

CALIFORNIA COASTAL COMMISSION

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DATE: March 30, 2018

TO: Commissioners and Interested Persons

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SUBJECT: **Coastal Development Permit Application No. 6-18-0204 and Notice of Impending Development No. NCC-NOID-0003-18 (Phase 1/Stages 2 & 3, Interstate 5 North Coast Corridor Project)** for Public Hearing and Commission Action at the April 11, 2018 Commission Meeting in Redondo Beach

SYNOPSIS

Coastal Development Permit (CDP) Application No. 6-18-0204 and Notice of Impending Development (NOID) No. NCC-NOID-0003-18 were submitted by District 11 of the California Department of Transportation (Caltrans) on March 15, 2018, and were filed complete effective March 22, 2018. The Commission must take action on the NOID by April 26, 2018 unless Caltrans waives the required 30-day processing time.

The subject project is included in the development authorized by 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), which extends from La Jolla to Oceanside along the North San Diego County coastline. Jointly prepared by Caltrans and the San Diego Association of Governments (SANDAG), the NCC PWP/TREP was approved by the Coastal Commission on August 13, 2014 (PWP-6-NCC-13-0203-1), and has been amended twice since then (PWP-6-NCC-16-0001-1 and PWP-6-NCC-16-0006-2). The standard for the Commission's review of the NOID is conformity with the NCC PWP/TREP. A portion of the project is located over Batiquitos Lagoon, which is within the Commission's retained jurisdiction, and requires a CDP. The standard of review for the CDP application is the Chapter 3 policies of the Coastal Act, while the NCC PWP/TREP may be used for guidance.

EXECUTIVE SUMMARY

Background

The NCC is approximately 27 miles long, up to six miles wide, and home to over 525,000 people. Six cities lie entirely or partially within the NCC: San Diego, Del Mar, Solana Beach, Encinitas, Carlsbad, and Oceanside. The NCC includes open stretches of public beaches, six coastal lagoons, five creeks and rivers, open space, and coastal habitat areas. The NCC PWP/TREP is an integrated document for comprehensively planning, reviewing, and permitting the transportation, community, and resource enhancement projects within the NCC. The NCC PWP/TREP creates a framework for specific projects to be analyzed and implemented over the next 40 years under a coordinated plan. The goal of the planning process is to optimize the suite of improvements so that transportation goals are achieved in a manner that maintains and improves public access, while also maximizing protection and enhancement of the region's significant sensitive coastal resources.

The NCC PWP/TREP includes a Phasing Plan with an implementation schedule for a series of rail, highway, transit, bicycle, and pedestrian projects to improve and maintain mobility and access to coastal recreational resources in the NCC. The NCC PWP/TREP also includes a comprehensive restoration program designed to protect, restore, and enhance sensitive coastal resources within the corridor as one means of mitigating the resource impacts of the transportation and community enhancement projects. The framework of the Phasing Plan links various project types to ensure that transportation infrastructure improvements are constructed on a schedule that aligns with recreational improvements and regional restoration efforts. The Phasing Plan ensures that mitigation for project impacts is provided before the resources are impacted.

Project Description

Through the subject CDP application and NOID, Caltrans is requesting review of Phase 1/Stages 2 & 3 of the Interstate 5 (I-5) North Coast Corridor Project. Phase 1/Stages 2 & 3 includes the addition of one new High Occupancy Vehicle (HOV) lane in each direction of I-5 from 0.8 miles south of Birmingham Drive in Encinitas to 0.3 miles north of Palomar Airport Road in Carlsbad. The project also includes: construction of the North Coast Bike Trail along Caltrans right-of-way from Manchester Avenue to Birmingham Drive; commitment to design and fund the construction of a secondary segment of the North Coast Bike Trail through the San Elijo Joint Powers Authority (SEJPA) site from Manchester Avenue to Birmingham Drive; construction of a pedestrian trail and Class II bike lanes on Manchester Avenue from I-5 to the San Elijo Lagoon Visitor Center; and installation of the North Coast Bike Trail on local streets in Encinitas from Birmingham Drive to La Costa Avenue. The project will provide bicycle and pedestrian connections to the existing San Elijo Lagoon Visitor Center, the pedestrian bridge over the lagoon being constructed as part of Phase 1/Stage 1 of the I-5 NCC Project, and the pedestrian trails around the lagoon being constructed as part of the San Elijo Lagoon Restoration Project.

The project also includes reconstruction of the San Elijo Vista Point on the west side of I-5, south of Birmingham Drive, with additional temporary parking and an expanded garden and seating area. Additional project components include construction of an auxiliary lane in each direction from Poinsettia Lane to Palomar Airport Road and two acceleration lanes on the southbound side of the highway at the La Costa Avenue and the Leucadia Boulevard on-ramps. New signage and lighting are planned at key decision-making points along the highway. The project includes construction/reconstruction of eight soundwalls and rehabilitation of 32 existing culverts. Infrastructure improvements designed to capture stormwater runoff and pollutants from the existing and new highway pavement include bioswales and subsurface concrete infiltration system modules, as well as new polishing (to remove solid pollutants) and landscaping in the highway medians and shoulders.

As required by Senate Bill 468 (Kehoe, 2011) and the NCC PWP/TREP, Caltrans has coordinated Phase 1/Stage 1 of the I-5 North Coast Corridor Project with SANDAG's San Elijo Double Track Project and the San Elijo Lagoon Conservancy's San Elijo Lagoon Restoration Project to minimize environmental impacts to the San Elijo Lagoon. Coordinated construction activities for those highway, rail, and lagoon restoration projects will reduce construction related temporal impacts to habitat areas within the lagoon by half. Another benefit of the project coordination is the opportunity to utilize the location of the future Manchester Multi-Use Facility (adjacent to the highway and the northeast portion of the lagoon) as a shared constructing staging area for all projects. The subject project will also utilize the Manchester Multi-Use Facility for construction staging, with auxiliary construction staging at the Poinsettia Lane and Palomar Airport Road interchanges.

Construction for Phase 1/Stages 2 & 3 is scheduled to begin in Fall 2018, with completion in Fall 2020. Phase 1/Stage 1 and the San Elijo Lagoon Restoration Project are also projected to be completed in late 2020, upon which time the Manchester Multi-Use Facility will be established as a park-and-ride lot and construction staging for Phase 1/Stages 2 & 3 will move to the auxiliary staging sites.

Project Benefits and Impacts

Project benefits within the coastal zone include improved air quality, water quality, multi-modal access, and safety. The HOV lanes throughout the project limits will connect to the HOV lanes being constructed through Phase 1/Stage 1 of the I-5 NCC Project. The new auxiliary lanes are designed to lessen bottlenecks on that segment of I-5. Caltrans has coordinated with the Cities of Encinitas and Carlsbad and local stakeholders to design bicycle and pedestrian facilities that will be constructed simultaneously with the highway improvements, improving multi-modal connectivity within the NCC and the San Diego region. The reconstruction of the San Elijo Vista Point will provide ADA-accessible parking spaces and walking paths to a new, panoramic lagoon viewing area. The rehabilitation of existing culverts and stormwater infrastructure improvements will enhance water quality within four watersheds that currently experience pollution associated with the existing substandard highway drainage. Stormwater treatments include bioswales, subsurface concrete infiltration system modules, and new

polishing/landscaping that, in aggregate, increase the total area where stormwater runoff is treated within the drainages of each watershed to the targets set forth in the NCC PWP/TREP. The soundwalls will provide a feasible reduction in highway traffic noise to the surrounding residential community without adversely affecting existing coastal views from the highway.

The following conflict resolution discussion is applicable to wetland and environmentally sensitive habitat area (ESHA) impacts associated with the Phase 1/Stages 2 & 3 Project, as it is a specific project analyzed within the NCC PWP/TREP. Coastal Act Section 30233(a) only permits the diking, filling, or dredging of wetlands where there is no feasible less environmentally damaging alternative, where feasible mitigation measures have been provided to minimize adverse environmental effects, and when it is limited to certain uses. Section 30240 prohibits significant disruption or degradation of the habitat values of ESHAs. Through its approval of the NCC PWP/TREP, the Commission found that the proposed wetland fill associated with the highway project, by itself, would not be an allowable use, and that other elements of the project would significantly disrupt and/or degrade ESHAs. However, the Commission found that the NCC PWP/TREP, as a whole, presented conflicts among Chapter 3 policies, and employed the conflict resolution provisions of Coastal Act Sections 30007.5 and 30200(b) to permit limited dredging and filling of wetlands, despite the inconsistency with Section 30233, and limited impacts to ESHAs, despite the inconsistency with Section 30240.

When the Commission identifies a conflict among Coastal Act policies, Section 30007.5 requires the Commission to resolve the conflict “in a manner which on balance is the most protective of significant coastal resources.” The Commission’s findings for PWP-6-NCC-13-0203-1 stated that approval of the NCC PWP/TREP would result in the fill of approximately 24 acres of wetlands despite not being one of the allowable uses identified in Section 30233, and impacts to approximately 64 acres of ESHA despite not being one of the allowable uses identified in Section 30240(a). However, the Commission found that denial of the NCC PWP/TREP would have been inconsistent with mandates of other Coastal Act policies and would have resulted in significant adverse impacts to public access, biological resources, water quality, and air quality because it would have preserved the antiquated transportation system in San Diego County’s NCC. Thus, the Commission found a conflict among Coastal Act policies, but found that approval of the NCC PWP/TREP, notwithstanding its inconsistencies with Coastal Act Sections 30233 and 30240, was the most protective of coastal resources for purposes of the conflict resolution provisions of Coastal Act Sections 30007.5 and 30200(b).

Phase 1/Stages 2 & 3 will impact ESHA; however, the NCC PWP/TREP anticipates and authorizes these impacts, and the Resource Enhancement and Mitigation Program (REMP) within the NCC PWP/TREP provides for compensatory mitigation to enhance and restore the biodiversity and habitat functions on a regional scale in advance of unavoidable project impacts. The REMP includes options for allocating funding from SANDAG for regionally significant mitigation opportunities, including the establishment, restoration, enhancement, preservation, and long-term management of coastal wetlands and adjacent riparian areas, transitional habitats, and upland areas. The approved program is intended to restore and enhance an integrated ecosystem that provides habitat for birds,

fish, and benthic organisms, compensating for the loss of ESHAs that will occur from the NCC PWP/TREP transportation improvements, and enhancing ESHAs throughout the coastal zone in north San Diego County.

The subject project would result in approximately 2.88 acres of permanent impacts and 0.45 acres of temporary impacts to wetlands, as well as approximately 4.39 acres of permanent impacts and 3.17 acres of temporary impacts to sensitive upland habitats (coastal sage scrub and southern maritime chaparral). Additional impacts of up to 0.36 acres of upland coastal sage scrub would occur in order to facilitate additional stormwater treatment alternatives which are still being developed. In aggregate, the estimated impacts are less substantial than those identified in the approved NCC PWP/TREP because the Phase 1/Stages 2 & 3 Project has been downscaled from the original project plans, which included a new bridge over Batiquitos Lagoon, due to funding constraints. Caltrans anticipates that the ultimate widening project identified in the NCC PWP/TREP, which will include a new bridge to accommodate 2 HOV lanes in each direction, will be implemented in the next 10 to 20 years. That project will require a separate CDP/NOID, subject to Commission approval and additional mitigation.

Pursuant to the REMP, Caltrans will mitigate some of the permanent impacts to wetlands through habitat establishment and restoration activities that have already been initiated at the Hallmark East and Los Peñasquitos Lagoon mitigation sites. The remaining wetland impacts will be mitigated at the San Dieguito Lagoon W-19 Restoration site or by funding an endowment for inlet maintenance at Batiquitos Lagoon. Caltrans expects to be able to draw mitigation credits before commencement of construction of the subject project in Fall 2018. All temporary impacts in wetlands are assumed to be long-term temporary and must be mitigated as required in the REMP.

Caltrans will provide mitigation for permanent impacts to sensitive upland habitats at the Deer Canyon II upland mitigation site, which currently has adequate mitigation credits available. Long-term temporary impacts to sensitive upland habitats will include the preservation of high quality native habitat under threat of development at the Batiquitos Bluffs site (a 2:1 ratio of preservation to impacts). Additionally, slopes and other areas within the project limits where habitat is temporarily disturbed will be revegetated with native species, subject to an approved Planting Plan.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission approve CDP No. 6-18-0204, as conditioned, and determine that NOID No. NCC-NOID-0003-18, as conditioned, is consistent with the NCC PWP/TREP. Special Conditions 1-6 would apply to both the CDP and the NOID, while Special Conditions 7-9 would apply only to the NOID.

Special Condition 1 would require Caltrans to submit Final Project Plans prior to construction of the project, in substantial conformance with those submitted with the application. In order to enhance water quality, **Special Condition 2** would require Caltrans to submit Final Expanded Format Stormwater Data Reports (SWDRs), Stormwater Treatment Exhibits, and Stormwater Pollution Prevention Plan. The SWDR

and Stormwater Treatment Exhibits shall identify all infrastructure improvements designed to capture storm water runoff and pollutants from the existing and new highway pavement, including bioswales, subsurface concrete infiltration system modules, and new polishing/landscaping. The Final Stormwater Pollution Prevention Plan shall detail BMPs to be used to minimize water quality impacts during construction. In order to protect visual and biological resources in and adjacent to Batiquitos Lagoon, **Special Condition 3** would require Caltrans to submit a Final Lighting Plan utilizing all available technologies to minimize light spillover into the lagoon, minimize the number of light poles, and include anti-perching devices on all light poles in the area of the lagoon, while maintaining the minimum level of illumination necessary to maintain required highway lighting for operations and safety. **Special Condition 4** would require Caltrans to submit a Final Signage Plan identifying a maximum of one new Changeable Message Sign within project limits, minimize the number of sign poles in the corridor, and include anti-perching devices on all signs/poles in the area of the lagoon. **Special Condition 5** would require Caltrans to provide evidence, in a form and content acceptable to the Executive Director, that adequate mitigation credits have been released from the REMP in order to provide full mitigation for Phase 1/Stages 2 & 3 impacts to wetlands and sensitive upland habitat areas. **Special Condition 6** would require Caltrans to provide evidence that it has acquired all necessary state and federal permits for all aspects of the Phase 1/Stages 2 & 3 Project. **Special Condition 7** would require implementation of Cooperative Maintenance Agreements with the City of Encinitas and the City of Carlsbad for all Stage 1/Phases 2 & 3 community enhancements (bike trails, bike nodes, pedestrian trails, associated signage and lighting) and water treatment features (bioswales, infiltration basins) within each City's jurisdiction. **Special Condition 8** would require Caltrans to provide a Final Memorandum of Understanding with the San Elijo Joint Powers Authority, to facilitate funding and construction of a secondary multi-use trail through the SEJPA site from Manchester Avenue to the Caltrans right-of-way just south of Birmingham Drive. If portions of the secondary trail are determined to be infeasible, **Special Condition 9** requires Caltrans to design and construct an alternative bike/pedestrian improvement within the North Coast Corridor, subject to consultation with local governments and the written approval of the Executive Director.

The standard of review for the subject NOID is whether the development is consistent with the certified NCC PWP/TREP, and whether conditions are required to bring the development into conformance with the PWP. With the required special conditions, the development is consistent with the policies, design/development strategies, and implementation measures in the NCC PWP/TREP. The standard of review for those portions of the Phase 1/Stages 2 & 3 improvements occurring in areas of the Commission's retained jurisdiction, consisting of new HOV lanes and landscaping within the median of the existing highway bridge over Batiquitos Lagoon, is the Chapter 3 policies of the Coastal Act, while the NCC PWP/TREP may be used for guidance. With the required special conditions, and as part of the larger program analyzed in the NCC PWP/TREP, those portions of the proposed project are also approvable.

The motions and resolutions to implement the staff recommendation begin on Page 11. The findings for approval of the CDP and determination of the NOID's consistency with the NCC PWP/TREP begin on Page 18.

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APPENDICES

[Appendix A – Substantive File Documents](#)

EXHIBITS

[Exhibit 1 – North Coast Corridor Regional Map](#)

[Exhibit 2 – Phase 1/Stages 2 & 3 Aerial Map](#)

[Exhibit 3 – Phasing Plan – First Phase \(2010-2020\)](#)

[Exhibit 4 – Mitigation Sites Map](#)

[Exhibit 5 – Highway Improvement Plans](#)

[Exhibit 6 – Bicycle, Pedestrian, and Vista Point Improvement Plans](#)

[Exhibit 7 – Lighting and Signage Simulations](#)

[Exhibit 8 – Stormwater Treatment Exhibits](#)

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 post-LCP certification areas). Once the Commission approves a PWP, in general, 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. The PWP at issue here (identified as the NCC PWP/TREP)¹ was approved by the Commission on August 13, 2014.

