

## CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

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SAN DIEGO, CA 92108-4402

767-2370

**Fri 16b**

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Hearing Date: November 13-16, 2001

REGULAR CALENDAR  
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-01-081

Applicant: North County Transit District

Agent: Martin Minkoff/Bruce  
Smith/Leslie Blanda

Description: Retention of twelve 36" diameter soldier piles, spaced nine feet apart, and capped with a concrete grade beam, located approximately fifteen feet west of the centerline of the railroad track, as authorized by Emergency Permit #6-01-081-G; also, installation of a subsurface drainage system discharging through an outfall and splashguard onto the beach and hydroseeding of all disturbed slopes.

Site: Within railroad right-of-way (MP244.76) between the western termini of 7<sup>th</sup> and 8<sup>th</sup> Streets, Del Mar, San Diego County.

Substantive File Documents: Certified City of Del Mar LCP; Del Mar Bluffs Geotechnical Study (January, 2001); CCC File #6-97-062 (staff report); Emergency Permit #6-01-081-G

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STAFF NOTES:Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the retention of facilities installed under emergency authorization. In addition, staff recommends approval of the proposed subsurface drainage system with special conditions addressing visual and water quality concerns and bluff stability. Potential issues raised in the project overall include bluff stability, visual resources, public access and water quality. These issues are all resolved, either through project design or the attached special conditions.

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I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

**MOTION:** *I move that the Commission approve Coastal Development Permit No. 6-01-081 pursuant to the staff recommendation.*

**STAFF RECOMMENDATION OF APPROVAL:**

Staff recommends a YES vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

**RESOLUTION TO APPROVE THE PERMIT:**

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the certified Local Coastal Program. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Erosion Control. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, final erosion control plans which shall incorporate the following:

A. All permanent runoff and erosion control devices shall be developed and installed prior to or concurrent with any on-site grading activities.

B. The use of temporary erosion control measures, such as berms, interceptor ditches, sandbagging, filtered inlets, debris basins, and silt traps shall be utilized to minimize soil loss from the construction site.

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

2. Coloration and Texturization. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, final plans for coloring and texturizing the exposed grade beam, the subdrain outlet and the splashguard. The plans shall incorporate the following:

- A. Identification of the materials and colors to be used.
- B. Identification of the construction methods required to apply the color and texture to the existing, exposed grade beam.
- C. A written commitment to monitor the color and texture of the exposed beam annually for the life of the project.
- D. A written commitment to submit an annual report to the Executive Director (in the form of dated color photographs)
- E. A written commitment to maintain the color and texture consistent with the surrounding natural bluff, as directed by the Executive Director in response to the annual reports.

The permittee shall undertake 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 approved plans shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

3. Construction Access/Staging Area/Project Timing. Prior to the issuance of the coastal development permit, the applicant shall submit plans showing the locations, both on- and off-site, which will be used as staging and storage areas for materials and equipment during the construction phase of this project. The staging/storage plan shall be subject to review and written approval of the Executive Director. Use of public parking areas, including on-street parking, for the interim storage of materials and equipment shall not be permitted and the use of sandy beach for the same shall be minimized to the degree possible. The plan shall also indicate that no work may occur on sandy beach between Memorial Day weekend and Labor day of any year.

The permittee shall undertake 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 approved plans shall occur without an amendment to this coastal

development permit unless the Executive Director determines that no amendment is required.

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

#### 4. Assumption of Risk, Waiver of Liability and Indemnity Agreement

- A. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from landslide, bluff retreat, erosion, and earth movement; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.
- B. **PRIOR TO ANY CONVEYANCE OF THE PROPERTY THAT IS THE SUBJECT OF THIS COASTAL DEVELOPMENT PERMIT**, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director incorporating all of the above terms of subsection (a) of this condition. The restriction shall include a legal description of the applicant's entire parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.
- C. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit a written agreement, in a form and content acceptable to the Executive Director, incorporating all of the above terms of this condition.

#### IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description/History. The applicant is proposing to retain twelve, 30-inch diameter soldier piles capped with a concrete grade beam, which were installed pursuant to Emergency Permit #6-01-081-G. The emergency authorization was sought after a landslide destroyed an existing section of retaining wall protecting the

existing railroad tracks in Del Mar. This occurred along the stretch of railroad right-of-way between the western termini of 7<sup>th</sup> and 8<sup>th</sup> Streets. The landslide eroded the bluff to within a few feet of the track, compromising the continued viability of rail service through this corridor. The approved emergency measures were implemented immediately and are currently protecting track operations.

Extensive studies have demonstrated that groundwater is a significant contributor to bluff instability in this area. The applicant needed to dewater the area to install the twelve new piles, and thus proposed installation of a new permanent drainage facility as part of the emergency permit request. That feature was not approved as an emergency measure since no alternatives analysis had been conducted, and it is not typical to approve permanent facilities on an emergency basis. Instead, the applicant used a portable pump and hose to dewater the site temporarily and install the soldier piles.

