

**CALIFORNIA COASTAL COMMISSION**

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## STAFF REPORT: REGULAR CALENDAR

**Application No.:** 6-18-0986

**Applicant:** City of Imperial Beach

**Agent:** James Nakagawa

**Location:** Palm Avenue/State Route 75 from the Imperial Beach border with the City of Coronado on the west to the border with the City of San Diego on the east, and portions of streets up to one block north and south of the intersection with Palm Avenue, Imperial Beach, San Diego County

**Project Description:** Realign and make improvements to Palm Avenue/State Route 75 within City limits including reduction in number of through travel lanes in each direction along two segments of the project corridor for new bike lanes and frontage roads, expanded sidewalks, new crosswalks, raised medians, parking bays, landscaping and stormwater improvements.

**Staff Recommendation:** Approval with Conditions

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## SUMMARY OF STAFF RECOMMENDATION

The primary issue raised by the proposed development is potential adverse impacts to public access. In Imperial Beach, Palm Avenue is the same roadway as SR-75 from the Coronado city limit to Delaware Street and then diverges as a local City road providing coastal access.

The removal and reallocation of vehicular travel lanes have the potential to adversely impact public access to the coast and to adversely impact the coastal route itself as a recreational amenity. However, in the case of the proposed project, the improvements are expected to enhance public access by promoting alternative transit and multi-modal opportunities while still allowing for an acceptable level of service by not exacerbating traffic conditions at major intersections and roadway segments for vehicles traveling through this corridor. The City has redesigned the project to remove several proposed raised medians along the project corridor that could potentially impact bus circulation.

Palm Avenue is a critical transportation corridor and the proposed project will benefit public access and circulation during the project's lifespan. The City prepared a city-wide sea level rise vulnerability assessment that showed that portions of Palm Avenue/SR-75 would be at risk from coastal hazards by the year 2100. New development should be planned and located to be safe from hazards and may not require structural protection during its entire lifespan. However, the City of Imperial Beach is constrained on nearly all sides by large bodies of water and will need to address coastal hazards that will be exacerbated by sea level rise in a comprehensive manner. The City is currently working on a comprehensive LCP Update that will identify adaptation strategies to address the vulnerabilities identified in the assessment. The proposed project will not increase the project corridor's vulnerability to coastal hazard risks. Thus, at this time, the proposed project can be found consistent with the hazard policies of the Coastal Act.

The project will be carried out in phases over a ten-year period. Pockets of staging and construction areas throughout the corridor could impair access for coastal visitors if sidewalks or travel lanes are closed to make the proposed improvements. **Special Condition #3** requires the applicant to prepare and submit a Staging Area and Public Access Plan that always leaves one vehicular travel lane open if a road is temporarily closed and does not usurp public parking spaces for staging areas.

The project will add new green street features such as bioswales, bioretention basins, and storm drains to capture and filter stormwater runoff before it reaches coastal waters. New landscaping in the medians and sidewalks will reduce the amount of impervious surface in the project corridor. **Special Condition #5** requires the applicant to submit a Construction Pollution Prevention Plan, prepared by a licensed engineer, that incorporates BMPs designed to address contaminants associated with construction activity. **Special Condition #6** requires that all excavated material be disposed of in a legal site outside of the Coastal Zone.

The project area is composed of an existing roadway that is surrounded primarily by existing urban development. No sensitive habitat areas are located within the project area; however, several palm trees that are located in the roadway median are proposed to be removed or relocated. The City acknowledges that these trees could potentially support active nests for various nesting birds species and that any removal/relocation of the trees during the breeding season of the nesting birds could harm the birds. Thus, **Special Condition #4** prohibits the removal or relocation of palm trees within the project corridor from February 1 to September 15 of any year.

New landscaping will consist of both low-lying vegetation and mature street trees. Former salt evaporation pond (Pond 10A), is visible from SR-75 and is designated as a visual resource in the City's certified LCP. Mature trees planted between the highway and Pond 10A have the potential to obstruct public views of the pond and the San Diego Bay. **Special Condition #2** requires the applicant to submit final landscaping plans that limit the height of landscaping on the east side of Palm Avenue between SR-75 and Pond 10A to three feet at maturity.

Commission staff recommends **approval** of coastal development permit application 6-18-0986 as conditioned.