¹ As that name implies, this particular PWP is actually more than just a Public Works Plan. The “TREP” portion of the name reflects the fact that the package as a whole (referred to within this note as “the PWP”) includes components that were submitted to the Commission as a consistency certification (CC-0002-14), for review via the federal consistency process created by the Coastal Zone Management Act. In August of 2014, the Commission concurred with that consistency certification at the same time it certified the actual Public Works Plan. Finally, the PWP also includes project components that are within the Commission’s area of retained jurisdiction, and which therefore remain subject to the normal coastal development permit process, rather than the NOID process typically associated with PWPs.

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. Each section contains policies, design/development strategies, and implementation measures, in order of increasing specificity, 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 (as indicated in the footnote on the prior page, this particular PWP includes analyses of projects within the commission's area of retained jurisdiction, which therefore remain subject to the normal CDP process, as well as some components that are to be reviewed through the federal consistency process rather than the NOID 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 subsequent development where there is 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 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 PWP as submitted, or whether conditions are needed to bring the development into conformance with the PWP. The standard of review for those portions of the specific project improvements occurring in areas of the Commission's retained jurisdiction, and for which a CDP application has been submitted, including within and over the Batiquitos Lagoon, is the Chapter 3 policies of the Coastal Act.

LOCAL GOVERNMENT CONSULTATION

Throughout the development of the NCC PWP/TREP, Caltrans and SANDAG have engaged the local governments in the review process. Focused meetings were held with City staffs beginning in January 2011 and extending through the summer of 2012. In the fall of 2013, Caltrans and SANDAG presented agendaized briefings to the City Councils of San Diego, Encinitas, Carlsbad, and Oceanside in order to provide an update on the ongoing PWP document development and process. Staff from Caltrans, SANDAG, and the Commission have had ongoing coordination meetings with the corridor cities since the approval of the NCC PWP/TREP in August 2014 to discuss the preliminary NCC PWP/TREP projects. Most recently, in February and March 2018, Caltrans staff discussed components of the subject Phase 1/Stages 2 & 3 project with staff and elected officials from the City of Encinitas and the City of Carlsbad.

STAKEHOLDER CONSULTATION

The Resource Enhancement and Mitigation Program (REMP) within the NCC PWP/TREP was developed through a collaborative process with representatives from various resource agencies including the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, the California Department of Fish and Wildlife, the Regional Water Quality Control Board, NOAA National Marine Fisheries Service, the U.S. Environmental Protection Agency, and the California Coastal Conservancy. The development of the REMP was initiated by members of this group as early as 2010 in order to identify regionally significant restoration and enhancement opportunities within the NCC. Through the NCC PWP/TREP, this group has been formalized as the REMP Working Group and meets quarterly to track and guide progress through the planned implementation phases of the PWP. The Phase 1/Stages 2 & 3 Project that is the subject of this CDP/NOID was presented at the February 2018 REMP Working Group meetings. All comments and feedback received from the REMP Working Group have been addressed by Caltrans as a part of the subject submittal. Additional permits for the specific project are also required from the various resource agencies, and those reviews are either underway or have already been concluded.

II. MOTIONS AND RESOLUTIONS

A. NOID NCC-NOID-0003-18: Approval with Conditions

MOTION I:

I move that the Commission determine that the development described in Notice of Impending Development NCC-NOID-0003-18, as conditioned, is consistent with the certified North Coast Corridor Public Works Plan and Transportation and Resource Enhancement Program.

Staff recommends a **YES** vote. Passage of this motion will result in a determination that the development described in the Notice of Impending Development NCC-NOID-0003-18, as conditioned, is consistent with the certified North Coast Corridor Public Works Plan and Transportation and Resource Enhancement Program, and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION I:

The Commission hereby determines that the development described in the Notice of Impending Development NCC-NOID-0003-18, 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.

B. CDP No. 6-18-0204: Approval with Conditions

MOTION II:

I move that the Commission approve Coastal Development Permit Application No. 6-18-0204 subject to the conditions set forth in the staff recommendation.

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

RESOLUTION II:

The Commission hereby approves coastal development permit 6-18-0204 and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

III. STANDARD CONDITIONS

The coastal development permit is granted subject to the following standard conditions:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

IV. SPECIAL CONDITIONS

A. SPECIAL CONDITIONS FOR BOTH CDP 6-18-0204 & NOID NCC-NOID-0003-18

1. **Final Project Plans.** PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, Caltrans shall submit to the Executive Director for review and written approval, final project plans for the Phase 1/Stages 2 & 3 Project, including Final Construction Plans and a Final Construction Schedule including lane/ramp closures. Said plans shall be in substantial conformance with the preliminary plans submitted 3/15/18.

Caltrans shall undertake the development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans for the portions of the project covered by CDP 6-18-0204 shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment to the coastal development permit is legally required; and no changes to the approved final plans for the portions of the project covered by NCC-NOID-0003-18 shall occur without a subsequent NOID unless the Executive Director determines that a subsequent NOID is not legally required.

2. **Final Expanded Format Stormwater Data Reports, Stormwater Treatment Exhibits, and Stormwater Pollution Prevention Plan.** PRIOR TO COMMENCEMENT OF CONSTRUCTION, Caltrans shall submit to the Executive Director for review and written approval, Final Expanded Format Stormwater Data Reports (SWDRs), Stormwater Treatment Exhibits (Exhibits), and Stormwater Pollution Prevention Plan (SWPPP). The expanded-format SWDRs for Phase 1/Stage 2 (Birmingham to La Costa) and Phase 1/Stage 3 (La Costa to Palomar Airport) and Stormwater Treatment Exhibits for each of the San Elijo Lagoon, Cottonwood Creek, Batiquitos Lagoon, and Encinas Creek watersheds within the project limits shall identify all infrastructure improvements designed to capture stormwater runoff and pollutants from the existing and new highway pavement, including bioswales, subsurface infiltration system modules, and new polishing/landscaping. The project design reflected in the expanded-format SWDRs and Exhibits shall include improvements that, in aggregate, increase the total area where stormwater runoff is treated within the drainages of each watershed to the targets set forth in NCC PWP/TREP Section 5.4 (Figure 5.4-1B: Water Quality Treatment Areas), consistent with the preliminary Exhibits submitted 3/15/18.
- (a) For protection of Batiquitos Lagoon, Caltrans shall implement the following additional stormwater treatment improvements in order of preference:
- i. The approach to stormwater treatment in the area of the project within the Batiquitos Lagoon watershed shall be consistent with the preferred alternative identified as Alternative 1 in the staff report dated 3/30/18 to install one subsurface infiltration system underground in the highway median that would treat 5.5 acres of impervious pavement.
 - ii. If the preferred alternative is shown, to the satisfaction of the Executive Director, to be infeasible, then the approach to stormwater treatment in the subject area shall be consistent with Alternative 2 to install two subsurface infiltration systems underground adjacent to the highway that would treat 4.7 acres of impervious pavement.
 - iii. If both the preferred alternative and Alternative 2 are shown, to the satisfaction of the Executive Director, to be infeasible, then the approach to stormwater treatment in the subject area shall be consistent with Alternative 3 to construct two 250-foot long, 15-foot high retaining walls to accommodate two bioswales that would treat 3.7 acres of impervious pavement.
- (b) For protection of the San Elijo Lagoon, Caltrans shall implement the following additional stormwater treatment improvements in order of preference:
- i. The approach to stormwater treatment in the area of the project within the San Elijo Lagoon watershed shall be consistent with the alternative identified as Alternative 1 in the staff report dated 3/30/18 to install one subsurface infiltration system underground in the highway median.
 - ii. If the preferred alternative is shown, to the satisfaction of the Executive Director, to be infeasible, then the approach to stormwater treatment in the subject area shall be installation of approximately 1.5 acres of new

polishing/landscaping within the San Elijo Lagoon watershed, consistent with the preliminary Exhibits submitted 3/15/18.

- (c) Feasibility shall be determined by Caltrans' analysis of site specific road drainage, geotechnical borings, and soil testing for percolation rates and groundwater elevations in the vicinity of the stormwater treatment areas, subject to consultation with Coastal Commission staff water quality specialists.
- (d) The final SWPPP shall include all housekeeping, source control, and treatment control BMPs that will be used during construction and will be updated as needed to reflect progression and phasing of the project. The SWPPP shall be supplemented to include dewatering requirements necessary for the construction of the project and an Aerially Deposited Lead (ADL) handling plan.

Caltrans shall undertake the development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan for the portions of the project covered by CDP 6-18-0204 shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment to the coastal development permit is legally required; and no changes to the approved final plan for the portions of the project covered by NCC-NOID-0003-18 shall occur without a subsequent NOID unless the Executive Director determines that a subsequent NOID is not legally required.

3. **Final Signage Plan.** PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, Caltrans shall submit to the Executive Director for review and written approval, a Final Signage Plan. In order to protect visual and biological resources in and adjacent to Batiquitos Lagoon, the Final Signage Plan shall utilize all available technologies to minimize light spillover into the lagoon and minimize the number of sign poles. The Final Signage Plan shall identify the area near Batiquitos Lagoon as a particular area of biological sensitivity and shall include anti-perching devices on all signs/poles in the area to discourage raptor predation of sensitive and endangered bird species at Batiquitos Lagoon.

In order to preserve visual resources, and consistent with NCC PWP/TREP Section 4.2.8 limiting the installation of new Changeable Message Signs to a total of five within the entire North Coast Corridor, Caltrans shall include a maximum of one (1) new Changeable Message Sign within the project limits of the subject Phase 1/Stages 2 & 3 Project. The Final Signage Plan shall call out the location of up to one new Changeable Message Sign within the project limits.

Caltrans shall undertake the development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan for the portions of the project covered by CDP 6-18-0204 shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment to the coastal development permit is legally required; and no changes to

the approved final plan for the portions of the project covered by NCC-NOID-0003-18 shall occur without a subsequent NOID unless the Executive Director determines that a subsequent NOID is not legally required.

4. **Final Lighting Plan.** PRIOR TO INSTALLATION OF LIGHTING, Caltrans shall submit to the Executive Director for review and written approval, a Final Lighting Plan. In order to protect visual and biological resources in and adjacent to Batiquitos Lagoon, the Final Lighting Plan shall utilize all available technologies to minimize light spillover into the lagoon, minimize night glow and light trespass, and minimize the number of light poles, while maintaining the minimum level of illumination necessary to maintain required highway lighting for operations and safety. The Final Lighting Plan shall identify the area near Batiquitos Lagoon as a particular area of biological sensitivity and lighting in the vicinity of the lagoon shall be no more substantial (in terms of number of light poles or light intensity) than as depicted in Figure 2-5 “Proposed Lighting at Batiquitos Viewshed” dated 12/12/17. Additionally, the Final Lighting Plan shall include anti-perching devices on all light poles in the area to discourage raptor predation of sensitive and endangered bird species at Batiquitos Lagoon.

Caltrans shall undertake the development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan for the portions of the project covered by CDP 6-18-0204 shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment to the coastal development permit is legally required; and no changes to the approved final plan for the portions of the project covered by NCC-NOID-0003-18 shall occur without a subsequent NOID unless the Executive Director determines that a subsequent NOID is not legally required.

5. **Final Mitigation.** PRIOR TO COMMENCEMENT OF EACH STAGE OF CONSTRUCTION, Caltrans shall provide evidence, in a form and content acceptable to the Executive Director, that adequate mitigation credits have been released from the Resource Enhancement and Mitigation Program (REMP) in order to provide compensatory mitigation for Phase 1/Stages 2 & 3 impacts to wetlands and sensitive upland habitat areas. If adequate mitigation credits are not available at the time each stage of construction is commenced, Caltrans shall provide mitigation using typical ratios required by the Coastal 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 maritime chaparral. Mitigation shall be consistent with the provisions of the REMF.
6. **Required Resources Agency Permits.** PRIOR TO COMMENCEMENT OF CONSTRUCTION, Caltrans shall submit to the Executive Director for review and written approval, all necessary state and federal permits for all aspects of the Phase 1/Stages 2 & 3 Project, including from the U.S. Army Corps of Engineers, the California Regional Water Quality Control Board, U.S. Fish and Wildlife Service, California Department of Fish and Wildlife, and National Marine Fisheries Service.

B. SPECIAL CONDITIONS FOR NOID NCC-NOID-0003-18

7. **Cooperative Maintenance Agreements.** PRIOR TO COMMENCEMENT OF CONSTRUCTION, Caltrans shall submit to the Executive Director for review and written approval, Cooperative Maintenance Agreements with the City of Encinitas and the City of Carlsbad for all Stage 1/Phases 2 & 3 community enhancements (bike trails, bike nodes, pedestrian trails, associated signage and lighting) and water treatment features (bioswales, infiltration basins) within each City's jurisdiction.
8. **Final MOU with the San Elijo Joint Powers Authority.** PRIOR TO COMMENCEMENT OF CONSTRUCTION, Caltrans shall submit to the Executive Director for review and written approval, a Final Memorandum of Understanding (MOU) with the San Elijo Joint Powers Authority (SEJPA), to facilitate funding and construction of a secondary multi-use trail through the SEJPA site from Manchester Avenue to the Caltrans right-of-way just south of Birmingham Drive, as generally depicted in **Exhibit 6** of this staff report dated 3/30/18. The MOU shall identify funding commitments, a construction schedule, and maintenance responsibilities of both parties for the portion of the trail within SEJPA property. Caltrans shall collaborate with SEJPA on the design for the secondary trail within the SEJPA property, which shall be consistent with design of the secondary trail outside the SEJPA property.
9. **Alternative to Secondary Trail.** PRIOR TO COMMENCEMENT OF CONSTRUCTION, if Caltrans determines construction of or portions of the secondary trail is infeasible, Caltrans shall design and construct an alternative bike/pedestrian improvement of equivalent or greater utility to cyclists and pedestrians within the North Coast Corridor, subject to consultation with local governments and the written approval of the Executive Director. If the Executive Director determines that an alternative bike/pedestrian improvement requires an amendment to the NCC PWP/TREP and/or a new NOID/CDP, Caltrans shall submit such applications prior to construction of the alternative bike/pedestrian improvement.

V. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION

The Interstate 5 (I-5) North Coast Corridor (NCC) Project includes improvements and maintenance of existing and future traffic operations on the I-5 highway from La Jolla Village Drive in San Diego to Harbor Drive in Oceanside/Camp Pendleton, extending approximately 27 miles (**Exhibit 1**). In July 2011, Caltrans identified the "8+4 Buffer Alternative" as the Locally Preferred Alternative, which was further supported by its identification as the Least Environmentally Damaging Practicable Alternative during the environmental review process. That alternative consists of two high occupancy vehicle (HOV)/Managed Lanes in each direction, separated by a buffer from the existing four general purpose lanes in each direction. Other components include auxiliary lanes, bridge

replacements, overcrossing improvements, two new Direct Access Ramps, interchange improvements, six access points to the HOV lanes, park-and-ride facilities, gateway features, intelligent transportation system features, and retaining/sound walls. The project will be implemented in three phases over a 40 year period.

At this time, Caltrans is requesting review of Phase 1/Stages 2 & 3 of the I-5 NCC Project. Construction for the Phase 1/Stages 2 & 3 specific project includes the addition of one new HOV lane in each direction of I-5 from 0.8 miles south of Birmingham Drive in Encinitas to 0.3 miles north of Palomar Airport Road in Carlsbad (**Exhibit 2**). The project scope also includes: construction of the North Coast Bike Trail along Caltrans right-of-way from Manchester Avenue to Birmingham Drive; commitment to design and fund the construction of a parallel segment of the North Coast Bike Trail through the San Elijo Joint Powers Authority (SEJPA) site from Manchester Avenue to Birmingham Drive; construction of a pedestrian trail and Class II bike lanes on Manchester Avenue from I-5 to the San Elijo Lagoon Visitor Center; and installation of the North Coast Bike Trail on local streets in Encinitas from Birmingham Drive to La Costa Avenue. The project will provide bicycle and pedestrian connections to the San Elijo Lagoon Visitor Center, the pedestrian bridge over the lagoon being constructed as part of the Phase 1/Stage 1 Project, and the pedestrian trails around the lagoon being constructed as part of the San Elijo Lagoon Restoration Project.