Additional study has been done with regard to the permanent drainage improvements, and alternatives have been thoroughly analyzed. It has been determined that the proposed subsurface pipe and outfall/splashguard at beach level is the most appropriate alternative under the given circumstances, and the applicant is now including that feature as part of the subject permit application. Also, the applicant proposes to hydroseed all disturbed slopes with a coastal sage mixture appropriate for the area. Finally, the applicant is proposing to color and texturize exposed portions of the concrete grade beam to minimize its visual impact from the beach and blufftop trails.

This site is located in an area now under the jurisdiction of the certified City of Del Mar Local Coastal Program. However, the application was filed and in process prior to September 26, 2001, the date the City assumed coastal development permit issuing authority. Thus, the subject permit is being processed by the Coastal Commission, with the certified LCP as the legal standard of review.

2. Hazards/Blufftop Development. The City's certified LCP addresses development in hazardous areas through the requirements of the Coastal Bluff Overlay, which is both an LUP component and one of several overlay zones in the IP. The following LUP and IP provisions apply to properties on coastal bluffs and state in part:

Chapter III-B of the Land Use Plan (Regulations 5.a. and c.)

(Protective devices are allowed where it):

- a. Is required to serve coastal-dependent uses or to protect existing structures or public beach in danger from erosion and when designed to eliminate or mitigate adverse impacts to local shoreline sand supply.
- c. Will assure stability and structural integrity and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area, nor in any way substantially alter natural landforms along bluffs and cliffs.

Chapter III-C of the Land Use Plan (Regulations, a.)

...All new additions to existing structures shall maintain the minimum 40-foot coastal bluff top setback required herein. This requirement shall also apply to the construction or installation of new supporting foundations or other structural supports for existing structures....

No grading shall be allowed within a minimum setback of 40 feet from the top edge of the coastal bluff top.

No grading or construction activities shall be allowed on the face of a coastal bluff unless approved as part of a Shoreline Protective Permit or Setback Seawall Permit issued in accordance with the provisions of this Land Use Plan and when such activity on the bluff face has been minimized to the maximum extent feasible necessary to provide the authorized shoreline protection.

Chapter III-C of the Land Use Plan (Regulations, c.)

All applications for projects involving new construction on coastal bluff top properties shall be accompanied by a geotechnical report addressing: 1) existing conditions; 2) the suitability of the site for the proposed construction; and 3) the potential of the proposed development to affect bluff stability over a 70-year life span of the project. The report shall also include recommended mitigation measures as they relate to avoidance of risks and preservation of fragile bluff systems. In the event that a submitted report recommends a blufftop setback of a greater distance than otherwise minimally required in this Land Use plan, the greater distance shall be provided.

Chapter III-D of the Land Use Plan (Goal III-C)

Protect resources and property located downstream from hillside and bluff areas from damage due to uncontrolled runoff.

Chapter III-D of the Land Use Plan (Policy III-10, c.)

Ensuring that new development is accompanied by the provisions of drainage control measures which control and direct storm flow runoff into existing storm drain systems or into natural drainage courses when approved by the City Engineer and provide new storm drains as necessary to protect from unrestricted flows and runoff.

Page 20 of the certified LUP also includes a section specific to the railroad right-of-way, which concludes by saying:

The RR area runs adjacent to and through a number of sensitive resources including coastal bluff areas and wetlands. All new development and expansion of existing

facilities within the RR designation shall be consistent with policies of this Land Use Plan.

In addition, the Coastal Bluff Overlay Zone in the Implementation Program(IP) includes all the same parameters to regulate blufftop development, including the following regulations, which state in part:

30.51.040 Criteria for Approval. Property owners shall have a right to construct protective structures on their private property landward of the Shoreline Protection Area line provided that the Planning Commission or City Council on appeal, finds that the proposed protective device:

A. Is required to serve coastal-dependent uses or to protect existing principal structures or public beaches in danger from erosion and when designed to eliminate or mitigate adverse impacts to local shoreline sand supply...

C. Will assure stability and structural integrity and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area, nor in any way substantially alter natural landforms along bluffs and cliffs;

30.55.080 Setbacks from Coastal Bluffs.

A. Unless otherwise specified herein, all new or redeveloped principal or accessory structures, including new supporting foundations or supports for existing structures, shall be set back a minimum of 40 feet from the top edge of the coastal bluff as defined in this Chapter...

D. No grading or construction activities shall be allowed on the face of a coastal bluff unless approved as part of a Shoreline Protection Permit or Setback Seawall Permit issued in accordance with the provisions of this Title and when the Planning Commission or City Council, as the authorized review body for the project, makes a finding that the proposed grading has been minimized to the extent feasible to implement the authorized shoreline protection.

