

CALIFORNIA COASTAL COMMISSION

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



W15b

Addendum

June 13, 2011

To: Commissioners and Interested Persons

From: California Coastal Commission
San Diego Staff

Subject: Addendum to **Item W15b**, Coastal Commission Permit Application # **6-10-084 (22nd DAA)**, for the Commission Meeting of June 15, 2011

Public comment letters and ex-parte communications received and distributed to the Commission the first time this project was scheduled for hearing in March 2011 (postponed) can be found on the Commission website on the current agenda page or at the following link (<http://www.coastal.ca.gov/mtgcurr.html>).

Comment letters received since that time are attached.

(G:\San Diego\Reports\2010\6-10-084 22nd DAA Addendum.doc)

EX PARTE COMMUNICATIONS

ITEM W15b

Name of project: Application No. 6-10-084 (22nd District Agricultural Assoc
Date/time of communication: June 7, 2011 at 4:00 pm

Location of communication: Phone

Type of communication: Teleconference

Person in attendance at time of communication: Susan McCabe

Person receiving communication: Steve Blank

Detailed substantive description of the content of communication:

The project representative described the proposed project and the applicant's efforts to work with staff to address the issues raised in February 2011 hearing.

The applicant is in agreement with the staff recommendation and special conditions.

Date: Thursday, June 9, 2011

Signature of Commissioner:

 *Signature on file*

Ex-Parte Comm. 3

DISCLOSURE OF EX PARTE COMMUNICATIONS

Name or description of project:

Application No. 6-10-084 (22nd District Agricultural Assoc., San Diego) Application of 22nd District Agricultural Association to place 6,650 sq.ft. fabric tent structure to accommodate existing golf related uses; install approximately 1,500 sq.ft. pre-fabricated structure for golf training; install practice putting greens, sand bunkers, safety netting and two 20 ft. high light posts; continued use of 13,500 sq.ft. fabric tent for youth volleyball activities; and after-the-fact request for swimming school and associated 2,500 sq.ft. fabric tent, at Del Mar Fairgrounds "Surf & Turf" facility, at 15555 Jimmy Durante Blvd., San Diego, San Diego County.

Date and time of receipt of communication:

June 2, 2011 at 5:00 pm

Location of communication:

West Los Angeles

Type of communication:

In-person meeting

Person(s) in attendance at time of communication:

Susan McCabe

Person(s) receiving communication:

Brian Brennan

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JUN 08 2011

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Detailed substantive description of the content of communication:

(Attach a copy of the complete text of any written material received.)

I received a briefing from the project representative in which she described the proposed project and the applicant's efforts to work with staff to address concerns raised when the item was originally scheduled to be heard in February 2011. The project includes new golf facilities to support existing uses and allows continued use of the existing volleyball and swimming facilities. As described by the representative, the project allows existing recreational uses to continue at the site and does not prejudice future consideration of the larger Master Plan. The staff report concludes that all potential biological and visual resource issues have been addressed through avoidance of sensitive areas and compliance with special conditions. The applicant is in agreement with the staff recommendation and special conditions.

Date: 6/6/11

Signature on file

Signature of Commissioner: _____



PGA

Southern California Section
San Diego Chapter

(760) 603-6915 • renny.brown@hyatt.com

March 3, 2011

RECEIVED

APR 07 2011

California Coastal Commission and Staff
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4421

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Subject: Permit Number 6-10-084

We support and are in favor of the approval of the proposed improvements at the Del Mar Golf Center. Approval of this project would result in a dedicated location for existing uses at the Golf Center that occur outdoors including fitness training, golf simulators/lessons, and a dedicated classroom.

The structure would allow staff at the Golf Center to utilize new technology/ equipment that cannot be used or is impractical for use outdoors. As users of this facility, we support the low cost recreational uses afforded to us and appreciate the Golf Center's commitment to providing its patrons with the highest quality training/instruction available.

We also support and applaud the Golf Center's efforts to provide a dedicated space for children. Children need a separate area to be kids while learning about golf and proper training/exercise away from devoted golfers that wish to concentrate.

The President's Council on Fitness, Sports & Nutrition has incorporated golf into their program. The junior golf area incorporated in this permit application will focus specifically on teaching children that golf is an active lifestyle choice.

Approval of this project simply takes the existing uses and provides a dedicated location; a solution that benefits all existing users. We, therefore request that the Commission approve the project.

Sincerely, *Signature on file*

Renny Brown
President
San Diego Chapter PGA

Letters of Support 5



NATIONAL UNIVERSITY
GOLF ACADEMY

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APR 07 2011

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

March 13, 2011

California Coastal Commission and Staff
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4421

Subject: Permit Number 6-10-084

We support and are in favor of the approval of the proposed improvements at the Del Mar Golf Center. Approval of this project would result in a dedicated location for existing uses at the Golf Center that occur outdoors including fitness training, golf simulators/lessons, and a dedicated classroom.

The structure would allow staff at the Golf Center to utilize new technology/ equipment that cannot be used or is impractical for use outdoors. As users of this facility, we support the low cost recreational uses afforded to us and appreciate the Golf Center's commitment to providing its patrons with the highest quality training/instruction available.

We also support and applaud the Golf Center's efforts to provide a dedicated space for children. Children need a separate area to be kids while learning about golf and proper training/exercise away from devoted golfers that wish to concentrate.

The President's Council on Fitness, Sports & Nutrition has incorporated golf into their program. The junior golf area incorporated in this permit application will focus specifically on teaching children that golf is an active lifestyle choice.

Approval of this project simply takes the existing uses and provides a dedicated location; a solution that benefits all existing users. We, therefore request that the Commission approve the project.

Sincerely,

Signature on file

Ted Norby
Director of Instruction
National University Golf Academy

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March 3, 2011

California Coastal Commission and Staff
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4421

Subject: Permit Number 6-10-084

RECEIVED

APR 07 2011

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

The Titleist Performance Institute supports approval of the proposed upgrading at the Del Mar Golf Center. This project's authorization would produce a dedicated location for current uses at the Golf Center that occur outdoors: fitness training, golf training through simulators and lessons and classroom instruction.

The proposed structure would allow Golf Center staff use of technology and equipment that cannot be used outdoors. As users of this facility, we support the low-cost recreational uses afforded to us and appreciate the Golf Center's commitment to providing its patrons with the highest quality training and instruction available.

We particularly support Golf Center's determination in providing a dedicated space for children. Children need a fun and friendly area designed for them and their needs. They need to be and act like children while learning about golf and proper exercise methods. And they need to do that away from devoted older golfers who wish to concentrate on a different level.

Authorizing this project basically takes the Golf Center's existing uses and provides a dedicated location for each. The results benefit all existing users. The Titleist Performance Institute requests that the California Coastal Commission and Staff approve the project.

Thank you,

Dr. Greg Rose
Dave Phillips

Co-Founders
Titleist Performance Institute



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March 3, 2011

California Coastal Commission and Staff
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4421

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APR 07 2011

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Subject: Permit Number 6-10-084

The TPI Junior Performance Center management and members support approval of the proposed upgrading at the Del Mar Golf Center. This project's authorization would produce a committed location for current - and congested - uses at the Golf Center that occur outdoors: fitness training, golf training through simulators and lessons and classroom instruction.

The proposed structure would allow Golf Center staff use of technology and equipment that cannot be used outdoors. As users of this facility, we support the low-cost recreational uses afforded to us and appreciate the Golf Center's commitment to providing its patrons with the highest quality training and instruction available.

We especially support and loudly applaud the Golf Center's perseverance in providing a dedicated space for children. Children need a fun and friendly area designed for them and their needs. They need to be and act like children while learning about golf and proper exercise methods. And they need to do that away from devoted older golfers who wish to concentrate on a different level.

Authorizing this project basically takes the Golf Center's existing uses and provides a dedicated location for each. The results benefit all existing users. That said, the TPI Junior Performance Center requests that the California Coastal Commission and Staff approve the project.

Thank you,

Milo F. Bryant, Director
TPI Junior Performance Center

TPI JUNIOR PERFORMANCE CENTER
5300 GRAND DEL MAR COURT
SAN DIEGO, CA 92130

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OPERATION



GAME ON!

A Program By Pin Pals

"...getting our troops back into the swing"

March 5, 2011

California Coastal Commission and Staff
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4421

Subject: Permit November 6-10-084

As President/Founder of **Operation Game On** (www.OperationGameOn.org), I am most excited to be in favor for the approval of the proposed improvements at the Del Mart Golf Center. Approval of this project would result in a dedicated location for existing uses at the Golf Center that occur outdoors including fitness training, golf simulators/lessons, and a dedicated classroom that currently does not exist in North County other than at a private golf country club.

The structure would allow staff at the Golf Center to utilize new technology and equipment that cannot be used or is impractical for use outdoors. If you visit my website mentioned above, you'll see that our combat injured troops really do not have an indoor place to continue their love of the game other than outdoors. Most are assigned to the **Naval Medical Center San Diego** and this would be an excellent venue for them to visit. Golf has been determined by the staff and doctors at the hospital that golf has been one of the best rehabilitation vehicles for our combat injured for recovery to a somewhat normal life.

We also provide golf instruction to the children of our military personnel and being involved with junior golf in San Diego County for the past twenty-five years, there is really no facility for them to learn with state of the art technology in the north county area. This project would provide a dedicated "junior club house" for them to learn this wonderful game of a lifetime. Quite a bit has been written about the obesity problem that our children are having and with the separate area for kids to not only learn about golf, but would have the opportunity for proper training and exercises that is currently not available to them.

On behalf of our combat injured troops and our children, I strongly support this project and commend you and look forward to your approval.

Sincerely,

Signature on file

Tony Perez
President/Founder
Operation Game On

PIN PALS JUNIOR LINKS
3614 PASEO VISTA FAMOSA
RANCHO SANTA FE, CA 92091
W - 858-832-1836
C - 619-997-0773
EMAIL: P6APOPOP@GMAIL.COM
WWW.OPERATIONGAMEON.ORG

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APR 07 2011

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

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MISSION STATEMENT

Operation Game On was established to provide a golf rehabilitation program for the returning physically and mentally combat injured troops that provide golf lessons, specially fitted custom golf clubs, and playing opportunities throughout San Diego County.

ABOUT OPERATION GAME ON

In February, 2008 Pin Pals created a program called **Operation Game On** that has made tremendous strides in getting our combat injured troops going through rehab at the **Naval Medical Center San Diego** back into the swing. It's a golf rehabilitation program created by Tony Perez and taught by PGA Certified instructors that is specifically for our troops who are returning home from **Operation Enduring Freedom** and **Operation Iraqi Freedom** with severely physical and mental combat injuries. The program consists of 10-15 patients per session for 10 weeks four times per year (40 weeks per year) at no cost to them or the hospital. After ten weeks, the troops get a professional custom fitting session by world renowned golf instructor Mr. Jim Flick and the staff at Taylor Made's The Kingdom. With the funds raised for OGO, brand new custom fitted Taylor Made clubs, golf bags, Adidas golf shoes, balls, and gloves, etc. are given to our combat injured heroes at no cost to them.

WHY GOLF?

It has been determined by doctors, prosthetic specialist, physical therapist, and counselors at the Naval Medical Center San Diego that golf has become the number one sport as an essential link to the rehabilitation process for combat wounded military personnel who have returned home with extreme physically and mental disabilities. Golf gives our combat injured troops the confidence to regain an active lifestyle and provides hope for a bright future. Some of these men and women were avid golfers prior to the call of duty and with properly fitted custom golf clubs they will continue to enjoy this wonderful game for a lifetime.



FREEDOM GOLF NETWORK

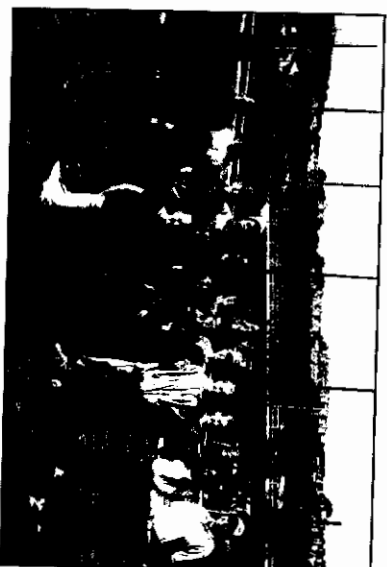
Pin Pals has established partnerships with several golf courses throughout San Diego, Orange, and Riverside Counties that will allow playing opportunities on their courses at either no cost or reduced green fees to our combat injured troops.



OTHER PROGRAM

"LITTLE HEROES"

Realizing that the children of our military personnel also suffer some form of stress due to the fact that mom or dad may be deployed, is going to be deployed, or just returned from deployment, in February 2008, Pin Pals created a partnership with the Armed Services YMCA of San Diego and this program is exclusive to the children of our active military personnel. The program consist of four eight week sessions per year of golf lessons to children ages 7 to 17. All lessons are free to the families and the ASYMCA and conducted by certified PGA Instructors at Riverwalk Golf Club.



OPERATION

1106 200 880

BOYS & GIRLS CLUBS
OF SAN DIEGUITO

March 3, 2011

California Coastal Commission and Staff
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4421

Subject: Permit Number 6-10-084

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APR 07 2011

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

We support and are in favor of the approval of the proposed improvements at the Del Mar Golf Center. Approval of this project would result in a dedicated location for existing uses at the Golf Center that occur outdoors including fitness training, golf simulators/lessons, and a dedicated classroom.

The structure would allow staff at the Golf Center to utilize new technology/ equipment that cannot be used or is impractical for use outdoors. As users of this facility, we support the low cost recreational uses afforded to us and appreciate the Golf Center's commitment to providing its patrons with the highest quality training/instruction available.

We also support and applaud the Golf Center's efforts to provide a dedicated space for children. Children need a separate area to be kids while learning about golf and proper training/exercise away from devoted golfers that wish to concentrate.

Approval of this project simply takes the existing uses and provides a dedicated location; a solution that benefits all existing users. We, therefore request that the Commission approve the project.

Sincerely,

Signature on file

MAX D. McARTHUR

BOYS & GIRLS CLUBS
OF SAN DIEGUITO

The Boys & Girls Clubs of San Diego is an organization dedicated to providing positive activities to develop the education, health, self-esteem and character of youth.

Max McArthur
Athletic Director

Mailing Address
3800 A Mykonos Lane
San Diego, CA 92130

Office: (658) 720-2185
Fax: (658) 720-2192
mmcarthur@PositivePlaceSD.org
www.PositivePlaceSD.org

BOYS & GIRLS CLUBS
OF SAN DIEGUITO

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PGATM

Southern California

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APR 07 2011

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Jason Taylor, PGA
President

March 3, 2011

Jeff Johnson, PGA
Vice President

California Coastal Commission and Staff
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4421

Greg Prudham, PGA
Secretary

Scott Stubbs, PGA
Honorary President

Subject: Permit Number 6-10-084

Thomas H. Addis III, PGA
Executive Director/CEO

We support and are in favor of the approval of the proposed improvements at the Del Mar Golf Center. Approval of this project would result in a dedicated location for existing uses at the Golf Learning Center that occur outdoors including fitness and performance training, golf simulators/lessons, and a dedicated classroom for the golf students.