The project also includes reconstruction of the San Elijo Vista Point on the west side of I-5, south of Birmingham Drive, with additional temporary parking and an expanded garden and seating area. Additional project components include construction of an auxiliary lane in each direction from Poinsettia Lane to Palomar Airport Road and two acceleration lanes on the southbound side of the highway at the La Costa Avenue and the Leucadia Boulevard on-ramps. New signage and lighting at key decision making points along the highway are planned (**Exhibit 5**). The project includes construction/reconstruction of eight soundwalls and rehabilitation of 32 existing culverts. Infrastructure improvements designed to capture stormwater runoff and pollutants from the existing and new highway pavement include bioswales and subsurface concrete infiltration system modules, as well as new polishing/landscaping in the highway medians and shoulders.

Construction is scheduled to begin in Fall 2018, with completion in Fall 2020. The entire project is subject to review for consistency with the NCC PWP/TREP through the NOID procedures. Only the portion of the project located over Batiquitos Lagoon, within the Commission's retained jurisdiction, is subject to coastal development permit requirements and review under Chapter 3 of the Coastal Act. The only development within the Commission's retained jurisdiction is re-striping and landscaping on the existing highway bridge deck and changes to signage on the bridge approach over Batiquitos Lagoon, which will not adversely impact coastal resources.

Highway Improvements

HOV/Managed Lanes

The ultimate “8+4 Buffer Alternative” includes four HOV/Managed Lanes, two in each direction, and would separate the HOV/Managed Lanes from general purpose lanes with a 4-foot variable width buffer. The Phase 1/Stages 2 & 3 Project involves the construction of one HOV lane in each direction within the existing I-5 highway median from 0.8 miles south of Birmingham Drive to 0.3 miles north of Palomar Airport Road (approximately nine miles of the approximately 27 mile North Coast Corridor).

The northwest quadrant of the Palomar Airport Road interchange will be constructed to the ultimate configuration, removing the free right turn from westbound Palomar Airport Road to southbound I-5, which will improve pedestrian and bicycle accessibility through the intersection. The HOV lanes will be separated from the general purpose lanes with a 2-foot striped buffer and will have intermediate access points at Santa Fe Drive and at Poinsettia Lane. Construction of the HOV lanes will require outside highway widening and the realignment of all associated on and off-ramps within the project limits.

The existing I-5 highway has four lanes of traffic in each direction with 10-foot shoulders on the outside lanes and 8-foot shoulders on the median side. Northbound and southbound lanes are separated by double concrete median barriers with an 8-foot wide section of oleanders planted between the barriers. A two-foot wide unpaved strip is between the inside shoulders and the existing concrete median barriers. The widening on the inside of the highway will require the removal of the existing concrete barriers and the removal of the existing vegetation in the median. Once the widening is completed, new concrete barriers will be constructed on top of the newly constructed pavement, and an 8-foot median planting area will be reestablished with Desert Broom (*Baccharis sarothroides*), as depicted in **Exhibit 5**.

There will be no widening or changes to any of the following I-5 bridges within the project limits: Birmingham Drive Overcrossing, MacKinnon Avenue Overcrossing, Santa Fe Drive Undercrossing, Requeza Street Overcrossing, Encinitas Boulevard Undercrossing, Leucadia Boulevard Overcrossing, La Costa Avenue Overcrossing, Poinsettia Lane Overcrossing and Palomar Airport Road Overcrossing. Since there is no widening or modification planned for these bridges with this project, the width of highway lanes and shoulders will be reduced at each of these structures to accommodate the new HOV lanes. Lane widths will be reduced from 11-12 feet to 11 feet and shoulder widths will be reduced from the existing 8-10 feet to a minimum of 4 feet at each of these structures.

Auxiliary Lanes

Auxiliary lanes are located on the outside edge of the highway and connect with on-ramps and off-ramps to allow for acceleration, deceleration, merging, truck climbing, and purposes supplementary to through traffic. These lanes maximize capacity by reducing congestion caused by weaving and variable travel speeds. In the NCC, where access to local streets from I-5 (ramp volume) is high due to local trips using the highway, the distances between interchanges are short, and highway volumes are high, resulting in

increased merging movements that can create greater levels of congestion. As such, auxiliary lanes will be constructed from Poinsettia Lane to Palomar Airport Road in both the southbound and northbound directions. There will also be two acceleration lanes on the southbound side from the La Costa Avenue on-ramp and from the Leucadia Boulevard on-ramp.

Utilities

Public utilities, including gas, electric, television/cable, sewer, and water lines, that are located within the public right-of-way will be relocated or protected in place in several locations. The location of all utilities will be verified prior to subsurface investigation or construction. All utility relocations will be coordinated with the respective utility companies. Any new habitat impacts associated with utility relocation will be fully mitigated pursuant to the Restoration Enhancement and Mitigation Program (REMP) contained within the NCC PWP/TREP.

Soundwalls

The project includes construction or reconstruction of eight soundwalls to reduce highway traffic noise to the surrounding residential community without adversely affecting existing coastal views from the highway. None of the soundwalls are within existing lagoon viewsheds and seven of the eight soundwalls will be constructed on private property, not on highway shoulders.

Harbor Pointe Soundwall 750A would be located along the northbound side of I-5, just north of Poinsettia Lane in Carlsbad, and would replace the existing 6 foot property wall at the Harbor Pointe Condominiums. It would be on homeowners association's (HOA) property approximately 6.6 to 13.1 feet above and 18 feet east of Caltrans right-of-way. The soundwall would be 2,821 feet in length with varying heights from 12 to 16 feet, constructed of masonry block and transparent acrylic panels set within an aluminum store front framing system.

Playa Riviera Soundwalls 644/646 would be located along the northbound side of I-5, just south of Birmingham Drive in Encinitas and would replace several existing wood fences located on private properties. The soundwall would be approximately 8 feet high, 927 feet long, on private property 24 to 100 feet east of Caltrans right-of-way. It would be situated on piles, and constructed of masonry block and transparent acrylic panels set within an aluminum store front framing system.

Villa Cardiff Drive Soundwall 652 would be located along the northbound side of I-5, just north of Birmingham Drive east of Villa Cardiff Drive in Encinitas, and would replace existing block walls on individual private properties. The soundwall would be approximately 8 feet high, 408 feet long, and 230 feet east of Caltrans right-of-way. It would be situated on piles, and would be located on top of the slope approximately 26 feet above Villa Cardiff Drive. The soundwall would be constructed of masonry block and transparent acrylic panels set within an aluminum store front framing system.

Saxony Park Soundwall 686A would be located along the northbound side of I-5, north of Encinitas Boulevard in Encinitas. The masonry block soundwall would be situated on

piles, and replace the existing chain link fence that encloses the HOA Park. It would be located on HOA property and would be approximately 8 feet high, 360 feet long and 42 feet east of Caltrans right-of-way.

Saxony Soundwalls 686B and 686C would be located along the northbound side of I-5, north of Encinitas Boulevard in Encinitas, and would replace the existing block walls at both locations. The soundwalls would be situated on piles on top of the slope on HOA property and would be approximately 10 feet high, 582 feet long, and 180 feet east of Caltrans right-of-way. The soundwalls would be constructed of masonry block and transparent acrylic panels set within an aluminum store front framing system.

Villa Cardiff Soundwall 654A would be located along the northbound on-ramp on the northbound side of I-5, north of Birmingham Drive in Encinitas. The masonry block soundwall would be on top of the existing berm along the top of the slope. In locations where the soundwall is in close proximity to the edge of shoulder, a concrete barrier would be installed. The soundwall would exist within the Caltrans right-of-way, and would be 455 feet in length, with an approximate height of 12 feet at the south end, and 6-to-0 feet on the north end where it transitions to the berm. Re-grading of a portion of the slope is required for the soundwall foundation.

Retaining Walls

In order to minimize cut slopes and fill adjacent to Encinas Creek which runs through a culvert under the highway about 0.4 miles south of Palomar Airport Road, Caltrans will support the widened portion of the highway with a new 190 foot long, 12-foot high retaining wall.

Outside highway shoulder widening will require construction of graded slopes in several segments. The graded slopes will have a typical inclination of two horizontal to one vertical in fill areas and one-and-a-half horizontal to one vertical in cut areas. Cut slopes will be stepped to create planting areas on the flat steps. Some fill slopes will be steeper than two-to-one to minimize impacts to existing mature landscaping and maximize right-of-way. Steeper fill slopes will be constructed as Geosynthetically Reinforced Embankments, in which multiple layers of soil and mesh made of engineered plastic fabric are placed and compacted to create stable, reinforced slopes. All slopes will be stabilized by temporarily irrigated southern California native plantings. Any new habitat impacts associated with retaining walls will be fully mitigated pursuant to the REMP contained within the NCC PWP/TREP.

Stormwater Treatment

Caltrans has designed infrastructure improvements designed to capture stormwater runoff and pollutants from the existing and new highway pavement, including bioswales, subsurface concrete infiltration system modules, and new polishing/landscaping. Stormwater will be treated to remove pollutants before draining to the San Elijo Lagoon, Cottonwood Creek, Batiquitos Lagoon, and Encinas Creek watersheds within the project limits (**Exhibit 8**).

In addition to the preliminary stormwater treatment infrastructure designed for the Batiquitos Watershed, three alternatives to treat additional stormwater runoff from the highway are being evaluated. Caltrans is in the process of conducting geotechnical borings and soil testing for percolation rates and groundwater elevations, in order to determine which of the three alternatives are feasible. Prior to project construction, the NCC PWP/TREP and the Regional Water Quality Control Board require Caltrans to select feasible alternatives which maximize stormwater treatment and minimize biological and visual impacts. Similar alternatives will be analyzed for the portion of the project that drains to San Elijo Lagoon.

The preferred Alternative 1 would install one subsurface infiltration system underground in the highway median. The system would be located about 1,500 feet north of the Batiquitos Lagoon Bridge, and would treat approximately 5.5 acres of impervious pavement. Runoff would be collected in a standard drainage inlet located along the shoulder. From the drainage inlet, runoff would flow through a pipe under the roadway that would be connected to the infiltration system in the median, then infiltrate downwards through the aggregate bearing layer, and continue through the existing soil. If the infiltration system reaches maximum storage capacity, then the excess runoff would overflow through an exit pipe that would be connected to an existing drainage structure. Biological and visual impacts are anticipated to be minimal. This alternative would be a permanent feature, remaining in place when the future ultimate widening project is constructed. Caltrans' ongoing geotechnical borings and soil testing will determine whether or not the infiltration system can be used.

The second alternative would install two subsurface infiltration systems underground adjacent to the highway. They would be located about 2,000 feet north of the Batiquitos Lagoon Bridge, and would treat approximately 4.7 acres of impervious pavement. The system is approximately 120 feet long, and collects stormwater runoff through a drainage inlet into a pretreatment chamber where trash and sediment is separated from the water. From the pretreatment chamber, the runoff would flow into the neighboring open-bottom modules, then infiltrate downwards through the aggregate bearing layer, and continue through the existing soil. Installation would require the existing slopes to be excavated about 66 feet horizontal distance from the edge of shoulder, causing visual impacts and approximately 0.18 acres of impacts to upland coastal sage scrub. If the infiltration systems were used in this alternative location adjacent to the highway shoulder, they would be considered temporary, since they would be need to be removed or filled with concrete to support the ultimate highway widening.

The least preferred Alternative 3 would construct two retaining walls to accommodate two bioswales that would treat approximately 3.7 acres of impervious pavement. The retaining walls would be 250 feet long and 15 feet high, and would be located about 2,500 feet north of the Batiquitos Lagoon Bridge. To construct the retaining walls, the existing slopes would be excavated about 76 feet horizontal distance from the edge of shoulder, causing visual impacts and approximately 0.36 acres of impacts to upland coastal sage scrub. The retaining walls would be considered temporary, since they would be removed to support the ultimate highway widening, which requires larger retaining walls.

Triple Box Drainage Culvert at Encinas Creek

A triple box drainage culvert that conveys Encinas Creek under the highway about 0.4 miles south of Palomar Airport Road will be extended approximately 35 feet east as part of the project. Pre-project conditions will be maintained at Encinas Creek west of the highway (where a new retaining wall will support the widened roadway), as the channelized creek passes through the Encinas Wastewater Authority property between the highway and the railroad tracks, and is unchannelized as it heads towards the ocean. On the east side of the highway, Encinas Creek is not currently channelized.

There is also a long linear drainage ditch that runs parallel and adjacent to I-5 that will be impacted by median and shoulder widening associated with the subject project. This linear drainage discharges into Encinas Creek. Due to the convergence of the two drainages, the culvert needs to be extended to accommodate both the subject project and the ultimate widening project.

Culvert Rehabilitation and Down Drains

The project would rehabilitate (extend, replace, reline or clean) 32 existing culverts within the project limits. Materials used to rehabilitate the culverts include plastic pipe liners, steel pipe liners, concrete invert paving, polyvinyl chloride (PVC) and high density polyethylene (HDPE) slip liners and cured-in-place pipe (CIPP). The uses of material will be determined once the culverts have been assessed. The project will also install 11 down drains at Batiquitos Lagoon in order to prevent water from ponding on the roadway. The system will be upgraded during the ultimate widening project. These preventative measures are needed to extend the life of these systems in an effort to prevent flooding and other damage to the roadway.

Earthen Berm

An earthen berm will be constructed along the west side of La Costa Avenue southbound off-ramp to balance the earthwork for the project and provide advance grading for a future bike trail at this location. The berm will be approximately 800 feet long, with a maximum width of 130 feet, and a maximum height of 20 feet from the ramp. The berm will have 3:1 side slope on the ramp side and 2:1 side slope on the other side.

Bicycle & Pedestrian Improvements

North Coast Bike Trail

The North Coast Bike Trail is a planned bicycle and pedestrian facility that generally parallels I-5 and will provide continuous north-south bicycle commuting options along the corridor. Caltrans will install new signage for the North Coast Bike Trail and signage at trail entrances and on local streets in Encinitas (**Exhibit 6**). Additionally, Caltrans will construct a bike node at Birmingham Drive in Encinitas. A bike node is a trail entry plaza which is located between the street and bike trail.

Caltrans will construct an approximately one mile segment of the North Coast Bike Trail (which would also support pedestrian access) on the west side of the highway between Manchester Avenue and Birmingham Drive. The approximately 12-foot wide Asphalt

Concrete trail will generally follow the highway alignment and will be separated from the shoulder by a landscaped buffer in some areas, or a concrete barrier topped by an approximately 36-inch high chain link fence adjacent to portions of the highway where space is minimal.

Caltrans has also committed to designing and funding the construction of a secondary 8-10 foot wide multi-use trail, which is in early design development. The trail would also travel between Manchester Avenue and Birmingham Drive on the west side of the highway through the SEJPA site, nearer to the coast and at a higher elevation than the primary trail adjacent to the highway. The secondary trail would be constructed under a separate project by the San Elijo Joint Powers Authority, to be planned and paid for under a pending design and funding agreement with Caltrans.

At the Birmingham Bike Node, a low, curved retaining wall will define the edge of the entry plaza and separate trail users from the slope. As identified in the early design plans, another retaining wall will be required between the primary and secondary trail near the SEJPA due to a substantial difference in grade elevations. Retaining walls will be colored and textured to conform to the Mesa Bluff or Southern Bluff design theme within the I-5 NCC Design Guidelines.

Manchester Avenue Trail

The project will complete the connection of the existing San Elijo Lagoon Visitor Center with the future Manchester Multi-Use Facility along the south side of Manchester Avenue, and will connect with the bicycle/pedestrian accessway under the bridge over San Elijo Lagoon being constructed as part of Phase 1/Stage 1 of the I-5 NCC Project, and the pedestrian trails around the lagoon being constructed as part of the San Elijo Lagoon Restoration Project. The trail will be eight feet wide with a decomposed granite surface, 40-inch high see-through wood fencing, and low pole lights for wayfinding. Class II bike lanes that are six foot in width bike lanes will be constructed on both sides of Manchester Avenue between the west side of the highway and the San Elijo Lagoon Visitor Center (**Exhibit 6**).

