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DATE: February 18, 2022

TO: Coastal Commissioners and Interested Persons

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Subject: **Notice of Impending Development No. NCC-NOID-0001-22 (Carmel Valley Bike Trail Connection)** for Public Hearing and Commission Action at the March 9, 2022, Commission Meeting

SUMMARY OF STAFF RECOMMENDATION

The subject Notice of Impending Development (NOID) was submitted by the California Department of Transportation (Caltrans) in preliminary form on November 24, 2021, and, after submittal of additional materials, was filed as complete on February 8, 2022.

Caltrans is requesting review of the NOID for construction of a 1.23-mile-long, 12 ft-wide shared-use bicycle (bike) and pedestrian path under Interstate 5 (I-5) that would connect Old Sorrento Valley Road along Los Peñasquitos Lagoon to an existing bike trail along State Route 56 (SR-56) in the City of San Diego ([Exhibit 2](#)). This connection would provide access to the lagoon and ocean and create a link between three regional trail systems (Sea-to-Sea Trail from the Salton Sea to the Pacific Ocean, Old Sorrento Valley Road trail, and Carmel Valley Restoration Enhancement Project trail) and the future Carmel Valley park-and-ride trailhead. The proposed project also includes operational improvements to paved areas of I-5 between the Sorrento Valley Viaduct and the Del Mar Heights interchange.

The bike/pedestrian path was included as a community enhancement in the certified North Coast Corridor Public Works Plan and Transportation and Resource Enhancement Program (NCC PWP/TREP), a comprehensive program of transportation, community, and resource enhancement projects along the Los Angeles – San Diego – San Luis Obispo (LOSSAN) rail line and I-5, within the North Coast Corridor (NCC) ([Exhibit 1](#)). The NCC spans 27 miles along the San

Diego County coastline from La Jolla to Oceanside. Jointly prepared by Caltrans and the San Diego Association of Governments (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 0.11 acres of permanent impacts to coastal sage scrub (CSS), as well as 0.30 acres of temporary impacts and 0.48 acres of permanent impacts to coastal wetlands. In its initial review and approval of the NCC PWP/TREP, the Commission recognized that impacts to ESHA and wetlands 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 (REMP), Caltrans proposes to mitigate the permanent CSS impacts off-site at a ratio of 1:1 through habitat establishment and restoration activities that have already been completed at the Deer Canyon II Upland mitigation site. Caltrans proposes to mitigate the permanent impacts to coastal wetlands off-site at a ratio of 1:1 through habitat establishment and restoration activities that have already been completed at the Hallmark East and West mitigation sites. Temporary impacts to wetland areas are proposed to be mitigated on-site at a ratio of 1:1 via revegetation with native species. Thus, the mitigation is designed to ensure there will be no temporal loss of habitat area.

The project is located adjacent to Carmel Valley Creek within Los Peñasquitos Lagoon, a high-risk Critical Coastal Area that is impaired for sediment. Given the project's location, it will comply with the requirements of the Los Peñasquitos Lagoon Sediment Total Maximum Daily Load requirements (TMDL).¹ The project is also subject to the National Pollutant Discharge Elimination System (NPDES) General Permit² for Storm Water Discharges associated with construction and land disturbance activities, and would require a Stormwater Pollution Prevention Plan (SWPPP) because the disturbed soil area is greater than one acre.

The SWPPP will be prepared by the contractor once a contractor has been selected. Water quality staff have concluded that this project may need additional water quality protection measures, which will be determined by the review of the Storm Water Pollution Prevention Plan (SWPPP), the hydraulic studies that support the project's drainage design and the Storm Water Data Report (SWDR)

¹ San Diego Regional Water Quality Control Board Resolution No. R9-2012-0033

² Order 99-06-DWQ

for the runoff treatment strategy, to ensure that these measures are sufficient to prevent degradation of coastal resources, as this project is within proximity to the Los Peñasquitos Lagoon Critical Coastal Area. As there are no proposed treatment BMPs for this project, LID site design for this project will be essential to ensure that the project will not further degrade the Los Peñasquitos Lagoon.

Therefore, **Special Condition No. 1** requires Caltrans to submit final project plans, including a Storm Water Pollution Prevention Plan (SWPPP) and Location Hydraulic Study, for Commission review and approval prior to commencement of construction. The Final Plans and SWPPP will show how a Low Impact Development approach and BMP implementation will minimize potential short-term increases in sediment transport caused by construction. A spill prevention and emergency response plan will be provided in the SWPPP, which will identify protection of water quality through effective construction BMP's.

