

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA

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Hearing Date: 2/6-9/96

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-95-160

Applicant: 22nd District Agricultural Association Agent: Patricia A. Butler

Description: Excavate accumulated silt and sand and remove vegetation (cattails) from an existing earthen drainage channel, extending from the outfall of an existing concrete channel, to and including an existing sedimentation basin approximately 1,210 ft. downstream.

Site: Earthen drainage channel located on the Del Mar Fairgrounds, south of Via De La Valle and west of Valley Avenue, Del Mar, San Diego County.
APN 298-260-13, 15; 298-271-3; 298-421-1, 2, 3, 4, 5, 6, 7, 8, 10, 11 & 12.

Substantive File Documents: Certified City of Del Mar Land Use Plan; San Dieguito Lagoon Enhancement Plan; Del Mar Fairgrounds draft Public Works Plan; Del Mar Fairgrounds updated Master Plan.

STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit for the proposed development, subject to the conditions below, on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions.

See attached page.

III. 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 for review and written approval of the Executive Director, final project and staging area plans for the channel clearing, prepared in consultation with the Department of Fish and Game. Said plans shall include the following:

- a. Removal of cattails and sediment shall be limited to a 15 ft. wide corridor along the center of the channel and within the existing sedimentation basin, as proposed.
- b. Plans shall identify existing non-native plant species on the slopes immediately adjacent to the channel (that are not essential for either erosion control or slope stability) that are to be removed, as proposed.
- c. Plans shall identify the location(s) of all staging areas for both equipment and excavated materials to be used during implementation of the project. No encroachment within environmentally sensitive habitat areas beyond the proposed 15 foot wide corridor shall be permitted.

2. Maintenance Activities/Future Development. This permit is limited to a one-time clean-out of the sediment deposition and vegetation in the bottom of the earthen channel. Any future proposed maintenance activities shall first be reviewed by the Executive Director to determine whether a coastal development permit is required.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description/History. The proposed project involves the excavation of accumulated sediment and removal of vegetation (cattails) from the bottom of an existing earthen drainage channel extending from the outfall of an existing concrete channel to, and including an existing sedimentation basin approximately 1,210 ft. downstream. The earthen channel is located on the Del Mar Fairgrounds, just south of Via De La Valle, along the fairgrounds northernmost property boundary in the City of Del Mar.

To accomplish the development and allow flood flows to run through the channel unrestricted, the applicant is requesting to remove a 15 ft. wide section of sediment and vegetation from the center of the earthen channel, leaving existing native vegetation on the channel banks untouched. In addition, the existing sedimentation basin, approximately 1,210 downstream, will also be cleared of vegetation and sediment. The applicant proposes to remove the vegetation and place it on the flat dirt area outside the channel for a period of four to five days to dry, then it will be deposited at a site outside of the coastal zone. The sediment removed will be placed along the south side of the channel to reinforce the existing berm. After the removal has been

completed, the applicant has proposed to identify and remove existing non-native plant species along the channel banks that are not necessary for stabilization of the channel banks.

In 1990, the Commission approved CDP #6-90-205, for a similar flood control project that involved removal of sediment and cattails from the channel bottom. That permit was approved with conditions that the excavation be limited to 15 ft. down the center of the channel and that non-native species along the channel banks be removed. The conditions were subsequently satisfied, the permit released and the channel was cleared shortly thereafter. The previous channel clearing received 1601 Streambed Alteration authorization from the California Department of Fish and Game and renewal of that agreement for the work subject to this permit has been applied for by the applicant.

2. Flood Control. Section 30236 of the Coastal Act is applicable and states:

Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.

As stated, the subject development involves the excavation of sediment and vegetation from within an existing open earthen channel located along the northern boundary of the Del Mar Fairgrounds in the City of Del Mar. Directly up stream of the earthen channel is an open and underground channel, which is the main drainage system for the the Stevens Creek Drainage Basin that drains over 60 percent of the the City of Solana Beach. The earthen channel, which extends from the outfall of the concrete channel and empties out into the San Dieguito River mouth, has again silted over the five years since it was last cleared (as approved under CDP #6-90-205), and has become overgrown with a very dense stand of cattails (approximately 30 feet in width for the entire length of the channel to, and including the existing sedimentation basin).

