

## CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

75 METROPOLITAN DRIVE, SUITE 103

SAN DIEGO, CA 92108-4402

(619) 787-2370



City of San Diego  
Engineering and Capital Projects  
Attn: Michael J. Mezey MS 611  
1010 Second Avenue, 12<sup>th</sup> Floor  
San Diego, CA 92101

NOTICE OF ACCEPTANCEDate: April 10, 2002Applicant: City of San Diego, Engineering and Capital ProjectsDocument or Plans: Final Mitigation Plan; Construction Staging and Storage PlanSubmitted in compliance with Special Condition(s) No(s): 1 & 2  
of Coastal Development Permit No. 6-98-127-A1Remaining Special Condition(s): None

Material submitted in compliance with said Special Condition(s) of your development permit has been reviewed by the District Director and found to fulfill the requirements of said condition(s). Your submitted material and a copy of this letter have been made a part of the permanent file.

Sincerely,

Deborah Lee  
Deputy DirectorBy: Ellen Luby

**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO AREA  
CAMPINO DEL RIO NORTH, SUITE 200  
SAN DIEGO, CA 92108-1725  
21-8036



Date July 12, 2000

Application No. 6-98-127

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NOTICE OF INTENT TO ISSUE PERMIT

On May 10, 2000, the California Coastal Commission approved the application of City of San Diego, subject to the attached standard and special conditions, for the development described below:

Description: Construction of the middle segment of State Route 56 to complete an east-west freeway connection between I-5 and I-15, with approximately 7,000 linear feet of the highway in the coastal zone (approximately 5,200 linear feet in the Coastal Commission's jurisdiction and subject to this permit). The project includes approximately 200,000 cu.yds. of grading in the coastal zone (approximately 175,000 cu.yds. in the Coastal Commission's jurisdiction and subject to this permit) 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 State Route 56 West and creation of 1.5 acres of riparian wetlands in McGonigle Canyon as mitigation for project impacts to 0.427 acres of existing southern willow scrub.

Site: Beginning approximately 1/3 mile east of the east end of existing State Route 56, extending east approximately 1 mile through Subarea III of the Future Urbanizing Area of North City, San Diego, San Diego County.

The permit will be held in the San Diego District Office of the Commission, pending fulfillment of Special Conditions 1, 2, 3, 5, 6, 7, 8. When these conditions have been satisfied, the permit will be issued.

DEBORAH N. LEE  
DEPUTY DIRECTOR  
BY

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. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. 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.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

SPECIAL CONDITIONS:

The permit is subject to the following conditions:

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 plans for the entire alignment within the coastal zone, with existing and proposed contours clearly delineated;
- c. Elevations of all interchanges and under/over-crossings in the coastal zone;
- d. Descriptions and exhibits of all proposed landscaping improvements within 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 (identified in Exhibit #7), similar in content and design to the plan depicted in Figure 10 of the above-referenced document. The plan shall consist of in-kind riparian mitigation at a ratio of 3:1 (i.e., three acres created for every acre impacted within the coastal zone).
- 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 between wetland and upland habitats, 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 COMMENCEMENT OF CONSTRUCTION, the applicants shall submit to the Executive Director for review and written approval, final erosion control plans that have been approved by the City of San Diego and Caltrans. 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 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. Such site plan may acknowledge that minor adjustments in the location of temporary erosion control measures may occur if necessary to protect downstream resources.
- 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 15<sup>th</sup> 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. 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. To facilitate this determination, the third-party contractor designated by Caltrans shall evaluate the implementation of SWPPP measures for compliance with this coastal development permit, and copies of all periodic reports shall be submitted to the Executive Director for review.