The structure would allow staff at the Golf Center to utilize new technology and equipment that cannot be used or is impractical for use outdoors. Users of this facility will support the low cost recreational uses afforded to them and will appreciate the Golf Center's commitment to providing its patrons with the highest quality training and instruction available.

We also support and applaud the Golf Center's efforts to provide a dedicated space for children. Children need a separate area to be kids and have fun while learning about golf and proper training and exercise away from devoted golfers that wish to concentrate on improving their own games.

The President's Council on Physical Fitness, Sports & Nutrition has incorporated golf into their program on a nationwide basis and the PGA is proud to support the President's program through our PGA professionals. The junior golf area incorporated in this permit application will focus specifically on teaching children that golf is an active lifestyle choice and meaningful for top performance physically. Golf is also an excellent rehabilitative activity for the less abled person, both physically and mentally, and we provide instruction programs for everyone.

Approval of this project simply takes the existing uses and provides a dedicated location; a solution that benefits all existing users. We, therefore request that the Commission approve the project.

Sincerely,

Signature on file

Tom Addis III, PGA
Executive Director & CEO

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Santa Fe Christian Schools

838 Academy Drive • Solana Beach, CA 92075 • Phone: (858) 755-8900 • Fax: (858) 755-2480

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APR 07 2011

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

March 4, 2011

California Coastal Commission and Staff

7575 Metropolitan Drive, Suite 103

San Diego, CA 92018-4421

Subject: Permit Number 6-10-084

My name is Nick Ruscetta and I am local school teacher and coach. For years the Del Mar Golf Center has been a huge help and support of junior golf. They reach out to thousands of junior golfers. My team along with **La Costa Canyon High School, The Bishops School, Torrey Pines High School, Canyon Crest Academy, San Dieguito Academy, Cathedral Catholic High School, Westview High School** and countless others have been blessed and benefited from the generosity of the golf center, Matt, his staff and the instructors. There is no place like DMGC. We are huge fans and support the proposed improvements for DMGC.

Junior golf is blowing up and this new updated facility would provide so many kids with a positive outlet after school, weekends and during the summer. The staff at DMGC make it a point to encourage and promote youth golf. They give the kids a break on balls and instruction and make our kids feel welcome and wanted.

Please approve the project to update and improve the existing facility. Our kids are counting on you. They love golf and in this day in age cannot afford to or are even allowed to get on most golf courses. I speak on behalf of Santa Fe Christian and at least ten other schools who use DMGC on a regular basis. Thank you so much.

Sincerely,

Nick Ruscetta

| *Signature on file*

Santa Fe Christian Schools

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**BOYS & GIRLS CLUBS
OF SAN DIEGUITO**

533 Lomas Santa Fe Dr.
San Diego, CA 92075
Admin.: (858) 755-9371
Fax: (858) 755-0138
www.PositivePlaceSD.org

March 16, 2011

RECEIVED

APR 07 2011

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

California Coastal Commission and Staff
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4421

Subject: Permit Number 6-10-084

EDUCATION

We appreciate the Del Mar Golf Center and their commitment to the community. Expansion of the Del Mar Golf Center would allow many more patrons, especially children to experience and benefit from what the golf center has to offer.

CHARACTER

As users of this facility, we support the low cost recreational uses afforded to us and appreciate the Golf Center's commitment to providing its patrons with the highest quality training/instruction available.

HEALTH

We also support and applaud the Golf Center's efforts to provide a dedicated space for children. Children need a separate area to be kids while learning about golf and proper training/exercise away from devoted golfers that wish to concentrate.

The President's Council on Fitness, Sports & Nutrition has incorporated golf into their program. The junior golf area incorporated in this permit application will focus specifically on teaching children that golf is an active lifestyle choice.

Sincerely,

Signature on file

Ally Robello
Marketing/PR Coordinator
Club House Manager – Harper and La Colonia Branch
Boys and Girls Clubs of San Dieguito
533 Lomas Santa Fe Drive
Solana Beach, CA 92075
Direct: 858.755-9373 | Fax: 858.755-0138
Email: ARobello@PositivePlaceSD.org

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The Positive Place for Kids

Branches in Carmel Valley • Del Mar • Encinitas • La Jolla • Solana Beach
Serving over 20,000 youth

LEADERSHIP



City of Del Mar



June 9, 2011

Members of the California Coastal Commission
c/o Coastal Commission San Diego District Office
7575 Metropolitan Drive
Suite 103
San Diego, CA 92108-4402

Re: CDP Permit Application No. 6-10-084 (proposed intensification of uses at Surf and Turf site)

Dear Commissioners:

On behalf of the City Council of the City of Del Mar, I am writing to express the City's concerns about the referenced application item.

Over the course of many years, the City of Del Mar has expressed its concern that development at the 22nd District Agricultural Association (22nd DAA) property has proceeded in a piecemeal approach with little regard to how implementation of a proposal for one part of the property would affect the functioning of a facility that has such an important impact on the surrounding community and environs.

The current Coastal Development Permit (CDP) application is yet another example of a disjointed approach to planning and use of the property. The CDP application calls for the installation of varied structures and activities in the same location where the Master Plan recently approved by the 22nd DAA calls for a different use. Along with many other cities, agencies and individuals, the City spent a great deal of time and resources to do a responsible analysis of the development plans and implementation schedule contained in the 22nd DAA's Master Plan EIR, only now to learn that a different set of proposals is being pursued for this portion of the property.

With regard to the requested application itself, the City has concerns that installation of the proposed structures, and the intensification of activities that would ensue, so close to the wetlands of the San Dieguito Lagoon, will have adverse impacts on the functioning of the lagoon. This is especially troubling considering all of the effort and resources that have been committed to improving the Lagoon as part of the soon-to-be completed San Dieguito Lagoon Restoration Project. We do appreciate the efforts your staff has made, by way of suggested conditions of approval, to minimize the potential visual and lighting impacts of the proposed development. However, the intensity of development proposed, and its proximity to the Lagoon remain a concern.

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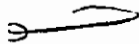
California Coastal Commission
Re: Application CDP-10-084
June 9, 2011
Page #2

Finally, the City also calls attention to the fact that the applicant for the requested Coastal Development Permit has consistently and blatantly violated the California Coastal Act and has ignored conditions applied by the Coastal Commission to CDPs previously issued for development on the 22nd DAA property. The applicant has also ignored notices of violation for work undertaken without Coastal Commission authorization. Based on these facts, we ask that any approval of the project granted by your agency be accompanied by conditions requiring the applicant to address all outstanding Coastal Act and Coastal Development Permit violations.

Thank you for your consideration of our concerns.

Respectfully submitted,

Signature on file

A handwritten signature in black ink, appearing to be a stylized 'D' followed by a horizontal line and a small flourish.

Donald Mosier
Mayor

cc: Del Mar City Council
22nd DAA Board of Directors
City Manager

DM/ab

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**FORM FOR DISCLOSURE OF
EX-PARTE COMMUNICATIONS**

Name or description of the project:: 6-10-084- 22nd District Ag Association
Time/Date of communication: 2/28/2011
Location of communication: Lowe's Coronado lobby
Person(s) initiating communication: Graham Forbes
Person(s) receiving communication: Sara Wan
Type of communication: meeting

Graham provided me with the history of the Fairgrounds and their failure to obtain CDPs for numerous developments and the fill of wetlands over a prolonged period of time. We then discussed several problems associated with this development and the fact that he believes the staff report does not contain sufficient information nor analysis to fully understand the impacts of it.

Parking

Staff report states that there is sufficient parking for the uses there now and deals only with the issue of "overflow" parking. However, the applicants failed to do the parking monitoring they were required to do and there is no analysis of all of the special events taking place in these "sports" facilities right now. There is nothing that defines what is meant by special events and there is no explanation as to why staff is not using the City of Del Mar's parking standards for how many spaces should be required, given that the City's LCP should be used for guidance not standards from throughout the entire state and even outside the United States. Using the City's standards would apparently result in the need for around twice as many as indicated in the staff report. Additionally, since the pool and pool school were built without permit, there is no analysis of any parking requirements for those facilities. In addition, given the history of the Fairgrounds, there is no penalty for failure to provide the requested monitoring, if they fail to do so.

Traffic

There is nothing in the staff report that deals with traffic and the impacts of either the existing uses or any intensification of uses associated with this development. This facility uses the main street for public access to the beaches but we have no information as to what the traffic is like on this street during peak summer beach use times, nor any analysis as to what the new golf facilities would generate. Additionally, since there is no discussion of this issue we have no idea if there is traffic congestion to the beach without the special events, how any of the special events at these facilities might impact beach traffic.

Wetlands

There is no question that the Fairgrounds have refused to do an appropriate wetland delineation. They did not agree with the ACOE delineation and never did one using the Commission's standard that most likely would have resulted in a greater area of wetlands than the ACOE. In the meantime they have continued to disc and fill the wetland area. Staff deals with this by allowing continued use of the EOL and simply preventing it's use if there are concurrent events at the Fairgrounds. Since there has never been any monitoring how are we going to be assured that the EOL will really be closed to use for special events at the sports complex? Until a wetland delineation is done this expansion of uses should not be allowed.

Unpermitted development

This approval legalizes the unpermitted pool and pool school without any analysis of why these should be allowed, what their impacts are on parking, traffic, view, etc. This is not the appropriate way to deal with after-the-fact development

Date: 3/2/2011

A handwritten signature in black ink, appearing to read "Sam J. Wan". The signature is written in a cursive style with a large initial "S".

Commissioner's Signature

EX-PARTE COMMUNICATIONS

Name of the project:: 6-10-084- 22nd District Ag Association
Time/Date of communication: 3/4/2011 1:45pm
Location / Type of communication: telecon
Person initiating communication: Graham Forbes, UNITE HERE Local 30
Person(s) receiving communication: Steve Blank

Graham requested the Commission deny the permit as submitted or continue the public hearing pending additional information and analysis based on inadequate project description, inconsistencies with the public access and biological resource policies of the Coastal Act, potential inconsistencies with CEQA and inadequate public notice and comment period.

Graham discussed the following:

1. Fairgrounds failure to obtain CDPs for development and the fill of wetlands.
2. Inadequate Project Description –insufficient information/analysis to understand impacts. For example, the additional uses being proposed and the intensification of existing uses at the project site.
3. Parking –Applicants failed to do the parking monitoring required to do from a previous permit. There's no analysis of all of the special events taking place in these "sports" facilities. There's no definition of what a "special event" is and no explanation as to why staff is not using the City of San Diego's parking standards for spaces should be required.

Additionally, since the pool and pool school were built without permit, there is no analysis of any parking requirements for those facilities. there is no penalty for failure to provide the requested monitoring, if they fail to do so.

4. Traffic –the staff report doesn't deal with traffic and the impacts of the existing uses or any intensification of uses associated with this development..
5. Wetlands –the Fairgrounds has refused to do appropriate wetland delineation with the ACOE delineation and never did one using the Commission's standard. They continue to disc and fill the wetland area. Staff deals with this by allowing continued use of the EOL and simply preventing it's use if there are concurrent events at the Fairgrounds. Since there has never been any monitoring how are we going to be assured that the EOL will really be closed to use for special events at the sports complex? Until a wetland delineation is done this expansion of uses should not be allowed.
6. Birds – There is no analysis of the impacts to the bird species in the surrounding area from the netting used for the driving range. Analysis should be done prior to approval.
7. Unpermitted development – This approval legalizes the unpermitted pool and swim school without any analysis of what their impacts are on parking, traffic, view, etc. This is not the appropriate way to deal with after-the-fact development

8. Food service workers contract He said that the ongoing negotiations with the food service workers have nothing to do with the Union objections.
9. He stated that even if the Fairgrounds and Union settled they will not be withdrawing their objections.

Date: 3/5/2011

A handwritten signature in black ink, appearing to be "G. R.", written in a cursive style.

Commissioner's Signature

EX-PARTE COMMUNICATIONS

Name of the project::	6-10-084- 22nd District Ag Association
Time/Date of communication:	3/4/2011 1:45pm
Location / Type of communication:	telecon
Person initiating communication:	Graham Forbes, UNITE HERE Local 30
Person(s) receiving communication:	Steve Blank

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2. Inadequate Project Description –insufficient information/analysis to understand impacts. For example, the additional uses being proposed and the intensification of existing uses at the project site.
3. Parking –Applicants failed to do the parking monitoring required to do from a previous permit. There's no analysis of all of the special events taking place in these "sports" facilities. There's no definition of what a "special event" is and no explanation as to why staff is not using the City of San Diego's parking standards for spaces should be required.

Additionally, since the pool and pool school were built without permit, there is no analysis of any parking requirements for those facilities. there is no penalty for failure to provide the requested monitoring, if they fail to do so.

4. Traffic –the staff report doesn't deal with traffic and the impacts of the existing uses or any intensification of uses associated with this development..
5. Wetlands –the Fairgrounds has refused to do appropriate wetland delineation with the ACOE delineation and never did one using the Commission's standard. They continue to disc and fill the wetland area. Staff deals with this by allowing continued use of the EOL and simply preventing it's use if there are concurrent events at the Fairgrounds. Since there has never been any monitoring how are we going to be assured that the EOL will really be closed to use for special events at the sports complex? Until a wetland delineation is done this expansion of uses should not be allowed.
6. Birds – There is no analysis of the impacts to the bird species in the surrounding area from the netting used for the driving range. Analysis should be done prior to approval.
7. Unpermitted development – This approval legalizes the unpermitted pool and swim school without any analysis of what their impacts are on parking, traffic, view, etc. This is not the appropriate way to deal with after-the-fact development

8. Food service workers contract He said that the ongoing negotiations with the food service workers have nothing to do with the Union objections.
9. He stated that even if the Fairgrounds and Union settled they will not be withdrawing their objections.

Date: 3/5/2011

A handwritten signature in black ink, appearing to be "G. R. M.", written in a cursive style.

Commissioner's Signature

**FORM FOR DISCLOSURE OF
EX-PARTE COMMUNICATIONS**

Name or description of the project:: 6-10-084- 22nd District Ag Association
Time/Date of communication: , 2/26/2011
Location of communication: 22350 Carbon mesa Rd, Malibu
Person(s) initiating communication: Jacqueline Winterer
Person(s) receiving communication: Sara Wan
Type of communication: phone call

Discussed her desire to have the item continued. I said I had read her email and that I didn't see a basis for continuance. The issue of future development was not relevant at this time. When that development comes to the commission it will deal with the impacts of it. Also, unless the added traffic was impacting public access it was not an issue for the commission.

She wanted to know why, given the District's history of lack of compliance, violations and failure to obtain permits and/or live up to the permit conditions, why wasn't there a penalty if they failed to comply with the conditions? She also brought up the issue of the visual impacts of signs and said that currently there is a large sign by the freeway that is visually intrusive. She didn't know if it was on their property or not but she felt it should be required to be removed. She also stated that she had proof of the wetlands in the parking lot. She had photos of standing water for 11 consecutive days.

