

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

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REGULAR CALENDARSTAFF REPORT: AND PRELIMINARY RECOMMENDATION

Application No.: 6-97-62

Applicants: North San Diego County Transit
Development Board
City of Del Mar

Agents: Noel Peck
Monica Tuchscher

Description: Restoration of the existing drainage system within railroad and city rights-of-way along the Del Mar bluffs; project includes removal of vegetation, recontouring and partial paving of the existing drainage ditch east of and parallel to the track, restoration of the upper bluff and streetend at 13th Street, replacement of a culvert from inlet to a new headwall and energy dissipater above the mean high tide line at Mile Post 244.5, construction of a new transition facility at Mile Post 245.4, including new concrete floor in existing culvert, mitigation for temporary and permanent impacts to sensitive vegetation, and various other repair activities at several locations within the overall project site.

Site: Within city and railroad right-of-way, extending laterally from Mile Post 244.3 south to Mile Post 245.4, Del Mar, San Diego County.

Substantive File Documents: Certified City of Del Mar LCP Land Use Plan
Del Mar Drainage Study, dated November, 1993
Biological Resources Technical Report, dated June, 1997

STAFF NOTES:Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the proposed repair of an existing drainage system with special conditions requiring the submittal of final project plans, a detailed biological

resources mitigation program, a staging area plan, a final construction schedule, a water quality monitoring program and copies of other state or federal permits. Issues raised by the proposal include public access, biological resources, bluff stability, erosion control, and water quality. As proposed and conditioned, the issues are all addressed and the project is consistent with Chapter 3 policies of the Coastal Act. Staff believes the conditions are acceptable to the applicants.

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. Final Plans. Prior to issuance of the coastal development permit, the applicants shall submit to the Executive Director for review and written approval, final plans for the proposed development, that substantially conform with the preliminary plans, dated May 14, 1996 (Part 2) and April 18, 1997 (Part 1), which were submitted with, and subsequent to, the application. The final plans shall not show those portions of the overall project not proposed at this time.

2. Mitigation Program. Prior to issuance of the coastal development permit, the applicants shall submit to the Executive Director for review and written approval, a final mitigation program to address the 0.10-acre permanent impacts and 0.02-acre temporary impacts to freshwater marsh habitat, permanent impact to 74 individual spiny rush plants and temporary impact to 0.01 acres of coastal bluff scrub. The program shall substantially conform with the program outlined in the Biological Resources Technical Report, dated June 27, 1997 (part of the project as proposed by the applicants), and shall be approved by

the California Department of Fish and Game (CDFG) and the U.S. Army Corps of Engineers (ACOE). The program shall include, at a minimum, the following components:

- a. The "general mitigation measures" and avoidance techniques delineated on Pages 16, 17 and 18 of the referenced biological report;
- b. Identification of either Anderson Canyon or the Railroad Triangle as the selected mitigation area for mitigation of the 0.10-acre permanent impact to freshwater marsh at a ratio of 2:1 (two acres of mitigation for each acre of impact);
- c. A grading/planting plan for the 0.20 acres of freshwater marsh habitat at the identified mitigation area;
- d. On-site restoration of the 0.02-acre temporary impact to freshwater marsh at a replacement ratio of 1:1;
- e. On-site salvage and/or replacement in-kind at a 1:1 replacement ratio of the 74 impacted spiny rush plants;
- f. On-site revegetation at a 1:1 replacement ratio of all temporary impacts to coastal bluff scrub;
- g. A detailed 5-year monitoring program which identifies success criteria for all on- and off-site mitigation areas.

The applicant shall undertake the mitigation in accordance with the approved mitigation program. Any proposed changes to the approved plan shall be reported to the Executive Director and approved by the CDFG and ACOE. No change to the plan shall occur without a Commission-approved amendment to this permit, unless the Executive Director determines that no such amendment is required.

3. Staging Areas. Prior to issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and written approval, a final plan/map identifying all areas proposed for the staging or storage of construction materials and equipment. No sandy beach or public parking areas, including on-street parking spaces, shall be used for said purposes.

4. Construction Schedule and Parameters. The applicant shall not:

- a. Use sandy beach and public parking areas, including on-street parking spaces, for the interim storage of materials and equipment;
- b. Work on sandy beach during the summer months (start of Memorial Day weekend through Labor Day) of any year;

- c. Work in any area of the project site during the summer months in a manner that impedes existing informal public access to the beach; or
- d. Leave equipment on the beach when not in use.

Prior to issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and written approval, a final construction schedule, which shall be incorporated into construction bid documents, and which shall incorporate the preceding restrictions. Any modification to the schedule shall be immediately reported to the Executive Director and may require an amendment to the permit.

5. Water Quality/Monitoring Report. Prior to the issuance of the coastal development permit, the applicants 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 discharges. The plan shall include the following components:

- a. Best Management Practices (BMPs). All BMPs which are currently part of the City of Del Mar's program(s) developed in compliance with their NPDES permit, including but not limited to curb inlet stenciling, 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 water discharges at the outfalls identified as BR 244.5 and BR 245.4 on a regular basis shall be included. The level and type of monitoring shall be the same level and type as required under the City's program(s) developed in compliance with their NPDES permit (Order 90-42) for stormwater and urban runoff discharges. The testing shall include the chemical and visual analysis performed semi-annually on all storm drains in the City under the Illicit Connection/Illegal Discharge Detection Program. The applicants shall submit progress reports to the Coastal Commission, as submitted to the Regional Water Quality Control Board; submitted reports shall include the results of testing for any other pollutants, such as bacteria, organic material or toxins, that the City performs.
- c. Annual Reports. The first year after the project is completed, and every year thereafter for five years, the applicants shall submit an annual report identifying the results of testing and monitoring activities performed on the storm drain outlet discharges, 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 applicants shall provide a report to the Commission incorporating the results of the storm water discharge monitoring at BR 244.5 and BR 245.4 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 applicants shall take appropriate measures to begin to resolve the problem prior to the five-year report, consistent with the requirements of Special Condition #6, below.