San Elijo Vista Point

The project will reconstruct the San Elijo Vista Point on the west side of I-5 about 0.5 miles north of Manchester Avenue. The site will consist of a new parking lot and a new panoramic viewing area located on a nearby scenic headland accessed by two meandering walkways (**Exhibit 6**). The walkways will be approximately 500 feet long, and 15-34 feet wide at the parking area, and 5-10 feet wide at the viewing area. The walkways will be ADA compliant and constructed with a concrete aggregate. The existing San Elijo Vista Point has 13 parking spaces with no provisions for handicapped parking and no access to any areas outside the paved parking lot. The reconfigured San Elijo Vista Point will have 10 parking spaces for passenger vehicles, two ADA accessible parking spaces, and three parking spaces for larger recreational vehicles. Semi-truck parking will no longer be allowed on site. The site will also include a 28-inch high terrace wall, parking area seating, step lights, ash receptacles, trash receptacles and rock mulching. The site will be accessible by new bike and pedestrian trails from Manchester Avenue and Birmingham Drive.

Construction Staging Areas

Caltrans will use the future site of the Manchester Multi-Use Facility (approximately 420,000 sq. ft.) as the primary construction staging area for the subject project. Potential uses at this site include offices, material storage, batch plant, crushing/recycling, stockpiling, and processing of earthen materials. Staging and storage at this site was previously approved by the Coastal Commission for use through the completion of Phase 1/Stage 1 of the I-5 NCC Project and the San Elijo Lagoon Restoration Project (CDP No. 6-15-2092, NOID No. NCC-NOID-0005-15). The construction schedule for the Phase 1/Stages 2 & 3 Project will overlap with the construction schedule for those two approved projects, and they are expected to conclude at approximately the same time in late 2020.

Once construction of the Phase 1/Stage 1 Project and the San Elijo Lagoon Restoration Project is complete, the Manchester Multi-Use Facility will be established as a park-and-ride lot and construction staging for the Phase 1/Stages 2 & 3 Project will move to auxiliary sites. Those auxiliary sites may also be used as stockpile areas during construction and include existing disturbed and re-landscaped Caltrans parcels surrounded by highway on-ramps and off-ramps (gores), two at Poinsettia Lane and four at Palomar Airport Road.

B. AIR QUALITY AND GREENHOUSE GAS EMISSIONS

Section 30253 of the Coastal Act states:

New development shall do all of the following: (...)

(c) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Board as to each particular development.

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

In addition, Policy 5.1 of the NCC PWP/TREP states:

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

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

One of the key objectives of the I-5 NCC Project is to improve the efficiency of the corridor by encouraging alternatives to single occupancy vehicle travel. This requires a multimodal transportation approach. As such, Phase 1/Stages 2 & 3 includes the addition

of HOV lanes to I-5, in association with alternative transportation improvements such as bicycle, pedestrian, and multi-use facilities such as the North Coast Bike Trail. The project also includes construction of a bike node at Birmingham Drive in Encinitas and installation of North Coast Bike Trail signage on city streets in Encinitas and Carlsbad.

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

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

The project will not increase energy use or emissions beyond those evaluated in the NCC PWP/TREP and environmental documents as required by Design/Development Strategy (DDS) 1. Further, the project will adhere to DDS 2 to ensure grade changes in steep terrain areas are minimized in order to reduce the fuel consumed during vehicle transportation (e.g., gasoline and diesel fuel). DDS 3, DDS 4, DDS 7, and DDS 8 collectively require development and adherence to a Construction Energy Conservation Plan (ECP) that implements BMPs for controlling project-level emissions during construction. The ECP prepared for Phase 1/Stages 2 & 3 includes BMPs such as the use of low-sulfur fuel in all construction equipment, limitations on idling vehicles, and properly maintaining equipment. The ECP also includes best available control technologies such as the use of energy efficient construction equipment, minimizing amount of GHG-emitting construction materials, and recycling of construction debris. A Sustainability Plan, a Dust Control Plan, and a Traffic Management Plan have also been prepared to address energy conservation during construction.

The ECP complements the measures contained within the transportation demand management (TDM) measures in the Public Outreach Plan for Phase 1/Stages 2 & 3, required by DDS 6, to ensure energy conservation efforts are maximized. For example a Public Outreach Plan has been developed and encourages carpooling and commuting during non-peak hours to minimize energy consumption during construction. Additionally, a toll-free hotline and website² has been established and will be updated regularly with construction updates, advisories, and notices. The hotline and website will

² <http://www.keepsandiegomoving.com/North-Coast-Corridor/NCCHome.aspx>

provide tips to ease commutes during construction periods, and will be shared with elected officials and staff during briefings to ensure they have the ability to incorporate the number and web address in local resources and newsletters.

Energy use and emissions from construction activities would be addressed by adherence to Implementation Measure (IM) 5.1.1, requiring minimization of emissions from fugitive dust and particulate matter through compliance with Caltrans Standard Specification Section 14.9.03, or its future equivalent, relating to Dust Control, minimizing land disturbance and unnecessary vehicle and machinery activities, covering trucks when hauling dirt, using water trucks, and covering stockpiles.

In accordance with DDS 5 and to be consistent with SB 468, Caltrans and SANDAG have coordinated construction activities within the I-5 and LOSSAN transportation corridors and with the San Elijo Lagoon Restoration project in order to minimize energy consumption and impacts to sensitive coastal resources. Utilizing the Construction Manager General Contractor (CMGC) procurement method for Phase 1/Stages 2 & 3 improvements allows for the combination of various project types affecting the San Elijo Lagoon under one construction contract to foster greater collaboration and coordination between the major project components. To support early coordination efforts amongst key stakeholders, a steering committee comprised of decision makers from SANDAG, Caltrans, the San Elijo Lagoon Conservancy, and the CMGC was established to ensure the project progresses forward in a coordinated effort and that decisions are made for the protection coastal resources within the corridor.

The comprehensive construction planning effort will lead to shorter construction periods, fewer environmental impacts, reduced costs, lower risk, and greater transparency. The primary advantage of this integrated planning process on energy conservation includes being able to use some of the excess material generated from excavation of this project to fill the deficiency of material at San Elijo Lagoon Restoration project, which will reduce the number of truckloads of earthen material leaving the site by approximately 6,000. The use of combined access/storage areas presents an overall time and energy savings, and use of innovative technologies reduces the amount of concrete needed for roadway paving.

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

Finally, IM 5.1.3 requires development and implementation of greening and resource conservation measures. Caltrans facilities will incorporate energy efficient lighting and LED lighting that has a long life span. The number of light fixtures on the highway, San

Elijo Lagoon Vista Point, and the bike trail will be minimized to limit light disturbance and reduce energy consumption further. Sustainable landscaping with native plants will be used. All irrigation systems will use reclaimed water and water-saving features like High Flow Detection to identify irrigation breaks and automatically turn off the water flow.

In conclusion, the Phase 1/Stages 2 & 3 specific project will avoid adverse impacts to air quality, as described above. Therefore, the Commission finds that the subject CDP is consistent with Section 30253 of the Coastal Act. In addition, by applying the policies, design/development strategies, and implementation measures included in Section 5.1.3 of the NCC PWP/TREP, the Commission finds that the subject NOID is consistent with the NCC PWP/TREP.

C. PUBLIC ACCESS AND RECREATION

Section 30210 of the Coastal Act states:

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

Section 30212(a) of the Coastal Act states:

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

Section 30212.5 of the Coastal Act states:

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

In addition, Policy 5.3.1 of the NCC PWP/TREP states:

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

As discussed in the NCC PWP/TREP, I-5 is the primary north/south highway in San Diego County that provides access to the coast and upland recreation areas, and a unique scenic, recreational traveling experience. As travel demand in the I-5 highway corridor continues to increase, so does the existing coastal access impediment of traffic congestion. Traffic congestion inhibits many potential carpool, vanpool, and bus transit options, as these modes of travel currently are subject to the same traffic congestion that single occupancy vehicles experience on the I-5 highway. However, the HOV lanes in each direction of the subject Phase 1/Stages 2 & 3 Project will give priority to ride-sharers and public transit, while reducing overall congestion, and protecting and facilitating public access to and along the coast (**Exhibit 5**).

The reconstruction of the San Elijo Vista Point will improve public access by providing infrastructure for all user groups, including pedestrians, cyclists, vehicle users with disabilities, and recreational vehicle users. Coastal visitors will be able to park in the new parking lot and reach a panoramic viewing area located on a nearby scenic headland via two meandering ADA-accessible walkways (**Exhibit 6**).

Another key component of the Phase 1/Stages 2 & 3 Project improvements is the North Coast Bike Trail, a new bicycle and pedestrian facility that will run the entire length of the NCC, roughly parallel to the highway. It will be located partially within the I-5 highway right-of-way and partially on adjacent local streets. Caltrans has coordinated with the City of Encinitas to provide North Coast Bike Trail signage on local streets identifying a continuous network of bike trails and designated local bike routes. The project includes installation of North Coast Bike Trail signage from the Birmingham Bike Node to La Costa in Encinitas, which connects to existing Class II bike lanes along La Costa Avenue, then to Carlsbad Boulevard, where cyclists can ride over Batiquitos Lagoon to Carlsbad. The bike lanes and sidewalks along Carlsbad Boulevard provide an interim route for cyclists and pedestrians to cross Batiquitos Lagoon. Caltrans plans to replace the I-5 Batiquitos Lagoon Bridge in the next 10-20 years at the same time as the ultimate widening project, at which time the NCC PWP/TREP requires that a bicycle and pedestrian trail will be built along I-5 on the bridge and north into Carlsbad. The current project includes only reconfiguration of the existing bridge deck, and Caltrans states that there is not enough width on the existing bridge deck to accommodate both the HOV lanes and a bicycle and pedestrian trail.

In Encinitas, between Manchester Avenue and Birmingham Drive, two parallel segments of the North Coast Bike Trail and pedestrian trails are planned, which will increase multi-modal access to nearby amenities. The primary trail along Caltrans right-of-way from Manchester Avenue to the San Elijo Vista Point, and then to Birmingham Drive on the west side of the highway, will be the most direct route for travel along the corridor. Both trails would support bicycle and pedestrian use. The secondary trail, nearer to the coast and at a higher elevation than the primary trail adjacent to the highway, would be constructed under a separate project by the San Elijo Joint Powers Authority (SEJPA), and would start at Manchester Avenue near the San Elijo Lagoon Visitor Center and connect with the primary trail just south of Birmingham Drive (**Exhibit 6**). In order to ensure that the secondary trail is completed as identified in Section 4-4-2 of the NCC PWP/TREP, **Special Condition 8** requires Caltrans to provide a Memorandum of

Understanding with SEJPA prior to the commencement of construction. Caltrans has already agreed to help design and fund the trail; the Memorandum of Understanding will solidify funding commitments, a preliminary construction schedule, and maintenance responsibilities of both parties for the portion of the secondary trail within SEJPA property. Although that portion of the trail will not be constructed by Caltrans, Caltrans shall collaborate with SEJPA on a consistent design for the secondary trail.

According to Caltrans, portions of the secondary trail within SEJPA property and outside SEJPA property would be constructed around the same time. If portions of the secondary trail are determined to be infeasible, **Special Condition 9** requires Caltrans to design and construct an alternative bike/pedestrian improvement within the North Coast Corridor, subject to consultation with local governments and the written approval of the Executive Director. In order to maximize coastal access within the North Coast Corridor for all users, consistent with the NCC PWP/TREP, any alternative bike/pedestrian improvement proposed by Caltrans would need to be of equivalent or greater utility to cyclists and pedestrians than the secondary trail included in the subject project.

The North Coast Bike Trail will encourage non-automobile transportation by providing access to and along the coast and recreation areas via a new continuous bicycle path. These bicycle improvements, including those associated with the Manchester Avenue undercrossing, will also better connect with public transit centers, thereby promoting carpooling and transit use. Finally, such improvements will also provide multi-modal access to lower-cost, visitor-serving recreation areas for transit-dependent populations that may not otherwise have the means to access coastal areas, in accordance with the public access and recreation policies of the Coastal Act and Section 5.3 of the NCC PWP/TREP.

The new pedestrian path on the south side of Manchester Avenue and the Class II bike lanes on either side of Manchester will improve access and connect the San Elijo Lagoon Visitor Center with the future Manchester Multi-Use Facility, as well as to the bicycle/pedestrian accessway along the bridge over San Elijo Lagoon being constructed as part of the Phase 1/Stage 1 Project and the pedestrian trails around the lagoon being constructed as part of the San Elijo Lagoon Restoration Project. The trail coordination and active transportation improvements will advance mutual goals to provide a continuous network of bike trails and designated local bike routes.

Temporary impacts to public access and recreation will occur during construction. Construction activities and staging areas at Manchester Avenue will disrupt travel patterns to the coast and inland recreation areas, particularly during the summer season and weekends when demand for coastal access is at its highest. At Manchester Avenue, a covered pedestrian walkway will be installed to maintain existing east-west public access whenever possible during construction, and will provide some safety for pedestrians traversing the site along Manchester Avenue. This area will still involve extended closures, as needed, for public safety, or to conduct more complex construction operations. Although the current pedestrian trail under the south end of the bridge will be closed during bridge construction, alternative routes will be made available to the public through the east and west lagoon basins. Additionally, the existing pedestrian trail

provided along Manchester Avenue from I-5 to the Lagoon Visitor Center will be temporarily impacted during construction of the new trail and bike lanes. However, other existing trail access to the Reserve would remain available throughout construction.

A Trail and Bike Plan has been developed for Phase 1/Stages 2 & 3 that includes measures to ensure continued access during construction activities as required by IM 5.3.2. Signs will be posted at construction sites and on the project website, detailing trail and access closure dates and durations, along with alternate routes to the coast. A combination of fencing, cones, and flaggers will be posted to close trail traffic, as necessary, for safety reasons. No fencing or other barriers, except as specifically authorized pursuant to the subject CDP/NOID, will be placed in a location that would limit public access to pedestrian or bicycle trails or other public recreation areas. Debris will be collected as frequently as possible and stored in dumpsters away from pedestrian trails and hauled offsite on a regular basis to minimize impacts to the public.

In accordance with DDS 2, the improvements are generally consistent with phasing requirements identified in NCC PWP/TREP Chapter 6A for the initial phase (2010-2020), as identified in **Exhibit 3**. However, the Batiquitos Lagoon Bridge bike/pedestrian trail included in Phase 1 of the phasing plan has been excluded from the subject project because Caltrans does not have adequate funding for the planned new bridge over the lagoon and Caltrans states that there is not enough width on the existing bridge deck to accommodate both the HOV lanes and a bicycle and pedestrian trail. Consistent with the phasing plan, the bike/pedestrian trail must still be completed before Caltrans commences Phase 2 of highway improvements.

Additionally, in order to minimize temporal impacts to lagoon habitat associated with the construction of transportation projects, the NCC PWP/TREP requires rail and transit improvements to be coordinated with highway projects. When the NCC PWP/TREP was developed, Caltrans planned to construct the highway bridge as part of the subject project, in close temporal and physical proximity to SANDAG's double-tracking and rail bridge replacement over the lagoon. However, Caltrans has not been able to secure State and Federal funding for the highway bridge, and now anticipates that the bridge will be built in 10-20 years as part of the ultimate widening project. If the rail bridge replacement is completed in the next few years as planned by SANDAG, and Caltrans carries out the highway bridge replacement at a separate time 5-15 years after that, the lagoon will experience two significant projects and habitat impacts, which is inconsistent with the NCC PWP/TREP. Thus, Caltrans has applied for grants in the hopes of securing funding to move forward with the replacement of the highway bridge at the same time that SANDAG replaces the rail bridge at Batiquitos Lagoon, as required in the NCC PWP/TREP.

DDS 3 requires cooperative maintenance agreements for community enhancement projects. All facilities constructed in the Caltrans right-of-way will be maintained by Caltrans and all facilities constructed within local jurisdictions' right-of-way will be maintained by the local jurisdictions. **Special Condition 7** requires Caltrans to provide cooperative maintenance agreements with the City of Encinitas and the City of Carlsbad, to ensure ongoing maintenance of each facility constructed as part of the subject project.

DDS 5 requires coordination efforts with the affected local jurisdiction be documented for project-specific designs, including development of public signage and education materials for temporary construction impacts and new public access improvements. Consistent with the Public Awareness Campaign, signage and education materials will identify access routes available during construction, as well as new public access improvements to be constructed. The webpage KeepSanDiegoMoving.com will include construction milestones, information about the road closure/openings, trail closure/openings, fact sheets, newsletters, maps, visual simulations, FAQs, PowerPoint presentations, and video information.

DDS 6 provides for incorporation of additional community enhancement projects if requested by the affected local jurisdiction. Caltrans has consulted with the City of Encinitas and the City of Carlsbad and included community enhancements in the project prescription and project plans. In order to provide Caltrans and SEJPA additional time to finalize design and funding agreements for construction of the secondary segments of the North Coast Bike Trail that will pass through the SEJPA site, **Special Condition 8** allows the Final MOU between Caltrans and SEJPA to be provided to the Executive Director prior to the commencement of construction.

