

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
(619) 767-2370



Thu 8a

Addendum

February 28, 2008

To: Commissioners and Interested Persons

From: California Coastal Commission
San Diego Staff

Subject: Addendum to **Item 8a**, Coastal Commission Permit Application **#6-07-082 (22nd District Agricultural Association)**, for the Commission Meeting of Thursday, March 6, 2008

Staff recommends the following changes be made to the above-referenced staff report:

1. On Page 4 of the staff report, Special Condition #4 shall be revised as follows:

4. Use of Overflow Parking Lots. No new events to be held in the permitted, covered horse arena shall use the South Overflow Parking Lot, East Overflow Parking Lot (unless approved through a future Commission action), or Golf Driving Range for parking purposes.

2. On Page 13 of the staff report, the last paragraph shall be revised as follows:

The subject application includes a statement from the applicant that parking can be accommodated in the main, paved parking lot for events in the horse arena complex. Thus, there is no projected need for use of any overflow lots for new events facilitated by the proposed roof expansion. However, the concept of some formal use of the EOL in conjunction with restoration in other areas of the Fairgrounds has been discussed between staffs. This is also addressed in the draft update to the Fairgrounds Master Plan. However, such use would only occur pursuant to approval of a coastal development permit by the Commission. Thus, Special Condition #4 formalizes this the applicant's statement by prohibiting use of the SOL, EOL (unless authorized pursuant to a coastal development permit in the future), or GDR in conjunction with the additional events accommodated by the proposed development.

San Dieguito Lagoon Committee

1

Dawn S. Rawls, Chair
San Dieguito Lagoon Committee
1087 Klish Way
Del Mar, CA 92014

Th8a

Patrick Kruer, Chair
Peter Douglas, Executive Director
California Coastal Commission
San Diego Coast District Office
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4402

February 29, 2008

RECEIVED
FEB 29 2008

Dear Mr Kruer and Mr Douglas,

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Re: Coastal Development Permit (CDP Application 6-07-082) for 22nd District
Agricultural Association Roof for Horse Arena Project

I would like to commend the CCC staff report in clearly specifying that the conditions enumerated as items 1-3 clearly specify that these conditions must be met PRIOR to approval of the requested CDP. The Fairgrounds has a history of developing on the basis of a CDP, but failing to meet the conditions once the permitted development is completed.

The issues of parking are well delineated in the staff report and I would suggest that the condition clearly specify that ALL parking (paid and unpaid) must be tallied in the requisite reports. Parking by staff, vendors and exhibitors as well as satellite parking are probably not paid, but definitely need to be included. For example, the Christmas tree and pumpkin sales each fall bring semi-permanent sales booths and, for the pumpkin sales, kiddie-ride concessions to the EOL and, while the number of cars may be modest, the compaction of the soil over the weeks-long presence of these "events" could be considerable. The Christian Music Festival brings heavy traffic to both the SOL and EOL, though this event was not mentioned in the staff report.

Of greatest concern to the San Dieguito Lagoon Committee is the issue of storm water/sewer hydrology on the Fairgrounds. For years, the City of Del Mar has asked the Fairgrounds to address issues of stormwater runoff taxing the load on the sewer pipes leading from the Fairgrounds into Del Mar and further down the line to San Diego. At the time of the PolyTrack project the Lagoon Committee's October 28, 2006 letter to the Coastal Commission concerning the 22nd DAA's PolyTrack CDP application stated:

Item 1. Timing: The Formal Agreement outlined in MM 3.16.1 (3.0-56 to -58) should be finalized by all parties prior to granting a CDP for PolyTrack. The 22nd DAA has recently been more responsive and forthcoming in addressing Del Mar's oft-repeated assessments of sewer/storm water problems at the Fairgrounds, and has promised a good system for the PolyTrack project as well as follow-up assessment and remediation of the sewer/storm water systems on the Fairgrounds in a revised SWPPP and Master Plan EIR. However, promises can readily languish unfulfilled and Agreements can be weakened once a CDP is obtained....Pursuant to MM 3.16.1 (p.3.0-56), a discussion is given of how the MOU, revised SWPPP and

Letter of Comment

5

San Dieguito Lagoon Committee

2

Master Plan EIR will address the sewer/storm water system for the entire Fairgrounds. These promises should become conditions for future projects at the Fairgrounds.

To date, the sewer MOU is NOT finalized. Because (1) 16 months have passed since the MOU was promised, (2) there will be some delay meeting the current pre-conditions (traffic reports) and (3) the MOU is reported to be "almost ready," the Lagoon Committee suggests that this MOU become part of condition 1. for Application 6-07-082.

Yours truly,

Dawn S. Rawls
Chair, San Dieguito Lagoon Committee

cc: Karen Brust, Manager, City of Del Mar
Linda Niles, Del Mar Planning Department
Ellen Lirley, California Coastal Commission
Lee McEachern, California Coastal Commission
Rebecca Bartling Deputy Manager, Del Mar Fairgrounds
John Robertus, Regional Water Quality Control Board
Crystal Crawford, Del Mar City Council
Richard Earnest, Del Mar City Council

6

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
 7575 METROPOLITAN DRIVE, SUITE 103
 SAN DIEGO, CA 92108-4421
 (619) 767-2370



Thu 8a

Filed: January 11, 2008
 49th Day: February 29, 2008
 180th Day: July 9, 2008
 Staff: Ellen Lirley-SD
 Staff Report: February 13, 2008
 Hearing Date: March 5-7, 2008

REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-07-082

Applicant: 22nd District Agricultural Association Agent: LSA Associates

Description: Construction of a 63-foot high addition to an existing partial roof over the horse arena to cover the facility completely, including stage and lobby areas, for a total of 66,236 sq.ft. of coverage.