The permittees 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. 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 #5, above, the applicants shall implement appropriate measures to correct the problem. If said measures require a coastal development permit, the applicants 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.

7. Other Permits. Prior to the issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and written acceptance, copies of all other required state or federal permits (CDFG Streambed Alteration Permit or ACOE permit for example). If said permits modify the project, an amendment to this permit may be required, depending on the significance of such modifications.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. The applicants are proposing a number of restoration activities within an existing drainage system located within city and railroad right-of-way along the Del Mar bluffs south of Coast Boulevard. The existing system is in very poor condition, with some of the drainage facilities totally inoperable. This has resulted in stormwater percolating underneath the railroad tracks causing erosion and slippages in several locations along the subject site, which comprises an approximately 1.5 mile stretch of track and bluff. The existing system includes a drainage ditch paralleling the track on the east side, inlet structures directing stormwater under the tracks, and conveyance structures on the west side of the tracks extending over or through the face of the bluff, with a total of nine outlet structures at beach level.

The proposed repair activities include four main components which are the subject of this permit: First, at 13th Street, existing upper bluff erosion will be repaired by installing a geogrid reinforcement system within the City's right-of-way inland of the railroad tracks. A

catch basin and culvert will also be installed east of the tracks in this location. The second component occurs at Mile Post 244.5, where the existing flume culvert is rusted out and flow travels down the side of the bluff causing erosion. A new culvert will be installed within the existing, severely-eroded alignment on the bluff face, then the bluff will be filled to pre-existing contours and vegetated, burying the new culvert.

The third component addresses four existing culverts and the existing east-side track ditch, which is unpaved and partially vegetated with both exotic and native species, including some freshwater marsh vegetation. The project would abandon existing culverts BR 244.9, 245.16 and 245.21, which currently discharge onto the beach. These three system components are roughly located west of the Del Mar residential area between 6th Street and Spinnaker Court. All three culverts are undersized to handle existing wet-weather flows, and the proposed project would redirect the combined flows through the east-side track ditch to BR 245.4, which also discharges onto the beach. That culvert system has significant excess capacity and will be able to convey stormwater from all four culverts in a 100-year storm event. This component includes the removal of an existing open-top concrete flume on the bluff face at BR 245.21, which will no longer be needed with installation of the proposed improvements; also included in this component is the recontouring and paving of the east-side ditch between Mile Post 244.9 and Mile Post 245.4 to create a uniform, 12-foot-wide trapezoidal channel with three-foot side slopes and a six-foot-wide bottom. The final (fourth) component proposes improvements to the culvert system at 245.4 itself which will include a new inlet headwall, sixty feet of 60-inch fiberglass pipe, a junction box and forty feet of 60-inch RCP, emptying into an existing culvert system which outlets on the beach. No improvements are required at the beach end of the facility, which is already constructed to accommodate more than twice the anticipated combined flow from a 100-year storm event.

The proposal includes several minor cleaning and repair activities along the project's extent east of the existing railroad tracks which are exempt from permit review, but which are included on the submitted plans as part of the overall project. In addition, the submitted plans include improvements to completely rebuild the existing culvert system at BR 244.7. However, this project component has been deleted at this time pending a major structural redesign. Thus, Special Condition #1 is included, requiring the applicant to submit a set of final plans, delineating only those items addressed/approved herein.

2. Bluff Stability. Section 30253 of the Coastal Act provides, in part, that:

New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

The project site includes blufftop structures (railroad track and drainage system components), facilities on the bluff face, and outlet structures on the beach. The applicants propose to modify drainage devices in all three locations, to address ongoing erosion problems caused by failure of various portions of the existing drainage system. The overall intent of the proposed development is to stop the erosion and stabilize the bluffs, to assure long-term viability of the railroad tracks. A concern is raised, however, as to whether any of the proposed system modifications and new structural components could, separately or in combination, cause further instability of the bluffs. The applicant's engineer analyzed the proposed development from this perspective and has determined that none of the proposed project features will cause or contribute to instability of the bluff. Furthermore, since the facilities will result in a cessation of the ongoing erosion, thus making the bluffs more stable, the applicants maintain that none of the facilities will require shoreline protective devices in the future.

Since this is a repair and maintenance proposal for an existing storm drain system, the engineer's report addressed these issues from the narrow view of potential impacts of the proposed structures/system modifications only, and did not address the larger question of the overall stability of the bluffs along this stretch of coastline. In any proposal for new development, an applicant would be required to provide a detailed report on bluff stability, addressing not only individual project design features but historic bluff stability data, expected bluff retreat, etc. However, the applicants for the proposed project addressed only the specific questions of how (or if) the proposed repair activities would adversely affect bluff stability or whether they would require future protective devices. The Commission finds the project, as conditioned, consistent with Section 30253 of the Act, based on the applicants' determination that the proposed repair activities will not cause or contribute to bluff instability, nor require shoreline protective works in the future.

3. Biological Resources. The following Coastal Act policies are most applicable to the subject proposal, and state, in part:

Section 30233.

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

... (5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines....

Section 30240.

