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# W21a

**DATE:** June 17, 2021

**TO:** Coastal Commissioners and Interested Persons

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**Subject:** **Notice of Impending Development No. NCC-NOID-0002-21 (Encinitas Coastal Rail Trail)** for Public Hearing and Commission Action at the July 7, 2021 Commission Meeting

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## SUMMARY OF STAFF RECOMMENDATION

The subject Notice of Impending Development (NCC-NOID-0002-21) was submitted by the San Diego Association of Governments (SANDAG) in preliminary form on March 17, 2021 and, after submittal of additional materials, was filed as complete on April 9, 2021. SANDAG submitted a NOID extension on April 14, 2021 waiving the 30 working day processing requirement.

SANDAG is requesting review of the NOID for construction of an approximately 0.5-mile segment of the Coastal Rail Trail along the east side of the rail corridor in the City of Encinitas, extending from Santa Fe Drive to 175 ft. south of F Street to the north (Exhibit 2). In addition to the construction of a new Class I shared-use bicycle and pedestrian path, the proposed project also includes modifications necessary to accommodate the path, including a new crosswalk at I Street, relocation and installation of signage, relocation of existing utilities, drainage improvements, two new retaining walls, and 4 ft. high post-and-cable fence. The proposed segment would connect with the northern terminus of the 1.3-mile segment of the Coastal Rail Trail in the community of Cardiff by the Sea (Cardiff), which extends from Chesterfield Drive to Santa Fe Drive. The Cardiff segment was approved by the Commission in May 2017 (NOID No. NCC-NOID-0001-17) and has been a popular coastal trail since its opening in 2019. The proposed project would significantly enhance public access to and along the coast by

providing a new north-south bicycle and pedestrian trail that would connect Cardiff and downtown Encinitas, as well as connect with other forms of alternative transportation (Encinitas Coaster train and bus station).

The subject development is one of the projects authorized in the certified North Coast Corridor Public Works Plan and Transportation Resource Enhancement Program (NCC PWP/TREP), a comprehensive program of transportation, community, and resource enhancement projects along the Los Angeles – San Diego – San Luis Obispo (LOSSAN) rail and Interstate-5 (I-5), within the San Diego North Coast Corridor (NCC). The NCC spans 27 miles along the coastline from La Jolla to Oceanside. Jointly prepared by Caltrans and SANDAG, the NCC PWP/TREP was originally approved by the Commission in 2014, and includes projects such as I-5 widening to accommodate new high occupancy vehicle lanes, LOSSAN rail double tracking, a new 27-mile NCC bikeway, completion of seven miles of the Coastal Rail Trail, and resource enhancement projects to mitigate for impacts resulting from the transportation projects. The standard of review for the Commission's review of this NOID is conformity with the certified NCC PWP/TREP.

The project would result in 0.08 acre of temporary impacts and 0.03 acre of permanent impacts to coastal sage scrub (CSS). In its initial review and approval of the NCC PWP/TREP, the Commission recognized that impacts to ESHA caused by transportation improvements and associated development were inconsistent with multiple policies of the Coastal Act and presented a conflict; however, within the larger context of the suite of regional improvements contained within the NCC PWP/TREP, the Commission found that approval of the plan was, on balance, most protective of significant coastal resources. Pursuant to the NCC PWP/TREP's Resource Enhancement and Mitigation Program, SANDAG proposes to mitigate both the temporary and permanent CSS impacts off-site at a ratio of 1:1 through habitat establishment and restoration activities that have already been completed at the Dean mitigation site. Thus, the mitigation is designed to ensure there will be no temporal loss of habitat area.

Because project plans were submitted to the Commission in preliminary form, **Special Condition No. 1** requires submittal of final plans (project plan, staging plan, signage plan, and water quality plan) prior to the commencement of construction. Additionally, **Special Condition No. 2** requires submittal of a final cooperative maintenance agreement between SANDAG and the City of Encinitas for portions of the trail that are within the City's jurisdiction.

Commission staff recommends that the Commission determine that the impending development is consistent with the certified NCC PWP/TREP, as conditioned. The development is consistent with all NCC PWP/TREP policies, design/development strategies, and implementation measures. The motion and resolution to implement the staff recommendation can be found below on Page 7.

