sage scrub that were not

considered in the original approval of the Phase 1/Stage 1 project. It would also result in an additional 0.3 acres of temporary impacts to disturbed coastal sage scrub from the originally approved project. Impacts to coastal sage scrub would also likely impact special status species that use it as habitat, including southern California rufous-crowned sparrow (State Species of Concern) and Colorado island skink (State Species of Concern). During a May 2017 biological survey conducted in accordance with Design Development Strategy (DDS) 1 and DDS 9, 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.

Pursuant to DDS 3, permanent impacts to disturbed coastal sage scrub will be mitigated with credits already released from the Hallmark East site and temporary impacts to coastal sage scrub will be mitigated at the La Costa Preservation site.

In addition, the following measures are in place for the Phase 1/Stage 1 project and will be implemented to avoid and minimize impacts to sensitive plant species during 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; 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.

In accordance with IM 5.5.4, to minimize impacts to nesting migratory birds, all native vegetation and non-native shrubs and trees will be removed outside of the breeding season (February 15 to September 15) to the extent feasible. Otherwise, a qualified biologist will survey all vegetation prior to removal to ensure there are no nesting birds on-site. If nesting birds are identified, vegetation removal shall be delayed and an appropriate buffer established, until the chicks have fledged or the nest has failed. Additionally, lighting used at night for construction will be shielded away from ESHA (IM 5.5.6). The proposed project does not require any additional lighting components.

In conclusion, by applying the policies, design/development strategies, and implementation measures included in Section 5.5.3 (Environmentally Sensitive Habitat Areas and Special Status Species) of the NCC PWP/TREP, the Commission finds that the subject NOID, as conditioned, is consistent with the ESHA protection provisions of the NCC PWP/TREP.

E. VISUAL RESOURCES

Policy 5.7.1 of the NCC PWP/TREP 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.

Although the proposed wall would be between 14-28 ft. high, only 14-16 ft. would be visible from the freeway and off-ramp. The proposed wall would be a cast-in-place soundwall on spread footing, and a cast-in-place soundwall on a Type 1 retaining wall. The maximum excavation depth would be approximately 14 ft., with likely depths between 3-10 ft. Some areas might require shoring in order for work to remain within temporary construction easements.

Visual resources that could be affected by the proposed development include public views of natural coastal features such as the San Elijo Lagoon. In addition, the visual experience of highway travelers could be affected by the introduction of a new wall. Walls are one of the project components considered to have the greatest potential for impact on the visual character of the corridor, as identified in the NCC PWP/TREP. As required by DDS 5 and Implementation Measure (IM 5.7.1), Caltrans has incorporated the following design features to minimize visual impacts:

- The wall is set back from the edge of the freeway ramp to provide room for a planting pocket and landscaped buffer to soften the visual appearance of the wall.
- The wall is composed of long radius curves away from the freeway and the end of the wall is buried into the slope to be compatible with the surrounding terrain.
- The wall conforms to the Southern Bluff theme. Architectural detailing includes pilasters and battered surfaces. A clear glass tile pattern is embedded in the upper wall to allow light through the wall. Walls have a random flute texture and are integrally colored “Mesa Buff.”
- The concrete safety barrier is “Mesa Buff” color with a sandblast texture.
- The residential side of the soundwall will match the freeway side aesthetic treatments. The retaining wall portion of the wall will only be visible from the residential side and will have a random flute texture.

Areas disturbed by grading will be planted with native, drought-tolerant species, such that these areas will blend with the surrounding vegetated areas. Additionally, all project features have been designed to comply with the approved I-5 NCC Project Design Guidelines per IM 5.7.1.

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 jurisdictions. Caltrans has coordinated with the City of Encinitas, as well as adjacent property owners, on the design of the subject wall.

Finally, Caltrans has conducted visual simulations of the wall ([Exhibit 4](#)) to identify potential visual resource impacts. These visual simulations depict existing views of San Elijo Lagoon to the south and vegetation to the west, as well as two future views: 1) with the wall approved as part of Phase 1/Stage 1, and 2) with the proposed wall. Although the proposed wall is taller and longer than the wall approved as part of Phase 1/Stage 1, it would not block or obstruct any existing views of the San Elijo Lagoon to the south.

In conclusion, the subject NOID would be visually compatible with the character of the corridor as described in the NCC PWP/TREP and would not impair any public views of significant coastal resources. In addition, the NOID has been designed consistent with the applicable policies, design/development strategies, and implementation measures included in Section 5.7.3 (Visual Resources) of the NCC PWP/TREP. Therefore, the Commission finds that the subject NOID, as conditioned, is consistent with the visual provisions of the NCC PWP/TREP.

F. 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), for the project at issue in this report, as it is the public agency with principal responsibility for carrying out the I-5 related improvements, as well as the larger NCC PWP/TREP. As the lead agency under CEQA, Caltrans certified a Final Environmental Impact Report (EIR) addressing the subject plan on October 23, 2013.¹ Caltrans is also the state-designated lead agency under CEQA for the rail component of the NCC PWP/TREP, and as such, released the LOSSAN FINAL Program EIR/EIS in September 2007, with the Record of Decision issued on March 18, 2009.

Although the Commission is only a “responsible agency” under CEQA, as an agency with a certified regulatory program under CEQA Section 21080.5, the Commission must consider alternatives and mitigation measures that would substantially lessen any

¹ The certification of that EIR was the subject of litigation in San Diego Superior Court; *Cleveland National Forest Foundation v. California Department of Transportation*, San Diego Superior Court Case No. 37-2013-00078391-CU-TT-CTL. According to Caltrans, the matter was dismissed with prejudice on January 10, 2017, pursuant to a settlement agreement.

significant adverse environmental effects that that the proposal would otherwise have on the environment. Section 21080.5(d)(2)(A) prohibits the Commission from approving a proposed development 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 proposed, there are no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact that the activities may have on the environment. Therefore, the Commission finds that the NOID is consistent with CEQA Section 21080.5(d)(2)(A), as well as the applicable provisions of the NCC PWP/TREP.

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

- PWP No. PWP-6-NCC-13-0203-1
- PWP Amendment No. PWP-6-NCC-16-0001-1
- CDP No. 6-15-2092
- NOID No. NCC-NOID-0005-15
- PWP Amendment No. PWP-6-NCC-16-0006-2