



Coastal Development Permit 6-22-0578 (Caltrans)  
Notice of Impending Development NCC-NOID-0002-22

The NCC is approximately 27 miles long, up to six miles wide, and home to over 525,000 people (**Exhibit 1**). Six cities lie entirely or partially within the NCC: San Diego, Del Mar, Solana Beach, Encinitas, Carlsbad, and Oceanside. The NCC includes open stretches of public beaches, six coastal lagoons, five creeks and rivers, open space, and coastal habitat areas. The NCC PWP/TREP is an integrated document for comprehensively planning, reviewing, and permitting the transportation, community, and resource enhancement projects within the NCC. The NCC PWP/TREP creates a framework for specific projects to be analyzed and implemented over the next 40 years under a coordinated plan. The goal of the planning process is to optimize the suite of improvements so that transportation goals are achieved in a manner that maintains and improves public access, while also maximizing protection and enhancement of the region's significant sensitive coastal resources.

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

Through the subject CDP application and NOID, Caltrans is requesting review of Phase 1/Stage 4C of the Interstate 5 (I-5) North Coast Corridor Project (**Exhibit 2**). This Phase 1/Stage 4C project is identified as part of the initial phase (2010-2020) improvements in the NCC PWP/TREP (**Exhibit 3**). Stage 4C construction is scheduled to begin in late 2022, with completion in late 2023 to early 2024. The construction of the project will occur during the same time as the Phase 1/Stages 2 and 3 Encinitas HOV projects, and the Stage 4A and B Palomar Airport Road to SR-78 HOV projects. As required by Senate Bill 468 (Kehoe, 2011) and the NCC PWP/TREP, Caltrans and SANDAG have coordinated construction activities within the I-5 and LOSSAN transportation corridors in order to minimize energy consumption and impacts to sensitive coastal resources. Coordinated construction activities for those projects will reduce construction-related temporal impacts to habitat areas within the corridor and will allow for the shared use of staging and storage areas for multiple stages of the NCC project.

The Phase 1/Stage 4C Project (Project) will occur at various locations on Interstate 5 (I-5) between Leucadia Boulevard and State Route 78 (SR-78), in the cities of Encinitas and Carlsbad. The project is a combination of work that was not already included under Stage 4. (CDP 6-19-1233 and NCC-NOID-0002-19, approved by the Commission in December 2019). The 4C project includes the following work: interim slope stabilization that proposes to reconstruct 2:1 slopes north of the Agua Hedionda Bridge with armoring from original ground elevation to 12 feet (NAD 88) to protect slope; shoulder and slope repair in the southbound direction from Carlsbad Village Drive to Chestnut

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Avenue; bridge rail upgrades at Agua Hedionda and Buena Vista Bridges that will include a one-foot shoulder widening; addition of ADA curb ramps to existing sidewalks at the Leucadia Boulevard overpass, La Costa Avenue overpass, Poinsettia Lane overpass, Palomar Airport Road overpass, and Chestnut Avenue undercrossing, to bring into conformity with current design standards; construction of an 8 to 10-foot high and 374-foot long sound wall (sound wall 802) at the northbound off-ramp near Chinquapin Avenue; and placement of excess fill material at Poinsettia Lane southbound ramp gore area to balance earthwork.

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

The Commission's conflict resolution discussion for the NCC PWP/TREP is applicable to environmentally sensitive habitat area (ESHA) and wetland impacts associated with this project, as it is a specific project analyzed within the NCC PWP/TREP. The NCC PWP/TREP anticipates and authorizes these impacts, and the Resource Enhancement and Mitigation Program (REMP) within the NCC PWP/TREP provides for compensatory mitigation to enhance and restore the biodiversity and habitat functions on a regional scale in advance of unavoidable project impacts. The REMP includes options for allocating funding from SANDAG for regionally significant mitigation opportunities, including the establishment, restoration, enhancement, preservation, and long-term management of coastal wetlands and adjacent riparian areas, transitional habitats, and upland areas. The approved program is intended to restore and enhance an integrated ecosystem that provides habitat for birds, fish, and benthic organisms, thereby compensating for the impacts of the NCC PWP/TREP transportation improvements and enhancing ESHA and wetlands throughout the coastal zone in north San Diego County.

The project includes the reconstruction of the existing embankment slopes at Agua Hedionda Lagoon that have eroded due to damaged or failed culvert system infrastructure and exposure from the natural elements. The work will involve reconstructing the slopes to the original 2:1 grade and armoring the slopes with at least one and a half feet of Class II Method B rock-slope protection (RSP) to better stabilize the slopes and protect the slopes north of the bridge until the future ultimate project described in the NCC PWP/TREP is constructed. The bottom three to four feet of the slope are proposed to be armored RSP, and the remainder of the slope is proposed to

Coastal Development Permit 6-22-0578 (Caltrans)  
Notice of Impending Development NCC-NOID-0002-22

have RSP covered with two feet of soil up to an elevation of 12 ft. The northwestern corner of the I-5 slope will have only fill, because the water flow velocities are lower in this area and no motorized watercraft are allowed in this basin. All drainage systems in the vicinity will be redesigned and constructed to minimize discharge velocity and RSP will also be placed or extended at pipe outlets to dissipate flows from the drainage systems to protect the slopes.

This proposed project will permanently impact 1.08 acres of wetlands and temporarily impact 0.79 acres of wetlands. There will also be temporary impacts to 0.02 acres of intertidal eelgrass along the edges of subtidal beds of eelgrass, as well as impacts to 18 square feet of eelgrass in the intertidal area that falls within the permanent footprint. The NCC PWP/TREP anticipates these impacts and authorizes these improvements or, in the case of project components within the Commission's retained jurisdiction, finds them approvable notwithstanding these impacts. Pursuant to the REMP, Caltrans proposes to mitigate all permanent wetland impacts with credits released from the San Dieguito Lagoon (W19) Restoration Project Phase II (**Exhibit 4**). Caltrans has adequate mitigation credits available from these sites and has debited the necessary mitigation acreages for the subject project.

Staff is recommending that the Commission approve CDP No. 6-22-0578, as conditioned, and to determine that NOID No. NCC-NOID-0002-22, as conditioned, is consistent with the NCC PWP/TREP. **Special Condition 1** for both the CDP and the NOID requires Caltrans to submit Final Project Plans prior to construction of the project, in substantial conformance with those submitted with the application. In order to enhance water quality, **Special Condition 2** requires Caltrans to submit a Stormwater Pollution Prevention Plan, which shall detail BMPs to be used to minimize water quality impacts during construction. Finally, **Special Condition 3** limits the term of authorization for the Agua Hedionda slope stabilization to thirty years, i.e., until the ultimate project at Agua Hedionda is constructed, as authorized under PWP/TREP Phase 3 (2031-2040).

The standard of review for the subject NOID is whether the development is consistent with the certified NCC PWP/TREP, and whether conditions are required to bring the development into conformance with the PWP. With the required special conditions, the development is consistent with the policies, design/development strategies, and implementation measures in the NCC PWP/TREP. The standard of review for those portions of the project occurring in areas of the Commission's retained jurisdiction, i.e., the slope stabilization at Agua Hedionda lagoon, is the Chapter 3 policies of the Coastal Act, while the NCC PWP/TREP may be used for guidance. With the required special conditions, and as part of the larger program analyzed in the NCC PWP/TREP, those portions of the proposed project are also approvable.

The motions and resolutions to implement the staff recommendation begin on Page 10. The findings for approval of the CDP and determination of the NOID's consistency with the NCC PWP/TREP begin on Page 13.

Coastal Development Permit 6-22-0578 (Caltrans)  
Notice of Impending Development NCC-NOID-0002-22

**ADDITIONAL INFORMATION**

Further information on the subject NOID may be obtained from Melissa Escaron at [melissa.escaron@coastal.ca.gov](mailto:melissa.escaron@coastal.ca.gov).

## TABLE OF CONTENTS

<b>I. PROCEDURAL ISSUES .....</b>	<b>7</b>
PUBLIC WORKS PLAN BACKGROUND AND HISTORY .....	7
STANDARD OF REVIEW .....	8
STAKEHOLDER CONSULTATION .....	9
<b>II. MOTIONS AND RESOLUTIONS.....</b>	<b>10</b>
<b>III. STANDARD CONDITIONS.....</b>	<b>11</b>
<b>IV. SPECIAL CONDITIONS.....</b>	<b>11</b>
A. SPECIAL CONDITIONS FOR BOTH CDP 6-22-0578 & NOID NCC-NOID-0002-22 ...	11
<b>V. FINDINGS AND DECLARATIONS .....</b>	<b>12</b>
A. PROJECT DESCRIPTION & BACKGROUND .....	12
B. AIR QUALITY AND GREENHOUSE GAS EMISSIONS.....	16
C. PUBLIC ACCESS AND RECREATION .....	18
D. MARINE RESOURCES – WATER QUALITY AND WETLANDS.....	22
E. VISUAL RESOURCES .....	28
G. COASTAL HAZARDS.....	34
H. ARCHAEOLOGICAL AND PALEONTOLOGICAL RESOURCES .....	42
I. CALIFORNIA ENVIRONMENTAL QUALITY ACT .....	43

## APPENDICES

Appendix A – Substantive File Documents

## EXHIBITS

- [Exhibit 1 – North Coast Corridor Regional Map](#)
- [Exhibit 2 – Project Location Map](#)
- [Exhibit 3 – Phasing Plan – First Phase \(2010-2020\)](#)
- [Exhibit 4 – Mitigation Sites Map](#)
- [Exhibit 5 – Site Photos](#)
- [Exhibit 6 – Project Plans](#)

## 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. Public Works Plans remain under the authority of the Commission irrespective of coastal permitting jurisdictional boundaries. A PWP is an alternative to project-by-project review for public works (which, in the case of the overarching plan of which the current proposal is a part, would require multiple coastal development permits, in multiple jurisdictions, if not processed through a PWP). PWPs must be sufficiently detailed regarding the size, kind, intensity, and location of development to allow the Commission to determine their consistency with the Chapter 3 policies of the Coastal Act (in areas that are pre-LCP certification) or the certified LCP (in post-LCP certification areas). Once the Commission approves a PWP, in general, no coastal development permit is required for a specific project described within it; rather, before commencing each specific project, the project proponent must submit notice in the form of a Notice of Impending Development (NOID), which requires the Commission to determine whether the submitted project is consistent with the standards of the PWP, or if conditions are necessary to make it consistent. The PWP at issue here (identified 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 a Public Works Plan. The “TREP” portion of the name reflects the fact that the package as a whole (referred to within this note as “the PWP”) includes components that were submitted to the Commission as a consistency certification (CC-0002-14), for review via the federal consistency process created by the Coastal Zone Management Act.

