

## CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA  
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Staff: EL-SD  
Staff Report: December 12, 1997  
Hearing Date: January 12-16, 1998

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-96-156

Applicant: North San Diego County Transit Development Board      Agent: Noel Peck

Description: Construction of a bluff stabilization system consisting of twenty-four, 40-foot, deep-drilled soldier piles on six-foot centers, resulting in nine piles covering a linear distance of approximately 50 feet at the northern location and fifteen piles covering a linear distance of approximately 90 feet at the southern location, installed within the railroad right-of-way under emergency authorization in December, 1996.

Site: Fifteen feet west of the centerline of the railroad tracks, northwest and southwest of the terminus of 13th Street, Del Mar, San Diego County.

Substantive File Documents: Certified City of Del Mar LCP Land Use Plan  
Emergency Permit #6-96-156-G

STAFF NOTES:Summary of Staff's Preliminary Recommendation:

This application represents the regular follow-up permit to an emergency action authorized approximately one year ago. The applicant proposes to retain the emergency bluff stabilization devices as permanent development. Staff recommends approval of the application with a hold harmless agreement indemnifying the Commission.

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. Waiver of Liability. Within thirty (30) days of Commission action and prior to the issuance of the coastal development permit, the applicants shall submit a signed document which shall indemnify and hold harmless the California Coastal Commission, its officers, agents and employees against any and all claims, demands, damages, costs, expenses of liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project.

## IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description/Project History. In December, 1996, more than 100 cu.yds. of saturated material eroded from the top of the bluff in two separate locations within the railroad right-of-way along the Del Mar bluffs. This occurred in close enough proximity to the tracks to threaten continued rail service. The applicant received emergency authorization from the Executive Director to place a total of twenty-four, 40-foot, deep-drilled soldier piles on six-foot centers, resulting in nine piles covering a linear distance of approximately 50 feet at the northern location and fifteen piles covering a linear distance of approximately 90 feet at the southern location. The group of piles in the northern location are connected by timbers and backfilled to recreate a bluff edge; the piles at the southern location are entirely subterranean and did not require timber lagging. The work started immediately upon receipt of the emergency permit and was completed by early January, 1997, stabilizing the blufftop and preserving rail service. The current application is to retain the emergency devices on a permanent basis.

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.

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 applicant identified that the bluff erosion which precipitated the emergency action was most likely caused by failure of the existing drainage facilities, which include a blufftop lateral drainage ditch on the inland side of the tracks and nine culvert systems running under the tracks and down the bluff to beach-level outfalls. The system had not been properly maintained by previous property owners, such that segments of the overall system were broken, overgrown, clogged or improperly sized for the amount of runoff directed into them, although the capacity of the system as a whole is sufficient. Thus, standing water would accumulate within the right-of-way, including along the blufftop, saturating and destabilizing the soils. Under Coastal Development Permit #6-97-62, the applicant is currently conducting extensive repair and maintenance activities on the drainage system, in hopes of preventing future bluff erosion such as that which resulted in installation of the subject shoring devices.

However, repair and reconstruction of the drainage system does not result in the ability to remove the existing soldier pile shoring devices, since none of the approved repair activities rebuilds the bluff in these two specific locations, which are not directly associated with any existing drainage components. Rather, the applicant's analysis indicates that removal of the soldier pile system would return the bluff to an unstable condition and potentially again threaten rail travel. The Commission's staff engineer agrees that the emergency soldier pile system appears to be the most feasible solution at the present time.

The applicant expects to begin a comprehensive study of the entire stretch of railroad right-of-way along the Del Mar bluffs in 1998 and may, in the future, propose other drainage improvements or bluff stabilization measures. It is possible that, at some future date, the existing soldier pile system could be replaced with some other form of bluff stabilization. However, until the anticipated study is complete, retention of the devices installed under the emergency permit is the most feasible course of action. Said retention will not cause risk to life or property, nor result in instability of the site. Furthermore, retention of the soldier-pile system does not substantially alter natural landforms; the two locations total only 140 linear feet, which represents a very small portion of the blufftop right-of-way overall, and the purpose of the emergency devices was to rebuild those areas where portions of the blufftop had fallen away. In addition, no beach or bluff materials were used as backfill in the emergency construction which occurred a year ago and there were no impacts on bluff stability or public access due to construction activities or staging areas. Therefore, the Commission finds that retention of the emergency facilities is consistent with Section 30253 of the Act.