(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....

Based on the Biological Resources Technical Report, dated June 27, 1997, the proposed repair and maintenance activities will adversely impact three different sensitive habitat types, including freshwater marsh, individual spiny rush plants (a freshwater marsh species) and southern coastal bluff scrub. The sensitive habitats/vegetation occur within the existing east-side drainage ditch and within Anderson Canyon (BR 245.4) where the fourth repair component facilities will be constructed. Freshwater marsh is found within the ditch alignment primarily because the damaged drainage system resulted in water ponding in the ditch for long periods of time, allowing the wetland to develop. Recontouring and paving of the existing channel and repairing the existing connection facilities in Anderson Canyon to restore the storm drain system's function will permanently remove 0.10 acre of freshwater marsh; the construction activities will temporarily impact an additional 0.02 acre. The applicants propose to mitigate the permanent impacts at either Anderson Canyon (on-site) or the Railroad Triangle, an off-site location, at a 2:1 mitigation ratio and to mitigate the temporary impacts by on-site revegetation at a ratio of 1:1. Anderson Canyon is an open space area owned by the City of Del Mar and the Railroad Triangle is owned by NCTD.

In analyzing a project's consistency with Section 30233 of the Coastal Act, three issues must be addressed: is the project one of the eight allowed uses in a wetland? Is the project the least environmentally damaging alternative? Is adequate mitigation proposed? The Commission finds that all three questions can be answered in the affirmative. The project is an incidental public service because it is the repair and maintenance of an existing public storm drain system. It is the least environmentally damaging alternative since the improvements will occur within the existing, previously-disturbed drainage ditch alignment and not impact any new areas of habitat. The applicants have proposed mitigation at ratios consistent with past Commission precedents for freshwater marsh impacts caused by storm drain and flood control facility maintenance.

The proposed project is anticipated to impact 74 existing spiny rush plants. Spiny rush (*Juncus acutus*) is listed as sensitive by the California Native Plant Society, but is not listed as an endangered plant by state or federal agencies at this time. The applicants propose to either salvage or replace all impacted plants at a 1:1 replacement ratio. The Commission has no established mitigation policy with respect to this particular plant, although it is a freshwater marsh species and is thus protected under the wetland policies of the Coastal Act. The Commission finds the proposed mitigation adequate and appropriate in combination with the overall freshwater marsh mitigation proposal outlined in the preceding paragraphs.

The final sensitive vegetation impact is a temporary impact to 0.01 acre of southern coastal bluff scrub due to the construction activities proposed in Anderson Canyon at BR 245.4. This vegetation type occurs at localized sites along the coast south of Point Conception and provides habitat for native wildlife species. It is one of many native plant communities addressed in the State's Natural Communities Conservation Program (NCCP). This program is being interpreted and implemented in individual programs through out the state, with the City of San Diego's Multiple Species Conservation Plan (MSCP) addressing this general geographic area. Since the project impact is a temporary one due to construction, the applicants propose to revegetate the site following construction; thus mitigation would be at a ratio of 1:1. This is consistent with similar levels and types of impact addressed in past Commission permits, and the Commission therefore finds the proposed mitigation program adequate.

Special Condition #2 requires an overall mitigation program to address the various types and levels of impact on biological resources. Although the applicants have proposed such a program, and have offered acceptable mitigation ratios for all identified impacts, the submitted program is preliminary in nature. The final program required by the condition will provide the additional needed detail and a full five-year monitoring component. With Special Condition #2, the Commission finds the proposed repair and maintenance project consistent with Sections 30233 and 30240 of the Act.

4. Public Access. Many Coastal Act policies address the provision, protection and enhancement of public access to and along the shoreline. The following are most applicable to the subject proposal and 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....

Historically, residents of Del Mar and many regional beach visitors have gained access to the shoreline in the location of the proposed repair and maintenance activities by crossing the east side drainage ditch and railroad tracks, then negotiating informal zigzag paths down the bluff face to the beach. There are also informal lateral access paths along the blufftop both east and west of the railroad tracks, within both City of Del Mar and railroad rights-of-way. These paths are popular with walkers and joggers. Neither the applicants nor the Commission have formally endorsed these vertical and lateral accessways, due to public safety concerns over the proximity to the railroad tracks and, in some locations at least, an inability to see or hear approaching trains in sufficient time to assure

complete safety. At the same time, the Commission does not wish to see any existing forms of public access unnecessarily curtailed.

The proposed drainage ditch improvements call for recontouring and paving portions of the existing ditch to create a more uniform facility of approximately 12-feet total width. The level bottom will be six-feet-wide, and the sloping sides will be three-feet each. The resulting development will not be significant deeper or steeper than the existing ditch, and members of the public will still be able to cross it with relative ease. Therefore, without formally endorsing this means of beach or blufftop access, the Commission finds that the proposed development will not diminish what access currently exists.

