

Wed 4a-b

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San Diego Coast District

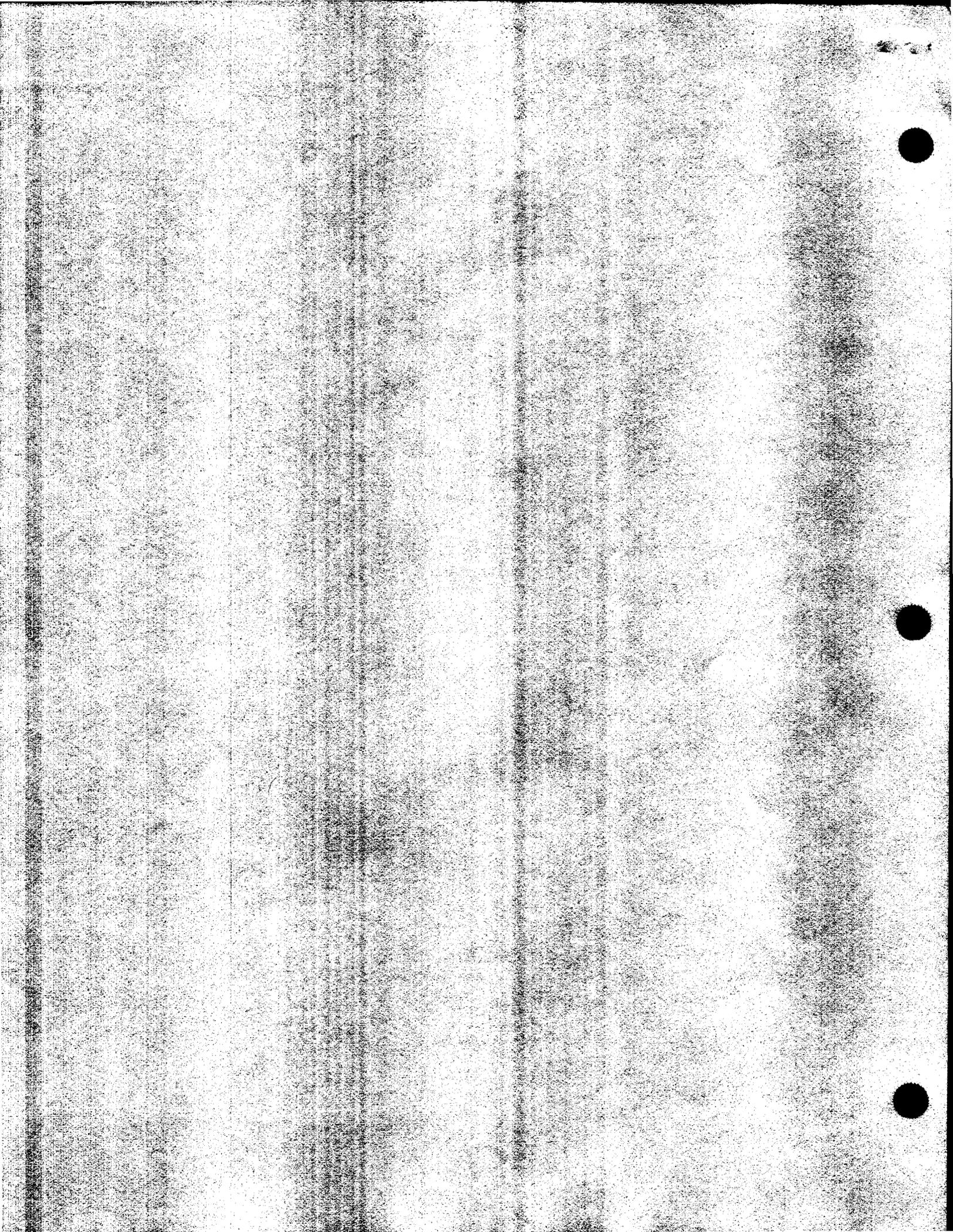
CONSENT CALENDAR

Wednesday, June 14, 2000

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6-00-45

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CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
 3111 CAMINO DEL RIO NORTH, SUITE 200
 SAN DIEGO, CA 92108-1725
 521-8036



Wed 4a

Filed: April 10, 2000
 49th Day: May 29, 2000
 180th Day: October 7, 2000
 Staff: EL-SD
 Staff Report: May 22, 2000
 Hearing Date: June 13-16, 2000

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-00-45

Applicant: George A. Gould

Agent: Stephen Adams

Description: Consolidation of two existing legal lots and construction of an approximately 6,000 sq.ft. tennis court with a 10-foot high perimeter wall/fence on an existing vacant area of the site as an accessory use to an existing single-family residence.

Lot Area	64,245 sq. ft.
Building Coverage	7,108 sq. ft. (11%)
Pavement Coverage	12,661 sq. ft. (20%)
Landscape Coverage	44,476 sq. ft. (69%)
Parking Spaces	2
Zoning	R1-10
Plan Designation	Low Density Residential
Ht abv fin grade	10 feet (new construction - wall/fence)

Site: 111 Stratford Court, Del Mar, San Diego County. APNs 301-010-12, 13, 14 & 15

Substantive File Documents: City of Del Mar Certified LCP Land Use Plan and Implementing Ordinances; Local Approvals: DRB-99-34/LC-99-15 and CUP-99-07

STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

- I. **MOTION:** *I move that the Commission approve the coastal development permit applications included on the consent calendar in accordance with the staff recommendations.*

STAFF RECOMMENDATION TO ADOPT CONSENT CALENDAR:

Staff recommends a **YES** vote. Passage of this motion will result in approval of all the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Landscaping Plans. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, a final, detailed landscape plan for the proposed development that has been approved by the City of Del Mar. Said plan shall indicate the type, size, extent and location of all plant materials, the proposed irrigation system and other landscape features within the area of the site where the tennis court is proposed, and shall be in substantial conformance with the preliminary plan titled *Landscape Plan*, dated 12/2/99 and submitted with the application. Drought tolerant, non-invasive, native plant materials, and low-flow irrigation systems shall be utilized. The plans shall include landscaping consisting of shrubs and ground cover.

