

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

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Hearing Date: December 10-13, 2002

REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-02-102

Applicant: North County Transit District

Agent: Karen King

Description: Repair and reinforcement of three existing drainage outlets, construction of one new drainage outlet, and installation of hydro-augers on the public beach and bluff face.

Site: On Del Mar's beach, from Coast Boulevard to approximately 5th Street, Del Mar, San Diego County.

Substantive File Documents: Certified City of Del Mar LCP; City Permit #CDP-02-15; Mitigated Negative Declaration (MND) dated October 12, 2001 (prepared by Project Design Consultants), addendum to MND dated July 1, 2002; Geotechnical Studies Part 1, Volumes 1 and 11, and Part 2

STAFF NOTES:Summary of Staff's Preliminary Recommendation:

Staff recommends approval of the proposed drainage project with special conditions addressing visual resources and public access concerns. The special conditions require a waiver of future shoreline protection for the facilities approved herein, an indemnity agreement, and final revised plans demonstrating that all facilities have been minimized to the extent possible to reduce encroachment onto the public beach. Other conditions address coloring and texturizing new and rehabilitated surfaces, construction access and staging requirements, project timing and possible removal of the facilities if the train tracks are relocated in the future. 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.

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit No. 6-02-102 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 policies of Chapter 3 of the Coastal Act. 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. No Future Bluff or Shoreline Protective Device

- (A) By acceptance of this Permit, the applicant agrees, on behalf of itself and all successors and assigns, that no bluff or shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No. 6-02-102 including, but not limited to, riprap, seawalls or other types of shore/bluff protection, in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, bluff retreat, landslides, or other natural hazards in the future. By acceptance of this Permit, the applicant hereby waives, on behalf of itself and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235.

- (B) By acceptance of this Permit, the applicant further agrees, on behalf of itself and all successors and assigns, that the landowner shall remove the development authorized by this Permit, including the new drainage facilities, and rehabilitated portions of existing drainage facilities, if any government agency has ordered that the structures have become a public safety hazard due to any of the hazards identified above. In the event that portions of the development fall to the beach before they are removed, the landowner shall remove all recoverable debris associated with the development from the beach and ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit.

2. Revised Final Plans. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, final plans for all improvements, that are in substantial conformance with the plans titled *Del Mar Bluffs Stabilization – Project 1, 90% Review Submittal*, except that they shall be revised as follows:

- a. All development shall be aligned as closely as possible with the face of the bluff, and minimize any encroachment onto the sandy beach to the extent possible.
- b. The protruding pipe at the northern end of the project will be cut back to the bluff and resurfaced there, eliminating the need for backfill.

The permittee shall undertake development in accordance with the approved final 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 legally required.

3. 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 all exposed rockscaping, outlets and splashguards. 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.
- C. A written commitment to monitor the color and texture 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 and beach, 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 legally required.

4. 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 legally required.

5. 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 waves, storm waves, flooding, 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: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to

terms and conditions that restrict the use and enjoyment of that property (hereinafter referred to as the "Standard and Special Conditions"); and (2) imposing all Standard and Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The restriction shall include a legal description of the applicant's entire parcel or parcels. It shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the Standard and Special Conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes – or any part, modification, or amendment thereof – remains in existence on or with respect to the subject property.

- 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.

5. Storage of Construction Materials, Mechanized Equipment, and Removal of Construction Debris. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, the applicant shall submit for the review and approval of the Executive Director, a Construction Best Management Practices Plan for the construction project site, prepared by a licensed professional, and shall incorporate erosion, sediment, and chemical control Best Management Practices (BMPs) designed to minimize to the maximum extent feasible the adverse impacts associated with construction to receiving waters. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

- (1) No construction materials, equipment, debris, oil, liquid chemicals, or waste shall be placed or stored where it may be subject to stormwater, or where it may contribute to or come into contact with nuisance flow;
- (2) Any and all debris resulting from construction activities shall be removed from the site within 1 day of completion of construction;
- (3) No machinery or construction materials not essential for project improvements shall be allowed at any time in any intertidal zone;
- (4) Sand from the beach, cobbles, or shoreline rocks shall not be used for construction material;
- (5) All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway,
- (6) All debris and trash shall be deposited of in the proper trash and recycling receptacles at the end of each construction day;
- (7) The discharge of any hazardous materials into any receiving waters shall be prohibited.

The permittee shall undertake development in accordance with the approved final plan and schedule and other requirements. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall

occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

7. Future Track Relocation. If and when the railroad tracks are relocated in the future, an amendment to this permit shall be required to address the continued need for the drainage structures.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description/Site History. The applicant is proposing an overall project to improve the drainage along a portion of the Del Mar bluffs, thus protecting the existing railroad tracks that run along the top of the bluff. The bluff has been subject to a number of failures over the years, and the main cause appears to be from over-saturation of the bluff with water due to poor drainage coming from runoff and over-irrigation at residential developments further inland. The applicant has addressed the failures through a number of emergency permits for upper bluff stabilization projects, and other projects designed specifically to diminish the ongoing threat from groundwater. Previous coastal development permits approved by the Commission include 6-96-156 and 6-01-081, emergency and follow-up permits for both, for installation of soldier pile walls adjacent to the railroad tracks, and 6-97-062, for restoration of portions of the existing drainage system. The current proposal includes additional repair, maintenance and restoration of existing drainage facilities, along with construction and/or installation of new facilities and installation of a landslide warning system.

The City of Del Mar assumed coastal development permit authority approximately a year ago, after effective certification of their LCP. Portions of the proposed development occur within the City's jurisdiction and portions occur within the Commission's jurisdiction. The City has issued a permit for all improvements located on top of the bluff, and within the bluff; the City permit was not appealed to the Commission. The types of facilities approved by the City include new inlets into existing subdrains, energy dissipaters within existing brow ditches, filtration devices, construction of river stone swales, and installation of a landslide warning system.

