

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
15 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
(619) 767-2370



RECORD PACKET COPY

August 22, 2001

Tue 7a

TO: COMMISSIONERS AND INTERESTED PARTIES

FROM: PETER DOUGLAS, EXECUTIVE DIRECTOR

SUBJECT: EXECUTIVE DIRECTOR'S DETERMINATION that the City of Del Mar action, certifying the City's Local Coastal Program Implementation Plan, is adequate to effectively certify its local coastal program (for Commission review at its meeting of September 11-14, 2001)

BACKGROUND

At its Tuesday, March 13, 2001 meeting, the Coastal Commission certified, with suggested modifications, the City of Del Mar Local Coastal Program Implementation Plan, the set of ordinances which will implement the certified land use plan. By their action adopting Resolution No. 2001-47 on July 16, 2001, the City Council has acknowledged and accepted all of the Commission's suggested modifications. The modifications primarily addressed water quality standards in the City's overlay zones. The City proposes to assume coastal development permit authority on September 26, 2001 and will issue permits consistent with the fully-certified local coastal program.

As provided for in Section 13544 of the Commission's Code of Regulations, the Executive Director must determine if the action of the City of Del Mar is legally sufficient to finalize Commission review of the LCP amendment. The City's actions have been reviewed and determined to be adequate by the Executive Director. Section 13554 of the Commission's Code of Regulations then requires this determination be reported to the Commission for its concurrence.

RECOMMENDATION

Staff recommends that the Commission **CONCUR** with the Executive Director's determination as set forth in the attached letter (to be sent after Commission endorsement).

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September 17, 2001

Mayor Crystal Crawford
City of Del Mar
1050 Camino del Mar
Del Mar, CA 92014

RE: Certification of the City of Del Mar Local Coastal Program Implementation Plan

Dear Mayor Crawford:

The California Coastal Commission has reviewed the City's Resolution No. 2001-47 together with the Commission's action of March 13, 2001 certifying the City of Del Mar Local Coastal Program Implementation Plan. In accordance with Section 13544 of the Commission's Code of Regulations, I have made the determination that the City's actions are legally adequate, and the Commission has concurred at its meeting of September 11-14, 2001.

By its action on July 16, 2001, the City has formally acknowledged and accepted the Commission's certification of the Local Coastal Program Implementation Plan including all suggested modifications. The modifications addressed water quality standards. The City is assuming authority, effective September 26, 2001, to issue coastal development permits in conformance with the certified local coastal program.

In conclusion, I would like to congratulate you and all other elected or appointed officials, staff and concerned citizens for continuing to work towards full implementation of the Coastal Act. We remain available to assist you and your staff in any way possible as you continue to develop and implement the City's local coastal program.

Sincerely,

Peter Douglas
Executive Director

cc: Linda Niles
Adam Birnbaum

RESOLUTION NO. 2001-47

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR ACKNOWLEDGING AND ACCEPTING THE CALIFORNIA COASTAL COMMISSION'S CERTIFICATION OF THE DEL MAR LOCAL COASTAL PROGRAM (LCP) IMPLEMENTING ORDINANCES WITH SUGGESTED MODIFICATIONS; AND ADOPTING AN AMENDMENT TO THE LCP IMPLEMENTING ORDINANCES (LCPA-00-01) TO REFLECT THE COASTAL COMMISSION'S SUGGESTED MODIFICATIONS.

WHEREAS, the entirety of the corporate boundaries of the City of Del Mar is within the Coastal Zone, as determined under the California Coastal Act, California Public Resources Code, Division 20; and

WHEREAS, pursuant to Section 30500 et. seq. of Chapter 6 of Division 20 of the Public Resources Code, local jurisdictions are encouraged to prepare and submit local coastal programs for the purpose of local implementation of the California Coastal Act; and

WHEREAS, pursuant to Chapter 6, Division 20 of the Public Resources Code and Chapter 8, Division 5.5 of Title 14 of the California Code of Regulations, the City of Del Mar has prepared a Del Mar Local Coastal Program, consisting of a Land Use Plan and Implementing Ordinances, with the Land Use Plan integrated within the Del Mar General Plan; and

WHEREAS, said Local Coastal Program includes categories of development proposed to be excluded from coastal development permit requirements, pursuant to Chapter 7, Division 20 of the Public Resources Code; and

WHEREAS, The California Coastal Commission, on March 13, 2001, reviewed and certified the City of Del Mar LCP implementing Ordinances, with suggested modifications; and

WHEREAS, on July 16, the City Council conducted a duly noticed public hearing for the purpose of acknowledging and accepting the Coastal Commission's suggested modifications and has processed a corresponding Local Coastal Program Amendment (LCPA-00-01) to modify the LCP Implementing Ordinances so as to be in conformance with the Coastal Commission's suggested modifications.