A separate but equally serious access concern addresses lateral access along the beach itself. At BR 244.5, a new headwall will be constructed as part of the reconstruction of damaged facilities in this location. The new headwall will be built flush with the existing retaining wall to the north and south, and will not extend further onto the beach than the existing headwall, thus posing no impediment to lateral access. The other potential project component of concern is the proposed expanded use of the outfall at BR 245.4. Since the outfalls at BR 244.9, BR 245.16 and BR 245.21 are being abandoned, the flow from those outfalls is being diverted to BR 245.4. This will result in a potential 100-year storm flow of 315 cfs through this outfall and across the beach, where the current 100-year flow is only 95 cfs. Although figures for storms of less than 100-year intensity are not available yet, the summertime (dry weather) flows, when the beaches receive the highest level of recreational use, can be expected to be similar to those at BR 244.7, an existing outfall north of the subject BR 245.4, which has a 100-year storm potential of 310 cfs. The outfall and other drainage facilities at BR 244.7 will not be modified herein, and can be used for purposes of comparison to determine the potential for significant public access impacts for the increased flows at BR 245.4. At this time, there is no access impediment at BR 244.7 during the summer season, although water is flowing slowly across the beach at most, if not all, times, due to irrigation activities and street runoff on the bluffs inland of the beach and railroad tracks. Based on this comparison of two outfalls with roughly the same storm flow expectation and in relatively close proximity, the Commission finds that the expanded use of BR 245.4 outfall should not significantly affect public movement along the shoreline. Furthermore, the abandonment of the other three outfalls will incrementally improve access in those locations, since storm water (and dry weather) flows will no longer cross the beach.

Various construction aspects of the proposed repair work will require construction vehicles and equipment on the beach and in various locations within City and railroad rights-of-way. These activities will have temporary adverse impacts on public access during the course of construction. Special Conditions #3 and #4 address and minimize these impacts by prohibiting work on the beach itself between the start of Memorial Day weekend and Labor Day of any year. The conditions also require the applicants to identify the locations for staging areas, which they have preliminarily indicated would be at the Del Mar Public Works Yard and within the railroad right-of-way. Use of sandy beach or public parking areas, including on-street parking spaces, for storage of materials or equipment is prohibited. Finally, the applicants are prohibited from constructing the approved project in a manner which impedes existing, informal public access access between the streetends and beach (use of historic trails along the drainage ditch and tracks) during the summer season. With these restrictions, the Commission finds the proposed construction will proceed in a manner least disruptive

to continued public enjoyment of Del Mar's recreational beaches. Thus, as discussed in this and the previous paragraphs, the Commission finds the proposed development, as conditioned, consistent with the cited public access policies of the Coastal Act, and, as required in Section 30604(c), addressing development between the sea and first public road, with all other public access and recreation policies as well.

5. 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 repair and maintenance of an existing storm drain system is the applicants chosen solution to address an ongoing erosion and bluff slippage problem believed to be caused primarily by inadequate maintenance of the system by past owners. The overall system includes collection and conveyance components with a total of nine existing outfalls on the beach below the bluffs and railroad tracks. Through the proposed development, a number of system modifications will occur, affecting primarily two existing beach outfalls (BR 244.5 and BR 245.4). The first outfall, and its associated inland collection and conveyance structures, will be completely rebuilt, as the existing structures are broken and inoperative at this time. The proposed repair activities will not modify the capacity of the outfall, which can accommodate 100-year flows as currently designed.

The second affected outfall is currently operating well, but significantly below its design capacity of 730 cubic feet per second (cfs). Runoff from three other outfalls (BR 244.9, BR 245.16 and BR 245.21) will be diverted to this outfall, resulting in a potential 100-year storm event flow of 315 cfs, which is still less than half the design capacity. Moreover, the project will result in the complete abandonment of three existing outfall structures which currently flow across the beach. Thus, three existing sites of potential contamination are being eliminated, but the combined flow will all utilize the outfall at BR 245.4. By increasing the total flows and drainage area served by that outfall, the chances of pollution in that location are also increased. Special Condition #5 requires the applicants to submit a water quality/urban runoff control and monitoring plan, and conduct regular monitoring of the two existing outfalls affected by the proposed improvements.

The plan must include a description of all associated best management practices (BMPs) the applicants intend to incorporate into the project, including ongoing City efforts to identify and control non-point source pollution. These must include street sweeping, since many City streets end just east of the railroad corridor, and trash pickup, both within the City and in the railroad right-of-way. The plan must also include 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 repaired system. The monitoring must be consistent with what is already required by the existing NPDES permit for these and other City outfalls, but the applicants must forward the annual monitoring reports for the subject outfalls to the Commission's Executive Director, as well as

to the Regional Water Quality Control Board (RWQCB), and prepare a summary report at the end of five years. The submitted reports must also include results from any additional forms of testing (pollutants, bacteria, etc.) which may be conducted in the future as a result of technological advances. With respect to the remediation of ongoing operational problems, the RWQCB would identify such through its evaluation of the annual reports, and the applicants must then propose appropriate measures to correct any identified problems. 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 #6. With the inclusion of these two special conditions, the Commission finds that optimum water quality will be adequately monitored and maintained and the system kept up to date with future advances in water quality technology. Therefore, the Commission finds the proposal, as conditioned, consistent with Section 30231 of the Act.

6. 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 project site is located between residential areas of Del Mar to the east and the bluff/beach system to the west. Ocean and shoreline views are available from the Del Mar streetends and from within the railroad right-of-way. Also, the public can view the bluffs and see portions of some of the homes and landscaping/vegetation from the beach, although the railroad tracks themselves are generally not visible from below, due to their elevation. The proposed repairs will remove several existing broken and exposed pieces of the damaged drainage system, and then install new drainage facilities. At the 13th Street streetend, the eroded bluff will be recontoured and vegetated. At BR 244.5, the new conveyance structure will be placed directly on the eroded bluff face, but will then be covered with fill material and vegetated. Most of the facility components are currently underground, and will remain that way after project completion, although some components may be exposed to view intermittently during the course of construction. To minimize these temporary impacts within a scenic viewshed, conditions of approval prohibit work on the beach during the summer season, and prohibit the storage of materials or equipment on the beach as well. As conditioned, the Commission finds the proposed drainage repair and maintenance consistent with Section 30251 of the Act.