Only those improvements that extend seaward of the face of the bluff, and on the beach, are within the Commission's original permit jurisdiction. The specific improvements that are the subject of this permit include rehabilitating three existing outlets/headwalls on the beach below the railroad tracks and residences, constructing one new outlet/dissipation structure on the beach in the vicinity of 8th Street, and the installation of 50-65 hydro-augers in groups of 6 to 8 at eight different locations that discharge on the bluff face. The discharges will be dissipated by placing rockscape aprons around them. In addition, rockscaping is proposed at several project locations to blend both new and existing facilities into the bluff face, reducing potential visual impacts. One of the existing outlets is a large chute that extends well out onto the beach. The proposed rehabilitation of this outlet includes the placement of concrete fill beneath a portion of the existing chute that

extends diagonally from the bluff face to the beach and is in danger of collapsing onto the beach. In addition, these five components, along with several components of the City permit, will require access from the beach and the presence of mechanized equipment on the beach.

As stated, the Commission's permit authority is limited to those portions of the proposed project located within the area of original jurisdiction, namely, five project elements and construction access. For the Commission's review, Chapter 3 of the Coastal Act is the legal standard of review, with the certified City of Del Mar LCP used as guidance.

2. Hazards/Blufftop Development. Section 30235 of the Coastal Act states, in part:

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply.

In addition, Section 30253 of the Coastal Act states, in part:

New development shall:

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

The specific development proposed herein is primarily new development, but will not result in an expansion of railroad facilities. The applicant is proposing to repair and reinforce three existing outfalls at the foot of the Del Mar bluffs, construct one new outfall, and install a series of hydro-augers. This work will include the permanent placement of additional materials on the beach itself, as well as on the bluffs, in order to provide adequate dissipation devices to prevent beach erosion. 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 proposed groundwater improvements, both those addressed in this permit and those approved by the City of Del Mar, will serve to reduce the potential for groundwater induced bluff failures in the future.

With respect to the repairs and reinforcement at the three existing outfalls, alternatives were somewhat limited due to having to work with the existing facilities. The northernmost outfall is part of the City's municipal stormwater system, and currently

consists of a 30" pipe extending outward a few feet beyond the face of the bluff, approximately nine feet above the beach. During times of heavy rain, when stormwater runoff greatly increases, this can be very erosive to the beach below. The applicant proposes to construct a headwall with backfill around the existing facility to stabilize it, and pour an 8' by 10' concrete pad (approximately 80 sq.ft. of concrete) on the beach to act as a splash pad and disperse the water. These features are proposed to be sculpted and colored to match the surrounding bluff and beach. Based on old photographs, the proposed pad appears to be approximately the same size as a similar one that existed in the past. Remnants of that old pad are still present in the immediate area.

Moving south, the next outfall subject to this permit, is an existing concrete headwall and energy dissipater in need of rehabilitation. The headwall is flush with the bluff, but the trapezoidal dissipater encroaches approximately ten feet onto the beach. As designed, water is trapped behind a lip and held in the dissipater until it is full, at which point it disperses over a wide area of beach, instead of being concentrated in a single flow. Over time, the lip has worn down and broken at the ends, the concrete liner has become worn, and the dissipater no longer functions correctly. Repairs in this location will include rehabilitating the existing concrete, replacing the worn portions, and rebuilding the lip at the outer edge of the device. No expansion of the existing footprint is proposed.

Further to the south, a more serious situation has developed. In this location, the drainage system consists of a concrete chute running down the face of the bluff and a trapezoidal dissipater extending approximately thirty feet onto the beach. This structure was built approximately eighty years ago; as the bluff has eroded, a triangular space underneath the concrete chute has developed. The main concern here is that the structure itself may collapse onto the beach. The existing opening is not large enough, even during winter beach profiles, for an adult to walk upright under the chute at this time, but erosion of the bluff face will continue to increase the size of the opening if nothing is done. The applicant proposes to fill this gap with low strength concrete to eliminate the potential for collapse. The opening will be excavated to firm ground and the concrete will be pumped into the space to provide adequate support for the chute. Rockscaping will be added to the repaired structure to further ensure its stability and improve its visual appearance. In addition, worn spillway concrete will be replaced and the existing chute will be hand-repaired as needed. Again, no expansion of the existing footprint will occur with this element.

Staff had asked about the possibility of alternatives for this facility, in particular using concrete columns to support the portions of the chute not in contact with either bluff or beach, or the potential to cut off the chute where it loses contact with the bluff and rebuild it directly on the bluff's surface. The first alternative was determined to be infeasible due to the fragility of both the bluffs in this location and the existing chute facility itself. Placing support under only portions of the structure could cause collapse of the entire structure. The second alternative would ultimately result in greater encroachment on the beach than what currently exists – the bluff is very high in this location, so discharges are at a higher velocity than elsewhere. Pulling the chute back against the current bluff face would increase the angle to almost vertical; this too would

increase the velocity. This design would require a significantly larger dissipation structure on the beach, and is estimated to require an approximately 500 sq.ft. footprint, as compared to the existing chute and spillway that occupies approximately 200 sq.ft. of beach area. In addition to stability and access concerns, this device is one of the oldest remaining drainage facilities in Del Mar, and is considered to have some historic significance; the City recommended that the basic facility not be modified.