**ADDITIONAL INFORMATION**

Further information on the subject NOID may be obtained from Trevor Hill at [trevor.hill@coastal.ca.gov](mailto:trevor.hill@coastal.ca.gov).

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Appendix A – Substantive File Documents

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[Exhibit 1 – Regional & NCC Map](#)

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[Exhibit 3 – Project Plans](#)

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[Exhibit 5 – Cardiff Segment Photo](#)

## 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 issued by 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 Notice of Impending Development (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 (known as the "NCC PWP/TREP")<sup>1</sup> was approved by the Commission on August 13, 2014.

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<sup>1</sup> 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

Chapter 4 of the 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 PWP/TREP (Coastal Development Policies and Resources) is divided into ten sections with each section containing policies, design/development strategies (DDS), and implementation measures (IM), 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 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.

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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 hearing that it certified the 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 coastal development permit process, rather than the NOID process typically associated with PWPs.

Pursuant to Section 13359 of Title 14 of the California Code of Regulations, within thirty working days of the filing of the NOID, the Executive Director shall report to the Commission the pendency of the development and make a recommendation regarding the consistency of the proposed development with the certified PWP. After public hearing, by a majority of its members present, the Commission shall determine whether the development is consistent with the certified NCC PWP/TREP as submitted, or whether conditions are needed to bring the development into conformance with the NCC PWP/TREP. The NCC PWP/TREP provides that the Commission shall take action within 30 working days of the filing of the NOID, unless Caltrans or SANDAG waives such requirement.

## **II. MOTION AND RESOLUTION**

### **MOTION:**

I move that the Commission determine that the development described in Notice of Impending Development NCC-NOID-0002-21, as conditioned, is consistent with the certified North Coast Corridor Public Works Plan and Transportation and Resource Enhancement Program.

### **STAFF RECOMMENDATION:**

Staff recommends a **YES** vote. Passage of this motion will result in a determination that the development described in the Notice of Impending Development NCC-NOID-0002-21, 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 TO DETERMINE DEVELOPMENT IS CONSISTENT WITH NCC PWP/TREP:**

The Commission hereby determines that the development described in the Notice of Impending Development NCC-NOID-0002-21, as conditioned, is consistent with the certified North Coast Corridor Public Works Plan and Transportation and Resource Enhancement Program for the reasons discussed in the findings herein.

## **III. SPECIAL CONDITIONS**

- 1. Final Plans.** PRIOR TO COMMENCEMENT OF CONSTRUCTION, the applicant shall submit, for the review and written approval of the Executive Director, final plans, including final construction plans, final staging plans, final

water quality plans including a Storm Water Pollution Prevention Plan and construction phase BMPs, and final signage plan, that substantially conform with the plans submitted to the Commission titled INSERT TITLE, dated INSERT DATE HERE.

SANDAG shall undertake development in conformance with the approved final plans unless the Commission approves a subsequent NOID for, or the Executive Director provides a written determination that a subsequent NOID is not legally required for, any proposed minor deviations.

- 2. Final Cooperative Maintenance Agreement.** PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, SANDAG shall submit for the review and written approval of the Executive Director, a Final Cooperative Maintenance Agreement with the City of Encinitas for portions of the trail that are within its jurisdiction.

## **IV. FINDINGS AND DECLARATIONS**

### **A. PROJECT DESCRIPTION & BACKGROUND**

The NCC PWP/TREP is comprised of a plan and implementation schedule for a series of rail, highway, transit, bicycle, pedestrian, and resource enhancement projects to improve mobility and access to coastal recreational resources in the corridor, from La Jolla to Oceanside, extending approximately 27 miles. More specifically, the NCC PWP/TREP includes widening of Interstate-5 to accommodate four new HOV lanes, double tracking of the LOSSAN rail corridor, Enhanced Coastal Bus and a Bus Rapid Transit service, a new 27 mile NCC Bikeway that would provide non-motorized connectivity through the corridor, completion of 7 miles of the Coastal Rail Trail, other shorter connections to existing trail networks and transit stations, and resource enhancement projects (e.g., San Elijo Lagoon Restoration Project) to mitigate for impacts arising from some of these transportation projects. The primary goal for these transportation projects is to move people more efficiently through a more coordinated and connected suite of transportation options that will encourage alternate modes of travel other than the single occupancy vehicle (SOV). This would result in an anticipated transit mode share (percentage of travelers using transportation modes other than SOVs) shift away from the existing 2-3% condition to a 10-15% transit mode share.