AYES: Councilmembers Abarbanel, Druker, Earnest, Whitehead;
Mayor Crawford

NOES: None

ABSENT: None

ABSTAIN: None


CONNIE SMITH, Deputy City Clerk

CITY OF DEL MAR IMPLEMENTATION PLAN
Approved Suggested Modifications

BLUFF, SLOPE AND CANYON OVERLAY ZONE

1. 30.52.120 Grading Methodology and Practice – Revise Section A.5.

A.5. 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 require that all new development and redevelopment infiltrate or treat all runoff from a 3/4 inch storm.~~ 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.

LAGOON OVERLAY ZONE

2. 30.53.140 Grading Practices/Drainage and Erosion Controls – Revise Section F

F. 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 require that all new development and redevelopment infiltrate or treat all runoff from a 3/4 inch~~

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~~storm~~. 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.

COASTAL BLUFF OVERLAY ZONE

3. 30.55.100 Grading Methodology and Practice - Revise Section A.7.

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 require that all new development and redevelopment infiltrate or treat all runoff from a ¼ inch storm.~~ 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.

4. 30.55.090 Application Submittals - Modify Section B:

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 coastal bluff top setback of a greater distance than otherwise minimally required in this Chapter, the greater distance shall be provided. In addition, for any new development, the applicant(s) shall acknowledge a

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waiver of all rights to future protective devices for the new development through recordation of a deed restriction as a condition of permit approval.

PUBLIC ACCESS

5. 30.61.060 Vertical Public Access.

A. Minimum requirements. Where required pursuant to the provisions of this Chapter, the alignment of the vertical access easement and the improvements required therein, shall be designed to ensure that the access way, once implemented, will provide the public with the permanent right of vertical public access to the water's edge (shoreline) of an ocean, lagoon, tidelands, river course, or to an established lateral public access, as applicable.

COASTAL DEVELOPMENT PERMITS

6. 30.75.200 Exemptions (Sections D 7 and 8; and E2)

D. Improvements to structures other than existing single-family residences and public works facilities except as noted below. For purposes of this section, the term "improvements to structures" includes all fixtures and structures attached to the structure and landscaping. The exemption provided in this Section shall not apply where:

7. The proposed improvement to a structure ~~which~~ would changes the intensity of use of the structure.

8. The proposed improvement ~~made pursuant to a~~ would consist of the conversion of an existing structure from a multiple unit rental use or visitor-serving commercial use to a use involving a fee ownership or long-term leasehold including, but not limited to, a condominium conversion, stock cooperative conversion, or motel/hotel timesharing conversion.

E. Repair and maintenance activities to existing structures or facilities that do not result in an addition to, or enlargement or expansion of, the structures. The exemption provided in this section shall not apply where the proposed repair or maintenance involves:

2. Any repair or maintenance to facilities or structures or work located in an environmentally sensitive habitat area, any sand area, within 50 feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within 20 feet of coastal waters, streams or wetlands where such repair or maintenance involves either:

a. The placement or removal, whether temporary or permanent, of rip-rap rocks, sand, or other beach materials or any other forms of solid materials; or

- b. The presence, whether temporary or permanent, of mechanized equipment.

LAGOON OVERLAY ZONE

9. 30.53.080 Permitted Uses in Wetlands (Section 3)

3. Wetland restoration projects where the primary function is restoration of wetland habitat and function. Notwithstanding the provisions of Subsection A above, restoration projects may include such activities as grading, filling and/or beach replenishment directly associated with the restoration project.

10. 30.53.140 Grading Practices/Drainage and Erosion Control (Section C)

C. For projects involving a total of more than 25 cubic yards of cut and/or fill grading, no grading shall occur during the rainy season, identified for purposes of this Chapter as the period from November 15th to March 31st. This section shall not apply to approved wetland restoration projects.

Del Mar IP - cert with sug mods