Site: 2260 Jimmy Durante Boulevard, in the eastern portion of the Del Mar Fairgrounds, Del Mar, San Diego County. APNs 299-030-0100 & 0500

Substantive File Documents: 1985 Del Mar Fairgrounds Master Plan and draft 2000 Del Mar Fairgrounds Master Plan Update; CDP #6-88-8; 6-90-266; 6-02-161

STAFF NOTES:

Summary of Staff's Preliminary Recommendation: Staff is recommending approval, with conditions, of the proposed development. Primary issues raised by the proposal are an increase in intensity of use of the horse arena by accommodating year-round activities and potential impacts on water quality and visual resources. The biggest concern is that the increase in intensity of use could force reliance on the Fairgrounds unimproved overflow parking lots, all of which contain some wetland resources and a potential for restoration. A special condition thus prohibits new events at the horse arena facility using overflow parking lots (which the applicant has already stated will not be necessary to accommodate future events) Also, the Water Quality Unit has worked directly with the applicant to devise an appropriate design and BMP program. Recommended conditions include submittal and implementation of a final Water Quality Technical Report, submittal of an updated Traffic and Parking Monitoring Program (updated from what was originally required in 1990), submittal of a color board, and conditions addressing floodplain and flooding issues.

Chapter 3 of the Coastal Act is the legal standard of review.

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit No. 6-07-082 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 and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. 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. Water Quality Technical Report. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the permittee shall submit for the review and approval of the Executive Director, two (2) copies of a Final Water Quality Technical Report (WQTR), prepared by a licensed water quality professional, that includes construction phase and post-construction Best Management Practices (BMPs), site plans, and supporting calculations. The WQTR shall include the BMPs listed in the *Water Quality Technical Report (WQTR) for the Arena Roof Project – Del Mar Fairgrounds*, prepared by Fusco and dated December 31, 2007, or equivalent BMPs in terms of function, treatment capability, sizing and maintenance requirements.

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

2. Updated Parking and Traffic Monitoring Program. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for review and written approval by the Executive Director, an updated Parking and Traffic Monitoring Program which shall incorporate all elements required in both CDP #6-90-266 (rebuilding of grandstand complex) and CDP #6-02-161 (expansion of grandstand) into a reorganized single document. The Parking and Traffic Monitoring Program shall include, but need not be limited to, the following:

- a. A full calendar of events occurring on the Fairgrounds during the previous calendar year, listing the dates the events were held, average and peak attendance figures of each event, venues for each event, parking locations for each event, and projected future events and increases in attendance.
- b. Documentation of the number and location of all on-site parking spaces available for each of the two main events (Fair and horse racing), and minor events, including satellite wagering, occurring concurrently with the main events.
- c. Evidence of provision of off-site parking facilities, and the success or failure thereof, used during the Fair or other future major events, including copies of leases or other agreements with off-site property owners, maps showing the location and size of off-site parking locations, and evidence of the ongoing availability of shuttle bus service.
- d. Documentation of the road capacities and levels of service for I-5, Via de la Valle, Jimmy Durante Boulevard, North Torrey Pines Road, and Camino del Mar, as determined by recent (within the past 2 - 3 years) traffic counts taken during the interval between the annual Fair and the Thoroughbred Horse Meet to establish a summer (beach season) baseline.
- e. From 2008 onward, both peak and non-peak traffic counts shall be taken during both the Fair and Thoroughbred Horse Meet, as well as any future major events added to the calendar.
- f. Identification of potential future alternatives to improve traffic/parking conditions related to Fairgrounds events, such as a parking structure on the property, a commuter rail stop, additional off-site satellite parking lots (either through lease or purchase), or other options.

The Traffic and Parking Monitoring Program shall incorporate an ongoing monitoring and reporting program to document the success or failure of various plan alternatives, and

to identify the need for additional or different mitigation features, with emphasis on the annual Fair and any new event of similar scope, or multiple events occurring concurrently. Annually, no later than February 28th of any calendar year, the applicant shall submit for the review and approval of the Executive Director, a report analyzing public access and/or biological impacts related to ongoing Fairgrounds operations and potential operational changes, particularly with respect to the Horse Arena complex, established using data collected during the previous calendar year, as described in parts a. through f. above. Particular attention shall be placed on all events that utilized the east and south overflow parking lots, the nature of use, the number of days the lots were used, the area and percentage of each lot used, estimate of the number of parking spaces provided by lot per day of use, and off-site parking and shuttle arrangements in place on each day during the annual Fair and Thoroughbred Horse Meet seasons. If the annual report identifies new or ongoing unresolved problems, it may be scheduled for review by the Coastal Commission; said review may result in a requirement for additional traffic or parking improvements.