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 and development strategies (DDS), and implementation measures (IM), in order of increasing specificity, specific to the relevant issue area. The policies and design and 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), 13358, and 13359 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 (NOID) has been submitted, is whether the development is consistent with the PWP. The notice is to be filed when all necessary supporting information has been received.

Pursuant to Section 13359 of Title 14 of the California Code of Regulations, within thirty working days of the filing of the NOID, the Executive Director shall report to the Commission the pendency of the development and make a recommendation regarding the consistency of the proposed development with the certified PWP. After public hearing, by a majority of its members present, the Commission shall determine whether

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In August of 2014, the Commission concurred with that consistency certification at the same time it certified the actual Public Works Plan. Finally, the PWP also describes project components that are within the Commission's area of retained jurisdiction, and which therefore remain subject to the normal coastal development permit process, rather than the NOID process typically associated with PWPs.



the development is consistent with the certified PWP as submitted, or whether conditions are needed to bring the development into conformance with the PWP.

The standard of review for those portions of the specific project improvements occurring in areas of the Commission's retained jurisdiction, and for which a CDP application has been submitted, i.e., the portion of the project within Agua Hedionda Lagoon, is the Chapter 3 policies of the Coastal Act.

## **STAKEHOLDER CONSULTATION**

The Resource Enhancement and Mitigation Program (REMP) within the NCC PWP/TREP was developed through a collaborative process with representatives from various resource agencies, including the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, the California Department of Fish and Wildlife, the Regional Water Quality Control Board, NOAA National Marine Fisheries Service, the U.S. Environmental Protection Agency, and the California Coastal Conservancy. The development of the REMP was initiated by members of this group as early as 2010 in order to identify regionally significant restoration and enhancement opportunities within the NCC. Through the NCC PWP/TREP, this group has been formalized as the REMP Working Group and meets quarterly to track and guide progress through the planned implementation phases of the PWP. The Stage 4C Project that is the subject of this CDP/NOID was discussed at REMP Working Group meetings. All comments and feedback received from the REMP Working Group have been addressed by Caltrans as a part of the subject submittal. Additional permits for the specific project are also required from the various resource agencies, and those reviews have already been concluded.

## **II. MOTIONS AND RESOLUTIONS**

### **A. NOID NCC-NOID-0002-22: Approval with Conditions**

#### **MOTION I:**

***I move that the Commission determine that the development described in Notice of Impending Development NCC-NOID-0002-22, as conditioned, is consistent with the certified North Coast Corridor Public Works Plan and Transportation and Resource Enhancement Program.***

Staff recommends a **YES** vote. Passage of this motion will result in a determination that the development described in the Notice of Impending Development NCC-NOID-0002-22, 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 I:**

*The Commission hereby determines that the development described in the Notice of Impending Development NCC-NOID-0002-22, 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.*

### **B. CDP No. 6-22-0578: Approval with Conditions**

#### **MOTION II:**

***I move that the Commission approve Coastal Development Permit Application No. 6-22-0578 subject to the conditions set forth in the staff recommendation.***

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

#### **RESOLUTION II:**

*The Commission hereby approves coastal development permit 6-22-0578 and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation*

*measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.*

### III. STANDARD CONDITIONS

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

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

### IV. SPECIAL CONDITIONS

#### A. SPECIAL CONDITIONS FOR BOTH CDP 6-22-0578 & NOID NCC-NOID-0002-22

1. **Final Project Plans.** PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, Caltrans shall submit to the Executive Director for review and written approval, final project plans for the project, including Final Construction Plans and a Final Construction Schedule. Said plans shall be in substantial conformance with the preliminary plans submitted July 22, 2022.

Caltrans shall undertake the development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans for the portions of the project covered by CDP 6-22-0578 shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment to the coastal development permit is legally required; and no changes

to the approved final plans for the portions of the project covered by NCC-NOID-0002-22 shall occur without a subsequent NOID unless the Executive Director determines that a subsequent NOID is not legally required.

2. **Final Stormwater Pollution Prevention Plan.** PRIOR TO COMMENCEMENT OF CONSTRUCTION, Caltrans shall submit to the Executive Director for review and written approval, the Stormwater Pollution Prevention Plan (SWPPP). The project design reflected in the SWPPP shall include improvements that, in aggregate, increase the total area where stormwater runoff is treated within the drainages of each watershed to the targets set forth in NCC PWP/TREP Section 5.4 (Figure 5.4-1B: Water Quality Treatment Areas).

Caltrans shall undertake the development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan for the portions of the project covered by CDP 6-22-0578 shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment to the coastal development permit is legally required; and no changes to the approved final plan for the portions of the project covered by NCC-NOID-0002-22 shall occur without a subsequent NOID unless the Executive Director determines that a subsequent NOID is not legally required.

3. **Term of Authorization.** This CDP authorizes slope stabilization at Agua Hedionda Lagoon, as shown on Exhibit 4, until December 31, 2050, or until the PWP/TREP Phase 3 (2031-2040) ultimate I-5 widening project at Agua Hedionda Lagoon is constructed, whichever occurs first. The Applicant acknowledges that the shoreline protection system authorized pursuant to this CDP is temporary in nature and is permitted in order to provide a reasonable period of time for the Applicant to develop and implement the ultimate project. No later than June 31, 2050, the Applicant shall submit either the CDP / NOID application for the PWP/TREP Phase 3 I-5 widening project at Agua Hedionda Lagoon, or analysis demonstrating that the authorized slope stabilization at Agua Hedionda Lagoon is adequately designed to be safe over the expected life of the structure beyond 2031-2040.

## V. FINDINGS AND DECLARATIONS

### A. PROJECT DESCRIPTION & BACKGROUND

The Interstate 5 (I-5) North Coast Corridor (NCC) Project includes improvements and maintenance of existing and future traffic operations on the I-5 highway from La Jolla Village Drive in San Diego to Harbor Drive in Oceanside / Camp Pendleton, extending approximately 27 miles (**Exhibit 1**). In July 2011, Caltrans identified the “8+4 Buffer Alternative” as the Locally Preferred Alternative, which was further supported by its identification as the Least Environmentally Damaging Practicable Alternative during the

environmental review process.<sup>2</sup> That alternative consists of two high occupancy vehicle (HOV)/Managed Lanes in each direction, separated by a buffer from the existing four general purpose lanes in each direction. Other components include auxiliary lanes, bridge replacements, overcrossing improvements, two new Direct Access Ramps, interchange improvements, six access points to the HOV lanes, park-and-ride facilities, gateway features, intelligent transportation system features, retaining walls, and sound walls. The project will be implemented in three phases over a 40-year period.

Caltrans is currently requesting review of Phase 1/Stage 4C of the NCC PWP/TREP project (Project) (**Exhibit 2**). The Project is a combination of work that was not already included under Stage 4 (CDP 6-19-1233 and NCC-NOID-0002-19, approved by the Commission in December 2019). The Project will occur at various locations on Interstate 5 (I-5) between Leucadia Boulevard and State Route 78 (SR-78), in the cities of Encinitas and Carlsbad and includes: interim slope stabilization that proposes to reconstruct 2:1 slopes north of the Agua Hedionda Bridge with armoring to protect from wave erosion within the lagoon; shoulder and slope repair in the southbound direction from Carlsbad Village Drive to Chestnut Avenue; bridge rail upgrades at Agua Hedionda and Buena Vista Bridges that will include a one-foot shoulder widening; addition of Americans with Disabilities Act (ADA) curb ramps to existing sidewalks at Leucadia Avenue, La Costa Avenue, Poinsettia Lane, Palomar Airport Road, and Chestnut Avenue, to bring into conformity with current design standards; construction of an 8 to 10-foot high and 374-foot long sound wall (sound wall 802) at the northbound off-ramp near Chinquapin Avenue; and placement of excess fill material at Poinsettia Lane southbound ramp gore area to balance earthwork.

This Project was identified as part of the initial phase (2010-2020) improvements in the NCC PWP/TREP (**Exhibit 3**). Stage 4C construction is scheduled to begin in late 2022, with completion in late 2023 to early 2024. The construction of the project will occur during the same time as the Phase 1/Stages 2/3 Encinitas HOV projects, and the Stages 4A and B Palomar Airport Road to SR-78 HOV projects. As required by Senate Bill 468 (Kehoe, 2011)<sup>3</sup> and the NCC PWP/TREP, Caltrans and SANDAG have coordinated construction activities within the I-5 and LOSSAN transportation corridors in order to minimize energy consumption and impacts to sensitive coastal resources. Coordinated construction activities for those projects will reduce construction related temporal impacts to habitat areas within the corridor and will allow for the shared use of staging and storage areas for multiple stages of the NCC project. See **Exhibit 5** for Site Photos and **Exhibit 6** for Project Plans.

**Agua Hedionda Lagoon I-5 North/South Slope Stabilization.** The proposed scope of work includes the reconstruction of the existing embankment slopes at Agua Hedionda Lagoon that have eroded due to damaged or failed culvert system infrastructure and exposure from the natural elements. The work will involve reconstructing the slopes to

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<sup>2</sup> Final Environmental Impact Report/Environmental Impact Statement (SCH No. 2004101076), November 2013.

<sup>3</sup> Codified at Streets and Highways Code, Sections 103 and 149.10.

the original 2:1 grade and armoring the slopes with at least one and a half feet of Class II Method B rock-slope protection (RSP) to better stabilize the slopes and protect the slopes north of the bridge until the future ultimate project described in the NCC PWP/TREP is constructed. The bottom three to four feet of the slope will be RSP, and the remainder of the slope will have RSP covered with two feet of soil up to an elevation of 12 ft. The existing elevations around the slope vary from approximately one foot to 4.5 feet within the footprint. Therefore, the amount of RSP and fill will vary. The northwestern corner of the I-5 slope will have only fill, because the water flow velocities are lower in this area and no motorized watercraft are allowed in this basin. The proposed project design is based on the Agua Hedionda Lagoon Hydrodynamic Modeling and Erosion Protection Design Report.<sup>4</sup> The report was previously provided as part of the CDP/NOID application for the project. The design is an interim design to address the immediate erosion concerns, and it utilizes a minimized footprint that reduces the impact to the lagoon.