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 Shannon Fiala at shannon.fiala@coastal.ca.gov.

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I. PROCEDURAL ISSUES

PUBLIC WORKS PLAN BACKGROUND AND HISTORY

Section 30114 of the Coastal Act defines public works to include, among other things, the following:

(b) All public transportation facilities, including streets, roads, highways, public parking lots and structures, ports, harbors, airports, railroads, and mass transit facilities and stations, bridges, trolley wires, and other related facilities. (...)

(c) All publicly financed recreational facilities, all projects of the State Coastal Conservancy, and any development by a special district.

Section 30605 of the Coastal Act states, in part:

To promote greater efficiency for the planning of any public works (...) and as an alternative to project-by-project review, plans for public works (...) may be submitted to the commission for review in the same manner prescribed for the review of local coastal programs set forth in Chapter 6 (commencing with Section 30500).

A Public Works Plan (PWP) is one of the alternatives available to the Commission and project proponents for Commission review of large or phased public works projects and remains under the authority of the Commission irrespective of coastal permitting jurisdictional boundaries. A PWP is an alternative to project-by-project review for public works (which, in the case of the overarching plan of which the current proposal is a part, would require multiple coastal development permits 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")³ was approved by the Commission on August 13, 2014.

³ 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

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 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.

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 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-0001-22, 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-0001-22, 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-0001-22, 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 water quality plans, specifically, a Storm

Water Pollution Prevention Plan and Location Hydraulic Study, that substantially conform with the plans submitted to the Commission titled 'Project Plans for Construction on State Highway in San Diego County from 0.4 Mile South of Sorrento Valley Road to 0.2 Mile North of Del Mar Heights Road Overcrossing', dated July 30, 2021. The Final Plans and SWPPP shall demonstrate how a Low Impact Development approach and BMP implementation will minimize potential short-term increases in sediment transport caused by construction. A spill prevention and emergency response plan shall be provided in the SWPPP, which will identify protection of water quality through effective construction BMP's.

Caltrans 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.

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 ([Exhibit 1](#)). More specifically, the NCC PWP/TREP includes widening of I-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 roughly parallel to the highway located partially in the I-5 right-of-way and partially on adjacent city streets, completion of seven 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 single occupancy vehicles.

At this time, Caltrans is requesting review of the NOID for construction of a 1.23-mile-long bike and pedestrian path connection between Old Sorrento Valley Road on the west side of the I-5/SR-56 interchange and an existing path along SR-56 on the east side of the I-5/SR-56 interchange ([Exhibit 2](#)). The subject bike and pedestrian path connection was identified as a community enhancement project⁴ in the NCC PWP/TREP, approved by the Commission in 2014, and will

⁴ See NCC PWP/TREP Section 4.4.5.1 City of San Diego: SD#2A Carmel Valley Bicycle/Pedestrian Enhanced Trail Connection: A 1.23-mile long, 12-foot-wide trail connection

comprise a segment of the NCC Bikeway. The subject development will involve the following components: constructing a Class I⁵ shared use, 12-foot wide concrete and asphalt path; relocating a San Diego Gas & Electric utility line that conflicts with the new bike path alignment; installing signs and striping for the path; installing North Coast Trail wayfinding signage on local streets in the City of San Diego from Roselle Street to Carmel Valley Road to link the SR-56 bike path with the I-5 Genesee shared use trail; constructing slope paving between the proposed bike path and the Carmel Creek Bridge abutment; reconstructing a segment of the existing Old Sorrento Valley Road to accommodate the trail connection; removing and replacing existing rock slope protection at two culvert outlets east of the I-5 (North Bound) /SR-56 (East Bound) Connector Bridge with an addition of 200 cubic feet of rock slope protection; planting and seeding disturbed areas with native wetland species; installing lodge pole fencing and gates to prevent trail users from accessing sensitive habitat, and to accommodate wildlife movement; and installing unobtrusive path lighting for safety and to avoid potential impacts to wildlife. See [Exhibit 3](#) for Project Plans and [Exhibit 4](#) for Site Photos.