The permittee shall implement the updated monitoring program in accordance with the requirements of this permit. The annual monitoring reports required shall be submitted by the applicant, and shall include the above stated information for 2007 and subsequent years, in addition to the traffic circulation and on and off-site parking information. Any proposed changes to the approved program shall be reported to the Executive Director. No changes to the approved program shall occur without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

3. Exterior Treatment. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director, for review and approval in writing, a color board or other indication of the roofing materials and color scheme to be utilized in the construction of the proposed arena roof. The arena roof shall incorporate natural earthen tones, such as shades of green, brown or grey, that will, in no case, be lighter or brighter than the existing partial roof over the bleachers in the horse arena.

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

4. Use of Overflow Parking Lots. No new events to be held in the permitted, covered horse arena shall use the South Overflow Parking Lot, East Overflow Parking Lot, or Golf Driving Range for parking purposes.

5. No Future Flood Protection. No berms, walls, or any other form of protection against flooding shall ever be constructed for the purpose of protecting the development approved pursuant to Coastal Development Permit No. 6-07-082 from flooding. By

acceptance of this permit, the applicant hereby waives, on behalf of itself and all successors and assigns, any rights that may exist under Public Resources Code Section 30236 to construct such channelization devices or to alter a river or stream for the purpose of protecting the permitted development.

6. 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 flooding; (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.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. The applicant proposes to provide additional cover for the existing, partially-roofed horse arena, that is located between the racetrack and satellite-wagering building in the eastern part of the Fairgrounds. The horse arena was

constructed many years ago, pursuant to Coastal Development Permit (CDP) 6-88-8, and included roofing only over the bleachers with the arena itself left open to the elements. In addition to equestrian events, the facility is used for other sporting events and for concerts. However, it is not in use at all during certain times of the year when inclement weather is common. With this proposal, the applicant's would attain year-round use of the facility.

The roof is currently 33,600 sq.ft. in size; with the proposed expansion, it will have a total area of 66,236 sq.ft. The proposal also includes the addition of end walls to partially enclose and cover areas now used as lobby area and concert stage. The applicants also propose covering the arena floor and concert stage area with cement; the lobby area is already cemented. CDP #6-88-8 did not identify either stage or lobby areas, only the arena itself, with a large open dirt floor, and two stacks of bleachers. There is also a small free-standing archway at the south end of the complex that may be considered part of the complex as the area between it and the arena itself is currently used as lobby and ticketing area. The existing roof sections are suspended above the bleachers with open framing, such that the entire facility has an outdoor feel to it, and the roof rises at an angle on either side towards the open arena. To maintain that feel, the proposed portion of roofing will also be suspended, designed with the same angled pitch, and will attain a height of 63'5.5" at its peak.

Although the lobby and stage areas were not part of the original permit, the applicant maintains that it has always used these open areas at either end of the arena for these purposes. The proposed end walls will serve to formally delineate the areas, but they will not be fully enclosed or directly connected to the arena itself, except for the proposed roof addition which will cover the entire complex. The lobby area is 6,468 sq.ft. in size and includes new access ramps to the arena for A.D.A. compliance; the stage area is 9,078 sq.ft. in size and includes only a concrete slab. A portable stage will be brought onto the site for concerts. Total seating area is not increased with the subject proposal for this facility. The existing bleachers seat approximately 4,000, and another 5,000 can be seated on the arena floor for concerts, which were identified as an alternate use in the original arena approval.

The Del Mar Fairgrounds is a state-owned and operated facility originally built to support agricultural activities and horse racing. It hosts an annual fair and annual thoroughbred horse-racing meet, along with a variety of smaller events year round, including the National Horse Show every spring. The facility includes exhibit buildings, a grandstand, barns, stables, a show arena, a satellite wagering building, maintenance areas, parking lots and the horse racing track, which is located in the west-central area of the overall complex. The project site is geographically within the City of Del Mar, which has an effectively certified LCP and issues its own coastal development permits. Part of the overall complex (that part east of Jimmy Durante Boulevard) is within the city limits of the City of San Diego, which also has a certified LCP. However, the Fairgrounds represents an area of deferred certification in the City of Del Mar and an area of original jurisdiction in the City of San Diego. Moreover, the entire Fairgrounds was principally built on filled tidelands. Thus, the vast majority, if not the entirety, of the site is within

the Coastal Commission's area of original jurisdiction, with Chapter 3 of the Coastal Act being the legal standard of review for permits, and the Del Mar and/or San Diego LCPs being used for guidance.

2. Water Quality. The following Coastal Act policies are most pertinent to this issue, and state:

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.

The applicant's existing storm drain system collects all site drainage from the developed portions of the Fairgrounds (i.e., those portions north and west of Jimmy Durante Boulevard, including the existing race track, training track, and horse arena). That drainage passes through existing grease traps in the inlets draining the main parking lot, then discharges into the river channel. Also, some low flows are diverted to the City of Del Mar sewer system at certain times of year.