The last outlet component subject to this permit is the construction of a completely new facility including a new beach outlet. This will augment an existing system, close by the subject one, which currently can only handle discharges of up to a 25-year storm event. The old system will continue to operate during low-flow and lesser storm events. The proposed facilities are designed to handle major storms, up to the 100-year storm, wherein storm flows will be diverted from the old system to the new. The beach outfall will be excavated into the toe of the bluff, which projects seaward in this location. The outfall itself will be flush with the existing bluff, and will include two interior energy dissipaters. The materials removed to construct the facility, along with new rockscaping, will be used to reinforce the outfall and make it visually blend with the bluff; no new facilities will extend onto the beach beyond the excavated toe.

In addition, the applicant proposes installation of several groups of hydro-augers at identified high-risk areas for landslides. These will consist of 2-inch, perforated PVC piping which will be located within the lower portion of the bluff, but will not extend all the way down to the beach. These will capture groundwater flows within the bluff, especially at the juncture of the Delmar and Bay Point Formations where significant seepage has been detected, and channel these waters to appropriate discharge points on the bluff face. Where higher flows are anticipated, rockscape reinforcement will be placed around the discharge points on the bluff face to minimize bluff erosion.

The long range goal for this segment of the railroad line is to relocate the entire facility further inland, possibly by tunneling under the City of Del Mar. Because of these long-range plans, the City, in its coastal development permit for all upper level improvements, required that repairs be the minimum necessary to keep the track viable for another twenty years. The applicant submitted geotechnical data with the permit application, providing sufficient information to support the repairs of existing, and construction of new, drainage improvements. This information was reviewed by the Commission's staff engineer and staff geologist, who concurred that the proposed improvements appear adequate to address bluff stability over the short term, but that significant additional components would be needed if the tracks were to be retained in this location longer than another twenty or so years.

The existing railroad tracks lie less than forty feet back from the bluff edge in several locations through Del Mar. 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, the LCP has other policies specifically addressing the railroad facilities and allowing those improvements required to keep the trains in operation. Moreover, Chapter 3 of the

Coastal Act is the legal standard of review for this permit, and the cited Chapter 3 policies do not require a specific setback. The proposed structures and repair activities are intended to prevent erosion due to groundwater incursion, and will thus protect both existing development and the public beach from runoff and erosion problems. Moreover, the railroad facilities being protected are an integral part of the existing regional and statewide public transportation system, and pre-exist the Coastal Act by many decades.

However, the Commission finds a number of special conditions are required to assure that the proposed development meets all requirements of the Coastal Act, and that the chosen project represents the least environmentally damaging alternative, where optional designs are possible. Special Condition #1 prohibits future shoreline protective devices to protect the improvements approved herein. The proposed drainage improvements and repairs are proposed as "short-term" solutions to help reduce bluff instability and should not be considered structures worthy of shore or bluff protection in the future. Although not shoreline protective devices in the traditional sense, the proposed drainage improvements are intended to stabilize the bluff system by redirecting groundwater seepage believed to have been responsible for past landslides. Special Condition #5 requires the applicant to enter into a hold harmless (indemnity) 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 itself generating runoff or contributing to erosion, the location of the site alone puts any development at risk. Thus, the Commission finds the project, as conditioned, consistent with the cited Coastal Act policies, and with the certified LCP policies addressing the rail corridor, as well.

3. Public Access and Recreation. The following Coastal Act policies address public access and recreation concerns related to the proposed development. They state:

Section 30210.

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211.

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30220.

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Section 30221.

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

There is a formal, paved access ramp from Powerhouse Park to the beach at the northern end of this project. The beaches can also be accessed from Torrey Pines State Beach to the south. There are currently a number of existing obstructions on the beach associated with various existing drainage devices. Due to the average width of the beach along the Del Mar bluffs, these have not been a significant impediment to lateral access thus far. The proposed project will slightly increase the amount of current beach obstruction by construction of the 8' by 10' splash pad at the northernmost project component. However, based on historic photos and remaining debris, this will not be larger than a previous splash pad that was destroyed years ago. Special Condition #2 requires beach encroachments be minimized to the extent possible, including cutting off the protruding pipe at the northernmost location to be flush with the bluff face. This minor revision may also allow the splash pad to be pulled back even further from the used areas of the beach. Special Condition #7 calls for reassessment of the need for some or all of these structures should the railroad relocate from its current blufftop location in the future.

All the components of the proposed development will require construction vehicles and equipment on the beach, which is within the Commission's original jurisdiction area. In addition, the applicant is proposing placement of some staging and storage areas on the beach, to further facilitate construction. These activities may have temporary adverse impacts on public access during the course of construction by occupying portions of sandy beach otherwise available to the public. These activities would have even greater impacts if the construction occurred during the summer season.

To address recreational impacts associated with the portions of the development occurring on, and accessed from, the beach, Special Condition #4 requires submittal of a final construction schedule that prohibits these activities on the beach during the summer months between Memorial and Labor Days. The condition also requires the applicant to submit final plans identifying 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. If there is no change in the locations for these facilities as delineated on the preliminary plans, a letter to that effect will satisfy this portion of the condition. 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. Visual Resources. The following Coastal Act policy addresses this issue, and states, in part:

Section 30251.

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, ...

The applicant proposes to color and texturize the new and repaired headwall facilities and the rockscaping around hydro-auger outlets. This will visually blend the new development and repairs into the natural beach and bluffs, improving the aesthetics of the existing facilities, some of which are already visually prominent, and causing them to be less visible from all public perspectives. However, it will require additional construction activities on the bluff and beach and require the placement of mechanical equipment on the beach. Special Condition #3 formalizes the applicant's proposal to perform this visual mitigation. Therefore, the Commission finds that, as proposed and conditioned, the visual amenities of the area will not be adversely affected.

5. Site Drainage/Water Quality. The Coastal Act address the concerns of drainage and water quality through these policies:

Section 30230.

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231.

