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**STAFF REPORT: AMENDMENT**

**Application No.:** 6-98-127-A3

**Applicant:** California Department of Transportation

**Current Permittee:** City of San Diego

**Location:** State Route 56 (SR 56) between El Camino Real and Carmel Country Road (postmile 0.3 to postmile 1.4) in the City of San Diego

**Original Project Description:** Construction of the middle segment of SR 56 to complete an east-west freeway connection between Interstate 5 and Interstate 15, with approximately 7,000 linear feet of the highway in the coastal zone. The project includes approximately 200,000 cubic yards of grading in the coastal zone (approximately 175,000 cubic yards in the Coastal Commission's jurisdiction) and construction of four travel lanes, bicycle lanes and a bridge at the future interchange at Camino Santa Fe. The project also includes installation of two Continuous Deflective Separation Units on existing SR 56 West and creation of 1.5 acres of riparian wetlands in McGonigle Canyon as mitigation for project impacts.

**Proposed Amendment:** Utilization of the reserved median of SR 56 to construct a 24-hour High Occupancy Vehicle lane in both eastbound and westbound directions and 8 bioswales, 3 Design Pollution Prevention Infiltration Areas, and 2 water quality basins.

**Staff Recommendation:** Approval with conditions

## SUMMARY OF STAFF RECOMMENDATION

On July 12, 2000, the California Coastal Commission approved Coastal Development Permit (CDP) No. 6-98-127 requested by the City of San Diego for the construction of State Route (SR) 56, an east-west freeway connection between Interstate 5 and Interstate 15. In April 2002, the Commission approved an amendment, CDP 6-98-127-A1, which deleted Special Conditions #2 and #3 to revise the mitigation location from McGonigle Canyon to the Los Penasquitos Canyon Preserve site. In February 2003, the Commission approved a second amendment, CDP 6-98-127-A2, which authorized the temporary pavement of a construction access road to provide temporary public access for commercial and residential uses during construction.

In June 2022, Caltrans requested a third amendment to CDP 6-98-127 to allow for the construction of a 24-hour High Occupancy Vehicle (HOV) lane within the reserved median (approximately 40 feet in width) of SR 56 in both the eastbound and the westbound directions from the El Camino Real Undercrossing to the Carmel Country Road overpass. The purpose and need of this project is to relieve regional and local traffic congestion resulting from current and projected population growth within the local communities.

The key issue of concern with the proposed amendment is compliance with Special Condition 9 of CDP 6-98-127, which requires that the median of SR 56 be used as follows, “The first priority for use of the reserved median area should be for mass transit or HOV lanes, rather than additional mixed use lanes.” Staff has determined that the construction of a dedicated 24-hour HOV lane proposal is consistent with Special Condition 9 of CDP 6-98-127, as the proposal does not lessen or avoid the intended effect of the original CDP envisioned in the Commission’s March 2000 action approving the original project with conditions. By providing an alternative to single vehicle travel, the proposed HOV lanes will decrease commuter bottlenecks and increase public safety and access within the coastal zone.

The additional issues discussed below include measures to offset the water quality impacts of increased impervious surfaces, and mitigation for California Sage Scrub impacts resulting from the construction of bioswales designed to protect downstream water quality.

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

Commission staff recommends that the Commission **APPROVE** Coastal Development Permit No. 6-98-127-A3, as conditioned. The motion and resolution can be found below on **page 4**. The standard of review is the City of San Diego Certified Local Coastal Program.

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### **EXHIBITS**

[Exhibit 1 – Vicinity Map](#)

[Exhibit 2 – Project Location](#)

[Exhibit 3 – Project Cross Section](#)

[Exhibit 4- Project Features Map](#)

## I. MOTION AND RESOLUTION

### Motion:

I move that the Commission approve Coastal Development Permit 6-98-127-A3 pursuant to the staff recommendation.