30.55.090 Application Submittals

B. All applications for projects involving new construction on properties containing coastal bluffs shall be accompanied by a geotechnical report addressing: 1) existing conditions; 2) the suitability of the site for the proposed construction; and 3) the potential of the proposed development to affect bluff stability over a 70-year life span of the project; 4) the potential future need for shoreline protection during an expected 70-year life span of the project; 5) an analysis of bluff retreat and coastal stability for the project site, according to accepted professional standards; 6) an analysis of the potential effects on bluff stability of rising sea levels, using latest scientific information; 7) an analysis of the potential effects of past and projected El Nino events on bluff stability; and 8) an analysis of whether the affected section of

coastline is under a process of retreat. The report shall also include recommended mitigation measures as they relate to avoidance of risks and preservation of fragile bluff systems. In the event that a submitted report recommends a blufftop setback of a greater distance than otherwise minimally required in this Chapter, the greater distance shall be provided. In addition, for new development, the applicant shall acknowledge a waiver of all rights to future protective devices for the new development.

30.55.100 Grading Methodology and Practices (sections A.1. and A.7.)

A.1. All projects involving grading shall be subject to the submittal of an erosion and sedimentation control plan. Said plan shall ensure that all drainage from the impervious surfaces of the site will be collected and appropriately discharged in a manner which will prevent drainage and/or erosion related damage to the coastal bluff or any other properties or improvements in the vicinity. In addition, the plan shall include the provision of drainage facilities to convey all drainage away from any coastal bluff face and, where available, into existing developed storm drain systems capable of handling all anticipated drainage flows associated with the proposed project. Where an existing storm drain system is not available, the plan shall provide that drainage will be conveyed to a clearly defined, legal natural drainage course which can be shown to have adequate capacity to handle all required drainage flows without adverse impact to coastal bluffs. All designs and plans for drainage improvements shall be prepared by a licensed civil engineer and shall be subject to the review and approval of the City Engineer.

A.7. All permits shall be subject to the submittal of a polluted runoff control plan. The required plan shall incorporate the use of structural and non-structural Best Management Practices (BMPs), to the extent necessary, to minimize the discharge of pollutants carried by runoff from urban development into surface water drainage, and to maintain post-development peak runoff rate and average volume at levels similar to pre-development levels. The plan shall include, but not be limited to, the following Best Management Practices (BMPs), as applicable: silt traps, catch basins, oil/grit separators, street sweeping and cleaning program, low-maintenance landscape and pesticide management plan, solid waste management and public education program. Post-construction structural BMPs (or suites of BMPs) should be designed to treat, infiltrate or filter stormwater runoff from each storm, up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor, for flow-based BMPs. The plan shall include a monitoring component to ensure long-term maintenance of BMPs as relevant, and to allow for continued evaluation of the effectiveness of the polluted runoff control plan in meeting the goals of the LUP regarding the protection and enhancement of sensitive resources.

The specific development proposed herein is new development, but not an expansion of railroad facilities. The applicant is proposing to retain twelve, 30-inch diameter soldier piles and a concrete cap which were installed as an emergency measure after portions of



an existing retaining wall west of the tracks collapsed last spring, both endangering the integrity of the tracks and allowing uncontrolled runoff over the bluff face. In addition, the applicant proposes installation of a new subsurface drainage pipe to collect groundwater that is saturating the bluffs and divert it down to the beach for discharge. The new pipe will be bored through the bluff from a manhole east of the railroad tracks, and approximately 30 feet below the surface of the right-of-way, to its outlet just above the beach. The facility will include a lateral trench drain installed at the subsurface elevation where most of the seepage within the bluff collects, a new manhole and cleanouts.

The proposed activities are necessary to maintain the existing transportation facility in operation through Del Mar. This line is the only rail connection between San Diego and Los Angeles and is thus a critical component of the regional transportation system. In addition, the upper bluff retaining system will prevent future landslides onto the beach in this location. Finally, the proposed groundwater improvements will serve to reduce the potential for groundwater induced bluff failures in the future.

The applicant submitted geotechnical data with the emergency permit request in May, 2001. This information was reviewed by the Commission's staff engineer and staff geologist, who concurred that the proposed soldier piles appeared to be the best solution to the immediate emergency. Other alternatives considered and rejected included taking no action, which is anticipated to result in additional failures and potential curtailment of rail service; constructing a sand-cement buttress, which would involve significant encroachment onto the public beach; and soil nail reinforcement, which would require access for drilling equipment across the failed area, as well as on both blufftop and beach. There was no purely temporary action that could be done to remediate the bluff failure while a permanent solution was researched, planned and permitted; all alternatives considered are permanent in nature. Moreover, had a temporary fix been available, disturbance to the slope for construction and removal of temporary measures, and then construction of permanent measures, would be no less impactful than implementing the chosen alternative and having one-time disturbance only.

The Commission's staff experts did not concur, however, that the permanent subsurface drainage pipe represented necessary emergency work, and determined that additional analysis of the proposed drainage system was required. Therefore, the emergency permit did not include the permanent subsurface pipe. To temporarily dewater the site to install the soldier piles, the applicant instead installed a portable pump and hose.