Date: 2/26/2011



Commissioner's Signature

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MAR 01 2011
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

EX-PARTE COMMUNICATIONS

MAR 09 2011

Name or description of the project: Agenda Item W.16.b. Application No. 6-10-84 (22nd District
Agricultural Association, San Diego) From: _____

Time/Date of communication: Monday, March 7, 2011, 10:00 am

Location of communication: Eddy M's, 3570 Carmel Mountain Rd, San Diego


Person(s) initiating communication: Dave Grubb, Graham Forbes, Speaking for Sierra Club and UNITE-HERE

Person(s) receiving communication: Bruce Reznik

Type of communication: Meeting

- 1) We request that permit review be continued until the Master Environmental Impact Report for the project and the surrounding area are complete and the public has adequate time to obtain project information and assess the environmental impacts.
- 2) The proposed project is under the original jurisdiction of the Coastal Commission and the public only became aware of the project when the commission's agenda notification was published online and did not have an opportunity to review and comment at the local level.
- 3) The staff report fails to identify all project impacts and the proposed conditions fail to fully mitigate impacts including traffic, parking, public views, wetlands and previous unresolved permit violations.
- 4) For example, the applicant continues to dispute the ACOE report identifying wetlands in the parking lot adjacent to the project site. Given the applicant's history of violating past permit conditions, this issue along with others should be resolved prior to a permit being granted.
- 5) The applicant is in the process of certifying a Master EIR for the project area which should also be completed prior to consideration. The CEQA analysis in the staff report is inadequate.

Date: March 7, 2011



Bruce Reznik

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MAR 17 2011
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

**FORM FOR DISCLOSURE
OF EX PARTE
COMMUNICATIONS**

Name or description of project, LCP, etc.: 22nd District Agricultural Assoc.

Date and time of receipt of communication: 3/3/11 1:00 pm

Location of communication: Office of the Board of Supervisors,
Santa Cruz, CA

Type of communication: In-person Meeting

Person(s) initiating communication: Sarah Damron
Margie Kay
Grant Weseman

Person(s) receiving communication: Mark Stone

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SAN DIEGO COAST DISTRICT

Detailed substantive description of content of communication:
(Attach a copy of the complete text of any written material received.)

They were speaking for: Sierra Club San Diego, Friends of San Dieguito River Valley, UNITE-HERE. Their issues are:

- 1) The Del Mar Fairgrounds is an important public asset surrounded by environmentally sensitive habitat along the San Dieguito River Valley
 - 2) Limited public notice, opportunity to obtain supporting project information and assess the potential impacts of the proposed development
 - 3) Staff's proposed conditions fail to fully mitigate project impacts including traffic, parking, public views, identification of wetlands, and previous unresolved permit violations
 - 4) Applicant is in the process of certifying a Master EIR for the project area which should be completed prior to consideration
 - 5) Inadequate CEQA analysis in staff report.
- 1) We request that permit review be continued until the Master Environmental Impact Report for the project and the surrounding area are complete and the public has adequate time to obtain project information and assess the environmental impacts.
 - 2) The proposed project is under the original jurisdiction of the Coastal Commission and the public only became aware of the project when the commission's agenda notification was published online and did not have an opportunity to review and comment at the local level.
 - 3) The staff report fails to identify all project impacts and the proposed conditions fail to fully mitigate impacts including traffic, parking, public views, wetlands and previous unresolved permit violations.
 - 4) For example, the applicant continues to dispute the Army Corp of Engineers report identifying wetlands in the parking lot adjacent to the project site. Given the applicant's history of violating past permit conditions, this issue along with others should be resolved prior to a permit being granted.

5) The applicant is in the process of certifying a Master EIR for the project area which should also be completed prior to consideration. The CEQA analysis in the staff report is inadequate.

Date: 3/11/11 Signature of Commissioner: Mabui St

If the communication was provided at the same time to staff as it was provided to a Commissioner, the communication is not ex parte and this form does not need to be filled out.

If communication occurred within seven or more days in advance of the Commission hearing on the item that was the subject of the communication, complete this form and transmit it to the Executive Director within seven days of the communication. If it is reasonable to believe that the completed form will not arrive by U.S. mail at the Commission's main office prior to the commencement of the meeting, other means of delivery should be used; such as facsimile, overnight mail, or personal delivery by the Commissioner to the Executive Director at the meeting prior to the time that the hearing on the matter commences.

If communication occurred within seven days of the hearing, complete this form, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication.



©22nd D.A.A.

22ND DISTRICT AGRICULTURAL ASSOCIATION
State of California

March 3, 2011

California Coastal Commission and Staff
7575 Metropolitan Dr., Suite 103
San Diego, CA 92108

RECEIVED
MAR 04 2011
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Subject: CDP #6-10-084

Dear Commissioner and Coastal Staff:

The 22nd District Agricultural Association (22nd DAA) appreciates the opportunity to provide this response to letters received on Coastal Development Permit (CDP) Application #6-10-084. We hope the following helps to address concerns/issues raised.

Background

The 22nd DAA Board of Directors certified the Notice of Exemption (NOE) prepared for the proposed improvements at the Golf Center at its meeting on June 8, 2010. This public meeting was noticed and an agenda was provided that included a description of the project, graphics, and the reasons supporting a finding or exemption. The project was discussed and approved by the 22nd DAA Board of Directors with no public comment received. On June 10, 2010 the 22nd DAA filed a Notice of Exemption (NOE) for the proposed project at the San Diego County Clerk's office. No comments were received on the NOE.

The 22nd DAA submitted a CDP application for the proposed improvements at the Golf Center on June 10, 2010 at the Coastal Commission San Diego Coast District offices. The project was given CDP #6-10-045. On June 29, 2010 the 22nd DAA received a request for additional information, specifically: how existing parking and traffic conditions will be impacted by the project; if the project would require alteration or expansion of existing parking areas; and a request for details on proposed signage. The requested information was provided on August 3, 2010. On October 5, 2010 the 22nd DAA informed Coastal staff that the project had minor revisions. These consisted of an increase in square footage from 6,500 to 8,150 and a change from a portable trailer type structure to a tent structure. At this time, Coastal staff informed the 22nd DAA that the permit for the existing volleyball tent had expired and that there was no record of a permit for the existing swimming pool and tent. It was determined that a new application covering all three components should be submitted. At the request of Coastal staff, the 22nd DAA formally withdrew CDP # 6-10-045 on Nov. 16, 2010.

On about Nov. 22, 2010 the 22nd DAA submitted a new CDP application for the project. The 22nd DAA has been working with Coastal staff to provide additional information as requested. This includes an additional parking study, a photo-metric light study, a conceptual runoff and drainage control plan (requested by Coastal staff December 21, 2010) and a conceptual turf and pest management plan (requested by Coastal staff December 21, 2010). This is in addition to the visual simulations, site plan, parking study, NOE and signage plan already submitted.

Master Plan

As the Commission is aware, the 22nd DAA has prepared a Draft EIR on its 2008 Master Plan. Public comment was received and the Final EIR is currently being drafted. The Master Plan identifies a proposed youth sports training facility in the same general location as the proposed golf center improvement tent.

The uses associated with golf center improvements are currently all existing uses that would be consolidated into a central location. Because these are all existing uses, the references made in letters submitted by others in opposition to this project, that this project needs to be included in the Master Plan are incorrect. Furthermore, the placement of a temporary structure would not preclude nor would it facilitate any proposed Master Plan project, specifically, the youth sports training facility. In reality, this existing uses at the Golf Center have no bearing on the proposed Master Plan. A decision to certify the EIR and approve the Master Plan is only one step in the process and does not mean all projects would be approved or could be constructed. In addition, a CDP would be required for many, if not all, of the proposed projects in the Master Plan. Additionally, one of the reasons the 22nd DAA choose the tent structure was because it can be easily removed if and when any proposed Master Plan project moves forward.

CEQA

As mentioned above, the 22nd DAA approved a NOE for the project. CEQA Guidelines Section 15303 addresses Categorical Exemptions for New Construction or Conversion of Small Structures. Specifically, subsection (c) of 15303 is applicable to the proposed project. This subsection indicates that the exemption applies to up to four commercial buildings not exceeding 10,000 square feet in area where such uses are approved, does not involve the use of significant amounts of hazardous materials, all necessary public services and facilities are available, and the surrounding area is not environmentally sensitive. The size of the proposed project is less than the maximum allowed by the exemption (8,150 square feet in two pre-fabricated, portable structures). As discussed above, the area is or has been developed with similar uses. As such, infrastructure necessary for the proposed project is in place, including parking, electricity and recycled water. Additionally, the surrounding area for Structure A includes five tennis courts to the north, a miniature golf course and existing Golf Center building to the south, a parking lot to the west and Interstate 5 to the east. Structure B is surrounded on three sides

(south, east and west) by the existing grass driving range with an existing concrete path immediately to the north. Additionally, practice putting greens exist to the north of the concrete path and to the west of the grass driving range. The use and handling of hazardous materials would not occur with the proposed project. Based on the information included above, the proposed project is found to be exempt from CEQA under CEQA Guidelines Section 15303(c).

From an impacts perspective, the proposed project does not include new or expanded uses. The continuation and consolidation of existing uses would not result in impacts to the environment. The re-permitting of an existing volleyball tent and the 'after the fact' permitting of an existing pool does not result in additional impacts to the environment. The materials submitted with the CDP provide graphic representation of the proposed project and visual simulations (as well as proposed heights – including the proposed hitting bays on the driving range).

During the processing of the CDP, Coastal staff informed the 22nd DAA that the Caltrans drainage control channel (all within the Caltrans right of way) located to the east of the proposed golf center improvements was considered to be wetlands. The 22nd DAA's proposed project does not impede into this area and the 22nd DAA has agreed to provide a drainage and runoff control plan as well as a turf and pest management plan to ensure that runoff from the project does not negatively impact the drainage control channel or the San Dieguito River.

Traffic Monitoring of the Volleyball Tent

Review of the monitoring requirements associated with CDP #6-02-20 show that it is slightly ambiguous as to when monitoring would need to occur. The requirement appears to focus on parking counts for non-volleyball uses. It should be noted that the volleyball tent has not been used for anything other than volleyball. For example sub-item a. states that 'exact counts of cars associated with use of the approved tent, taken midweek once a month and daily whenever the tent is used for non-volleyball purposes'. This implies that the counts need only be taken for non-volleyball events. Additionally, sub-item b. calls for a listing of days the parking lot is filled to capacity – based on discussion with staff at the Golf Center this has not occurred since (or before) approval of the volleyball tent. Sub-item c. requests a listing of all non-volleyball events held in the tent. Sub-item d. requests documentation of use of the Hilton parking lot for non-volleyball uses. As stated, the tent has not been used for non-volleyball activities.

Existing Swimming Pool

As mentioned in the staff report, the majority of the Surf and Turf uses were approved in 1974 through a Conditional Use Permit (CUP) granted by the City of San Diego. In 1981 a new CUP was issued that identified the pool. This project predates the current staffs at both the Coastal Commission and 22nd

DAA and both agency staffs have found very little information on the pool. However, it is a use that has been on-site since the early 1980's and no increase in size or intensity of use is proposed.

Conclusion

As stated above, no new uses or intensification of uses are proposed in CDP #6-10-084. The 22nd DAA feels that appropriate and adequate CEQA documentation has been provided and that the added Special Conditions placed on the project by the Coastal Commission will further ensure that no impacts from the proposed project would result.

As discussed, the proposed project is the continuation and consolidation of existing uses. These uses are addressed in the Master Plan as existing conditions. Only new projects/development that could result in significant environmental impacts need to be addressed. As such, this project was rightfully excluded.

We appreciate the opportunity to provide this response.

Sincerely yours,

22nd District Agricultural Association



Dustin Fuller,
Sr. Environmental Planner

Cc: Tim Fennell, CEO/General Manager, 22nd DAA
Becky Bartling, COO/Deputy General Manager, 22nd DAA
Matt Clay, Del Mar Golf Center/22nd DAA
File



CITY OF SOLANA BEACH FAX (858) 792-6513 / (858) 755-1782
635 SOUTH HIGHWAY 101 • SOLANA BEACH • CALIFORNIA 92075-2215 • (858) 720-2400
www.ci.solana-beach.ca.us

March 4, 2011

Honorable Sara Wan, Chair
California Coastal Commission
7575 Metropolitan Drive Suite 103
San Diego, CA 92108-4402

Re: Coastal Development Permit (CDP) Application No. 6-10-084 (proposed Intensification of uses at 22nd District Agricultural Association; Surf and Turf site)

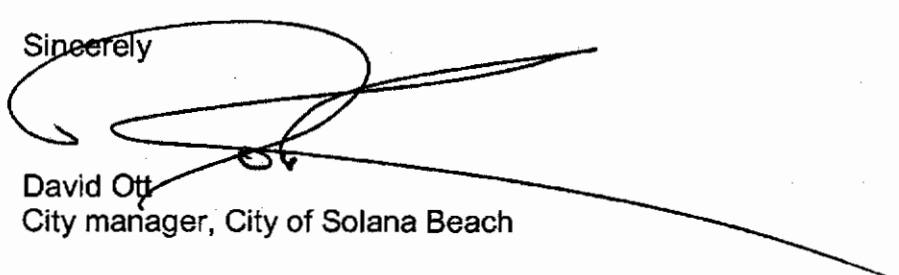
Dear Chairperson Wan and Commissionaires;

On behalf of the City of Solana Beach, this is a request for the California Coastal Commission ("Commission") to postpone action on the referenced application until the of Solana Beach ("City") has an opportunity to discuss the potential impacts of the proposed project to the City of Solana Beach ("City") with the applicant. The proposed CDP application calls for the construction and installation of various structures, uses, and activities that present potential issues to the City.

The City is the sole provider of the sewer service to the project site and the impact of the proposed project to the City's sewer system has not been analyzed. Additionally, the City would like to discuss additional potential impacts of the proposed project, specifically in the areas of storm water, traffic circulation, parking arrangement, and aesthetics with the project applicant prior to the Commission's review of this project. The City is not in a position to evaluate the proposed project and potential impacts until discussions with the project applicant have occurred. It is respectfully requested that this item be postponed for Coastal commission consideration until these discussions and analysis of the proposed project and its potential impacts have been considered.

Thank you for your consideration.

Sincerely


David Ott
City manager, City of Solana Beach



seasandiego.com

619.537.6732

March 4, 2011

Eric Stevens
Coastal Program Analyst
California Coastal Commission
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4421

Re: Application No. 6-10-84 (22nd District Agricultural Association, San Diego)

Dear Mr. Stevens:

On behalf of Sustainable Environment Advocates ("SEA"), I am writing to request that consideration of the above-referenced application be postponed until after certification of the 22nd District Agricultural Association Master Plan Environmental Impact report. SEA was founded by the former policy chair of the Surfrider Foundation San Diego Chapter but is not affiliated with that organization. SEA advocates for a more sustainable environment in the areas of clean air, clean water, renewable energy and transportation.

SEA joins the Friends of the San Dieguito Valley and other organizations in requesting this postponement. Due to information provided by the applicant, the staff report is misleading by including in figures components of the site that have not yet been approved as part of the Master Plan Environmental impact report. Further, the timing in posting the application has not given concerned parties sufficient time to address serious flaws in the permit.