The permittee shall undertake development in accordance with the approved landscape plan. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

2. Drainage Plan. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, a final drainage and runoff control plan, which shall be in substantial conformance with the preliminary plan titled *Grading & Erosion Control Plans*, dated 3/29/00 and submitted with the application. The final plans shall document that the runoff from all impervious surfaces shall be directed into pervious areas on the site (landscaped areas) for infiltration and/or percolation, prior to being conveyed off-site in a non-erosive manner.

The permittee shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

3. Disposal of Graded Spoils. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall identify the location for the disposal of graded spoils. If the site is located within the coastal zone, a separate coastal development permit or permit amendment shall first be obtained from the California Coastal Commission or its successors in interest.

4. Lot Consolidation. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, a final map or plan of the proposed lot consolidation which has been approved by the City of Del Mar.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. The applicant is proposing to consolidate two contiguous lots in common ownership; the two lots are 46,125 sq.ft. and 18,120 sq.ft. in size, for a combined total of 64,245 sq.ft. The larger lot (APNs 301-010-12, 13 & 14) is currently developed with a two-story over basement, single family residence and associated improvements including a detached guest house, pool, spa, landscaping, etc. The principal residence and guest house combined provide 11,108 sq.ft. of enclosed living area. The smaller lot (APN 301-010-15) is vacant. The applicant then proposes to construct a paved, approximately 6,000 sq.ft. tennis court, with a 10-foot-high perimeter retaining wall/chain-link fence, on the currently-vacant portion of the consolidated site. For most of the perimeter of the tennis court, a solid retaining wall is proposed, which will be screened by existing and created landforms, coloration and landscaping. The wall portion will be lowered and sections of black chain-link fence added to reach the full 10 foot height around the southwestern corner of the court. No modifications are proposed to the existing principal residence and guest house, but minor hardscape adjustments will occur where the existing pool/spa complex connects with the new tennis court.

The proposed development also involves the minor realignment of an existing improved public access path which runs southerly from the southern terminus of Stratford Court across the subject site to Camino del Mar. The applicant proposes special landscaping and coloration treatments of those portions of the tennis court wall/fence structure which would be visible from the path or Camino del Mar.

Approximately 1,800 cu.yds. of material will be excavated to recess the tennis court below existing grade. This material will be exported off-site to an as yet undisclosed disposal location. Special Condition #3 requires that the disposal site be identified prior to issuance of the permit and that, if the site is within the coastal zone, it be properly permitted.

The site is located in the southern portion of Del Mar, a few properties inland from the railroad right-of-way, bluff and beach, within an existing developed residential neighborhood. The City of Del Mar approved the proposed development with a requirement that the two legal lots be consolidated. However, because the documents for the consolidation have not been finalized, Special Condition #4 requires that the applicant submit evidence that the lot consolidation has been finalized, prior to issuance of the coastal development permit. The City of Del Mar does not have an effectively-certified Local Coastal Program as yet. Therefore, coastal permit jurisdiction remains with the Coastal Commission and Chapter 3 of the Coastal Act is the standard of review.

2. Public Access and Recreation. The Coastal Act emphasizes the need to protect public recreational opportunities and to provide public access to and along the coast. The following Coastal Act policies, which address the protection of public access and recreational opportunities, are most applicable to the proposed development:

Section 30210

In carrying out the requirements 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....

Section 30213

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Section 30604

... (c) Every coastal development permit issued for any development between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone shall include a specific finding that the development is in conformity with the public access and public recreation policies of Chapter 3 (commencing with Section 30200). ...

The subject site is located in the southern portion of the City of Del Mar, west of Camino del Mar, which is identified as the first through public road in this area. Other private properties developed with single-family residential uses are located west of the subject site, along with the AT&SF railroad right-of-way, the coastal bluff and the beaches of Del Mar and Torrey Pines. The nearby beaches are a popular visitor destination point for local, regional and national beachgoers and panoramic ocean views are available from several upland areas. Moreover, there is an existing 25-foot wide public access easement extending southeasterly from the southern terminus of Stratford Court to Camino del Mar south of the subject site (see Exhibit #3). The easement is only a couple hundred feet in length, and not heavily used, since it provides no direct access to any public recreational areas, but it does provide pedestrians and bicyclists with an alternative to Camino del Mar, which has no sidewalk on its western side in this location. In addition, an existing landform west of Camino del Mar precludes ocean views, which are, however, available within the easement.

Within this 25-foot easement, there exists a 6-foot-wide paved public pathway. One corner of the proposed perimeter fence surrounding the proposed tennis court comes right to the edge of the easement and to within about 3 feet of the existing pathway. The applicant proposes to maintain the pathway, but realign the closest portion of it slightly further west to provide room to landscape a buffer between the tennis court fence and the pathway. The realigned pathway will still be entirely within the existing easement. The Commission finds that this minor modification to the existing pathway will not adversely impact public access in this location.