The proposed design reduces the number of outlet pipes draining into the lagoon from the existing seven to the four proposed. In addition, the proposed outlet pipes have been flattened as much as possible to reduce the velocity of water flow. Reducing the velocity translates to less RSP needed, and thus reduces the footprint impact. RSP will be placed/extended at new pipe outlets to dissipate flows from the drainage systems to protect the slopes. The proposed work would require the removal of 32 trees (23 eucalyptus trees, two Monterey pines, and seven palms).

The construction of the 2:1 slope at Agua Hedionda is very constrained due to access issues and the tidal regime. Caltrans is collaborating with a Construction Management General Contractor (CMGC) to determine the best methodology to complete the construction of the slopes with minimal footprint and impacts to the lagoon. The CMGC contractor has proposed building a work area from north to south on each side composed of RSP up to elevation 8 feet with a layer of filter fabric and class two base on it to contain soil to be placed on and behind the RSP. The work would occur in 100-foot sections contained by reinforced silt fencing with brackets on either side to contain any runoff from construction. Once a section is finished, the silt fence would be moved to the next 100 feet south with a small overlap. The rock with filter fabric will stop soil from washing out into the lagoon during construction. Once all the rock is placed to the southern limits of work on each side of I-5, work backfilling with soil and placing rock with two feet of soil cover would proceed from south to north in the same 100-foot increments.

All work would be done during mid to low tides. However, any areas in construction would be covered with plastic during high tides or storm events. The majority of the work will be done during daylight hours; however, due to work required during low tides, construction activities may occur very early in the morning or after sunset to accomplish the work needed during the lowest tides. Also, some work for drainage installation may require lane closures and be completed at night. All lighting for night work will be

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<sup>4</sup> Prepared by Moffat & Nichol, May 2020.

focused on work areas and shielded to avoid lighting areas outside the project limits within the Environmentally Sensitive Areas of the lagoon.

K-rail barrier will be placed along the shoulder of I-5 for 12-foot lanes for truck traffic to enter behind K-rail and drive over the bridge and then access down the slope. The bare dirt area just south of Agua Hedionda Lagoon Bridge on the northbound side will be needed to deliver rock and other materials that will be trucked onto the site. Use of the area is also required for direct truck access to deliver the soil and rock that is needed to construct the project. The use of this area combined with closure of the northbound shoulder will allow for truck movement behind the K-rail and across the bridge to the slope. All access and work areas are included in the work limits.

**Shoulder and Slope Repair at Southbound I-5.** The existing embankment along the stretch of I-5 South from Carlsbad Village Drive to Chestnut Avenue is in poor condition. The eroded slope has caused the Metal Beam Guardrail (MBGR) to be exposed, and suspension and cavities have developed below structural section of the roadway. There are also longitudinal cracks and holes in the pavement along the shoulder.

The proposed repairs will be accomplished through re-compaction and reconstruction of embankment fill slopes, excavation and reconstruction of the roadway shoulder, reconstruction of the existing slotted pipe drainage system, and installation of two to three additional drainage inlets to avoid water accumulation. A new guardrail will be supported on piles to stabilize the embankment slopes and replace existing Midwest Guardrail System (MGS). In addition, revegetation of side slopes will be implemented to minimize soil erosion due to steep slopes. The proposed slope and shoulder construction will require 0.49 acre of vegetation removal and grading.

**Bridge Rail Upgrades and Shoulder Widening.** The existing bridge rails at the Agua Hedionda and Buena Vista Lagoon Bridges will be replaced to new standards (Type 85 Mod) and a one-foot bridge widening is required to maintain the 10-foot standard shoulders at both locations. All work will be completed from the bridge decks.

**Fiber Optic Work.** On the east side of D Street in Encinitas, fiber optic infrastructure will connect to I-5 fiber optic infrastructure. On west side of D Street fiber optic infrastructure will connect to an existing North County Transit District Vault. Work methods will consist of trenching and directional drilling within the paved street.

**ADA Curb Ramps.** Caltrans has coordinated with City of Carlsbad and neighborhood communities to identify community enhancement opportunities for pedestrians. ADA curb ramps will be added to existing sidewalks at I-5 ramp locations at Leucadia Blvd., La Costa Ave., Poinsettia Ln., Palomar Airport Road, and Chestnut Ave. The work is required to bring the existing sidewalks into conformity with current design standards.

**Sound Wall 802.** The proposed project will construct a new 8 to 10-foot high, 374-foot-long sound wall (sound wall 802) at the Chinquapin Avenue overpass in Carlsbad. The

sound wall will provide a reduction in noise-level for single-family and multi-family residences adjacent to the highway right of way.

**Placement of Excess Fill.** Excess fill material in the amount of 27,451 cubic yards will be placed at the Poinsettia Lane southbound ramp gore area in Carlsbad to balance earthwork. Thirteen Eucalyptus trees will be removed as part of the excess fill placement.

**Project Benefits.** Coastal zone project benefits such as improved air quality, mobility, accessibility, and safety would occur because of this Project. The reconstruction and armoring of fill slopes in Agua Hedionda Lagoon will prevent further erosion and ensure the drainage is properly conveyed through the area. Caltrans has further coordinated with City of Carlsbad and neighborhood communities to identify community enhancement opportunities for pedestrians, such as the addition of ADA compliant curb ramps that would benefit from simultaneous construction and improve how the I-5 highway projects interface with adjacent communities by providing an improved connection within the North Coast Corridor and to the San Diego region. The proposed sound wall would provide a reduction in highway traffic noise to the surrounding residential community.

## **B. AIR QUALITY AND GREENHOUSE GAS EMISSIONS**

Section 30253 of the Coastal Act states:

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

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

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

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

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

Section 30253 of the Coastal Act requires that new development minimize energy consumption and vehicle miles traveled (VMT) and that new development is consistent with air quality requirements, including restrictions on greenhouse gas (GHG) emissions. One of the key objectives of the I-5 NCC Project is to improve the efficiency of the corridor by encouraging alternatives to single occupancy vehicle (SOV) travel. This requires a multimodal transportation approach. As such, the proposed Phase



1/Stage 4C NCC highway improvements extending from San Diego to Oceanside, including HOV lane and highway-capacity improvements implemented in accordance with the adopted PWP/TREP, would primarily accommodate carpools, bus rapid transit, and vanpools that move more people, not necessarily more vehicles; reduce congestion and travel delays, providing free-flow travel, particularly on the HOV lane, which, in turn, reduces VMT and emissions; encourage carpooling, vanpooling and transit use by providing the appropriate facilities to reduce delays and make these alternative modes more efficient than [or a feasible alternative to] driving on highway general-purpose lanes.

These improvements will reduce congestion and traffic delays, providing free-flow travel, particularly in HOV lanes, which, in turn, will reduce vehicle hours traveled (VHT) and associated emissions. The project will maximize person throughput in the corridor while minimizing the level of energy use and emissions per person mile traveled consistent with Coastal Act Section 30253 and the NCC PWP/TREP. The proposed highway improvements would minimize increases in energy consumption and ensure the project is consistent with San Diego Air Pollution Control District (SDAPCD) and the California Air Resources Control Board (CARB) requirements through sensitive programming, design, and construction and by applying the design/development strategies and implementation measures included within the NCC PWP/TREP, consistent with Policy 5.1 of the NCC PWP/TREP.

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

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

The ECP complements the measures contained within the transportation demand management (TDM) measures in the Public Awareness Campaign for Stage 4C, required by DDS 6, to ensure energy conservation efforts are maximized. For example, a Public Outreach Plan has been developed and encourages carpooling and commuting during non-peak hours to minimize energy consumption during construction. Additionally, a subscription service and website<sup>5</sup> has been established and will be updated regularly with construction updates, advisories, and notices. The website will provide tips to ease commutes during construction periods and will be shared with elected officials and staff during briefings to ensure they have the ability to incorporate the web address in local resources and newsletters.

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

Additionally, DDS 5 requires coordination of construction activities along the LOSSAN and I-5 transportation corridors to be consistent with SB 468's consolidation requirements whenever possible. Utilizing the Construction Manager General Contractor (CMGC) construction procurement method for Phase 1/Stage 4C improvements will allow for combining the various projects into one contract to foster greater collaboration and coordination between the major project components. The proposed comprehensive construction planning effort will lead to shorter construction periods, fewer environmental impacts, reduced costs, lower risk of hazards, and greater transparency. Some benefits of this integration described in the Construction Energy Conservation Plan include that the project team is able to use excess materials produced in one area to satisfy deficiencies in other areas, coordinate schedules to reduce construction times, and consolidate debris recycling through shared equipment.

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

### **C. PUBLIC ACCESS AND RECREATION**

Section 30210 of the Coastal Act states:

*In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with*

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<sup>5</sup> <http://www.keepsandiegomoving.com/North-Coast-Corridor/NCCHome.aspx>

*public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

Section 30212(a) of the Coastal Act states:

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

Section 30212.5 of the Coastal Act states:

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

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

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

As discussed in the NCC PWP/TREP, I-5 is the primary north/south highway in San Diego County that provides access to the coast and upland recreation areas, and a unique scenic, recreational traveling experience. As travel demand in the I-5 highway corridor continues to increase, so does the existing coastal access impediment of traffic congestion. Traffic congestion inhibits many potential carpool, vanpool, and bus transit options, as these modes of travel currently are subject to the same traffic congestion that single occupancy vehicles experience on the I-5 highway.

In accordance with DDS 1, the proposed project would not result in additional unidentified permanent or temporary impacts to coastal access and recreational resources beyond those previously assessed in the NCC PWP/TREP and project environmental documentation. Temporary impacts to public access and recreation from proposed highway improvements would occur during construction where construction traffic and staging areas disrupt travel patterns to the coast and inland recreation areas, particularly during the summer season when demand for coastal access is at its highest. These temporary impacts to public access and recreation would be localized, however, and would not disrupt corridor-wide resources at the same time. In accordance with DDS 2, the proposed improvements are consistent with PWP/TREP Chapter 6A phasing requirements, which have been developed to minimize impacts on public access and ensure a balanced approach to the transportation system improvements.

Coastal Development Permit 6-22-0578 (Caltrans)  
Notice of Impending Development NCC-NOID-0002-22

This Phase 1/Stage 4C project is identified as part of the initial phase (2010-2020) improvements in the PWP/TREP.

In accordance with DDS 4, the proposed project includes the addition of ADA curb ramps to existing sidewalks at Leucadia Blvd., La Costa Ave., Poinsettia Ln., Palomar Airport Rd., and Chestnut Ave. These improvements will bring the existing sidewalks into conformity with current design standards and contribute to maximizing access to the coast.