With submittal of the subject application for a follow-up regular permit, the applicant submitted the additional information required to analyze the proposed subsurface drain, which included identification and analysis of potential alternatives. The report determined, and staff concurred, that the proposed subsurface drainage system is the best alternative. Alternatives discussed and rejected included the no-action alternative, which is expected to result in further failures; the back drains alternative, which, from an engineering perspective, could only be done in conjunction with the rejected repair alternatives; and hydro-auger drains, which again would work best in conjunction with one of the rejected primary repair alternatives, in this case for visual reasons.

A new drainage pipe in this general location was originally proposed in CDP #6-97-062, but was subsequently deleted from that application for additional study and redesign. The currently proposed subsurface drainage system is the result of that planning effort. It will require additional disturbance of the bluff face for pipe installation, construction of an outfall approximately six feet above beach level, and construction of a splashguard below the outfall to conduct flows to the beach without causing erosion of either the bluff or the beach. This general section of bluff face has been disturbed in the past by placement of older drainage facilities and years of surface erosion, and is primarily devoid of vegetation. The applicant proposes to revegetate the disturbed areas with coastal sage species upon completion of the drain installation. As stated previously, except for the outfall and splashguard near the base of the bluff, no new disturbances to the bluff face will occur from the subject project, since the pipe will be installed by boring, not trenching.

The applicant has submitted sufficient information to support the requirement for the previously-installed emergency upper bluff protective system replacing the failed retaining wall, and also to support the new drainage improvements. However, the existing railroad tracks are less than forty feet back from the bluff edge in several locations through Del Mar, and specifically at the subject site. Thus, the facilities that already exist, and those that are currently proposed seaward of the track, are not consistent with the general blufftop setback parameters established in the certified Del Mar LCP. However, as structures protecting both existing development and the public beach from runoff and erosion problems, these facilities comply with the shoreline protective device provisions of the LCP and therefore can be placed seaward of the setback. Moreover, the facilities being protected are an integral part of the existing regional and statewide public transportation system.

Special Condition #1 requires submittal and implementation of temporary erosion control measures during the construction phase of the project. Special Condition #4 requires the applicant to enter into a hold harmless agreement, acknowledging the inherent hazards on the subject site. Should the property ever be sold or transferred to a private party, the applicant must then record a deed restriction against the property acknowledging these risks. Although the proposed development is not generating runoff or contributing to erosion, the location of the site alone puts any development at risk. Thus, the Commission finds that, although the 40-foot bluff setback criteria does not apply to the subject situation, the proposed development, which is consistent with many other cited LCP provisions, is consistent with the certified LCP, as conditioned.

3. Public Access/Visual Resources. The following LCP policies and ordinances address physical and visual public access concerns related to the proposed development. They state, in part:

Chapter IV.B/GOAL IV-A of the LUP

Provide physical and visual access to coastal recreation areas for all segments of the population without creating a public safety concern ...

Chapter IV.B/POLICY IV-3 of the LUP:

Lateral and vertical accessways to and along the shoreline shall be located where they can safely accommodate public use, and shall be distributed throughout the City as much as possible to prevent overcrowding or degradation of resources, minimize parking and traffic congestion, and the misuse of coastal resources....

Chapter IV.B /POLICY IV-23 of the LUP:

Retain the bluff top areas west of the railroad right-of-way between the southern border of the City and 15<sup>th</sup> Street in an open space condition to provide panoramic ocean views; to provide lateral access along the coastal bluff top and to preserve and protect the adjacent fragile and scenic bluffs.

Again, the Del Mar IP contains specific regulations implementing these goals and policies, including the following:

30.61.040 Exceptions to the Requirement for the Provision of Public Access.

... B. The requirement for the provision of public access easements or improvements shall also not apply where:

... 2. The review of the Coastal Development Permit required by this Title results in a written finding that:

- a. Public access would interfere with public safety or military security needs.
- b. Public access would be inconsistent with the protection of fragile coastal resources....

30.61.090 Protection of Historic Public Use.

A. New development shall be sited and designed in a manner which does not interfere with or diminish any public right of access which may have been established based on historic public use....

Historically, residents of Del Mar and many regional beach visitors have gained access to the shoreline in the general location of the proposed drainage, 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. In addition, uncontrolled access down the bluff face has contributed to bluff instability and destruction of fragile resources.

However, at the same time, the Commission does not wish to see any existing forms of public access unnecessarily curtailed and the City's long-range goal is to formalize this use. Even though the blufftop maintenance activities have already occurred under emergency authorization, various construction aspects of the proposed additional work will require construction vehicles and equipment on the beach and in various locations within City and railroad rights-of-way. These activities may have temporary adverse impacts on public access during the course of construction. The colorization and texturizing of the concrete cap will improve the aesthetics of the existing retaining wall and will cause it to be far less visible from the beach than at present (see Exhibit #3 for photo simulations). However, it will require additional construction activities on the bluff top in the general area of the described, informal paths. Moreover, the proposed new drainage facilities will require the placement of mechanical equipment, and probably some staging and storage areas, on the beach during the construction period. In the case of the blufftop work, application of color and texture is anticipated to be a very short-term project, and should not unduly inconvenience the public. Special Condition #2 formalizes the applicant's proposal to perform this visual mitigation.

