

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA

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Permit Application No. 6-96-114/1ro

Date September 11, 1996

ADMINISTRATIVE PERMIT

APPLICANT: City of Del Mar

PROJECT DESCRIPTION: Repair damage to existing drainage swale including extension of an existing 35-foot long, 24" drainage pipe an additional 150 feet to the south, filling swale four feet above pipe elevation, and construction of a new head wall and energy dissipator downstream.

PROJECT LOCATION: Torrey Pines State Reserve, south of Carmel Valley Road, east of Highway 101, Del Mar, San Diego County. APN 301-032-12

EXECUTIVE DIRECTOR'S DETERMINATION: The findings for this determination, and for any special conditions, are discussed on subsequent pages.

NOTE: The Commission's Regulations provide that this permit shall be reported to the Commission at its next meeting. If one-third or more of the appointed membership of the Commission so request, a permit will not be issued for this permit application. Instead, the application will be removed from the administrative calendar and set for public hearing at a subsequent Commission meeting. Our office will notify you if such removal occurs.

This permit will be reported to the Commission at the following time and place:

DATE and TIME: October 9, 1996 LOCATION: Sheraton Hotel - LAX
9:00 a.m., Wednesday 6101 W. Century Blvd.
Los Angeles, Ca

IMPORTANT - Before you may proceed with development, the following must occur:

For this permit to become effective you must sign the enclosed duplicate copy acknowledging the permit's receipt and accepting its contents, including all conditions, and return it to our office. Following the Commission's meeting, and once we have received the signed acknowledgment and evidence of compliance with all special conditions, we will send you an authorization to proceed with development. BEFORE YOU CAN OBTAIN ANY LOCAL PERMITS AND PROCEED WITH DEVELOPMENT, YOU MUST HAVE RECEIVED BOTH YOUR ADMINISTRATIVE PERMIT AND THE PERMIT AUTHORIZATION FROM THIS OFFICE.

PETER DOUGLAS
Executive Director

By: Laurinda R. Owens

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgement. 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.

EXECUTIVE DIRECTOR'S DETERMINATION (continued):

Pursuant to Public Resources Code Section 30624, the Executive Director hereby determines that the proposed development, subject to Standard and Special Conditions as attached, is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976, will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3, and will not have any significant impacts on the environment within the meaning of the California Environmental Quality Act. Any development located between the nearest public road and the sea is in conformity with the public access and public recreation policies of Chapter 3.

Proposed is the repair of an existing damaged drainage swale including extension of a 35-foot long, 24" drainage pipe an additional 150 feet to the south, filling the swale four feet above pipe elevation and construction of a new headwall and energy dissipator downstream. The drainage swale is located within a steeply eroded gully which will also be backfilled with 1,000 cy. of imported fill material obtained from a location outside of the coastal zone. The project site is located within the Torrey Pines Reserve, just south of

Carmel Valley Road and east of Highway 101 in the City of Del Mar. The storm drain is a City of Del Mar public works facility located on property belonging to the California Department of Parks and Recreation. An easement agreement between the State and the City requires the City to repair or restore any damage caused to State property by the storm drain. Two years ago the State notified the City that damage to State land had occurred as a result of erosion associated with the damaged drainage swale and requested that the storm drain be re-routed to another location or extended beyond the existing gully. The City, along with the State Department of Park and Recreation, developed the proposed project to correct the erosion problem. The proposed plan to extend the existing storm drain will reduce the slope of the pipe resulting in a reduction in the velocity of the storm water. In addition, riprap will be installed at the discharge point which will function as an energy dissipator.

Section 30240 of the Coastal Act states the following:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

This section of the Act is applicable to the project because the site is located in close proximity to the sensitive resources of Los Penasquitos Lagoon to the south. The applicant considered several alternatives to the project design. Those alternatives included 1) modifying the existing headwall to increase the height; 2) extending the storm drain pipe to reduce the slope of the pipe and 3) repairing the existing headwall and constructing wing walls on the side of the headwall. Each of these alternatives would also have included repairing or reconstructing the riprap device that functions as an energy dissipator. The subject project represents the second alternative and was found to be the least environmentally-damaging design and the most effective method for mitigating the erosion problem. As noted previously, the extension of the pipe will reduce the slope of the pipe which will reduce the velocity of storm water flowing through the pipe, thus minimizing erosion and scouring effects to downstream resources. Special Condition #1 has been attached which requires submittal of final construction plans for the proposed project and that construction occur consistent with the final plans.

In addition, with regard to potential impacts to other resources such as sensitive biological habitat in the area, a vegetation map was completed which indicates the gully is largely made up of common exotic species. The upland areas are surrounded by different kinds of common coastal sage scrub plants dominated by California sage brush, bush sunflower, and flat-topped buckwheat. The proposed work will not result in any disturbance to the upland areas immediately adjacent to the gully. Access to the project site will be gained primarily from the south through an existing dirt road which extends in

a northwesterly direction from McGonigle Road, the access drive to the Torrey Pines State Beach public parking lot located south of the project site. Beyond the northern terminus of the dirt road, some access will be gained through the southerly extent of the existing gully. However, all areas will be restored to their original condition, including hydroseeding, as noted on the preliminary construction plans. Special Condition #2 has been attached requiring submittal of a landscaping/revegetation plan indicating the proposed revegetation of this area.

Furthermore, with regard to sensitive wildlife species, the California Gnatcatcher has been known to use the surrounding area. For this reason, the project has been designed to avoid the nesting season of this bird species between March 1 and August 1. Special Condition #1 has been attached which requires that no construction activities occur during this period. In summary, the proposed project, as conditioned, should not result in any adverse impacts to environmentally-sensitive resources and can be found consistent with Section 30240 of the Act.

As noted previously, the subject site is part of the State Torrey Pines Reserve and the community plan designation is Bluff, Slope and Canyon overlay. The Coastal Commission certified the City of Del Mar's LCP Land Use Plan (LUP) with suggested modifications in March, 1993. The project should not prejudice the ability of the City of Del Mar to prepare and implement a fully certifiable Local Coastal Program, and, as conditioned, project approval is not anticipated to result in adverse impacts to any coastal resources.

SPECIAL CONDITIONS:

1. Final Plans/Construction Period. Prior to authorization to proceed with development, the applicant shall submit final construction plans to the Executive Director for review and written approval. Construction shall occur consistent with final approved plans. All construction activities shall be prohibited between March 1 and August 1, of each year to prevent disturbance to the California Gnatcatcher.

2. Landscaping/Revegetation Plan. Prior to authorization to proceed with development, the applicant shall submit a detailed revegetation plan indicating the type, size, extent and location of all plant materials and hydroseeding, any proposed irrigation system and other landscape features to revegetate that portion of the gully that is disturbed for construction access to repair an existing drainage swale. At a minimum, a hydroseed mixture shall be utilized to re-establish the area consistent with its present character. Said plan shall be submitted to, reviewed by and approved in writing by the Executive Director.

ACKNOWLEDGEMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS:

I/We acknowledge that I/we have received a copy of this permit and have accepted its contents including all conditions.

Applicant's Signature

Date of Signing