IM 5.3.1 requires a project-specific, final construction schedule identifying dates of construction and planned road/access closures. The project is scheduled to begin in fall 2018 and end in 2020. A final construction schedule identifying dates of construction and planned road/access closures, including anticipated ramp closures at multiple locations is currently being developed and **Special Condition 1** requires it to be submitted prior to commencement of construction. To avoid adverse effects on traffic flow on I-5 and local arterials, no more than one lane in each direction of I-5 will be allowed to be closed during peak travel hours.

In conclusion, the Phase 1/Stages 2 & 3 Project will result in temporary impacts to public access and recreation during construction; however the multi-modal improvements will enhance the corridor's existing transportation system and thereby improve public access to and along the coast, as described above. Therefore, the Commission finds that the subject CDP, as conditioned, is consistent with the applicable public access and recreation policies of the Coastal Act. In addition, by applying the policies, design/development strategies, and implementation measures included in Section 5.3.3 of the NCC PWP/TREP, as well as the required special conditions, the Commission finds that the subject NOID is consistent with Section 5.3.3 of the NCC PWP/TREP.

D. MARINE RESOURCES – WATER QUALITY AND WETLANDS

Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of

coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act states:

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

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

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

Policy 5.4.2 of the NCC PWP/TREP states:

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

Policy 5.4.3 of the NCC PWP/TREP states:

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

Wetland Impacts

Phase 1/Stages 2 & 3 includes fill of coastal wetlands and impacts to environmentally sensitive habitat areas; however, the NCC PWP/TREP anticipates and authorizes these impacts, and the Resource Enhancement and Mitigation Program (REMP) within the NCC PWP/TREP provides for compensatory mitigation to enhance and restore the biodiversity and habitat functions on a regional scale in advance of unavoidable project impacts. The REMP includes options for allocating funding from SANDAG for regionally significant mitigation opportunities, including the establishment, restoration, enhancement, preservation, and long-term management of coastal wetlands and adjacent

riparian areas, transitional habitats, and upland areas. While these mitigation efforts do not include traditional in-kind habitat replacement mitigation ratios, the approved program is intended to restore and enhance an integrated ecosystem that provides habitat for birds, fish, and benthic organisms, compensating for the loss of ESHAs that will occur from the NCC PWP/TREP transportation projects (**Exhibit 4**).

For the subject project, Caltrans submitted a “CCC Jurisdictional Wetland Verification,” which indicates that approximately 2.88 acres of permanent impacts and 0.45 acres of temporary impacts to wetlands are anticipated. These wetland impacts are less than those estimated in the approved NCC PWP/TREP because the Phase 1/Stages 2 & 3 Project has been downscaled from the original project plans, which included a new bridge over Batiquitos Lagoon and four lanes of highway widening instead of two new lanes primarily within the existing highway median. Unavoidable wetland impacts for the subject project are due to cutting of some slopes where the highway shoulders need to be widened to accommodate the extra HOV lane, culvert repairs/upgrades, water quality BMPs (bioswales and associated retaining walls), and the berm adjacent to the southbound La Costa Avenue off-ramp. The project as now planned will permanently fill approximately 4.6 fewer acres of wetland than the project anticipated by the NCC PWP/TREP. Caltrans anticipates that the ultimate widening project identified in the NCC PWP/TREP will be implemented in the next 10 to 20 years, which will require a new CDP/NOID, subject to Commission approval and additional mitigation.

Coastal Act Section 30233(a) only permits the diking, filling, or dredging of wetlands where there is no feasible less environmentally damaging alternative, where feasible mitigation measures have been provided to minimize adverse environmental effects, and when it is limited to certain uses. Through its approval of the NCC PWP/TREP, the Commission found that the proposed wetland fill associated with the highway project, by itself, would not be an allowable use, and that other elements of the project would significantly disrupt and/or degrade ESHAs. However, the Commission found that the NCC PWP/TREP, as a whole, presented conflicts among Chapter 3 policies, and employed the conflict resolution provisions of Coastal Act Sections 30007.5 and 30200(b) to permit limited dredging and filling of wetlands, despite the inconsistency with Section 30233.

When the Commission identifies a conflict among Coastal Act policies, Section 30007.5 requires the Commission to resolve the conflict “in a manner which on balance is the most protective of significant coastal resources.” The Commission’s findings for PWP-6-NCC-13-0203-1 stated that approval of the NCC PWP/TREP would result in the fill of approximately 24 acres of wetlands despite not being one of the allowable uses identified in Section 30233. However, the Commission found that denial of the NCC PWP/TREP would have been inconsistent with mandates of other Coastal Act policies and would have resulted in significant adverse impacts to public access, biological resources, water quality, and air quality because it would have preserved the antiquated transportation system in San Diego County’s North Coast Corridor. Thus, the Commission found a conflict among Coastal Act policies, but found that approval of the NCC PWP/TREP, notwithstanding its inconsistencies with Coastal Act Section 30233, was the most

protective of coastal resources for purposes of the conflict resolution provisions of Coastal Act Sections 30007.5 and 30200(b).

No impacts to wetlands will occur within the portion of the project within the Commission's retained jurisdiction subject to review under the Coastal Act; so Coastal Act Section 30233 does not apply, except as it has been applied through the conflict resolution provisions the Commission applied in its approval of the NCC PWP/TREP. Pursuant to the REMP (the habitat mitigation component of the NCC PWP/TREP), Caltrans will mitigate some of the permanent impacts to wetlands through habitat establishment and restoration activities that have already been initiated at the Hallmark East and Los Peñasquitos Lagoon mitigation sites, which currently have a credit balance of 1.17 acres of wetland habitat. The remaining 1.71 acres of permanent wetland impacts will be mitigated at the San Dieguito Lagoon W-19 Restoration or by funding an endowment for inlet maintenance at Batiquitos Lagoon. Caltrans expects to be able to draw mitigation credits before commencement of construction of the subject project in Fall 2018. All temporary impacts in wetlands are assumed to be long-term temporary and must be mitigated as required in the REMP (2:1 ratio of preservation to impacts).

DDS 6 and IM 5.4.10 require impacts to lagoon, riparian or other isolated wetland habitats to be fully mitigated pursuant to the REMP. The project-specific impact assessment of wetland habitats was prepared pursuant to the REMP for the Phase 1/Stages 2 & 3 improvements. The assessment determined that adequate advanced mitigation will be available prior to the commencement of construction as required by the REMP. **Special Condition 5** requires that prior to commencement of each stage of construction, Caltrans shall provide evidence that adequate mitigation credits have been released from the REMP in order to provide compensatory mitigation for Phase 1/Stages 2 & 3 impacts to wetlands and sensitive upland habitat areas. If adequate mitigation credits are not available at the time each stage of construction is commenced, Caltrans shall provide mitigation using typical ratios required by the Coastal 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 maritime chaparral.

Water Quality

Coastal Act Section 30231 and Policy 5.4.3 of the NCC PWP/TREP require that biological productivity and the quality of coastal waters shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, and controlling runoff. 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 of improvements to ensure runoff management is incorporated early in site design planning that integrates existing site characteristics that affect runoff (such as topography, drainage, vegetation, soil conditions, and infiltration properties) with strategies that minimize post-project runoff, control pollutant sources, and, where necessary, remove pollutants. The project-level analysis required by DDS 3 includes: field surveys of potential surface water impacts, identification of potentially substantial alteration of

water-flow and drainage patterns and evaluation of designs and construction techniques to minimize sedimentation, analysis of additional impervious surface and potential mitigation, analysis of future requirements for load reductions of project generated contaminants, wetland delineations, and an analysis of future sea level rise scenarios.

In accordance with Coastal Act Section 30231 and Policy 5.4.3 of the NCC PWP/TREP, the subject project has been sited and designed to protect and restore the natural hydrologic features of the four watersheds within its drainage area and minimize the potential for adverse impacts to water quality. The technical studies required by DDS 3 have been partially prepared for the Phase 1/Stages 2 and 3 Project. In order to capture stormwater runoff and pollutants from the existing and new highway pavement, Caltrans has submitted preliminary Stormwater Treatment Exhibits for each of the watersheds within the project limits, including San Elijo Lagoon, Cottonwood Creek, Batiquitos Lagoon, and Encinas Creek (**Exhibit 8**).

The preliminary Exhibits for each watershed identify bioswales, subsurface concrete infiltration system modules, and new polishing/landscaping. For Stage 2, there are 14 bio-infiltration swales, 4 polishing areas (permeable surface), 1 existing bioretention structure at La Costa Avenue and 1 existing bioretention structure at Encinitas Community Park outside of the Caltrans right-of-way. For Stage 3, there are 14 bio-infiltration swales and 1 polishing area, with additional polishing in the median. As detailed in the Project Description Section of these findings, the treatment devices reflected in the Exhibits may be refined based on the results of pending geotechnical borings and soil testing along the highway near Batiquitos Lagoon, and potentially also near San Elijo Lagoon. Caltrans has committed to provide improvements that, in aggregate, increase the total area where stormwater runoff is treated within the drainages of each watershed to the targets set forth in NCC PWP/TREP Section 5.4 (Figure 5.4-1B: Water Quality Treatment Areas; **Exhibit 8**), consistent with the preliminary Exhibits submitted with this NOID.

The targets set forth in the NCC PWP/TREP are based on the ultimate widening project that Caltrans plans to carry out in a future phase of the I-5 NCC project. The targets are also based on preliminary designs Caltrans completed in 2014, which relied more heavily on massive retaining walls cut into slopes adjacent to the highway, new retaining walls to support a new bridge over Batiquitos Lagoon, and large bioswales between the highway shoulders and the retaining walls. Because the subject project does not include the extra lanes, buffer, or shoulders envisioned by the NCC PWP/TREP, most of the retaining walls are not being constructed at this time and thus there is less space available for water quality treatment devices adjacent to the highway.

Caltrans has addressed this challenge by redesigning some of the treatment features, and introducing an option for subsurface concrete infiltration system modules, which can be installed under highway pavement in the medians and adjacent to the shoulders. Drainage improvements associated with these modules include changes in the slope of the roadway and new inlets and pipes to direct stormwater to the modules. After stormwater enters the modules, it infiltrates downwards through the aggregate bearing layer, and continues through the existing soil. If the infiltration system reaches maximum storage capacity,

then the excess runoff would overflow through an exit pipe that would be connected to an existing drainage structure (**Exhibit 8**).

Caltrans preliminary Stormwater Treatment Exhibits for the subject project generally exceed the targets set forth in the NCC PWP/TREP. For the Cottonwood Creek watershed, the NCC PWP/TREP target is for new infrastructure to capture and treat 190% of the stormwater and pollutants that are discharged onto new pavement associated with the new highway lanes and shoulders; Caltrans preliminary Exhibits identify 240% treatment (this means all of the new pavement will be treated, plus some of the existing pavement that is currently untreated). For the Encinas Creek watershed, the NCC PWP/TREP target is 80% treatment of new pavement; Caltrans preliminary Exhibits identify 225%.

The plans for stormwater treatment in the Batiquitos Lagoon watershed are subject to ongoing analysis of three alternative design improvements that, combined with improvements Caltrans has already determined are feasible and included in the Exhibits, would increase treatment rates above the NCC PWP/TREP target for the watershed. The first two alternatives would exceed the NCC PWP/TREP target of 181% treatment of new pavement; while the third alternative would be very close to the target. Based on environmental benefits (maximum treatment and minimum impact to upland habitat), and because it is the only alternative that could be maintained in place as part of the future ultimate widening, Caltrans preferred design is Alternative 1: subsurface concrete infiltration system modules which, combined with improvements Caltrans has already determined are feasible, would treat approximately 198% of net new pavement. If soil testing determines that Alternative 1 is not feasible, Alternative 2 would install subsurface concrete infiltration system modules along the highway shoulders, treating approximately 189% of net new pavement. If neither alternative is feasible, then Alternative 3 would install two new retaining walls, 250 feet long and 15 feet high, and approximately 2,500 feet north of the Batiquitos Lagoon Bridge. Alternative 3 would treat approximately 177% of net new pavement. Because Alternative 3 would require new retaining walls, which carry a higher environmental and monetary cost, and are visually intrusive, it is the least preferred alternative. Alternative 3 would only be implemented if geotechnical borings and soil testing for percolation rates and groundwater elevations demonstrate, subject to consultation with Coastal Commission staff water quality specialists and the written approval of the Executive Director, that the other two alternatives are infeasible.

The preliminary Stormwater Treatment Exhibits and plans for stormwater treatment in the San Elijo Lagoon watershed do not include improvements to capture stormwater flows over existing or new pavement, other than new landscaping/polishing. The plans note that only approximately .1 acre of added pavement area is included in the project, but no new treatment BMPs are identified, resulting in a figure of 0% net new pavement treated; however, the Stage 1/Phase 1 Project, previously approved by the Commission, that is being developed primarily within the San Elijo Lagoon watershed includes 2 modular infiltration systems, 6 bio-infiltration swales, 1 detention basin, 1 enhanced infiltration through a natural environment Biostrip, and 4 bioretention cells. Those BMPs

will treat several acres of pavement on the opposite side of San Elijo Lagoon, for a total 232% of net new pavement, which exceeds the NCC PWP/TREP target of 172%.

While the portion of the subject Stage 1/Phases 2 & 3 Project that drains to the San Elijo Lagoon Watershed is small in the context of the North Coast Corridor, the NCC PWP/TREP requires Caltrans to select feasible BMPs which maximize stormwater treatment throughout the project area. For the portion of the project identified in the preliminary Stormwater Treatment Exhibits that drains to the San Elijo Lagoon Watershed, there appears to be potential for new treatment BMPs: specifically, infiltration basins which may be buried in the median or the shoulder.

Because Caltrans will be conducting geotechnical borings and soil testing in the area of the project that drains to Batiquitos Lagoon in the near future, it may be feasible to also test the soil in the area of San Elijo Lagoon. If pre-construction testing determines that infiltration basins are feasible, **Special Condition 2** would require Caltrans to provide them, consistent with the requirement that applies to the final plans for stormwater treatment at Batiquitos Lagoon. The condition would require Caltrans to submit a Final Expanded Format Stormwater Data Report and Stormwater Treatment Exhibits prior to construction. The plan shall include expanded-format Storm Water Data Reports (SWDRs) for Phase 1/Stage 2 (Birmingham Drive to La Costa) and Phase 1/Stage 3 (La Costa to Palomar Airport Road) and Stormwater Treatment Exhibits (Exhibits) for each of the watersheds within the project limits (San Elijo Lagoon, Cottonwood Creek, Batiquitos Lagoon, and Encinas Creek). The approved Final Expanded Format Stormwater Data Report and Stormwater Treatment Exhibits shall identify all infrastructure improvements designed to capture stormwater runoff and pollutants from the existing and new highway pavement, including bioswales, subsurface concrete infiltration system modules, and new polishing/landscaping. The project design reflected in the SWDRs and Exhibits shall include improvements that, in aggregate, increase the total area where stormwater runoff is treated within the drainages of each watershed to the targets set forth in NCC PWP/TREP Section 5.4 (Figure 5.4-1B: Water Quality Treatment Areas), consistent with the preliminary Exhibits submitted 3/15/18. Feasibility shall be determined by Caltrans' analysis of site specific road drainage, geotechnical borings, and soil testing for percolation rates and groundwater elevations in the vicinity of the stormwater treatment areas, subject to consultation with Coastal Commission staff water quality specialists.

Special Condition 2 will permit Caltrans to finalize the required SWDRs consistent with design/development strategies and implementation measures requiring improvements to minimize impacts to coastal waters through site design and planning and incorporation of BMPs designed to control the volume, velocity, and pollutant load of stormwater leaving the developed areas. In accordance with DDS 2 and DDS 3, which describe that all development shall be designed and managed to maintain or enhance on-site infiltration of runoff, the project has maximized infiltration opportunities through the use of soil augmentation. The quantification of those efforts for treatment BMPs and treatment through the natural environment through the use of the SWDR's infiltration tool will ensure that water quality treatment achieves the maximum amount practicable.

In accordance with IM 5.4.11, Caltrans has coordinated with Commission staff to refine the project design to include additional stormwater treatment BMPs, and has generally exceeded the targets set forth in the NCC PWP/TREP. Additional stormwater treatment measures selected during the project development process identified in **Special Condition 2** will be included in the final construction plans. Caltrans coordinated with the Cities of Encinitas and Carlsbad, as well as with Regional Water Quality Control Board staff, in the design and siting of the bioretention facilities that will treat existing and new impervious pavement.