Although the subject site is neither an oceanfront nor blufftop lot, it is located between the first public road and the sea. In this location, Camino del Mar is the first public road, since Stratford Court dead-ends at the subject site, and is a private road in that area in any case. The railroad right-of-way and existing residential development are located between the subject site and the ocean, and there is no direct access to the beach. Access is available further south at Torrey Pines State Beach and to the north at Powerhouse Park. Only informal lateral access along the public beach and railroad right-of-way exists west of the site, and, between the potential instability of the bluffs west of the railroad, and the dangers associated with the railroad itself, public safety concerns preclude the formalization of any direct beach access in this area at this time. The Commission, therefore, finds that the proposed development will have no adverse impacts on public access, and further finds the level of public access facilities commensurate with public safety, and thus consistent with the cited policies of the Coastal Act.

3. Visual Resources. Section 30251 of the Coastal Act provides for the protection of scenic coastal resources, and states, in part:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to

minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

The subject site is located west of the first public road (Camino del Mar) but inland of the existing railroad tracks, such that it is not considered a blufftop lot. In addition, there are several developed residential lots between the subject site and the railroad right-of-way. Public views of the ocean are available to walkers and bikers on the existing paved pathway which runs along the western edge of the site. Ocean views are not available in the immediate area from the first public road, Camino del Mar, since the land rises approximately ten feet in elevation on the west side of the road. The land continues westward at the higher elevation for a brief distance, then drops back down to the existing paved pathway which is at a slightly higher elevation than the road.

The tennis court is proposed to be recessed into the site, with the finished elevation of the court roughly level with the existing grade of Camino del Mar to the east and the paved pathway to the west. The existing landform between the tennis court and Camino del Mar will effectively screen the proposed development from the road, except for the southwestern corner of the proposed 10-foot high wall/fence structure. The applicant proposes to mound some of the excavated materials on the western side of the tennis court and provide landscaping to screen the tennis court from persons using the public pathway in much the same way as the natural landform adjacent to Camino del Mar.

Because of existing landforms and development, the proposed tennis court is not visible from the beach or railroad right-of-way. However, a small portion of the retaining wall/fence structure will be visible from the pathway above and adjacent to the created berm, and an even smaller part will be briefly visible from northbound Camino del Mar. The existing landform will preclude views of the tennis court from southbound traffic on Camino del Mar. To address the potential visual concern, the pertinent portions of the retaining wall will be lowered in height and the upper portion of the structure will consist of chain-link fencing instead of concrete, which will present a more open appearance. In addition, all visible portions of the wall will be covered with sandstone veneer and the chainlink fence will be black vinyl coated. Landscaping is also proposed along all visible portions of the wall/fence structure. Final landscaping plans are required in Special Condition #1; these should substantially conform to the conceptual landscaping plan submitted with the application, but show the public walkway in its realigned configuration. As proposed and conditioned, the project should not result in any adverse impacts to visual resources. Therefore, the Commission finds the project consistent with Section 30251 of the Act.

4. Runoff/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 project site is currently developed with a large single-family residence and accessory structures including a guesthouse, pool and spa. The site is not immediately adjacent to any wetland or environmentally sensitive resources but a coastal canyon (Anderson Canyon) exists a short distance to the south/southwest. The local approvals granted by the City of Del Mar addressed this issue, requiring that all runoff from the new impervious surface of the tennis court be collected and directed away from the canyon and into the existing municipal storm drain system.

In order to reduce the potential for adverse impacts to water quality resulting from drainage runoff from the proposed development, Special Conditions No. 1 and 2 have been attached. The applicants have submitted draft landscaping and drainage plans. The conceptual plans appear to address Coastal Act concerns; thus, final plans should be in substantial conformance with the draft plans. Special Condition #1 requires the installation of drought tolerant, native and non-invasive landscaping on the developing portion of the site, consisting of shrubs and ground cover. Special Condition #2 requires that runoff from the tennis court improvements be directed into the landscaped areas on the site for infiltration and/or percolation, prior to being conveyed off-site. Directing runoff through landscaping for filtration of on-site runoff in this fashion is a well-established Best Management Practice for treating runoff from small developments such as the subject proposal. As conditioned, the proposed landscaping will serve to reduce any impacts to water quality from the project to insignificant levels. Therefore, the Commission finds the proposed project consistent with Section 30231 of the Coastal 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. In this case, such a finding can be made for the development, as conditioned.

The site is designated for Low Density Residential uses in the certified City of Del Mar Land Use Plan, and is zoned R1-10. These designations allow single-family residences and a variety of accessory uses. The proposed lot consolidation and tennis court construction is fully consistent with the land use plan and zoning designations. The proposal has received Design Review Board approval (DRB-99-39), a Land Conservation Permit (LC-99-15) and a Conditional Use Permit (CUP-99-07) and is consistent with all provisions of the certified City of Del Mar LCP Land Use Plan. As conditioned, it is also fully consistent with the applicable Chapter 3 policies of the Coastal Act. Therefore, the Commission finds that approval of the proposed development, as conditioned herein, will not prejudice the ability of the City of Del Mar to complete its LCP certification process.

6. 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)(A) 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 effect 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, as conditioned, has been found consistent with the water quality, access and visual resource policies of the Coastal Act. There are no 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.