To address recreational impacts associated with the portion of the development occurring on the beach, Special Condition #3 prohibits these activities on the beach during the summer months between Memorial and Labor Days; the condition also requires the applicant to identify staging and storage areas. Use of sandy beach must be minimized at other times of the year, and use of public parking areas, including on-street parking spaces, for storage of materials or equipment is prohibited. Therefore, the Commission finds that the proposed development will not diminish what access currently exists and is consistent, as conditioned, with the cited LCP policies.

4. Site Drainage/Water Quality. The certified LCP includes many goals, policies and regulations that address drainage and water quality. The LCP provisions most applicable to the subject situation state, in part:

LUP Chapter III.C., Policy III-9.d.

In order to protect coastal bluffs from erosion and degradation, all drainage from the impervious surfaces of the site shall be collected and appropriately discharged in a manner which will prevent drainage and/or erosion related damage to the coastal bluff or any other properties or improvements. Drainage facilities shall be designed and constructed as necessary to convey all drainage away from any coastal bluff face and, where available, into an existing developed storm system...

IP Section 30.55.100.A.7.

All permits shall be subject to the submittal of a polluted runoff control plan. The required plan shall incorporate the use of structural and non-structural Best Management Practices (BMPs), to the extent necessary, to minimize the discharge of pollutants carried by runoff from urban development into surface water drainage, and to maintain post-development peak runoff rate and average volume at levels similar to pre-development levels ... Post-construction structural BMPs (or suites of BMPs) should be designed to treat, infiltrate or filter stormwater runoff from each storm, up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor, for flow-based BMPs...

The proposed improvements to address groundwater are necessary to prevent further landslides along the Del Mar bluffs. Inland development has increased both surface and subsurface runoff, and groundwater has been determined to be the primary cause of such bluff failures. The proposed facilities will collect and direct groundwater from east of the tracks (i.e., from inland development) under the tracks and through the bluff, thus removing a significant amount of groundwater from the bluff itself. The groundwater will then be collected and filtered for pollutants before it discharges above the beach. Therefore, the Commission finds the proposed development, as conditioned, fully consistent with the cited LCP provisions.

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.

The subject site is located in an area now under the jurisdiction of the certified City of Del Mar Local Coastal Program. However, the application was filed and in process prior to September 26, 2001, the date the City assumed coastal development permit issuing authority. Thus, the subject permit is being processed by the Coastal Commission, with the certified LCP as the legal standard of review. As noted in previous findings, the proposed bluff retention and drainage facilities, as conditioned, are consistent with the certified LCP. This area is zoned and designated RR, which allows rail transportation and associated structures. The proposal is intended to maintain rail service in this area and improve existing drainage conditions. Therefore, the Commission finds that approval of the project, as conditioned, will not prejudice the ability of the City of Del Mar to implement its effectively-certified LCP.

6. Consistency with the California Environmental Quality Act (CEQA). Section 13096 of the Commission's Code of Regulations requires Commission approval of coastal development permits to be supported by a finding showing the permit to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(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, as conditioned, will not cause significant adverse impacts to the environment. Specifically, the project has been found consistent with the Coastal Bluff Overlay, public access and water quality provisions of the LCP. 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, as conditioned, is the least environmentally damaging feasible alternative and is 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. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. 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.
5. 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.

6-01-081



Site →

- 1 BEACH FRONT DR
- 2 PACIFIC SURF DR
- 3 OCEAN SURF DR

- SEE H1
- 1 COLINA LINDA
  - 2 LADERA LINDA
  - 3 LADERA LINDA WY

- SEE B7 H1
- 1 QMTO BADALONA
  - 2 QMTO GIJON
  - 3 QMTO TORREBLANCA
  - 4 QMTO FORTALEZA
  - 5 QMTO CARRONERAS
  - 6 QMTO VISTA ESTRELLADO
  - 7 QMTO CABO VIEJO
  - 8 QMTO VIA CAMPESTRE

