

**CALIFORNIA COASTAL COMMISSION**

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# W16a

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Staff: T. Hill - SD  
Staff Report: 4/23/21  
Hearing Date: 5/12/21

## STAFF REPORT: AMENDMENT

**Application No.:** 6-20-0231-A1

**Applicant:** California Department of Transportation

**Agent:** David Nagy

**Location:** Four locations on shoulder/median of Interstate-5 freeway within Camp Pendleton Marine Corps Base, north of Oceanside and south of the San Onofre Creek bridge, San Diego County.

**Original Project Description:** Install approximately 30,000 linear ft. of post and wire cable fencing with vegetation control; replace 3,810 linear ft. of existing guardrails and add 1,555 linear ft. of new guardrails; upgrade existing dikes, drainages and end treatments; remove vegetation; and conduct grading (522 cubic yards (CY) cut; 1,199 CY fill).

**Proposed Amendment:** The proposal would 1) increase grading by approximately 6,577 CY (3,177 CY of cut, 3,400 CY of fill) to remove aerially deposited lead; 2) install approximately 0.023 acres of additional riprap at existing drainages; 3) remove vegetation control mats and associated monitoring requirements; and 4) remove stormwater data report requirement.

**Staff Recommendation:** Approval with conditions

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## SUMMARY OF STAFF RECOMMENDATION

On September 10, 2020, the California Coastal Commission approved Coastal Development Permit (CDP) No. 6-20-0231 requested by the California Department of Transportation (Caltrans) to improve public safety by installing post and wire cable fencing to reduce the potential of a collision between a vehicle that leaves the Interstate-5 freeway and a train on the Los Angeles-San Diego-San Luis Obispo (LOSSAN) rail corridor tracks that parallel the freeway. However, after the CDP was approved, the proposed changes to the project were determined to be necessary.

The key Coastal Act issues of concern with the proposed amendment are the project's potential to adversely affect water quality and biological resources, particularly from the increased grading and riprap. Regarding water quality, Commission water quality staff reviewed the proposed amendment for potential water quality impacts and determined that the proposed drainage improvements and removal of vegetation control mats would have no significant impacts to water quality beyond the original scope of the approved CDP. Because vegetation control is no longer proposed, staff is recommending removal of the associated vegetation control monitoring requirement of **Special Condition No. 5(g)**. In addition, Commission water quality staff concur with Caltrans' request to remove the stormwater data report requirement of **Special Condition No. 5** given that other final post-construction stormwater management plans required by the condition are adequate to ensure the project's conformance with the water quality policies of the Coastal Act.

Regarding biological resources, the proposed amendment would result in approximately 0.023 acres of additional permanent impacts to Coastal Sage Scrub (CSS) habitat adjacent to the freeway. Caltrans proposes to mitigate these additional impacts to CSS habitat at a ratio of 3:1 at the Torrey Pines State Natural Reserve Mitigation Site. As such, staff is recommending revising **Special Condition No. 2**, requiring documentation showing availability and release of mitigation credits, to reflect the additional CSS habitat impacts.

The other special conditions of the original CDP would remain unchanged and applicable to the additional development proposed in this amendment.

Commission staff recommends that the Commission **APPROVE** Coastal Development Permit No. 6-20-0231-A1, as conditioned. The motion and resolution can be found below on **page 4**. The standard of review is Chapter 3 of the Coastal Act.

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## EXHIBITS

[Exhibit 1 – Vicinity Map](#)

[Exhibit 2 – Project Location](#)

[Exhibit 3 – Revised Project Plans](#)

[Exhibit 4 – Revised Drainage Plans](#)

## I. MOTION AND RESOLUTION

### Motion:

I move that the Commission approve Coastal Development Permit 6-20-0231-A1 pursuant to the staff recommendation.

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

### Resolution:

The Commission hereby approves Coastal Development Permit 6-20-0231-A1 for the proposed project 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.

## II. 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 applicant 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 applicant to bind all future owners and possessors of the subject property to the terms and conditions.