At this time, SANDAG is requesting review of the NOID for construction of an approximately 0.5-mile segment of the Coastal Rail Trail along the east side of the rail corridor in the City of Encinitas, extending from Santa Fe Drive to 175 ft. south of F Street to the north. In addition to construction of a new Class I shared-

use bicycle and pedestrian path,<sup>2</sup> the proposed project includes modifications necessary to accommodate the new path, including a new crosswalk at I Street, relocation and installation of signage, relocation of existing utilities, drainage improvements, two new retaining walls, and a 4 ft. high post-and-cable fence. The proposed segment would connect with the northern terminus of the 1.3-mile segment of the Coastal Rail Trail in the community of Cardiff by the Sea (Cardiff), which extends from Chesterfield Drive to Santa Fe Drive (Exhibit 5). The Cardiff segment was approved by the Commission in May 2017 (NOID No. NCC-NOID-0001-17), and has been a popular coastal trail since its opening in 2019.

The Coastal Rail Trail is required by the NCC PWP/TREP to be located within or immediately adjacent to the LOSSAN right of way (ROW); the proposed project is located on the east side of the rail corridor, which is consistent with the alignment for the project as authorized in the NCC PWP/TREP.

The NCC PWP/TREP specifically calls for a new facility to be constructed to offset impacts associated with widening of I-5. Currently, within the rail ROW, there is a narrow informal dirt walking trail between Santa Fe Drive and F Street. The proposed segment is considered a new trail because the project will create a new Class I shared-use bike and pedestrian facility where currently none exists. Construction of the proposed project will formalize access and allow people to walk and bike by providing a safe environment to do so, fully separated from both vehicle traffic and the rail corridor. The continuation of the Encinitas Coastal Rail Trail from Santa Fe Drive to F Street will significantly improve mobility and safety over existing conditions for both pedestrians and bicyclists.

The trail would be paved and 12 feet in width with 2-foot wide shoulders, for a total paved width of 16 feet. A 4-foot tall post and tensioned cable fence would be located along the shoulder west of the trail within North County Transit District's (NCTD) ROW. A 4-foot high metal swinging gate would be installed at the end of NCTD's existing dirt access road at the north end of the project limits, south of the existing parking lot, with the fence extending south from the gate to separate the trail and the NCTD service road (Exhibit 3).

Various existing trees and signage conflicting with the trail alignment would be removed, replaced, and/or relocated. Disturbed areas would be revegetated with a drought-tolerant, native hydroseed mix. The proposed project has been designed to maintain clearance from an existing gas main that runs north to south in the project area, and it has also been designed to avoid an existing San Diego Gas and Electric power pole.

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<sup>2</sup> A Class I bikeway or shared-use path is a trail or path whose right of way is exclusively reserved for pedestrians and cyclists that is fully separated from the roadway.

Pedestrian crossings would be incorporated into the proposed project, including utilizing the existing rectangular rapid flash beacon (RRFB) and crosswalk at F Street and adding a new pedestrian crossing and RRFB on South Vulcan Avenue, which would be located at the south side of the I Street intersection and would connect to the pedestrian ramp and trail.

Currently, the proposed project area is sloped down from the South Vulcan Avenue roadway to the tracks. A narrow, informal dirt trail runs through the length of the project area (Exhibit 4). The entire span of the proposed trail would be graded to slope to the east, directing the trail runoff away from the rail tracks and into a 2-foot wide infiltration trench. The trench would be constructed on the east side of the entire trail, with the exception of the high point, and would terminate at proposed catch basins, which would provide stormwater treatment. Drainage improvements on South Vulcan Avenue would include new curb inlets, storm drain piping, and repairs to damaged portions of the asphalt berm along the road. Stormwater would be collected at the two existing low points along South Vulcan Avenue and routed through new reinforced concrete pipes to the existing storm drain outlet southwest at the low point of the trail.

A 3-ft tall, 55-ft long retaining wall is proposed at the low point of the trail on the east side along South Vulcan Avenue to support an existing storm drain outlet routed to the southwest. A second 3 ft tall, 100 ft long retaining wall is proposed along the pedestrian connection starting at I Street where the crosswalk perpendicularly abuts the remainder of the project area.