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, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

In addition, the certified LCP includes detailed regulations that address drainage and water quality; all of these provisions are included in the City-issued CDP, which addressed the project as a whole. The proposed improvements to address groundwater are necessary to reduce the potential for 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 drainage and groundwater through the bluff, removing a significant amount of groundwater from the bluff itself, to reduce the risks of failure. The drainage will be filtered for pollutants before it discharges on the beach and bluff face. The Commission's Water Quality Unit has reviewed the project and determined that the proposed development should increase the water quality levels of the discharges from both existing and new facilities. Therefore, the Commission finds the proposed development, as conditioned, fully consistent with the cited Chapter 3 policies of the Coastal Act.

6. 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 partially located in an area now under the jurisdiction of the certified City of Del Mar Local Coastal Program. Thus, the subject permits are being processed by both the City and the Coastal Commission, with the certified LCP as the legal standard of review for the City and Chapter 3 policies of the Coastal Act the legal standard of review for the Commission. As noted in previous findings, the proposed repair, rehabilitation and construction of drainage facilities, as conditioned, are consistent with the Coastal Act; they are also consistent with the certified LCP. The overall project area is zoned and designated RR, which allows rail transportation and associated structures, and Public Parkland, which applies to the beach itself and portions of the bluff outside the railroad right-of-way. 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 continue 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, 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.

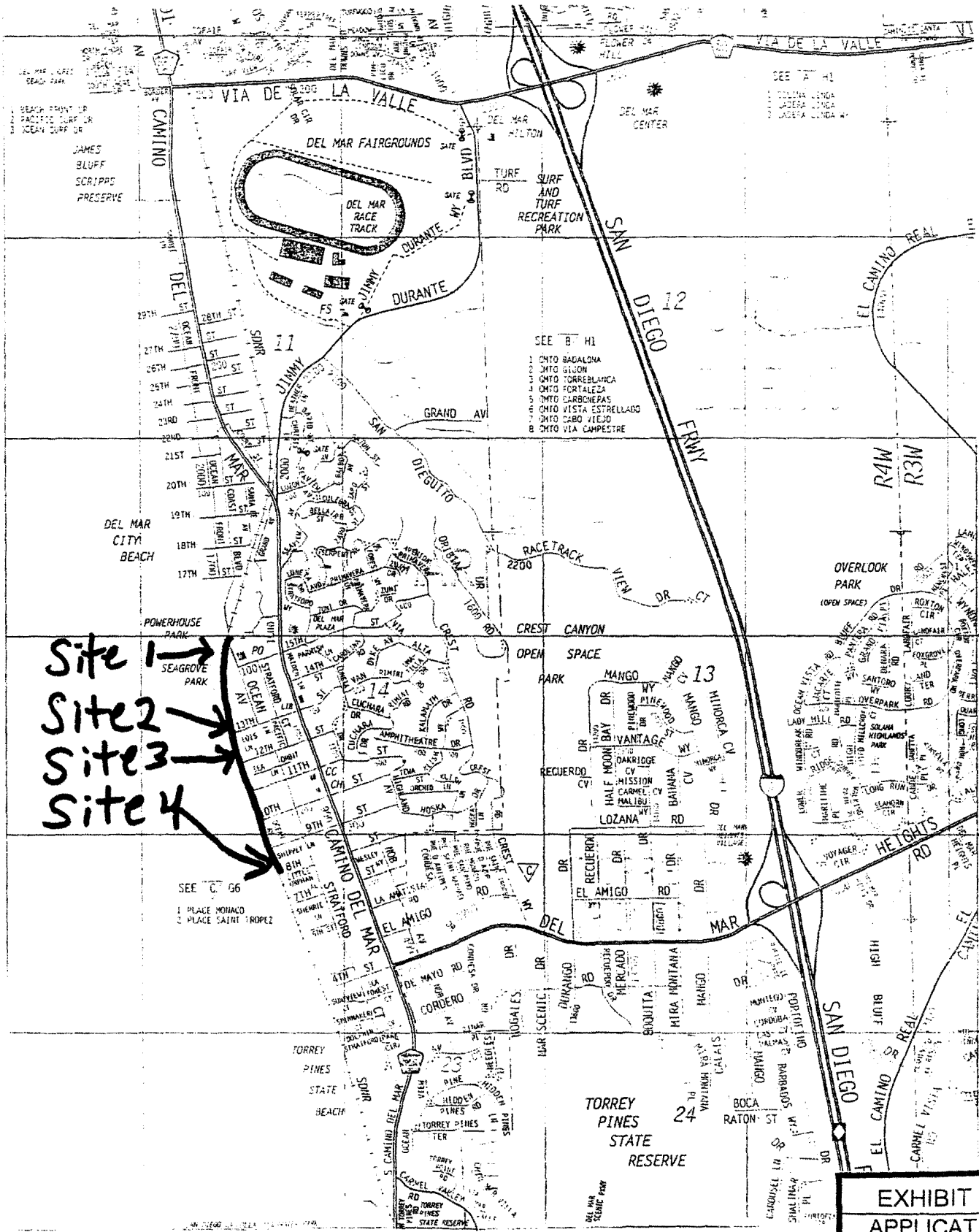
The proposed project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. As discussed herein, the proposed project, as

conditioned, will not cause significant adverse impacts to the environment. Mitigation measures, including conditions addressing hazards, public access, and visual resources 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 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.

