

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA

111 CAMINO DEL RIO NORTH, SUITE 200
SAN DIEGO, CA 92108-1725
(619) 521-8036

Filed: May 29, 1997
49th Day: July 17, 1997
180th Day: November 25, 1997
Staff: EL-SD
Staff Report: June 18, 1997
Hearing Date: July 8-11, 1997



REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Th 10d

Application No.: 6-97-52

Applicant: City of Del Mar

Agent: Monica Tuchscher

Description: Construction of a storm drain system, including street inlets, 18" storm drain, a pump station and 6" force main and outfall with riprap dissipator, and construction of surface improvements including new curbs, gutters, sidewalks, seatwalls and associated landscaping.

Site: Approximately 2,000 linear feet along the west side of Camino del Mar (within the right-of-way), from 24th Street north to the San Dieguito River, Del Mar, San Diego County.

Substantive File Documents: Certified City of Del Mar LCP Land Use Plan
North Beach Area Drainage Study, June, 1988
NPDES Order 90-42 & Monitoring Reports

STAFF NOTES:Summary of Staff's Preliminary Recommendation:

Staff recommends approval of the proposed development with special conditions requiring monitoring of the lagoon outfall and addressing riprap design, construction-related impacts and possible future amendments/permits. Issues raised by the proposal, and resolved either by the proposed design or through the recommended special conditions, include impacts to water quality and public access/recreation.

PRELIMINARY 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. Water Quality/Monitoring Report. Prior to the issuance of the coastal development permit, the applicant shall submit for the review and written approval of the Executive Director, a water quality/urban runoff control and monitoring plan for the storm drain outlet discharge. The plan shall include the following components:

- a. Best Management Practices (BMPs). All applicable BMPs, including but not limited to curb inlet stencilling, solid waste management (trash removal) and street sweeping, shall be incorporated into the project design to ensure the discharge from the proposed outlet is consistent with local and regional standards;
- b. Monitoring Schedule. A proposed monitoring schedule and commitment to conduct monitoring of the proposed outfall on a regular basis shall be included. Monitoring activities shall include, at a minimum, the level and type of monitoring required under the City's NPDES permit (Order 90-42) for stormwater and urban runoff discharges, including the chemical and visual analysis performed semi-annually on all storm drains in the City under the Illicit Connection/Illegal Discharge Detection Program, and shall include progress reports as submitted to the Regional Water Quality Control Board;
- c. Annual Reports. The first year after the project is constructed, and every year thereafter for five years, the applicant shall submit an annual report including the results of testing and monitoring activities performed on the storm drain outlet discharge, and any remedial or preventive measures taken to improve water quality.
- d. Five-Year Summary Report. Five years after the date of Commission approval, the applicant shall provide a report to the Commission incorporating the results of the storm water discharge monitoring at the proposed outlet performed over the past five years, any mitigation measures taken and on-going efforts to reduce non-point source pollution in the City, including the installation of additional storm drain system components during the five-year period. If excessive levels of toxins are reported at any point

during the monitoring period, the City shall take appropriate measures to begin to resolve the problem prior to the five-year report, consistent with the requirements of Special Conditions #2, below.

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.

2. Future Amendments/Permits. If excessive levels of bacteria, organic material or other toxins are found as a result of the testing and monitoring program required in Special Condition #1, above, the City shall implement appropriate measures to correct the problem. If said measures require a coastal development permit, the City shall obtain an amendment to this permit or separate coastal development permit. Examples of measures which would require a coastal development permit would include the construction of a low-flow diverter/dry-weather intercept system or other structural means to reduce or eliminate the contamination. The determination of "excessive levels," and identification of the appropriate means to remediate same, shall be made in consultation with the Regional Water Quality Control Board, and in conformance with NPDES permits.

3. Riprap Design. 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 riprap energy dissipator at the proposed storm drain outfall. The plans shall indicate the re-engineering of existing riprap and placement of new riprap as far inland as possible, but in no case further seaward (towards or into the river channel) than the existing line of riprap. The riprap design shall maximize lateral access along the shoreline and shall maintain, to the extent possible, existing vertical access adjacent to the outfall. Riprap shall be installed consistent with the approved plan.