In addition to construction of a new Class I shared-use bicycle and pedestrian path, the proposed project includes operational improvements to I-5, which were originally going to be permitted as a separate project, but the two projects have since been combined. The operational improvements include installing rumble strips on the inside and outside shoulders within the project limits; repaving a small portion of Old Sorrento Valley Road near the bike path; repaving inside shoulder of northbound I-5 truck bypass lane; replacing and relocating two existing utility poles within a few feet of their original location north of Carmel Valley Road and at Del Mar Heights Road; and replacing the two closed circuit television cameras on each pole; installing surveillance and detection system cameras for traffic signal operations on existing structures at six locations; installing fiber optic cable along the northbound outside shoulder; and updating shoulder striping to current standards. The operational improvements will occur in paved or previously developed areas, with some limited work at the Del Mar Heights interchange for electrical connections; the operational improvements are not expected to have coastal resource impacts.

under the I-5 freeway structures would link the existing Old Sorrento Valley Road along Peñasquitos Lagoon easterly to the existing SR 56 bike path, providing access to the lagoon and to the ocean and creating a link between three regional trail systems (the Sea-to-Sea Trail from the Salton Sea to the Pacific Ocean, the existing Old Sorrento Valley Road trail, and the Carmel Valley Restoration Enhancement Project trail) and to the proposed Carmel Valley park-and-ride trailhead. The project would include removal of sediment under freeway bridges to promote movement of wildlife.

⁵ 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.

The standard of review for the subject NOID is consistency with the NCC PWP/TREP. Caltrans has submitted a Consistency Analysis that explains how this NOID conforms to the following sections of Chapter 5 of the NCC PWP/TREP: Energy Conservation, Public Access and Recreation, Water Quality and Marine Resources, Environmentally Sensitive Habitat Area (ESHA), Archaeological and Paleontological Resources, Visual Resources, and Site Stability Management 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.

DDS 5 in Section 5.3 of the NCC PWP/TREP states:

Caltrans/SANDAG will conduct ongoing coordination with the affected local jurisdiction/s regarding project design for each specific development project. Public signage and educational materials will be provided for future public access and community enhancement projects, which will include public educational measures to ensure that users are aware of temporary impacts that may be present due to construction, and to identify new public access components that are completed as a part of the PWP/TREP.

Implementation Measure (IM) 5.3.1 of the NCC PWP/TREP states:

NOID submittals for individual highway, rail station and pedestrian crossings, transit and community enhancement projects should include a final construction schedule identifying dates for project construction which should be scheduled, to the maximum extent feasible, to avoid adverse effects on traffic flow on I-5 and local arterials by closure of no more than one lane in either direction of I-5 during peak travel hours.

In addition, Section 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, in connection with other projects included in the NCC PWP/TREP, will ensure maximum public access to and along coastal and inland resources is protected and enhanced, consistent with NCC PWP/TREP Policy 5.3.1. By connecting Old Sorrento Valley Road to the existing bike trail along the south side of SR-56, the project will encourage bike use to access coastal resources, including the Los Peñasquitos Lagoon and Pacific Ocean. The trail connection will also help to provide a continuous network of regional bike trails by linking the Sea-to-Sea Trail (that from the Salton Sea to the Pacific Ocean), Old Sorrento Valley Road trail, and Carmel Valley Restoration Enhancement Project trail. As such, the proposed project would improve the corridor's existing transportation network and thereby, maintain access to and along the coast and upland recreation areas, and enhance coastal access and recreation opportunities and facilities.

As described in Design/Development Strategy (DDS) 4, this bicycle crossing was designed and will be constructed in compliance with all applicable local, state, and federal standards, including the Americans with Disabilities Act (ADA). The proposed path is a Class I, shared-use, 12-foot-wide concrete and asphalt pathway and includes lodge pole fencing and gates as well as path lighting for safety. The project also includes the installation of signage, rumble strips, closed circuit television cameras, and surveillance and detection system cameras for traffic signal operations, which all increase safety and ease of use.

DDS 5 requires coordination efforts with affected local jurisdictions. Caltrans has conducted numerous outreach efforts, including the development and implementation of the Public Awareness Campaign (PAC), which has been developed in coordination with SANDAG and NCC cities. As part of the PAC, signage and educational materials are under development to identify access routes available during construction activities, as well as new public access improvements to be constructed. The project also includes the installation of North Coast Trail wayfinding signage on local City of San Diego streets, from Roselle Street to Carmel Valley Road, to link the SR-56 bike path with the I-5 Genesee shared-use trail.