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## I. MOTION AND RESOLUTION

### Motion:

*I move that the Commission **approve** Coastal Development Permit Application No. 6-18-0986 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:

*The Commission hereby approves coastal development permit 6-18-0986 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

This 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.

### III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

#### 1. Revised Final Plans.

- (a) **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the applicant shall submit, for the review and written approval of the Executive Director, one full-size set of revised construction plans that are in substantial conformance with the 30% design plans prepared by Project Design Consultants, received 7/7/16, except that they shall comply with the following:
  - i. Remove raised islands delineating the eastbound and westbound frontage roads, paralleling Palm Avenue to the north and south.
  - ii. Restripe Palm Avenue in place of the raised islands to delineate the frontage roads from Palm Avenue.
- (b) The applicants shall undertake development in conformance with the approved final plans unless the Commission amends this permit or the Executive Director provides a written determination that no amendment is legally required for any proposed minor deviations.

#### 2. Landscape Plans.

- (a) **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the applicant shall submit, for review and written approval by the Executive Director, two (2) full-size sets of final landscaping plans prepared by a licensed landscape architect or a qualified resource specialist. The landscaping plans shall be reviewed and approved by the MIG landscape architect to ensure that the plans are in conformance with the consultants' recommendations. The consulting landscape architect or qualified landscape professional shall certify in writing that the final Landscape plans are in conformance with the following requirements:
  - i. A plan showing the type, size, extent, and location of all proposed vegetation and any necessary irrigation.

- ii. Only drought-tolerant native or non-invasive plant materials may be planted throughout the project site. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as 'noxious weed' by the State of California or the U.S. Federal Government shall be planted.
  - iii. Low-flow efficient irrigation systems shall be utilized. Any irrigation system shall be designed with drip lines, where feasible; check valves at low points to reduce excess drainage; automatic controllers; rainy weather shut off controls; and, if rotor heads are used, minimal head coverage overlap.
  - iv. No landscaping taller than three feet at maturity, including raised planters, may be utilized on the east side of the highway in the area between SR-75 and Pond 10A as identified in [Exhibit No. 4](#).
- (b) The permittee shall undertake the development in accordance with the approved final landscape plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final 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.

### 3. Staging Area & Public Access Plan.

- (a) **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and written approval, final plans indicating the location of access corridors to the construction site and staging areas. The final plans shall indicate that:
- i. Continuous public access on Palm Avenue/SR-75 shall be maintained at all times for the duration of construction. The plan shall include a description of the methods (including signs, fencing, etc.) by which safe public access to or around construction and/or staging areas shall be maintained during all project operations.
  - ii. Lane closures on Palm Avenue/SR-75 shall be avoided, to the extent feasible. However, if lane closures are unavoidable, then at least one travel lane shall remain open in each direction.
  - iii. No overnight storage of equipment, construction materials, or excavated materials shall occur within public parking spaces. Stockpiles shall be located away from drainage courses, covered at all times and contained with runoff control measures.

- iv. Storage and staging areas shall be located in a manner that has the least impact on vehicular and pedestrian traffic along Palm Avenue.
  - (b) The permittee shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.
4. **Sensitive Species/Timing.** To avoid potential impacts to nesting bird species, removal or relocation of palm trees shall not be permitted between the dates of February 1 to September 15 of any year, unless approved in writing by the California Department of Fish and Wildlife and/or the U.S. Fish and Wildlife Service.
5. **Construction Pollution Prevention Plan.**
- (a) **PRIOR TO CONSTRUCTION**, a Construction Pollution Prevention Plan (CPPP), prepared and signed by a licensed engineer, shall be submitted for review and approval of the Executive Director. The plan shall incorporate the Best Management Practices cited in the 30% design plans prepared by Project Design Consultants, received 7/7/16, and the Final Mitigated Negative Declaration adopted by the City on Imperial Beach in February 2016 (SCH #2015041055). In addition, the CPPP shall comply with the following requirements:
    - i. Sidewalks shall integrate paver-brick sections or decomposed granite strips, and curb-gutters shall use permeable concrete to achieve additional runoff infiltration.
    - ii. Trash screens or trash capture BMPs shall be provided on all storm drain inlets.
    - iii. Pedestrian areas and parking lots shall provide appropriate trash, cigarette, and recycling receptacles, and pet waste stations.
    - iv. The damage or removal of non-invasive vegetation (including trees, native vegetation, and root structures) during construction shall be minimized, to achieve water quality benefits such as transpiration, vegetative interception, pollutant uptake, shading of waterways, and erosion control.
    - v. Soil compaction due to construction activities shall be minimized to retain the natural stormwater infiltration capacity of the soil.
    - vi. The use of temporary erosion and sediment control products (such as fiber rolls, erosion control blankets, mulch control netting, and silt fences) that incorporate plastic netting (such as polypropylene, nylon, polyethylene, polyester, or other synthetic fibers) shall be avoided, to minimize wildlife entanglement and plastic debris pollution.