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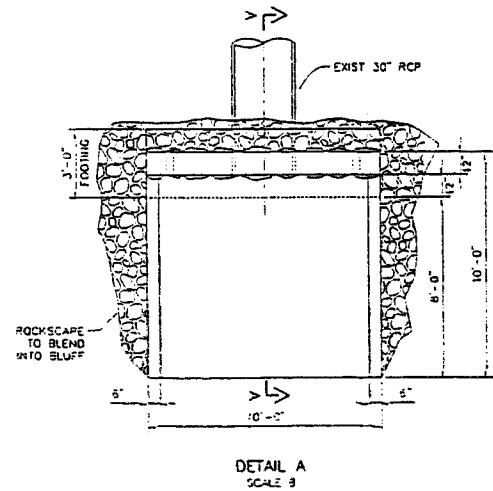
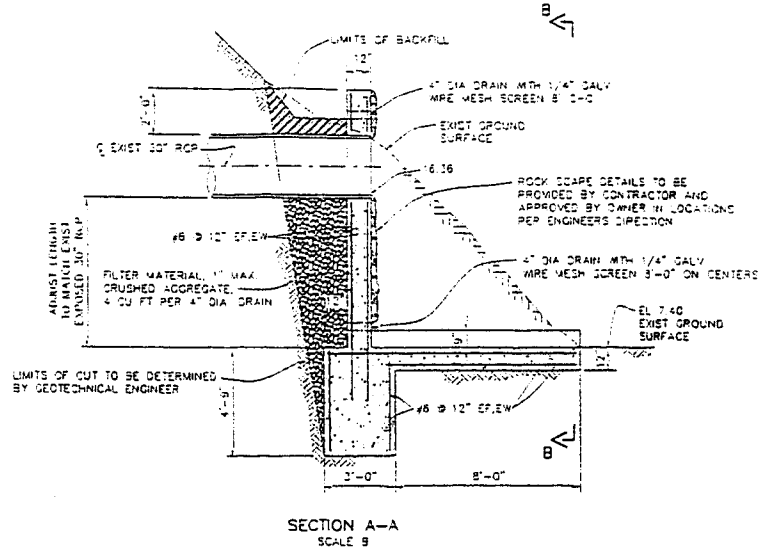
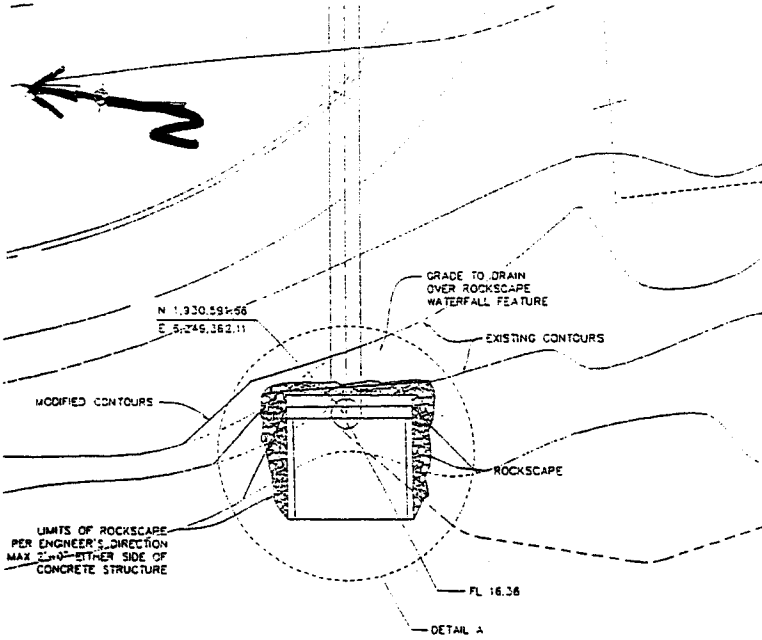
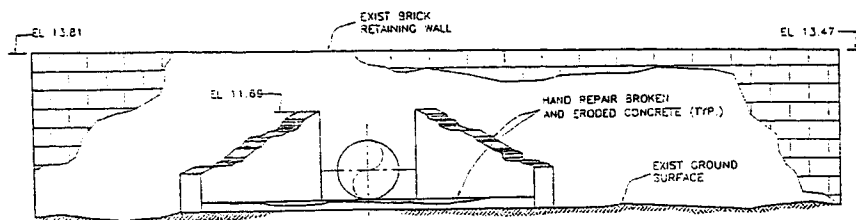
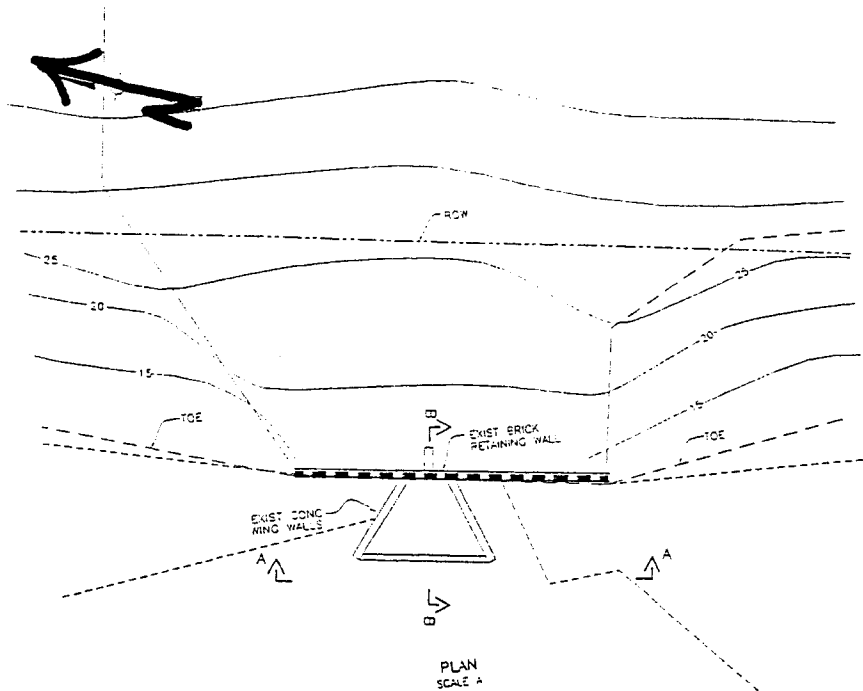
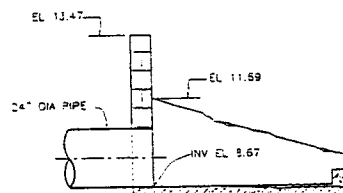