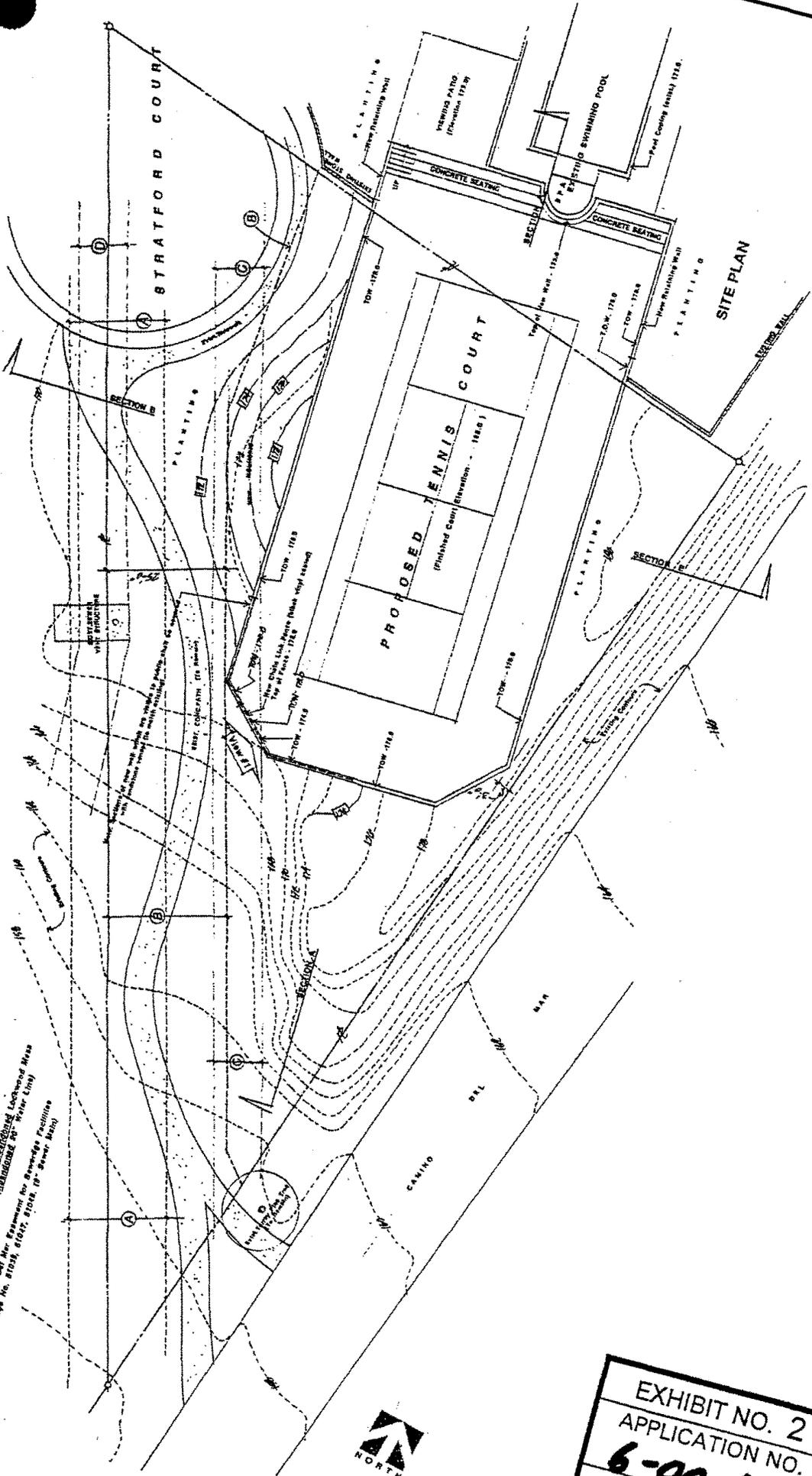
STANDARD CONDITIONS:

1. Notice of Receipt and 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.

(G:\San Diego\Reports\2000\6-00-045 Gould sfrpt .doc)

6-00



LEGEND

- (A) Existing City of Del Mar Easement for Sewerage Facilities
File / Page No. 72-012819 (18" & 14" Cross Main)
- (B) Existing City of Del Mar Easement for
Bicycle Path, Fire / Page No. 80-211800 (4" Water main)
- (C) Existing City of San Diego Easement for Abandoned Lockwood Area
water line, Book 1332, Page 19; (Abandoned 40" Water Line)
File / Page No. 8103, 8104, 8105, 8108, (8" Sewer Main)
- (D) Rubber Ditches