- vii. Staging and storage of construction equipment and materials shall occur in inland areas at least fifty feet from coastal waters, drainage courses, and storm drain inlets, if feasible. Upon a showing of infeasibility, the applicant may submit a request for review and written approval to the Executive Director for staging and storage of construction equipment and material closer than fifty feet from coastal water, drainage courses, and storm drain inlets. Construction is prohibited outside of the defined construction, staging, and storage areas.
6. **Disposal of Graded Material.** All excess spoils exported from the project site must be disposed of at a legal site outside of the coastal zone. Disposal of graded materials within the coastal zone shall require a new Coastal Development Permit or an amendment to this permit.

#### IV. FINDINGS AND DECLARATIONS

##### A. PROJECT DESCRIPTION

The proposed project is realignment and improvements to Palm Avenue/State Route (SR) 75 in order to improve safety and make the street more pedestrian- and bicycle-friendly. The scope of the improvements runs from the City of Imperial Beach border with Coronado on the west, extending approximately 1.2 miles east to the border with the City of San Diego ([Exhibit #1](#)). Most of the proposed improvements will take place on the existing lane configuration, but the project will reduce one eastbound and westbound vehicular travel lane from three lanes to two on two segments of Palm Avenue/SR-75 ([Exhibit #2](#)). For the first segment, from 7th Street to Delaware Street, the elimination of one vehicular lane will be used to create a dedicated bicycle lane in both directions. On the second segment, from 9th Street to Florida Street, the lane reduction will be used to create two new frontage roads paralleling Palm Avenue to the north and south. The new frontage roads are intended to service slower traffic seeking access to businesses and street parking lining the corridor. The frontage roads will function as “sharrows” (shared bicycle and car lanes) to connect bicyclists with the dedicated bike lanes on either side of the 9th Street to Florida Street segment.

New parking bays located south of the 10th Street/Palm Avenue and 11th Street/Palm Avenue intersections will add eleven new public parking spaces along the corridor, and some existing public parking spaces along the corridor will be shifted from Palm Avenue/SR-75 to the intersecting side streets between Emory and Florence Street. Other improvements include expanded sidewalks, intersection bulb-outs, crosswalks, medians, bus turnout bays, new landscaping, and stormwater improvements.

The project will be carried out in three phases over a ten-year period. The City estimates that construction will take approximately three-and-a-half years to complete but will be spread out over the ten-year period. Construction activities will occur in segments as funding becomes available and will begin on the western end of the corridor and move east from intersection to intersection.

The City of Imperial Beach has a certified LCP, and a majority of the proposed project is located within the City of Imperial Beach's non-appealable permit jurisdiction. However, the west end segment of the project is located partially in the City's appealable permit jurisdiction and partially within the Coastal Commission's original permit jurisdiction. The Commission and the City of Imperial Beach have agreed to consolidate the permit action. Section 30601.3(b) states that the standard of review for a consolidated CDP application is Chapter 3 policies of the Coastal Act, with the City's LCP used as guidance.

## **B. PUBLIC ACCESS/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 30212.5 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 30253 of the Coastal Act states:

*New development shall do all of the following:*

...