Construction storage and staging for the project are proposed to occur at several locations. Reconstruction of the Agua Hedionda slope requires use of the bare dirt area that exists south of the Agua Hedionda Bridge (northbound direction) for material storage and staging. Use of the area is also required for direct truck access to deliver the soil and rock that is needed to construct the project. The use of this area combined with closure of the northbound shoulder will allow for truck movement behind the K-rail and across the bridge to the slope. All other improvements to I-5 will be accessed from the freeway. Items expected to be stored in the contractor use area are K-rail, fencing, barrier replacement materials, rock slope protection (RSP), RSP fabric, soil, and small construction equipment. Caltrans will also utilize available areas adjacent to the highway for yard space and material stockpile. The I-5/56 yard will also be used.

Presently, public access to the intertidal beach area occurs adjacent to and underneath the bridge embankments at Agua Hedionda lagoon as unauthorized access, i.e., trespassing, which would, nevertheless, not be affected post-construction. The area can also be accessed from the adjacent Snug Harbor recreational area. Presently, the shoreline can be accessed only during low tides because during other times the area is under water. Therefore, public beach access will not be impacted adjacent or parallel to the toe of the proposed embankment RSP.

To further minimize public access impacts, Demolition, Staging, Storage, Fueling, and Debris/Excess Graded Material Disposal Plans have been developed consistent with IM 5.3.2. These plans have been designed to ensure that public access and recreation areas are not adversely impacted by construction activities, and that the footprint of the proposed project activities is minimized. The Demolition Material Handling and Storage Plan and the Debris Excess Graded Material Plan describe measures to plan and sequence construction work in a manner that has the least impact on public access, while maintaining public safety. A combination of fencing, cones, or flaggers will be posted at the necessary locations to control vehicle and pedestrian traffic as necessary for public and construction crew safety. No fencing or other barriers except as specifically authorized pursuant to the approved CDP/NOID will be placed in locations that would limit public access to pedestrian or bicycle trails or other public recreation areas. Construction debris will be collected as frequently as possible, stored in dumpsters, and hauled off-site on a regular basis, so as not to impede the public access. Dumpsters will be placed away from pedestrian walkways or trails and will be properly maintained. All demolition work will be scheduled and performed in the most efficient manner, which will ultimately reduce the amount of time public access is

impeded. All material will be processed and stored, away from the public, as quickly as possible.

In accordance with DDS 2, the improvements are generally consistent with phasing requirements identified in NCC PWP/TREP Chapter 6A for the initial phase (2010-2020), as identified in **Exhibit 3**. These requirements were designed to minimize impacts on public access due to construction, and to ensure a balanced approach to the transportation system improvements.

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

IM 5.3.1 requires a project-specific, final construction schedule identifying dates of construction and planned road and access closures. The proposed project is scheduled to begin construction in late 2022 and end in late 2023 to early 2024. Construction of this project will occur within the same timeframe as the Phase 1/Stages 2/3 Encinitas HOV projects, and the Phase 1/Stage 4 and B Palomar Airport Road to SR-78 HOV projects. A final construction schedule identifying dates of construction and planned road/access closures is currently being developed and **Special Condition 1** requires it to be submitted prior to commencement of construction. Until the final sequence of construction is determined, specific dates for road and ramp closures cannot be determined. However, to avoid adverse effects on traffic flow on I-5 and local arterials, no more than one lane in each direction of I-5 will be allowed to be closed during peak travel hours. Combined with the Public Awareness Campaign, the Public Outreach Plan, and Motorist Information Strategies, which provide information to the public in several formats and media types, the project has been designed to avoid adverse effects on traffic flow on I-5, consistent with the PWP.

In conclusion, the Stage 4C Project will result in temporary impacts to public access and recreation during construction. By applying the policies, design/development strategies, and implementation measures included in Section 5.3.3 of the NCC PWP/TREP, as well as the required special conditions, the Commission finds that the subject NOID is consistent with Section 5.3.3 of the NCC PWP/TREP.

#### **D. MARINE RESOURCES – WATER QUALITY AND WETLANDS**

Section 30230 of the Coastal Act states:

*Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*

Section 30231 of the Coastal Act states:

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

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

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

Policy 5.4.2 of the NCC PWP/TREP states:

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

Policy 5.4.3 of the NCC PWP/TREP states:

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

### **Water Quality**

Coastal Act Section 30231 and Policy 5.4.3 of the NCC PWP/TREP require that biological productivity and the quality of coastal waters shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of wastewater discharges and entrainment and controlling runoff. DDS 1 requires the project to be sited and designed to protect and restore natural hydrologic features such as groundwater recharge areas, natural stream corridors, floodplains, and wetlands. DDS 3 requires a project-level analysis of potential water quality and marine habitat impacts of improvements to ensure runoff management is incorporated early in site design planning. Planning integrates existing site characteristics that affect runoff (such as topography, drainage, vegetation, soil conditions, and infiltration properties) with strategies that minimize post-project runoff, control pollutant sources, and, where necessary, removal of pollutants. The technical studies required by DDS 3 have been prepared for the Phase 1/Stage 4C project and have been evaluated in the PWP/TREP. The project footprint has been minimized, as documented in the I-5 Environmental Document and PWP/TREP, as well as the impervious areas associated with the pavement widths. Section 3.9 of the Final Environmental Document, entitled Hydrology / Drainage (Floodplains), discusses the Hydraulic modeling and Hydraulics Studies that support highway drainage designs.

An expanded-format Storm Water Data Report (SWDR) has been prepared for this Phase 1/Stage 4C project and incorporates the requirements of design / development strategies and implementation measures of the PWP that require improvements to minimize impacts to coastal waters through site design and planning and incorporation of BMPs designed to control the volume, velocity, and pollutant load of stormwater leaving the developed area. The SWDR has been developed in conformance with the following design/development strategies: DDS 2, DDS 3, DDS 9, DDS 10, DDS 11, DDS 12, DDS 13, DDS 14, DDS 17, DDS 21, DDS 22, and DDS 25 and the following implementation measures: IM 5.4.1, IM 5.4.2, IM 5.4.3, IM 5.4.4, IM 5.4.8, IM 5.4.11, IM 5.4.12, IM 5.4.13, IM 5.4.14, IM 5.4.15, IM 5.4.16, IM 5.4.17, and IM 5.4.18. The SWDR documents the extensive treatment strategy for highway runoff from new and existing impervious surfaces that will be implemented as part of the proposed project.

To demonstrate compliance with DDS 2 and DDS 3, which require development to be designed and managed in order to maintain or enhance on-site infiltration of runoff where appropriate, the project has maximized infiltration opportunities through the use of soil augmentation. Infiltration treatment opportunities have been maximized through soil amendments and treatment through the natural environment. The quantification of those efforts for treatment BMPs and treatment through the natural environment through the use of the SWDR's infiltration tool will ensure that water quality treatment achieves the maximum feasible volume of treated stormwater runoff from the highway.

In accordance with DDS 4, project-level SWPPP and NPDES permits, other applicable jurisdictional requirements, and ultimately, the provisions and protocols set by the PWP/TREP will all be implemented. A Draft SWPPP was prepared and submitted by the contractor that shows how BMP implementation will minimize potential short-term

increases in sediment transport caused by construction. A revised SWPPP will be submitted based on the re-scoping effort and will be submitted for review, as required by the Construction General Permit (CGP) and as part of the Project Registration Documents in order to obtain a Waste Discharge Identification Number for enrollment under the CGP. As described above, additional BMPs are described in the SWDR. Pursuant to DDS 5, the project will provide a spill prevention and emergency response plan in the SWPPP, to be prepared by the contractor. Per DDS 20, the SWPPP will ensure that debris is not released into lagoons, rivers or other water bodies.

Pursuant to DDS 9, the expanded-format SWDR addresses post-construction treatment BMPs, as well as opportunities for enhanced infiltration through the natural environment, in order to protect and restore coastal water quality. The SWDR will also fulfill the detailed requirements of IM 5.4.4, IM 5.4.8, and IM 5.4.13 through inclusion of treatment BMPs.

IM 5.4.9 requires fueling of construction equipment to occur in designated areas at a distance no less than 100 feet from the lagoon, river, or other water bodies and associated plant communities to preclude adverse water quality impacts. The SWDR describes the proposed temporary construction site BMPs to be used for this segment. All fueling activities will comply with the 100-foot separation from receiving waters as further described in the SWPPP. Further, activities must be performed at least 100 feet from concentrated flows of stormwater, drainage courses, and inlets if within the floodplain and at least 50 feet if outside the floodplain, unless otherwise authorized, as follows: stockpiling materials; storing pile-driving equipment and liquid waste containers; washing vehicles and equipment; fueling and maintaining vehicles and equipment.

Consistent with DDS 10, the SWDR addresses existing project surfaces wherever feasible. The SWDR identifies the extent of the cumulative area of the impervious highway surface that can be addressed and presents the proposed treatment strategy, demonstrating that all available opportunities have been implemented to fully protect and restore coastal water quality.

DDS 11, DDS 21, and IM 5.4.14 require use of Low Impact Development (LID) strategies to minimize alteration of the site's natural hydrologic conditions and to maximize opportunities to retrofit existing project surfaces, so that pollutants carried in runoff and the changes in runoff volume itself, including flow rate, duration, timing, and temperature, are minimized. The proposed improvements will result in an increase in impervious area; however, this increase has been accounted for in the project design and mitigated through the use of LID implementation through structural treatment BMPs. This project incorporates LID efforts to attempt to maintain or restore project hydrology, as well as provide overall water quality improvement discharges. These LID efforts are incorporated in the development and placement of BMPs during the design phase to the maximum extent practicable. As described in the SWDR, proposed LID measures for this project include: grading slopes to blend with natural terrain and decrease the need for dikes, promoting sheet flow to vegetated areas that can provide water quality benefits and promote infiltration; designing permanent drainage facilities



that mimic the existing drainage pattern of the area through the use of permanent detention basins for attenuation of flow and the disconnection of drainage facilities; constructing permanent vegetated drainage ditches to decrease the velocity of discharge, plus decreasing the volume of discharge by promoting infiltration and allowing for pollutant removal; and maintaining existing vegetated areas.

In addition, DDS 12 requires the SWDR to prioritize the treatment of the newly created impervious areas from the project and DDS 13 requires that existing impervious surface shall not be treated in lieu of newly created impervious surface, unless infeasible. Treatment BMPs are designed to treat as much of the hydraulically inseparable flow as feasible, and no bypass is necessary, since the treatment BMPs can accommodate the existing and new impervious surfaces.