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 include the following components:

- a. Post-development peak runoff rate and average volume from the Carmel Valley Resource Enhancement Plan (CVREP) detention facility to Carmel Creek/Los Penasquitos Lagoon shall be maintained at levels similar to existing conditions.
- b. Permanent structural and non-structural treatment control best management practices (BMPs) effective at removing and/or mitigating pollutants of concern, specifically, petroleum hydrocarbons, heavy metals, sediment and particulates (for example bioswales or continuous deflection separators fitted with sorbent pads) shall be incorporated into final plans, to treat the drainage from the proposed highway segment located within the coastal zone.
- c. Opportunities for directing runoff from impervious roadway to permeable areas for infiltration or biofiltration purposes shall be maximized where geotechnical or hydrological constraints would not otherwise prohibit such use.
- d. Permeable crushed gravel shall be used as an alternative to the proposed concrete material, to form the low flow channel proposed for the middle five feet of the center median, on all portions of the proposed segment where slopes are of a grade less than 2%. All portions of the median outside the center five feet shall be vegetated.

e. 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. 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.

f. A BMP maintenance agreement which states that by acceptance of this coastal development permit, the applicant/owner or successor in interest agrees to be solely responsible for regular maintenance including inspection and regular cleaning of all approved BMPs to ensure their effectiveness prior to and during each rainy season from November 15 through March 31 of each year, for the life of the project. Debris and other water pollutants contained in BMP filters or devices must be contained and disposed of in a proper manner on a regular basis. All BMP traps/separators and/or filters must be cleaned prior to the start of the winter storm season, no later than October 15th each year. Documentation of inspection and maintenance activity is required in the annual monitoring and BMP status report, required by component 5g below.

g. As proposed by the applicant, a comprehensive receiving water quality monitoring program shall be implemented beginning in the Fall of 2000. Sampling locations and conditions shall be consistent with the specifications of the proposed State Route 56 Monitoring plan (Exhibit #11). Samples shall be analyzed for all constituents included in Table 1 of the State Route 56 Monitoring Plan. However, the plan as proposed shall be modified to reflect that monitoring shall be conducted for a period of five years following final completion of the project. In addition, a BMP efficiency study designed to assess the efficacy of selected permanent BMPs required by 5.b. of this permit shall be undertaken. Evaluation and criteria for assessment of BMP efficacy shall be modeled after that used by Caltrans in BMP retrofit pilot plan studies conducted on BMPs implemented elsewhere in the state. The results of the monitoring plan, BMP assessment, and documentation of inspection and maintenance activities shall be compiled in the form of an Annual Monitoring and BMP Status Report, referred to hereafter as the "Status Report." The Status Report shall be submitted to the Coastal Commission, prior to June 1<sup>st</sup> of each year, for a period of five years following final project completion. A complete Status Report shall consist of the following three components:

1. The sampling data and analysis of results from the previous year's monitoring efforts. Analysis shall serve to characterize water quality in the receiving waters,

and evaluate results against receiving water quality objectives established by the Regional Water Quality Control Board (RWQCB), and in comparison to baseline data from monitoring efforts conducted in previous years associated with the CVREP.

2. BMP efficiency study results for selected permanent BMPs implemented per Special Condition 5.b. of this permit.
3. Documentation of inspection and maintenance activities associated with permanent BMPs. Specific information shall include: date, location and brief description of activity performed.

The Status Report shall be signed by the Caltrans District 11 Director, or the Director's designee in the stormwater compliance program, prior to annual submittal to the Commission.

h. 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 at this time, or for which standards are developed during the 5-year term of this monitoring program. 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.

i. 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 all areas of the median except the center five feet, where a low-flow channel is proposed, 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, except in the western-most portion of the alignment where SR 56 will be adjacent to existing residential uses on both the north and south sides of the highway, where drought tolerant, non-invasive native or exotic plant materials shall be permitted;
- b. Only temporary irrigation for plant establishment shall be permitted, except in the area described in 6.a. above, where permanent irrigation shall be permitted. Reclaimed water shall be used for irrigation to the maximum extent possible, when available;
- 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. The permittee shall not use any area containing wetlands or sensitive upland plant species (i.e., coastal sage scrub, etc.) to stage or store construction equipment or materials. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a written agreement incorporating the above requirement.

PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, the permittee 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. The plan shall demonstrate that no area containing wetlands or sensitive upland plant species (i.e., coastal sage scrub, etc.) is proposed to stage or store construction equipment or materials.

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 an amendment to this permit or a separate coastal development permit.

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.

10. Coastal Commission Briefings. Briefings shall be provided to the Coastal Commission by staff, in coordination with Caltrans and the City of San Diego, as necessary to keep the Commission informed about the progress of State Route 56, particularly as it relates to the development of best management practices and the final plans. Briefings shall be provided at such times as draft plans are submitted to the agency for condition compliance and upon receipt of all annual "Status Reports."