The proposed development was designed in response to an emergency situation, and was never intended as full remediation of all drainage problems within the railroad right-of-way along the Del Mar bluffs. Some long term solutions are already under construction under Coastal Development Permit #6-97-62, issued

subsequent to the emergency action, and other solutions or projects may be proposed in the future based on the study referenced above. Moreover, the ocean bluff system is dynamic and changes can occur suddenly and without warning. Thus, there remains an inherent risk in any development along the beachfront or bluffs, particularly when it is recognized that the subject development addresses only a small part of an overall problem. Therefore, the attached Special Condition #1 requires the applicant to execute a hold harmless agreement which limits the Commission's liability in permitting the development. Therefore, as described and conditioned, the project may be found consistent with all applicable Chapter 3 policies.

3. 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 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 by crossing the railroad right-of-way and 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 ensure complete safety. At the same time, the Commission does not wish to see any existing forms of public access unnecessarily curtailed.

The bluff-shoring facilities installed under emergency authorization and proposed herein for permanent retention do not directly preclude continued use

of informal blufftop paths. Rather, the installed system rebuilds two small portions of eroded bluff where access was temporarily unavailable when the erosion occurred. Therefore, the Commission finds that the proposed retention of the soldier-pile system will not diminish what access currently exists. It further finds the proposed development consistent with the cited sections of the Coastal Act, and, as required for projects between the first public road and the sea, with all other public access and recreation policies of the Act 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 project site is located between residential areas of Del Mar to the east and the bluff-beach area to the west, and consists of a very small portion of the existing railroad right-of-way. 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 northern area of upper bluff stabilization can be seen from a small portion of the beach. The visible component of the stabilization devices is the timber planking, and there are several other small areas along the right-of-way with similar improvements related to erosion problems in the past. Thus, the development, which is not a prominent visually feature in any case, is compatible with the general appearance of the bluffs overall. Moreover, the subject improvements are not significantly visible from above and thus do not interfere with or detract from existing public ocean views. Therefore, the Commission finds that permanent retention of the emergency blufftop stabilization devices is 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. Such a finding can be made for the subject development.

The proposed development is located within railroad right-of-way, which is designated for railroad facilities in the certified City of Del Mar LCP Land Use Plan. Retention of the devices installed under emergency authorization as permanent development has been found consistent with all applicable Chapter 3 policies of the Coastal Act. Therefore, the Commission finds that approval of the proposed development 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 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. Specifically, the project has been found consistent with the hazards, public access and visual resource policies of the Coastal Act. 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.

(6156R)