The application, No. 6-10-84 by the 22nd District Agricultural Association, San Diego, should be postponed until after certification of the District's Master Plan Environmental Impact Report.

Thank you for your consideration of our request in this matter.

Very Truly Yours,

A handwritten signature in black ink, appearing to read 'Johnny Pappas', written in a cursive style.

Johnny Pappas
Principal

sustainable environment advocates, po box 502764, san diego, ca 92050

From: Jacqueline Winterer <jmwinterer@ucsd.edu>
Subject: **22nd DAA Bingo sign**
Date: February 25, 2011 10:29:57 AM PST
To: Eric Stevens <estevens@coastal.ca.gov>, Sara Wan <LWan22350@aol.com>, Pam Slater-Price <pcslater@me.com>
▶ 1 Attachment, 302 KB

BINGO sign on the 22nd DAA property.
Photo taken by Freda Reid Feb 23 2011



Holly Parker

From: Vanessa Miller
Sent: Monday, February 28, 2011 8:53 AM
To: Sherilyn Sarb; Holly Parker; Jeff Staben
Subject: FW: Fairgrounds Application- ex-parte

-----Original Message-----

From: Sara Wan [mailto:lwan22350@aol.com]
Sent: Saturday, February 26, 2011 4:18 PM
To: Vanessa Miller
Subject: FW: Fairgrounds Application- ex-parte

-----Original Message-----

From: Jacqueline Winterer [mailto:lola1830@sbcglobal.net]
Sent: Saturday, February 26, 2011 7:24 AM
To: Sara Wan; Pam Slater-Price; Ann Gardner
Subject: Fairgrounds Application

Hello Sara,

Pam Slater suggested that I call you this PM to clarify the reasons for postponement of this application.

In anticipation of the call here is an attempt at reasoning the argument.

The issue are the following:

a. What the Fairgrounds proposes in this application is not really objectionable.

b. What is objectionable is that the staff report does not reveal that this site is also scheduled for a 60,000 sq Health Club/ Sports Complex in the Master Plan DEIR (that size is 20 times the size of my house!). The sports complex will be 48 feet high : 4 20 ft stories with a "features" as high as 75 feet.

The question that the CCC should examine is : in what way is the adoption of the tents PRECEDENT SETTING?

Will the Fair Board later argue that the 60,000 sq ft sports complex should be adopted because, of course, this area is dedicated to sports etc...

c. The staff report also requests continued use of the existing Volleyball tent for volleyball activities... and SPECIAL EVENTS. I other word, when the CCC accepts a development for a dedicated use (volleyball tent) very soon it becomes available for ANY OTHER uses, like any large attendance events. Keep in ming that these tents are next door to the Hilton Hotel (not on Fairgrounds property) which loves to rent the Fairgrounds large facilities to hold large events and therefore rent their the hotel rooms.

d. What about the traffic considerations in all this, when the traffic is added to fair or races events.

d. The CCC MUST be appraised of the Health Club/Sports Complex Plans. They can only do that AFTER the the Master Plan EIR is certified by the Fair Board.

QED?

Jacqueline

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Mr Eric Stevens
San Diego Coastal District
California Coastal Commission
7575 Metropolitan Drive Suite 103
San Diego CA 92108-4421

February 25, 2011

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FEB 28 2011

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Dear Mr Stevens.

*Re : Application for Coastal Development Permit : 22nd DAA request for 6,650 sq. ft fabric tent to accommodate existing golf related uses etc...
March 9 2011 Coastal Commission Public Hearing.
Permit number: 6-10 084*

**FRIENDS OF THE SAN DIEGUITO RIVER VALLEY REQUEST
POSTPONEMENT OF THIS APPLICATION REVIEW UNTIL AFTER
CERTIFICATION OF THE 22d DAA MASTER PLAN EIR.**

The staff report as presented is inadequately analyzed, ignores obvious code violations and has been disclosed to the public so late that the reviewing agencies have had no time to properly review the project.

We are requesting this postponement for four reasons. They are discussed briefly below.

1. The staff report provides an incomplete and inadequate analysis.

The 22nd DAA is proposing 2 different projects for the same site: the unused area North of the existing Golf Center building.

The project discussed here is for a new golf tent, a Junior Golf Area and a Short Game Area.

That very same area is also the site of the near-term 60,000 sq.ft Health Club and Sports Training Facility described in the 22nd DAA Master Plan Draft EIR (V 1. Pages I-9, 3-23 and Figure 3.15). The Draft EIR is so committed to the imminent construction of the Health Club that it provides a color representation of the building with N, S, E and W elevations (DEIR V. 1 Fig. 3-16).

The 22nd DAA Fair Board plans to certify its Master Plan EIR in April 2011, six weeks from now. By postponing the review of this application after the Master Plan EIR certification, the Coastal Commissioners would know whether this Health Club project is still a Master Plan near-term project or has become a long-term project

or whether it has been abandoned altogether as is the case for the Master Plan Hotel project.

2. Staff report is incomplete. The new driving range structure is one of the features that has the most visual impact yet no elevations are provided.

3. 22nd DAA un-permitted developments. The report documents that the swimming pool and its tent were built without a coastal development permit, that the terms of the volley ball court has expired, but continue to operate and, as well as numerous unresolved violations.

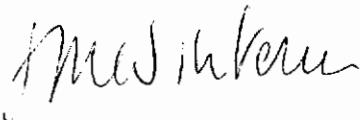
The report fails to report that an un-permitted huge sign advertising Bingo operations which has been deployed on the premises to attract traffic attention. Such a sign is in clear violation of the federal highway beautification act.

This reviewer cannot help fault the Coastal Commission for this total disregard of its regulations by the Fair Board. When I park my car in an illegal location, I receive a ticket. Why doesn't the Coastal Commission impose fines for repeated and relentless code violations by the 22nd DAA? Clearly stiff penalties should be imposed for clear patterns of violations.

4. Lateness of the application's notification.

The Coastal Commission is scheduled for March 9, 2011. The notification was sent on February 18 with a website reference for the staff report with illegible exhibits. The exhibits became available on Wednesday Feb 23, 10 working days before the meeting. As most organizations and agencies, including the cities of Del Mar and San Diego where the project is located, meet on a bi-monthly or monthly schedule, it has been impossible for them to review this application.

Given all these reason I request a postponement of the review of this application by the Coastal Commission to a date following corrections made to the staff report and certification of the 22nd Master Plan EIR.



Jacqueline Winterer,
President, Friends of the San Dieguito River Valley

PS A photograph of the BINGO sign is sent by a separate e-mail message.

Members of the California Coastal Commission
c/o San Diego Coastal District
California Coastal Commission
7575 Metropolitan Drive Suite 103
San Diego CA 92108-4421

March 1 , 2011

Dear Coastal Commission Members.

Permit number: 6-10 084

*Re : Application for Coastal Development Permit : 22nd DAA request for 6,650 sq. ft fabric tent ...
March 9 2011 California Coastal Commission (CCC)Public Hearing.*

In an earlier letter, Friends of the San Dieguito River Valley sought a postponement of this hearing. Should this delay not be granted we request:

1 • that the CCC discuss whether a I-5 Freeway sign is a Fairgrounds permitted use.

2 • impose significant penalties for repeated permit violations

1. FSDRV request denial of Freeway sign permit: See exhibit 1.

The staff report gives a detailed description of various developments on the Surf and Turf area of the Fairgrounds property and seeks approval for these developments.

The staff report states that “no tall, free-standing pole or roof signs shall be allowed”.

The report does not state that a huge “Come and Play BINGO” sign is already installed on the property and should explicitly fall in the category of prohibited signs. No request is made by the 22d DAA for the display of such a sign in this application. The sign mars the vistas of the San Dieguito River Valley, can be seen by the Coast to Crest Trail and violates the spirit of the 1965 Highway Beautification Act, a Federal Law. .

2. FSDRV request the imposition of stiff penalties for a consistent pattern of permit violations.

The staff report spells out an extensive list of non-permitted uses.

- This application staff report: p. 10. Five year permit for volley ball use expired in 2008, but 22d DAA continued the use in violation of the permit.

- Staff report p. 11: A swimming pool and tent structure have operated for years without permit.

- Another example elsewhere on the property: since 2003 (CCC Application 6-02-161 p 10) the Coastal Commission only acknowledged the pre-Coastal Act parking use of the South lot which could be used during the fair and the racing season. The 22d DAA has been in continuous violation of this restriction as it extensively uses this parking lot both before and after the Fair/Racing season.

Unless the Coastal Commission starts imposing significant penalties, the 22d DAA has no incentive to obey the law. We request that the CCC start imposing penalties for permit violations, commensurate with the revenue of an agency which has a multi-million annual budget.

Jacqueline Winterer,
President, Friends of the San Dieguito River Valley

Eric Stevens

From: Jacqueline Winterer [jmwinterer@ucsd.edu]

Sent: Friday, February 25, 2011 10:19 AM

To: Eric Stevens

Subject: CCC meeting of March 9 2011

Follow Up Flag: Follow up

Flag Status: Red

Attachments: 11- Coastal Com.letter; ATT353309.htm

California Coastal Commission Public Hearing

Permit Number 6-10-084

Applicant 22nd DAA

Dear Sir,

i am requesting a continuation of this item to a later date for the reasons given in the enclosed letter.

Copies of the letter are being sent to Sara Wan, CC Commissioner, Pam Slater, County Supervisor and other public officials.



San Diego Chapter
8304 Clairemont Mesa Blvd., Ste 101
San Diego, CA 92111
<http://www.sandiego.sierraclub.org>
858-569-6005

March 2, 2011

Mr. Eric Stevens
San Diego Coastal District
California Coastal Commission
7575 Metropolitan Drive Suite 103
San Diego, CA 92108-4421
estevens@coastal.ca.gov

Submitted via Electronic Mail and U.S. Mail

Re: Application for Coastal Development Permit: 22nd DAA request for 6,650 sq. ft fabric tent to accommodate existing golf related uses etc.

Dear Mr. Stevens,

On behalf of Sierra Club San Diego, this is to formally request that the California Coastal Commission postpone review of the above-referenced permit application (hereafter "Golf Tent Permit") until after certification of the 22nd DAA Master Plan EIR, and to request that the hearing on the application for a Golf Tent Permit be held in Southern California, as the project affects this region specifically. The staff report, as drafted, is inadequate in that it does not comply with the California Environmental Quality Act ("CEQA"). Furthermore, the date at which the report and exhibits were released to the public precludes any meaningful review of the project.

The postponement is justified based on the following grounds:

Notification for the March 9, 2011 hearing in Santa Cruz, California was issued on February 18, 2011. Accompanying the notice were instructions to access the staff report via the Coastal Commission website. However, the staff report exhibits remained inaccessible until Wednesday, February 23, 2011, a mere ten (10) working days prior to the meeting. This truncated review period places a heavy burden on the public as well as, various agencies and cities, including the cities of Del Mar, San Diego and Solana Beach where the project is located. Most of these cities meet on a bi-monthly or monthly basis.

The Del Mar Fairgrounds is a significant regional asset with a long-standing tradition local support and participation. The lack of an adequate review period coupled with the hearings location in Northern California effectively prohibits the public and affected Cities from providing meaningful comment and the Commission from making a fully informed decision. Therefore any discussion surrounding significant impacts to the regional asset should be held at least in Southern California, if not San Diego.

Substantively, the Golf Tent Permit application is flawed because the proposed location, the unoccupied area North of the existing Golf Center building, is currently site for two inconsistent projects. In the Golf Tent Permit application before you the area is slated for a new golf tent, a Junior Golf Area and a Short Game Area. However, this same area is also



Affiliated with...

San Diego and Imperial Counties
Labor Council
State Federation of Labor
State Culinary Alliance
Union Label & Service Trades Council

February 25, 2011

Eric Stevens
California Coastal Commission
San Diego Coast District Office
7575 Metropolitan Drive, Ste 103
San Diego, CA 92108-4402
Fax (619) 767-2384

Re: Request For Access To Public Records - Application No. 6-10-084: 22nd
District Agricultural Association, San Diego

Dear Mr. Stevens:

I am writing as a research analyst for UNITE-HERE Local 30 to request immediate access to all file materials referring or related to 22nd District Agricultural Association application for a coastal development permit (Application No. 6-10-084) ("Project"). This request includes, but is not limited to:

1. Any and all applications for the Project;
2. Any and all application materials for the Project;
3. Any and all file materials for the Project; and
4. Any and all correspondence, resolutions, memos, notes, analyses, electronic mail messages, files, maps, charts, and/or any other documents by, to or from California Coastal Commission staff referring or relating to the Project.

This request is made pursuant to the California Public Records Act. (Government Code §§ 6250, et seq.) We request *immediate access* to the above documents pursuant to section 6253(a) of the Public Records Act.



**SIERRA
CLUB**
FOUNDED 1892

San Diego Chapter
8304 Clairemont Mesa Blvd., Ste 101
San Diego, CA 92111
<http://www.sandiego.sierraclub.org>
858-569-6005

March 2, 2011

Mr. Eric Stevens
San Diego Coastal District
California Coastal Commission
7575 Metropolitan Drive Suite 103
San Diego, CA 92108-4421
estevens@coastal.ca.gov

Submitted via Electronic Mail and U.S. Mail

Re: **Application for Coastal Development Permit: 22nd DAA request for 6,650 sq. ft fabric tent to accommodate existing golf related uses etc.**

Dear Mr. Stevens,

On behalf of Sierra Club San Diego, this is to formally request that the California Coastal Commission postpone review of the above-referenced permit application (hereafter "Golf Tent Permit") until after certification of the 22nd DAA Master Plan EIR, and to request that the hearing on the application for a Golf Tent Permit be held in Southern California, as the project affects this region specifically. The staff report, as drafted, is inadequate in that it does not comply with the California Environmental Quality Act ("CEQA"). Furthermore, the date at which the report and exhibits were released to the public precludes any meaningful review of the project.

The postponement is justified based on the following grounds:

Notification for the March 9, 2011 hearing in Santa Cruz, California was issued on February 18, 2011. Accompanying the notice were instructions to access the staff report via the Coastal Commission website. However, the staff report exhibits remained inaccessible until Wednesday, February 23, 2011, a mere ten (10) working days prior to the meeting. This truncated review period places a heavy burden on the public as well as, various agencies and cities, including the cities of Del Mar, San Diego and Solana Beach where the project is located. Most of these cities meet on a bi-monthly or monthly basis.

The Del Mar Fairgrounds is a significant regional asset with a long-standing tradition local support and participation. The lack of an adequate review period coupled with the hearings location in Northern California effectively prohibits the public and affected Cities from providing meaningful comment and the Commission from making a fully informed decision. Therefore any discussion surrounding significant impacts to the regional asset should be held at least in Southern California, if not San Diego.