EXHIBIT NO. 2
APPLICATION NO.
6-00-45
Site Plan
Tennis Court

6-00-45

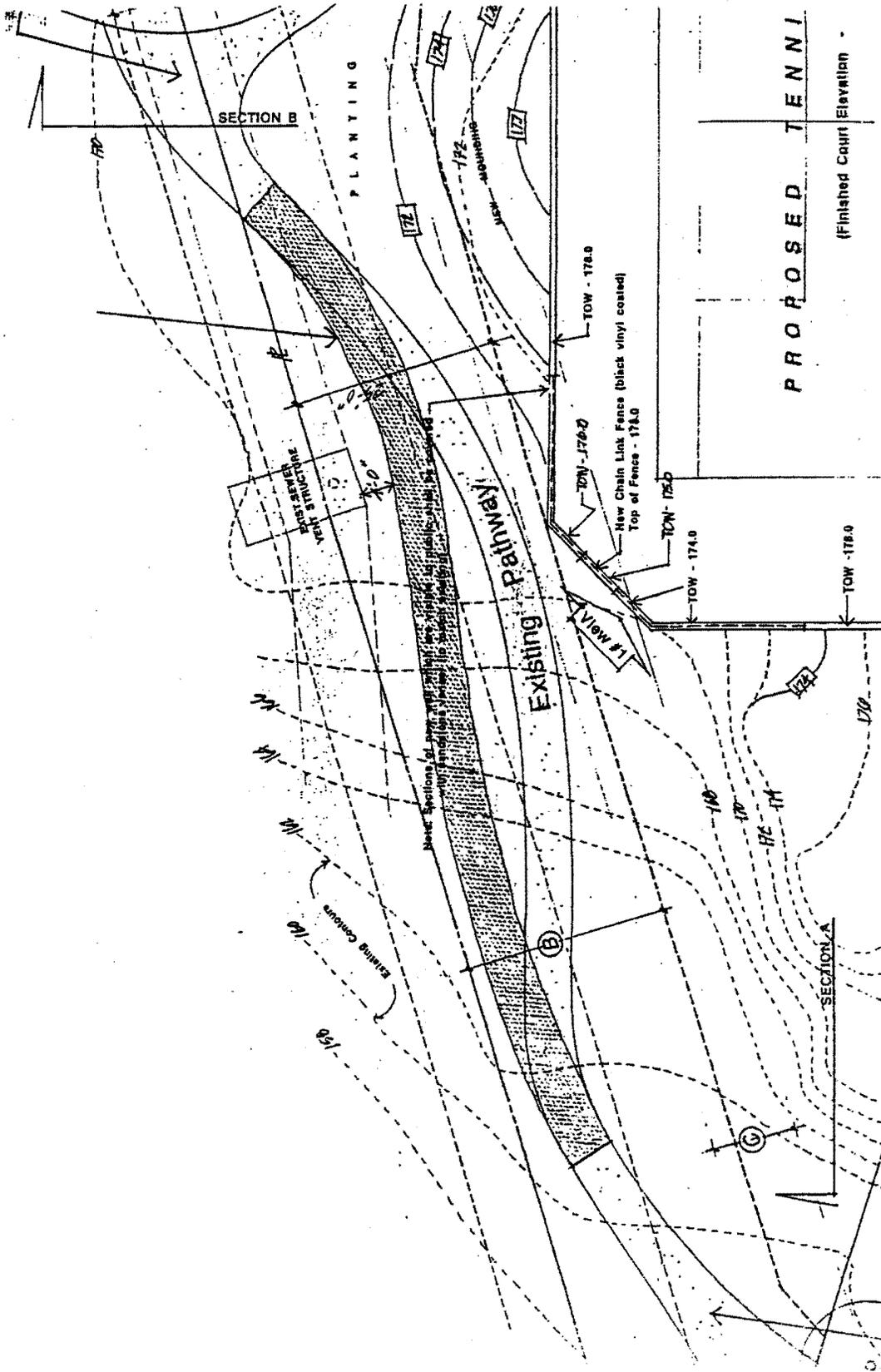


EXHIBIT NO. 3
 APPLICATION NO.
6-00-45
 Pathway
 realignment
 California Coastal Commission

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
3111 CAMINO DEL RIO NORTH, SUITE 200
SAN DIEGO, CA 92108-1725
521-8036



Wed 4b

Filed: April 14, 2000
49th Day: June 2, 2000
180th Day: October 11, 2000
Staff: EL-SD
Staff Report: May 22, 2000
Hearing Date: June 13-16, 2000

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-00-48

Applicant: City of Del Mar,
Attn: Mary Jo Wilson

Agent: John Powell & Assoc., Inc.,
Attn: Carmen Kasner

Description: Repair and maintenance of the Camino del Mar bridge over the San Dieguito River; project components include the replacement of the existing barrier railings on the east and west sides of the bridge, an increase of 1.5 feet in height of the east side railing to meet bicycle safety standards, and repair/replacement of the pedestrian walkway on the west side of the bridge.

Site: Camino del Mar (Highway 101) at the San Dieguito River, Del Mar, San Diego County.

Substantive File Documents: City of Del Mar Certified LCP Land Use Plan and Implementing Ordinances; Environmental Assessment No. 00-02; Design Review Board Permit (DRB 00-04)

STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

1. **MOTION:** *I move that the Commission approve the coastal development permit applications included on the consent calendar in accordance with the staff recommendations.*

STAFF RECOMMENDATION TO ADOPT CONSENT CALENDAR:

Staff recommends a YES vote. Passage of this motion will result in approval of all the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Timing of Construction. 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. The schedule and construction documents shall specify that no construction will take place between Memorial Day weekend and Labor Day of any year. Notes on the schedule and documents shall state that access corridors and staging areas shall be located in a manner that has the least impact on public access via the maintenance of existing public parking areas and traffic flow on coastal access routes (no use of public parking as staging areas or for the storage of equipment). Also, staging or storage activities shall not occur in any environmentally sensitive areas.

The permittee shall undertake the development in accordance with the approved final construction schedule plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

2. State Lands Commission Review. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall obtain a written determination from the State Lands Commission that:

- a) No state lands are involved in the development; or
- b) State lands are involved in the development, and all permits or leases required by the State Lands Commission have been obtained; or
- c) State lands may be involved in the development, but pending a final determination of state lands involvement, an agreement has been made by the applicant with the State Lands Commission for the project to proceed without prejudice to the determination.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. The City of Del Mar is proposing to undertake repairs of the existing Camino del Mar bridge over the San Dieguito River, at the northern end of the City. The project components include the replacement of the existing

barrier railings on the east and west sides of the bridge, an increase of 1.5 feet in height of the east side railing to meet bicycle safety standards, and repair/replacement of the pedestrian walkway on the west side of the bridge. The City proposes to conduct all repairs from the bridge surface, avoiding any permanent or temporary impacts to wetlands (open water) beneath the bridge. Protective debris netting will be suspended below the bridge beneath the entire construction area to prevent any miscellaneous debris from entering the river. Moreover, the City proposes to stage the project on existing vacant uplands near the south end of the bridge.

As a whole, the project requires a coastal development permit because it will result in an increase in height of greater than 10% to a structure located between the first public road and the sea. Taken on a component by component basis, all elements of the project except for the increased railing height on the east side of the bridge would be considered exempt repair and maintenance activities.