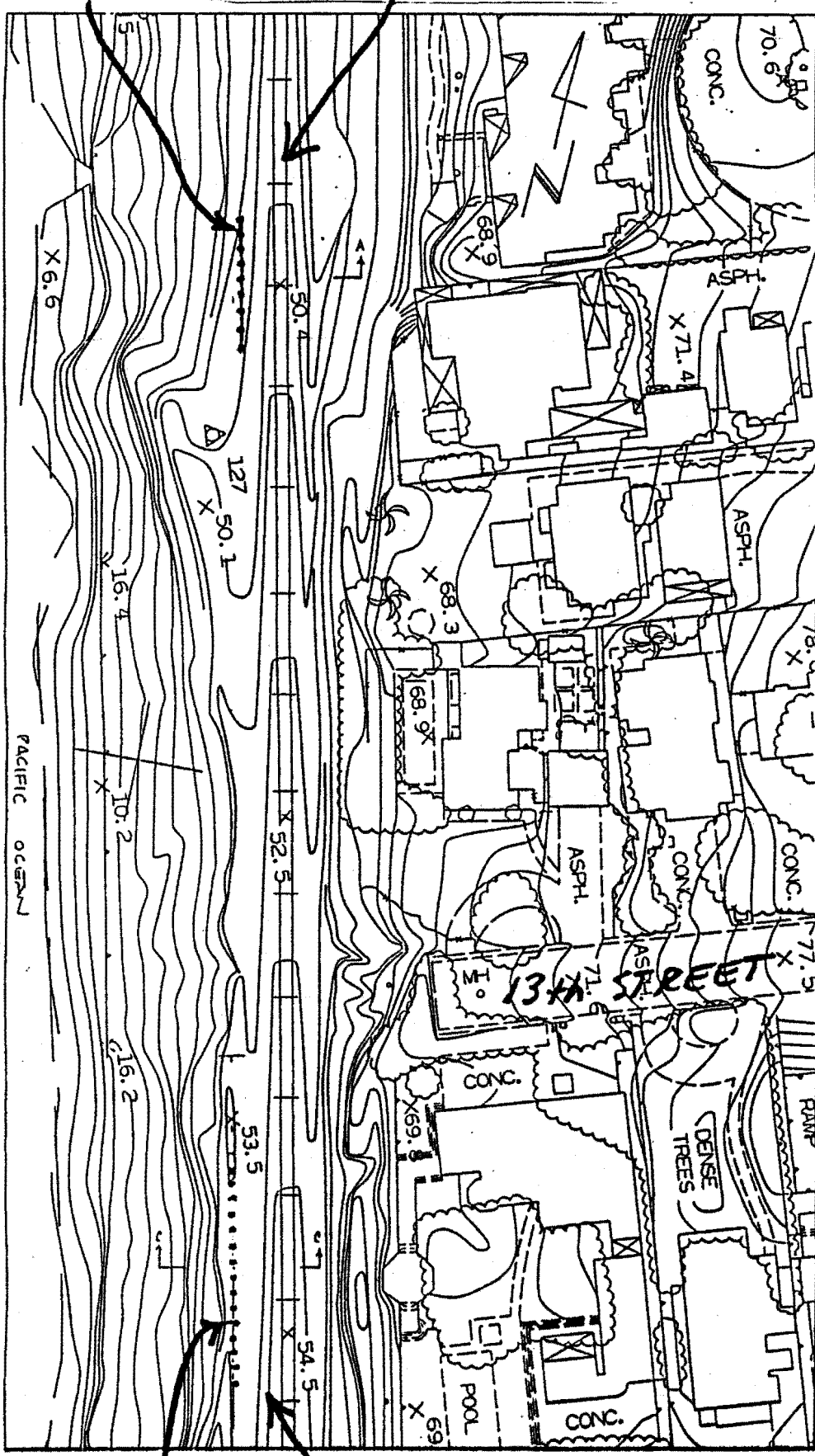


Site → ○

EXHIBIT NO. /
APPLICATION NO.
6-97-156
Location Map
California Coastal Commission

6-96-156

# Northern Site



Solar Piles  
with Tanks  
Logging  
(10/1/9)