*(d) Minimize energy consumption and vehicle miles traveled.*

*(e) Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.*

Policy C-1 of the Imperial Beach LCP states in part:

*Streets shall be classified as shown in Figure C-5.*

Policy C-22 of the Imperial Beach LCP states in part:

*Parking for both residents and visitors shall be provided as part of new development.*

Policy P-1 of the Imperial Beach LCP states in part:

*To fully utilize the natural advantages of Imperial Beach's location and climate, a variety of park and recreational opportunities for residents and visitors shall be provided for all ages, incomes, and lifestyles.*

Policy D-8 of the Imperial Beach LCP states in part:

[ . . . ]

*Public rights of way should be designated not only for the safety and enjoyment of the motorist, but also for the pedestrian, jogger and bicyclist.*

The Coastal Act broadly protects public access for all by providing for maximum access to the coast and enhancing opportunities to recreate at and visit the shoreline. Section 30210 requires that maximum access and recreational opportunities be provided and Section 30212.5 requires that public facilities be distributed throughout an area to mitigate against adverse impacts to the public. The City has indicated that the purpose and intent of the project is to provide a multi-modal transit corridor while implementing traffic calming measures, which is expected to improve pedestrian and bicycle circulation along the corridor. However, slowing vehicle traffic and the removal of travel lanes on a major coastal access route has the potential to adversely impact public access to the coast and to adversely impact the coastal route itself as a recreational amenity, if traffic delays discourage or prevent visitors from using the corridor to access the shoreline.

Palm Avenue/SR-75 is a major public access route to the coast that functions as a 6 Lane Prime Arterial in Imperial Beach from the City of San Diego city limits to Delaware Street. At Delaware Street, Palm Avenue splits from SR-75 and continues west, along Old Palm Avenue, towards Seacoast Drive. Seacoast Drive is the City's primary north/south corridor and also represents the first public road along much of the City's ocean frontage. SR-75 continues north of the split as a 4 Lane Major Street towards the City of Coronado city limits. SR-75 is a state highway that was previously within a right-of-way owned and maintained by Caltrans. In August 2018, the California Transportation Commission approved a request to relinquish the portion of the right-of-way underlying SR-75, within the City's limits, to facilitate the City's proposed project.

The project will remove one vehicular travel lane in both directions (east/west), from three lanes to two, on two road segments of Palm Avenue/SR-75. The first road segment, from 7th to Delaware Street, will be used to create a dedicated bicycle lane in both directions. This street segment currently contains three lanes in each direction. Figure C-5 of the City's certified LCP depicts the segment of SR-75 from 7th to Delaware Street as a 4 Lane Major Street, with two lanes in each direction. Thus, the removal of one lane in each direction will make this segment consistent with its classification in the City's LCP. On the second segment, from 9th to Florida Street, the removal of one travel lane in each direction will be used to create two new frontage roads paralleling Palm Avenue to the north and south. Thus, the total number of lanes will not actually change on this

segment, but one of the existing through lanes in each direction will be replaced with a frontage road designed to service slower traffic seeking access to businesses and street parking lining the corridor.

The project will reconfigure existing parking spaces along Palm Avenue/SR-75 to make space for the proposed improvements. New parking bays and restriped parking spaces will add eleven new public parking spaces on streets intersecting the corridor. Additionally, the proposed project will enhance non-vehicular access to the coast by widening existing sidewalks and constructing bulb-outs at intersections to reduce the walking distance for pedestrians crossing the street. A dedicated bike lane currently exists on Palm Avenue/SR-75 just east of 13th Street. This project will install a dedicated bike lane in both directions between 13th and Florida Street to connect to the bike lane east of 13th Street. Another dedicated bike lane will be installed from 9th Street to Rainbow Drive, enhancing recreational opportunities along the corridor. The proposed frontage roads will provide shared bicycle access (sharrows) that will connect bicyclists with the proposed dedicated bike lane segments on either end of the corridor.

Under the vehicle miles traveled (VMT) metric, active transportation projects, such as the proposed bicycle and sidewalk improvements, are presumed to reduce VMT unless they are otherwise demonstrated not to. A reduction in VMT can positively impact environmental resources by reducing energy consumption, pollution, and greenhouse gas emissions. Additionally, when reviewing transportation improvement projects, it is important to evaluate changes in level of service, in addition to changes in VMT. The City had a traffic impact analysis report prepared evaluating level of service (LOS) to determine whether any adverse impacts to public access will result from the reduction in travel lanes. The analysis determined the current level of service for each roadway segment and intersection along the corridor and then used regional growth models to anticipate traffic conditions in the year 2035.