The proposed development will remove existing vegetation and sediment from the center of the earthen drainage channel. As cited above, Section 30236 of the Coastal Act only allows channelizations or substantial alteration of rivers and streams for, among other things, flood control projects where no other method for protecting existing structures is feasible and where such protection is necessary for public safety or to protect existing development. The subject development is proposed as a flood control project for public safety and to protect existing development. Any amount of sediment build-up within the existing earthen channel can greatly restrict the flow of water through the channel, as the elevational drop between the floor of the concrete outfall and the floor of the earthen channel just before it meets the sedimentation basin approximately 1,210 ft downstream, is only two feet when clear of sediment. The presence of the sedimentation and vegetation in the

earthen channel has caused the underground concrete channel upstream to fill with sediment, causing water to back-up out of the street storm drains on Stevens Avenue in Solana Beach, causing flooding of the street and private property during periods of moderate and heavy rains. As such, the proposed flood control project for public safety purposes and to protect existing development is an allowable use under Section 30236 of the Act.

In addition to determining whether the proposed development is permitted under Section 30236 of the Act, the Commission must also find that the project is an allowable use under Section 30233 of the Act and that there are no other feasible less environmentally damaging alternatives that would avoid or lessen the environmental impacts of the development. The cattail vegetation that is proposed to be removed by this project, is considered sensitive habitat. Typically, the Commission discourages the removal/disturbance of such sensitive habitat areas given the limited extent of such resources and the questionable success of mitigation efforts to re-establish habitat areas of comparable diversity and quality over time. In this particular case, as the proposed development involves the clearing of an existing drainage channel for public safety purposes, it is considered an incidental public service, which is a permitted use in wetlands subject to the stipulations of Section 30233 of the Act.

Although the cattails are a constituent of freshwater wetland communities, they are often not the most desirable species for a high quality community. In this particular case, the cattails have invaded an existing drainage channel, are of a low quality and only a 15 foot wide section through the middle of the channel is proposed to be removed. Problems associated with a dense cattail corridor include harboring of predators, decreased stream flow and increased sediment trapping. The herein requested channel clearing for flood control purposes will involve the related disturbance and/or clearing of exclusively cattail habitat, which typically re-establish naturally on their own, as is the case in the subject channel. In addition, only the minimum amount of vegetation to restore stream flow through the channel is proposed for removal. To offset the temporary loss of the cattails, the applicant has proposed to enhance the area by removing exotic, non-native plants on the adjacent channel banks.

To assure that the project involves only the minimum disturbance necessary to restore adequate flood flows to the channel, Special Condition #1 has been proposed. This condition requires the applicant to submit final project plans which indicate that the removal of sediment and vegetation will be limited to a maximum 15 ft. corridor down the middle of the channel and the existing sedimentation basin downstream. In addition, the condition requires that all staging areas for equipment and excavated materials be identified and that such staging areas not impact any environmentally sensitive habitat areas. Finally, this condition requires the applicant to identify on the plans the non-native plant species to be removed along the channel banks.

Special Condition #2 has been proposed to put the applicant on notice that this permit is for a one-time only clearing of sediment and vegetation. At the time any future maintenance is proposed, the need for a coastal

development permit will be addressed at that time. It is suggested that the applicant (and the City of Solana Beach) investigate other alternatives to prevent the sediment build-up such as developing a sediment basin up-stream of where the concrete channel begins. Establishing such a basin would decrease the potential for flooding in the future and also benefit the quality of downstream resources.

The Commission finds that impacts to environmentally sensitive habitat areas have been reduced to the maximum extent feasible. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Sections 30233 and 30236 of the Coastal Act.

3. 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 particular case, such a finding can be made.

The 22nd District Agricultural Association, a state agency, manages land lying within the purview of the Cities of Del Mar, Solana Beach and San Diego. The certified land use plan for the City of Del Mar designates the racetrack area itself for public recreation facilities; some of the land use designations in other areas do conflict with those shown in the updated Master Plan for overall development of the Fairgrounds, which has not been subject to review by either the Coastal Commission or the local jurisdictions involved. Additionally, the entire site is included within the Commission-approved San Dieguito Lagoon Enhancement Plan which is a component of the Del Mar LCP. Moreover, the fairgrounds property is primarily an area of public trust lands where permit jurisdiction remains with the Coastal Commission.

The 22nd District Agricultural Association is the owner and operator of the fairgrounds. The District has completed an updated Master Plan, and adopted a draft Public Works Plan. Because the fairgrounds is a special State District, they have the option of submitting a public works plan under Section 30605 of the Coastal Act.