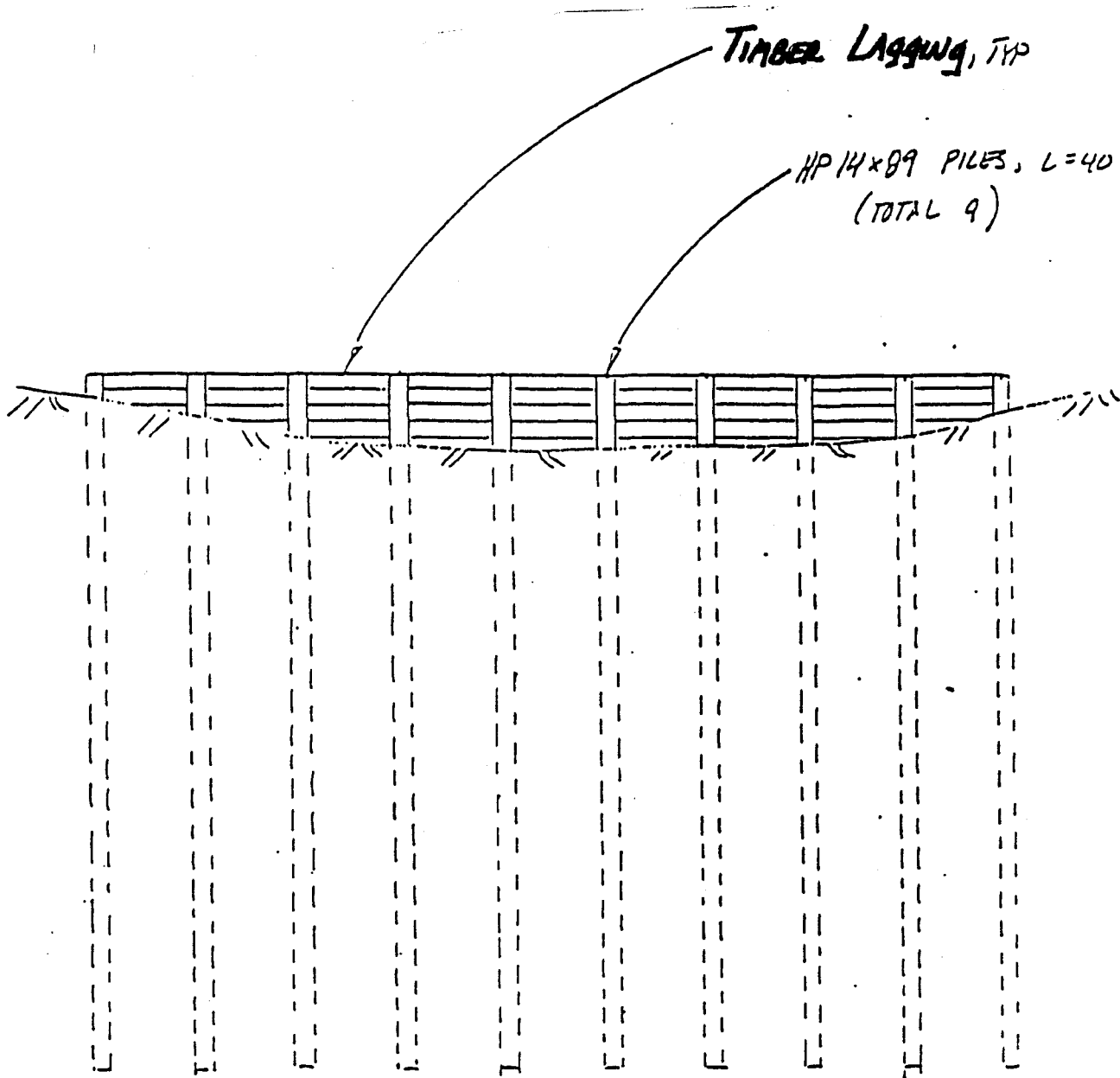
PACIFIC OCEAN

Solar Piles  
without  
Tanks  
Logging  
(10/1/15)

# Southern Site

EXHIBIT NO.	2
APPLICATION NO.	6-96-156
<b>Site Plan</b>	
<small>California Coastal Commission</small>	