Using the most conservative representation of traffic conditions along Palm Avenue/SR-75 when calculating traffic volumes, the report showed that with the proposed lane reconfigurations and other street improvements, the project will not have a substantial adverse impact on travel times through the corridor. A majority of the major intersections and roadway segments along Palm Avenue/SR-75 are expected to operate at an acceptable level of service (LOS D or higher) through 2035, even at peak hour conditions. The exception is the Florida to 13th Street roadway segment and the SR-75/Rainbow Drive intersection. The Florida to 13th Street roadway segment currently operates at LOS C and, without the project, is expected to operate at LOS E in 2035. However, with the project, the roadway segment will still be expected to operate at LOS E in 2035. Thus, the project will not worsen traffic conditions along this segment.

The SR-75/Rainbow Drive intersection currently operates at an acceptable LOS, but by 2035 without the project, is expected to operate at LOS F during the AM peak hour, with a 138.2-second delay, and LOS E during the PM peak hour, with a 66.2-second delay. With the project, by 2035 the intersection is still expected to operate at LOS F and E during the AM and PM peak hour, respectively; however, the AM peak hour will have a 120.6-second delay per a vehicle and the PM peak hour will have a 56.8-second delay,

which is better than the anticipated delay at this intersection without the project. Thus, the project will not exacerbate the level of service at this intersection for the duration of the AM and PM peak hours.

The traffic impact analysis report did not provide any additional data on traffic patterns during the summer; when access to the beach is at the greatest demand. The City did recently do a mobility assessment for Imperial Beach Boulevard, another major coastal access route that runs east-west, that included data on traffic patterns during both the winter and summer months. The Imperial Beach Boulevard mobility assessment's winter counts were observed during peak AM and PM hours in the month of December and the summer counts were observed during one weekday and weekend in the month of July. The assessment showed that peak hour traffic counts during the winter were higher than peak hour traffic counts during the summer. Although Palm Avenue/SR-75 and Imperial Beach Boulevard do have different use patterns (compared to Palm Avenue, IB Boulevard is much more residential in nature), they both provide similar east/west beach access. Based on the comparison between the winter and summer counts for Imperial Beach Boulevard, it is likely that that peak hour traffic counts during the summer for Palm Avenue/SR-75 are also be lower than its the winter peak hour traffic counts. As a result, the potential impacts to public access will likely be less than what is stated in the City's traffic impact analysis report for the current project.

Furthermore, the project will enhance public access to the beach by providing dedicated corridors for low-impact modes of travel (e.g. bikes, walkways, etc.) to the coast and adding eleven new parking spaces within the project site along streets intersecting Palm Avenue/SR-75. The project site contains approximately eighty-seven public parking spaces. As proposed, ninety-eight parking spaces will be provided in the corridor on sides streets extending from Emory Street to Florence Street.

New bus stops and turnout bays will accommodate visitors traveling to the coast by public transit. The San Diego Metropolitan Transit System (MTS) previously voiced concerns about a design feature consisting of raised islands proposed to delineate the frontage roads from Palm Avenue. Buses would have had to enter the frontage roads to access bus stops and the raised island would have prevented buses from easily transitioning from the frontage road to Palm Avenue, which could potentially adversely impact bus circulation. As a result of MTS's comments, the City redesigned the project to instead separate the proposed frontage roads by restriping the roadway instead of using raised medians ([Exhibit #3](#)). **Special Condition #1** requires the submittal of final plans showing striping to separate the frontage roads from Palm Avenue.

The project will include grading of the entire project site resulting in approximately 17, 252 cubic yards of excavated/demolished materials and 8,626 cubic yards of fill/road base. The disposal site will not be identified until funds have been secured to construct the project; however, the City expects the disposal site to be located outside of the Coastal Zone. The City estimates that construction will take approximately three-and-a-half years to complete and will be spread out over a ten-year period. Construction activities will occur in segments as funding becomes available and will begin on the western end of the corridor and move east from intersection to intersection. The City does not anticipate any street closures and

will require that access through the corridor be maintained at all times. To ensure public access is not impaired by construction activities, **Special Condition #3** requires the applicant to prepare and submit a Staging Area and Public Access Plan for the review and written approval of the Executive Director.

Improvements to Palm Avenue/SR-75 will improve the safety and mobility for all modes of transit to the coast while still allowing for an acceptable level of service for vehicles traveling through this corridor. Therefore, as conditioned, the project is not anticipated to result in adverse impacts to public access.