Pursuant to DDS 9, the final SWDR will address 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 will also fulfill the detailed requirements of IM 5.4.4, IM 5.4.8, and IM 5.4.13 through inclusion of treatment BMPs. Pursuant to IM 5.4.12, the SWDR contains source control BMPs and measures to ensure that vegetation will be utilized to provide water quality benefits through vegetative interception, pollutant uptake, transpiration, and erosion control per IM 5.4.16, including avoidance and minimization measures, preservation of existing vegetation, landscape protection areas, and treatment BMP strategies. Pursuant to DDS 10, DDS 12, and DDS 13, all available opportunities to treat impervious highway surfaces have been implemented, including newly created impervious areas and existing impervious surfaces.

DDS 11, DDS 21, and IM 5.4.14 require use of Low Impact Development (LID) strategies to minimize alteration of the site's natural hydrologic conditions and to maximize opportunities to retrofit existing project surfaces, so that pollutants carried in runoff and the changes in runoff volume itself, including flow rate, duration, timing, and temperature, are minimized. LID measures for the Phase 1/Stages 2 & 3 specific project include grading slopes to blend with natural terrain and decrease the need for dikes, promoting sheet flow to vegetated areas that can provide water quality benefits and promote infiltration, designing permanent drainage facilities that mimic the existing drainage pattern of the area, 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.

In accordance with IM 5.4.18, all post-construction treatment control BMPs and ancillary drainage features will be inspected annually and records of inspection and maintenance will be submitted annually to the Commission. In addition, per the current National Pollutant Discharge Elimination System (NPDES) Stormwater Permit, Caltrans will use a watershed-based database to track and inventory treatment BMPs and treatment BMP maintenance. A summary of the tracking system along with a report on maintenance activities for post construction BMPs shall be included in the annual report to the Commission. In accordance with IM 5.4.2, maintenance BMPs will be implemented to reduce the amount of pollutants discharged into surface waters, including but not limited to, trash and litter removal, road sweeping, and control of chemical use in herbicide, pesticide and fertilizer applications. Additionally, DDS 8 addresses the standard maintenance requirements for the vegetated stormwater basins, vegetated filter strips, vegetated swales, and other natural drainage features to be installed in order to maintain

their intended function. This strategy explicitly states that these devices are not to be treated as wetlands for the purposes of the NCC PWPTREP because their primary function is to protect water quality. Thus, no maintenance activities for the stormwater treatment BMPs will require operating in any existing wetland. Further, the bio-infiltration swales are designed with native grass sod, which does not require maintenance.

As required by **Special Condition 2**, a Stormwater Pollution Prevention Plan (SWPPP) will be prepared and submitted for review and written approval by the Executive Director prior to commencement of any construction activities. In accordance with DDS 4, the SWPPP and NPDES permits, other applicable jurisdictional requirements, and the provisions in the NCC PWP/TREP protecting water quality will be implemented. Pursuant to DDS 5, the SWPPP contains a spill prevention and emergency response plan. In accordance with DDS 20, the SWPPP will ensure debris will be contained and will not enter lagoons or other waterbodies.

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

In conclusion, Phase 1/Stages 2 & 3 consist primarily of improvements to existing transportation facilities located in previously developed and disturbed areas within Caltrans right-of-way; however, in order to expand the highway and install associated multi-modal transportation and drainage improvements, some impacts to wetlands are unavoidable. The project components that impact wetlands would not, on their own, be approvable. However, these components are part of a larger project that the Commission has found, through conflict resolution, on balance, to be most protective of significant coastal resources. As a result, the NCC PWP/TREP includes these components and the project as a whole is consistent with the Coastal Act. In addition, the specific project includes mitigation consistent with the REMP that will significantly enhance and restore wetland habitat resources throughout the NCC. The program provides for advanced mitigation opportunities that will allow for habitat establishment or significant restoration of degraded habitat prior to project implementation.

Therefore, the Commission finds that approval of the proposed CDP, as conditioned, is consistent with the water quality policies of the Coastal Act. In addition, by applying the policies, design/development strategies, and implementation measures included in

Section 5.4.3 of the NCC PWP/TREP, the Commission finds that the subject NOID, as conditioned, is consistent with the NCC PWP/TREP.

E. ENVIRONMENTALLY SENSITIVE HABITAT AREAS

Section 30240 of the Coastal Act states:

- a) *Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*
- b) *Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

Section 30107.5 of the Coastal Act states:

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

Policy 5.5.1 of the 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 ESHAs shall be sited and designed to prevent impacts that would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

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

Portions of the Phase 1/Stages 2 & 3 Project, including highway shoulder widening, slope grading and stabilization, and stormwater treatment infrastructure will occur in areas containing ESHA, and these uses are not considered resource-dependent uses under the Coastal Act. These improvements within ESHAs that are not exclusively resource-dependent uses are inconsistent with the limited uses permitted in EHSAs pursuant to

Coastal Act 30240. Thus, the proposed improvements can only be found consistent with the Coastal Act if they are part of a project that presents a conflict among Coastal Act policies and the application of the conflict-resolution provision of Coastal Act Section 30007.5 reveals that the project would, on balance, be the alternative that is most protective of significant coastal resources. In addition, it must be demonstrated that there are no feasible less-damaging alternatives and that feasible mitigation measures have been included to minimize significant adverse environmental impacts. As detailed in the findings above and in the Commission's original approval of the NCC PWP/TREP, this aspect of the project is, in fact, a small component of a much larger project for which the Commission has conducted a conflict-resolution analysis. In so doing, the Commission found that approval of the PWP, notwithstanding its inconsistencies with Coastal Act Section 30240, presented conflicts among Coastal Act policies and was, on balance, most protective of significant coastal resources for purposes of the conflict resolution provisions of Coastal Act Section 30007.5. The proposed project has incorporated all of the design/development strategies and implementation measures in the NCC PWP/TREP to minimize and mitigate adverse environmental impacts; and therefore, can rely upon the conflict resolution findings contained within the original review of the NCC PWP/TREP.

ESHAs observed in the project area that may be impacted by the improvements for the Phase 1/Stage 2 and 3 project include wetland/riparian habitats, and upland habitats, some of which support sensitive or special-status plant and animal species and wildlife corridors. Permanent impacts to the following upland habitat, which constitutes ESHA, are expected to occur: coastal sage scrub, disturbed coastal sage scrub, and southern maritime chaparral. Additionally, the following special-status plant species may be impacted by the project: Del Mar Sand Aster (*Corethrogyne filaginifolia* var. *linifolia*), Orcutt's pincushion (*Chaenactis glabriuscula* var. *orcuttiana*), and Torrey Pine (*Pinus torreyana*). Impacts to coastal sage scrub will likely impact habitats used by southern California rufous-crowned sparrow (State Species of Special Concern) and potentially orange-throated whiptail (*Aspidoscelis hyperythra*).

The Phase 1/Stage 2 and 3 project area will result in approximately 4.39 acres of permanent impacts to native upland vegetation (coastal sage scrub and southern maritime chaparral) and approximately 3.17 acres of long term temporary impacts (disturbances resulting in impacts lasting more than 12 months) to native upland vegetation. Additional impacts of up to 0.36 acres of upland coastal sage scrub would occur in order to facilitate additional stormwater treatment alternatives. The reduced scope project, which no longer includes replacement of the bridge over Batiquitos Lagoon, will permanently impact approximately 9.5 fewer acres of native upland vegetation than the project anticipated by the NCC PWP/TREP. Caltrans anticipates that the ultimate widening project will be implemented in the next 10 to 20 years, which will require a new CDP/NOID, subject to Commission approval, and additional mitigation.

Where the project development would impact ESHA, the REMP approved as part of the NCC PWP/TREP provides for compensatory mitigation to enhance and restore the biodiversity and habitat functions on a regional scale within the NCC project area in advance of unavoidable project impacts. The REMP includes options for allocating funding from SANDAG for regionally significant mitigation opportunities, including the

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

The NCC PWP/TREP further provides an Implementation Framework and Phasing Plan that coordinates the timing of project components and will ensure that transportation projects do not outpace habitat restoration and enhancement mitigation projects in the corridor. Upland habitat mitigation parcels have been purchased to ensure no net loss of upland habitat and to support special-status plant and animal species. For the near-term phase, the following mitigation sites are identified in the NCC PWP/TREP: San Dieguito W19 Site, Hallmark (East & West) Site, Dean Site, Batiquitos Bluffs Site, Deer Canyon II Site, Laser Site, La Costa Site, the San Elijo Lagoon Restoration Project, and a Lagoon Management/Endowment/Regional Dredging Program (**Exhibit 4**).

Specifically, advance upland habitat restoration at the Deer Canyon II mitigation site has been provided to offset approximately 4.38 acres of permanent impacts to native upland vegetation associated with the subject project (and up to 0.36 additional acres of mitigation that may be required by project features still in development). Permanent impacts will be mitigated at a 1:1 ratio with credits from this site provided that restoration activities at the subject site achieves certain performance standards, as detailed in the REMP. Credit releases 1 through 3 at the Deer Canyon II site, which total 5.81 acres by the end of 2017, will be used for permanent impact mitigation purposes. As required by DDS 2, a Habitat Mitigation and Monitoring Plan (HMMP) was prepared for the Deer Canyon II site that specifies the design and implementation of biological resources mitigation measures, including habitat replacement and revegetation, protection during construction, performance standards, maintenance criteria, and monitoring requirements. The REMP Working Group reviewed and approved this draft HMMP, as required by DDS 2. The Deer Canyon II upland mitigation site restoration work is underway and the required endowment was fully funded in March 2017. As such, mitigation credits will be available prior to construction of the subject project and associated habitat impacts occur.

Long-term temporary impacts to 3.17 acres of upland ESHA will be mitigated through the preservation of 6.34 acres of high quality native habitat under threat of development (a 2:1 ratio of preservation to impacts) at the Batiquitos Bluffs site. Habitat preservation credits are intended only as mitigation for long-term temporary impacts resulting from project impacts by ensuring long term preservation of upland sites in advance of any construction impacts. A total of 10.6 acres of preservation habitat would be available when the draft Long Term Management Plan (LTMP) is completed, which is anticipated by June 2018. Since construction of the Phase 1/Stage 2 and 3 project is not anticipated until Fall 2018, the credits are anticipated to be available for the required 6.34 acres of preservation mitigation.

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

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

The NCC PWP/TREP also includes design/development strategies and implementation measures to protect sensitive wildlife species during project development. DDS 6 requires mitigation measures for sensitive wildlife species, including preconstruction focused surveys, construction monitoring, and the restoration of suitable breeding and foraging habitat as established in the REMP. For the Phase 1/Stages 2 & 3 Project, focused surveys have been conducted for sensitive wildlife species and the locations of sensitive wildlife species observed will be mapped on construction drawings pursuant to DDS 6. Additionally, the following mitigation measures will be implemented to minimize impacts to wildlife species prior to and during construction, as required: vegetation clearing prior to onset of construction impacts will be implemented to minimize the wildlife use of areas slated for construction; clearing and grubbing of native wetland, riparian and upland habitats will occur outside of the breeding season (February 15 to September 15); all native or sensitive habitats outside and adjacent to the permanent and temporary construction limits will be temporarily fenced during construction with orange plastic snow fence or stakes and flagging with no disturbance allowed in these areas (DDS 6); lighting used at night for construction will be shielded away from ESHAs; dust generated by project operations will be controlled with BMPs; and a qualified biologist will be made available for both the preconstruction and construction phases to review grading plans, address protection of sensitive biological resources, monitor

ongoing work, and maintain communications with the resident engineer, to ensure that issues relating to biological resources are appropriately and lawfully managed (IM 5.5.8).

The introduction of additional night lighting in close proximity to the Batiquitos Lagoon has the potential to adversely impact biological resources. Artificial lighting at night could alter or disrupt feeding, roosting, breeding, foraging, migrating, and nesting of wildlife and special-status species. Additional pole lights would also increase the risk of predation by raptors that use pole lights as perches to hunt for wildlife in the lagoon, including special-status species. In order to avoid or minimize these potential impacts to sensitive biological resources, night lighting planned near the lagoon is the minimum required for operations and safety. Caltrans has selected new light fixtures that use precise light beam angles and linear spread lenses to control the distribution of light; the light beam output distribution and shape ensures environmental protection by limiting light trespass into the sky. Not only are these lights better directed, but they are better shielded, lower temperature of 3,000 Kelvins or less, and energy efficient LED fixtures that will minimize biological impacts. Additionally, new pole lights will have bird spikes to prevent them from being used as predator perches.

Special Condition 4 requires that Caltrans submit a Final Lighting Plan to the Executive Director for review and written approval prior to installation of highway lighting. The subject project is projected to conclude construction in late 2020, and during that time, new lighting technologies may arise that should be considered in the final design to further reduce night glow and light trespass and minimize the number of light poles, while maintaining a level of illumination necessary to maintain required highway lighting for operations and safety. Additionally, the Final Lighting Plan shall include anti-perching devices on all light poles near Batiquitos Lagoon to discourage raptor predation of sensitive and endangered bird species at Batiquitos Lagoon. Likewise, **Special Condition 3** requires that the Final Signage Plan shall identify the area near Batiquitos Lagoon as a particular area of biological sensitivity and shall include anti-perching devices on all signs/poles in the area to discourage raptor predation of sensitive and endangered bird species at Batiquitos Lagoon. Thus, as conditioned, lighting for the Phase 1/Stages 2 & 3 specific project will not result in significant impacts to ESHAs in adjacent habitat areas.

Further, because the Batiquitos Lagoon Bridge is not being replaced at this time (re-striping and landscaping will occur in the existing median and shoulders but not within the water), construction activities will not occur in more than two lagoons at any one time in order to minimize impacts to migratory birds dependent on lagoons for stop over, resting, and foraging habitats along the Pacific flyaway. This is consistent with DDS 8 and the phasing plan within the NCC PWP/TREP.

In conclusion, the Phase 1/Stages 2 & 3 Project consists primarily of improvements to existing transportation facilities located in previously developed and disturbed areas within Caltrans right-of-way; however, in order to expand the highway and install associated multi-modal transportation and drainage improvements, some impacts to ESHAs are unavoidable. Aside from the pedestrian trail adjacent to the San Elijo Lagoon, the project components that impact ESHAs would not, on their own, be approvable.

However, these components are part of a larger project that the Commission has found, through conflict resolution, on balance, to be most protective of significant coastal resources. As a result, the NCC PWP/TREP includes these components and the project as a whole is consistent with the Coastal Act. In addition, the specific project includes mitigation consistent with the REMP that will significantly enhance and restore upland habitat resources throughout the NCC. The program provides for advanced mitigation opportunities that will allow for habitat establishment or significant restoration of degraded habitat prior to project implementation.

Additional permits for the specific project are also required from the various resource agencies. In order to ensure that Caltrans secures the required permits, and to ensure that any changes to the project that may be required by the other resource agencies are reviewed by the Coastal Commission, **Special Condition 6** requires that prior to commencement of construction, Caltrans shall submit to the Executive Director for review and written approval, all necessary state and federal permits for all aspects of the Phase 1/Stages 2 & 3 Project, including from the U.S. Army Corps of Engineers, the California Regional Water Quality Control Board, U.S. Fish and Wildlife Service, California Fish and Wildlife Service, and National Marine Fisheries Service.

Therefore, the Commission finds that approval of the proposed CDP for the portion of the development on the existing bridge and bridge approach over Batiquitos Lagoon, as conditioned to ensure that development in areas adjacent to environmentally sensitive habitat areas shall prevent impacts which would significantly degrade those areas, is consistent with Coastal Act Section 30240. In addition, by applying the policies, design/development strategies, and implementation measures included in Section 5.5.3 of the NCC PWP/TREP, the Commission finds that the subject NOID, as conditioned, is consistent with the NCC PWP/TREP.

F. VISUAL RESOURCES

Section 30251 of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

In addition, Policy 5.7.1 of the 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.

Design/Development Strategy 5 in Section 5.7.3.3 of the NCC PWP/TREP states:

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

Coastal Act Section 30251 provides for the protection of scenic and visual resources within the Coastal Zone. Additionally, NCC PWP/TREP Policy 5.7.1 provides that development of NCC transportation facilities shall be sited and designed to protect public views to significant coastal resources to the maximum extent feasible, including views of the ocean and coastline, coastal lagoons, and significant open space areas. Policy 5.7.1 also requires new development to be sited and designed to be compatible with existing development and surrounding areas such that the impacts of grading, operational activities, and direct lighting on public views are limited to the maximum extent feasible.