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

### Resolution:

The Commission hereby approves Coastal Development Permit 6-98-127-A3 for the proposed Project and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of the City of San Diego Certified Local Coastal Program, Pacific Highlands Ranch Subarea Plan. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

## II. SPECIAL CONDITIONS

This permit is granted subject to the following additional special condition:

12. Final Water Quality Monitoring Plan. PRIOR TO CONSTRUCTION, and in support of protecting water quality within the Project vicinity from further degradation, the Applicant shall submit, for the review and written approval of the Executive Director, a Final Water Quality Monitoring Plan, including a Storm Water Pollution Prevention Plan, a spill prevention and emergency response plan, construction phase Best Management Practices, a Storm Water Data Report, and a Comprehensive Receiving Water Quality Monitoring Program.

## III. FINDINGS AND DECLARATIONS

### A. Background and Amendment Description.

In May 2000, the Commission approved Coastal Development Permit (CDP) No. 6-98-127, which authorized the City of San Diego to construct the middle segment of State Route (SR) 56 to create an east-west freeway connection between Interstate 5 and Interstate 15, in the City of San Diego. At that time, the middle segment was located within an area of deferred certification where the Coastal Commission retained permit authority and the standard of review was Chapter 3 of the Coastal Act. On July 28, 1998, the City of San Diego subsequently assumed coastal development permitting

authority for Subarea III under the Pacific Highlands Ranch Subarea Plan of the North City Planned Urbanizing Area Framework Plan (LCP). Thus, new coastal development permits for development within Subarea III are processed by the City of San Diego, but amendments to Commission-issued permits for development in Subarea III must be approved by the Coastal Commission, with the certified LCP as the standard of review. Accordingly, the certified LCP was the standard of review for CDP 6-98-127-A2, as well as this proposed CDP 6-98-127-A3.

CDP 6-98-127-A1, the first amendment to this permit, relocated the various mitigation sites for both coastal zone and non-coastal zone impacts of SR 56, to a single site in western Los Penasquitos Canyon Preserve. In approving the first amendment, the Commission deleted Special Conditions #2 and #3 of the original permit. CDP 6-98-127-A2, the second amendment to this permit, required that within sixty days of the opening of the permanent access road, all paving, culverts, gravel, etc. be removed from the temporary access site, and the drainage crossing returned to pre-project conditions.

Caltrans proposes CDP 6-98-127-A3 in order to construct east- and west-bound 24-hour High Occupancy Vehicle (HOV) lanes within the existing paved shoulders and unpaved median of SR 56. The construction of the proposed HOV lanes will require the paving of 4.6 acres of currently unpaved surfaces, 16,665 cubic yards of cut, and 680 cubic yards of fill material placement within Coastal Commission jurisdiction. These improvements will modify existing drainage systems and include the construction of 8 bioswales, 3 Design Pollution Prevention Areas within the shoulders of SR 56, and a water quality basin at the Carmel Creek Road onramp loop and another at the Carmel Country Road onramp loop.

See **Exhibits 1 and 2** for the Vicinity Map and Project Location and **Exhibit 3** for Revised Project Plans.

### **B. Water Quality.**

The following water quality protection policy from the Pacific Highlands Ranch Subarea Plan is applicable to the proposed amendment.

***Appendix B.** The Pacific Highlands Ranch plan provides source control BMP's by requiring landscaping of all manufactured slopes and street right-of-way to prevent erosion and by incorporation of a grading/drainage concept which directs water away from easily erodible areas and into a drainage system designed to safely handle the storm water runoff.*

This amendment includes the use of paved shoulder areas, as well as the pavement of 4.6 acres of currently unpaved median resulting in a permanent increase of impervious surface area within the Project site. Similar to the existing lanes, the proposed HOV lanes will be graded to direct water away from the median, and toward the shoulders where drainage systems are located. To ensure that the increased impervious surfaces do not result in water quality degradation within and downstream of the Project area, the applicant proposes, as a part of CDP 6-98-127-A3, to construct 8 bioswales and 3