### C. WATER QUALITY

Section 30231 of the Coastal Act states in part:

*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, [ . . . ] encouraging waste water reclamation, [ . . . ]*

Section 19.25.060 of the Imperial Beach LCP states in part:

*Storm Water runoff shall be minimized (in addition to satisfying the storm water requirements of IBMC Chapter 8.30, 8.31, and 8.32) by infiltrating runoff on-site provided that geotechnical studies support infiltration/percolation capabilities.*

Major roadway modification projects often involve significant infrastructure changes within the existing roadway and can adversely impact water quality if an impervious surface area is increased or significant landscaped areas are removed. However, roadway modification projects can also result in improved water quality if impervious surface areas are decreased or through the construction of infrastructure, the amount of stormwater and runoff that is captured and treated before reaching coastal waterways is increased, or the installation of drought-tolerant and native landscaping is expanded. Green street features such as landscaping, permeable pavements, and bioswales capture and filter stormwater runoff before it reaches coastal waters versus traditional streets which direct unfiltered runoff into storm sewer systems that ultimately discharge into coastal waters.

The vehicle travel lanes removed for this project will be replaced with either dedicated bike lanes or frontage roads and new landscaping within the median of the roadway, along sidewalks, and within the bioswales/bioretention basins will reduce the amount of impervious surface in the corridor. The project will implement low-impact-development strategies such as bioswales, bioretention basins, and upgraded storm drains throughout the entire corridor. The proposed bioswales and bioretention basins are designed to treat

surface water runoff by separating pollutants from the water, improving the water quality of the runoff before it discharges into the San Diego Bay or the Pacific Ocean.

As proposed, an existing twenty-four inch culvert located under the road west of the Rainbow Drive/SR-75 intersection discharges runoff into Pond 10A which maintains a hydrologic connection with the San Diego Bay. The existing culverts will be upsized to handle additional runoff from a connected system of new water quality features including bioswales, culverts, and inlets extending east of the Rainbow Drive/SR-75 intersection. The new inlets will collect and redirect runoff that currently pools on the highway in this location and creates unsafe driving conditions for cars traveling through the intersection. Runoff will enter the culvert from two new stormwater inlets and flow into vegetated bioswales that are designed to separate pollutants from the runoff before it discharges into coastal waters. In addition to the proposed water quality control devices, debris screens or other trash capture BMPs would add an extra layer of protection by preventing large trash and other pollutants from entering the culvert and ultimately discharging into coastal waters. **Special Condition #5** requires the applicant to submit a Construction Pollution Prevention Plan, prepared by a licensed engineer, that incorporates other BMPs designed to address contaminants associated with construction activity, as well as project elements such as trash screens or trash capture BMPs on all storm drain inlets. As further protection of water quality, **Special Condition #6** requires excavated material to be disposed of in a legal site outside of the Coastal Zone.

The Commission previously addressed runoff from SR-75 in its action to approve the Bernardo Shore development located north of the Rainbow Drive/SR-75 intersection (see CDP #6-15-0003). CDP #6-15-0003 was conditioned to address runoff from both the project site and SR-75. The northern half SR-75 will continue to drain to the Bernardo Shores BMP upon completion of the project; however, the amount of the runoff pooling east of the Rainbow Drive/SR-75 intersection is more than the Bernardo Shore's BMPs can handle. Thus, the proposed water quality control devices will collect the additional runoff and the debris screens will improve water quality by preventing trash from entering coastal waters. Therefore, as conditioned, the project is not anticipated to result in adverse impacts to water quality.

#### **D. BIOLOGICAL RESOURCES**

Section 30240 of the Coastal Act states in part:

*(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.*

Sensitive habitat area near major roadway modification projects could be disrupted or negatively impacted, especially if the roadway modification involves expansion outside its existing right-of-way. Adjacent to the eastern portion of the project area are lands within the City of San Diego Multi-Habitat Planning Area (MHPA) which is a planned habitat preserve. Additionally, the salt ponds and waters north of the project provide foraging and resting areas for migratory birds.