Implementation Measure (IM) 5.3.1 requires a project-specific, final construction schedule identifying dates of construction and planned road/access closures. There are two locations proposed for staging and storage of materials for this project: a bare area west of Old Sorrento Valley Road under the SR-56 / I-5 Connector and a disturbed shoulder area east of the northbound I-5 / SR-56 bypass. Construction access to the proposed project area will be available from Old Sorrento Valley Road, I-5 northbound and El Camino Real. Expected storage

materials in the contractor use area are k-rail, fence, rocks, construction equipment, etc. The project is expected to be completed within six months and is proposed to be staged and scheduled to avoid adverse public access effects to the maximum extent feasible. Neither Old Sorrento Valley Road nor the existing SR-56 bike trail will be closed during construction, so all existing vehicle, bicycle, and pedestrian access will be maintained throughout construction.

Finally, the proposed project will not result in the removal of any parking spaces or vehicle lanes since the trail is located under the I-5 / SR-56 interchange, 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 AND MARINE RESOURCES

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 26 in Chapter 5.4 of the NCC PWP/TREP states:

Each request for authorization to proceed with any development identified by the PWP/TREP shall include a demonstration of the means and commitment to implement concurrently with construction, and maintain for the life of the project, all water quality protection and improvement strategies designed for the specific project.

Implementation Measure 5.4.17 of the NCC PWP/TREP states:

All BMPs shall be inspected, maintained, operated, and managed to ensure water quality permit requirements are met for the life of the development.

Implementation Measure 5.4.18 of the NCC PWP/TREP states:

All post-construction treatment control BMPs and ancillary drainage features shall be inspected annually. Records of inspection and maintenance of post-construction treatment control BMPs and the operation of source control BMPs within the PWP/TREP boundaries shall be submitted annually to the CCC.

The proposed project shall be sited, designed, and managed to avoid adverse impacts from stormwater or dry weather runoff to Environmentally Sensitive Habitat Areas (ESHAs) and the proposed trail connection will not result in a net increase in impervious surfaces within the project area. However, water quality staff recommend all development give precedence to a Low Impact Development (LID) approach. The LID approach to stormwater management aims to replicate the site's natural hydrologic balance that emphasizes site design strategies that protect the site's natural capacity to retain stormwater, integrated with small-scale distributed Best Management Practices (BMPs) that rely on on-site infiltration, evapotranspiration, harvesting, detention, and/or retention of runoff. The landscaping and planting plans will only use species native to southern California, specifically coastal sage scrub, and riparian or wetland species and no landscaping chemicals are proposed to be used.

The project's total disturbed soil area is 2.2 acres, and the project is located adjacent to Carmel Valley Creek within Los Peñasquitos Lagoon, a high-risk Critical Coastal Area that is impaired for sediment. Given the project's location, it will comply with the requirements of the Los Peñasquitos Lagoon Sediment Total Maximum Daily Load requirements (TMDL).⁶ The project is also subject to the National Pollutant Discharge Elimination System (NPDES) General Permit⁷ for Storm Water Discharges associated with construction and land disturbance activities, and would require a Stormwater Pollution Prevention Plan (SWPPP) because the disturbed soil area is greater than one acre.

The SWPPP will be prepared by the contractor once a contractor has been selected. The SWPPP will describe general non-stormwater management Best Management Practices (BMPs), as well as temporary construction BMPs, including waste management and materials pollution control. The project is not required to install Permanent Treatment BMPs because it will result in .05 acres of new impervious surface, which is less than the NPDES Permit threshold of one acre; however, design pollution prevention BMP strategies are recommended to promote the establishment of vegetation in the disturbed areas of the project. As proposed, there are no vegetated stormwater basins, vegetated filter strips, vegetated swales, or other natural drainage features as part of the project.

⁶ San Diego Regional Water Quality Control Board Resolution No. R9-2012-0033

⁷ Order 99-06-DWQ

During construction, development is proposed to avoid the use of temporary rolled erosion and sediment control products that incorporate heavy-duty plastic netting, to minimize wildlife entanglement and plastic debris pollution. When no longer required, temporary sediment and erosion control BMPs shall be removed. Construction BMPs shall be implemented for all maintenance and construction activities in accordance with the Statewide Storm Water Management Plan (SWMP).