- SEE G6
- 1 PLACE MONACO
  - 2 PLACE SAINT TROPEZ

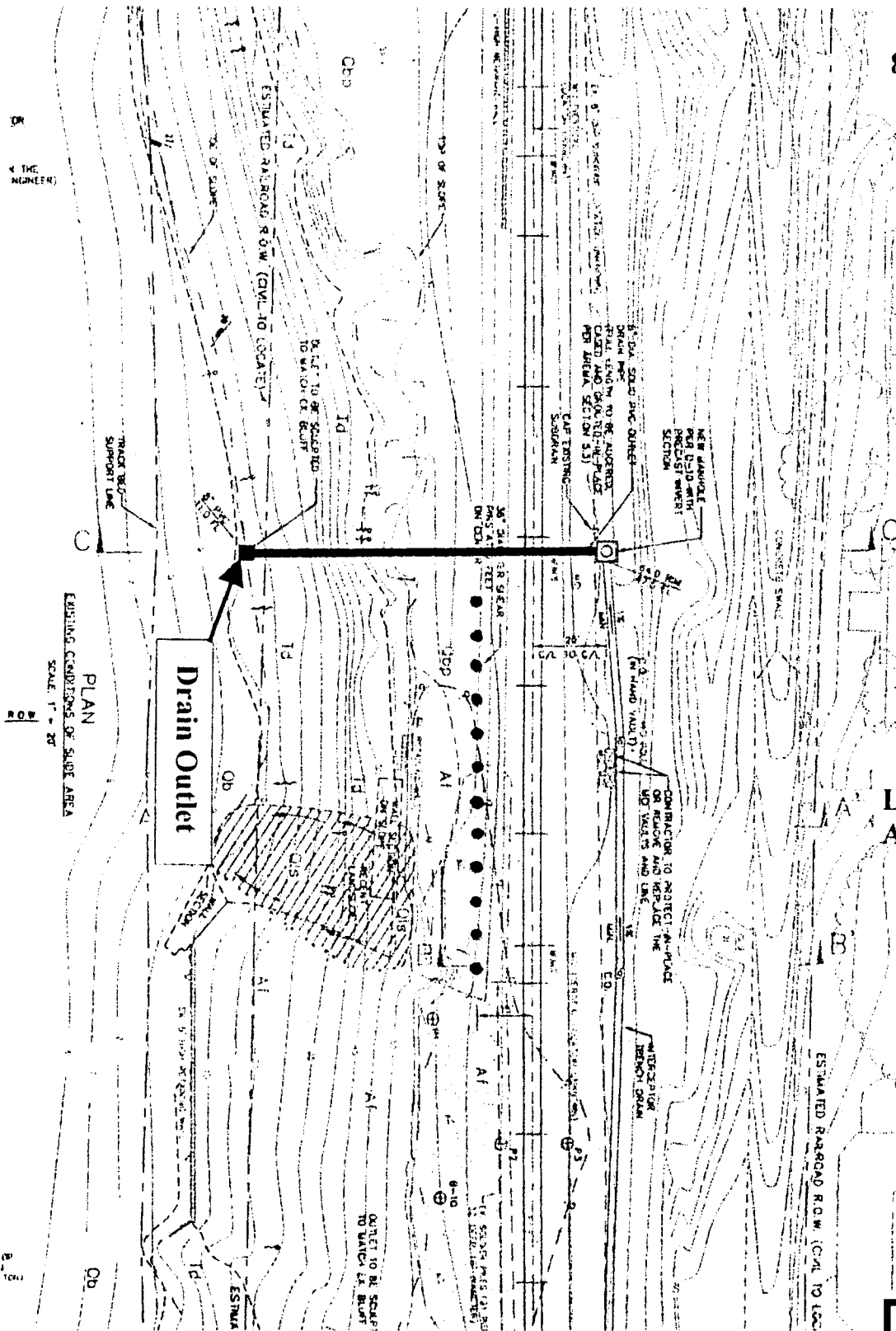
EXHIBIT NO. 1  
 APPLICATION NO.  
 6-01-081  
 Location Map

6-01-081

8 th Street



Little Orphan Alley



PLAN  
EXISTING CONDITIONS OF SAID AREA  
SCALE 1" = 20'