The proposed development (concrete floor and roof) will increase the amount of impervious surfaces on the site. This, in turn, can adversely impact water quality, since the amount of runoff is increased along with the impervious surfaces. Runoff needs to be addressed to assure it is collected and appropriately treated. To address these concerns, the applicant prepared a Water Quality Technical Report for this project, which has been reviewed by the Commission's Water Quality Unit. With minor modifications, it was found acceptable to Commission staff, and Special Condition #1 requires the applicant to submit the final document and adhere to its provisions. In addition, the applicant has a regular program of Best Management Practices (BMPs) in use for the fairgrounds as a whole, including, but not limited to, spill containment equipment, proper hazardous materials handling and storage, erosion control and frequent inspections of equipment. The Fairgrounds also has a significant recycling program.

In summary, the Fairgrounds employs both a stormwater and sewer system to address site runoff and wastes. All runoff is captured and filtered prior to discharge into either the San Dieguito River or Stevens Creek. Wastes are directed into the City of Del Mar sewer system for treatment prior to ocean disposal. BMPs are employed throughout the site to prevent pollutants from entering surface waters, both during construction and operation of various facilities, including the horse arena. These in-place systems will continue to operate as in the past, but the piping adjacent to the arena will be upgraded from 8" to 10" PVC lines to accommodate the extra runoff produced by the new impervious surfaces. Therefore, the Commission finds the development, as conditioned, consistent with the cited policies of the Coastal Act with respect to water quality concerns.

3. Visual Resources. Section 30251 of the Act addresses visual resources:

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, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The proposed roof addition will be significantly taller than the existing roof over the arena's bleachers, since it continues upward at the same angle as the existing roof to a height of 63'5.5". Thus, potential concerns are raised about possible issues with public views from outside the Fairgrounds. A visual analysis using computer-generated pictures was conducted and submitted by the applicant. Based on that analysis, it appears that there will be no blockage of ocean views, as no such views now exist across this project location on the Fairgrounds from the surrounding street system. Although the new structures can be more readily seen from outside the Fairgrounds, primarily from Jimmy Durante Boulevard (which technically bisects the Fairgrounds) since the arena is relatively close to that roadway, than the existing bleachers, it is similar in height to the existing satellite wagering facility just east of it, and only half as tall as the grandstand.

The Fairgrounds is a unique property, bordered on the north and south by residential and commercial development. Newer structures, along with some of the older ones, are designed in the Spanish Mission style, which is also a very popular style of architecture throughout Southern California. The proposed end walls are designed in that style and are compatible with many other Fairgrounds structures. It is difficult to compare the Fairgrounds structures with surrounding development because of the differences in scale, and the size of the Fairgrounds complex. Major structures on the Fairgrounds are typically much taller than surrounding residential and commercial facilities, which do not generally exceed two stories (or roughly 30 feet). However, there are so many open

spaces on the outer areas of the Fairgrounds that views of the structures from outside the Fairgrounds are at a distance that help camouflage their real heights.

Regardless of the overall low visibility of the proposed roof and end walls, the Commission finds that these structures will be even less prominent if appropriately colored. Special Condition #3 requires submittal of a color board demonstrating the use of natural earthtone colors for the proposed amenities that are no lighter or brighter than the existing partial roof. The Commission therefore finds the proposal, as conditioned to address visual and other issues, will not adversely impact public views or scenic resources and is consistent with Section 30251 of the Act.

4. Wetlands/Parking/Public Access/Historic and Future Uses. The following Coastal Act policies are most pertinent to these issues, and state in part:

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 30213

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

Section 30233.

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

(3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

(4) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

(5) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

(6) Restoration purposes.

(7) Nature study, aquaculture, or similar resource dependent activities.

[...]

Section 30240

... (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Section 30252

The location and amount of new development should maintain and enhance public access to the coast by ... (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, ...

Section 30604(c)

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

The Fairgrounds is located near the mouth of the San Dieguito River and Lagoon, west of I-5, but east of Camino del Mar (Old Highway 101) and the railroad tracks. It is between the river and Via de la Valle, which is the first public east-west road north of the river; I-5 is currently the first north-south public road east of the site. Thus, the entire Fairgrounds complex is located between the sea and first public roadway, where maintaining shoreline public access to the river/lagoon and west to the municipal beaches is of greatest concern. As the property owner is another state agency, the property is in public ownership, and, for the most part, the public can freely access various portions of the grounds, including the riverfront, particularly when no formal events are taking place. In addition, portions of the Coast to Crest Trail are sited on Fairgrounds property, which further enhances public access in this area.

Generally, the Fairgrounds occupies the area west of I-5, north of the San Dieguito River, and south of Via de la Valle, except for a few residential parcels in the northwest part of that area, fronting on Via de la Valle. There are several paved parking lots on the Fairgrounds, all west and north of Jimmy Durante Boulevard. There are also three unimproved areas east and south of Jimmy Durante Boulevard that the Fairgrounds uses as overflow lots during major events. These areas include delineated wetlands, and will be addressed in more detail in the following findings.