Pursuant to DDS 14, landscaping plans include only species native to Southern California such that the proposed planted areas will be compatible with surrounding natural and manmade areas.

DDS 22 requires implementation of project-specific and heightened design treatment BMPs. The SWDR describes bio-infiltration swales and breaks down both existing and new pavement treatment quantities and all BMP calculations, including the results of utilization of the infiltration tool. The treatment percentages for the current segment were discussed at the September 5, 2019, coordination meeting and have been enhanced via the Project Appeal / Environmental Document phase SWDR and disclosed in the environmental document in accordance with IM 5.4.11.

DDS 25 prioritizes water quality protection and restoration strategies to occur in the following order: site design planning, integrated LID BMPs, urban-oriented treatment BMPs, and maintenance BMPs. Offsite mitigation with a direct water quality benefit may be provided after exhausting the above. Caltrans has documented the project's avoidance and minimization efforts in the Final Environmental Document and PWP/TREP that led to the determination of the Least Environmentally Damaging Preferred Alternative. All design and development strategies built into this project are documented in the expanded format SWDR, including heightened treatment strategies and LID BMPs.

Consistent with DDS 26 and IM 5.4.17 requirements to implement all water quality protection and improvement strategies designed for the project concurrently with construction, and also maintain them for the life of the project, operation and maintenance of all water quality protection and improvement strategies (permanent treatment BMPs and Design Pollution Prevention BMPs) designed and implemented for this specific project will follow the provisions of the Caltrans NPDES Permit 2012-0011-DWQ.

Per IM 5.4.18, all post-construction treatment control BMPs and ancillary drainage features will be inspected annually and records of inspection and maintenance of post-construction treatment control BMPs and the operation of source control BMPs will be

submitted annually to the CCC. Construction site BMPs are governed by the Construction General Permit and are implemented and inspected and maintained by the implementation of the SWPPP.

Maintenance BMPs will also be implemented to reduce the amount of pollutants discharged into surface waters, including, but not limited to, litter removal, toxics control, and street sweeping in conformance with Storm Water Quality Handbook- Maintenance Staff Guide, as required by IM 5.4.2. Trash and Litter Removal Activities include storm drain maintenance, vegetation removal, and roadway sweeping.

In order to prevent construction-related impacts to water quality and soil contamination, **Special Condition 1** requires Caltrans to submit Final Project Plans, prior to construction of the project, in substantial conformance with those submitted with the application. In order to enhance water quality, **Special Condition 2** requires Caltrans to submit a Final Stormwater Pollution Prevention Plan (SWPPP). The SWPPP shall detail BMPs to be used to minimize water quality impacts during construction.

### **Wetland Avoidance, Impacts, and Mitigation**

The existing location of the I-5 highway means that the Phase 1/Stage 4C improvements occur in areas containing wetlands associated with the Agua Hedionda and Buena Vista Lagoons, and it is therefore infeasible to avoid all impacts to wetland areas during construction of the proposed improvements.

Coastal Act Section 30233(a) only permits the diking, filling, or dredging of wetlands where there is no feasible less environmentally damaging alternative, where feasible mitigation measures have been provided to minimize adverse environmental effects, and when it is limited to certain uses. Through its approval of the NCC PWP/TREP<sup>6</sup>, the Commission found that the proposed wetland fill associated with the highway project, by itself, would not be an allowable use, and that the NCC PWP/TREP as a whole presented conflicts among Chapter 3 policies. Therefore, the Commission employed the conflict resolution provisions of Coastal Act Sections 30007.5 and 30200(b) to permit limited dredging and filling of wetlands, despite the inconsistency with Section 30233.

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

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<sup>6</sup> <https://documents.coastal.ca.gov/reports/2014/8/W17a-s-8-2014.pdf>.

that approval of the project features associated with the NCC PWP/TREP, including the subject impacts within the Commission's retained jurisdiction, was the most protective of coastal resources for purposes of the conflict resolution provisions of Coastal Act Sections 30007.5 and 30200(b).

In accordance with DDS 15 and DDS 19, a technical wetland delineation was prepared for the development area footprint and a surrounding 100-foot buffer area. No new wetland areas were identified requiring additional wetland resource protection measures and buffer/setbacks beyond that which was identified by the PWP.

DDS 23 also requires projects to be integrated with regional planning efforts, accordingly, coordination with the adjacent local jurisdiction and watershed area is included in the SWDR. There are no Total Maximum Daily Load (TMDL) allowances established for the project's receiving water bodies of Encinas Creek, Agua Hedionda Lagoon, and Buena Vista Lagoon, however Caltrans continues to actively implement structural and nonstructural BMPs throughout the construction and operation and maintenance of its facilities to minimize impacts to the extent feasible.

Additionally, DDS 24 requires the project to be integrated with regional planning efforts mandated by the County of San Diego Hydromodification Plan (HMP). Per the HMP Caltrans is required to conduct a risk-based approach to ensure the project would not cause a decrease in lateral (bank) and vertical (channel bed) stability in receiving stream channels. Caltrans conducts a channel stability assessment and implements mitigation measures that are appropriate to protect structures and minimize stream channel bank and bed erosion. The standards established by the HMP represent the most current approach to hydromodification mitigation for highway infrastructure throughout the state.

The proposed slope stabilization at Agua Hedionda Lagoon is designed to minimize the erosive effects of drainage and wave run-up on the embankment of I-5. Nevertheless, DDS 6 and IM 5.4.10 require impacts to lagoon habitat to be fully mitigated pursuant to the Resource Enhancement and Mitigation Program (REMP). The REMP provides for compensatory mitigation to enhance and restore the biodiversity and habitat functions on a regional scale in advance of unavoidable project impacts. The project-specific impact assessment of wetland habitats was prepared pursuant to the REMP for the Stage 4C improvements. The assessment determined that adequate advanced mitigation is available as required by the REMP. The project will permanently impact 1.08 acres and temporarily impact 0.79 acres of wetlands. There will also be permanent impacts to 18 square feet and temporary impacts to 0.02 acres of intertidal eelgrass along the edges of subtidal eelgrass beds.

Permanent impacts to 1.08 acres of wetland in Agua Hedionda Lagoon will be mitigated at a 1:1 ratio with credits released from San Dieguito Lagoon (W19) Restoration Project Phase II. Temporary impacts (0.79 acres), per the REMP in the PWP/TREP, are mitigated through revegetation and through the enhancement pool of restoring San Elijo Lagoon. New salt marsh will be planted where there isn't any armoring, and the

northeast corner of the site, which is currently disturbed habitat, will be revegetated with native species. With the implementation of this project, vegetated wetlands onsite will increase.

As required by DDS2, a Habitat Mitigation and Monitoring Plan (HMMP) was finalized for the W19 site in November 2020. The plan specifies the design and implementation of mitigation measures, including tidal salt marsh habitat reestablishment, protection during construction, performance standards, maintenance criteria, and monitoring requirements. The REMP Working Group has reviewed and approved this final HMMP, as required by DDS 2. The W19 mitigation site is being constructed and planted according to the HMMP. The REMP Group approved the first credit release for the wetland in June 2022. The 1.08 acres of mitigation credit has been debited from the available released credits for the W19 site.

In conclusion, Phase 1-Stage 4C consists primarily of improvements to existing transportation facilities located in previously developed and disturbed areas within Caltrans right-of-way, however, in order to rebuild the I-5 embankment at Agua Hedionda lagoon, some impacts to wetlands are unavoidable. The project components that impact wetlands would not, on their own, be approvable. However, these components are part of a larger NCC PWP/TREP project that the Commission has found, through conflict resolution, to be on balance the most protective of significant coastal resources. As a result, the Phase 1-Stage 4C project is consistent with the Coastal Act. Project plans and documents have been reviewed and approved by Coastal Commission staff. In addition, this project includes mitigation consistent with the REMP that will significantly enhance and restore wetland habitat resources throughout the NCC. The program provides for advanced mitigation opportunities that will allow for habitat establishment or significant restoration of degraded habitat.

Therefore, the Commission finds that approval of the proposed CDP, as conditioned, is consistent with the water quality policies of the Coastal Act. In addition, by applying the policies, Design/Development Strategies, and Implementation Measures included in Section 5.4.3 of the NCC PWP/TREP, the Commission finds that the subject NOID, as conditioned, is consistent with the NCC PWP/TREP.

## **E. VISUAL RESOURCES**

Section 30251 of the Coastal Act states:

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

*and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

In addition, Policy 5.7.1 of the NCC PWP/TREP states:

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

Design/Development Strategy 1 in Section 5.7.3.3 of the NCC PWP/TREP states:

*Development of transportation facility projects shall be sited and designed such that the impacts of grading, operational activities and direct light on public views outside of the transportation facilities are limited to the maximum extent feasible.*

Design/Development Strategy 3 in Section 5.7.3.3 states:

*NOID and/or project-specific federal consistency review submittals for individual highway, rail, transit, and community enhancement projects shall identify all potential visual resource impacts of project implementation, as addressed by Policy 5.7.1, and detail the type and location of visual mitigation elements included in the project. NOID submittals for highway projects shall include architectural and landscape mitigation requirements, as provided in Implementation Measure 5.7.1, as applicable, which avoid and/or minimize potential coastal visual resource impacts. NOID submittals including community enhancement projects shall include the cooperative maintenance agreement with the affected city.*

Design/Development Strategy 4 in Section 5.7.3.3 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.*

Coastal Act Section 30251 provides for the protection of scenic and visual resources within the Coastal Zone. Coastal Act Section 30253(b) further provides that new development shall not require constructing protective devices that substantially alter natural landforms along bluffs and cliffs. Additionally, PWP/TREP Policy 5.7.1 provides

that development of NCC transportation facilities shall be sited and designed to protect public views to significant coastal resources to the maximum extent feasible, including views of the ocean and coastline, coastal lagoons, and significant open space areas. Policy 5.7.1 also requires new development to be sited and designed to be compatible with existing development and surrounding areas such that the impacts of grading, operational activities, and direct lighting on public views are limited to the maximum extent feasible.

Coastal visual resources within the project area corridor that could be affected by the proposed improvements include public views of natural coastal features, such as the Agua Hedionda Lagoon and the Buena Vista Lagoon. Although most of the project will be located within existing rights-of-way directly adjacent and contiguous to existing facilities, proposed improvements that could potentially impact views include the slope and culvert repair at Agua Hedionda Lagoon, the use of the Agua Hedionda Staging and Storage Area, and bridge rail upgrades at Agua Hedionda and Buena Vista Lagoon.