4. Outfall Signage. Prior to the issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and written approval, a plan for an appropriate sign to be placed at the outfall site. Said sign shall warn/educate the public regarding the potential hazards of recreating, or allowing small children to recreate, in this location when stormwater is being discharged. The approved sign shall be installed within thirty days of completion of outfall construction.

5. Construction Access/Staging Area/Project Timing. As proposed by the applicant, the following construction parameters shall apply to the proposed development. Any changes to these construction parameters shall be reported to the Executive Director and may require an amendment to this permit.

- a. The designated staging site for this development is the Del Mar Public Works yard.
- b. Access to the construction site will be via Camino del Mar, and will include the detouring of the bicycle lane between 23rd and 29th

Streets to Ocean Front, and the constriction of traffic flow on Camino del Mar between 8:30 a.m. and 4:30 p.m. on weekdays.

- c. Complete closure of any travel lanes on Camino del Mar is not permitted, and construction activities shall not occur on weekends or holidays.
- d. Construction shall not occur during the summer season between the beginning of Memorial Day weekend and Labor Day.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. The City of Del Mar is proposing to construct a new component to its existing storm drain system, to address a seasonal flooding problem in the northwestern part of the city. During even light to moderate storms, water ponds along Camino del Mar in the general vicinity of 27th Street, which is a low spot. Eventually, usually within a few days after the end of the storm, the water evaporates. However, the standing water presents both a public safety and beach access problem, since it extends onto the roadway itself, constricting traffic flow, and also inundates an informal area west of the paved street which is used for beach parking and can accommodate approximately fourteen vehicles.

The proposed development will include both subterranean and surface improvements. The proposed underground storm drain system itself will include curb inlets, catch basins, and an 18" storm drain between 24th and 27th Streets. At 27th Street, the City proposes to install a pump station, with a 6" force main running north from that point to a new outfall into San Dieguito River/Lagoon immediately west of the Highway 101 (Camino del Mar) bridge. South of (prior to) the proposed outfall, the 6" force main drops into a 12" gravity storm drain which continues north to the outfall. The pipe will have flapgates at the proposed concrete headwall, and the discharge will be dissipated by a riprap apron. There is already some riprap along the riverbank in this location; this will be augmented with approximately two cu.yds. of additional 1/4-ton rocks.

Proposed surface improvements will include paving and formalizing the existing dirt parking area west of the paved roadway, but within the Camino del Mar right-of-way, between 25th and 27th Streets, and installing curbs, gutters and sidewalks along that stretch of the project. The development will also include the installation of handicap ramps, low seatwalls and minor landscaping improvements at the street corners of 25th, 26th and 26th Streets, on the west side of Camino del Mar.

2. Water Quality. Section 30231 of the Coastal Act is applicable to the proposed development and states, in part:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum

populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff,

The proposed storm drain system is the City's chosen solution to address a recurring flooding problem centered around the intersection of 27th Street and Camino del Mar. This intersection represents a low spot within the relatively flat coastal community of Del Mar, where stormwater runoff collects and remains ponded until it eventually evaporates. The City's existing storm drain system does not extend to this area, and dry weather flows have not been significant enough to cause standing water, so the problem has been seasonal only. However, during the rainy season, a significant portion of both the paved roadway and the adjacent dirt parking area can remain flooded for several days at a time, depending upon the severity of winter storms, creating both a safety hazard for motorists and an impediment to parking.

The proposed construction of inlets, catch basins, storm drains, a pump station and force main are the usual components of municipal storm drain collection systems. The City is proposing to direct the collected runoff to a new outfall located above the mean high tide line near the mouth of the San Dieguito River (immediately west of the Highway 101 bridge). The headwall will be constructed flush with an existing embankment and will discharge runoff onto existing riprap and sand. There is no wetland vegetation at the outfall site to be impacted by the discharge, but the area is used by the public for recreation. Particularly, families with small children tend to recreate along the river mouth, rather than in the more turbulent waters of the open ocean. And, it is possible that, if strong incoming tides coincided with storm events, discharges could be conveyed upriver into the lagoon proper, where salt marsh habitat and other sensitive vegetation exists. However, it would be very rare that discharges would be conveyed deep enough into the lagoon to affect existing sensitive areas. Moreover, based on the BMPs included in the proposal, the potential construction of additional storm drain system components in the future, and Del Mar's history of relatively clean storm drain discharges, the discharge at this location is not expected to present a serious hazard to upstream resources.