### III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

NOTE: Appendix A, attached, includes all standard and special conditions that apply to this permit, as approved by the Commission in its original action and modified and/or supplemented by all subsequent amendments, including this amendment no. 6-20-0231-A1. All of the Commission's adopted special conditions and any changes in the project description proposed by the applicant and approved by the Commission in this or previous actions continue to apply in their most recently approved form unless explicitly changed in this action. New conditions and modifications to existing conditions imposed in this action on amendment no. 6-20-0231-A1 are shown in the following section. Within Appendix A, changes to the previously approved special conditions are also shown in strikeout/underline format. This will result in one set of adopted special conditions.

1. [Special Condition No. 1 of CDP No. 6-20-0231 remains unchanged and in effect]
2. **Final Habitat Mitigation.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall provide evidence, in a form and content acceptable to the Executive Director, that adequate mitigation credits (~~0.47~~ approximately 0.539 acre) are available and have been released from the Torrey Pines State Natural Reserve Mitigation Site in order to provide mitigation for the subject project's impacts to coastal sage scrub.
3. [Special Condition No. 3 of CDP No. 6-20-0231 remains unchanged and in effect]
4. [Special Condition No. 4 of CDP No. 6-20-0231 remains unchanged and in effect]
5. **Final Post-Construction Stormwater Management Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and written approval of the Executive Director, ~~the final Stormwater Data Report and other relevant~~ final project plans, including geotechnical studies and other relevant plans, that specify the details of the project's post-construction stormwater management plans. The final plans shall comply, at a minimum, with all the following requirements:
  - a. Specify the number, location, size, design, and stormwater management function of all Treatment Control BMPs.
  - b. Size and design Treatment Control BMPs to retain on-site (via infiltration, uptake by plants, evaporation, or harvesting for later use) the runoff produced by the 85th percentile 24-hour design storm, to the extent technically feasible.
  - c. If flow-based Treatment Control BMPs are implemented to remove pollutants of concern, size and design these BMPs to treat the runoff flow produced by the 85th percentile 1-hour storm event, multiplied by a safety factor of 2.

- d. Provide runoff calculations to verify the correct sizing of all Treatment Control BMPs, indicating the values used in the calculations and the source of data for each variable.
- e. If the final project will add over 15,000 ft<sup>2</sup> of net impervious surface area, implement a Flow Control BMP (or suite of BMPs) that prevents the post-development runoff peak flows discharged from the site from exceeding pre-project peak flows for the 2-year through 10-year storm events.
- f. Provide site-specific data verifying site suitability for infiltration BMPs, including all of the following:
  - (1) Soil type and results of infiltration rate testing in the footprint of proposed infiltration BMPs.
  - (2) Site investigations of depth to groundwater and depth to any confining layer.
  - (3) Soil contamination, including aurally deposited lead, in the footprint of the proposed infiltration BMPs.
- ~~g. The proposed vegetation control material (WeedEnder) shall be periodically monitored during its 15-year product life, to ensure that it maintains its structural integrity, and shall be repaired, replaced or removed if the material begins to deteriorate, to ensure plastic fragments do not enter waterways and the ocean and contribute to marine debris. A monitoring and maintenance plan for the vegetation control material shall be submitted.~~

The permittee 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 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 for any proposed minor deviations.

- 6. [Special Condition No. 6 of CDP No. 6-20-0231 remains unchanged and in effect]
- 7. [Special Condition No. 7 of CDP No. 6-20-0231 remains unchanged and in effect]

## **IV. FINDINGS AND DECLARATIONS**

### **A. Amendment Background and Description**

In September 2020, the Commission approved Coastal Development Permit (CDP) No. 6-20-0231, which authorized Caltrans to construct approximately 30,000 linear feet of new post and wire cable fence with vegetation control; upgrade dikes, drainages, and end treatments; conduct grading (522 cu. yds of cut and 1,199 cu. yds of fill); replace 3,810 linear feet of guardrails; and install 1,555 linear feet of new guardrails. The project

area consists of four segments along Interstate 5 (I-5) adjacent to Camp Pendleton, north of Oceanside, San Diego County from Fallbrook Junction Overhead (PM 56.6) to approximately one mile south of San Onofre Creek Bridge (PM 70.0). The purpose of the project is to improve public safety by installing barriers to reduce the potential of a collision between a vehicle that leaves the freeway and a train on the Los Angeles-San Diego-San Luis Obispo (LOSSAN) rail corridor tracks that parallel the freeway.