The project would generally follow the existing terrain, but fill is proposed to be added in several locations, such as where the trail alignment meets the existing South Vulcan roadway at the I Street Crossing, and adjacent to an existing 12 ft gas main, which runs through the length of the project area. There would be total of 2,400 cubic yards of fill, with 1,300 cubic yards of excavation within the project area and 1,100 cubic yards of imported soil.

The project design, including trail size, fencing materials and size, revegetation plan, and signage, is in alignment with the previously approved Cardiff segment of the Coastal Rail Trail (Notice of Impending Development NCC-NOID-0001-17).

The Coastal Rail Trail is a dedicated bicycle facility in the region's coastal corridor, with most segments in or directly adjacent to the LOSSAN rail ROW. It is partially completed within the corridor, with varying levels of progress in each city of the NCC. Once fully completed, the Coastal Rail Trail would provide a continuous north-south bicycle route, mostly comprised of Class I facilities, through the NCC, with direct access to coastal resources and recreational facilities and an additional option for non-motorized travel along the coast.

The standard of review for the subject NOID is consistency with the NCC PWP/TREP. SANDAG has submitted a Consistency Analysis that explains how this

NOID conforms to the following sections of Chapter 5 of the NCC PWP/TREP: Public Access and Recreation, Water Quality, Visual Resources, and Environmentally Sensitive Habitat Area (ESHA) policies. The Commission finds that the subject NOID has incorporated all applicable design/development strategies (DDS) and implementation measures (IM) of the NCC PWP/TREP, and as conditioned, is consistent with the NCC PWP/TREP as discussed in greater detail in the findings sections below.

## **B. PUBLIC ACCESS AND RECREATION**

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.

In addition, Chapter 5.3 of the NCC PWP/TREP (Public Access and Recreation) discusses a number of specific multimodal improvement projects that are included as part of the NCC PWP/TREP to enhance public access to and along coastal and upland recreational areas in the NCC. Page 5.3-1 of the NCC PWP/TREP lists these improvements, including:

- Improve access to and along coastal and upland recreation areas for all users, including transit and non-motorized modes.
- Add over 28 miles of new bicycle and pedestrian facilities.
- Close many important gaps in regional and local bicycle networks

The proposed project would significantly enhance public access to and along the coast by providing a new north-south bicycle and pedestrian trail that would connect the community of Cardiff and downtown Encinitas, as well as connect with other forms of alternative transportation, including the Encinitas Coaster Train Station and NCTD's Bus Station located along South Vulcan Avenue. Bicyclists and pedestrians will also enjoy improved access across South Vulcan Avenue as a result of the proposed crosswalk at I Street. The proposed segment would connect to the existing Cardiff segment to the south, providing a new, continuous trail that would be easy for both pedestrians and bicyclists to navigate. The addition of a new trail would encourage more people to use active transportation modes (walking and bicycling), instead of driving, which would be consistent with the community character of downtown Encinitas where many people walk and bike to work, the Encinitas Coaster and Bus Station, the beach, shops and restaurants, as well as for exercise and recreational purposes.

Concerns were raised during the planning process of the Cardiff segment regarding the installation of a fence that would preclude the public from crossing the rail tracks to access the beach. The fence was included as part of the project

at the request of NCTD, which owns the rail ROW, to ensure public safety. For the Cardiff segment, SANDAG worked with the City of Encinitas and NCTD to design a fence that is low scale and visually permeable (4 ft. high with tensioned cables) to avoid impacts to public views of the ocean from San Elijo Avenue. In order to facilitate safe pedestrian access to the coast and to minimize illegal crossing of the railroad tracks, the proposed project alignment also includes 4 ft. high fencing with tensioned cables and is designed to connect with an existing below-grade pedestrian rail crossing at Santa Fe Drive to the south. This would allow beachgoers, as well as pedestrians and bicyclists to cross the tracks safely.

Finally, the proposed project will not result in the removal of any parking spaces or vehicle lanes since the trail is located to the east of the railroad tracks and primarily within the rail ROW, where there are not any existing parking spaces or vehicle lanes. Thus, the improvements to pedestrian and bicycle access and mobility will not come at the expense of other modes.