EXHIBIT NO. 2
 APPLICATION NO.
 6-02-102
 Site Plan &
 Elevations - Site 1

6-02-102



ELEVATION A-A
RETAINING AND WING WALLS AT BR-244.3
SCALE B



SECTION B-B
SCALE B

EXHIBIT NO. 3
APPLICATION NO.
6-02-102
Site Plan &
Elevations - Site 2

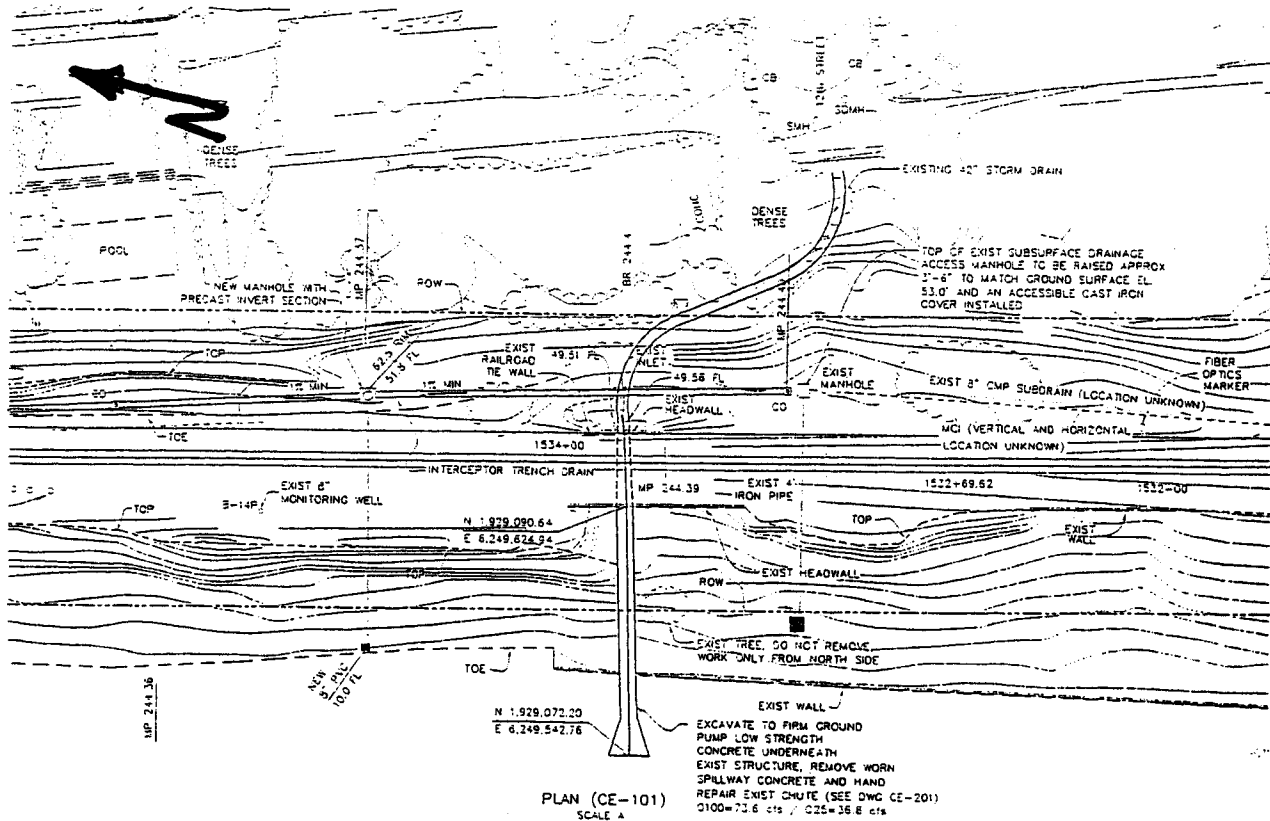
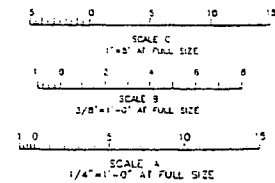
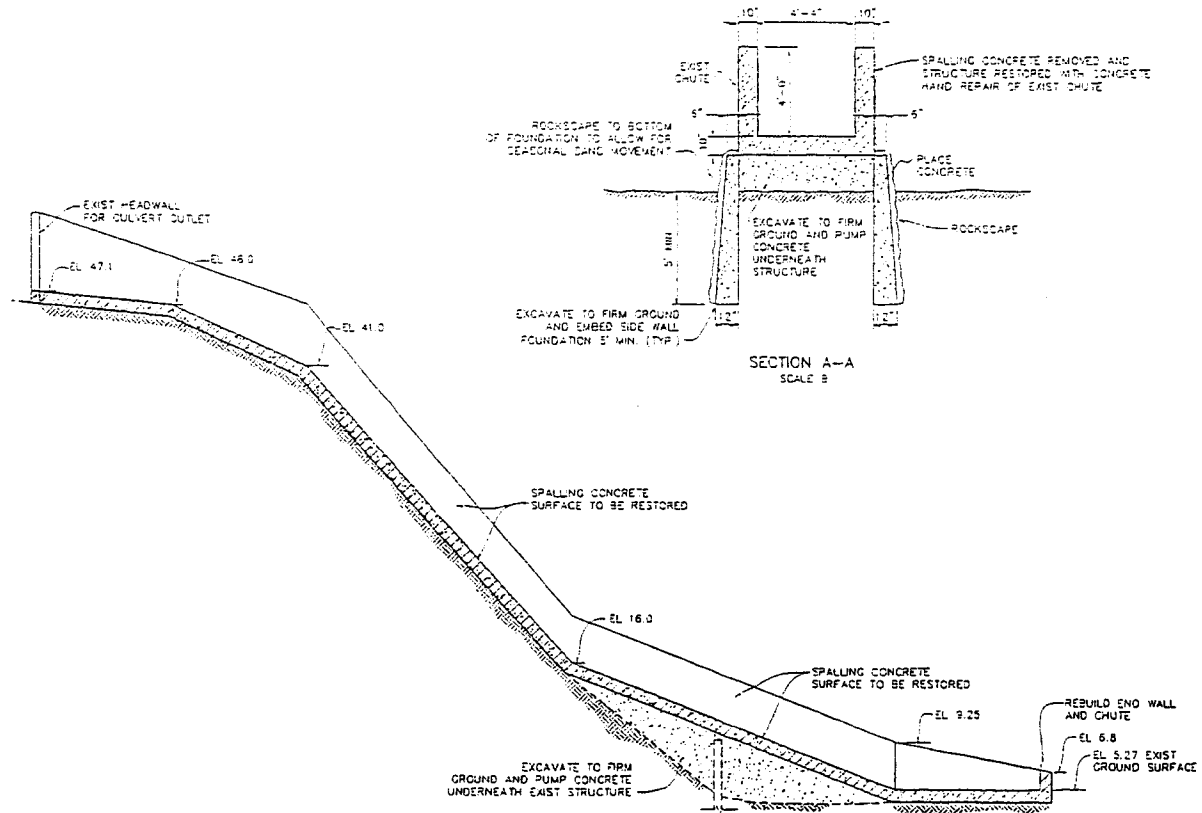


