

## CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA  
7575 METROPOLITAN DRIVE, SUITE 103  
SAN DIEGO, CA 92108-4421  
767-2370



# Wed 5b

Filed: April 25, 2003  
49th Day: June 13, 2003  
180th Day: October 22, 2003  
Staff: KA-SD  
Staff Report: June 16, 2003  
Hearing Date: July 9-11, 2003

## STAFF REPORT: CONSENT CALENDAR

Application No.: 6-03-051

PHOTO COPY

**Applicant:** 22<sup>nd</sup> District Agricultural Assoc. **Agent:** Patricia Butler

**Description:** Excavate an 8-foot wide trench to open the mouth of the San Dieguito Lagoon, and place excavated materials (approximately 166 cu.yds.) along the north side of the trench, as a follow up to an emergency action.

**Site:** The mouth of San Dieguito Lagoon, Del Mar, San Diego County

**Substantive File Documents:** Certified San Dieguito Lagoon Enhancement Plan; Certified City of Del Mar LCP Implementation Ordinances; CDPs #6-00-134; #6-02-042; #6-02-042-G, #6-02-177.

### STAFF NOTES:

Summary of Staff's Preliminary Recommendation: Staff recommends approval of this application as the follow-up application for a past emergency action. On April 14<sup>th</sup> and 15<sup>th</sup>, 2003, the applicant undertook this work to alleviate severe flooding of the Del Mar Fairgrounds. The Commission has approved artificial lagoon mouth openings on multiple occasions for various Southern California lagoons. Many of these openings have required emergency authorizations. No impacts to coastal resources have occurred as a result of the opening.

### **I. PRELIMINARY STAFF RECOMMENDATION:**

The staff recommends the Commission adopt the following resolution:

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

**STAFF RECOMMENDATION TO ADOPT CONSENT CALENDAR:**

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

**II. Standard Conditions.**

See attached page.

**III. Findings and Declarations.**

The Commission finds and declares as follows:

**A. Detailed Project Description/History.** On April 14<sup>th</sup> and 15<sup>th</sup>, 2003, the 22<sup>nd</sup> District Agricultural Association (applicant) took emergency action to open the mouth of the San Dieguito River to protect life and property at the Del Mar Fairgrounds and Racetrack. The applicant has indicated that heavy rain on April 14<sup>th</sup>, 2002, created an imminent flooding situation. Specifically, the storm event resulted in flooding of several areas on the Fairgrounds property, including the Carnival parking lot, the main parking lot, and areas near the carpenter shop, fire station, and poultry barn, affecting the operations of these structures and creating an unhealthy situation for Fairgrounds visitors and employees.

To address the situation, on April 14<sup>th</sup> the applicant excavated an approximately eight foot wide channel into the sand bar that regularly accumulates across the mouth of the San Dieguito River. Approximately 126 cubic yards of sand were removed and placed on the north side of the trench. On the following morning of April 15<sup>th</sup>, the applicant noted that the high tide has closed the westerly edge of the mouth opening that had previously been created. The opening was restored through an additional recutting of a portion of the trench, approximately 8 feet wide and located at the westernmost 100 feet of the sand bar. Approximately 40 cubic yards of sand were removed and placed on the north side of the trench. The emergency action resulted in the river surface elevation being reduced to normal levels and relieving the flooding. The subject project is for after-the-fact authorization of that emergency action.

Artificial openings of the lagoon mouth have been undertaken for many years. The Commission has approved a permit for the City of Del Mar (Coastal Development Permit #6-00-134) authorizing as-needed mouth openings for biological reasons for a period of five years. A subsequent amendment to CDP# 6-00-134 is pending before the Commission to allow opening of the lagoon mouth on an as-needed basis when flooding of the Fairgrounds is imminent. The Commission has a long history of permitting the artificial opening of lagoons in San Diego County, including Los Peñasquitos, San Elijo and San Dieguito Lagoons. These openings were typically proposed based on certain criteria being met related to salinity, dissolved oxygen and other water chemistry

conditions as indicators of impending fish kills, alga blooms or similar unhealthy occurrences.