Design Pollution Prevention Infiltration Areas within the east- and west-bound shoulders of SR 56, and 2 new water quality basins at the Carmel Creek Road onramp loop and the Carmel Country onramp loop. To provide a natural-appearing and sustainable solution for temporary storm water runoff storage, the water quality basin will be graded to appear as a natural landscape feature and planted with self-sustaining native riparian vegetation, including sycamores, willows, and coast live oaks. In addition to the 4.6 acre increase in impervious surface areas that would result from the proposed amendment, the ground disturbance and construction operations have the potential to impact sensitive downstream aquatic resources including Carmel Creek and Los Penasquitos Lagoon. Therefore, in order to protect water quality, **Special Condition 10** is required to ensure that proposed water quality protection measures are sufficient during and post construction. The Commission finds that the proposed amendment, as conditioned, is consistent with LCP policies addressing water quality.

**C. Environmentally Sensitive Habitat/Biological Resources.** The applicable LUP policies of the Pacific Highlands Ranch Subarea III area of the North City LCP segment and the Environmentally Sensitive Lands Ordinance in the Land Development Code, are cited below, and state in part:

***Section 1.5.5.** Pacific Highlands Ranch contains several of the major vegetation communities and sensitive species known to exist in the coastal areas of San Diego County. While the bulk of Pacific Highlands Ranch has been utilized for agriculture or nursery operations, some of the remaining areas of natural vegetation retain high biodiversity and are considered sensitive.*

The construction of the proposed bioswales adjacent to SR 56 will permanently impact 0.003 acres or 130 square feet of undisturbed California Sage Scrub (CSS), and 0.02 acres or 871 acres of disturbed CSS. The impacted CSS provides low-quality habitat because it is located adjacent to SR 56 and is exposed to persistent disturbance from vehicle noise and movement. While gnatcatchers may occasionally use this vegetation to forage, the CSS does not constitute environmentally sensitive habitat area (ESHA).

Although the impacted CSS habitat does not rise to the standard definition of ESHA due to lack of special status species and core habitat values, Caltrans has committed to mitigate for permanent CSS impacts at a 2:1 ratio at the nearby Dean Mitigation Site. The Dean Mitigation site is located to the north of the Project site, immediately east of Interstate 5, on the upper slopes of the San Dieguito Lagoon Restoration Project area. Therefore, the Commission finds the proposed amendment, as submitted, consistent with the cited LCP provisions.

**D. Local Coastal Planning.** Section 30604(a) also requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. In this case, such a finding can be made.

This is a certified area of the City of San Diego, and the City typically issues its own permits in such areas. The Commission, however, must review any amendments to permits it issued prior to certification, using the certified LCP as the legal standard of review. Previous findings have demonstrated that the proposed State Route 56 HOV Operational Improvements project is consistent with all cited LCP policies and ordinances. Therefore, the Commission finds that approval of this amendment request will not prejudice the City's ability to continue implementing its LCP in this community.

**E. Consistency with the California Environmental Quality Act (CEQA).**

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

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

## APPENDIX A – CONDITIONS OF APPROVAL

NOTE: Appendix A includes all special conditions that apply to this permit, as approved by the Commission in its original action and modified and/or supplemented by all subsequent amendments, including this amendment No. 6-98-127-A3. All of the Commission's adopted special conditions and any changes in the Project description proposed by the applicant and approved by the Commission in this or previous actions continue to apply in their most recently approved form unless explicitly changed in this action. New conditions and modifications to existing conditions imposed in this action on amendment No. 6-98-127-A3 are shown in the following section. Within Appendix A, changes to the previously approved special conditions are also shown in ~~strikeout~~ / underline format. This will result in one set of adopted special conditions.

## SPECIAL CONDITIONS

This CDP Amendment is granted subject to the following special conditions:

### CDP No. 6-98-127:

1. Final Plans. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, final plans for the construction of those portions of the middle segment of State Route 56 located within the Coastal Commission's coastal development permit jurisdiction. The plans shall incorporate the following information:

- a. A site plan(s) showing the entire alignment within the coastal zone, with the coastal zone boundary clearly delineated;
- b. Grading and runoff control plans for the entire alignment within the coastal zone, with existing and proposed contours clearly delineated and descriptions/exhibits of all temporary runoff control facilities, as further detailed in Special Condition # 4;
- c. Elevations of all interchanges and under/over-crossings in the coastal zone;
- d. Descriptions and exhibits of all proposed landscaping improvements with the coastal zone, as further detailed in Special Condition # 6; and
- e. Descriptions and exhibits showing the placement and composition of all proposed permanent drainage facilities, as further detailed in Special Condition# 5.