Each element of the proposed project has been carefully sited and designed in accordance with the required Design/Development Strategies and implementation measures in order to avoid and minimize impacts to visual resources to the maximum extent feasible. In accordance with DDS 1, the project has been sited and designed such that impacts of grading and operational activities on public views outside of the transportation facilities have been limited to the maximum extent feasible. The design solutions that have been incorporated into the project, per DDS 5, include minimization of grading, landform alteration, and vegetation removal, and implementing native revegetation efforts at areas disturbed by grading activities. A project-level analysis to identify potential visual impacts of the proposed improvements and to identify avoidance and mitigation measures through project siting and design, has been completed as required by DDS 1 through DDS 5, and is summarized below.

#### **Agua Hedionda I-5 North/South Slope Stabilization**

Reconstruction and armoring of the northern fill slopes in Agua Hedionda Lagoon, on both west and east sides of I-5 freeway, will repair existing erosion. Drainage systems will be repaired and terminate at a new headwall/end wall. The fill slope work will extend for approximately 0.4 mile in length and will cover approximately 2.04 acres of area. Rock Slope Protection (RSP) armoring will be placed at the toe of the slope. The proposed slope reconstruction will require vegetation removal and earth disturbance. The design of the RSP installation has been reduced to the minimum amount of fill and rock necessary to stabilize the Interstate-5 embankment. As required by DDS 5, areas that are disturbed by grading will be seeded and 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 areas. Landscaping will include native non-invasive shrubs, groundcover, and hydroseeding. Native vegetation will be placed in appropriate locations and densities consistent with adjacent natural settings. As required by IM 5.7.1 and the I-5 NCC Project Design Guidelines, native landscaping is provided in all areas adjacent to native habitat, designed in consultation with a Caltrans biologist. All

landscaping will be irrigated with reclaimed water. Lastly, grading within the Agua Hedionda Lagoon viewshed has been minimized. In consideration of scenic views, no trees or tall shrubs will be planted that could disrupt this scenic viewshed.

The roadside area adjacent to Northbound I-5 near Agua Hedionda Lagoon will be used for staging and storage for construction materials. The area includes the footprint of the fill slope reconstruction and an additional area south of the fill slope reconstruction site. Existing trees will be protected in place. The proposed staging and storage for construction materials will require vegetation removal and possible earth disturbance. As required by DDS 5, the area will be seeded and planted after the material storage area is vacated and the site brought back to original condition. Landscaping plans include only species native to Southern California such that the proposed planted areas will be compatible with surrounding natural areas. Landscaping will include native non-invasive shrubs, groundcover, and hydroseeding. Native vegetation will be placed in appropriate locations and densities consistent with adjacent natural settings.

As required by IM 5.7.1 and the I-5 NCC Project Design Guidelines, native landscaping is provided in all areas adjacent to native habitat, designed in consultation with a Caltrans biologist. All landscaping will be irrigated with reclaimed water. Staging areas beyond the slope repair footprint shall be designed to preserve trees. Plans shall show tree preservation area with the “preserved” tree location and canopy, based on survey plans. The tree preservation area shall be delineated onsite by methods approved by the resident engineer. No vehicles or material storage will be allowed under tree canopies. Disturbed areas shall be revegetated with native Southern California species, as recommended by the Caltrans biologist, to blend with the surrounding vegetated areas.

### **Agua Hedionda and Buena Vista Lagoon Bridge Rail Upgrades**

The existing Bridge Rails at Agua Hedionda and Buena Vista Lagoon Bridges will be upgraded to new standards and a one-foot bridge widening will be constructed to create standard shoulders on each side of the bridges. Per IM 5.7.1 and the I-5 NCC Project Design Guidelines, the new bridge rails will be see-through (Type 85 Mod) and the railing will be integrally colored “Mesa Buff,” as required by the Design Guidelines, to improve scenic views of the bridges and from the roadways.

### **Fiber Optic Work**

Work methods will consist of trenching and directional drilling within the paved street. On the east side of D Street fiber optic infrastructure will connect to I-5 fiber optic infrastructure, on west side of D Street fiber optic infrastructure will connect to an existing North County Transit District Vault. The proposed trenching and directional drilling within the paved street will not cause permanent changes to the existing visual environment.

### **Shoulder and Slope Repair**

The proposed repairs will be accomplished through recompaction and reconstruction of embankment fill slopes, excavation and reconstruction of the roadway shoulder,

reconstruction of the existing slotted pipe drainage system, and installation of two to three additional drainage inlets to avoid water accumulation. A new guardrail will be supported on piles to stabilize the embankment slopes and replace the existing Midwest Guardrail System (MGS). In addition, revegetation of side slopes will be implemented to minimize soil erosion due to steep slopes. The proposed slope and shoulder construction will require 0.49 acre of vegetation removal and grading. As required by DDS 5, the area will be seeded and planted after the material storage area is vacated and the site brought back to original condition. Landscaping plans include only species native to Southern California such that the proposed planted areas will be compatible with surrounding natural areas. Landscaping will include native non-invasive shrubs, groundcover, and hydroseeding. Native vegetation will be placed in appropriate locations and densities consistent with adjacent natural settings.

As required by IM 5.7.1 and the I-5 NCC Project Design Guidelines, native landscaping is provided in all areas adjacent to native habitat, designed in consultation with a Caltrans biologist. All landscaping will be irrigated with reclaimed water. Staging areas beyond the slope repair footprint shall be designed to preserve trees. Plans shall show tree preservation area with the "preserved" tree location and canopy, based on survey plans. The tree preservation area shall be delineated onsite by methods approved by the resident engineer. No vehicles or material storage will be allowed under tree canopies. Disturbed areas shall be revegetated with native Southern California species as recommended by the Caltrans biologist, to blend with the surrounding vegetated areas.

Drainage features such as culverts and bioswales also propose minor visual impacts to the landscape aesthetic. As required by IM 5.7.1, the following drainage and water quality design features have been integrated into Phase 1-Stage 4C to minimize visual impacts: bioswales are designed to appear as natural landscape features; and concrete drainages, ditches, aprons, and headwalls are located, designed and colored to be unobtrusive in appearance.

### **Placement of Excess Fill**

To balance earthwork between Interstate-5 project segments, excess fill will be placed within the Poinsettia Lane southbound ramp gore area. Where feasible, grading shall be designed to preserve trees in the vicinity of Poinsettia Lane. Grading Plans shall show tree preservation area. The preserved tree location and canopy shall be based on survey plans. The tree preservation area shall be delineated onsite by methods approved by the resident engineer, and no vehicles or material storage are allowed under tree canopies. As required by IM 5.7.1 and the I-5 NCC Project Design Guidelines, grading techniques such as slope rounding, slope sculpting, and variable gradients shall be used to approximate the appearance of natural topography. Disturbed areas shall be planted to blend with the surrounding revegetated areas, and only species native to Southern California shall be seeded and planted.



### **Sound Wall 802**

Sound walls are one of the project components considered to have the potential for the greatest impact on the character of the corridor, as identified in the NCC PWP/TREP. The proposed project will construct a new 8 to 10-foot high, 374-foot-long sound wall (sound wall 802) at the Chinguapin Avenue overpass. The sound wall will provide a reduction in noise-level for single-family and multi-family residences adjacent to the highway right of way.

There are no existing coastal public views available at the location of the proposed sound wall, so it will have no visual resource impacts. Nevertheless, the project incorporates design concepts from the I-5 NCC Project Design Guidelines to preserve the natural and community visual characteristics of the corridor. As required by IM 5.7.1, all sound walls are set back from the edge of highway and softened by a landscape buffer between the wall and highway barrier. Sound walls within Caltrans right-of-way are solid masonry block. Walls are constructed of bluff colored masonry block and enhanced with blocks of different sizes and textures.

In accordance with DDS 5, areas that are disturbed by grading associated with the construction of the new sound wall will be seeded and/or planted to blend with the surrounding vegetated areas. Landscaping plans include only species native to Southern California such that the planted areas will be compatible with surrounding natural areas. Landscaping will include native drought-tolerant trees, shrubs, groundcover, and hydroseeding. Native vegetation will be placed in appropriate locations and densities consistent with adjacent natural settings.

### **ADA Curb Ramp Improvements**

Caltrans has coordinated with City of Carlsbad and neighborhood communities to identify community enhancement opportunities for pedestrians. As a result of this coordination, new ADA curb ramps will be added to existing sidewalks at the Leucadia Avenue, La Costa Avenue, Poinsettia Lane, Palomar Airport Road, and Chestnut Avenue crossings. The work is required to bring the existing sidewalks into conformity with current design standards.

In accordance with DDS 5, areas that are disturbed by grading associated with the construction of the ADA curb ramps will be seeded and/or planted to blend with the surrounding vegetated areas. Landscaping plans include only species native to Southern California such that the planted areas will be compatible with surrounding natural areas. Landscaping will include native drought-tolerant trees, shrubs, groundcover, and hydroseeding. Native vegetation will be placed in appropriate locations and densities consistent with adjacent natural settings.

In conclusion, while the visual character of the NCC would be affected by the proposed improvements, the project has been designed consistent with the PWP/TREP Design/Development Strategies and Implementation Measures to ensure that impacts have been avoided and minimized. The proposed improvements would protect views along scenic coastal areas and would be visually compatible with the character of

surrounding areas through employing sensitive site design, restoring and enhancing areas adjacent to and affected by corridor improvements, avoiding significant development encroachment into adjacent areas and landform alteration, and by applying measures to avoid and/or substantially reduce potential impacts to coastal visual resources. Therefore, the proposed project is consistent with PWP/TREP Policy 5.7.1 and Sections 30251 and 30253(b) of the Coastal Act.

## **G. COASTAL HAZARDS**

Section 30232 of the Coastal Act states:

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

Section 30235 of the Coastal Act states:

*Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fishkills should be phased out or upgraded where feasible.*

Section 30253 of the Coastal Act states:

*New development shall do all of the following:*

- (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*
- (c) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Board as to each particular development.*
- (d) Minimize energy consumption and vehicle miles traveled.*
- (e) Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.*

Section 30270 of the Coastal Act states:

*The commission shall take into account the effects of sea level rise in coastal resources planning and management policies and activities in order to identify, assess, and, to the extent feasible, avoid and mitigate the adverse effects of sea level rise.*

In addition, Policy 5.8.1 of the PWP states:

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

Implementation Measure 5.8.13 of the PWP states:

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

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

Coastal Act Section 30253 addresses the need to ensure long-term stability and structural integrity, minimize risk, and avoid landform-altering devices. Coastal Act Section 30235 requires approval of shoreline protective devices only in certain, limited cases, including when required to protect existing structures or public beaches in danger from erosion, and only when designed to avoid or mitigate adverse impacts on local shoreline sand supply. Additionally, PWP/TREP Policy 5.8.1 requires all highway, rail, bicycle and pedestrian projects, and community and resource enhancement improvements to be designed and implemented to minimize risks to life and property in areas of high geologic, flood, and fire hazard, and to minimize risk associated with potential hazardous materials release or spillage. Policy 5.8.1 also requires site-specific project design to be based on the results of detailed, design-level engineering geologic and geotechnical studies.