7. Local Coastal Planning. Section 30604(a) 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 case, with the inclusion of seven special conditions, such a finding can be made for the subject development.

The proposed development will all occur within railroad or city rights-of-way and is designated primarily for railroad facilities. The certified City of Del Mar LCP Land Use Plan provides that the City (one of the co-applicants) continue to make appropriate storm drain improvements to address stormwater runoff throughout the City. The proposed drainage system maintenance is 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. The applicants state that discretionary permits will be required from the

ACOE and CDFG; these are addressed in Special Condition #7, requiring copies of said permits for the file, and advising amendments may be required if those permits substantially alter the project as conditionally approved herein. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the ability of the City of Del Mar to complete an implementation plan for its local coastal program.

8. 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, as conditioned, 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.

The proposed project has been conditioned in order to be found consistent with the public access, biological resource and water quality policies of the Coastal Act. Mitigation measures, including submittal of a mitigation program, construction prohibitions and water quality monitoring, will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or additional mitigation measures available which would further lessen any adverse impact which the activity may 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 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.

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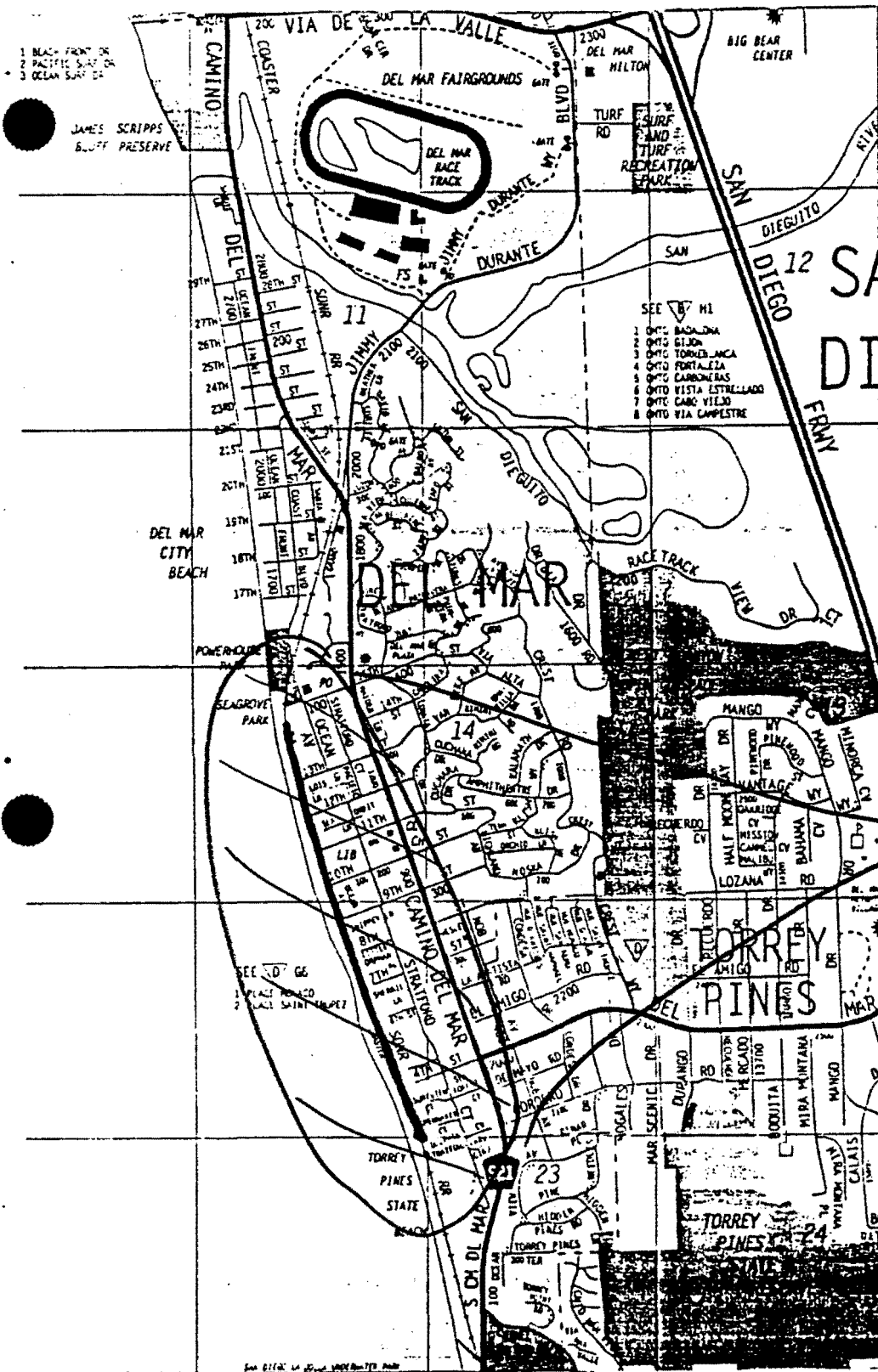


EXHIBIT NO. 1

APPLICATION NO.