EXHIBIT NO. 2
APPLICATION NO. 6-01-081
Site Plan
California Coastal Commission



6-01-081

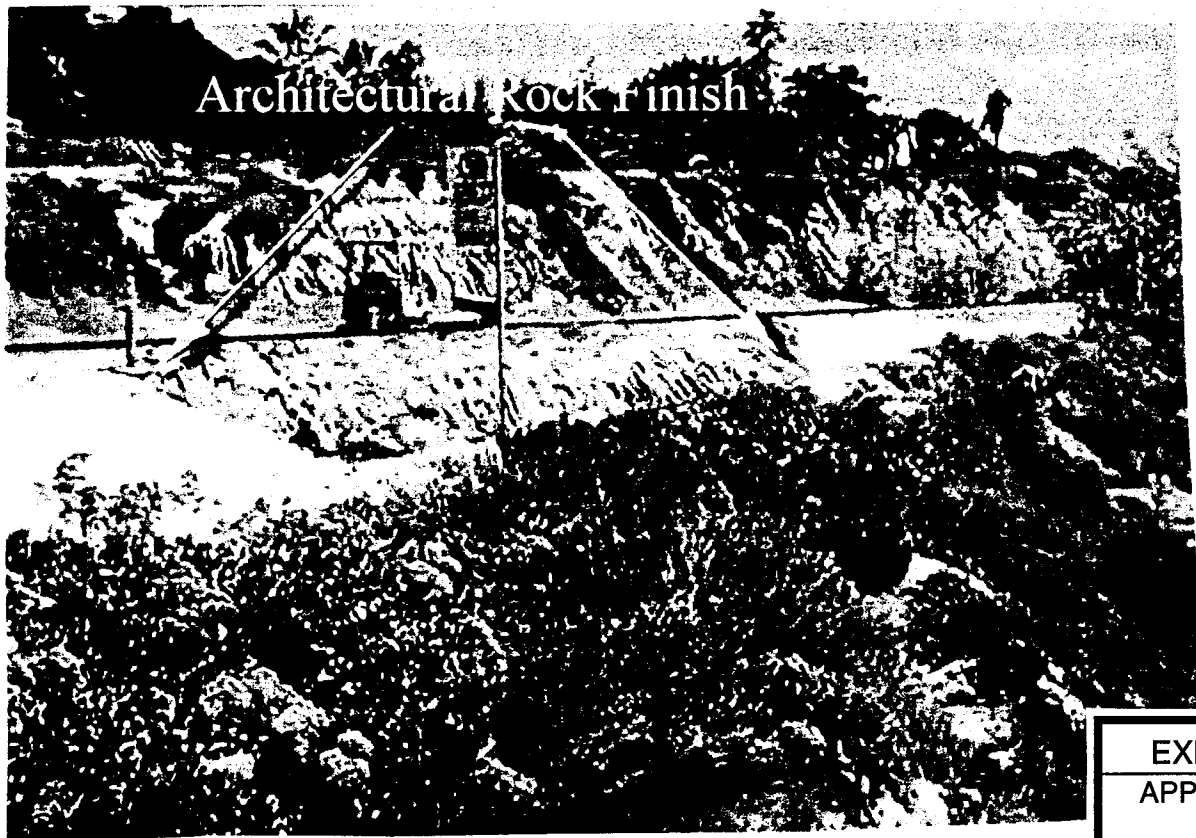
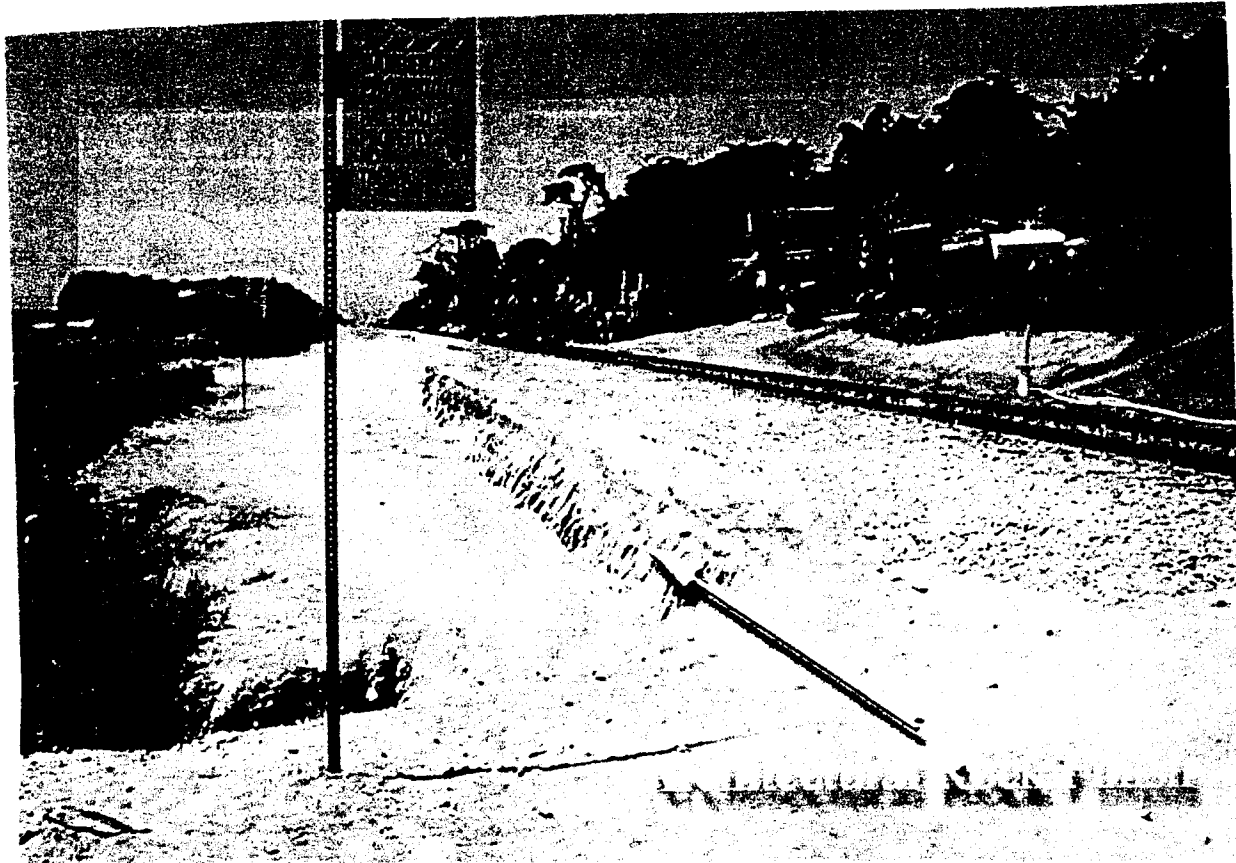