In this particular case, the proposed project is to clean-out an existing drainage channel that has silted and become clogged with vegetation. As conditioned, the proposed project has been found consistent with all applicable Chapter 3 policies of the Coastal Act. Therefore, the Commission finds that approval of the proposed project, as conditioned, will not prejudice the ability of the involved communities to complete certifiable plans for their respective jurisdictions.

4. Consistency with the California Environmental Quality Act (CEQA). Section 13096 of the California Code of Regulations requires Commission approval of a coastal development permit to be supported by a finding showing the permit to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) 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 impact which the activity may have on the environment.

As discussed herein, the proposed project will not cause significant adverse impacts to the environment. There are no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact which the proposed activity may have on the environment. Therefore, the Commission finds 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.

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.

(5160R)

Subject
Site

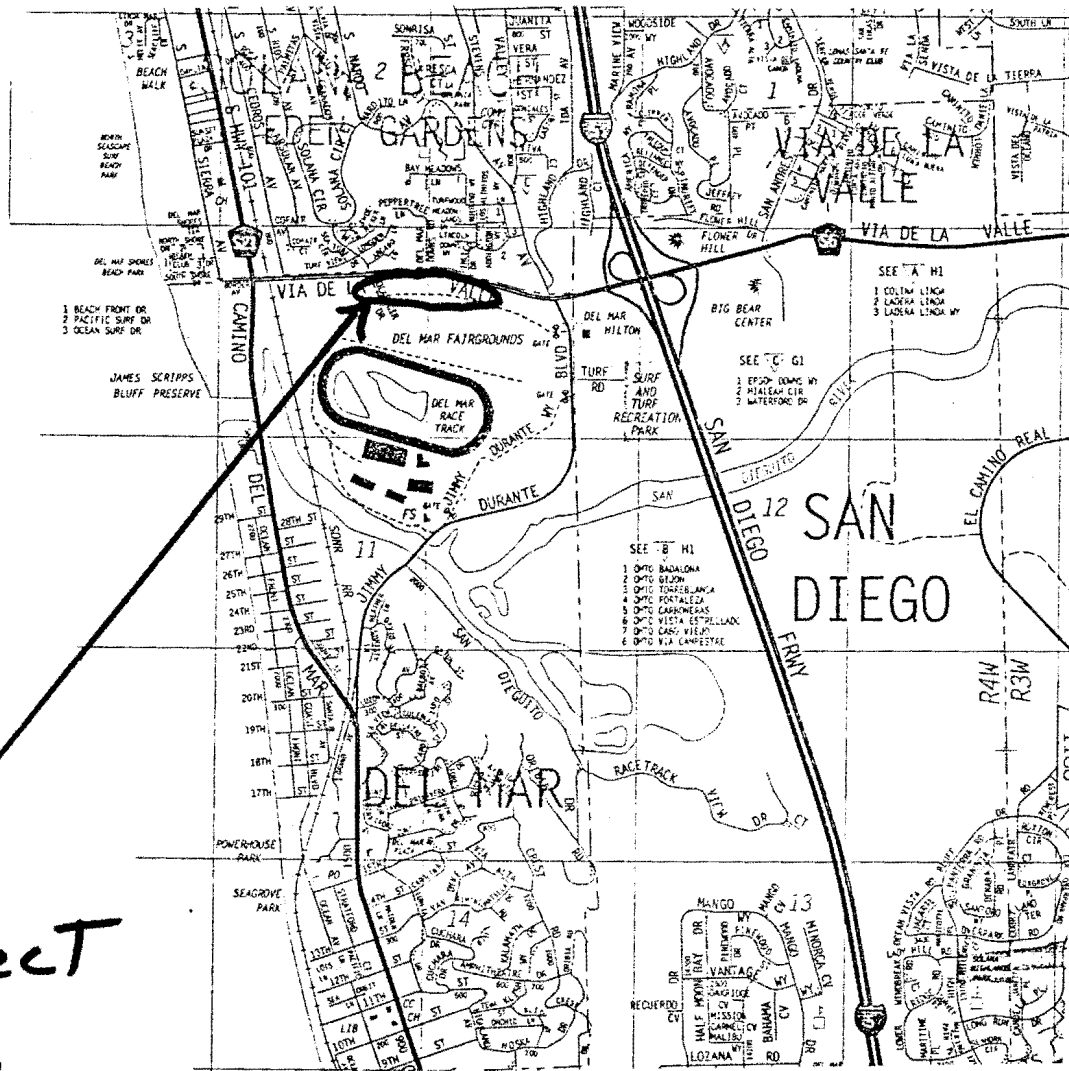


EXHIBIT NO. 1

APPLICATION NO.
6-95-160

vicinity map

California Coastal Commission

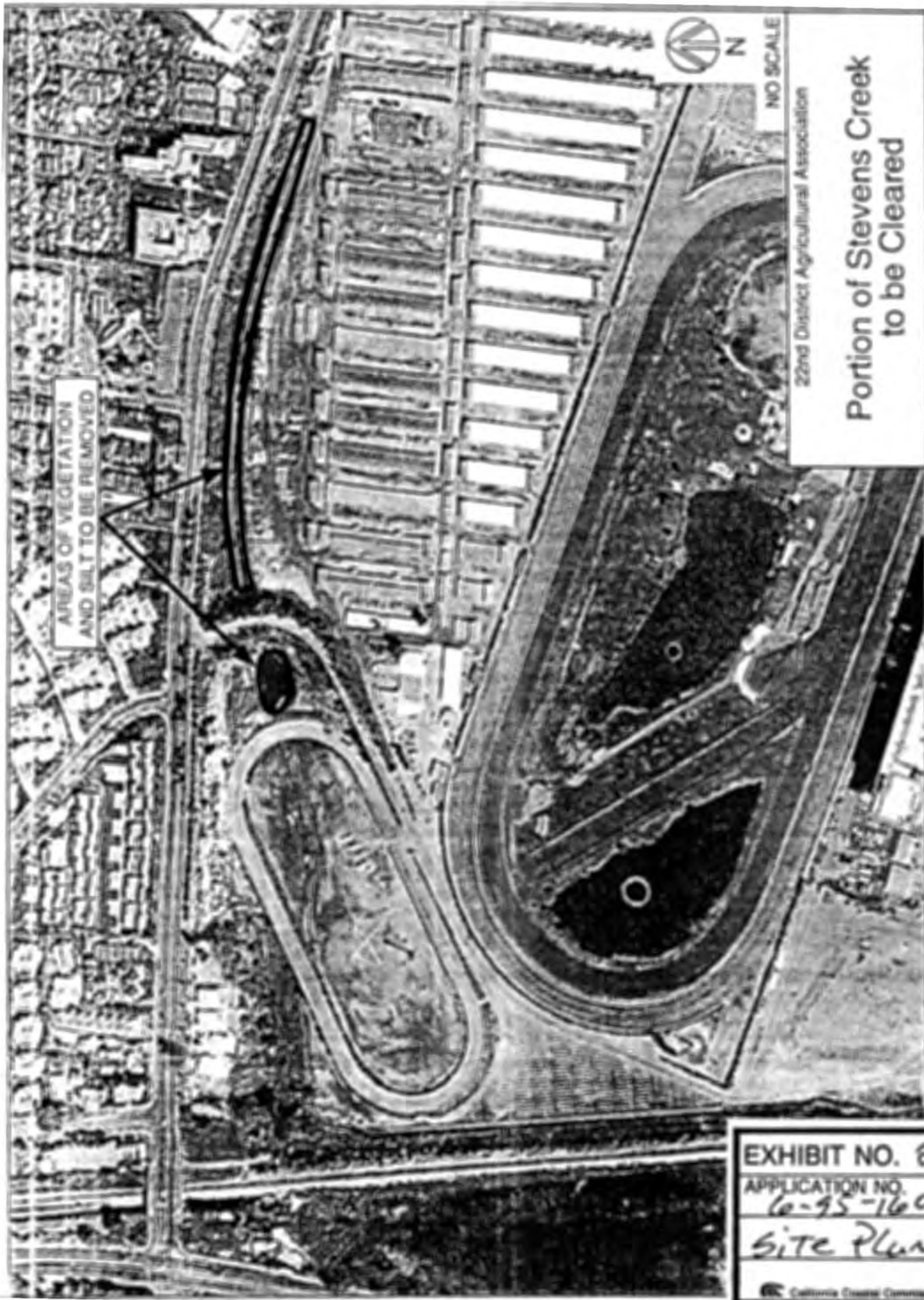


FIGURE 1

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