EXHIBIT NO. 4
APPLICATION NO.
6-02-102
Site Plan – Site 3

California Coastal Commission

6-02-102



IF SHEET IS LESS THAN 22" x 34" IT IS A REDUCED PRINT.
SCALE REDUCED PRINT ACCORDINGLY.

EXHIBIT NO. 5

APPLICATION NO.

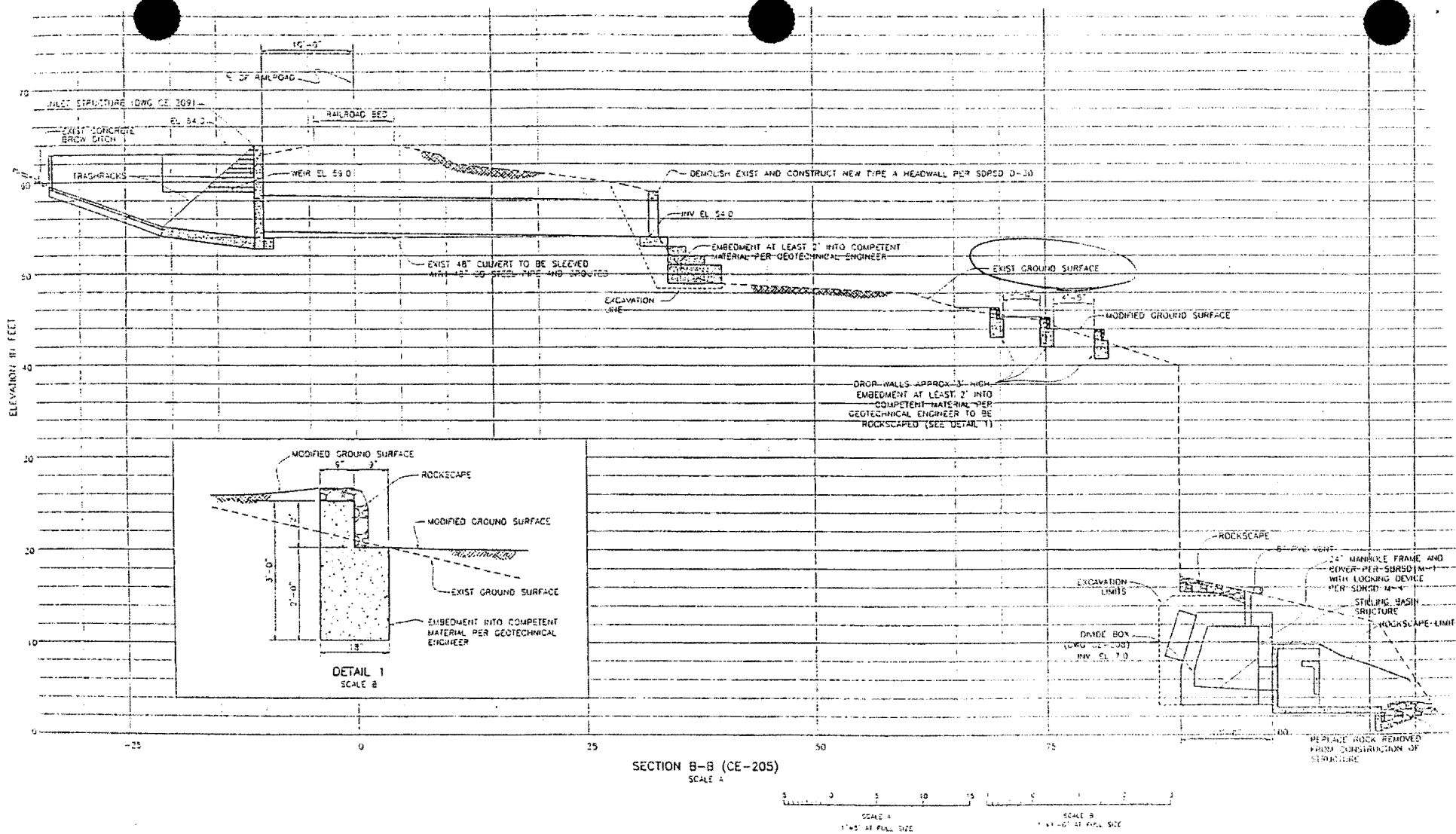
6-02-102

Cross Sections

Site 3

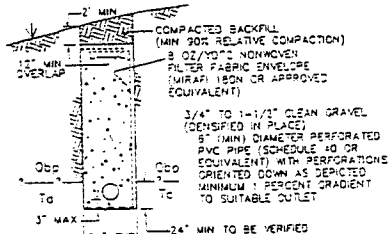


California Coastal Commission



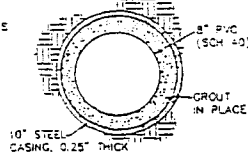
6-02-102

6-02-102

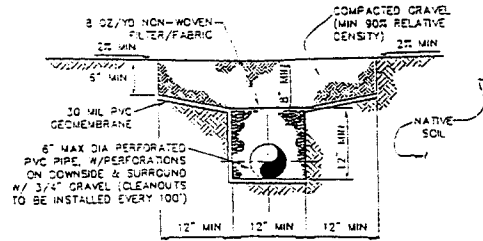


NOTE:
DRAIN TO EXTEND A MINIMUM OF 24 INCHES BELOW THE TERRACE DEPOSITS (Obs) OR AS DIRECTED BY THE GEOTECHNICAL ENGINEER.

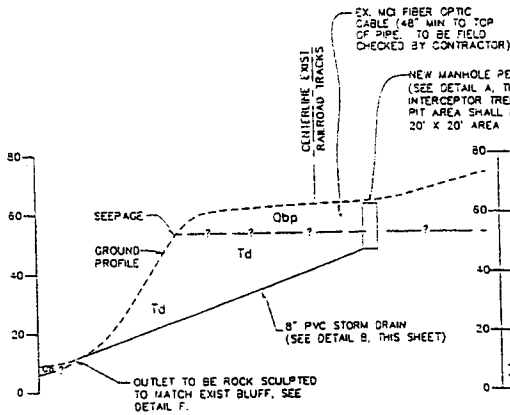
DETAIL A
INTERCEPTOR TRENCH DRAIN (TYP.)
NTS