Caltrans proposes an amendment to this CDP that would make four changes to the project description. First, the amendment would increase cut and fill by 3,177 CY and 3,400 CY respectively to remove additional soil that was determined to be contaminated with aerielly deposited lead (ADL). As amended, the total cut and fill would be 3,699 CY and 4,599 CY, respectively. The grading would not increase any impacts to environmentally sensitive habitat areas. Second, Caltrans has reevaluated its drainage plans and determined that more improvements are necessary, including the addition of seven patches of riprap (144 square feet), which would result in increased permanent impacts by 0.023 acres and decreased temporary impacts by 0.023 acres to CSS habitat. Third, the project description would be revised to no longer include the use of vegetation control mats, and the proposed amendment would remove the associated vegetation control monitoring requirement of Special Condition No. 5(g). Finally, Caltrans proposes to remove the stormwater data report requirement of Special Condition No. 5.

As with the original CDP, the site of the proposed changes is within an area of retained jurisdiction where no local government Local Coastal Programs apply. The Chapter 3 policies of the Coastal Act are the standard of review. See [Exhibits 1 and 2](#) for the Vicinity Map and Project Location and [Exhibit 3](#) for Revised Project Plans.

## **B. Water Quality**

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 waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The amended drainage improvements for this project are intended to ensure that runoff does not degrade the quality of ground water in the project vicinity. To accomplish this goal, Caltrans' proposed drainage improvements include the installation of small (144 square foot) patches of riprap at seven locations (total 0.023 acre or 1,008 square feet) to decrease the velocity of runoff and prevent erosion of the dikes, extending their lifetime, and preventing highway runoff from overflowing out of the drainage system. Commission water quality staff have reviewed the proposed amended drainage plans and have determined that because impervious surfaces will total less than 10,000

square feet, water infiltration is expected to remain consistent with pre-project levels, presenting no significant change to waterflow. Therefore, Commission staff do not recommend that Caltrans submit additional geotechnical documents beyond those required for the original project.

Caltrans proposes to remove the use of weed control mats from the approved project plans, because there were concerns regarding materials breaking down or breaking off the mats and a maintenance and monitoring plan was required for the life of the product creating additional monitoring and reporting and potential need for future replacement of the mats. Commission staff concur that the weed control mat monitoring program required by **Special Condition No. 5(g)** is no longer necessary and can be removed, as proposed. Commission staff have determined that the changes to the project as proposed by the amendment will not present any conflict with **Special Conditions No. 5 and 6**, which were required by CDP 6-20-0231, to ensure that post-construction stormwater management and construction phase BMPs were consistent with Coastal Act policies regarding water quality.

Finally, Caltrans proposes to remove the requirement from **Special Condition No. 5** for submission and approval of a final Stormwater Data Report (SWDR). The submission of the final SWDR was required as a condition of approval in CDP 6-20-0231 because a preliminary SWDR had been submitted by Caltrans as part of their application package. The SWDR will not be necessary for the subject project, given that other final post-construction stormwater management plans required by the special condition are adequate to ensure the project's conformance with the applicable water quality policies of the Coastal Act.

Therefore, the Commission finds that the project, as conditioned is consistent with Section 30231 of the Coastal Act.

### **C. Environmentally Sensitive 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.

Vegetation within the project limits includes coastal sage scrub (CSS), nonnative grasslands, disturbed habitat, and urban/developed land. No work will occur within wetlands, riparian areas, vernal pools, salt pannes or beaches – where these habitats are adjacent to the project, they will be delineated and protected from construction impacts. The following sensitive species have been detected near the project limits (within 250-355 ft.): Coastal California gnatcatcher, California least tern, Least Bell's vireo, and San Diego fairy shrimp. According to the U.S. Fish and Wildlife Service

(USFWS), gnatcatchers are known to occur in CSS vegetation along I-5 throughout the project area. USFWS considers all areas of CSS within 500 ft. of the project site to be potentially occupied by gnatcatchers.