6-97-62

Location Map

California Coastal Commission

6-97-62

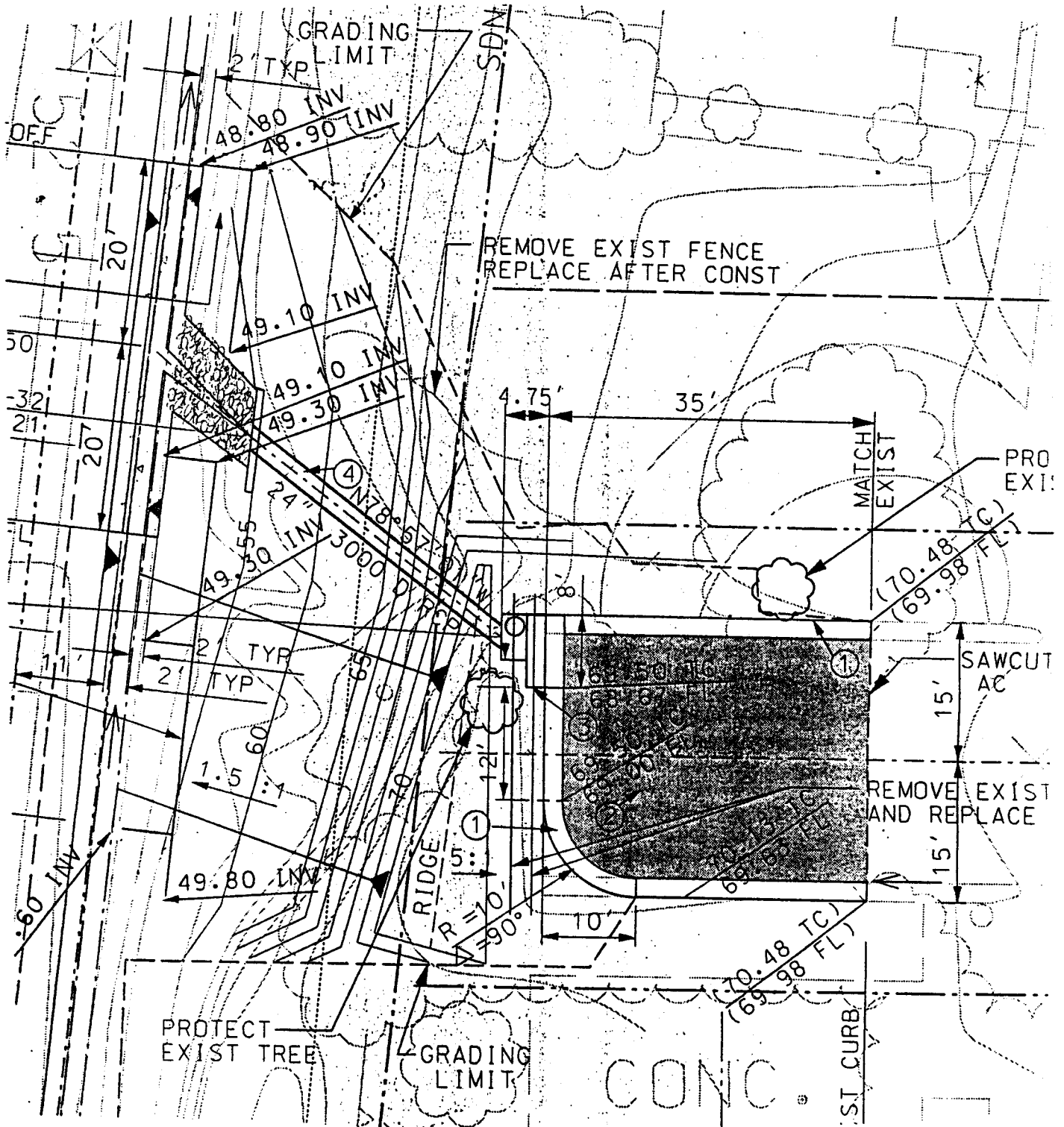


EXHIBIT NO. 2

APPLICATION NO.
6-97-62

Component #1

13th Street