Therefore, the Commission finds that the subject NOID is consistent with the public access and recreation policies, design/development strategies, and implementation measures included in Section 5.5.3 (Public Access and Recreation) of the NCC PWP/TREP.

### **C. WATER QUALITY**

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.

Design/Development Strategy 21 in Chapter 5.4 of the NCC PWP/TREP states:

Development shall treat runoff from proposed additional project surfaces, and shall 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.

Implementation Measure 5.4.15 of the NCC PWP/TREP states:

Stormwater outfalls shall be sited, designed, and managed to minimize the adverse impacts of discharging concentrated flows of stormwater or dry weather runoff into coastal waters, intertidal areas, beaches, bluffs, or stream banks. Runoff control/dissipater features shall be located and designed to convey and discharge runoff to waterways in a non-erosive

manner. Soft options for runoff control/dissipater features shall be used, where feasible.

The project will include drainage improvements to prevent and/or maintain limited runoff toward the railroad tracks to avoid erosion. These drainage improvements include installation of curb inlets, storm drain piping, and berm repair on South Vulcan Avenue. With these improvements, stormwater will be collected at the two existing low points along South Vulcan Avenue and routed through various proposed reinforced concrete piping to the existing storm drain outlet southwest at the low point of the trail with energy dissipation. The entire trail will be sloped to the east, directing the trail runoff away from the rail tracks and into a 2-foot wide infiltration trench. The infiltration trench will run north to south on the east side of the entire trail, with the exception of the high point, and terminate at proposed catch basins, which would provide stormwater treatment, consistent with the requirements of IM 5.4.15 and DDS 21. The proposed segment does not include any roadway improvements and therefore no water quality treatment of the adjacent roadway is included. Commission water quality staff reviewed the preliminary drainage plans and found them consistent with the water quality policies of the NCC PWP/TREP; however, **Special Condition No. 1** requires SANDAG to submit final water quality plans, including a Storm Water Pollution Prevention Plan and construction-phase BMPs, for Commission review and approval prior to the commencement of construction.

Therefore, the Commission finds that the subject NOID, as conditioned, is consistent with the applicable policies, design/development strategies, and implementation measures included in Section 5.5.4 (Marine Resources: Water Quality and Wetlands) of the NCC PWP/TREP.

#### **D. VISUAL RESOURCES**

Policy 5.7.1 of the NCC PWP/TREP states:

Development of NCC transportation facility and community enhancement projects shall be sited and designed in a manner that protects, to the maximum extent feasible, public views to significant coastal resources, including views of the ocean and coastline, coastal lagoons and river valleys, and significant open space areas. New development shall be sited and designed to be compatible with existing development and surrounding areas such that the impacts of grading, operational activities and direct lighting on public views outside of the transportation facilities and community enhancement improvements are limited to the maximum extent feasible.

Design/Development Strategy 3 in Chapter 5.7 (Coastal Visual Resources) of the NCC PWP/TREP states in part:

NOID submittals including community enhancement projects shall include the cooperative maintenance agreement with the affected city.

Design/Development Strategy 4 in Chapter 5.7 (Coastal Visual Resources) of the NCC PWP/TREP states:

Appropriate types of fencing shall be considered in the development of the final project designs and shall include use of see-through bridge rails and visually permeable fencing, where appropriate, including consideration of noise impacts on wildlife, and low-profile safety barriers between pedestrian and transportation uses, where necessary and feasible.

Design/Development Strategy 5 in Chapter 5.7 (Coastal Visual Resources) of the NCC PWP/TREP states:

Design solutions shall be considered in the development of the final project designs to integrate transportation infrastructure into existing landscapes and enhance project appearance to minimize visual impacts. Where feasible, design solutions may include, but not be limited to:

- Grading shall be designed to minimize landform alteration and removal of significant vegetation. Grading and ground disturbance shall be the minimum necessary to construct proposed improvements [...]
- Where at-grade or depressed route segments pass through or along the edge of residential areas or heavily traveled roadways, landscape treatments such as trees, shrubs, and groundcover could be installed along the edge of the right-of-way to provide partial screening and to visually integrate the right-of-way into the surrounding context provided that the subject landscaping does not block existing public coastal views. [...]
- Areas that are disturbed by cut, fill or grading shall be seeded or planted, such that these areas will blend with the surrounding vegetated areas. Landscaping plans shall include only species native to Southern California such that the proposed planted areas will be compatible with surrounding natural and manmade areas. Native vegetation shall be placed in appropriate locations and densities consistent with adjacent natural settings. Appropriate native species shall also be used adjacent to developed and landscaped areas; however, steep areas of cut in rock may not be able to support plants.