The CSS habitat that is proposed to be impacted provides low-quality habitat because it is located between I-5 on one side and the railroad corridor on the other side and is exposed to persistent disturbance from vehicle/train noise and movement. While gnatcatchers may occasionally use this vegetation as foraging habitat, it is unlikely to constitute the core of any gnatcatcher's territory. Furthermore, Caltrans proposes to delay the start of construction to ensure that construction activities avoid the nesting season, consistent with **Special Condition No. 3 and 4** of the underlying permit.

The Commission acknowledges that Caltrans' erosion control plantings along I-5 have developed into a strand of CSS over the years that has the potential to be occupied by sensitive species such as the gnatcatcher. Under other circumstances, the Commission has found that CSS that supports nesting gnatcatchers is an Environmentally Sensitive Habitat Area (ESHA), because the habitat is especially valuable due to its role in the ecosystem. However, in this case, the Commission's staff ecologist has determined, and the Commission finds that the habitat area affected by the proposed project is not considered especially rare or valuable. Not only was the shoulder/slope adjoining the existing I-5 created to support the freeway, it was anticipated that this shoulder/slope would be modified or destroyed in the future in order to accommodate future freeway maintenance and improvements. Therefore, in this case, the shoulder/slope that supports the roadbed for I-5 is not a pre-existing mitigation site and does not meet the definition of ESHA under the Coastal Act.

Although the impacted CSS habitat does not rise to the standard definition of ESHA as typically described by the Commission, the habitat functions that this area does provide (e.g., potential foraging and dispersal habitat), should not be disregarded and must be mitigated. Therefore, the additional 0.023 acres of permanent impacts to CSS habitat that would result from the proposed drainage improvements and associated riprap need to be mitigated. To this effect, Caltrans has proposed mitigation for the additional permanent impacts that would be caused by the proposed amendment to CSS habitat at a 3:1 ratio at the Torrey Pines State Natural Reserve Mitigation Site, adding 0.069 acres to the 0.47 acres of mitigation that is required under CDP 6-20-0231 for a revised total of 0.539 acres. **Special Condition No. 2** requires the applicant to provide evidence, in a form and content acceptable to the Executive Director, that adequate mitigation credits totaling 0.539 acre of restored CSS habitat are available and have been released from the Torrey Pines State Natural Reserve Mitigation Site in order to mitigate the amended project's impacts to CSS.

Therefore, the Commission finds that the proposed amendment, as conditioned, is consistent with Section 30240 of the Coastal Act.

## **D. California Environmental Quality Act**

Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Caltrans is the lead agency for the purposes of CEQA review. On July 10, 2019, Caltrans determined that the project was categorically exempt from CEQA requirements because it qualifies as repair, maintenance, or minor alteration of existing public facilities, involving negligible or no expansion of an existing use (Class 1 (Cal. Code of Regs., tit. 14, § 15301)).

The proposed project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. Mitigation measures addressing the increased permanent impact to CSS habitat will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

APPENDIX A – CONDITIONS OF APPROVAL

**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, then permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission and 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.

**SPECIAL CONDITIONS**

This permit is granted subject to the following special conditions:

Permit No. 6-20-0231

1. **Final Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, final project plans that are in substantial conformance with the preliminary plans submitted April 17, 2020.

The permittee 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 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 for any proposed minor deviations.

2. **Final Habitat Mitigation.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall provide evidence, in a form and content acceptable to the Executive Director, that adequate mitigation credits (0.47 acre) are available and have been released from the Torrey Pines State Natural Reserve Mitigation Site in order to provide mitigation for the subject project's impacts to coastal sage scrub.
  
3. **Timing of Construction.** To avoid potential impacts to coastal California gnatcatcher, least Bell's vireo and other sensitive bird species, removal of existing vegetation and grading shall not be permitted during the nesting season from February 15 through August 31 of any year, unless approved by the Executive Director in writing after coordination with the California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service.
  