California Coastal Commission

6-97-62

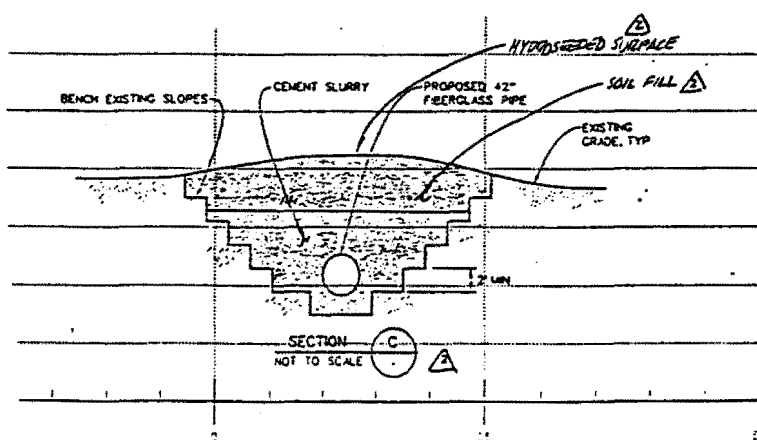
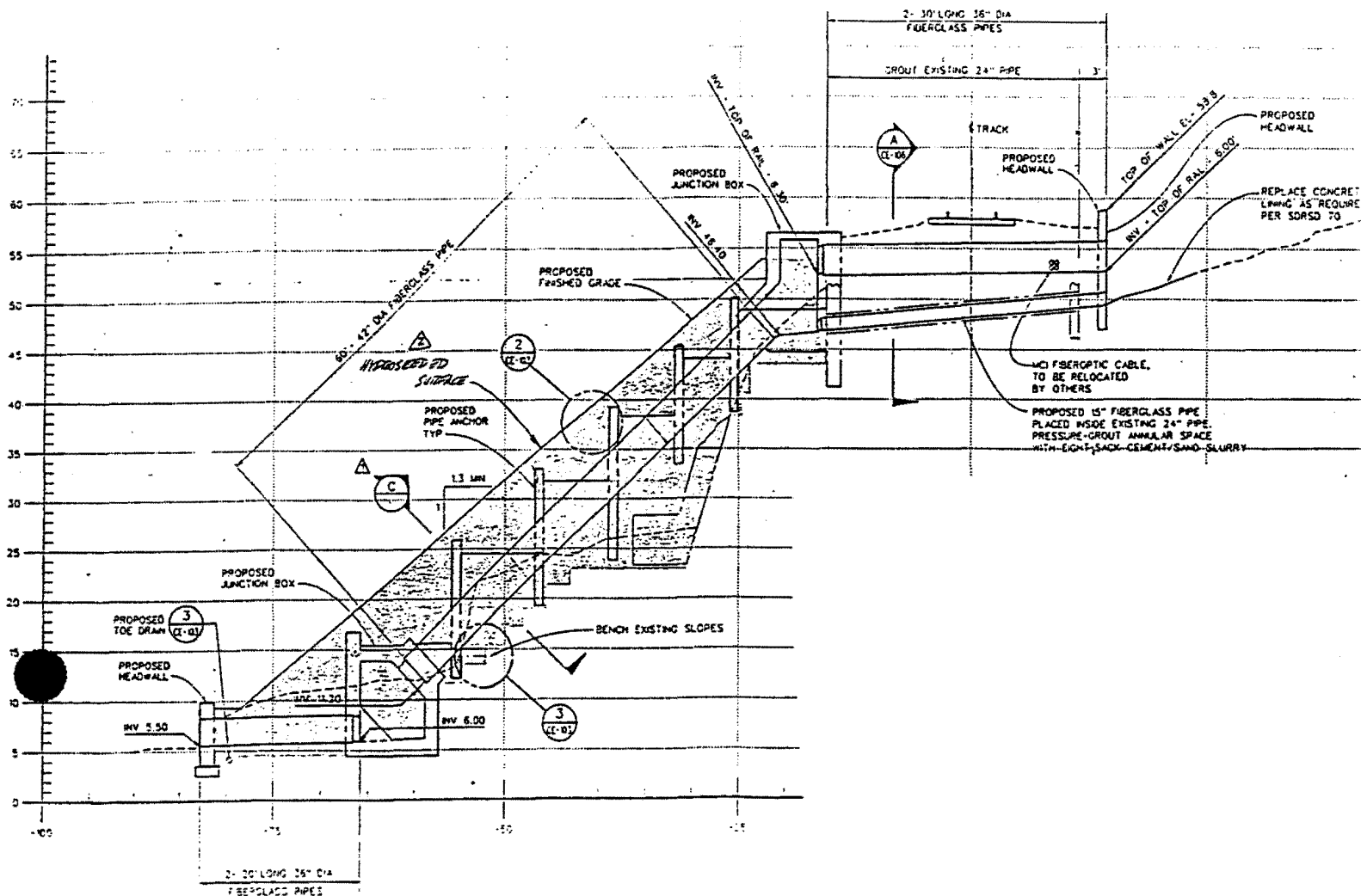
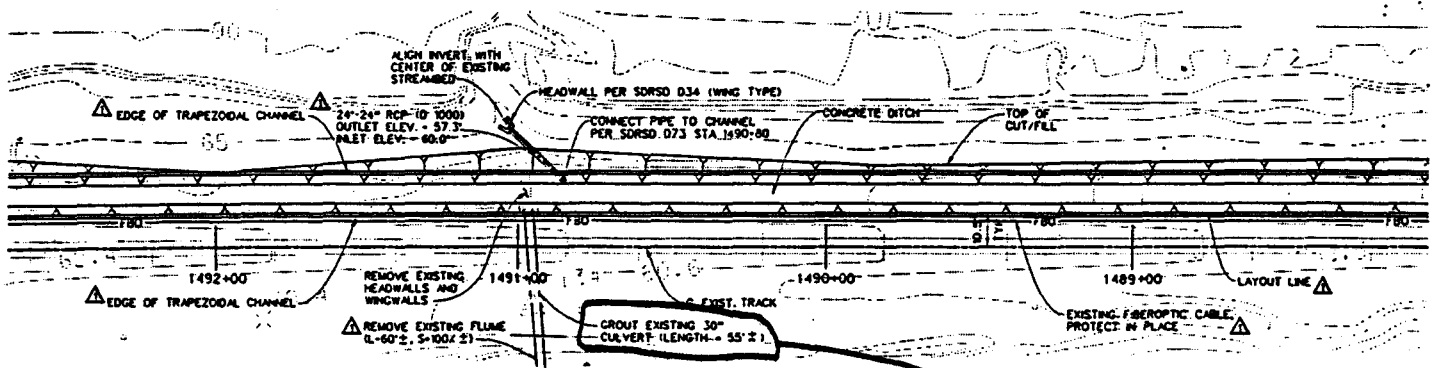