The City investigated two other options for discharge points before selecting the proposed site. The North Beach Area Drainage Study, conducted in 1988, made a series of recommendations for improvements and additions to the City's storm drain system in the northern part of the community. The proposed development represents some of the recommended components of the 1988 study, and the City anticipates proposing additional storm drain components in future applications, as plans are prepared and funding becomes available. The study identified the existing drainage swale running along the west side of the railroad right-of-way as the outlet site; the right-of-way is located approximately one block east of Camino del Mar. The railroad ditch, however, also has a problem of standing water during the rainy season, and requires manual pumping out periodically; that discharge is then directed to the San Dieguito Lagoon in any event, such that the area of ultimate discharge would not be significantly different from the proposed alternative. A second

concern in using the drainage swale as a discharge point is that the swale supports some wetland vegetation, which could be adversely affected by pollutants in the stormwater runoff. The second alternative outfall location investigated by the City was a beach outfall at the western terminus of 27th Street. It was rejected because of expected adverse impacts on public access and recreation and potential concerns over public health.

Of the three identified alternatives, the one proposed by the City appears to be most consistent with the Coastal Act, in that it would have the least impact on existing sensitive habitats (normally none, but with a small potential for impact depending on the timing of winter storms and tide events) and would be more protective of public recreational uses than would the beach outfall alternative since this area has far less public use than the ocean beaches. In addition, the City maintains that the proposed paving of the existing dirt parking area alongside Camino del Mar will enable the City street sweepers to access this area, removing trash and at least some automotive debris before it could enter the storm drain system. The City also conducts an extensive public education program, and will appropriately label all system inlets. Finally, the City's proposed outfall location is in an area that receives daily flushing, so the discharge will be dissipated at a rapid rate. Moreover, the proposal is consistent with the current NPDES permit (Order 90-42), such that no modifications to the permit or proposed project are specifically required by the Regional Water Quality Control Board (RWQCB). However, even with all these positive elements, the proposed outfall site still raises concerns over public health and safety, due to the unknown quality of stormwater to be discharged and the historic and ongoing use of this area of the river mouth for public recreation.

To address the concerns raised under Section 30231 of the Act, the Commission finds it necessary to attach Special Condition #1, which requires that the City submit a water quality/urban runoff control and monitoring plan, and conduct regular monitoring of the new outfall. The plan itself must consist of a description of the best management practices (BMPs) that the City intends to incorporate into the project, a schedule for monitoring and a commitment to implement the plan, including any modifications or improvements deemed necessary to address identified problems during the operation of the system. The monitoring must be consistent with what is already required by the existing NPDES permit for other City outfalls, but the City must conduct monitoring in this new location, must copy the Commission with its annual reports to the RWQCB and must prepare a detailed summary report at the end of five years. With respect to the remediation of ongoing operational problems, the RWQCB would identify such through its evaluation of the annual reports, and the City must then propose appropriate measures to correct the problem. If such measures require approval of the Coastal Commission, an amendment to this permit, or a separate coastal development permit would be processed, depending on the scope and location of the required remediation. This process is covered in Special Condition #2. With the inclusion of these two special conditions, the Commission finds that optimum water quality will be adequately monitored and maintained, and thus finds the proposed development consistent with Section 30231 of the Act.

3. Public Access and Recreation. Many Coastal Act policies address this area of concern. Those most applicable to the proposed development state, in part:

Section.30210

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section.30211

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section.30212

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

(1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,

(2) adequate access exists nearby, or,

(3) agriculture would be adversely affected....