Prior to the Coastal Act, the Fairgrounds hosted two primary events each year: the annual fair lasting about two weeks at that time, but expanded now to 21 days; and the thoroughbred horse racing meet, which runs for 43 days every summer. The now separate National Horse Show was part of the fair at that time. Historically, the East and South Overflow Parking Lots (EOL and SOL, respectively) and the Golf Driving Range (GDR) were required for overflow parking during the fair and races, but remained unused the remainder of the year. Virtually the entire Fairgrounds property was created by filling tidelands back in the 1930's. Although much of the site is now developed, there are several areas still containing delineated wetland resources, including about a third of the EOL, all of the SOL, and most of the GDR. In addition, these areas are within the 100-year floodplain of the adjacent San Dieguito River and experience periodic inundation during average winter rainy seasons. When only used during the fair and races, the wetlands are degraded but still provide some wetland habitat function outside of the fair and race season, when wetland vegetation returns, and it is used for loafing, resting and feeding by shorebirds and migratory species. Depending on the specific species, some breeding may also occur, although most species breeding seasons continue into the summer months when the lots have historically been used for parking.

Of great concern to the Commission is the potential that parking associated with additional, year-round events in the horse arena, due to the installation of floor and roofing as proposed herein, will exceed the capacity of the paved, main parking lot and result in use of the overflow lots. Such use would be inconsistent with Section 30233, which prohibits fill of wetlands and Section 30231 which requires that the biological productivity and quality of wetlands be maintained and if feasible restored (if necessary). The applicant states that the type of events currently occurring in the horse arena, and their current attendance rates will not change, but the facility will be available for use year round, such that more of the same will occur. Since current arena events do not require use of the overflow lots (except possibly in conjunction with the annual Fair), existing paved parking should continue to be adequate. However, a simple look at the Fairgrounds calendar of events demonstrates that most likely any events in the horse arena will be held concurrently with two or three events in other existing facilities. Even if none of the events individually triggered a need to use the overflow lots, cumulatively, several events held at the same time could reasonably require use of one or more overflow lots.

The applicant's most recent Traffic and Parking Monitoring Report indicates that any events greater than 5,000 in attendance could trigger a need for use of the overflow lots,

and the arena's concert capacity is 9,000. Whether or not overflow parking would be required depends significantly on where on the property the event is occurring, since many paved areas actually host events, like the Cirque du Soleil, thus usurping their use for parking, and still would be available for parking at other times during other events. The type of event can also make a huge difference. The events calendar indicates that many interim events drawing as many as 10,000 people, or even more, did not require use of the overflow lots, whereas smaller events sometimes do. In great part, this varies between events where everyone comes and goes at the same time and events where visitors come and go throughout the day. The types of events held in the horse arena have fixed starting times, so everyone would be coming, and presumably leaving, at the same time.

Although the applicant asserts that the EOL is used by Fairgrounds patrons and employees throughout the year, and the SOL and GDR used for storage and other activities from time to time, the Commission has only acknowledged and endorsed their pre-Coastal Act use during the Fair and racing season, and authorized their short-term use (about ten days a year) by permit for the Grand Prix, which was held at the Fairgrounds each fall for five consecutive years in the late 1980's. In addition, the conditional use permit was obtained for use of the GDR as a golf driving range prior to enactment of the Coastal Act; this use has continued to the present.

Based on a 1993 ACOE delineation, the EOL contains approximately seven acres of wetlands, the approximately sixteen-acre SOL is entirely wetlands, and the fifteen-acre GDR is mostly wetlands (minimum 12+ acres of wetlands). However, the amount of wetlands actually present on the overflow parking lots has been the subject of some debate over the years, since the 1993 delineation was conducted using the federal protocol. The applicant contested this delineation and has since conducted its own wetland delineations. The applicant's delineation has never been accepted by the ACOE or other resource agencies. The applicant states it used the federal protocol to conduct past surveys; that is, all three wetland indicators (hydric soils, appropriate hydrology and wetland vegetation) must be present before a site is delineated as a wetland. Although both the ACOE and the applicant maintain they used the federal protocol, the discrepancy between the delineation by the ACOE and that conducted by the applicant has not been explained.

However, both the Coastal Commission and the California Department of Fish and Game (CDFG) define wetland as lands that contain any one of the three indicators. This is the state standard that is used by the Coastal Commission in reviewing proposed development, which generally results in more wetlands being identified than would occur using the federal protocol. A new wetland delineation is anticipated as part of the applicant's update of their Master Plan, but this information is not yet available (the Master Plan Update has been ongoing for almost eight years). In the absence of a formal delineation according to California protocol, and in view of the facts presented above, including that unpermitted development may have caused loss of wetlands or at least significant deterioration, the Commission finds it appropriate to take a conservative

approach in evaluating the consistency of the proposed project with Chapter 3 policies of the Coastal Act.

Historically, the EOL, SOL and GDR have been used by the applicant as a public parking reservoir during the annual fair and thoroughbred race meet. Because use of the lots for parking for these two main yearly events predated the Coastal Act, the Commission has not challenged the continued use of this area for overflow parking during these events, even though major portions of these three areas are wetlands. Over time, however, since the Coastal Act was made law, the use of the Fairgrounds outside the fair and races has expanded significantly, and it now hosts multiple interim events nearly every weekend all year long, and on occasional weekdays as well. The applicant asserts that occasionally the overflow lots are used by patrons during these smaller events, especially for the annual Cinco de Mayo celebration, when attendance is high. In addition, the overflow lots have been used for periodic storage of trucks and materials. None of these uses have been authorized by the Coastal Commission, although they meet the Coastal Act definition of development and thus require permits.