The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

2. Revised/Final Mitigation and Monitoring Plan/Program. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and written approval of the Executive Director, a final enhancement and monitoring plan designed by a qualified wetland biologist and acceptable to the U.S. Army Corps of



Engineers (ACOE), U.S. Fish and Wildlife Service (Service) and the California Department of Fish and Game (CDFG). Said program shall be in substantial conformance with those portions of the plan identified as Conceptual Habitat Restoration and Monitoring Program for Wetlands Mitigation Associated with the State Route 56 Construction Project (KEA Environmental, Inc., October 14, 1999) applicable to the Lower McGonigle Canyon mitigation area only, but shall be revised to include the following:

- a. A detailed planting plan for the Lower McGonigle Canyon mitigation site, similar in content and design to the plan depicted in Figure 10 of the above-referenced document.
- b. A detailed narrative description of the Lower McGonigle Canyon mitigation project, similar to Sections C and D of the above-referenced document.
- c. Submittal, within six weeks of completion of construction (i.e., planting) at the mitigation site, of an as-built assessment of the mitigation project that includes as-built plans, to determine if the project has been built as approved.
- d. Submittal of annual monitoring reports to the Executive Director of the Coastal Commission, as well as any other required recipients.

The permittee shall undertake mitigation and monitoring in accordance with the approved program prior to, or concurrent with, the occurrence of the subject wetland impacts. Any proposed changes to the approved program shall be reported to the Executive Director. No changes to the approved program shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

3. Open Space Deed Restriction. No development, as defined in Section 30106 of the Coastal Act shall occur within the Lower McGonigle Canyon wetland mitigation site consisting of restored wetlands and a minimum 50-foot wetland buffer, as shown in the approved plan required by Special Condition #2 above, except for restoration, monitoring and maintenance activities conducted in accordance with the approved mitigation and monitoring program.

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the above restriction on development in the designated open space. The deed restriction shall include legal descriptions of both the applicant's entire parcel and the open space area. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

4. Grading/Erosion Control. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit to the Executive Director for review and written approval, final grading and erosion control plans that have been

approved by the City of San Diego and Caltrans and incorporated into construction bid documents. The approved plans shall be subject to the following requirements and include the following components:

- a. During construction, erosion on the site shall be controlled to avoid adverse impacts to adjacent properties, public roadways and Los Penasquitos Lagoon.
- b. The following temporary erosion control measures shall be used during construction activity: a combination of temporary measures (e.g., geo-fabric blankets, spray tackifiers, silt fences, fiber rolls, straw mulch, hay bales, gravel bags), as appropriate, during each phase of site preparation, grading and project construction.
- c. Following construction, erosion on the site shall be controlled to avoid adverse impacts on adjacent properties, public roadways and Los Penasquitos Lagoon.
- d. A narrative report and/or a copy of the Storm Water Pollution Prevention Plan (SWPPP), prepared as a requirement for development under Caltrans individual NPDES permit, which specifies BMPs appropriate for use during each phase of site preparation, grading and project construction, and procedures for their installation, based on soil loss calculations. The submitted calculations will account for factors such as soil conditions, hydrology (drainage flows), topography, slope gradients, vegetation cover and groundwater elevations.
- e. A site plan showing the location of all temporary erosion control measures.
- f. A site plan showing the location of all permanent erosion control measures.
- g. A schedule for installation and maintenance of the permanent erosion control measures.
- h. A plan to mobilize crews, equipment, and staging areas for BMP installation during each phase of site preparation, grading and project construction, with timing of deployment based on the forecast percentage of rainfall occurrence. The plan shall also address provisions for delivery of erosion prevention/control materials, or access to onsite supplies, including unit costs and specifications for adequate storage capabilities.
- i. A plan for landscaping, which shall be installed on all cut and fill slopes prior to November 15th of each year utilizing either temporary or permanent (in the case of finished slopes) erosion control methods. Said planting shall be accomplished under the supervision of a licensed landscape architect, shall provide adequate coverage within 90 days, and shall utilize vegetation of species compatible with surrounding native vegetation, subject to Executive Director approval.
- j. Limitations on grading activities during the rainy season, from November 15 to March 31 of each year, wherein grading may only occur in increments as determined by the City Engineer and in conformance with the updated Land Development Code of the City of San Diego, effective January 1, 2000. Prior to commencement of any grading activity, the permittee shall submit a grading schedule to the Executive Director. Any variation from the schedule shall be promptly reported to the Executive Director.
- k. A requirement that all permanent runoff and erosion control devices shall be developed and installed prior to or concurrent with any on-site grading activities. All areas disturbed, but not completed, during the construction season, including graded pads, shall be stabilized in advance of the rainy season.