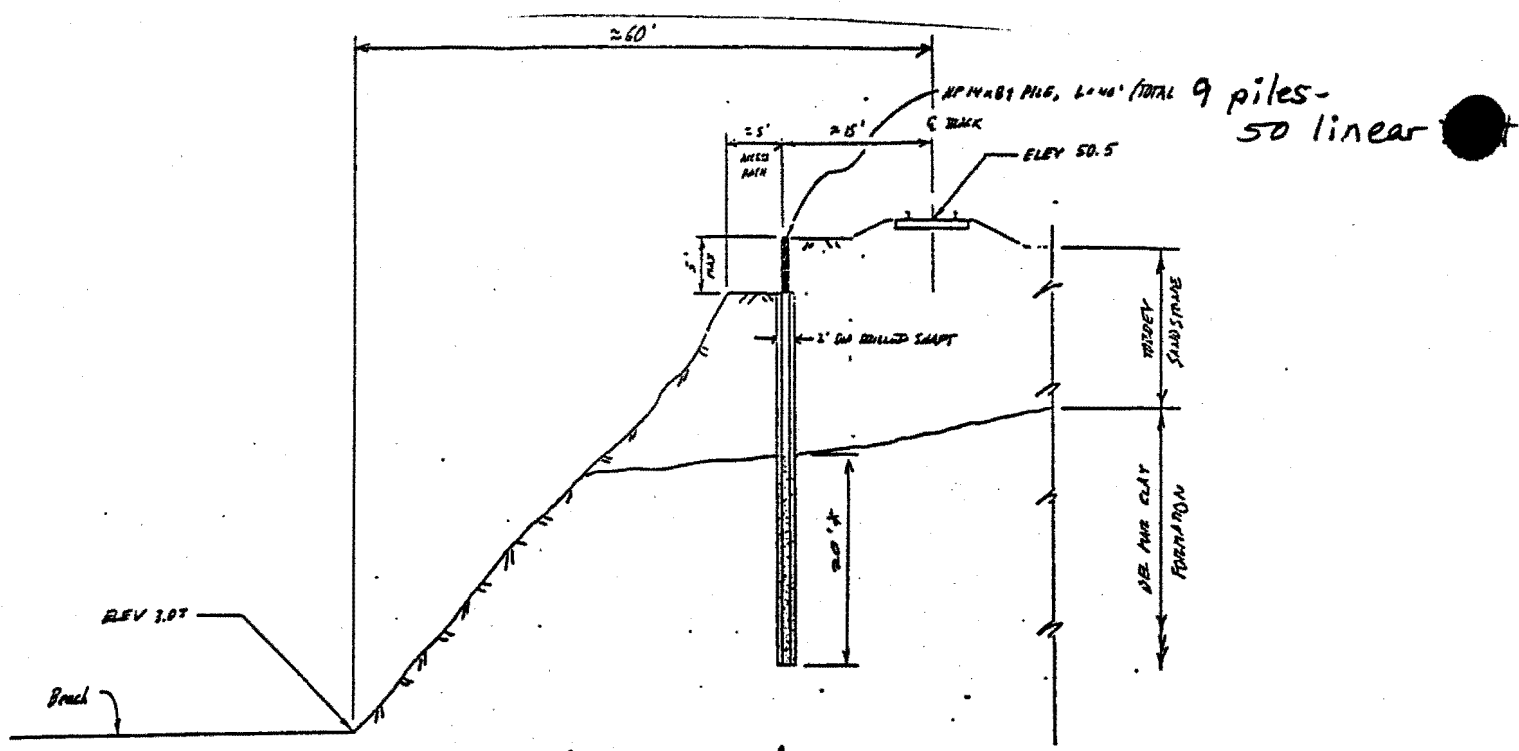




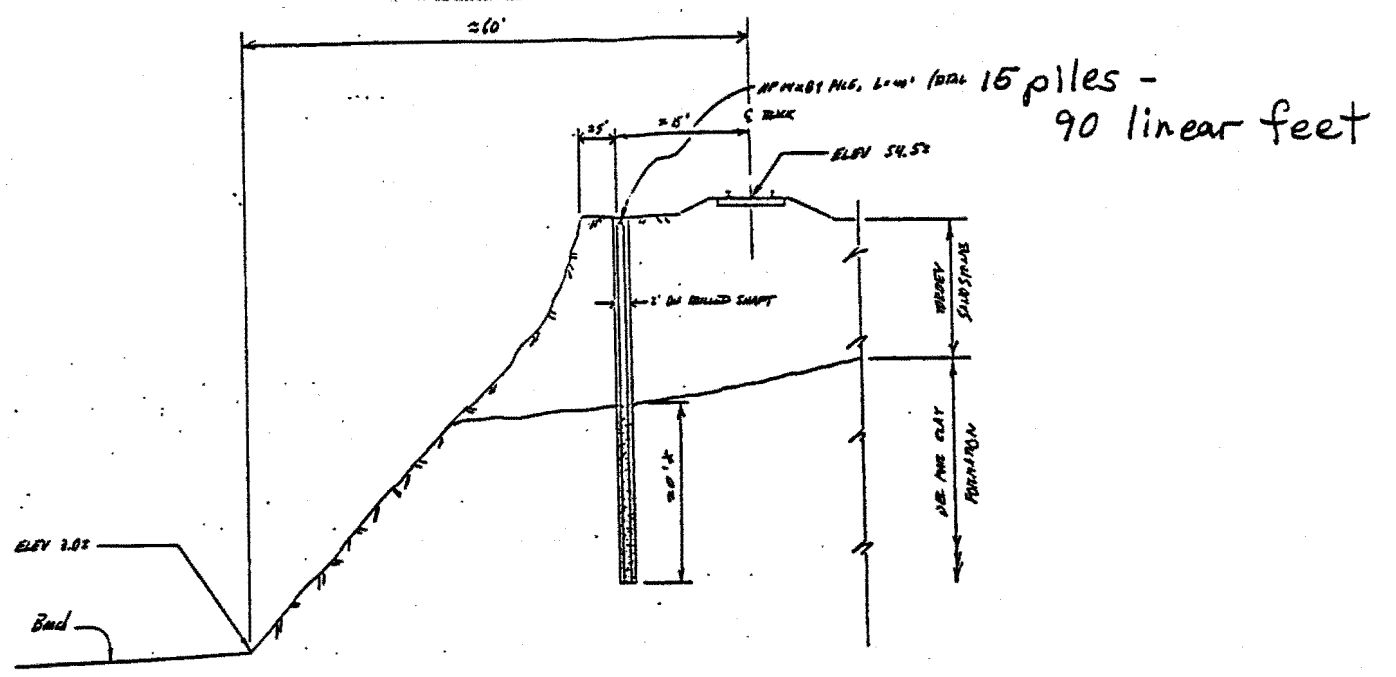
View from west - slightly  
visible from beach - northern  
site only

EXHIBIT NO. 3
APPLICATION NO. 6-96-156
Western Elevation northern site
California Coastal Commission

6-96-156



Northern Site



Southern Site

EXHIBIT NO. 4
APPLICATION NO. 6-96-156
Cross Sections both locations
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