Since the Commission approved rebuilding of the grandstand in 1991, the applicant has been required to submit an annual traffic and parking monitoring report, and, in 2002 when the grandstand was further expanded, the program was modified to include submittal of a complete calendar of events for each preceding year, indicating whether or not any overflow parking areas were required for each event. In 2002 and 2003, events included approximately 230 single- and multi-day events, ranging from major horse shows and home and garden exhibitions to weddings and holiday parties. By 2004, total events had increased to roughly 350 a year, and new events continue to be added to the annual calendar. The annual report for 2006 and 2007 have not been received yet, so more current numbers are not included. Special Condition #2 consolidates and updates the requirements of the Traffic and Parking Monitoring Program. No new requirements are added but language is consolidated and clarified.

As stated, the Commission has accepted the cited historic use of the EOL, SOL, and GDR for overflow parking during the fair and race meet. In addition, in past permit actions, the Commission authorized use of these areas for parking during the five years the Grand Prix was held at the Fairgrounds, and allowed the installation of an at-grade paved tram track in the EOL outside ACOE delineated wetlands. The tram is used during the annual fair and thoroughbred racing season to transport Fairgrounds patrons to the entrance ticketing windows. With these two exceptions, the Commission has not reviewed or approved parking by patrons or employees or any other uses of these lots, except use of the GDR for its primary golfing purposes, which also predates the Coastal Act.

The subject application includes a statement from the applicant that parking can be accommodated in the main, paved parking lot for events in the horse arena complex. Thus, there is no projected need for use of any overflow lots for new events facilitated by the proposed roof expansion. Special Condition #4 formalizes this statement by prohibiting use of the SOL, EOL or GDR in conjunction with the additional events accommodated by the proposed development.

In summary, the Commission identified a significant biological resource concern with this project, as the fully-covered arena can potentially accommodate more interim events than can the existing structure, which is subject to weather conditions. Depending on the scope of events held in the horse arena, combined with concurrent events in other parts of the Fairgrounds, the potential exists that parking needs could go beyond the capacity of the main, paved parking lot, which could ultimately result in use of the overflow parking lots for unauthorized parking, thereby impacting wetlands. However, the Commission accepts the applicant's statement that these lots will not be required for new horse arena events, as formalized through a special condition. In addition, through Special Condition #2, the Commission will continue to monitor events and use of the Fairgrounds to assure continued compliance. Therefore, the Commission finds that all access and resource concerns associated solely with the development approved herein are adequately addressed, and that the proposed development, as conditioned, is consistent with the cited policies of the Coastal Act.

5. Hydrology/Flood Hazards. The following Coastal Act policies are most applicable to the proposed development, and state in part:

Section 30236

Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development

Section 30253

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 Del Mar Fairgrounds is located within the 100-year floodplain of the San Dieguito River, and is thus subject to flooding during storm events. However, a large number of permanent and temporary structures already exist on the site, many of them pre-dating the Coastal Act. In past actions, the Commission has found that the placement of fill or permanent structures in a floodplain significantly alters flood flows and therefore is inconsistent with Coastal Act section 30236. On the other hand, structures that can accommodate periodic inundation without being damaged do not cause flood waters to be

redirected and therefore can be found consistent with 30236. The entire Fairgrounds complex is comprised of structures, which are, and will continue to be, able to withstand periodic inundation occasionally during severe rain events.

Any additional fill or net increases in building footprints could result in changes in the hydrology of the adjacent San Dieguito River and Stevens Creek. Modifications to the current flooding patterns, in which a large portion of the 100-year flood waters are contained on the Fairgrounds property, could result in increased flood hazards to existing up- and downstream developments, which could, in turn, lead to proposals for further channelization of the river. In this particular case, the proposed improvements are not adding new structures to the floodplain, but, by completely roofing the horse arena complex, and paving the arena and stage area floors, they are adding to the overall impermeable surfaces of the Fairgrounds facility. Thus, there will be a small increase in floodplain coverage (approximately 33,000 sq.ft. on a 300-acre facility), but still little potential for significant adverse affects to flood flows as the existing bleachers already direct flood flows around the arena, and stormwaters can flow between the arena and the proposed end walls, which will be parallel to the flows in any event.

The Fairgrounds is primarily an agricultural and equestrian facility, uses generally acceptable within floodplains as long as there are no permanent structures that block flood flows. Although there are many permanent structures within this facility, most of which were built pre-Coastal Act, they are designed to be compatible with periodic inundation and allow the passage of flood waters, such that there is no redirection of flood flows, nor damage to upstream or downstream lands. Because of their design and function, the structures at the Fairgrounds can sustain extended periods of time in a flooded state. Therefore, these structures can be found consistent with Section 30236 of the Coastal Act as long as they are allowed to flood, as designed. If steps were taken to prevent flooding, such as berms, walls, or other protective devices there would be alteration of the flood flows, which would be inconsistent with 30236.