The permittee shall undertake development in accordance with the approved grading and erosion control plans. Any proposed changes to the approved grading and erosion control plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

5. Drainage and Polluted Runoff Control Plan. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit for the review and written approval of the Executive Director, a final drainage and polluted runoff control plan for existing and proposed SR 56, designed to minimize the volume, velocity and pollutant load of stormwater leaving the developed site. The plan shall be incorporated into construction bid documents and reviewed and approved by the consulting engineer to ensure the plan is in conformance with the engineer's recommendations. The plan shall be subject to the following requirements, and shall, at a minimum, include the following components:

- a. Post-development peak runoff rate and average volume shall be maintained at levels similar to pre-development conditions.
- b. Post -construction structural and non-structural BMPs effective at removing and/or mitigating pollutants contained in road/highway runoff, such as petroleum hydrocarbons, heavy metals, sediment and other particulates. The BMPs shall include, but not be limited to, erosion-control landscaping, detention and/or desilting facilities, and oil/grease separators at all drainage inlets along the entire proposed alignment. Specific improvements shall include:
  - ( 1) a detention/desilting basin at the connection of the proposed middle segment to the existing SR-56 West.
  - (2) a vegetated biofilter located in the center median, and replacing the proposed concrete drainage channel. It shall be designed to intercept, infiltrate and/or treat runoff, prior to conveying excess flows off site in a non-erosive manner. Provisions designed to ensure the safety of maintenance workers shall be incorporated into the plan. Paved crossings shall be allowed intermittently to accommodate maintenance, emergency and law enforcement access to, and across, the median area. All selected structural BMPs for volumetric control (e.g., detention and infiltration basins) and flow-based control (e.g., biofilters and media filters) shall be designed and constructed in accordance with the sizing and design criteria contained in the California Storm Water Best Management Practices Handbook (Municipal) (1993) and/or comparable Caltrans criteria, appropriate for the San Diego region. The final BMP design standard shall be consistent with the municipal storm water regulations in 40 CFR 122.26 to reduce pollutants in stormwater to the maximum extent practicable (MEP). MEP should represent the point of diminishing return for BMP implementation. If, based on such considerations and specifications, with respect to site characteristics, a required BMP is determined by a qualified engineer with appropriate expertise to be infeasible, and will therefore result in changes to the approved plan, a Commission-approved amendment will be required, unless the Executive Director determines that no such amendment is required.