The City of Del Mar has a certified LCP (land use plan and ordinances). However, the suggested modifications for the implementation ordinances have not yet been adopted by the City Council; thus, permit jurisdiction for the entire City remains with the Coastal Commission, and Chapter 3 of the Coastal Act is the standard of review. Moreover, post-certification maps for the City of Del Mar have not been finalized. The project site may well be in an area of Coastal Commission original permit jurisdiction, based on its location at the confluence of the San Dieguito River/Lagoon and Pacific Ocean.

2. Public Access/Traffic Circulation/Parking. The following Coastal Act policy addresses the issue of public access to the shoreline:

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.

The subject site lies generally at the confluence of the San Dieguito River/Lagoon and Pacific Ocean (i.e., at the mouth of the San Dieguito River). This is near the northern border of the City, approximately ¼ mile south of Via de la Valle, which forms the boundary between the Cities of Del Mar and Solana Beach. The bridge is also fairly close to the Del Mar Fairgrounds, and provides access to that public recreational venue from coastal areas to the south.

The nearby municipal beach, and the rivermouth area as far inland as the subject bridge, is popular with regional and national visitors, as well as Del Mar residents. The public also passes underneath the bridge to walk along the river, and access developed areas inland of the bridge. There is also a signed public access trail to the rivermouth and

ocean located adjacent to the southwest corner of the bridge. Moreover, the bridge itself provides public recreational access, in that it includes both a bicycle lane and a pedestrian walkway.

The proposed repair activities are estimated to take about two to four months to complete and will result in a net access benefit by improving bicycle and pedestrian safety. Due to the short duration of construction activities, the repairs can be conducted entirely outside the summer beach season to minimize temporary impacts on access due to construction activities. Special Condition #1 will formalize the requirement that no construction occur during the beach season between Memorial Day weekend and Labor Day of any year. The condition also requires that public parking areas (on-street parking in this case since there are no nearby public parking lots) may not be used to stage the project or store equipment or materials, and further specifies that these activities cannot occur in sensitive habitat. The City proposes use of vacant, unvegetated public land southeast of the bridge for this purpose. Moreover, the City has submitted a traffic control plan demonstrating that two way traffic will be maintained on the bridge throughout the construction period. Therefore, the Commission finds the proposed repair activities, as conditioned, fully consistent with Section 30210 of the Act.

3. Visual Resources/Community Character. Section 30251 of the Coastal Act provides for the protection of scenic coastal resources, and states, in part:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. ...

The site is located near the public beaches of Del Mar and adjacent (crossing) the mouth of the San Dieguito River/Lagoon. When completed, the repaired bridge will not present a significantly different appearance than at present, although the railing on the east side of the bridge will be 1-1/2 feet higher than it is today to meet current bicycle safety codes. The existing railing is approximately 3 feet above the bridge pavement, and the extended railing will be approximately 4-1/2 feet above the pavement. It will continue to be an open metal railing to maintain views through the structure. In addition, views to the east already include a nearby railroad bridge and developed areas of the Del Mar Fairgrounds, such that the increased height of the subject bridge railings will not impair any existing views. The repairs will maintain the current style and design of the bridge and will be visually compatible with the surrounding beach, rivermouth and upland areas. The proposed development is simply intended to maintain an existing public access facility in its existing design. Therefore, the Coastal Commission finds the proposed development consistent with Section 30251 of the Act.

4. State Lands Commission Review. When the City contacted the State Lands Commission (SLC) to determine if its approval was needed to conduct the proposed repair activities, it was discovered that the bridge, which was constructed in 1932, is located over sovereign lands under the jurisdiction of the SLC. It was also discovered that construction of the bridge was never authorized by the SLC, so the City submitted an application for retroactive approval of the bridge and authorization of the needed repairs. Staff has recently discussed the matter with a representative of the SLC. A lease with the City is being processed as a routine approval and is expected to be finalized within the next couple months. The SLC representative identified no issues and saw no reason for the project not to go forward before the Commission. Special Condition #2 is the condition regularly applied whenever there is a question concerning SLC involvement in a proposed development. Submittal of either the SLC's routine letter addressing this issue, or, preferably, a copy of the approved lease, will satisfy the condition.

5. 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, as conditioned, such a finding can be made.

The City of Del Mar has a certified Land Use Plan. The City's implementation plan was recently approved by the Commission; however, it was approved with suggested modifications, which have not yet been formally accepted by the City. Thus, at this time, the LCP is not effectively certified. The area proposed for repair is likely in an area of original Commission permit jurisdiction; however, at this time the entire City is still under the Commission's jurisdiction and Chapter 3 of the Coastal Act remains the standard of review for all proposed development, with the certified LCP used for guidance. Camino del Mar is identified in the LCP as the City's main north-south thoroughfare and a major coastal access route. The proposed repairs are needed to maintain safe bicycle and pedestrian access across the San Dieguito River. As conditioned, the project is in conformance with all applicable Chapter 3 policies, and therefore approval of the project should not prejudice the City's ability to finalize and implement its certified LCP.

5. 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, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) 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 effect which the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the public access policies of the Coastal Act. Mitigation measures, including a condition addressing the timing of construction and location of staging and storage areas will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant 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.