The subject applicant's situation is somewhat different, in that the Fairgrounds property lies completely within the 100-year floodplain of the San Dieguito River, and was constructed more than 30 years before passage of the Coastal Act. Besides being in the floodplain, portions of the property were built on tidelands, and some areas retain wetland vegetation to this day. The applicant's usual reason for opening the lagoon is the protection of the existing infrastructure, buildings, and safety of the people and livestock attending events at the Fairground. This has resulted in San Dieguito Lagoon being opened more for flood relief than for biological purposes, although these openings were often conducted pursuant to CDP #6-83-148, an old permit that required annual openings for biological reasons.

Although the Executive Director has approved issuance of an emergency permit for opening the lagoon mouth under the same circumstances in the past, an emergency permit was not issued for this particular development because the applicant turned in a regular follow-up permit application to authorize the development within a very short time after the action was taken.

**B. Biological Resources.** Coastal Act policies 30240 and 30251 restrict the alteration of natural landforms and protect sensitive habitats. Section 30231 of the Coastal Act requires that coastal waters are protected and runoff minimized. Section 30233 limits development in open coastal waters, wetlands, estuaries, and lakes to specific permitted uses where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects.

The proposed development is an incidental public service project permitted under Section 30233. The project will not have an adverse impact on any sensitive habitat, and will not result in erosion or adverse impacts to water quality. Thus, the project is consistent with the resource protection policies of Chapter 3 of the Coastal Act.

**C. Public Access/Parking.** The proposed development will not have an adverse impact on public access to the coast or to nearby recreational facilities. The proposed development conforms to Sections 30210 through 30214, Sections 30220 through 30224, Section 30252 and Section 30604(c) of the Coastal Act.

**D. Local Coastal Planning.** The subject site is located in an area of original jurisdiction, where the Commission retains permanent permit authority and Chapter 3 of the Coastal Act remains the legal standard of review. The proposed development is consistent with Chapter 3 of the Coastal Act. Approval of the project will not prejudice the ability of the City of Del Mar to continue to implement its certified LCP.

**E. California Environmental Quality Act.** There are no feasible alternatives or feasible mitigation measures available which available which would substantially lessen

any significant adverse effect 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.

6-03-051



April 25, 2003

RECEIVED

APR 25 2003

Mr. Lee McEachern  
California Coastal Commission  
7575 Metropolitan Drive, Suite 103  
San Diego, CA 92108-4402

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

SUBJECT: EMERGENCY CDP APPLICATION FOR OPENING OF SAN DIEGUITO RIVERMOUTH

Dear Mr. McEachern:

On behalf of the State of California's 22<sup>nd</sup> District Agricultural Association, please find enclosed an application for a Coastal Development Permit for the above listed emergency action. I am submitting this application as a follow up to the emergency action notification letter, which was mailed to you on April 14, 2003.

On April 14, 2003, an unexpected large amount of rain over a short period of time caused the San Dieguito River to overtop its banks, and flood several areas of the Del Mar Fairgrounds. Such flooding has potential to damage valuable State-owned infrastructure, and keeps the storm drain system from working. Flooding was alleviated by cutting a trench through the sand bar that had accumulated across the mouth of the San Dieguito River, thereby allowing the river water to flow its natural course into the Pacific Ocean.

Thank you for your attention to this matter, and we look forward to your written response. Please feel free to call me at (619)298-7127 if you have any questions.

Sincerely,

BRG CONSULTING, INC.