4. **Pre-Construction Surveys and Monitoring.** If vegetation removal or grading is necessary and allowed during the nesting season (February 15 through August 31), the applicant shall implement, at a minimum, all of the following measures:
  - (a) A qualified biologist with experience in conducting bird nesting surveys shall conduct a minimum of one survey within 72 hours of initiating construction activities.
  
  - (b) Weekly surveys for nesting birds shall also be conducted during any work occurring within the nesting season.
  
  - (c) If during preconstruction or weekly surveys, active gnatcatcher nests are identified within 500 ft. of the project site, or active nests of any passerine species are identified within 300 ft., noise monitoring shall be conducted and construction activities shall not occur until a qualified biologist determines that the young have fledged, the nest has been abandoned, or noise monitoring indicates that noise levels remain below a 60 dB(A) equivalent continuous noise level of the nest. If this level is exceeded, feasible noise attenuation measures shall be implemented to reduce noise levels active nests to at or below 60 dB(A).
  
  - (d) The monitoring biologist shall halt construction activities if he or she determines that the construction activities may be disturbing or disrupting nesting activities.
  
  - (e) The monitoring biologist shall make practicable recommendations to reduce the noise or disturbance in the vicinity of the active nests or birds. This may include recommendations such as turning off vehicle engines and other equipment whenever possible to reduce noise; installation of temporary sound barriers or sound blankets; and utilizing alternative construction methods and technologies to reduce the noise of construction machinery.

(f) The monitoring biologist shall review and verify compliance with the avoidance boundaries and shall verify that the nesting effort has finished in a written report. Unrestricted construction activities may resume when the biologist confirms no active nests are found.

(g) Bird nesting surveys shall be provided to the Executive Director of the Commission and to the California Department of Fish and Wildlife and U.S. Fish and Wildlife offices within 72 hours of locating any nests.

**5. Final Post-Construction Stormwater Management Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and written approval of the Executive Director, the final Stormwater Data Report and other relevant final project plans, including geotechnical studies, that specify the details of the project's post-construction stormwater management plans. The final plans shall comply, at a minimum, with all the following requirements:

(a) Specify the number, location, size, design, and stormwater management function of all Treatment Control BMPs.

(b) Size and design Treatment Control BMPs to retain on-site (via infiltration, uptake by plants, evaporation, or harvesting for later use) the runoff produced by the 85th percentile 24-hour design storm, to the extent technically feasible.

(c) If flow-based Treatment Control BMPs are implemented to remove pollutants of concern, size and design these BMPs to treat the runoff flow produced by the 85th percentile 1-hour storm event, multiplied by a safety factor of 2.

(d) Provide runoff calculations to verify the correct sizing of all Treatment Control BMPs, indicating the values used in the calculations and the source of data for each variable.

(e) If the final project will add over 15,000 ft<sup>2</sup> of net impervious surface area, implement a Flow Control BMP (or suite of BMPs) that prevents the post-development runoff peak flows discharged from the site from exceeding pre-project peak flows for the 2-year through 10-year storm events.

(f) Provide site-specific data verifying site suitability for infiltration BMPs, including all of the following: i. Soil type and results of infiltration rate testing in the footprint of proposed infiltration BMPs.

ii. Site investigations of depth to groundwater and depth to any confining layer.

iii. Soil contamination, including aerially-deposited lead, in the footprint of the proposed infiltration BMPs.

(g) The proposed vegetation control material (WeedEnder) shall be periodically monitored during its 15-year product life, to ensure that it maintains its structural integrity, and shall be repaired, replaced or removed if the material begins to deteriorate, to ensure plastic fragments do not enter waterways and the ocean and contribute to marine debris. A monitoring and maintenance plan for the vegetation control material shall be submitted.

The permittee 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 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 for any proposed minor deviations.

**6. Final Construction-Phase BMPs.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and written approval of the Executive Director, the final Stormwater Data Report and other relevant final project plans, including the Stormwater Pollution Prevention Plan, that specify the details of the project's construction-phase stormwater pollution control plans. The final plans shall comply, at a minimum, with all of the following requirements:

(a) Minimize water quality impacts during construction by implemented BMPs to minimize erosion and sedimentation, the discharge of other pollutants resulting from construction activity, stormwater and non-stormwater runoff, land disturbance, and soil compaction.