6-00-48

Site

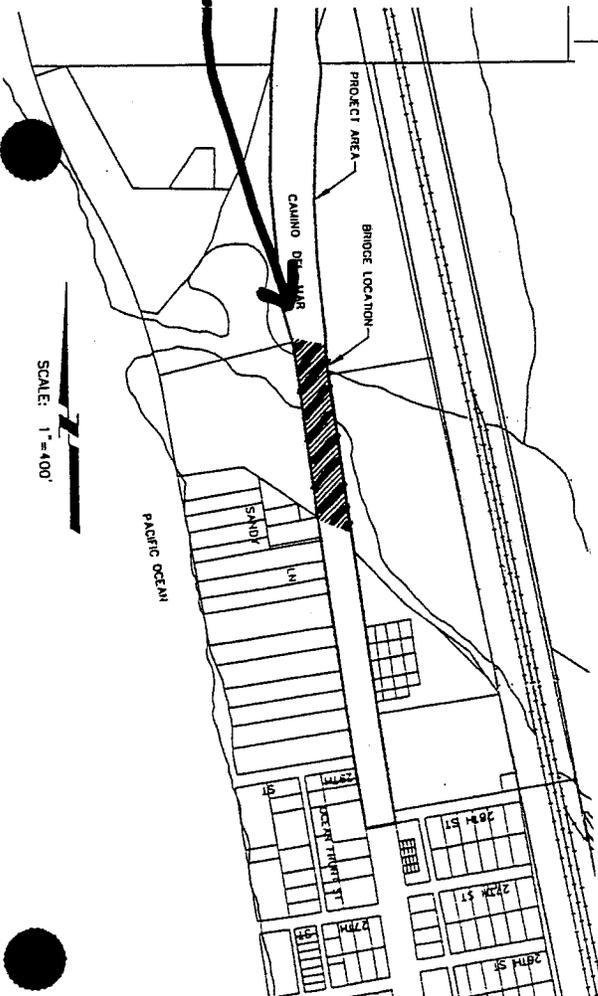
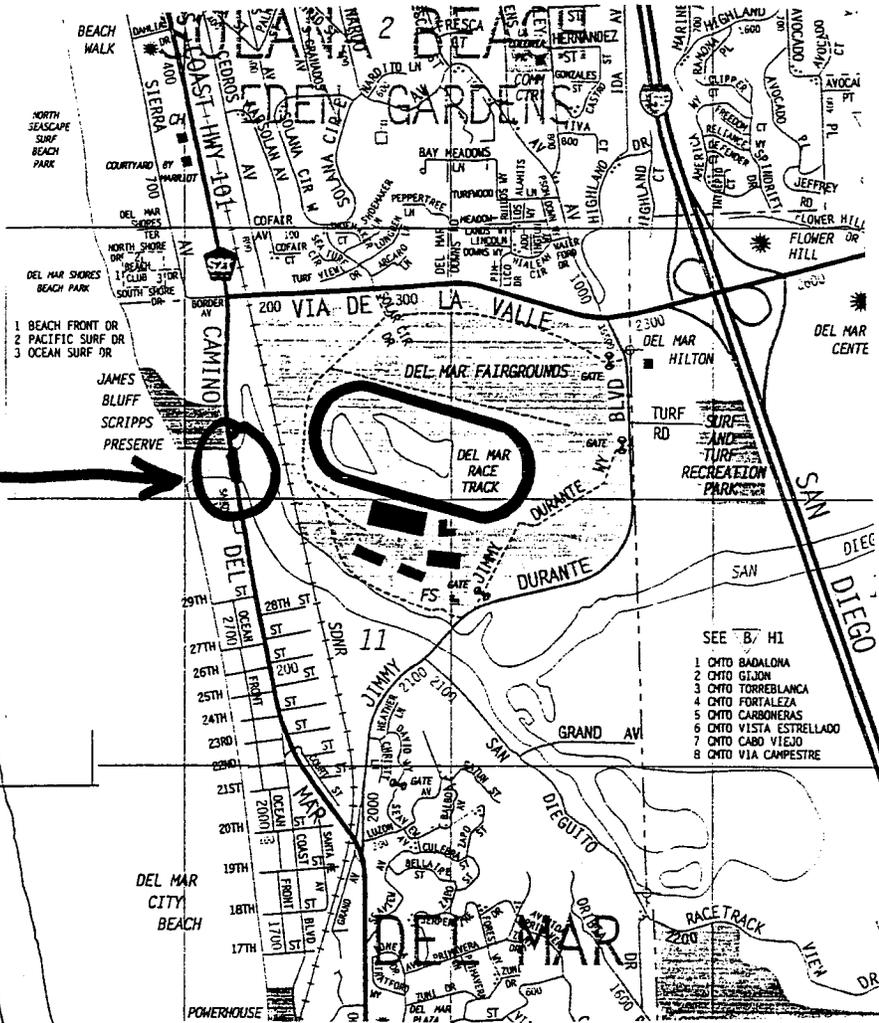
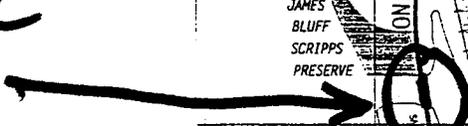
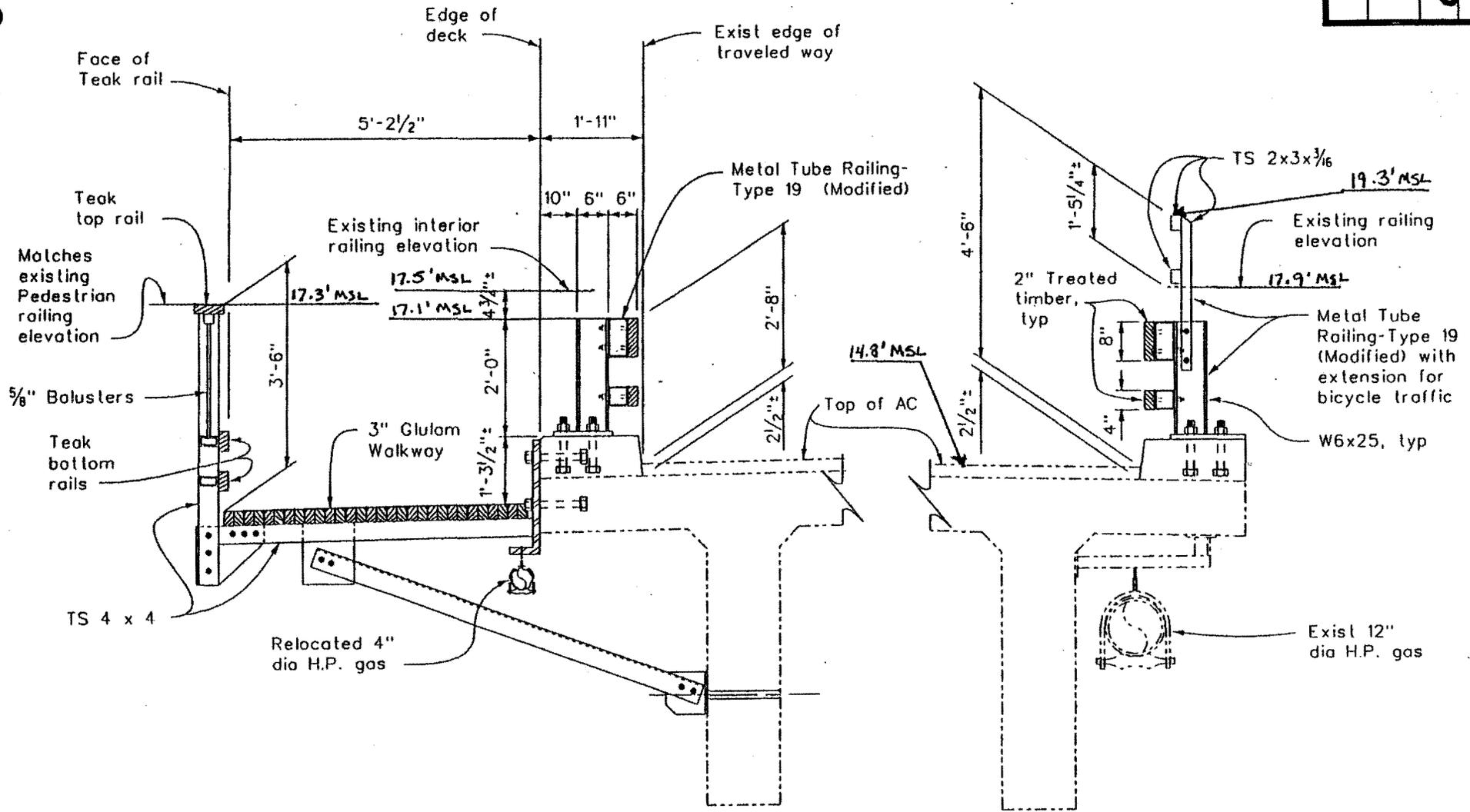