  
Patricia A. Butler  
District Planner

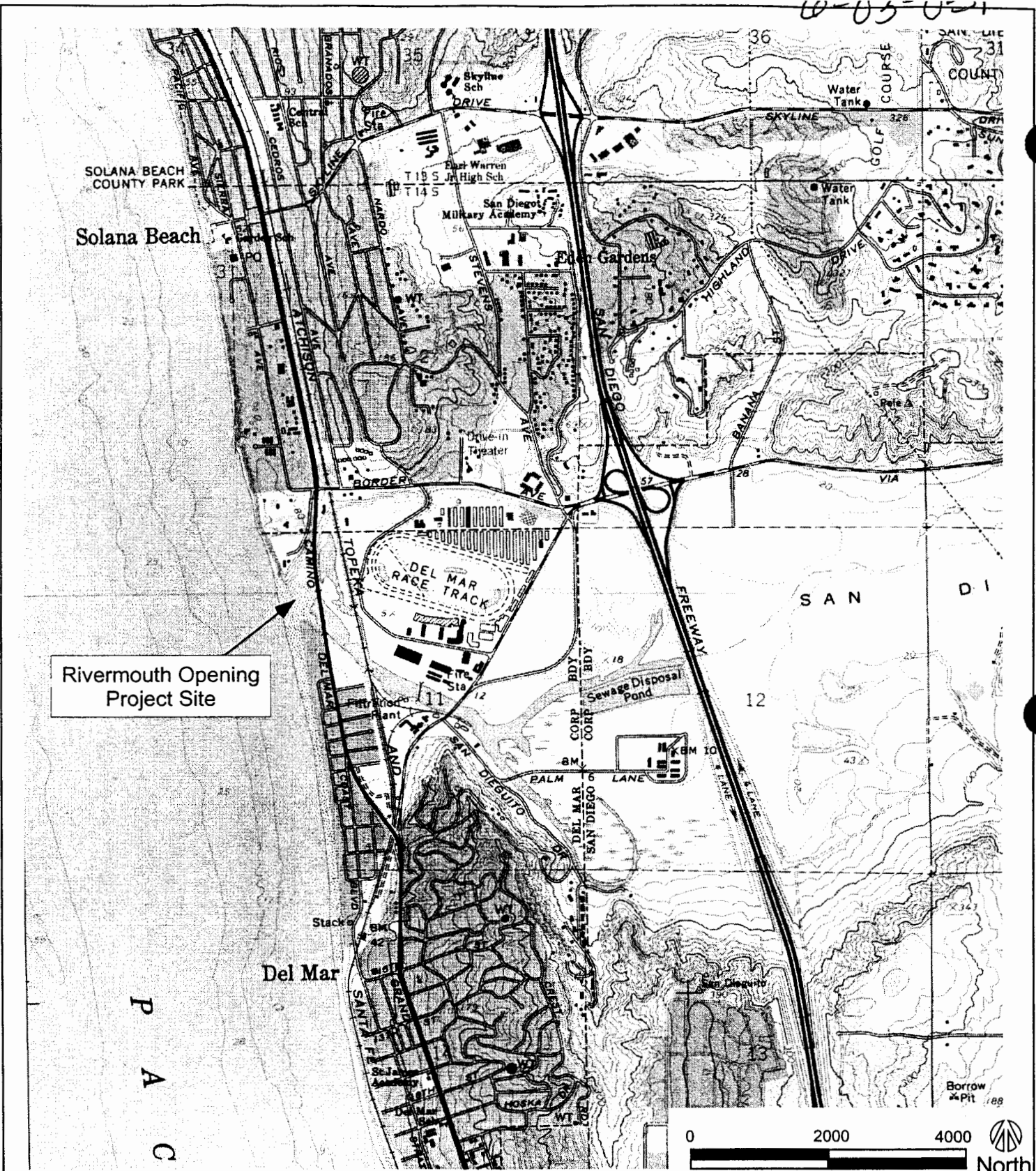
PAB/ck

Enclosures: Application for Emergency CDP and attached graphics  
ACOE CWA Section 401 Notification/Application

Cc: Tim Fennell, 22<sup>nd</sup> DAA  
Larry Baumann, 22<sup>nd</sup> DAA

EXHIBIT NO. 1
APPLICATION NO. 6-03-051
Letter from Applicant

6-03-051



Rivermouth Opening Project Site



SOURCE: BRG Consulting, Inc., 2003. BASEMAP: USGS 7.5 Minute Quadrangle, Del Mar.