Thus, an issue is raised over the potential that, in the future, the applicant might propose some form of channelization to protect the horse arena complex from flooding. Of particular concern is the potential that such protection would take the form of further channelizing Stevens Creek or the San Dieguito River, both of which flood portions of the Fairgrounds during major storm events. Channelization can include a range of different actions, such as redirection of flow, realignment of channel banks, filling or dredging, hardening of channel banks and/or bottom with riprap or concrete, even planting or removal of vegetation in some circumstances. Special Condition #5 advises the applicant that any rights to construct some form of channelization or substantial alteration of a river or stream for the purpose of protecting the arena that may exist under Public Resources Code Section 30236 are waived. In addition, Special Condition #6 requires the applicant to accept full liability for the construction of development in a hazardous location.

In summary, the Commission finds that the proposed addition to the existing arena roof, and construction of two end walls, will not result in any significant changes to current

flood flows across the site. The amount of impermeable surfaces will not significantly increase, and the facility is designed to allow the passage of flood-waters. Special Conditions address the issues of future shoreline protective devices and the waiving of any liability on the part of the Commission for future damages. Therefore, the Commission finds the proposed development, as conditioned, consistent with the cited Coastal Act policies.

6. Local Coastal Planning. Although the site is in an area of original jurisdiction and thus not subject to the policies and regulations of Del Mar's certified LCP, it is nonetheless consistent with the Fairgrounds/Racetrack land use designation and zone of that plan. The District is currently working on a complete update of its 1985 Master Plan, but the new document has not undergone full review as yet. However, the draft plan does identify covering the arena floor with a roof as a desirable improvement to accommodate year-round use, as well as constructing end walls as is also proposed herein. The preceding findings have demonstrated that the proposal, as conditioned, is also consistent with all applicable Chapter 3 policies of the Coastal Act.

The District is reminded that this entire facility is located in a hazardous area, where many types of development are not typically allowed. Nonetheless, the basic agricultural and equestrian activities that caused this facility to be constructed more than seventy years ago are generally consistent uses for floodplains. Therefore, the Commission finds that approval of the proposed improvements, designed primarily to expand use of an existing facility, along with the attached special conditions addressing future channelization, parking/traffic issues, water quality, and view issues, will not prejudice the planning abilities of the involved local jurisdictions (Cities of Del Mar, San Diego and Solana Beach, and the River Park Joint Powers Authority), nor of the District itself.

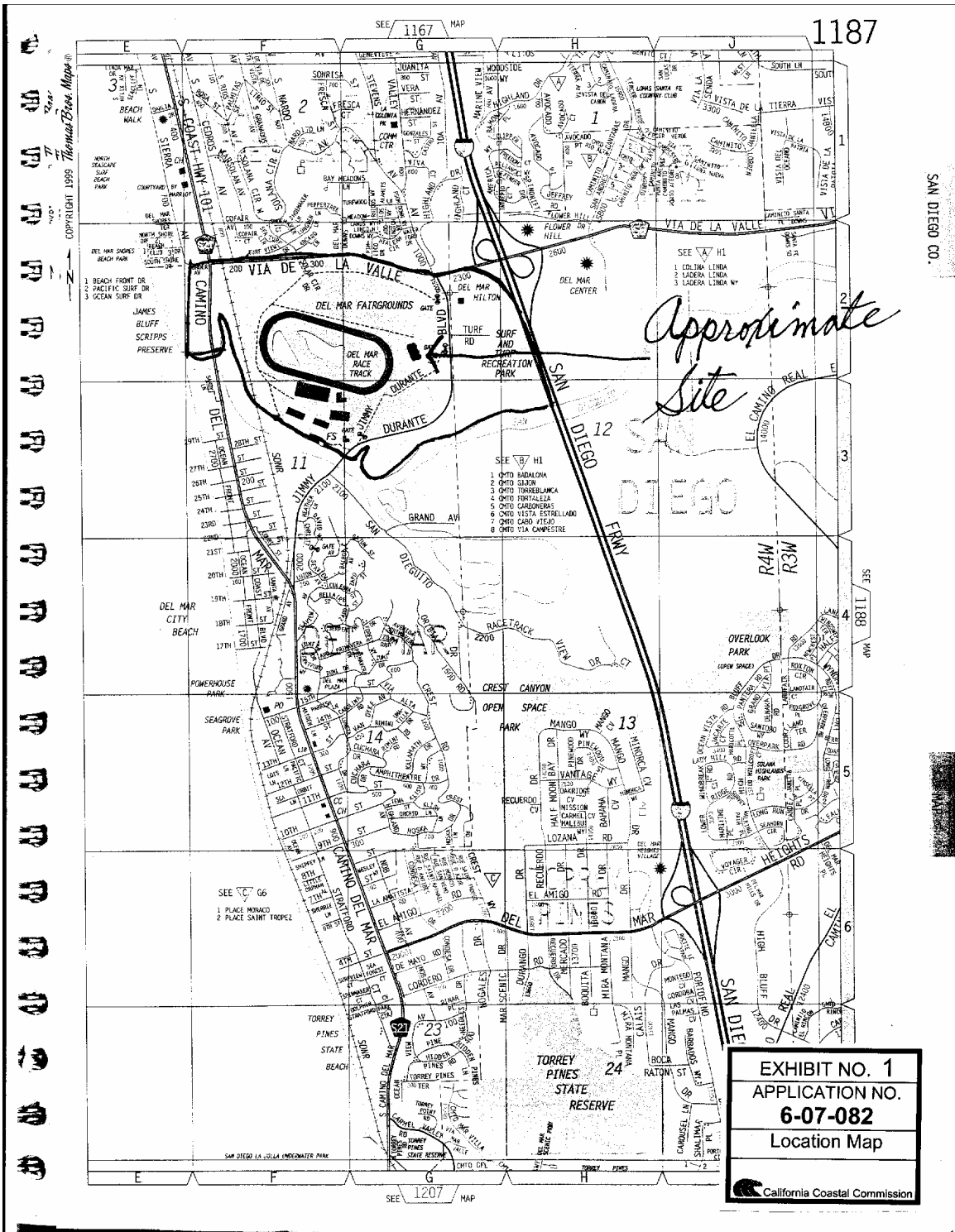
7. Consistency with the California Environmental Quality Act (CEQA).