Coastal visual resources within the project area that could be affected by the Phase 1/Stages 2 & 3 specific project include public views of natural coastal features such as the Pacific Ocean, the San Elijo Lagoon, Batiquitos Lagoon, and the surrounding natural coastal topography and open space character. Although a majority of the project will be located within existing rights-of-way directly adjacent and contiguous to existing facilities, improvements that could potentially impact views include construction of new and extended paved surfaces from widening for HOV lanes, new signage, changeable message signs, signals, fencing, cameras, lighting, retaining walls, sound walls, grading, and vegetation removal (**Exhibit 5**). However, the project has been sited and designed in accordance with the required design/development strategies and implementation measures in order to avoid and minimize impacts to visual resources to the maximum extent feasible.

In accordance with DDS 1, the project has been sited and designed such that impacts of grading, operational activities, and direct light on public views outside of the transportation facilities have been limited to the maximum extent feasible. The design solutions that have been incorporated into the project, per DDS 5, include: minimization of grading, landform alteration, and vegetation removal; landscape treatments comprised of native trees, shrubs, and groundcover along the edge of the right-of-way to provide partial screening and to visually integrate the right-of-way into surrounding areas; addressing potential night-lighting impacts by limiting, shielding and directing lights to

only focused areas that are required for operations and safety; and revegetating areas disturbing by grading activities.

The reconstruction of the San Elijo Vista Point is one project component with the potential to impact visual resources of the corridor, along with retaining and sound walls, as identified in the NCC PWP/TREP. The reconstruction will consist of a new parking lot and a new viewing area located on a nearby scenic headland accessed by two meandering, ADA compliant accessible walkways. The existing facility consists of an asphalt parking lot with 13 standard parking spaces next to a metal beam guardrail. Semi-trucks and recreational vehicles currently park next to an approximately 450 foot long, four-foot high chain link fence that separates the parking lot and entry ramp from the highway. These trucks and recreational vehicles block coastal views from the highway. As part of the subject project, the parking lot will be reconfigured and semi-truck parking will no longer be allowed, resulting in an improved visual experience. The new parking lot would generally be located in the same area as the existing lot, except it would shift west due to highway widening. A wide sidewalk will provide a buffer between parked vehicles and a 28-inch high wall. The sidewalk will be enhanced with colored and seeded aggregate paving and the low wall will be colored Mesa Bluff. Lighting is the minimum necessary for security and safety. These improvements will enhance the facility and encourage visitors to leave their vehicles to experience coastal views. The scenic coastal views and hillside terrain will remain undisturbed and visible from the highway.

Moreover, these improvements have been designed to minimize potential view impacts from below by reducing the project footprint to the extent feasible, and by stabilizing the new embankment with subsurface geo-synthetic reinforcement in lieu of standard concrete retaining walls. The new embankment will be vegetated with native plantings to blend with the surrounding natural areas. Parked vehicles would be screened from off-site views below the facility due to the low wall.

Other project features have been designed consistent with the character of their surroundings, in compliance with NCC PWP/TREP Policy 5.7.1. The Birmingham Drive Bike Node is enhanced by a low, curved wall around the edge of the entry plaza separating trail users from the slope. The wall is colored Mesa Bluff to be consistent with the Southern Bluff design theme. A vertical wayfinding feature that reflects local community identity will also be constructed of Mesa Bluff-colored concrete with artistic accents. The bike node will include low pole lights for way finding. Bicycle facilities are designed consistent with the San Diego Regional Bike Plan, applicable local standards, and local jurisdiction circulation element goals. The pedestrian path on the south side of Manchester Avenue next to the lagoon will be covered by tan decomposed granite to blend with the natural surroundings, and separated from the lagoon by a see-through wood fence up to 40-inches high.

Retaining walls and sound walls are one of the project components considered to have the potential for the greatest impact on the character of the corridor, as identified in the NCC PWP/TREP. There is potential for one retaining wall to be required for the secondary North Coast Bike Trail through the San Elijo Joint Powers Authority property, which would be elevated above the primary trail Caltrans is constructing along the west side of

the highway, consistent with the NCC PWP/TREP. Based on the preliminary design plans, a large retaining wall would be required due to a substantial difference in grade elevations. The wall would be colored Mesa Bluff with a Random Flute Texture and use safety cable railings rather than a solid guardrail. The retaining wall would also be buffered by the primary trail and landscaping between the wall and the highway, and would not block any existing ocean views. There is also potential for two retaining walls (250 feet long and 15 feet high) to be required on either side of the highway shoulder approximately 2,500 feet north of the Baticuitos Lagoon bridge, in order to facilitate the bioswales included in stormwater treatment Alternative 3. However, because Alternative 3 would require new retaining walls, which would have greater habitat impacts and are visually intrusive, it is not the preferred alternative. Alternative 3 would only be implemented if geotechnical borings and soil testing for percolation rates and groundwater elevations demonstrate, subject to consultation with Coastal Commission staff water quality specialists and the written approval of the Executive Director, that the preferred two alternatives are infeasible.

Eight soundwalls will either be constructed or reconstructed through the subject project. At some locations, existing landscaped buffers between the highway and adjacent land uses will be reduced in size or removed and replaced with a soundwall. The visual experience of highway travelers, as well as bicyclists and pedestrians, could be affected by the introduction of new or taller walls. To avoid these impacts, the project incorporates design concepts from the I-5 NCC Project Design Guidelines to preserve the natural and community visual characteristics of the corridor. As required by IM 5.7.1, most of the soundwalls are set back from the edge of highway and softened by a landscape buffer between the wall and highway barrier. Soundwalls within Caltrans right-of-way are solid masonry block. Soundwalls on private property have architectural detailing compatible with the residential development. Walls are constructed of bluff colored masonry block and transparent acrylic panels. All soundwalls will be enhanced with blocks of different sizes and textures.

In accordance with DDS 5, areas that are disturbed by grading associated with the construction of new retaining walls and soundwalls will be seeded and/or planted, such that these areas will blend with the surrounding vegetated areas. At Villa Cardiff Drive, where highway widening brings traffic in close proximity to a parallel local street, the soundwall is softened by non-native, non-invasive vines for graffiti control. In other areas, landscaping plans include only species native to Southern California such that the planted areas will be compatible with surrounding natural areas. Landscaping will include native drought-tolerant trees, shrubs, groundcover, and hydroseeding. Native vegetation will be placed in appropriate locations and densities consistent with adjacent natural settings. Further, as required by IM 5.7.1 and the I-5 NCC Project Design Guidelines, the following highway landscape design features have been integrated into the project to avoid and minimize visual resource impacts: native landscaping is planned in all areas adjacent to native habitat; highway planters will be installed within the highway facility wherever there is available width; oleanders in the median will be preserved in place in some locations; a median oleander replacement pilot project will assess the feasibility of use of native, non-invasive shrubs for maintenance and visual screening purposes; bioswales and detention basins will be planted with native grasses; where space allows,

retaining walls will be randomly planted with Torrey Pines to soften and screen the walls; and no trees or tall shrubs will be planted that could disrupt scenic views to the lagoons, including from the San Elijo Vista Point to the San Elijo Lagoon.

As required by IM 5.7.1, the following drainage and water quality design features have been integrated into Phase 1/Stages 2 & 3 to minimize visual impacts: detention basins will be screened using native landscaping; detention basins and bioswales are designed to appear as natural landscape features; concrete drainages and ditches are located, designed and colored to be unobtrusive in appearance; and maintenance access roads are located in unobtrusive areas away from local streets and consist of materials that are visually compatible with the surrounding landscape.

Lighting

Highway lighting has been sited and designed to limit direct light on public views outside of the transportation facilities to the maximum extent feasible. The lighting design development process was an iterative process that included assessing the existing highway lighting at the existing ramps; proposing an initial design for the highway widening; and then refining this design. The need, location, and spacing of each pole light has been evaluated with consideration for both safety requirements and the NCC PWP/TREP requirement to avoid light trespass outside of the highway footprint.

Special consideration is given to highway lighting within the Batiquitos Lagoon viewshed (see NCC PWP/TREP Figure 5.7-1E). Night lighting is the minimum required for operations and safety. No overhead lighting is proposed at the existing Batiquitos Lagoon bridge. At the La Costa Avenue highway ramps adjacent to the southern edge of Batiquitos Lagoon, three existing pole lights on both sides of the highway support three foot long low-pressure sodium lamps, which cast an amber colored strip of light that is highly visible across the lagoon. This lighting spills over into the lagoon and does not meet current safety standards. Changes to the highway alignment near the southern lagoon approach will increase the weaving area where motorists must assess traffic conditions and make decisions about changing lanes. The initial design included five pole lights on both sides of the highway at 180 foot standard Caltrans light spacing, but has been refined to reduce the number of pole lights to four pole lights on both sides of the highway, which cast a white light (**Exhibit 7**). The proposed LED lighting includes back and side shielding to minimize spillover impacts to visual resources in conformance with PWP/TREP policies.

The number of light fixtures at the San Elijo Vista Point, the North Coast Bike Trail, parallel trail through the SEJPA site, and pedestrian trail along San Elijo Lagoon have been minimized to limit light disturbance and reduce energy consumption. The initial design for the San Elijo Vista Point included a continuous row of pole lights along the off-ramp and parking lot. The design was then refined to eliminate two pole lights to provide a gap between the parking lot lighting and the ramp lighting. The remaining two pole lights at the Vista Point Parking Lot are the minimum required for safety. The parking lot pole lights are shielded and directed downward to the sidewalk and parking to minimize spillover. In addition, three pole lights at the on-ramp from the Vista Point were moved further south to a location outside of the viewshed. Lighting at the Vista Point

walkway and viewing area consists of step lights embedded into low concrete features about 8 inches above the walkway to illuminate the edge of the pedestrian areas for safety. The Vista Point walls will shield the step lights from offsite viewers. Bike trail lighting is designed for wayfinding and consists of low pole mounted specialty fixtures that emit a lower light output.

The project includes new median lighting in two locations where highway users will merge from the general travel lanes into the HOV lanes. These median light poles are spaced 180 feet apart, which Caltrans states is the maximum distance (resulting in the minimum number of poles), consistent with safety standards. The two locations where median lighting is planned are along segments of highway with existing residential and commercial development on either side, not within lagoon viewsheds. All light fixtures will use lamps with lower Kelvin temperatures than standard. Highway lighting LED lamps are typically 4,000 Kelvin which is the optimum efficiency. According to lighting studies, the human eye prefers lighting at a 3,000 Kelvin level. Environmental studies recommend a Kelvin range of 2,500 to 3,000. To balance environmental concerns with safety, the project plans 3,000 Kelvin LED lighting at a slightly higher wattage to maintain the optimum level of lighting. All I-5 North Coast Corridor projects will use a new type of technology for highway lighting (LED Roadway III type with house side shielded lighting) to reduce visual impacts. The highway type light fixtures use precise light beam angles and linear spread lenses to control the distribution of light without creating disabling glare to the motorist or cyclist (**Exhibit 7**). The light beam output, distribution and shape ensures environmental protection by limiting light trespass into the sky. As part of the performance metric update, Caltrans will continue to study and to retrofit corridor lighting with any future technology that can reduce visual and environmental impacts.

Overall, Caltrans has worked collaboratively to minimize the number of lights needed, while still meeting safety requirements. **Special Condition 4** requires that Caltrans submit a Final Lighting Plan to the Executive Director for review and written approval prior to installation of lighting. The Final Lighting Plan shall utilize all available technologies to minimize light spillover into the lagoon, minimize night glow and light trespass, and minimize the number of light poles, while maintaining the minimum level of illumination necessary to maintain required highway lighting for operations and safety. The Final Lighting Plan shall identify the area near Batiquitos Lagoon as a particular area of biological sensitivity and lighting in the vicinity of the lagoon shall be no more substantial (in terms of number of light poles or light intensity) than as depicted in **Exhibit 7**. Thus, as conditioned, lighting for the Phase 1/Stages 2 & 3 specific project will not result in significant impacts to visual resources.

Signage

Signage lighting is also the minimum required for operations and safety. Existing overhead directional signage with lighting will be removed throughout the project area and new overhead directional signage will use reflective lettering instead. Only HOV signs will be illuminated to meet safety requirements. To minimize visual impacts and eliminate light spillover, HOV signage has been redesigned to include one central LED light instead of two lights (**Exhibit 7**). This modification will focus the light spread on

the sign panel only. Signage lighting will be mounted near the bottom of the sign panel at the center of the overhead sign structure. The fixture has been redesigned with side shielding and tilted toward the sign. The lumens has been reduced from 6,000 to 4,500 Kelvin for this new fixture. This innovative design has never been used before in the State. It will also be applied to the HOV sign in the previously approved Phase 1/ Stage 1 project.

Special attention has been paid to the location of overhead signs near the Batiquitos Lagoon viewshed. To minimize visual impacts, Caltrans amended its initial design to locate all sign structures outside of the viewshed. The initial design located the La Costa Avenue exit sign just south of the lagoon bridge, and a new HOV exit sign within the lagoon viewshed. The proposed design relocates signage away from the lagoon. The new exit sign will be located south of the existing exit sign and the new HOV sign will be located 200 feet south of the initial location, within the median, which further minimizes impacts to the scenic viewshed because primary lagoon views are from the side of the highway.

The project will not install the intermediate access point (IAP) signage shown in Appendix B of the NCC PWP/TREP (i.e., tolling signs, advance signs to IAP entrance and scanners). Overhead signs will be mounted on posts outside of the coastal viewshed, wherever possible. Sign panels and lettering are the smallest size that meets safety requirements. Poles are galvanized and a neutral gray color.

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

Finally, in order to preserve visual resources, and consistent with NCC PWP/TREP Section 4.2.8 limiting the installation of new Changeable Message Signs (massive digital signs that display traffic information and public service announcements) to a total of five signs within the entire North Coast Corridor (La Jolla to Oceanside), Caltrans has agreed to install a maximum of one new Changeable Message Sign within the project limits of the Phase 1/Stages 2 & 3 Project, which represents only a portion of the 27 mile North Coast Corridor. Caltrans has agreed to locate the one Changeable Message Sign outside any lagoon viewsheds, most likely in the northbound direction between Encinitas Boulevard and Leucadia Avenue.

Special Condition 3 requires Caltrans to submit a Final Signage Plan for the review and written approval of the Executive Director prior to construction. In order to protect visual and biological resources in and adjacent to Batiquitos Lagoon, the Final Signage Plan

shall utilize all available technologies to minimize light spillover into the lagoon and minimize the number of sign poles. In order to preserve visual resources, Caltrans may install a maximum of one (1) new Changeable Message Sign within the project limits of the subject Phase 1/Stages 2 & 3 Project. The Final Signage Plan shall identify the location of up to one new Changeable Message Sign within the project limits. No future installation of Changeable Message Signs within the project limits shall occur without a subsequent NOID.

In conclusion, as conditioned, the Phase 1/Stages 2 & 3 Project proposed by the subject CDP/NOID is visually compatible with the existing character of the corridor. Therefore, the Commission finds that the subject CDP, as conditioned, is consistent with Section 30251 of the Coastal Act. In addition, by applying the policies, design/ development strategies, and implementation measures included in Section 5.7.3 of the NCC PWP/TREP, the Commission finds that as conditioned the subject NOID is consistent with the NCC PWP/TREP.

G. COASTAL HAZARDS

Section 30232 of the Coastal Act states:

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

In addition, Policy 5.8.1 of the PWP states:

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

Implementation Measure 5.8.13 of the PWP states:

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

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

Coastal Act Section 3023 requires projects to be planned and developed to protect against the spillage of crude oil, gas, petroleum products, or hazardous substances. Coastal Act Section 30253 addresses the need to ensure long-term stability and structural integrity, minimize risk, and avoid landform-altering devices. Additionally, NCC PWP/TREP Policy 5.8.1 requires all highway, rail, bicycle and pedestrian projects, and community and resource enhancement improvements to be designed and implemented to minimize risks to life and property in areas of high geologic, flood, and fire hazard, and to minimize risk associated with potential hazardous materials release or spillage. Policy 5.8.1 also requires site-specific project design to be based on the results of detailed, design-level engineering geologic and geotechnical studies.