12/11/02

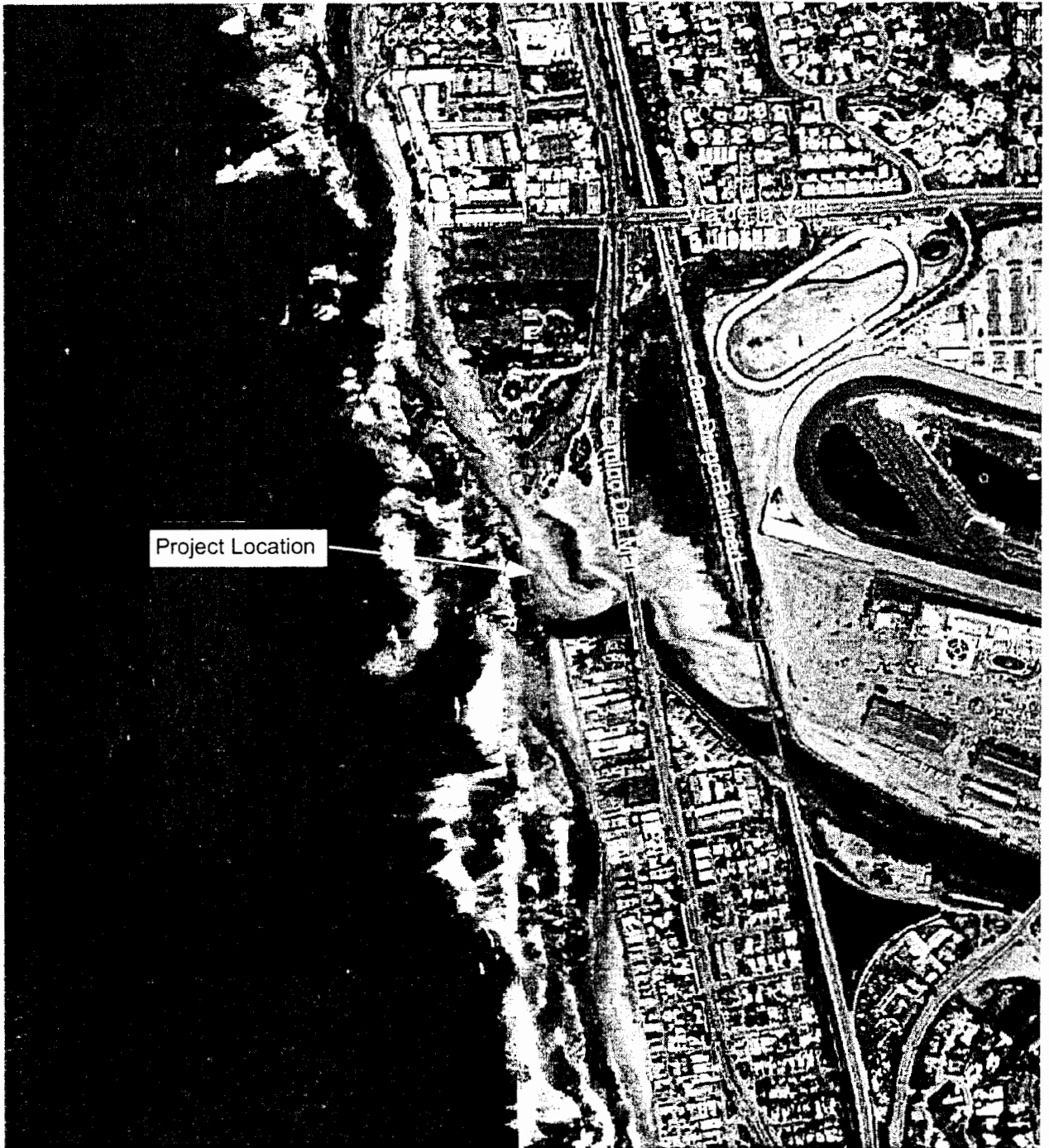


April 2003 San Dieguito Rivermouth Emergency Opening

Vicinity Map

EXHIBIT NO. 2
APPLICATION NO.
6-03-051
Vicinity Map

6-03-051



Project Location



North

0 750 1500

Scale in Feet

BASEMAP: Frame 1187, Thomas Bros. Aerial Foto CD-ROM, 1999. SOURCE: BRG Consulting, Inc., 2003.

12/27/02



BRG CONSULTING, INC.

April 2003 San Dieguito Rivermouth Emergency Opening

### Location Map

EXHIBIT NO. 3  
 APPLICATION NO.  
**6-03-051**

Location Map