Water quality staff have concluded that this project may need additional water quality protection measures, which will be determined by the review of the Storm Water Pollution Prevention Plan (SWPPP), the hydraulic studies that support the project's drainage design and the Storm Water Data Report (SWDR) for the runoff treatment strategy, to ensure that these measures are sufficient to prevent degradation of coastal resources, as this project is within proximity to the Los Peñasquitos Lagoon Critical Coastal Area. As there are no proposed treatment BMPs for this project, LID site design for this project will be essential to ensure that the project will not further degrade the Los Peñasquitos Lagoon.

Therefore, **Special Condition No. 1** requires Caltrans to submit final project plans, including a Storm Water Pollution Prevention Plan (SWPPP) and Location Hydraulic Study, for Commission review and approval prior to commencement of construction. The Final Plans and SWPPP will show how a Low Impact Development approach and BMP implementation will minimize potential short-term increases in sediment transport caused by construction. A spill prevention and emergency response plan will be provided in the SWPPP, which will identify protection of water quality through effective construction BMP's.

All treatment control BMPs and ancillary drainage features shall be inspected annually. Records of inspection and maintenance of treatment control BMPs and the operation of source control BMPs within the PWP/TREP boundaries shall be submitted annually to the California Coastal Commission. Caltrans' Stormwater Management Program Annual Report describes the stormwater management activities Caltrans performed each year. Caltrans will develop and use a watershed-based database to track and inventory treatment BMPs and treatment BMP maintenance within its jurisdiction. A summary of the tracking system data shall be included in the Annual Report along with a report on maintenance activities for post construction BMPs.

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 5.4 (Marine Resources: Water Quality and Wetlands) of the NCC PWP/TREP.

D. ENVIRONMENTALLY SENSITIVE HABITAT AREAS

Policy 5.5.1 of the NCC PWP/TREP states:

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

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 ESHAs 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.

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 community enhancements), 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.

The proposed project includes work within disturbed riparian wetland and coastal sage scrub areas vegetated with a mix of native and nonnative plants. No work will occur in areas containing ESHA. Coastal sage scrub within the project area is generally dominated by California sagebrush (*Artemisia Californica*), flat-topped buckwheat (*Eriogonum deflexum*), goldenbush (*Isocoma menziesii*), and California sunflower (*Encelia californica*), with lemonade berry (*Rhus Integrifolia*) and laurel sumac (*Malosma laurina*) shrubs. Disturbed southern willow scrub also occurs onsite, which is dominated by willows (*Salix spp.*); however, there are several other weedy species that are also prominent in the habitat, including tamarisk (*Tamarix spp.*), fan palms (*Washingtonia robusta*), castor bean (*Ricinius communis*), pampas grass (*Cortaderia spp.*), and fennel (*Foeniculum vulgare*). However, there are two sensitive plant species within the project's impact area: fourteen individuals of Spiny rush (*Juncus acutus*) and four individuals of San Diego Marsh elder (*Iva hayesiana*).

Overall, project activities would result in permanent impacts to 0.48 acres of wetland and 0.11 acres of coastal sage scrub, and temporary impacts to 0.30 acres of wetland. All permanent wetland impacts will be mitigated at a 1:1 ratio with available re-establishment and rehabilitation credits at Hallmark East and West, two NCC PWP/TREP mitigation sites. Temporary wetland impact areas will be revegetated on-site with native riparian species at a 1:1 ratio on-site. All permanent coastal sage scrub impacts will be mitigated at a 1:1 ratio at Deer Canyon II Upland, another NCC PWP/TREP mitigation site in the same drainage. The NCC PWP/TREP allows for a mitigation ratio of 1:1 due to the fact that the mitigation was conducted at REMP mitigation sites prior to PWP project impacts. Because advance mitigation was already completed at these mitigation sites, there will be no temporal loss of habitat, and thus a lesser mitigation ratio of 1:1 is appropriate and consistent with the NCC PWP/TREP. The two impacted sensitive plant species will be replaced at higher ratios, as requested by Commission staff. San Diego Marsh elder will be seeded on-site and 12 liners of San Diego Marsh elder (3:1) and 30 liners of Spiny rush (2:1) will be included in the wetland revegetation. See [Exhibit 6](#) for Proposed Habitat Impacts.