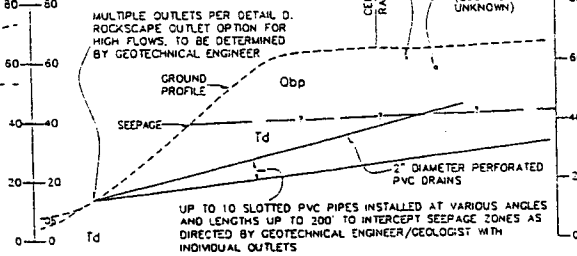
DETAIL B
OUTLET PIPE (TYP.)
NTS



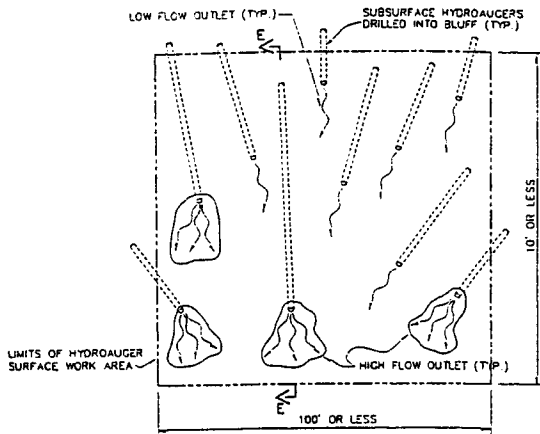
DETAIL C
Dwg SS-105
NTS



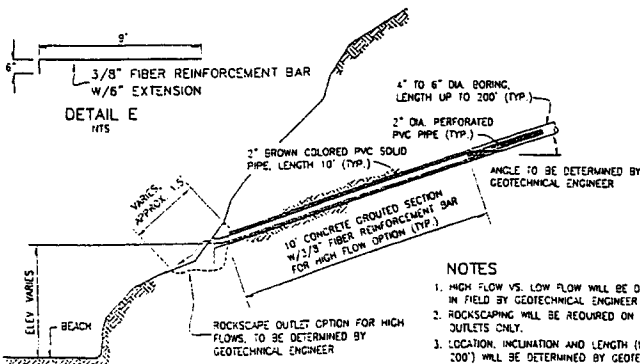
TYPICAL SECTION 1
INTERCEPTOR TRENCH
NTS



TYPICAL SECTION 2
HYDRAUGER DRAINS
NTS



DETAIL D
PLAN
NTS



SECTION E-E'
HYDRAUGER DRAINS
NTS

- NOTES
1. HIGH FLOW VS. LOW FLOW WILL BE DETERMINED IN FIELD BY GEOTECHNICAL ENGINEER.
 2. ROCKSCAPING WILL BE REQUIRED ON HIGH FLOW OUTLETS ONLY.
 3. LOCATION, INCLINATION AND LENGTH (UP TO 200') WILL BE DETERMINED BY GEOTECHNICAL ENGINEER. OUTLET ELEVATION WILL RANGE FROM +11' TO -15' MSL.

EXHIBIT NO. 9
APPLICATION NO.
6-02-102

Sections & Details of
Hydro-Augers