The project area includes Palm Avenue/SR-75 and approximately a block north and south of each side street intersecting the corridor. All construction will take place within the existing right-of-way. Street lighting and trees currently exist in the median of Palm Avenue/SR-75. The project includes the removal/relocation of several palm trees within the median of the Palm Avenue/SR-75. The Mitigated Negative Declaration for the project identified that these trees may support active nests for nesting birds species that are protected under the federal Migratory Bird Treaty Act, and removal of the trees during the breeding season could potentially result in adverse impacts to the birds. The Mitigated Negative Declaration determined that to avoid any adverse impacts to nesting birds, removal of trees that support active nests should occur outside of the breeding season for these species (February 1 to September 15). If removal must occur during the breeding season, a qualified biologist shall conduct a pre-construction survey, ten days before the start of construction activities, to determine the presence or absence of nesting birds. If birds are detected, the qualified biologist must prepare a mitigation plan which will be prepared and include measures to be implemented to ensure that disturbance of breeding activities is avoided. However, **Special Condition #4** prohibits any tree removal during the breeding season of nesting birds without specific agreement by the U.S. Fish & Wildlife Service or the California Department of Fish and Wildlife, whichever agency oversees the species in question.

As proposed, all replacement street lighting will be shielded towards the roadway to avoid disrupting migratory birds seeking refuge in the salt ponds and waters north of the project site. No invasive plant species will be planted within the project area. Therefore, as conditioned, the project is not anticipated to result in adverse impacts to any biological resources.

## **E. VISUAL RESOURCES/COMMUNITY CHARACTER**

Section 30251 of the Coastal Act states in part:

*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, [ . . . ]*

Policy D-8 of the Imperial Beach LCP states in part:



*The design of development projects should respect, work with and enhance the natural features of the land.*

*Natural scenic amenities such as mature trees; watercourses and views should be integrated into the project design*

[ . . . ]

*Development should be designed to respect and enhance the view and safety of the passerby.*

The Design Element of the Imperial Beach LCP states in part:

Visual and Scenic Resources specific to Imperial Beach include the following:

[. . .]

**Salt Evaporation Ponds and South San Diego Bay**

The salt evaporative ponds act as the gateway to Imperial Beach as one enters into the City along State Highway 75 from either the Silver Strand area or from Interstate 5. Unlike the Pacific Ocean, these ponds are small enough to be easily understood visually. They serve as important gateways to the City. . . .

Major roadway modification projects must be sensitive to community character and preserve existing visual resources. The project will allow for a reduction in vehicular travel lanes along Palm Avenue/SR-75 and add new landscaping. The City of Imperial Beach is about four square miles in size, making it one of the smallest cities in San Diego County. The City's LCP highlights that one of the City's key goals is the retention of the quality of life and atmosphere of a small beach-oriented town.

Palm Avenue/SR-75 extends from the Coronado city limits on the west and extends east to the San Diego city limits (~1.2 miles). The corridor is divided into four distinct segments: West End Gateway, Park, Midtown, and East End Gateway ([Exhibit #5](#)).

The West End Gateway provides views of a former salt evaporation pond (Pond 10A), located at the southern end of the San Diego Bay, and extends from the Coronado city limits to 7th Street ([Exhibit #6](#)). The City's certified LCP identifies the salt ponds as a visual and scenic resource specific to Imperial Beach. This area provides an entry point into the City from Coronado and is primarily characterized by mobile homes, recreation vehicles, and the Silver Strand Plaza that contains various visitor-serving uses. The Park segment consists of one block between 7th Street and Delaware Street. At this junction, SR-75, Palm Avenue, and Delaware Street intersect to form a large, triangular, landscaped median. Palm Avenue also begins its westward connection towards Seacoast Drive at this junction. The Midtown segment extends from Delaware Street to Florida Street. This segment provides access to much of the corridor's commercial zones containing visitor-serving uses for coastal tourists and locals alike. The businesses along

the segment are mostly auto-oriented, but key destinations such as the Imperial Beach Shopping Center generate a significant amount of pedestrian traffic. The Breakwater Town Center, which will be located between 7th and 9th Street, is anticipated to generate more pedestrian traffic along the corridor. The East End Gateway extends from Florida Street to the San Diego city limits. This segment provides an entry point into the City from San Diego and is primarily characterized by commercial uses such as offices and restaurants.