Implementation Measure 5.5.1 requires that success criteria for plant establishment would be included in any revegetation plan submitted for areas of

temporary impacts. A Revegetation and Monitoring Plan, including success criteria, particularly for the two sensitive species that are proposed to be impacted and replanted on-site, was submitted for the proposed project.

The NCC PWP/TREP requires projects to salvage native plants, remove invasive plant species, and revegetate with native species. In addition to creating landscaped areas with native vegetation, the proposed project will remove existing weeds and eradicate invasive species within the project impact area, consistent with IM 5.5.3.

Focused surveys for the project were conducted and no sensitive wildlife species were identified within the project footprint. However, a male California gnatcatcher (*Polioptila californica californica*) was detected 360 feet southwest of the project limits and a light-footed Ridgway's rail (*Rallus obsoletus levipes*) was detected approximately 775 feet from the southwestern project limits in Los Peñasquitos Lagoon. Mitigation measures will be implemented to minimize impacts to wildlife species prior to and/or during construction, including vegetation clearing prior to construction to minimize the wildlife use of areas slated for construction; clearing and grubbing of native wetland, riparian, and/or upland habitats outside of the breeding seasons for nesting birds; fencing all native or sensitive habitats outside and adjacent to the permanent and temporary construction limits; and availability of a qualified biologist for both the preconstruction and construction phases to review grading plans, address protection of sensitive biological resources, and monitor ongoing work.

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.

E. VISUAL RESOURCES

Policy 5.7.1 of the NCC PWP/TREP states that:

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.

The proposed trail connection project is located under the I-5 / SR-56 interchange where no public views of significant coastal resources, including of the ocean and Los Peñasquitos Lagoon, would be impacted. The proposed operational improvements will occur in paved or previously developed areas or will replace existing infrastructure, and will not impact coastal visual resources. In accordance with DDS 1, the project has been sited and designed such that impacts of grading, operational activities, and artificial light on public views outside of the transportation facilities have been limited to the maximum extent feasible.

Wayfinding signage will be installed in the area around the new path connection that fits with the character of surrounding development. North Coast Trail signage will indicate the number of miles to the next intersection or destination. In compliance with DDS 4, the 30-inch-high double-rail lodge pole fence is open and visually permeable, and allows for the movement of wildlife.

The design solutions that have been incorporated into the project to minimize visual resources, per DDS 5, include: minimization of grading, landform alteration, and vegetation removal; addressing potential night-lighting impacts by limiting, shielding and directing lights to only that required for operations and safety; and revegetating with native species in areas disturbed by grading activities. As required by DDS 5, areas that are disturbed by grading will be seeded and/or planted, such that these areas will blend with the surrounding vegetated areas. Landscaping plans include only species native to Southern California such that the proposed planted areas will be compatible with surrounding natural and manmade areas.

Special consideration is given to bike trail lighting near Peñasquitos Marsh and Carmel Creek. The lighting design has been refined to reduce the number of lights and the correlated color temperature (2,700 Kelvin) to minimize visual resource impacts ([Exhibit 5](#)). The need, location, and spacing of each light has been evaluated with consideration of safety and to limit direct light on adjacent native habitat. Trail lighting consists of two single pole-mounted specialty fixtures at the bike trail intersection, six column-mounted specialty fixtures under the bridge, and five bollard lights east of the bridge near Carmel Creek. All lighting is shielded and directed downward to the target area to minimize spill-over and nighttime glare.

Therefore, the Commission finds that the subject NOID is consistent with the policies, design/development strategies, and implementation measures included in Section 5.7 (Coastal Visual Resources) of the NCC PWP/TREP.

F. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Caltrans is the CEQA lead agency for the proposed project. This proposed project was included as part of the I-5 NCC Project Environmental Impact Report (EIR) in 2007 and re-evaluated in 2013 and 2022. 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

- LOSSAN Final Program EIR/EIS, September 2007
- PWP No. PWP-6-NCC-13-0203-1, August 2014
- PWP Amendment No. PWP-6-NCC-16-0001-1, March 2016
- PWP Amendment No. PWP-6-NCC-16-0006-2, December 2016
- Interstate 5/56 Bike Path Trail Connection and I-5 Operational Improvements Natural Environment Study (NES), September 2021