EXHIBIT NO. 1
 APPLICATION NO.
6-00-48
 Location Maps

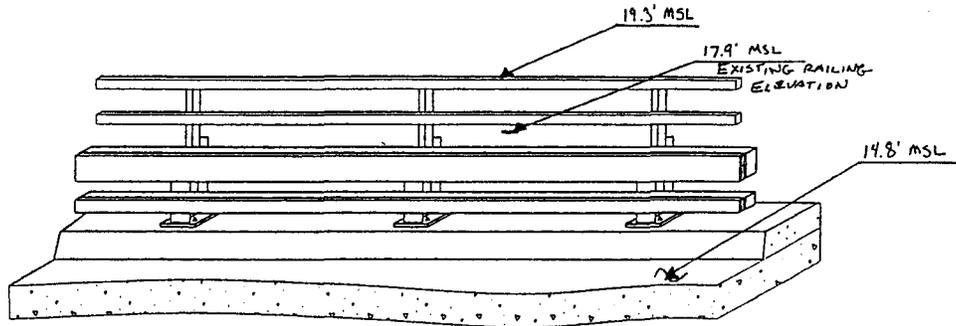
California Coastal Commission

6-00-48

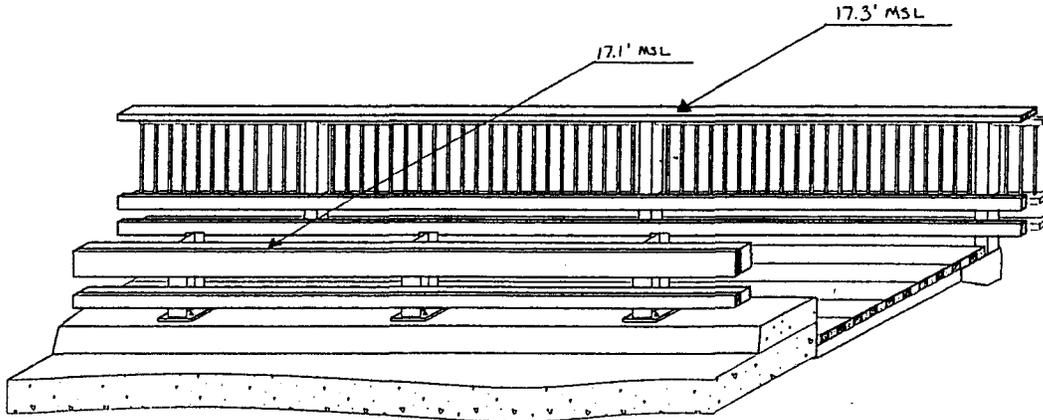
EXHIBIT NO. 2
 APPLICATION NO
6-00-48
Cross-section
 California Coastal Commission



TYPICAL SECTION (Facing North)



ISOMETRIC VIEW OF EAST SIDE



ISOMETRIC VIEW OF WEST SIDE

EXHIBIT NO. 3
APPLICATION NO.
6-00-48
elevations
 California Coastal Commission