Geology, Soils, Seismicity, and Topography

The area where the Phase 1/Stages 2 & 3 Project is planned is subject to ground shaking events and potential instability due to sediment characteristics in the project area; however, the project has been designed to avoid and minimize potential impacts associated with geologic hazards, unstable soils, seismicity, and topography. Pursuant to DDS 1, requirements of Caltrans' Standard Specifications have been applied to ensure that all slopes will be geotechnically stable. All slopes and foundations have been coordinated with Caltrans Office of Geotechnical Design North and designed for global stability consistent with the Caltrans Seismic Design Criteria.

There is a low potential for structural damage as a result of liquefaction in the project area, especially considering that the bridge replacement at Batiquitos Lagoon has been eliminated from the subject project. Further, appropriate technical personnel will be present during project construction to observe cuts, foundation subgrade, and embankment subgrade to assure that all design-level provisions are implemented, as specified in Excavation Safety Plans, per DDS 3. If unexpected subsurface conditions are encountered during construction, a geotechnical specialist would be notified to make recommendations to the project engineer.

In accordance with DDS 4, a Storm Water Pollution Prevention Plan (SWPPP) and National Pollutant Discharge Elimination System (NPDES) permit are required prior to the commencement of construction and are to be implemented during construction in order to reduce pollutants in stormwater discharges and to reduce the potential for erosion and sedimentation. Further, a preliminary analysis and documentation of new and existing impervious surfaces and associated treatment percentages to minimize impacts to surface runoff has been submitted (Section 5 of the expanded format Storm Water Data Report). The total Disturbed Soil Area (DSA) for Phase 1/Stages 2 & 3 is approximately 204 acres. The DSA includes areas that will be cleared of vegetation, areas with soil exposed through the removal of pavement, and anticipated construction staging areas. The total existing impervious area within Caltrans right-of-way is 144 acres. The total impervious area after construction will be 175 acres. Therefore, the new impervious area is 31 acres. The Design Pollution Prevention BMPs and Treatment BMPs will provide flow volume and duration control functions that will minimize increases in velocity and volume of runoff, reduce the movement of sediment to downstream receiving waters, and minimize erosion. As detailed in the marine resources findings above, the preliminary

Stormwater Treatment Exhibits identify 28 bio-infiltration swales, 5 enhanced infiltration opportunities through polishing using the natural environment, and 2 existing bioretention structures. Ongoing geological studies being carried out by Caltrans, in coordination with Coastal Commission staff and the local governments, will result in additional treatment BMPs being included in the final project (**Exhibit 8**). In aggregate, the treatment BMPs will remove pollutants from more acres of highway pavement than the amount of new pavement being constructed by the project, not including new landscaping and polishing.

Drainage and Flooding

The project site is located adjacent to Batiquitos Lagoon, a coastal wetland that is located within the Cities of Encinitas and Carlsbad. Batiquitos Lagoon is the estuary receiving water from both San Marcos and Encinitas Creeks. The San Marcos Creek watershed extends approximately 14 miles from its headwaters in the Merriam Mountains to the Batiquitos Lagoon before discharging into the Pacific Ocean. The watershed covers approximately 36,050 acres in area (52.3 square miles) and is long and narrow. A dam impounds San Marcos Creek about five miles upstream from its confluence with the lagoon and creates Lake San Marcos. The other primary stream in the watershed is Encinitas Creek, which drains Green Valley and the Olivenhain Road area. Encinitas Creek is a very short stream that contributes marginal flood and sediment discharges when compared to San Marcos Creek. Encinitas Creek originates in the hills southwest of Questhaven Road and parallels El Camino Real before its confluence with San Marcos Creek at the southeastern corner of Batiquitos Lagoon. In the past, these creeks were considered to be ephemeral, but in the last few decades low flows from urbanization are present all year long. Several other small creeks drain into the lagoon from its north and south shores.

Design/development strategies require an assessment of floodplain hydrology and evaluation of potential impacts of specific designs on water surface elevation, flood conveyance, and potential risk. As development within the floodplain is unavoidable given the project objective of expanding the highway and constructing associated multi-modal transportation facilities, the footprint of development has been minimized. Risks associated with drainage and flooding have been minimized through the design of the NCC PWP/TREP improvements, as required by DDS 5 and DDS 7. Other than cleaning and extending existing culverts, project improvements will not alter significant drainage patterns.

The project has been designed to avoid and minimize impacts to the floodplain by: utilizing slope rounding, slope sculpting, and variable gradients to approximate the appearance of natural topography. This will decrease the need for dikes and promote sheet flow to vegetated areas that can provide water quality benefits and promote infiltration. Staging and storage areas are planned in developed/disturbed locations to minimize the project footprint. Project improvements will not create an impediment to the flow of floodwaters, and have been designed to minimize necessary stream alterations as required by the design/development strategies.

Sea Level Rise

Sea level rise has occurred on a local and global scale over the past century and projections indicate that the rate may accelerate in the future. Potential effects of sea level rise include increased shoreline erosion and scour, increased nearshore wave energy, flooding, and reduced beach area, all of which can affect the long-term stability of infrastructure. In March 2013, the State of California's California Climate Action Team and Ocean Protection Council established the latest sea level rise guidance – with projected ranges in sea level rise of 0.13-.98 feet between 2000 and 2030, 0.39-2 ft. between 2000 and 2050, and 1.38-5.48 ft. between 2000 and 2100. This state guidance (scheduled to be updated in 2018) and the Coastal Commission's 2015 Sea Level Rise Policy Guidance document recommend a site-specific analysis to determine the appropriate sea level rise for design considerations.

Since several of the NCC PWP/TREP improvements are located directly adjacent to the marine environment, DDS 10 requires potential impacts of local sea level rise to be considered in the design and/or refurbishment of all corridor infrastructure. DDS 10 also requires NOID submittals for transportation, bike and pedestrian improvements that may be subject to internal shoreline/bank erosion, tidal inundation and flooding, to ensure new development is located and designed to eliminate or minimize, to the maximum extent feasible, hazards associated with anticipated sea level rise over the expected 75-year design life of the structure. The San Diego Region Coastal Sea Level Rise Analysis, dated September 2013, was prepared for the NCC PWP/TREP.

The subject project does not include replacement of the Batiquitos Lagoon Bridge and Caltrans states that the elevation of the existing bridge deck is high enough to avoid impacts associated with sea level rise. None of the other project components, such as trails, are expected to be impacted by sea level rise during their design life. However, the San Elijo Lagoon Optimization Study identified that Manchester Avenue, extending along the entire northern boundary of San Elijo Lagoon, is subject to potential flooding during a 100-year event. Manchester Avenue and the trails cannot be shifted inland to avoid potential impacts due to the constrained location adjacent to existing development. Consistent with DDS11, the project has been designed to enable future hazard adaptation strategies, which include plans for temporary road and trail closures during flooding events.

Hazardous Materials

In accordance with DDS 9, all soils that will be disturbed during construction of Phase 1/Stages 2 & 3 have been evaluated. A Site Investigation Report was prepared for lead contamination in June 2001 and a Limited Phase II Environmental Assessment was prepared in November 2005. A Summary of Hazardous Waste Review for Widening of Route 5 was prepared in 2014 and sampling for agricultural chemicals was conducted in January 2004. Further, since there are known chemical constituents present in soil and groundwater in the corridor, soil excavation activities will be performed under the guidelines of a Soil Management Plan and Health and Safety Plan, pursuant to IM 5.8.3.

Aerially deposited lead (ADL) associated with vehicle emissions has entered the soil in some segments of highway median and shoulders. As identified in the NCC PWP/TREP,

IM 5.8.4 states that Caltrans must follow the Department of Toxic Substances Control (DTSC) lead variance for excavation of ADL soil. However, since the NCC PWP/TREP was certified in 2014, the DTSC transitioned from a lead variance to a new agreement with Caltrans to better manage ADL-contaminated soil that is disturbed during highway improvement projects. The *Soil Management Agreement for Aerially Deposited Lead-Contaminated Soils* between DTSC and Caltrans became effective as of July 1, 2016.³ Except for designated projects already in progress, the Agreement between the agencies supersedes the prior variance. This project must follow the “Transition Guidance for ADL,” for projects that were planned between the old variance and the July 2016 Agreement.

The Transition Guidance requires more soil isolation as the level of ADL detected increases. Soil testing of areas where project activities will include excavation, and areas where excavation may be required, is required to be completed before construction commences. If hazardous soil is detected, it may be required to be transported to a Class 1 dump site, or it may be re-used on-site, subject to consistency with the DTSC Transition Guidance for ADL and concurrence from the Regional Water Quality Control Board. The contractor will be required to survey the top and bottom perimeters of the burial locations of hazardous ADL placement and submit a burial report to Caltrans. Any lead-contaminated soil in a hazardous waste stockpile will be protected from contacting surface water and from being dislodged or transported by wind or stormwater through compliance with the project’s Storm Water Pollution Prevention Plan, in accordance with the provisions of ADL Agreement for stockpile siting and Statewide Construction General Permit.

IM 5.8.5 requires soils located in the immediate vicinity of service stations in the corridor to be tested for petroleum hydrocarbons, volatile organic compounds, or semi-volatile organic compounds in order to evaluate the proper handling and/or disposal methods should contaminants be discovered. All soil excavation will be performed under a site-specific Soil Management Plan and handling or disposal of contaminated groundwater will comply with NPDES permit requirements. Caltrans has identified seven service stations in the project vicinity where further research into site history and potential soil testing will be required prior to removal and relocation of soil for project activities. If petroleum hydrocarbons are discovered, steps will be taken in accordance with Caltrans and Department of Toxic Substances Control procedures.

In accordance with IM 5.8.8, Hazardous Materials Contingency Plans have been developed to manage potential hazardous waste issues. In addition, via IM 5.8.9, a safety and health work practices plan has been developed that addresses the safe handling and disposal of wood treated with creosote, including disposal at a composite-lined solid-waste landfill facility permitted to accept such wastes. In accordance with IM 5.8.10, surveys for lead-based paint and asbestos-containing materials have been conducted. No lead-based paint was observed on any bridge or overpass structures.

³ California Dept. of Toxic Substances Control (2016). *Soil Management Agreement for Aerially Deposited Lead-Contaminated Soils*. http://www.dot.ca.gov/hq/env/haz/pdfs/adl/dtsc_ct_adlfinal_063016.pdf

IM 5.8.11 requires a Site Management Program/Contingency Plan to address known and potential hazardous material issues. Construction staging plans have been prepared with designated areas to accommodate equipment and vehicles fueling and are located a minimum of 100 feet away from waterbodies over paved or impervious surfaces. A minimum 100 foot fueling setback from waterbodies will be provided for Phase 1/Stages 2 & 3 construction activities. Equipment fueling trucks will be equipped with absorbent pads and spill kit material. Additionally, nozzles used in vehicle and equipment fueling will be equipped with an automatic shutoff to control drips and no fueling operation will be left unattended. Finally, all oilers and fuel truck operators will be trained to respond to a spill, should one occur.

In order to prevent construction-related impacts to water quality and soil contamination, **Special Condition 2** requires Caltrans to submit a Final Stormwater Pollution Prevention Plan (SWPPP). The final SWPPP shall include all housekeeping, source control, and treatment control BMPs that will be used during construction and will be updated as needed to reflect progression and phasing of the project. The SWPPP shall be supplemented to include dewatering requirements necessary for the construction of the project and an Aerially Deposited Lead (ADL) handling plan.

Assumption of Risk

Although NCC PWP/TREP policies, design/development strategies, and implementation measures applied to the Phase 1/Stages 2 & 3 improvements are anticipated to withstand the predictable hazards associated with development in the corridor, it is not possible to remove all risk associated with the uncertainties of natural hazards. For this reason, even though Caltrans has minimized risks by engineering the project to avoid, mitigate, and withstand the natural hazards posed by seismic events, tsunamis, liquefaction, storms, floods, erosion, and toxic contaminants, a degree of risk from natural hazards would remain and could not be fully mitigated. To protect the Commission and its employees from liability for the hazards posed by the subject structures and project features designed and managed by Caltrans, Caltrans acknowledges and accepts these risks pursuant to IM 5.8.12.

In conclusion, the Phase 1/Stages 2 & 3 Project will avoid and minimize coastal hazards, as described above. Therefore, the Commission finds that the subject CDP is consistent with Section 30232 of the Coastal Act. In addition, by applying the policies, design/development strategies, and implementation measures included in Section 5.8.3 of the NCC PWP/TREP, the Commission finds that the subject NOID is consistent with the NCC PWP/TREP.

H. ARCHAEOLOGICAL AND PALEONTOLOGICAL RESOURCES

Policy 5.6.1 of the PWP states:

New highway development, rail station and pedestrian crossings, and associated community and resource enhancement improvements shall strive to protect and minimize impacts to archaeological and paleontological resources. Where new development may potentially adversely impact archaeological or paleontological

resources, appropriate mitigation measures, including the measures identified below, shall be required and implemented.

The project does not include grading within the portion of the project subject to the Commission's retained jurisdiction; however, ground disturbance associated with the larger NOID project must be evaluated for impacts to archaeological and paleontological resources.

Section 30116 of the Coastal Act defines archaeological sites that are referenced in the California Coastline and Recreation Plan or as designated by the State Historic Preservation Officer (SHPO) as sensitive coastal resources.

Phase 1/Stages 2 & 3 will avoid all direct and indirect impacts to previously identified archaeological resources in the project vicinity. Policies, design/development strategies, and implementation measures included in the NCC PWP/TREP will protect cultural resources from any unanticipated adverse impacts during construction. In accordance with DDS 1 and IM 5.6.1, qualified monitors will be present during ground disturbing activities around established and suspected cultural resource Environmentally Sensitive Areas (ESAs). In accordance with DDS 3, Caltrans has consulted with the SHPO and appropriate Native American tribes, and determined this project will not adversely affect significant archaeology sites within the Area of Potential Effect (APE). IM 5.6.3 requires compliance with State Health and Safety Code Section 7050.5 and Public Resources Code Section 5097.98 should unanticipated human remains be discovered during construction. The ESA Action Plan includes measures to ensure work ceases in any area or nearby area, that appropriate contacts are made, including coordination with the Native American Most Likely Descendants, and that ongoing monitoring is provided during the respectful treatment and disposition of the remains.

Paleontological resources may be affected by the subject project as some project components are located in or near areas of potentially high and moderate significance. Design/development strategies and implementation measures included within the NCC PWP/TREP require avoidance, and where avoidance is infeasible, require appropriate mitigation measures where new development may potentially impact archaeological or paleontological resources, in conformance with NCC PWP/TREP Policy 5.6.1.

A Paleontological Resource Assessment was prepared for the entire I-5 corridor, which includes the current project segments, by the San Diego Natural History Museum (dated June 2009), as required by DDS 6. As certain project components are located in or near areas of potentially high and moderate significance, a paleontological mitigation plan was prepared in accordance with IM 5.6.4. Impacts to paleontological resources could occur during earthwork activities involving sensitive geologic formations that could damage paleontological resources directly, or expose fossils to long-term surface erosion and/or uncontrolled specimen collection. The mitigation plan was prepared to provide specific directions to the contractor in the event that any paleontological resources are uncovered during construction. The mitigation plan also provides for monitors to be present at all times for ground disturbing activities occurring in areas of known or suspected paleontological significance and specifies appropriate mitigation measures.

In conclusion, the Phase 1/Stages 2 & 3 specific project will protect archaeological and paleontological resources from potential adverse impacts, as described above. In addition, by applying the policies, design/development strategies, and implementation measures included in Section 5.6.3 of the NCC PWP/TREP to avoid impacts to archaeological and paleontological resources from potential adverse impacts in areas where grading will occur, the Commission finds that the subject NOID is consistent with the NCC PWP/TREP.

I. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Pursuant to Public Resources Code Section 21067 and Sections 15050 and 15051 of Title 14 of the California Code of Regulations, Caltrans is the lead agency for purposes of the California Environmental Quality Act (CEQA), as it is the public agency with principal responsibility for carrying out the I-5 related improvements and the larger NCC PWP/TREP. As the lead agency under CEQA, Caltrans certified a Final Environmental Impact Report addressing the subject plan in November 2013.⁴

Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the CEQA. This requirement also applies to the Commission's review of NOIDs, based on Section 13550(d) of the Commission's Code of Regulations. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

As discussed previously, the proposed project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act, and the NOID has been conditioned in order to be found consistent with the certified NCC PWP/TREP. Mitigation measures, including conditions addressing public access, biological mitigation, and visual resource protection, 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.

⁴ 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.

Coastal Development Permit 6-18-0204 (Caltrans)
Notice of Impending Development NCC-NOID-0003-18

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

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