The proposed outfall location is immediately west of the Highway 101/Camino del Mar bridge over the San Dieguito River, and the embankment where the outfall will be constructed is used as a secondary pedestrian access point from Camino del Mar to the river's edge. Accessing the river's edge at the proposed outfall site requires some dexterity, as one must negotiate a path over or around the existing, somewhat scattered riprap. During some tide conditions, there is no "beach" in this location, with the water right at the edge of the riprap. Even at lower tides, there is little or no dry sand, since the area between the riprap and the water remains quite narrow. Using this secondary access will become even more difficult after the proposed outfall construction and its associated riprap augmentation.

The primary access corridor begins at the same location as the secondary access described previously, just west of Camino del Mar on the south side of the river. It consists of a fairly level and smooth dirt path which runs west along the top of the embankment on a gentle downhill gradient, until it meets sandy beach a few hundred feet to the west of the outfall site. Along the route, people can climb over the riprap to reach various areas of the river

mouth as well. There is continuous riprap all along the south side of the river, but it is patchy in many areas and not too difficult to cross. The primary access path would certainly appear preferable from the standpoints of public safety and easy walking, and that route is not affected by the proposed outfall. Therefore, since one can ultimately access the entire stretch of river and beach using either path, the Commission finds that adequate access exists nearby the site of the proposed outfall, such that the increased impediments at the location of the secondary path will not significantly affect public shoreline access in this general location.

Special Condition #3 is intended to further address the maintenance of all existing public access. It requires final plans for the riprap dissipator, and provides that the riprap must be properly engineered and placed as far inland as possible to maximize lateral access along the shoreline. The condition also requires that, to the extent possible, existing vertical access along the secondary path be maintained, although the Commission recognizes that additional riprap will make that path more difficult to negotiate.

The greater concern with the proposed outfall location is its potential detrimental effects on public recreation in the immediate area. When discharge is flowing, it will incrementally decrease the area available for public use, though to a very small degree, since flows are not anticipated to exceed two cubic feet per second. More importantly, the stormwater discharge might contain a varying range of urban pollutants, which is true of all storm drain outfalls on public beaches. Also, water quality is generally lower at the mouths of lagoons and rivers, which often receive polluted inflow from upstream areas.

The shallow and calm waters of the lagoons and river mouths tend to attract families with small children, who may be intimidated by the wave action of the open ocean. Thus, the area where the outfall is proposed is used for public recreation, although much less heavily used than the area further west. Although construction of the outfall in this location could be interpreted as a potential diminishment of existing public recreational opportunities, it could also be argued that water quality in this upstream location may already be poorer than further west, and the public should not be encouraged to recreate in this location even without the proposed outfall. Because some people may be unaware of the potential hazards of polluted runoff, Special Condition #4 requires that a sign be placed at the outfall, cautioning the public about the nature of the stormwater discharge. The sign should be particularly directed at those with small children, who may be more susceptible than others to the affects of such pollution, and who could not read the warning themselves.

Throughout the San Diego region, storm drain outfalls and river mouths are regularly monitored and tested for pollutants, and adjacent beaches are intermittently posted with warning signs when water quality deteriorates to levels adverse to human health. Special Condition #1 will assure that the proposed outfall is similarly monitored, consistent with NPDES requirements, and that remedial measures are taken if adverse water quality is detected. Some of the potential remedial measures, such as a dry weather interceptor

system, may occur with future City proposals, as the City seeks to implement the various recommendations of the 1988 drainage study.

Although public access and recreation concerns have been identified with the proposed storm drain system, the proposed surface improvements will all benefit public access. The existing dirt area west of Camino del Mar, informally used for beach parking, accommodates approximately fourteen vehicles. The same number of vehicles will be accommodated with the proposed paving of the area, plus sidewalks will be provided for pedestrian use where none now exist. In addition, the City will install handicap ramps at the street corners and will provide low seatwalls for public use. Existing landscaping will be modified and augmented to complement the proposed public improvements.

A separate concern with respect to public access is that of construction impacts, since the proposed improvements will be located on Camino del Mar, a major coastal access route. The City has identified an appropriate construction staging area and is proposing that all work occur outside the summer beach season. Moreover, it proposes that there be no lane closures on Camino del Mar, and that traffic along Camino del Mar can only be constricted on weekdays between the hours of 8:30 a.m. and 4:30 p.m. This construction criteria, proposed by the City, has been formalized in Special Condition #3.