EXHIBIT NO. 3
APPLICATION NO.
6-01-081
<i>Simulation</i>
<i>of color/texture</i>
California Coastal Commission

6-01-081

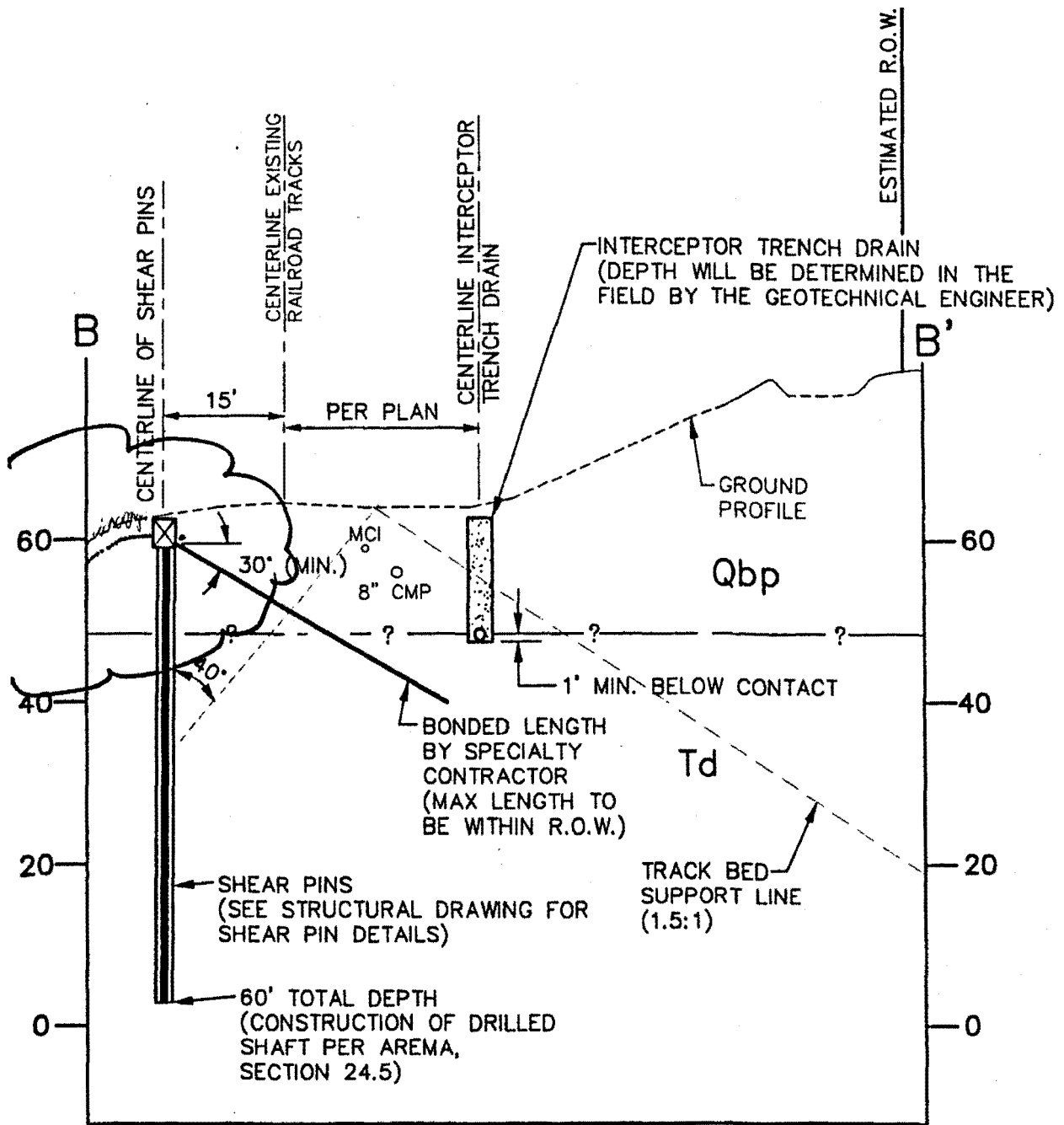


EXHIBIT NO. 4
APPLICATION NO.
6-01-081
Section of
<b>Soldier Piles</b>
California Coastal Commission