Substantively, the Golf Tent Permit application is flawed because the proposed location, the unoccupied area North of the existing Golf Center building, is currently site for two inconsistent projects. In the Golf Tent Permit application before you the area is slated for a new golf tent, a Junior Golf Area and a Short Game Area. However, this same area is also

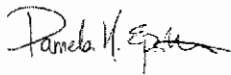
concurrently named in the 22nd DAA Master Plan Draft EIR as the near-term 60,00 sq. ft Health Club and Sports Training Facility. (DEIR V 1. P. I-9, 3-23 and Fig. 3.15).

The staff report relies on an incomplete and inadequate environmental analysis. For example, noticeably absent are the estimated evaluations of the new driving range structure. Noticeably absent are estimated elevations. Pursuant to CEQA the impacts associated with the requested action must be evaluated in light of the total actions to be taken by the Master Plan EIR. It is a violation to piecemeal out smaller projects in order achieve a less than significant impact. The application must be revised in order to properly address the project's cumulative impacts. The significant visual impacts from the driving range are neither discussed nor properly mitigated

At the 22nd DAA Fair Board April meeting, in approximately four weeks, the Board is planning to consider certification of its Master Plan EIR for the area. Review of the instant application should be suspended until after the Master Plan EIR is certified and the Coastal Commission can accurately ascertain the cumulative environmental impacts between the Golf Tent Permit project and the Master Plan.

For all the foregoing reasons the request for postponement of the review of this application by the Coastal Commission should be granted.

Respectfully Submitted,



Pamela N. Epstein, Esq., LL.M
Staff Attorney & Legal Intern Program Manager
Sierra Club San Diego
8304 Clairemont Mesa Blvd., Ste. 101
San Diego, CA 92111
E: pnepstein@sierraclubsandiego.org

The San Diego Chapter of the Sierra Club is San Diego's oldest and largest grassroots environmental organization, founded in 1948. Encompassing San Diego and Imperial Counties, the San Diego Chapter seeks to preserve the special nature of the San Diego and Imperial Valley area through education, activism, and advocacy. The Chapter has over 14,000 members. The National Sierra Club has over 700,000 members in 65 Chapters in all 50 states, and Puerto Rico.





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February 25, 2011

Eric Stevens
California Coastal Commission
San Diego Coast District Office
7575 Metropolitan Drive, Ste 103
San Diego, CA 92108-4402
Fax (619) 767-2384

Re: Request For Access To Public Records - Application No. 6-10-084: 22nd
District Agricultural Association, San Diego

Dear Mr. Stevens:

I am writing as a research analyst for UNITE-HERE Local 30 to request immediate access to all file materials referring or related to 22nd District Agricultural Association application for a coastal development permit (Application No. 6-10-084) ("Project"). This request includes, but is not limited to:

1. Any and all applications for the Project;
2. Any and all application materials for the Project;
3. Any and all file materials for the Project; and
4. Any and all correspondence, resolutions, memos, notes, analyses, electronic mail messages, files, maps, charts, and/or any other documents by, to or from California Coastal Commission staff referring or relating to the Project.

This request is made pursuant to the California Public Records Act. (Government Code §§ 6250, et seq.) We request *immediate access* to the above documents pursuant to section 6253(a) of the Public Records Act.

February 25, 2011

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We will call you to arrange a time to inspect the above requested public records. I can be reached at (619) 516-3737 x 324. Thank you for your assistance with this matter.

Sincerely,

A handwritten signature in black ink, appearing to be 'Graham Forbes', written in a cursive style.

Graham Forbes

cc: Sherilyn Sarb, Deputy Director
Deborah Lee, District Manager

CALIFORNIA COASTAL COMMISSION

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



W15b

Filed: 12/10/2010
 180th Day: 6/8/2011
 Extension Request: 3/22/2011
 Final Date for
 Commission Action: 9/6/2011
 Staff: EStevens-SD
 Staff Report: 5/23/2011
 Hearing Date: 6/15-17/2011

REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-10-084

Applicant: 22nd District Agricultural Association

Description: Placement of a 6,650 sq. ft. fabric tent structure to accommodate existing golf related uses; placement of an approximately 1,500 sq. ft. pre-fabricated structure on the west side of the existing driving range for golf training; installation of a junior golf area consisting of monkey bars and a grassy area; installation of new putting greens, sand bunkers, and 2-20 ft. light posts; request for continued usage of the existing 13,500 sq. ft. tent for youth volleyball activities; and after the fact request for a swimming school and associated 2,500 sq. ft. tent over an existing swimming pool.

Parking Spaces	221 (existing)
Zoning	Commercial Recreation
Plan Designation	Fairgrounds/Racetrack
Ht abv fin grade	32.5 feet

Site: Del Mar Fairgrounds, on the east side of Jimmy Durante Boulevard, throughout the "Surf and Turf" site, immediately south of the Del Mar Hilton parking lot, Torrey Pines, San Diego, San Diego County.
 APN 299-042-02

Staff Notes:

This application was originally scheduled to be heard by the Commission at its February hearing in San Diego. However, at the applicant's request, the hearing was postponed.

Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the new golf facilities and continued usage of the existing volleyball and swim facilities with special conditions. Issues raised by the

project include its visibility from public vantage points, increased lighting near sensitive habitat, water quality, impacts to birds, adequate on-site parking, and landscaping in the vicinity of wetlands. While the project involves the installation of new structures and facilities, they are proposed to accommodate uses that are already occurring at the Surf and Turf site. In addition, the volleyball tent has been in place for over 5 years and has not resulted in any identified adverse impacts on coastal resources. While the original approval of the volleyball tent by the Commission included the provision to allow for large special events in the tent. No special events took place and the applicant is no longer proposing to use the tent for special events. Similarly, while the applicant is proposing authorization of the swimming facility, it has been in place and operating for many years.

The recommended special conditions address these issues and require the new structures to be colored in earth tones and the existing tents to be replaced with earth tone colors upon the end of their useful life, restricting signage on the structures, usage times for the lighting, water quality monitoring and BMPs, requirements that no additional netting be installed, requirements that all landscaping be native, drought-tolerant, non-invasive and appropriate to be placed in close proximity to wetlands, and a requirement that the applicants assume all risk for development in a floodplain.

Standard of Review: Chapter 3 policies of the Coastal Act

Substantive File Documents: Certified Torrey Pines Community Plan (1996), City of San Diego LCP Implementing Ordinances (Land Development Code), Parking Monitoring Studies provided by Applicant (7/11/2010 through 7/24/2010 and 10/7/2010 through 11/03/2010), Submissions from applicant including detailed site description, photo simulations, material sample for new tent, Illumination Summary by Musco dated 4/14/2011, Conceptual Turf & Pest Management Plan received 1/21/2011, Conceptual Drainage and Runoff Control Plan received 1/21/2011, Traffic and Parking Monitoring Report: Del Mar Fairgrounds and Racetrack dated 1/19/2011, Biological Resources Report: Del Mar Fairgrounds and Horse Track dated March 2009, CDP #6-02-020.

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit No. 6-10-084 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. **Parking/Usage Prohibitions.** The applicant shall not use, and shall prohibit its patrons from using, any portion of the East Overflow Parking Lot in association with any uses, events, functions, or activities held in the approved structures. In addition, the applicant shall apply for and receive an amendment to this permit from the Commission in order to conduct non-volleyball activities or special events in the volleyball tent.

2. **Signage Restriction.** **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit a comprehensive sign program for the "Surf and Turf" facility, documenting that only monument signs, not to exceed eight (8) feet in height, or facade signs are proposed. No tall, free-standing pole or roof signs shall be allowed (this includes large banners strung between poles or buildings) and no signs attached to sides of portable trailers shall be allowed. In addition, signage shall not be affixed to the exterior of the approved structures (except that small informational signs or directional signs addressing use of the structures may be placed on the sides of the structures), and the applicant shall not use any portion of the approved structures for advertising purposes. A limited number of 2-foot by 3-foot bulletin boards with advertising along the perimeter of the bulletin boards will be permitted. Additionally, a 3.5-foot by 9-foot sign, which includes the facility's name and sponsor, may be placed on both the southern and the western walls of the new golf tent. Said program shall be subject to the review and written approval of the Executive Director.

The permittee shall undertake the development in accordance with the approved signage program. Any proposed changes to the program shall be reported to the Executive Director. No changes to the 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. Structure Color. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for the review and approval in writing of the Executive Director, a color board or other indication of the exterior materials and color scheme to be utilized in the construction of the proposed golf structures (tent and prefab structure). The color of the structures permitted herein shall be restricted to earth tones including shades of green, brown, and gray, with no white or light shades and no bright tones.

The existing volleyball and swimming tents proposed to be retained can remain white at this time. However, if the existing volleyball or swimming pool tents are replaced, they shall be finished (constructed of, covered with, or dyed) in deep earth tone colors including shades of green, brown, and gray, with no white or light shades and no bright tones.

The permittee shall undertake the development in accordance with the approved color board. Any proposed changes to the approved color board shall be reported to the Executive Director. No changes to the plans 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. Landscape Plan. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and written approval of the Executive Director, a plan for landscaping. The plan shall be prepared by a licensed landscape architect and include, at a minimum, the following:

- a) all new vegetation planted on the site will consist of native, drought-tolerant, and non-invasive plants which will not have an adverse impact on nearby wetlands (the new putting greens and associated chipping turf and the junior golf grassy area may use turf grass similar to that used at the facility already). No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized. All required plantings will be maintained in good growing conditions throughout the life of the project, and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the landscape plan. Removal of existing vegetation on the Surf and Turf parcel is not required.
- b) a plan showing the type, size, and location of all plant materials that will be on the developed site, the irrigation system, topography of the developed site, and all other landscape features.
- c) a requirement that five years from the date of issuance of the coastal development permit, the applicant shall submit for review and written approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this

Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and written approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan. The landscape monitoring report can be submitted separately or be included as a part of the water quality monitoring plan required pursuant to Special Condition #7 of this permit.

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

5. Drainage and Polluted Runoff Control Plan. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for the review and written approval of the Executive Director, final drainage and runoff control plans including supporting calculations. The plan shall be prepared by a licensed engineer and shall incorporate structural and non-structural Best Management Practices (BMPs) designed to reduce the pollutant load of runoff to the maximum extent practicable, and reduce or eliminate any potential increases in the volume or velocity of runoff leaving the site. The plan shall be in substantial conformance with the Conceptual Drainage and Runoff Control Plan prepared by Fuscoe Engineering, Inc. dated 1/12/2011 and shall include in addition to the specifications above, the following requirements:

- a) Selected BMPs (or suites of BMPs) shall be designed to treat, infiltrate or filter stormwater from each runoff event, up to and including the 85th percentile, 24-hour runoff event for volume-based BMPs, and/or the 85th percentile, 1-hour runoff event, with an appropriate safety factor, for flow-based BMPs.
- b) BMPs shall be selected to address the pollutants of concern for this development, including sediments, nutrients, pesticides, fertilizers, metals, petroleum hydrocarbons, trash and debris, and organic matter.
- c) Drainage from all roofs and other impervious surfaces shall be directed through vegetative or other media filter devices effective at removing and/or treating contaminants such as petroleum hydrocarbons, heavy metals, and other particulates.
- d) Opportunities for directing runoff into pervious areas located on-site for infiltration and/or percolation of rainfall through grassy swales or vegetative filter strips, shall be maximized.

- e) The plan shall include provisions for maintaining the drainage system, including structural BMPs, in a functional condition throughout the life of the approved development. The plan shall include an identification of the party or entity(ies) responsible for maintaining the various drainage systems over its lifetime and shall include written acceptance by the responsible entity(ies). Such maintenance shall include the following: (1) BMPs shall be inspected, cleaned and repaired when necessary prior to and during each rainy season, including conducting an annual inspection no later than September 30th each year and (2) should any of the project's surface or subsurface drainage/filtration structures or other BMPs fail or result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system or BMPs and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall contact the San Diego Coastal Commission office to determine if an amendment to this coastal development permit or a new coastal development permit is legally required to authorize such work.
- f) The new Short Game Area shall be equipped with flow reducers or shutoff valves triggered by a pressure drop so that broken pipes do not increase flow to the storm drains;

The permittee shall undertake development in accordance with the approved drainage and runoff control plans. Any proposed changes to the approved drainage and runoff control 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.

6. Turf and Pest Management Plan. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and written approval, a detailed turf and pest management plan for the new Short Game Area portion of the development. The plan shall be in substantial conformance with the Conceptual Turf and Pest Management Plan prepared by Fuscoe Engineering, Inc. dated 1/12/2011 and shall comply with the following requirements:

- a) Turf management practices shall utilize state-of-the-art environmental methods to minimize fertilizer use, water use and chemical pest control to the maximum extent feasible, to avoid impacts to native upland habitat, wetlands, riparian areas, and water quality.
- b) The plan shall favor non-chemical strategies over chemical strategies for managing onsite pests. Chemical strategies shall only be employed after all other strategies have been used and proven ineffective. This shall be demonstrated by providing written notice to the Executive Director of the non-chemical strategies that will be used, the reasons for their ineffectiveness, and the chemical strategies that are being considered.

The permittee shall undertake development in accordance with the approved turf and pest management plan. Any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the approved plan shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

7. Monitoring. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for the review and written approval of the Executive Director, a water quality monitoring plan to address the implementation of the Drainage and Polluted Runoff Control Plan and the Turf and Pest Management Plan. The plan shall describe the methodology for monitoring, including sampling protocols, schedule for monitoring, and reporting of results. The monitoring plan shall also include a contingency plan describing the actions to be taken if water quality impacts are discovered. In addition to specifications above, the plan shall be in substantial conformance with the following requirements:

- a) The plan shall require monitoring of the general “effectiveness” of the BMPs.
- b) The plan shall provide records of BMP maintenance.
- c) The plan shall include photos of the BMPs after installation and after major storms.
- d) The plan shall include a report on infiltration BMP drainage rates, showing BMP drainage within 96 hours after rain events.
- e) The plan shall include a report on fertilizer applications (frequency, amount, weather conditions during and for a few days after applications).
- f) The plan shall include a report detailing if there is evidence of excessive fertilizer use (e.g., algal mats in the infiltration or final polishing BMPs).
- g) Results of monitoring shall be submitted to the Executive Director annually. If, based on the submitted monitoring report, the Executive Director determines that the BMPs are not effective at protecting coastal water quality, the applicant shall be responsible for appropriate modifications to address any identified concerns. If the monitoring shows that the BMPs are effective at protecting coastal water quality for a period of 5 years, the applicant (or successor owner) may request that the Executive Director approve termination of the monitoring program.

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

8. Lighting. Lighting for the new Short Game Area shall consist of a maximum of 2-20 foot poles and light spillover levels shall be minimized to the greatest extent

practicable near the wetland channel to the east of the project site through the use of shields. Lighting for the Short Game Area shall be turned off no later than 8:15 PM during the winter/spring and 9:15 PM during the summer/fall.

9. Revised Final Plans. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit final site and building plans to the Executive Director for review and written approval. Said plans shall be in substantial conformance with the plans submitted with this application by Sprung Instant Structures Ltd. Dated 2/9/2010 and Attachment A3 Garage Bays Elevation Structure B dated 6/01/2010, except they shall be revised as follows:

- a. the proposed netting shall be deleted.
- b. permanent on-site racks to accommodate at least 5 bikes shall be provided.