### **Geology, Soils, Seismicity, and Topography**

The project site is subject to ground shaking during strong earthquakes and potential instability due to sediment characteristics in the project area. In accordance with

PWP/TREP Policy 5.8.1, the proposed Phase 1/Stage 4C project has been designed to avoid and minimize potential impacts associated with geologic hazards, unstable soils, seismicity, and topography. Detailed, design-level engineering geologic and geotechnical studies have been prepared for the project and provided in accordance with Policy 5.8.1. To avoid the risks associated with geologic and seismic hazards, the project has incorporated the required design/development strategies and implementation measures. As required by DDS 1, the requirements of the most current Standard Specifications for Caltrans have been applied to the proposed improvements to ensure that all slopes will be geotechnically stable.

The potential for structural damage as a result of liquefaction does not necessitate mitigation as required by DDS 2 because the majority of the project resides atop dense sedimentary formation and alluvium/colluvium within the previously developed right-of-way with low potential for liquefaction, with the exception of the embankment supporting I-5 in Agua Hedionda lagoon. Further, appropriate technical personnel will be present during project construction to observe cuts, foundation subgrade, and embankment subgrade to assure that all design-level provisions are implemented, as specified in Excavation Safety Plans, per DDS 3. Caltrans' standard practice is to prepare, provide, and conduct excavation safety plans that include Cal-OSHA compliant excavations, slope stability analysis, and shoring plans, which are then reviewed by the Construction Management Team with a minimum of one Project Engineer reviewing and approving for basic designs, and multiple Project Engineers reviewing for more complicated designs. An itemized list of structure items and draft foundation reports are included in the submitted project materials. If unexpected subsurface conditions are encountered during construction, a geotechnical specialist would be alerted to make recommendations to the Project Engineer(s) and contractor(s).

### **Drainage and Flooding**

The project site is located on I-5 spanning 27 miles from San Diego to Oceanside. The project site will cross Agua Hedionda Lagoon and Buena Vista Lagoon. Agua Hedionda Lagoon is located in the Agua Hedionda and Macario Creek watershed in the City of Carlsbad and is about 286 acres in size. Buena Vista Lagoon is located in the cities of Carlsbad and Oceanside and is approximately 203 acres in size. Buena Vista Lagoon is a part of the Carlsbad watershed and drains into Buena Vista Creek. The project area is also adjacent to Encinas Creek in the City of Carlsbad.

Design/development strategies require an assessment of floodplain hydrology and evaluation of potential impacts of specific designs on water surface elevation, flood conveyance, and potential risk. Specifically, DDS 5 requires that, where there is no practicable alternative to avoid construction in the floodplain, the footprint of facilities within the floodplain shall be minimized to the extent feasible (e.g., by use of aerial structures or tunnels), and requires floodplains impacted by construction to be restored. Further, DDS 7 requires, as part of project-level analysis, all opportunities to minimize flooding risk and potential harm to or within the floodplain to be assessed and incorporated into project design as applicable.

The entire project has been designed to avoid and/or minimize impacts where possible, by taking the reduced amounts of right-of-way and limiting the grading footprint to minimize impacts to existing structures while still meeting project objectives. Grading will utilize techniques such as slope rounding, slope sculpting, and variable gradients to approximate the appearance of natural topography. This will decrease the need for dikes, promoting sheet flow to vegetated areas that can provide water quality benefits and promote infiltration. Other than extending existing culverts, proposed improvements would not involve the construction of new structures that would alter significant drainage patterns.

### **Shoreline Erosion**

Potential adverse impacts associated with alteration and channelization of shorelines and/or floodplains and associated erosion will be negligible. DDS 6 provides that lagoon shoreline/bank armoring be allowed only to protect existing legal structures, or where necessary for replacement structures across coastal waterbodies that are proven to be in danger from erosion, and only if less environmentally damaging alternatives to armoring are not feasible, including relocation of the endangered structure; and armoring has been sited, designed, and accompanied by feasible measures to mitigate any unavoidable negative coastal resource impacts (views, sand supply, public access, etc.). DDS 6 further provides that policy limitations on these shoreline structures should not apply to minor runoff control and dissipater features, where located and designed to convey and discharge runoff in a non-erosive manner.

Significant sections of the existing fill slopes of I-5 freeway at Agua Hedionda Lagoon have eroded significantly, which has resulted in some portions of the slopes having vertical drop-offs. Further erosion and instability of the embankment slopes on both the east and west side of the highway directly threatens the roadway. The erosion has also exposed and damaged at least four (4) culverts. Proposed work involves the reconstruction and armoring of fill slopes in Agua Hedionda Lagoon, on both west and east sides of I-5 freeway, that will improve existing erosion and drainage systems at the location. The fill slope work is approximately 0.4 mile in length and includes no pavement work within this location. The work will involve reconstructing the slopes to the original 2:1 grade and armoring the slopes with at least one and a half feet of Class II Method B rock-slope protection (RSP) to better stabilize the slopes and protect the slopes north of the bridge until the future ultimate project is constructed. The bottom 3 to 4 feet of the slope will be RSP, and the remainder of the slope will have RSP covered with two feet of soil up to an elevation of 12 ft. The existing elevations of the toe of the slope vary from approximately 1 foot to 4.5 feet (NAVD88) within the footprint. Therefore, the amount of RSP and fill will vary. The northwestern corner of the I-5 slope will have only fill (no RSP), because the erosional concerns are lower in this area. All drainage systems in the vicinity will be redesigned and constructed to minimize discharge velocity and RSP will also be placed/extended at pipe outlets to dissipate flows from the drainage systems to protect the slopes.

### **Sea Level Rise**

Sea level rise has occurred on a local and global scale over the past century and projections indicate that the rate may accelerate in the future. Potential effects of sea level rise include increased shoreline erosion and scour, increased nearshore wave energy, flooding, and reduced beach area, all of which can affect the long-term stability of infrastructure. In 2018, the California Ocean Protection Council released the latest sea level rise guidance – with projected ranges in sea level rise of 0.5-1.1 feet between 2000 and 2030, 0.9-2.8 ft. between 2000 and 2050, and 2.6-10.2 ft. between 2000 and 2100.<sup>7</sup> This state guidance and the Coastal Commission’s 2018 Sea Level Rise Policy Guidance document recommend a site-specific analysis to determine the appropriate sea level rise for design considerations.

Since several of the NCC PWP/TREP improvements are located directly adjacent to the marine environment, DDS 10 and 11 require the potential impact of local sea level rise associated with global climate change to be considered in the design and/or refurbishment of all corridor infrastructure. DDS 10 also requires NOID submittals for proposed transportation, bike and pedestrian improvements that may be subject to internal shoreline/bank erosion, tidal inundation and flooding to include an analysis of improvement location and design in relation to projected future changes in sea level rise. That analysis ensures new development is located and designed to eliminate or minimize to the extent feasible, hazards associated with anticipated sea level rise over the expected 75-year design life of the structure. The San Diego Region Coastal Sea Level Rise Analysis, dated September 2013, was prepared for the PWP/TREP and remains relevant. The proposed Stage 4C project is an interim phase and does not include the replacement of any bridges, and mainly includes work within the existing, developed right-of-way within the urbanized NCC. Replacement of the Agua Hedionda and Buena Vista Lagoon bridges would be further analyzed in regard to SLR in a future NOID/CDP application.

### **Impacts from Shoreline Armoring**

Section 30235 requires the Commission to authorize shoreline protection devices (such as cliff retaining walls), but only when necessary to protect an existing structure or public beach in danger of erosion or when necessary to serve coastal-dependent uses. The Commission interprets “existing structure” in Section 30235 as a principal structure legally permitted as of January 1, 1977.<sup>8</sup> Coastal Act Section 30253 prohibits new development that would “in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.” Coastal Act Section 30253 also requires that new development minimize risk, assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or

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<sup>7</sup> These ranges represent the median to extreme risk aversion (H++) projections under high emissions scenarios for the La Jolla tide gauge, the tide gauge located closest to the project site. California Ocean Protection Council (2018). *State of California Sea-Level Rise Guidance: 2018 Update*, Appendix 3, Table 31. [http://www.opc.ca.gov/webmaster/ftp/pdf/agenda\\_items/20180314/Item3\\_Exhibit-A OPC SLR Guidance-rd3.pdf](http://www.opc.ca.gov/webmaster/ftp/pdf/agenda_items/20180314/Item3_Exhibit-A OPC SLR Guidance-rd3.pdf)

<sup>8</sup> See the definition of an existing structure, p. 165-166:  
[https://documents.coastal.ca.gov/assets/slr/guidance/2018/0\\_Full\\_2018AdoptedSLRGuidanceUpdate.pdf](https://documents.coastal.ca.gov/assets/slr/guidance/2018/0_Full_2018AdoptedSLRGuidanceUpdate.pdf)

destruction of the site or surrounding area. Thus, while Section 30253 prohibits development that would in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs, Section 30235 of the Coastal Act requires that such construction be permitted, even when it alters natural shoreline processes, when required to protect existing structures and when it is designed to eliminate or mitigate adverse impacts on local shoreline sand supply.

In this case, I-5, the pre-Coastal Act existing structure, is at risk currently due to ongoing erosion of the embankment slopes, which threatens its structural integrity. The proposed rock slope protection and drainage improvements are intended to restore stability to I-5, and as described below, there is no feasible alternative to the proposed slope stabilization at this time that could both protect the endangered pre-Coastal Act structure and remain consistent with all applicable provisions of the Coastal Act. Although there is slope stabilization in place at I-5, which currently provides some protection to I-5, Commission staff concur with the Applicant that the proposed project is needed to ensure the near-term geologic and engineering stability of the existing public highway and to protect access provided by the highway to coastal dependent uses. Thus, the armoring in this case is authorized using the “override” provisions of 30235.