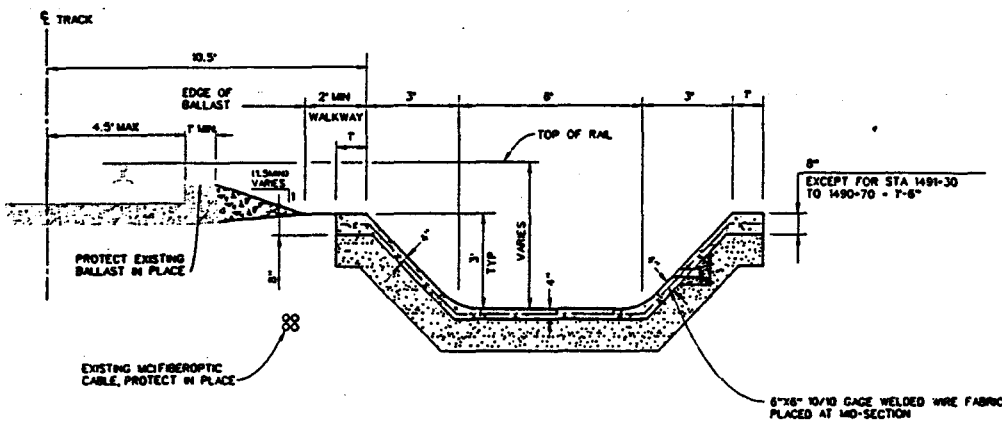
EXHIBIT NO. 3
 APPLICATION NO. 6-97-62
 Component #2
 BR 244.5
 California Coastal Commission

6-97-62



Typical Ditch Alignment

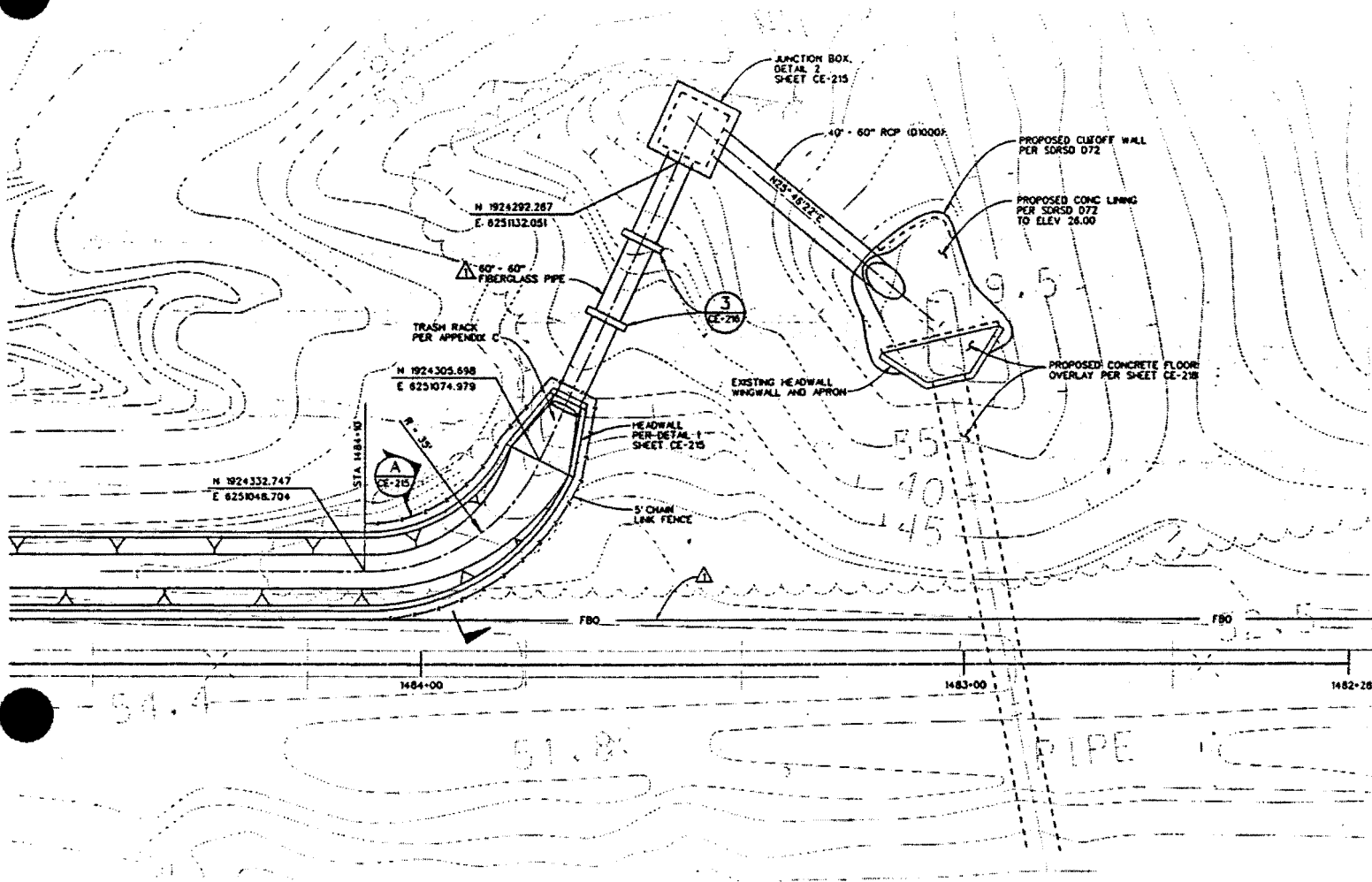
Note culvert being abandoned



Typical Cross-Section
of recontoured, paved
Drainage Ditch

EXHIBIT NO.	4
APPLICATION NO.	6-97-62
Component #	3
East-Side Ditch	
California Coastal Commission	

6-97-62



These Improvements are all
east of RR tracks - dotted element
is existing & not modified except
to reline.

EXHIBIT NO.	5
APPLICATION NO.	6-97-62
Component #	4
BR	245.4
California Coastal Commission	

1950-1951