Fencing is proposed to be installed on the west side of the shoulder of the trail between Santa Fe Drive and F street. A 4-ft. high post and cable fence will be installed along the trail alignment, similar to what was installed at the Santa Fe Drive undercrossing and Cardiff segment of the Coastal Rail Trail. The inclusion of fencing is consistent with Design/Development Strategy 4 in Chapter 5.7 (DDS4), which describes the use of visually permeable fencing for specific

projects included in the NCC PWP/TREP. During the Coastal Rail Trail planning process, a 6-ft. high welded steel fence was proposed by NCTD; however, opposition from the community resulted in additional coordination among NCTD, SANDAG, and the City to design a 4-ft. high post and cable fence that is visually permeable, as required by DDS4. Public ocean views exist only at the southern extent of the project area near the Santa Fe undercrossing and would not be impacted by the proposed fencing. The proposed fencing is therefore consistent with Policy 5.7.1.

A retaining head wall approximately three feet in height and spanning 55 feet is proposed at the low point of the trail on the east side along South Vulcan Avenue to support an existing storm drain outlet routed to the southwest. A second retaining wall is proposed along the pedestrian connection starting at I Street where the crosswalk perpendicularly abuts the remainder of the project area. This retaining wall would be approximately three feet in height and will run 100 feet north to meet with the high point of the trail. Due to their low height and design, the proposed retaining walls will not impact coastal vistas, consistent with DDS4.

The project would generally follow the existing terrain, but fill is proposed to be placed at certain locations, such as where the trail alignment meets the existing roadway at the I Street Crossing, and fill is proposed to avoid excavation adjacent to an existing 12 inch diameter gas main which runs through the length of the project area. The estimated earthwork quantities are 1,300 cubic yards of excavation and 1,100 cubic yards of imported soil; the resulting 2,400 cubic yards of material will be used within the trail alignment. The amount of cut and fill have been minimized and conformity with existing terrain was maximized, such that the project is consistent with DDS5.

Currently, the east side of the rail corridor, where project impacts are proposed to occur, is comprised of bare ground and large patches of vegetation; however, that vegetation is fragmented and contains mostly non-native plant species, such as ice plant. All areas disturbed throughout construction will be revegetated with a native, drought-tolerant seed mix and landscape rocks, thus avoiding public view impacts.

**Special Condition No. 2** requires SANDAG to submit a final Cooperative Maintenance Agreement signed by SANDAG and the City of Encinitas prior to commencement of construction, consistent with DDS3.

Therefore, the Commission finds that the subject NOID is consistent with the visual resource policies, design/development strategies, and implementation measures included in Section 5.5.7 (Coastal Visual Resources) of the NCC PWP/TREP.

## **E. ENVIRONMENTALLY SENSITIVE HABITAT AREAS**

ESHA Design/Development Strategy 1 of the NCC PWP/TREP states:

The project-level analysis for potential impacts of new transportation improvements and associated community and resource enhancements improvements on EHSAs and special-status species shall be conducted and subject to review during subsequent project-specific Federal Consistency, NOID, or Coastal Development Permit Reviews to assess and identify all potential permanent or temporary impacts to ESHAs and special-status species and appropriate mitigation measures to ensure project consistency with Coastal Act Section 30240.

Policy 5.5.1 of the NCC PWP/TREP states:

Development of NCC transportation facility and community enhancement projects shall be sited and designed to ensure that ESHAs are protected against any significant disruption of habitat values. Development in areas adjacent to ESHA shall be sited and designed to prevent impacts that would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Implementation Measure 5.5.3 of the NCC PWP/TREP states, in part:

All efforts shall be made to eradicate invasive plant species. During project construction, all invasive species included on National Invasive Species Management Plan, the State of California Noxious Weed List, and the California Invasive Plant Council's (Cal-IPC) Invasive Plant Inventory list found growing within the project right-of-way would be removed.