The applicant shall undertake the 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 plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

10. 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.

11. Condition Compliance. **WITHIN 60 DAYS OF COMMISSION ACTION ON THIS COASTAL DEVELOPMENT PERMIT AMENDMENT APPLICATION**, or within such additional time as the Executive Director may grant for good cause, the applicants shall satisfy all requirements specified in the conditions hereto that the applicant is required to satisfy prior to issuance of this permit. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description/History. The applicant proposes to erect a 70 ft. long, 95 ft. wide, 28.5 ft. tall, 6,650 sq. ft. fabric tent to house golf fitness training, lessons, a classroom, locker rooms, a small office and an employee break room; and to erect a 24 ft. long, 60 ft. wide, 12 ft. tall, approximately 1,500 sq. ft. pre-fabricated structure on the west side of the existing driving range for golf training; and to install a junior golf area consisting of monkey bars, a grassy area and a decomposed granite pathway; and to install a Short Game Area consisting of practice putting greens, sand bunkers, a decomposed granite pathway, water quality BMP swales, and 2-20 ft. high light posts. Additionally, the applicant requests continued usage of the existing 135 ft. long, 100 ft. wide, 32.5 ft. tall, 13,500 sq. ft. tent structure which is used for youth volleyball activities; and after the fact authorization of a small swimming school and associated 50 ft. long, 50 ft. wide, 20 ft. tall, 2,500 sq. ft. tent over an existing swimming pool.

The structures are proposed to be located at the Del Mar Fairgrounds on the Surf & Turf property, which includes an RV campground, tennis courts, a driving range and putting greens, a miniature golf facility, and two pro shops. The RV campground is self-contained; all other uses share an existing 221-space, paved parking lot (See Exhibits 2 and 3). Each of the proposed project components, existing conditions and permit history are detailed below:

Proposed On-site Lighting

- Lighting for the proposed golf Short Game Area would consist of two 20 foot high poles. These lights would turn off at 8:15 PM during the winter/spring and 9:15 PM during the summer/fall. The applicant has submitted an illumination

summary that shows light spillover on the adjacent wetland channel to the east will be minimal.

Existing On-site Lighting

- Lighting for the existing driving range consists of seven 30 foot high poles directed towards the tee line of the driving range. These lights turn off at 8:15 PM during the winter/spring and 9:15 PM during the summer/fall.
- Lighting for the existing putting green consists of two 20 foot high poles. These lights turn off at 8:15 PM during the winter/spring and 9:15 PM during the summer/fall.
- Lighting for the mini-golf course consists of approximately twenty-three 12 foot high poles. These lights turn on 15 minutes before sundown and turn off at 9:15 PM Sunday–Thursday and 10:15 PM Friday and Saturday.
- Lighting for the tennis courts consists of twenty-four 15 foot high poles for 6 of the courts. The 2 courts closest to the volleyball tent do not have lighting. These lights are used as needed and are turned off no later than 10 PM.
- Lighting for the Surf and Turf parking lot consists of three 30 foot high poles and a small light at the entry area. These lights are on a light sensor, turning on at sundown and turning off at 10:30 PM 7 days a week.

Proposed On-site Netting

- A 113 ft. long, 15-20 ft. high net is proposed along the eastern edge of the proposed new putting greens. The netting is black 18 gauge ‘see-through’ netting similar to what is currently being used at the driving range (See Exhibit 4)

Existing On-site Netting/Fencing

- A 320 ft. long, 12 ft. high fence surrounds the existing tennis courts.
- A 240 ft. long, 6 ft. high fence surrounds 3 sides of the existing mini-golf course.
- A 245 ft. long, 20 ft. high net is located on the north and east sides of the existing putting greens.
- A 105 ft. long, 20 ft. high net is located around the midpoint of the driving range tee line.
- A 105 ft. long, 20 ft. high net is located along the western edge of the driving range.
- A 40 ft. long, 12 ft. high net is located on the eastern edge of the driving range (See Exhibit 5)

Existing Volleyball Tent

The applicant originally brought a proposal for the placement of the volleyball tent to the Commission at the June, 2002 hearing. At that time, the Commission continued the hearing in order to get more information from the applicant. The Commission requested more information concerning the 22nd District Agricultural Association’s (22nd DAA) ability to ensure that the existing 215-space paved parking lot (there are now 221 parking

spaces) would be able to accommodate the additional parking demand from the new volleyball tent during special events, and the East Overflow Lot (EOL), which is located west of the Surf & Turf property (generally southwest from the specific project site) would not be more intensely used. The Commission also requested a more detailed analysis of the visibility of the tent from public vantage points. The Commission also had concerns about the extent of non-volleyball use of the tent, the length of time that the permit would be valid for volleyball and non-volleyball uses, and the proposed color of the volleyball tent.

The Commission subsequently approved the volleyball tent on September 9, 2002 pursuant to CDP # 6-02-020. The CDP (6-02-020) prohibited patrons of the new volleyball tent from parking in the EOL. This condition was included because the EOL contains wetland habitat and until the 22nd DAA submits a definitive study on the makeup of the wetland characteristics, the Commission did not want to permit any activity that would increase the frequency of parking on the lot. The Commission also prohibited patrons of other special/interim events taking place at the fairgrounds from parking in the Surf and Turf parking lot.

The original CDP (6-02-020) allowed for 5 years of volleyball use for the tent and for 1 year of non-volleyball related use of the tent. The 5 year permit term for volleyball use expired in September 2008, but the use continued to operate in an apparent violation of the permit. The 1 year permit term for non-volleyball use expired in September 2004, however, the applicant states that the tent has never been used for non-volleyball related events. In addition, the permit required that the applicant monitor use of the parking lot to assure adequate parking was provided so as to not result in patrons using the adjacent East Overflow Parking Lot. However, the monitoring was not done. The applicant now proposes to permanently retain the tent for volleyball uses and the applicant has requested that the volleyball tent no longer be used for non-volleyball uses or special events.

Existing Swimming School and Pool Tent

The existing swimming school and pool tent are located immediately southeast of the existing volleyball tent. According to historic Commission files, the existing swimming pool was installed prior to the Commission having jurisdiction over the entire Surf and Turf property. However, there is no record that the swimming school or the pool tent were approved pursuant to a coastal development permit. An aerial photo taken in 1999 shows the existing swimming pool without the current tent structure. The applicant now proposes to retain the swimming school and the associated tent structure.

The pool operates under a special use permit and its allowable uses include instruction, physical therapy, and applications in the healing arts. The maximum capacity of the pool is 32 people. The applicant states that the average number of users per hour is 13. Operating hours for the pool are as follows: Monday through Thursday 9 AM to 12 PM and 2 PM to 6 PM, Friday 9 AM to 12 PM and 2 PM to 5 PM, Saturday 8 AM to 12 PM, and Sunday 8:30 AM to 12:30 PM.

New Golf Tent, Junior Golf Area, and Short Game Area

The new golf tent is proposed on an existing flat vacant dirt area located immediately north of the existing Golf Center building and immediately south of the existing tennis courts. The area is approximately 45,150 sq. ft. and has been used in the past as a 'gazebo' sales area. Minimal grading will be required to place the structure directly on dirt (no concrete foundation is required nor would any import or export of graded materials take place). The tent structure would provide an indoor venue for uses that currently take place on the Surf and Turf property. These uses include fitness training, golf simulators/lessons, a classroom, locker rooms, a small office and a small employee break room.

The Junior Golf Area would be located immediately west of the proposed new golf tent, also on the vacant dirt area. The only proposed development for this area is installation of a grassy area, monkey bars, a decomposed granite walkway connecting the area to the existing parking lot, and an infiltration basin in the western edge to filter runoff. The Junior Golf Area would utilize existing recycled water sources for irrigation. The 22nd DAA currently has a contract to purchase recycled water from the San Elijo Water Reclamation Facility.

The Short Game Area would be located immediately east of the proposed new golf tent, also on the vacant dirt area. The approximately 25,000 sq. ft. development would consist of 3 putting/chipping greens, 2 sand bunkers, 3 infiltration basins (landscaped depressions), a 'polishing area' on the eastern edge and on the western edge (fertilizers will not be used in the 'polishing area' and it will be landscaped with low maintenance plants), and a decomposed granite walkway to provide access (no structures would be placed within this area). This area would also utilize existing recycled water sources for irrigation. Two 20 foot high light poles with 2 bulbs are proposed to be installed on the eastern side of the new Short Game Area (See Exhibit 6). The light poles are the same size as the 2 poles used to light the existing putting greens on the site. The light levels and use pattern will be comparable to existing surrounding lighting on the site.

Driving Range Structure

The new driving range structure would be located on the western edge of the existing grass driving range adjacent to the existing paved path. The proposed pre-fabricated structure is rectangular in shape and has 3 'garage door' openings that can be opened on the south side for driving range practice (hitting bays). Minimal grading would be required and no concrete foundation is needed. This structure would allow for the utilization of new technology and provide a dedicated area for lessons/training. No additional light poles will be installed for the new driving range structure.

The Surf and Turf property is located immediately south of the Del Mar Hilton and west of I-5 (See Exhibit 1). This portion of Fairgrounds property is within the 100-year floodplain of the San Dieguito River in the City of San Diego (Torrey Pines Community). The City of San Diego has a certified LCP, but does not issue its own coastal development permits in this location, since the site is filled tidelands and thus within the Coastal Commission's area of original jurisdiction. The Chapter 3 policies of the Coastal Act are the legal standard of review, with the certified LCP used as guidance.

2. Wetlands/Environmentally Sensitive Habitats/Parking. The following Chapter 3 policies of the Coastal Act are most applicable to this development, and state, in part:

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, ...

Virtually the entire Fairgrounds property was created by filling tidelands back in the 1930's. Although most of the site is now developed, there are several areas which still contain seasonal wetland resources, including the East and South Overflow Parking Lots and much of the driving range. In addition, all of these areas are within the 100-year floodplain of the adjacent San Dieguito River and experience periodic inundation during average winter rainy seasons.

The Surf & Turf property is comprised of all the Fairgrounds holdings between Jimmy Durante Boulevard and I-5. To the north of the site, beyond a fence and a row of shrubbery, is a large paved parking lot associated with the adjacent Del Mar Hilton Hotel. The eastern border of the site consists of a vegetated concrete drainage channel within the fenced I-5 right-of-way, and then the freeway itself. There are no sensitive habitats or wetland resources on the specific project site (and none are proposed to be directly impacted), but scattered wetland vegetation occurs in the drainage channel, along its eastern bank.

There is a distance of approximately ten feet between the subject property boundary/right-of-way fence and the channel itself; this area contains ruderal grasses and exotic upland species. Then the channel itself is approximately six to eight feet across, with the low water level currently exposing several feet of stream bank. There appear to be a few individual, scattered wetland plants along the eastern bank, but most of the vegetation in the area nearest the project site is exotic. As the drainage channel flows southeast towards the San Dieguito River (located approximately 1000-2000 feet from the proposed development) well beyond the subject site, wetland vegetation becomes more and more prevalent. However, Caltrans constructed this channel to handle highway runoff from I-5 and maintains this drainage on a regular basis, disturbing or removing most of the vegetation during those operations.

Through the years, the applicant has proposed developments in the EOL (directly west of the Surf and Turf property) which would serve to formalize its continuous use for parking, or intensify its use by accommodating other activities (See Exhibit 2). Since this

site is in the floodplain and contains biological resources, the Commission has not endorsed these proposals, preferring to see the land remain in its unimproved state.

The EOL was acquired by the applicant for parking purposes in 1967 to supplement the main parking lot during the annual fair and horseracing meet (i.e., from mid-June through mid-September each year). It is currently unimproved except for a paved tramway which partially circles the lot. The tramway was constructed several years ago pursuant to Coastal Development Permit #6-94-13, and was specifically designed to avoid patches of delineated wetlands identified by the Army Corps of Engineers (ACOE) in 1993. Although the applicant asserts that the parking lot is used by Fairgrounds patrons and employees throughout the year, the Commission has only acknowledged its pre-Coastal Act use during the Fair and racing season, and authorized its short-term use (about ten days) by permit for the Grand Prix, which was held at the Fairgrounds each fall for five consecutive years.

The EOL contains several areas of seasonal salt marsh. In the past, it has been formally documented that the EOL contains wetlands. However, the amount of wetlands actually present on the overflow parking lot has been the subject of some debate over the years. In 1993, a representative of the ACOE conducted a wetlands delineation on the Fairgrounds as a whole, which resulted in the designation of approximately a third of the EOL as ACOE jurisdictional wetlands based on the federal protocol. The applicant contested this delineation and has since conducted its own wetland delineation. The applicant's delineation has never been accepted by the ACOE.

On March 19, 21 and 23, 1996, the applicant conducted a survey (East Parking Lot Wetlands Delineation Report, dated May 10, 1996) and concluded that 1.7 acres of the 18-acre east overflow parking lot (or just less than one tenth) is palustrine wetlands. On May 26, 2004 and March 30, April 5, and April 11, 2005, Glenn Lukos Associates conducted a wetlands delineation for the EOL and found that only 0.06 acres qualified as wetlands under the Coastal Act wetlands definition. The discrepancy between the delineation by the ACOE and that conducted by the applicant has not been explained.

The Coastal Commission defines wetland as lands that contain any one of the three indicators. The Coastal Act definition of "wetland" states:

"Wetland" means lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens (Pub. Resources Code § 30122).

In addition, the Commission's regulations further describe the definition of a wetland. They state:

Wetland shall be defined as land where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall also include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent and drastic fluctuations of surface water levels, wave action, water flow, turbidity or

high concentrations of salts or other substances in the substrate. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time during each year and their location within, or adjacent to, vegetated wetlands or deep-water habitats (14 CCR § 13577).

In the absence of a formal and verified delineation using the wetland definitions in the Coastal Act and associated regulations, and in view of the facts presented above, the Commission finds it appropriate to take a conservative approach in evaluating the consistency of the proposed project with the Chapter 3 policies of the Coastal Act.

Historically, the EOL has been used by the applicant as a public parking reservoir during the annual fair and thoroughbred race meet. Since use of the lot 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 portions of the EOL are wetlands. To prepare the lot surface for parking each year, the applicant discs and levels it prior to the Mid-June start of the fair (the race meet follows almost immediately after the Fair closes). The preparation activities, and the parking itself, severely inhibit the ability of this area to support growth of wetland vegetation and thus function successfully as wildlife habitat.

Over time, the use of the Fairgrounds has expanded significantly, and now hosts interim events nearly every weekend all year long. The applicant asserts that the EOL is also used by patrons during many of these smaller events, especially when several occur simultaneously. The Fairgrounds consultant has submitted documentation demonstrating that the lot was also used by patrons on six non-Fair or racing days in 2010. The submitted data mostly represent weekend days, when there are typically several concurrent events taking place at the Fairgrounds, and the main, paved parking lot is full. The applicant has indicated that the lot is also used by Fairgrounds employees, who are directed to park in this location to preserve areas of the main, paved parking lot for use by patrons, although there has been no formal authorization of this use by the Coastal Commission.