In summary, the proposed project includes both benefits and potential impacts to existing public access and recreational use of this part of Del Mar. The surface street and sidewalk improvements provide an obvious benefit, while the underground storm drain improvements, and particularly the river outfall, raise concerns with respect to water quality and construction impacts. However, since access to the ocean and river is adequately provided by the existing primary access path, water quality will be monitored and maintained at the optimum levels possible, construction impacts have been addressed and appropriate cautionary signage is required, the Commission finds the proposal, as conditioned, consistent with the cited policies of the Coastal Act and with all other public access and recreation policies as well.

4. Visual Resources. Section 30251 of the Coastal Act provides for the protection of scenic coastal areas and for the compatibility of new and existing development. The proposed development will result in several changes to the existing appearance of this part of the City. However, the street improvements (paved parking, curbs, gutters, sidewalks, seatwalls and landscaping) will be compatible with similar amenities throughout other areas of the City. The discharge outfall will add a concrete headwall structure to the existing riprapped riverbank, and will also increase the amount of riprap in this location. However, the site is immediately adjacent to the existing bridge, and the structure will be "tucked in" to the bank and not be visually prominent from most public areas. The Commission, therefore, finds the proposed improvements consistent with Section 30251 of the Act.

5. 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. As conditioned, such a finding can be made for the subject development.

The proposed development will all occur within public right-of-way and on lands in public ownership. The certified City of Del Mar LCP Land Use Plan provides that the city continue to make appropriate storm drain improvements to address stormwater runoff throughout the City. The proposed improvements are consistent with the land use plan policies. In addition, as conditioned, the proposed improvements have been found consistent with all applicable Chapter 3 policies of the Coastal Act, and the proposal is consistent with the City's existing NPDES permit. Therefore, the Commission finds that approval of the proposed development, with the attached special conditions, will not prejudice the ability of the City of Del Mar to complete an implementation plan for its Local Coastal Program.

6. Consistency with the California Environmental Quality Act (CEQA).

Section 13096 of the Commission's Code of Regulations requires Commission approval of coastal development permits 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, with the inclusion of three special conditions, the proposed project will not cause significant adverse impacts to the environment. Specifically, the project, as conditioned, has been found consistent with the water quality, public access and recreation and visual resource policies of the Coastal Act. There are no additional feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact which the activity might have on the environment. Therefore, the Commission finds that 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.

(7052R)