(b) To prevent mobilization to coastal waters, soil contaminated with aerially deposited lead (ADL) shall be excavated and transported to a disposal facility, and soil shall not be stockpiled at the project site.

(c) Debris shall be disposed at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal may take place.

(d) Avoid the use of temporary erosion and sediment control products (such as fiber rolls, erosion control blankets, mulch control netting, and silt fences) that incorporate plastic netting, in order to minimize wildlife entanglement and plastic debris pollution.

(e) All work, staging, and moving of equipment shall occur within pre-designated work areas. All areas outside of work areas are designated as

Environmentally Sensitive Areas. The boundaries of work areas shall be clearly depicted in the final plans required by Special Condition 1.

The permittee 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 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 for any proposed minor deviations.

- 7. Required Permits.** PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, the permittee shall provide to the Executive Director copies of all other required state and federal discretionary permits for the development authorized by the subject permit, or evidence that no permit or permission is required. The permittee shall inform the Executive Director of any changes to the project required by any permit. Such changes shall not be incorporated into the project until the permittee obtains a Commission amendment to this permit, unless the Executive Director issues a written determination that no amendment is legally required for any proposed minor deviations.

Permit No. 6-20-0231-A1

1. [Special Condition No. 1 of CDP No. 6-20-0231 remains unchanged and in effect]
- 2. Final Habitat Mitigation.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall provide evidence, in a form and content acceptable to the Executive Director, that adequate mitigation credits (~~0.47~~ approximately 0.539 acre) are available and have been released from the Torrey Pines State Natural Reserve Mitigation Site in order to provide mitigation for the subject project's impacts to coastal sage scrub.
3. [Special Condition No. 3 of CDP No. 6-20-0231 remains unchanged and in effect]
4. [Special Condition No. 4 of CDP No. 6-20-0231 remains unchanged and in effect]
- 5. Final Post-Construction Stormwater Management Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and written approval of the Executive Director, ~~the final Stormwater Data Report and other relevant final project plans~~ and other relevant plans, including geotechnical studies, that specify the details of the project's post-construction stormwater management plans. The final plans shall comply, at a minimum, with all the following requirements:

- a. Specify the number, location, size, design, and stormwater management function of all Treatment Control BMPs.
- b. Size and design Treatment Control BMPs to retain on-site (via infiltration, uptake by plants, evaporation, or harvesting for later use) the runoff produced by the 85th percentile 24-hour design storm, to the extent technically feasible.
- c. If flow-based Treatment Control BMPs are implemented to remove pollutants of concern, size and design these BMPs to treat the runoff flow produced by the 85th percentile 1-hour storm event, multiplied by a safety factor of 2.
- d. Provide runoff calculations to verify the correct sizing of all Treatment Control BMPs, indicating the values used in the calculations and the source of data for each variable.
- e. If the final project will add over 15,000 ft<sup>2</sup> of net impervious surface area, implement a Flow Control BMP (or suite of BMPs) that prevents the post-development runoff peak flows discharged from the site from exceeding pre-project peak flows for the 2-year through 10-year storm events.
- f. Provide site-specific data verifying site suitability for infiltration BMPs, including all of the following:
  - (1) Soil type and results of infiltration rate testing in the footprint of proposed infiltration BMPs.
  - (2) Site investigations of depth to groundwater and depth to any confining layer.
  - (3) Soil contamination, including aerially deposited lead, in the footprint of the proposed infiltration BMPs.
- ~~g. The proposed vegetation control material (WeedEnder) shall be periodically monitored during its 15-year product life, to ensure that it maintains its structural integrity, and shall be repaired, replaced or removed if the material begins to deteriorate, to ensure plastic fragments do not enter waterways and the ocean and contribute to marine debris. A monitoring and maintenance plan for the vegetation control material shall be submitted.~~

The permittee 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 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 for any proposed minor deviations.

6. [Special Condition No. 6 of CDP No. 6-20-0231 remains unchanged and in effect]
7. [Special Condition No. 7 of CDP No. 6-20-0231 remains unchanged and in effect]