As stated, the Commission has accepted the cited historic use of the EOL for parking during the fair and race meet. In addition, in past permit actions, the Commission authorized use of this area 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 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 this lot. Any use of the EOL lot other than the two uses above is unpermitted and will be addressed pursuant to a separate enforcement matter.

The concern raised by the proposed development is that if there is not adequate parking on site to accommodate the existing and proposed uses, then patrons of these facilities will park in the adjacent EOL, resulting in potential impacts to wetlands. The applicant has stated that the existing 221-space paved Surf and Turf parking lot (which is not part of the EOL) adjacent to the tennis courts and golf facilities is more than adequate to

handle the parking needs of the Surf and Turf facilities even with the proposed improvements and thus, will not result in spill over parking into the EOL. Based on observations of Fairgrounds management staff, use of the total eight tennis courts typically requires no more than 30 spaces, and the various golfing activities at the southern half of the Surf and Turf property (miniature golf, driving range and golf pro shop) use about half of the 164 spaces nearest those facilities. In addition, the applicant estimates that the volleyball tent requires no more than 15 spaces. The commercial swimming pool is approximately 1,200 sq. ft. and thus is required to have 12 parking spaces. Thus, the applicant identifies an excess of available parking, even if all sports venues are in use at the same time.

In 2002, Commission staff did an informal search of parking requirements in other jurisdictions' municipal codes, and discovered that parking requirements for some of these uses vary widely from place to place. This issue is further complicated by the fact that many jurisdictions, including the City of San Diego, did not break down recreational uses into the specific uses at the subject site (miniature golf, driving ranges, tennis courts and volleyball). The jurisdictions easily found which had published standards for one or more of these uses included Del Mar, San Francisco, South San Francisco, San Jose, Beverly Hills, North Las Vegas, Palo Alto, El Dorado, CA, Gurnee, IL, Mackinaw City, MI, Raleigh, NC and Canterbury in New South Wales, Australia.

A standard for tennis courts was found in 11 of the 12 jurisdictions. The average for those that assigned a specific number per court is 2.8 spaces per court. A standard for miniature golf averaged 2.1 spaces per hole, with some of the jurisdictions requiring additional parking spaces for employees. A standard for driving ranges averaged 1.4 spaces per tee, again with some jurisdictions requiring additional parking spaces for employees. Only one jurisdiction (Raleigh) had a specific standard for volleyball, which is 4 spaces per court. The parking standard for commercial pools in the City of San Diego is 1 space per 100 sq. ft. of pool area.

The Surf and Turf property includes 8 tennis courts, 36 holes of miniature golf and 60 tees at the driving range, the three volleyball courts within the volleyball tent, and a 1,200 sq. ft. swim school. Applying the above averages and the given standards for volleyball and the swim school, the Surf and Turf property would require 206 parking spaces for existing and proposed uses. Thus, the 221 spaces on the Surf and Turf property are within the overall range, and likely adequate for the specific uses identified.

Another approach to determine parking is to look at only the regulations from the City of San Diego and the two neighboring cities, Solana Beach and Del Mar. The City of San Diego only has specific requirements for the pool. The City of Solana Beach has specific requirements for the volleyball courts, tennis courts, driving range, miniature golf, golf tent and hitting bay. The City of Del Mar has specific requirements for volleyball courts and tennis courts. Using the average requirements from these 3 cities the Surf and Turf site would need 250 spaces, plus spaces for incidental uses.

San Diego, Solana Beach, Del Mar					
Use	Size	Code	Spaces Needed	Average	City
Volleyball Tent	3 Courts	3 spaces per tennis court, plus parking for incidental uses	8 Plus Incidental		Solana Beach
Volleyball Tent	3 Courts	2.5 spaces per game court		8	Del Mar
Tennis Courts	8 Courts	3 spaces per tennis court, plus parking for incidental uses	24 Plus Incidental		Solana Beach
Tennis Courts	8 Courts	2.5 spaces per game court	20	22	Del Mar
Driving Range	60 Tees	1 space per driving range tee, plus parking for incidental uses	60 Plus Incidental	60	Solana Beach
Mini Golf	36 Holes	3 spaces per miniature golf hole, plus parking for incidental uses	108 Plus Incidental	108	Solana Beach
Pool	1,200 sq. ft.	Commercial: 1 per 100 sq. ft.	12	12	San Diego
Golf Tent	6,650 sq. ft.	1 space for each 200 sq. ft. of gfa of indoor participant sports facilities	33	33	Solana Beach
Hitting Bay	1,500 sq. ft.	1 space for each 200 sq. ft. of gfa of indoor participant sports facilities	8	7	Solana Beach
			250 spaces plus incidental		

Thus, based on this approach, the site is deficient 29 parking spaces plus parking for incidental uses. Given the disparity between the two approaches, another approach was reviewed.

Because parking monitoring was not done as required by the original permit for the volleyball tent, the applicant recently submitted a count of all cars in the lot for a 2 week period from July 11, 2010 to July 24, 2010 (which is during the peak horse racing season). The 2 week count found that on average the 221-space lot was only at 24% of capacity and that the lot only reached more than 50% capacity on one Saturday during the study. However, the volleyball tent was not in operation at this time. As such, at the request of Commission staff, the applicant also submitted an additional parking study for 10/7/2010 through 11/03/2010 which also showed that the Surf and Turf parking lot is used well under capacity, and during the nearly 1 month-long study, the lot was more than 50% full only one time. The first parking study counted the number of cars in the Surf and Turf parking lot every hour from 8 AM until 9 PM for 14 consecutive days. The second parking study counted the number of cars in the Surf and Turf parking lot every hour from 8 AM until 9 PM for 28 consecutive days. Based on the documentation provided by the applicant's 2 parking studies and the fact that the new development proposed in this permit is only facilitating uses that are already occurring on the property (this includes the swim school), the Commission finds that the existing Surf and Turf parking lot has adequate capacity to handle the associated day to day parking demand.

In the previous application for use of the volleyball tent, the applicant proposed and the Commission approved limited use of the tent for special events, which raised additional concerns relative to parking. However, the applicant has stated that no special events have ever occurred in the Volleyball tent. In order to allay concerns about parking in the EOL, the applicant has revised its application and requested that the option to have special events not be included in this permit. If in the future, the applicant does wish to have a special event in the volleyball tent, an amendment must first be approved by the Commission.

Special Condition #1 addresses the Commission's concerns in this regard. Special Condition #1 prohibits use of the EOL for parking associated with any uses, events, functions, or activities held in the approved structures. It also requires that the volleyball tent not be used for non-volleyball activities or special events, without first receiving an amendment to this permit from the Commission.

Since this area is within the floodplain and is located so close to wetland areas, Special Condition #4 is proposed to mitigate any potential adverse effects to nearby wetlands by mandating that all proposed landscape vegetation (excluding the new putting greens and aforementioned junior golf grassy area) be native, drought tolerant, and non-invasive; and that a landscaping plan be submitted to the Commission prior to issuance of the Coastal Development Permit. Pre-existing on-site vegetation is not required to be removed as a condition of this CDP. Also, due to the presence of wetland habitat in the area, Special Condition #8 was added to guard against any increase in ambient lighting for the area which could adversely affect wetland resources. The 2 new lighting poles are conditioned to only be used during the same time frame as the 2 other poles associated with similar uses on the property (the existing golf Short Game Area and the existing driving range) and the new poles will be shielded such that the light is directed away from nearby natural resource areas.

The Surf and Turf parcel already has a significant number of fences and netting. There are existing fences surrounding the tennis courts and on 3 sides of the mini-golf course. There are existing nets located on the north and east sides of the existing putting greens, near the midpoint of the driving range tee line, along a portion of the western edge of the driving range, and along a portion of the eastern edge of the driving range. The applicant has proposed to install a 15-20 ft. high 113 ft. long net on the eastern edge of the proposed putting greens in order to prevent errant golf balls from reaching the freeway. The applicant states that that golf center staff has never reported any instances of birds flying into other nets onsite. However, the applicant goes on to state that there could have been adverse impacts to birds that the golf center staff was unaware of. The applicant also contends that the area was recently surveyed for least bell's vireo, gnatcatcher, and willow flycatcher and none were detected on 22nd DAA property, but that there is likely potentially suitable habitat on the bank of the freeway. Historically, there have been gnatcatcher nesting sites on other freeway berms within the San Dieguito Lagoon system. While safety is an important concern, a net is not necessary in this location, especially given the proximity of the site to the San Dieguito Lagoon and the potential for birds to fly into the netting. The applicant proposes to place the net approximately 150 ft. west of the freeway. The vertical difference between the freeway and the bottom of the net is approximately 25 ft. Additionally, the nearest area that golfers would be hitting in the direction of the freeway is 100 ft. west of the net. Thus, this is a total distance of approximately 250 ft. from the potential hitting area to the freeway with a 25 ft. elevation rise. If safety is a significant concern for the applicant, it has the option to realign the putting greens in order to induce golfers to only hit away from the freeway. Small signs can also be displayed that prohibit hitting towards the freeway along with appropriate enforcement. Due to the nearby potentially suitable habitat for birds, Special Condition #9 mandates that no new netting is permitted on the subject site. A potential alternative to netting in this location would be an approximately 6 ft. tall hedge, which would need to comply with the landscaping special condition.

In summary, the Commission identified four significant biological resource concerns with this project. The potential exists that parking needs could go beyond the capacity of the on-site 221-space shared parking lot, which could ultimately result in use of the EOL for overflow parking. The attached special condition mandates that no parking associated with the Surf and Turf site use the EOL. Appropriate landscaping is necessary to ensure protection of the wetland resources that are in close proximity to the proposed development. The attached special conditions assure that wetlands will not be adversely affected. Increased ambient lighting near wetlands have the potential to adversely affect natural resources. The attached special condition requires a minimum amount of additional lighting. Finally, additional netting could adversely affect birds. The attached condition mandates that no additional netting be installed. Therefore, the Commission finds that the proposed development, as conditioned, is consistent with the cited Chapter 3 policies of the Coastal Act.

3. Hydrology – Floodway and Floodplain Issues. The following policies of the Coastal Act apply 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, or (3) developments where the primary function is the improvement of fish and wildlife habitat.

Section 30253

New development shall ...:

(a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard...

The City of San Diego base zoning maps identify the subject site as being within the Floodplain/Floodplain Fringe of the San Dieguito River. Historically, this area has been subject to inundation during some past winters, even though the applicant maintains an earthen berm just north of the river channel along the south side of the EOL and driving range. Jimmy Durante Boulevard, which was realigned and raised in elevation during the 1980's pursuant to Coastal Development Permit #6-83-589, acts as a dike, protecting the more developed portions of the Fairgrounds (main parking lot and existing buildings) from flooding except during the most severe flood events. The subject site is located between Jimmy Durante Boulevard and the river, so it is not afforded any protection by the road.

In past permit actions, the Commission has denied fill and construction of permanent structures in the floodplain pursuant to Section 30236 of the Coastal Act. The reason for

prohibiting fill or structural improvements in this area is because such development would adversely affect the hydrology of the floodplain and would change the flow and drainage patterns of the affected area; thus, any form of filling the floodplain is a form of channelization. Under Section 30236, cited above, channelization is only allowed as part of a water supply project, as the only feasible means to protect existing structures or as part of a fish or wildlife habitat enhancement project. The subject project involves the erection of structures without concrete foundations and decomposed granite pathways. These are not permanent facilities, however, and can be removed with any threat of serious storm activity. Special Condition #10 ensures that the applicant assume all risk associated with this project and its development within the floodplain.

The Fairgrounds was constructed in the 1930's on fill placed in historic tidelands. Although this is not the type of development that could be found consistent with the Coastal Act today, the fill operation occurred many decades before the Coastal Act was passed. Because of the history and unique nature of the existing Fairgrounds property, the Commission has in the past approved many permits for development on the filled tidelands. However, these past permits have authorized improvements within the partially paved, already developed portion of the Fairgrounds north and west of Jimmy Durante Boulevard. For the most part, these past projects have consisted of the replacement of many of the historic buildings, including the racetrack grandstands, the horse arena and most of the stables. Although the replacement structures have sometimes been larger than the originals, they have been similarly sited and intended for the same historic uses.

In summary, the Commission finds that the proposed development, which is located between Jimmy Durante Boulevard and the San Dieguito River, on a currently unimproved site, does not represent channelization of the river within the meaning of Coastal Act Section 30236. The proposed development is ephemeral in nature while located in an area identified with a high flood hazard, it can be removed during severe storms. Therefore, the Commission finds the proposal, as conditioned, consistent with Sections 30236 and 30253 of the Act.

4. Water Quality. The following policy of the Coastal Act addresses this issue and states:

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.

Drainage and runoff for the majority of the Surf and Turf site will not be altered as a result of the new development proposed as part of this CDP application.

Runoff from the existing volleyball tent and the existing swimming school tent flows through an area of grass, shrubs and trees before it reaches the drainage channel to the east; this provides sufficient biofiltration of runoff, considering the types of activities proposed on the site. The area proposed for the new 'hitting bays' currently drains to the driving range grass and percolates or evaporates. The new 'hitting bays' would not change the drainage pattern and runoff would continue to go to the driving range grass and percolate or evaporate. No chemical use is proposed in or around the 'hitting bays.' The previous "gazebo sales area" of the project site (where the new putting greens, junior golf area, and practice tent will be installed) will primarily drain to the east through the 3 proposed filtration basins towards the existing Caltrans drainage channel and then to the San Dieguito River. During large storm events during which the on-site infiltration basins are overtopped, runoff will sheet flow through the final polishing area prior to entering the wetland channel to the east. The final polishing area will be landscaped with low maintenance plants, and fertilizers will not be used in the final polishing area. A small proportion of runoff will drain to the west and will pass through an infiltration basin and then enter into the 22nd DAA's existing storm water system in the existing parking lot that moves storm water west and then south towards the river. Other than the parking lot, there will be no vehicles on the site, either driving or parked, such that no new types of contaminants will be introduced into the runoff.

The proposed development is located directly adjacent to wetland resources and includes installation of substantial grass areas that will be irrigated and potentially treated with herbicides, pesticides, and/or fertilizers. Therefore special conditions have been developed to mitigate against potential adverse impacts to water quality. The applicant has submitted a conceptual Drainage and Runoff Control Plan that incorporates structural and non-structural Best Management Practices (BMPs) designed to reduce the pollutant load of runoff to the maximum extent practicable, and reduce or eliminate any potential increases in the volume or velocity of runoff leaving the site. The applicant has also submitted a conceptual Turf and Pest Management plan that minimizes fertilizer use, water use and chemical pest control to the maximum extent practicable, to avoid impacts to wetlands and water quality. The conceptual plans submitted by the applicant have been reviewed by the Commission's water quality specialists and found to be adequate.