- c. A comprehensive sampling protocol to compile water quality data for preconstruction, grading/construction, and post-construction phases at specified upstream and downstream monitoring locations (to be coordinated with Caltrans and Regional Water Quality Control Board (RWQCB)). The plan shall specify criteria pollutant thresholds regulated by the RWQCB to ensure water quality standards are being met in receiving waters downstream of project BMPs. In addition to the new middle segment of SR 56, the monitoring program shall include the discharge points of the two CDS retrofit units, at least two locations within the existing Carmel Valley Resource Enhancement Project (CVREP) and the discharge point west of I-5 where CVREP empties into Los Penasquitos Lagoon. Annual monitoring reports shall be submitted to the Coastal Commission prior to June 1st of each year.
- d. A list of, and a commitment to implement, potential remediation measures in the event runoff from the project site or downstream sampling points exceeds criteria pollutant thresholds regulated by the RWQCB. Corrective actions for exceedances should be provided immediately wherever possible, with considerations for worker safety. Where exceedances cannot be corrected immediately, the next annual report shall identify specific remediation measures appropriate to the circumstances and provide a schedule for their implementation.
- e. A detailed site plan that shows the size and location of all storm drain inlets, size and location of all structural and non-structural BMPs, detention/desilting facilities and all locations where testing/monitoring will occur. In addition, the program, and associated site plan, shall identify the locations along existing State Route 56 where the applicant is proposing installation of Continuous Deflective Separation Units as a retrofit water quality improvement. The permittee shall undertake the development in accordance with the approved plan. Any proposed changes to the approved plan shall be reported to the Executive Director. No change to the plan shall occur without a Commission-approved amendment to the permit unless the Executive Director determines that no such amendment is required.

6. Landscaping Plan. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit for review and written approval of the Executive Director, a detailed final landscape plan approved by the City of San Diego and Caltrans indicating the type, size, extent and location of all plant materials, including the specific species to be planted in the grassy swale required in Special Condition #5, any proposed temporary irrigation system and other landscape features. The plan shall be incorporated into construction bid documents and reviewed in consultation with the resource agencies identified below and shall include the following specific features:

- a. Only drought tolerant, non-invasive native plant materials acceptable to the California Department of Fish and Game (CDFG), U.S. Fish and Wildlife Service (Service) and U.S. Army Corps of Engineers (Corps) shall be utilized;
- b. Only temporary irrigation for plant establishment shall be permitted;
- c. A written commitment shall be made that all planted materials shall be maintained in good growing condition;
- d. Use of fertilizers and pesticides which may enter surface runoff or leach into groundwater shall be avoided altogether, where possible, and otherwise minimized to the extent feasible; and

e. Permanent landscaping shall be installed concurrent with, or within sixty days following, completion of highway construction. The permittee shall undertake development in accordance with the approved final landscaping plan. Any proposed changes to the approved landscaping plans shall be reported to the Executive Director. No changes to the approved landscaping plans shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

7. Construction Staging and Storage Areas. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit plans showing the locations, both on- and off-site, which will be used as staging and storage areas for materials and equipment during the construction phase of this project. The staging/storage plan shall be subject to review and written approval of the Executive Director. Use of environmentally sensitive wetland and upland habitat areas shall not be permitted. The permittee shall undertake development in accordance with the approved final staging and storage area plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the approved plans shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

8. Other Permits. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for review and written approval of the Executive Director, copies of all other required local, state or federal discretionary permits for the development herein approved. Any mitigation measures or other changes to the project required through said permits shall be reported to the Executive Director and shall become part of the project. Such modifications, if any, may require.

9. Future Development. The subject permit is for the construction of four travel lanes and associated improvements only. The construction of additional travel lanes or other improvements within the reserved median in the future will require review by the Coastal Commission as an amendment to this permit. The first priority for use of the reserved median area should be for mass transit or HOV lanes, rather than additional mixed-use lanes. If additional mixed-use lanes are ultimately proposed for the center median, the amendment application should include a thorough analysis of transit alternatives and support why such improvements are not proposed or needed .