 California Coastal Commission

6-97-52

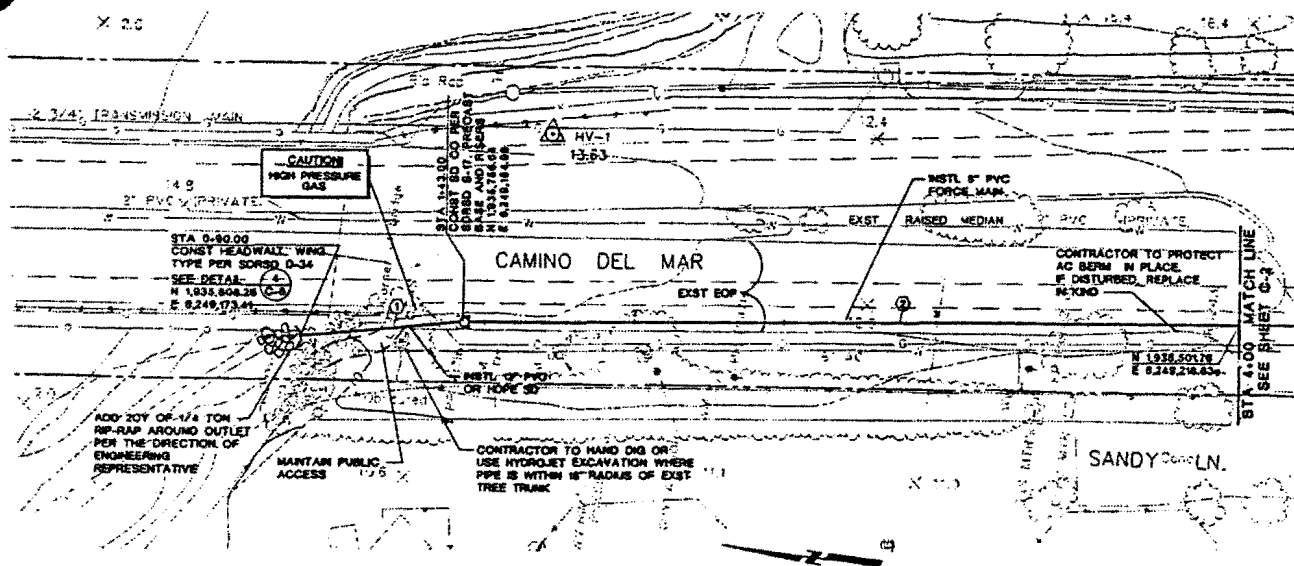
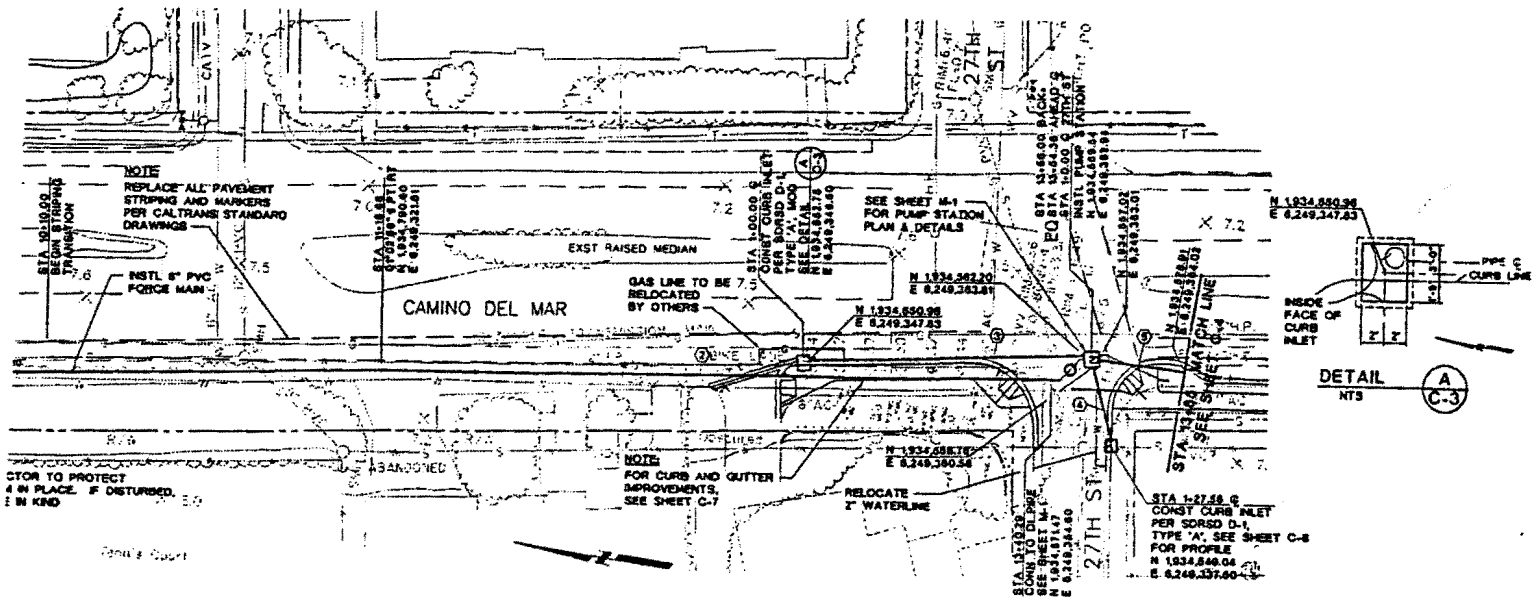