Consistent with Design/Development Strategy (DDS) 1, in the Commission's review of each NOID subject to the NCC PWP/TREP, project-level analysis must be conducted "to assess and identify all potential permanent or temporary impacts to ESHAs and special-status species and appropriate mitigation measures." Consistent with DDS 3, in order to determine that development identified in a NOID is consistent with the NCC PWP/TREP, the Commission must find that impact reduction measures will "fully mitigate impacts pursuant to the REMP."

Notwithstanding the language in Policy 5.5.1 requiring that ESHAs be protected against significant disruption of habitat values, the NCC PWP/TREP as a whole anticipates that "approximately 64-74 acres of native upland habitat . . . would be directly impacted by the [whole] project" and the design/development strategies cited above allow for such impacts where they are an unavoidable consequence of the projects authorized by the NCC PWP/TREP, provided such impacts are fully mitigated. In its findings to approve the original NCC PWP/TREP in 2014,

the Commission found that although impacts to ESHA would result from transportation improvements and associated development (including drainage improvements), which are not listed as allowable uses under Section 30240, denying the NCC PWP/TREP because of this inconsistency would have been inconsistent with mandates of other Coastal Act policies. The Commission found that denial of the NCC PWP/TREP improvements (i.e., public transit improvements, bicycle and trail improvements, carpool lanes, lagoon restorations, and habitat restorations) would have resulted in significant adverse impacts to public access, biological resources, water quality, and air quality due to the persistence of the antiquated transportation system along San Diego County's North Coast Corridor. Thus, the Commission applied the conflict resolution provisions of Coastal Act Sections 30007.5 and 30200(b), and it found that approval of the NCC PWP/TREP, notwithstanding its inconsistencies with Coastal Act Sections 30233 and 30240, was on balance, most protective of significant coastal resources.

According to the Natural Environment Study (NES) for the project (Caltrans, July 2017), the project area consists almost entirely of disturbed land. However, two small fragments of undisturbed diegan coastal sage scrub (CSS) were mapped in the project area, and permanent and temporary impacts to CSS are proposed to be 0.03 and 0.08 acres, respectively. Temporary impacts within the proposed project area, which were mapped as disturbed land, were proposed to be reseeded with native species upon completion of construction, resulting in a net gain of native vegetation. However, the NES noted that re-seeding of temporarily impacted CSS was unlikely to succeed due to the presence of other invasive species in and near the project area and the NES suggested that both temporary and permanent impacts to CSS be mitigated off-site. Commission staff concur with the NES's findings, and SANDAG agreed to revise the project to mitigate all temporary and permanent impacts (0.11 acres) to CSS off-site at the Dean mitigation site at a 1:1 ratio, consistent with DDS 1. Because advance mitigation was already completed at the Dean mitigation site, there will be no temporal loss to habitat.

The NCC PWP/TREP requires projects to salvage native plants, remove invasive plant species, and revegetate with native species. Although approximately three acres of existing disturbed/non-native vegetation would be permanently removed to accommodate the project, the remaining vegetation adjacent to the Coastal Rail Trail would be enhanced through the removal of non-native plants and the addition of native plants (4.87 acres of reseeded) as part of the landscaping associated with the project.

Therefore, the Commission finds that the subject NOID is consistent with the biological resource policies, design/development strategies, and implementation measures included in Section 5.5.5 (Environmentally Sensitive Habitat Areas and Special-Status Species) of the NCC PWP/TREP.

## **F. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

Caltrans is the CEQA lead agency for the proposed project. In July 2017, Caltrans found that the project is statutorily exempt from CEQA under Public Resources Code sections 21080.5(c) and 21080.9.

As an agency with a certified regulatory program under CEQA Section 21080.5, the Commission must consider alternatives and mitigation measures that would substantially lessen any significant adverse environmental effects that the proposal would otherwise have on the environment. Section 21080.5(d)(2)(A) prohibits the Commission from approving proposed development if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. As conditioned, there are no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact that the activities may have on the environment. Therefore, the Commission finds that the NOID, as conditioned, is consistent with CEQA.

## **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-16-0006-2
- Noticed of Impending Development No. NCC-NOID-0001-17
- Coastal Rail Trail Project Study Report (October 2000)
- Final Mitigated Negative Declaration Coastal Rail Trail Project Oceanside to Del Mar, (April 2001)
- Natural Environment Study (Minimal Impacts): Coastal Rail Trail – Encinitas Segment (July 2017)