CDP No. 6-98-127- A1:

A1-1. [Special Condition No. 1 of CDP No. 6-98-127 remains unchanged and in effect]

A1-2. Final Mitigation Program. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit to the Executive Director for review and written approval, a final mitigation and monitoring program for the permitted development. Said program shall be in substantial conformance with the El Cuervo Norte Conceptual Wetland Mitigation and Monitoring Plan, dated December, 2001. The permittee shall undertake development in accordance with the approved final program. Any proposed changes to the approved final program shall be reported to the Executive

Director. No changes to the approved final program shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

A1-3. Construction Access/Staging Area/Project Timing. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit plans showing the locations, both on- and off-site, which will be used as staging and storage areas for materials and equipment during the construction phase of this project. The staging/storage plan shall be subject to review and written approval of the Executive Director. Use of environmentally sensitive wetland and upland habitat areas for the temporary storage of equipment or materials shall not be permitted. The plan shall also incorporate the seasonal and erosion control restrictions imposed in the other resource agency permits (U.S. Army Corps of Engineers [ACOE], California Department of Fish and Game [CDFG], and Regional Water Quality Control Board [RWQCB]. These restrictions address installation and maintenance of construction BMPs, protection of the existing El Cuervo mitigation site to the south of the subject site, and protection of breeding avian species in or near the project site. The permittee shall undertake development in accordance with the approved access, staging and timing plans. Any proposed changes to the approved access, staging and timing plans shall be reported to the Executive Director. No changes to the approved access, staging and timing plans shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

~~A1-2. — 2. Revised/Final Mitigation and Monitoring Plan/Program. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and written approval of the Executive Director, a final enhancement and monitoring plan designed by a qualified wetland biologist and acceptable to the U.S. Army Corps of Engineers (ACOE), U.S. Fish and Wildlife Service (Service) and the California Department of Fish and Game (CDFG). Said program shall be in substantial conformance with those portions of the plan identified as Conceptual Habitat Restoration and Monitoring Program for Wetlands Mitigation Associated with the State Route 56 Construction Project (KEA Environmental, Inc., October 14, 1999) applicable to the Lower McGonigle Canyon mitigation area only, but shall be revised to include the following:~~

- ~~a. A detailed planting plan for the Lower McGonigle Canyon mitigation site, similar in content and design to the plan depicted in Figure 10 of the above-referenced document.~~
- ~~b. A detailed narrative description of the Lower McGonigle Canyon mitigation project, similar to Sections C and D of the above-referenced document.~~
- ~~c. Submittal, within six weeks of completion of construction (i.e., planting) at the mitigation site, of an as-built assessment of the mitigation project that includes as-built plans, to determine if the project has been built as approved.~~
- ~~d. Submittal of annual monitoring reports to the Executive Director of the Coastal Commission, as well as any other required recipients.~~

~~The permittee shall undertake mitigation and monitoring in accordance with the approved program prior to, or concurrent with, the occurrence of the subject wetland~~

~~impacts. Any proposed changes to the approved program shall be reported to the Executive Director. No changes to the approved program shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is required.~~

~~A1-3. 3. Open Space Deed Restriction. No development, as defined in Section 30106 of the Coastal Act shall occur within the Lower McGonigle Canyon wetland mitigation site consisting of restored wetlands and a minimum 50-foot wetland buffer, as shown in the approved plan required by Special Condition #2 above, except for restoration, monitoring and maintenance activities conducted in accordance with the approved mitigation and monitoring program.~~

~~PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the above restriction on development in the designated open space. The deed restriction shall include legal descriptions of both the applicant's entire parcel and the open space area. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.~~

A1-4. [Special Condition No. 4 of CDP No. 6-98-127 remains unchanged and in effect]

A1-5. [Special Condition No. 5 of CDP No. 6-98-127 remains unchanged and in effect]

A1-6. [Special Condition No. 6 of CDP No. 6-98-127 remains unchanged and in effect]

A1-. 7 [Special Condition No. 7 of CDP No. 6-98-127 remains unchanged and in effect]

A1-8. [Special Condition No. 8 of CDP No. 6-98-127 remains unchanged and in effect]

A1-9. [Special Condition No. 9 of CDP No. 6-98-127 remains unchanged and in effect]

CDP No. 6-98-127- A2:

A2-1. [Special Condition No. 1 of CDP No. 6-98-127 remains unchanged and in effect]

A2-2. Term of Permit. The subject permit authorizes the proposed improvements to remain on the site for the duration of SR 56 construction activities that require closure of the existing access to these properties. Within sixty (60) days of the opening of the permanent access road, all paving, culverts, gravel, etc. shall be removed from the temporary access site, and the drainage crossing returned to pre-project conditions.