EXHIBIT NO. 2
APPLICATION NO. 6-97-52
Typical Alignment Segments
California Coastal Commission

6-97-52

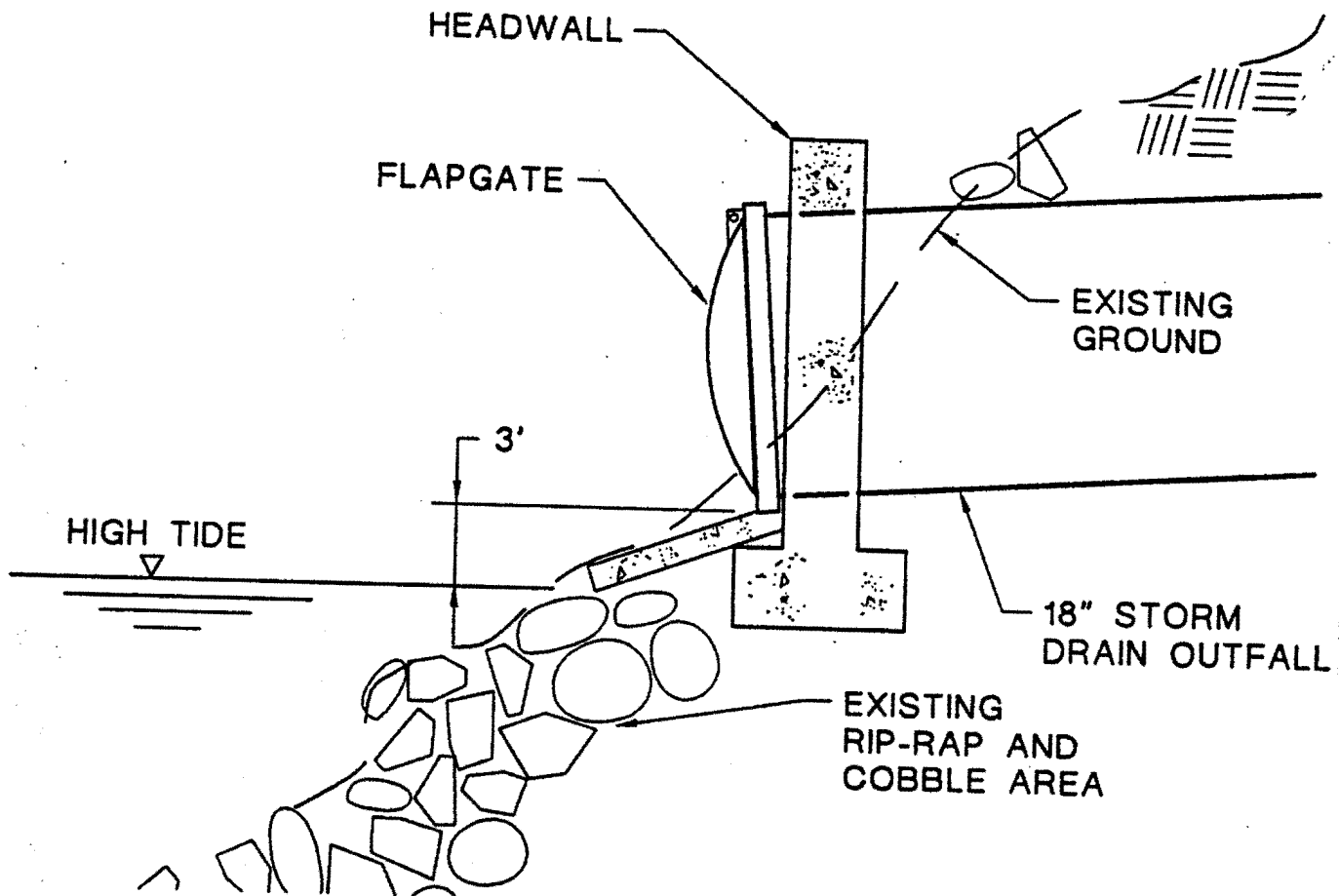


EXHIBIT NO.	3
APPLICATION NO.	6-97-52
Proposed Outfall Section	
California Coastal Commission	