However, as discussed above, Section 30235 of the Coastal Act also requires that, when new shoreline protective devices are allowed, such devices shall be designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Thus, when read in tandem with other applicable Coastal Act policies protecting coastal resources as cited in these findings, this Section 30235 evaluation is often conceptualized as a search for the least environmentally damaging feasible alternative that can serve to achieve the stated project goal of protecting the threatened structure.

First, the Applicant has submitted the Agua Hedionda Lagoon Hydrodynamic Modeling and Erosion Protection Design,<sup>9</sup> as well as additional documentation, which demonstrate that the “No Project” alternative, or failure to construct the slope stabilization, is not a feasible alternative because there is an imminent threat to I-5 at this location, which if left unaddressed, could result in damage to or loss of portions of the highway. The above-referenced design recommends the use of rock slope protection to provide sufficient protection.

To minimize impacts to Agua Hedionda Lagoon, the embankment slopes were designed at a steeper 2:1 (horizontal to vertical, h:v) grade versus Caltrans’ standard 4:1 (h:v) grade. The sandy soils within the vicinity of the lagoon would not support steeper fill slopes. Through analysis of lagoon sediment data from geotechnical borings, it was determined that lagoon soil liquefaction would prevent the use of retaining walls to minimize the roadbed fill in the lagoon due to the need for extremely deep support piles.

Based on the applicant’s geotechnical review and analysis, the steeper embankment slopes of up to 1.5:1 (h:v) could be achieved at this location with the use of slope

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<sup>9</sup> Moffat Nichol, 2020.

reinforcement techniques; however, this approach was not recommended because constructing the reinforced slope would require the removal of the shoulder and outside lane of the highway to provide a stable temporary back cut for construction. Therefore, a 2:1 slope with robust rock slope is recommended geotechnically and is the least environmentally damaging feasible alternative.

Second, in past permit actions, the Commission has found that adverse impacts to shoreline processes from shoreline protective devices are greater when they are subject to wave action. As such, in past permit actions, the Commission has required that all new development on a beach, including shoreline protective devices, be located as far landward as possible in order to reduce adverse impacts to the sand supply and public access resulting from the development. In this case, all portions of the proposed slope stabilization will be located within Caltrans right-of-way, which is not open to public access, and the slope that will be stabilized is comprised of artificial fill supporting I-5, rather than a natural bluff. Thus, the proposed slope stabilization will not result either in any seaward encroachment by new development on a public beach and is not expected to result in impacts to sand supply.

Finally, the proposed slope stabilization (to its originally constructed 2:1 slope) is an interim repair until the ultimate I-5 widening project and bridge replacement occurs at this location, as authorized under PWP/TREP Phase 3 (2031-2040). Thus, **Special Condition 3** limits the term of authorization for the slope stabilization at Agua Hedionda Lagoon until December 31, 2050, approximately thirty years, or until the ultimate I-5 widening project at Agua Hedionda Lagoon is constructed, as authorized under the PWP/TREP Phase 3 (2031-3040), whichever occurs first.

### **Hazardous Materials**

In accordance with DDS 9, all soils proposed for disturbance for construction of the highway project and ancillary components within Caltrans right-of-way have been evaluated. There are known chemical constituents present in soil within the corridor. Soil excavation activities will be performed under the guidelines of a site-specific Soil Management Plan and Health and Safety Plan, in accordance with IM 5.8.3. There are no known landfills in the vicinity of the proposed Phase 1/Stage 4C project; therefore, IM 5.8.6, requiring soil excavation to be performed per the Soil Management Plan and Health and Safety Plan and excavated soil subject to further characterization to evaluate potential risk and proper disposal method consistent with Caltrans Standard Plans and Specifications, is not applicable.

IM 5.8.4 requires Caltrans to follow the Department of Toxic Substances Control (DTSC) Soil Management Agreement for Aerially Deposited Lead-Contaminated Soils (Agreement) for ADL soil excavated in the proposed improvement area. Soil excavated as a whole along the shoulders may be reused as unregulated earth material containing lead with regard to ADL, unless soil adjacent to the shoulder is segregated from the whole. The DTSC Agreement applies for segregated soil from the shoulder. Otherwise,



the disposal of ADL soil to a Class I landfill is required. Handling or disposal of contaminated groundwater is required to comply with NPDES permit requirements.

IM 5.8.5 requires soils located in the immediate vicinity of service stations in the corridor to be tested for petroleum hydrocarbons, volatile organic compounds, or semi-volatile organic compounds in order to evaluate the proper handling and/or disposal methods should contaminants be discovered. The 2019 ADL Study Report found that the total petroleum hydrocarbons (TPH) analysis of the soil near the service stations within the project segment did not show impacts to the soil as it relates to TPH as gasoline. All soil excavation will be performed under a site-specific Soil Management Plan and handling, or disposal of contaminated groundwater will comply with NPDES permit requirements.

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

A Site Management Program/Contingency Plan will be prepared, in accordance with IM 5.8.11, prior to construction/demolition of improvements to address known and potential hazardous material issues near each lagoon. Construction staging plans have been prepared with designated areas to accommodate equipment and vehicle fueling and are located a minimum of 100 feet away from waterbodies. A minimum 100 foot fueling setback from waterbodies will be provided except where site constraints (such as ESHA or existing infrastructure) adjacent to waterbodies do not allow for a setback of 100 ft. Where a minimum 100 ft. setback from waterbodies for fueling is infeasible, the maximum setback possible will be provided given the site constraints and additional BMPs shall be implemented. This proposed project will not include any in-water fueling. Equipment and vehicles will be inspected daily for fuel or fluid leaks, and leaking equipment or vehicles shall be repaired or replaced immediately. If any leaks are detected or impacts to water quality occur, the plan shall specify notification requirements and an emergency protocol for spill containment and clean up. The contractor will have available at each staging area adequate spill containment equipment (e.g., absorbent materials, containment booms, etc.) to respond to potential fuel or oil spills or leaks from project-related vehicles and equipment.

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

### **Assumption of Risk**

Although NCC PWP/TREP policies, design/development strategies, and implementation measures applied to the Stage 4 improvements are anticipated to withstand the predictable hazards associated with development in the corridor, it is not possible to remove all risk associated with the uncertainties of natural hazards. For this reason, even though Caltrans has minimized risks by engineering the project to avoid, mitigate, and withstand the natural hazards posed by seismic events, tsunamis, liquefaction, storms, floods, erosion, and toxic contaminants, a degree of risk from natural hazards would remain and cannot be fully mitigated. To protect the Commission and its employees from liability for the hazards posed by the subject structures and project features designed and managed by Caltrans, Caltrans acknowledges and accepts these risks pursuant to IM 5.8.12.

In conclusion, the Stage 4C Project will avoid and minimize coastal hazards, as described above. Therefore, the Commission finds that the subject CDP is consistent with Sections 30232, 30235, and 30253 of the Coastal Act. In addition, by applying the policies, design/development strategies, and implementation measures included in Section 5.8.3 of the NCC PWP/TREP, the Commission finds that the subject NOID is consistent with the NCC PWP/TREP.

## **H. ARCHAEOLOGICAL AND PALEONTOLOGICAL RESOURCES**

Policy 5.6.1 of the PWP states:

*New highway development, rail station and pedestrian crossings, and associated community and resource enhancement improvements shall strive to protect and minimize impacts to archaeological and paleontological resources. Where new development may potentially adversely impact archaeological or paleontological resources, appropriate mitigation measures, including the measures identified below, shall be required and implemented.*

Section 30116 of the Coastal Act defines archaeological sites that are referenced in the California Coastline and Recreation Plan or as designated by the State Historic Preservation Officer (SHPO) as sensitive coastal resources. Stage 4C will avoid all direct and indirect impacts to previously identified archaeological resources in the project vicinity. Policies, design/development strategies, and implementation measures included in the NCC PWP/TREP will protect cultural resources from any unanticipated adverse impacts during construction. In accordance with DDS 3, Caltrans has consulted with the SHPO and appropriate Native American tribes and determined this project will not adversely affect significant archaeology sites within the Area of Potential Effect (APE). IM 5.6.3 requires compliance with State Health and Safety Code Section 7050.5 and Public Resources Code Section 5097.98 should unanticipated human remains be discovered during construction. The Environmentally Sensitive Area Action Plan includes measures to ensure work ceases in any area or nearby area, that appropriate contacts are made, including coordination with the Native American Most Likely

Descendants, and that ongoing monitoring is provided during the respectful treatment and disposition of the remains.

Design/development strategies and implementation measures included within the NCC PWP/TREP require avoidance, and where avoidance is infeasible, require appropriate mitigation measures where new development may potentially impact paleontological resources. A Paleontological Resource Assessment was prepared for the entire I-5 corridor, which includes the subject project limits, by the San Diego Natural History Museum (dated June 2009), as required by DDS 6. Based on this assessment, there are no known paleontological resources that may be affected by the Stage 4C project improvements. Nevertheless, given that other NCC project stages are located in or near areas of potentially high and moderate significance, a paleontological mitigation plan was prepared for the NCC project in accordance with IM 5.6.4. The mitigation plan provides specific directions to the contractor in the event that any paleontological resources are uncovered during construction.

In conclusion, by applying the policies, design/development strategies, and implementation measures included in Section 5.6.3 of the NCC PWP/TREP, Caltrans will avoid potential adverse impacts to archaeological and paleontological resources. Therefore, the Commission finds that the subject NOID is consistent with the NCC PWP/TREP.

## **I. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

Pursuant to Public Resources Code Section 21067 and Sections 15050 and 15051 of Title 14 of the California Code of Regulations, Caltrans is the lead agency for purposes of the California Environmental Quality Act (CEQA), as it is the public agency with principal responsibility for carrying out the I-5 related improvements and the larger NCC PWP/TREP. As the lead agency under CEQA, Caltrans certified a Final Environmental Impact Report/Environmental Impact Statement (SCH No. 2004101076) addressing the subject plan in November 2013.

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

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

Coastal Development Permit 6-22-0578 (Caltrans)  
Notice of Impending Development NCC-NOID-0002-22

will avoid or minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally-damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

**APPENDIX A – SUBSTANTIVE FILE DOCUMENTS**

- PWP No. PWP-6-NCC-13-0203-1
- PWP Amendment No. PWP-6-NCC-16-0001-1
- PWP Amendment No. PWP-6-NCC-16-0001-2
- CDP No. 6-15-2092
- NOID No. NCC-NOID-0005-15
- CDP No. 6-18-0204
- NOID No. NCC-NOID-0003-18
- NOID No. NCC-NOID-0002-19
- CDP No. 6-19-1233