A2-3. Final Drainage, Grading and Erosion Control Plans. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, final drainage and runoff control plans that have been approved by the City of San Diego. The plans shall document that the runoff from the access road/driveway will be directed into vegetated, pervious areas adjacent to the proposed improvements, for infiltration and/or percolation prior to any conveyance off-site in a non-erosive manner. The use of temporary erosion control measures, such as berms, interceptor ditches, sandbagging, filtered basins, and silt traps shall be utilized in conjunction with plantings to minimize soil loss during construction and operation. The permittee shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without the Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is necessary.

A2-4. [Special Condition No. 2 of CDP No. 6-98-127 remains unchanged and in effect]

A2-5. [Special Condition No. 3 of CDP No. 6-98-127 remains unchanged and in effect]

A2-6. [Special Condition No. 4 of CDP No. 6-98-127 remains unchanged and in effect]

A2-7. [Special Condition No. 5 of CDP No. 6-98-127 remains unchanged and in effect]

A2-8. [Special Condition No. 6 of CDP No. 6-98-127 remains unchanged and in effect]

A2-9. [Special Condition No. 7 of CDP No. 6-98-127 remains unchanged and in effect]

A2-10. [Special Condition No. 8 of CDP No. 6-98-127 remains unchanged and in effect]



6-98-127-A3

Caltrans

A2-11. [Special Condition No. 9 of CDP No. 6-98-127 remains unchanged and in effect]

CDP No. 6-98-127- A3:

A3-1. [Special Condition No. 1 of CDP No. 6-98-127 remains unchanged and in effect]

A3-2. [Special Condition No. 2 of CDP No. 6-98-127 remains unchanged and in effect]

A3-3. [Special Condition No. 3 of CDP No. 6-98-127 remains unchanged and in effect]

A3-4. [Special Condition No. 4 of CDP No. 6-98-127 remains unchanged and in effect]

A3-5. [Special Condition No. 5 of CDP No. 6-98-127 remains unchanged and in effect]

A3-6. [Special Condition No. 6 of CDP No. 6-98-127 remains unchanged and in effect]

A3-7. [Special Condition No. 7 of CDP No. 6-98-127 remains unchanged and in effect]

A3-8. [Special Condition No. 8 of CDP No. 6-98-127 remains unchanged and in effect]

A3-9. [Special Condition No. 9 of CDP No. 6-98-127 remains unchanged and in effect]

A3-10. [Special Condition No. 10 of CDP No. 6-98-127 remains unchanged and in effect]

A3-11. [Special Condition No. 11 of CDP No. 6-98-127 remains unchanged and in effect]

A3-12. Final Water Quality Monitoring Plan. PRIOR TO CONSTRUCTION, and in support of protecting water quality within the Project vicinity from further degradation, the Applicant shall submit, for the review and written approval of the Executive Director, a Final Water Quality Monitoring Plan, including a Storm Water Pollution Prevention Plan, a spill prevention and emergency response plan, construction phase BMPs, a Storm Water Data Report, and a Comprehensive Receiving Water Quality Monitoring Program.

**APPENDIX B- SUBSTANTIVE FILE DOCUMENTS**

Final Environmental Impacts Report/Environmental Impact Statement for the Interstate-5/State Route 56 Interchange Project, Caltrans, October 26, 2017

Environmental Impact Statement for the State Route 56 Middle City of San Diego Project, Caltrans, May 14, 1998

Final Environmental Impact Report/Environmental Impact Statement Section 4(f) Evaluation for the Interstate 5 North Coast Corridor Project, 2022

CDP No. 6-98-127

CDP No. 6-98-127-A1

CDP No. 6-98-127-A2

North City LCP Land Use Plan Addendum

Carmel Valley Neighborhood Community Plan

North City Future Urbanizing Area Framework Plan and Pacific Highlands Ranch Subarea Plan

Certified City of San Diego Implementation Plan