

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA

3111 CAMINO DEL RIO NORTH, SUITE 200

SAN DIEGO, CA 92108-1725

(619) 521-8036



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Permit Application No. 6-97-75/EL

Date September 15, 1997

ADMINISTRATIVE PERMIT

APPLICANT: City of Del Mar

PROJECT DESCRIPTION: Construction of a 12-foot by 6-foot cement slab, placement of a mobile drainage pump during the rainy season and installation of a 19-foot square, 6-foot high, slatted chain-link perimeter fence.

PROJECT LOCATION: Within the railroad right-of-way, between the public works yard at 2240 Jimmy Durante Boulevard and the Beach Colony Apartments at 2801-2805 Camino del Mar, Del Mar, San Diego County.

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 8, 1997
9:00 a.m., Wednesday

LOCATION: Del Mar Fairgrounds
2260 Jimmy Durante Boulevard
Del Mar, CA 92014

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: Ellen Liley

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.

Much of the northwestern area of the City of Del Mar is subject to flooding during winter storm events, including the existing residential development adjacent to the subject site. Stormwater gathers in a ditch which runs along the west side of the existing railroad tracks and discharges through a culvert into the San Dieguito River/Lagoon. The culvert is undersized for moderate to large storm events, and stormwater backs up and spills out of the ditch

flooding nearby homes and adjacent public streets. The City has been using a temporary pump during the rainy season for many years to more quickly drain stormwater out of the railroad ditch and pump it over the existing riverbank into the river/lagoon. Several years ago, the City constructed a cement slab to provide a more stable base for the seasonal pump. Recently, the City inquired about installing a security fence around the slab and pump, to address an ongoing vandalism problem.

In researching the history of this pumping facility, it was discovered that the Coastal Commission had never issued permits for the pump or slab. Although the City considered these items to be part of its ongoing flood prevention program, the placement of the pump and construction of the cement slab are considered development under the definition in the Coastal Act, and should have had Commission authorization. The slab was installed sometime after the City's current lease with NCTD (the railroad), which dates to 1982. The City has not been able to determine exactly how long the seasonal pump has been used, but believes that its use goes back to the 1920's or 1930's when most of the homes in the area were constructed. Since these dates cannot be firmly established, the City is currently seeking approval of the entire operation.

However, the only new construction will be installation of the proposed 19-foot square, six-foot high, chain-link perimeter fence. The fence will have slats woven into it; these will both reduce the noise of the pump, and better screen the facility, which is located just south of the San Dieguito River/Lagoon, between the railroad tracks and existing residential development. From a public perspective, the site is visible from informal trails along both sides of the tracks south of the site and from the Fairgrounds and river mouth area on the north side of the river. Since this is a very small facility, it is not a significant part of these viewsheds; however, the proposed brown fence will reduce even the current low level of visibility, as the seasonal pump is bright red and blue and currently sits exposed on the slab when in use. Thus, the proposed development is consistent with Section 30251 of the Act, which addresses the protection of visual resources in scenic areas.

This is a relatively small-scale pumping facility, which removes excess stormwaters from the existing open drainage ditch upstream of an existing culvert, bypasses the culvert itself, then discharges the stormwater into the San Dieguito River/Lagoon immediately adjacent to the culvert outfall. The pumping operation simply allows the ditch to drain fast enough to prevent its overflow and subsequent flooding of adjacent properties, since the culvert does not have the capacity to handle more than small storm flows quickly enough to avert flooding. The small culvert travels underground through the riverbank for no more than approximately 20-30 feet, from its headwall in the drainage ditch to the river outfall. There is no detention or filtering system in the culvert, such that stormwaters being pumped directly to the river by the seasonal pump receive no less treatment than that provided by the culvert, and enter the river in the same location. Thus, use of the seasonal pump in no way lessens overall water quality in the area.

In conjunction with a recent permit for a new outfall approximately 1000-1500 feet west of the subject site (Coastal Development Permit #6-97-52), the City submitted copies of its existing NPDES permit and its City-wide Best Management Practices (BMP) program. The proposed, and existing, operation is fully consistent with the permit, and will not change, redirect or increase stormwater discharges from current practices. Therefore, the proposed development is consistent with Section 30231 of the Coastal Act, which addresses the quality of coastal waters, and no additional BMPs or modification of current operations is required at this time.

The City of Del Mar has a certified LCP Land Use Plan (LUP), and is currently preparing its implementation program for submittal to the Coastal Commission. The seasonal pump facility is part of the City's overall public works operations, and is considered necessary to protect the health and safety of nearby residents. Although the specific use is not called out in the LUP, it is an accessory service facility for the designated residential neighborhood and is thus fully consistent with the certified LUP. Therefore, approval of the proposed development is not anticipated to result in adverse impacts to any coastal resources or prejudice the City's ability to complete a fully-certifiable LCP.

SPECIAL CONDITIONS: NONE

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

(7075R)