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. Mitigation measures, including conditions addressing the color of the proposed roof, prohibitions on use of the overflow parking lots for new events, and acknowledgement/acceptance of the hazards of floodplain construction 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.



COPYRIGHT 1999 Thomas Bros. Maps®

SAN DIEGO CO.

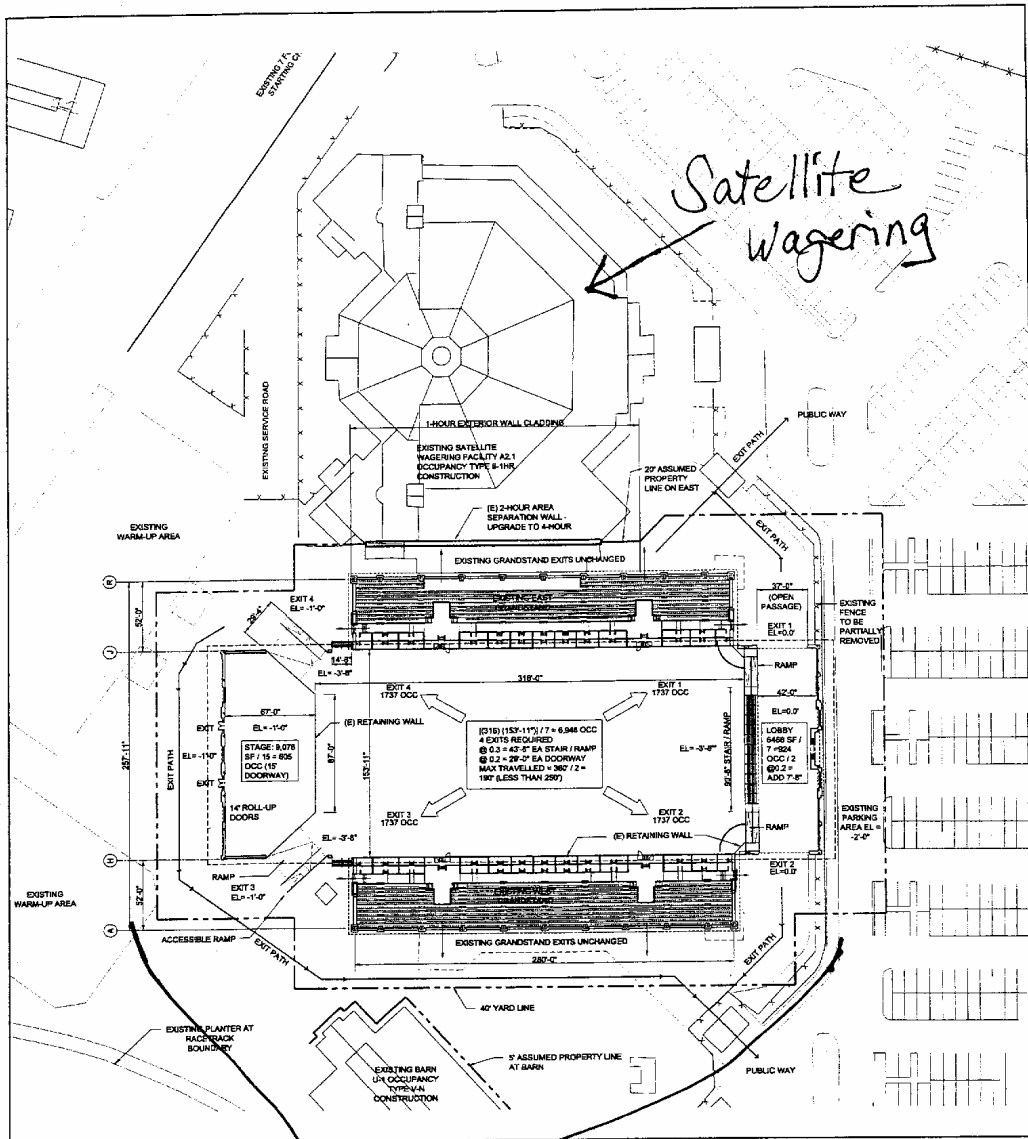
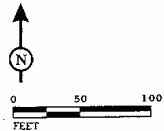


FIGURE 3

LSA



SOURCE: MFDB Architects
I:\DLM0601G\Site Plan.cdr (7/20/07)

Arena

EXHIBIT NO. 2
APPLICATION NO.
6-07-082
Site Plan