Overall, the project is expected to enhance the visual quality of the corridor by creating wider medians with additional landscaping, wider sidewalks with shade trees, narrower traffic lanes, bike lanes and bulb-outs at intersections, more public open spaces, signage, landscaping, public art, and wayfinding features to improve the pedestrian experience and pedestrian scale of the corridor. Eliminating a travel lane and reusing that space to add public amenities and frontage roads will help retain the atmosphere of a small beach-oriented town. The majority of the proposed improvements will occur at or near grade and thus are not expected to adversely impact any existing scenic views. Mature trees proposed in the West End Gateway segment on the east side of SR-75 could potentially impact views of the salt evaporation ponds. No trees are proposed in this area, but to ensure new landscaping does not adversely impact views, **Special Condition #2** requires that landscaping on the east side of the highway between SR-75 and Pond 10A be no taller than three feet at maturity. Therefore, as conditioned, the project is not expected to result in adverse impacts to visual resources or community character.

## F. COASTAL HAZARDS

Section 30235 of the Coastal Act states, in part:

*Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline process 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.*

Section 30253 of the Coastal Act states, in part:

*New development shall do all of the following:*

*(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.*

The Coastal Act requires that new development be sited and designed to be safe from hazards and to not adversely impact coastal resources. Low-lying public infrastructure

near the coast can potentially be at risk of impaired function due to coastal hazards such as erosion, flooding, and inundation. Sea level rise is expected to exacerbate existing coastal hazards by raising mean water levels and extending flood zones inland. Vulnerable coastal access roads may have to be realigned or elevated to avoid coastal hazards to maintain the roadway as a viable transportation route. New development should be planned and located to be safe from hazards and may not require protection over its entire lifespan.

The City prepared a city-wide sea level rise vulnerability assessment in 2016. The results of the assessment showed that portions of Palm Avenue/SR-75 from both the Coronado city limits to Rainbow Drive and 8th to Emory Street will be flooded between one to two meters when sea level rise reaches 1.5 meters, during a 100-year storm, which could occur around the year 2100. Thus, the proposed improvements will likely be at risk within the next 75-100 years.

City of Imperial Beach is particularly vulnerable to rising sea levels as it not only fronts on the ocean, but sits between San Diego Bay to the north and the Tijuana Slough to the south. Thus, major public improvements should be carefully considered before siting in areas that are subject to risk. Due to the extent of coastal hazard risks to the entire city and that the project corridor is not be the most vulnerable public infrastructure at risk, the anticipated sea level rise impacts must be addressed comprehensively through the LCP. The City is currently working on a comprehensive LCP Update that will identify adaptation strategies to address the vulnerabilities identified in the 2016 assessment. The proposed project will not increase the project corridor's vulnerability to coastal hazard risks in any way. Thus, at this time, the proposed project can be found consistent with the hazard policies of the Coastal Act.

## **G. 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 subject site is located in the City of Imperial Beach, which has a certified LCP; however, a portion of the project corridor is located in the City's appealable permit jurisdiction and a portion within the Commission's original permit jurisdiction. The standard of review for consolidated permits is the Chapter 3 policies of the Coastal Act, with the City's LCP used as guidance. The Circulation Element of the certified LUP contains a figure (Figure C-5) that depicts the section of SR-75 from 7th Street to Delaware Street as a 4 Lane Major Street, with two vehicular travel lanes in each direction. However, this segment currently functions as a 6 Lane Prime Arterial with three vehicular travel lanes in each direction. It is unclear when this section of SR-75 was striped to include an extra lane in both directions. Regardless, this project will turn this section back to a 4 Lane Major Street, consistent with its street classification in the City's certified LCP. As conditioned, the proposed development is consistent with

Chapter 3 of the Coastal Act and with the City of Imperial Beach LCP. Approval of the project, as conditioned, will not prejudice the ability of the City of Imperial Beach to continue to implement its LCP.

## **H. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. The City of Imperial Beach adopted a Final Mitigated Negative Declaration in February 2016 (SCH #2015041055) for the proposed project.

The project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. Mitigation measures, including conditions designed to avoid adverse impacts to birds when removing trees, to protect water quality, maximize public access, and to preserve public views and community character, will avoid or 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.

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

- City of Imperial Beach certified LCP
- Imperial Beach Blvd. Enhancement Project Mobility Assessment, prepared by Michael Baker International (June 2018)
- Final Mitigated Negative Declaration for the Palm Avenue Mixed Use and Commercial Corridor Master Plan, prepared by RECON(October 2015)
- 2016 Imperial Beach SLR Assessment
- CDP #6-15-0003
- Figure C-5 of the Imperial Beach LCP (Updated November 2015)