The conceptual Drainage and Runoff Control Plan outlines that the 'gazebo sales area' portion of the site has been optimized to minimize the area of impervious surfaces and that the site will disperse runoff from impervious areas to pervious areas. Additionally, infiltration basins and/or infiltration trenches and a final polishing area will be installed as part of the project. The conceptual Turf and Pest Management Plan outlines when pesticides would be applied and the potential types of pesticides. The plan also includes information pertaining to irrigation, mowing, fertilizing, thatch removal, aeration, hand-weeding, herbicide use, fungicide use, and disease management. These BMPs will provide sufficient biofiltration considering the types of activities proposed on the site. Special Condition #5 ensures that runoff from the new development will be minimized to the maximum extent practicable. Special Condition #6 ensures that chemical use will be minimized. Special Condition #7 mandates that on-site monitoring will be done and reports will be submitted to the Commission annually for a period of 5 years. Special Condition #7 also requires that if the water quality monitoring results are inadequate,

appropriate modifications shall be undertaken by the applicant. The aforementioned special conditions ensure that water quality will not deteriorate as a result of the proposed project. Therefore, the Commission finds the development, as conditioned, consistent with Section 30231 of the Coastal Act.

5. Visual Resources. The following policy of the Coastal Act provides for the protection of scenic coastal resources, 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, and, where feasible, to restore and enhance visual quality in visually degraded areas...

This general area comprises the San Dieguito River Valley and Lagoon and the Pacific Ocean to the west. As such, views throughout this area are considered significant, and the retention and enhancement of existing viewpoints and view corridors is required. The Hilton parking lot is separated from the subject site by a row of screening vegetation on the Hilton site. The existing vegetation along the east and southeast perimeter of the subject site will remain, and the I-5 corridor is elevated significantly above the subject site on a vegetated manufactured slope.

None of the proposed structures will result in direct view blockage of the shoreline. However, the structures will be visible from a number of public areas within the valley and surrounding areas. The applicant has submitted computer simulations of the proposed project taken from 2 viewpoints on the surrounding street system, including I-5, both northbound and southbound lanes. Additionally, 1 photo simulation was submitted looking north from the south end of the existing driving range (a public trail exists directly north of the San Dieguito River and would have the same view as this photo simulation). The swimming pool tent is barely visible from any of these viewpoints due to its small size and the dense vegetation surrounding it. The swimming pool tent is briefly visible behind large trees while driving southbound on I-5, however it does not block any natural area views. While driving northbound on I-5 the swimming pool tent is also briefly visible, but it is in front of the much larger volleyball tent and thus does not block coastal views. The swimming pool tent is a white color and would better blend in with the surroundings if it was a more natural earth tone color. The existing volleyball tent, the proposed golf tent, and the proposed hitting bays are clearly visible from the northbound I-5 viewpoint and the volleyball tent and the proposed golf tent are both visible from the southbound I-5 viewpoint. Given the backdrop of trees and/or natural area, if the structures are colored white, they can really stand out and result in a visual impact. The existing volleyball tent, the proposed golf tent, and the proposed hitting bays are also clearly visible from the viewpoint looking north from the San Dieguito River. As with the views from I-5, if the structures are white, they will stand out against a backdrop of trees and will not be visually compatible with the character of surrounding areas (See Exhibits 7-10). Special Condition #3 helps to mitigate these visual impacts by

mandating that all new development shall be colored in deep earth tones that better blend in with the surrounding area. In addition, while not required now, this special condition requires that when the existing volleyball and/or swimming pool tents reach the end of their useful life and need to be replaced, they shall at that time also be colored in deep earth tones that blend in with the surrounding area.

A second visual concern is the potential to use the structures to affix signage. Special Condition #2 prohibits the placement of any signage on the structures, other than small informational or directional signs directly associated with the structures. In addition, the applicant proposes to install signage in 4 different locations on the Surf and Turf property in association with the proposed development. Based on the visual simulations of both the existing and proposed signs submitted by the applicant, the Commission finds that the addition of the proposed signage would not result in visual impacts to the surrounding area. However, tall freestanding pole or monument signs greater than 8 ft. in height and roof signs can result in their own visual impacts. While no such tall signs are proposed with this application, Special Condition #2 requires that a signage plan be submitted to and approved by the Executive Director before issuance of the Coastal Development Permit that documents that no such tall signs are proposed and prohibits such signs in the future.

There are currently 2 large banners on poles located at the Surf and Turf site, one promotes the miniature golf course and one promotes Bingo at the Del Mar Fairgrounds. Neither of these banners have been permitted by the Commission and neither are consistent with the Coastal Act. These banners would need to be removed before this CDP could be issued.

In summary, the project site is highly visible from a number of public off-site locations. While no direct view blockage of the coast will result from the proposed structures, they will be visible from the identified public areas. The proposed Special Condition #2 requires adequate mitigation for these potential visual resource impacts through current and future structure coloring. Therefore, the Coastal Commission finds the proposed development, as conditioned, is consistent with Section 30251 of the Act.

6. Public Access and Recreation/Traffic. The Coastal Act emphasizes the need to protect public recreational opportunities and to provide public access to and along the coast. The following Coastal Act policies, which address the protection of public access and recreational opportunities, are most applicable to the proposed development:

Section 30210

In carrying out the requirements 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 30212

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby....

Section 30213

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

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 project site, and indeed the entire Fairgrounds, is located between the first coastal road (El Camino Real and Via de la Valle in this location) and the sea (San Dieguito River and Lagoon). The Fairgrounds is relatively near the public beaches of Del Mar and is itself a popular visitor destination, and all of its facilities and events are open to the public.

Special Condition #9 mandates that the applicant install permanent on-site bicycle parking for a minimum of 5 bicycles. Within the City of San Diego, commercial services are required to provide bicycle parking spaces equal to 2% of car parking spaces. The Surf and Turf parking lot has 221 spaces. Therefore, under the City of San Diego's standard, 4.42 bicycle parking spaces would be required, and this number is then rounded up to 5 spaces. It is appropriate to use the City's standard as guidance, and the Commission is therefore requiring installation of these five bicycle racks. The bicycle parking does not need to be covered, but it does need to be permanently affixed to the ground.

The 22nd DAA provides an annual traffic and parking monitoring report to the Commission. The most recent monitoring report is dated January 19th, 2011. The monitoring report does not specifically address the parking and traffic associated with the Surf and Turf facility, but it does provide average daily traffic volumes for various public roadways surrounding the Del Mar Fairgrounds. Two of the roadway segments analyzed in the monitoring report are Highway 101 to Jimmy Durante Boulevard and Jimmy Durante Boulevard to I-5, which constitute the primary coastal access roadway from I-5. The existing capacity for Highway 101 to Jimmy Durante Boulevard and for Jimmy Durante Boulevard to I-5 is 15,000 and 40,000 vehicle trips per day, respectively. Monitoring shows that on one Saturday during the San Diego County Fair the segments reached 92% and 122% of capacity, respectively. On a Saturday between the end of the Fair and the start of the Horse Racing season the segments reached 120% and 62% of capacity, respectively. On the Saturday of Labor Day Weekend (during the Horse Racing

season) the segments reached 125% and 119% of capacity, respectively. These monitoring results show that this stretch of coastal access is currently highly impacted.

The proposed development that would be permitted through issuance of this permit are relatively low-intensity uses that are not expected to generate a significant amount of traffic on area streets. In addition, the facilities proposed with this permit are not proposed to accommodate new uses, but to compliment uses already occurring on the site. Although the swimming school was not permitted by the Commission, it has been operating for a number of years, and it was already included in the traffic monitoring data. Additionally, the swimming school is a low intensity use due to its small size and its classification as a special use pool; and as a result does not generate significant amounts of traffic. Thus, while the normal flow of beach traffic is already highly impacted, it should not be affected by the approval of this project.

These circumstances will reduce the likelihood of interference with recreational traffic or forcing more use of the EOL than the Commission has endorsed. Moreover, as proposed by the applicant and supplemented through special conditions, on site parking will be adequate for all uses, so no beach parking on nearby public streets will be affected. Thus the proposal will not change existing public access patterns or amenities, nor significantly alter the volume of traffic in the area during hours and seasons of peak beach use. Therefore, the Coastal Commission finds that the proposed development is consistent with Coastal Act public access and recreation policies.

7. Unpermitted Development. Development has occurred on the subject site without required coastal development permits, including, but not limited to, placement of a 2,500 sq. ft. tent over the swimming pool and establishment of a swimming school business. Additionally, the 5 year permit term for volleyball use in the volleyball tent associated with CDP 6-02-020 expired in September 2008, but continued to operate in an apparent violation of the permit for an additional two years. The applicant is requesting, after-the-fact, to maintain the swim school and associated pool tent on the property; and to continue use of the volleyball tent. To ensure that the matter of unpermitted development is resolved in a timely manner, Special Condition #11 requires that the applicant satisfy all conditions of its permit that are prerequisite to the issuance of this permit, within 60 days of Commission action, or within such additional time as the Executive Director may grant for good cause.

Although development occurred prior to the submission of this permit application, consideration of this application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Commission review and action on these permit applications does not constitute a waiver of any legal action with regard to the alleged violations nor does it constitute an admission as to the legality of any development undertaken on the subject sites without a coastal permit.

8. Local Coastal Planning. The project is located within the City of San Diego, which has a fully certified LCP. This particular property is located within the Torrey Pines Community of the North City Land Use Plan segment. However, the site is an area of filled tidelands and is thus within the Coastal Commission's area of original jurisdiction. The Commission has coastal development permit authority and the standard

of review is Chapter 3 of the Coastal Act. The preceding findings have identified the project's consistency with applicable Chapter 3 policies, with the inclusion of the identified special conditions. Moreover, the project is consistent with the certified LCP in that it continues a low-intensity commercial recreation use, which is the delineated use for this site in the Torrey Pines Community Plan. Therefore, the Commission finds that project approval, with the attached special conditions, would not prejudice the ability of the City of San Diego to continue to successfully implement its certified LCP.

9. 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.

As discussed herein, the proposed project will not cause significant adverse impacts to the environment. Specifically, the project, as conditioned, is consistent with the biological and visual resource, public access, floodplain, and water quality policies of the Coastal Act. There are no feasible alternatives or additional mitigation measures available which would substantially lessen any significant adverse impact which the activity might have on the environment. Therefore, the Commission finds that the proposed project, as conditioned, is the least environmentally damaging feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and condition.

Project Location

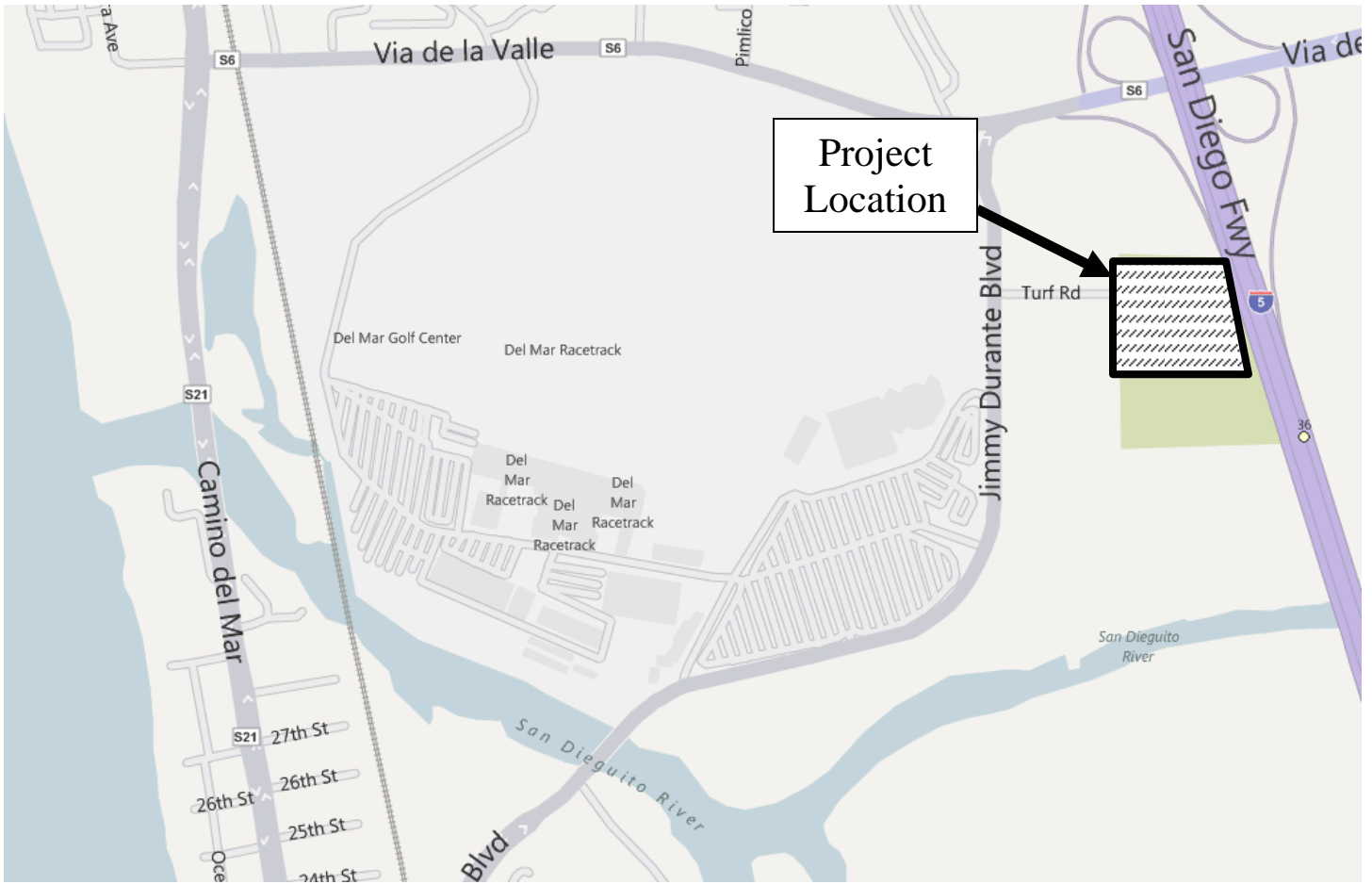


EXHIBIT NO. 1
APPLICATION NO. 6-10-084
Project Location
 California Coastal Commission

Project Location



- 1** East Overflow Parking Lot
- 2** Existing Volleyball Tent
- 3** Existing Swimming Pool Tent
- 4** Proposed Golf Tent, Junior Area, and New Short Game Area
- 5** Proposed Hitting Bay



EXHIBIT NO. 2
APPLICATION NO. 6-10-084
Project Location
 California Coastal Commission

Site Plan



EXHIBIT NO. 3
APPLICATION NO. 6-10-084
Site Plan
 California Coastal Commission

Existing Netting (Similar to proposed netting)



EXHIBIT NO. 4
APPLICATION NO. 6-10-084
Existing Netting
 California Coastal Commission

Netting/Fencing



Existing Tennis Court Fence
 Length: 320 ft.
 Height: 12 ft.

Existing Mini Golf Fence
 Length: 240 ft.
 Height: 6 ft.

Existing Netting - Loc. #1
 Length: 245 ft.
 Height: 20 ft.

Existing Netting - Loc. #2
 Length: 105 ft.
 Height: 20 ft.

Existing Netting - Loc. #3
 Length: 105 ft.
 Height: 20 ft.

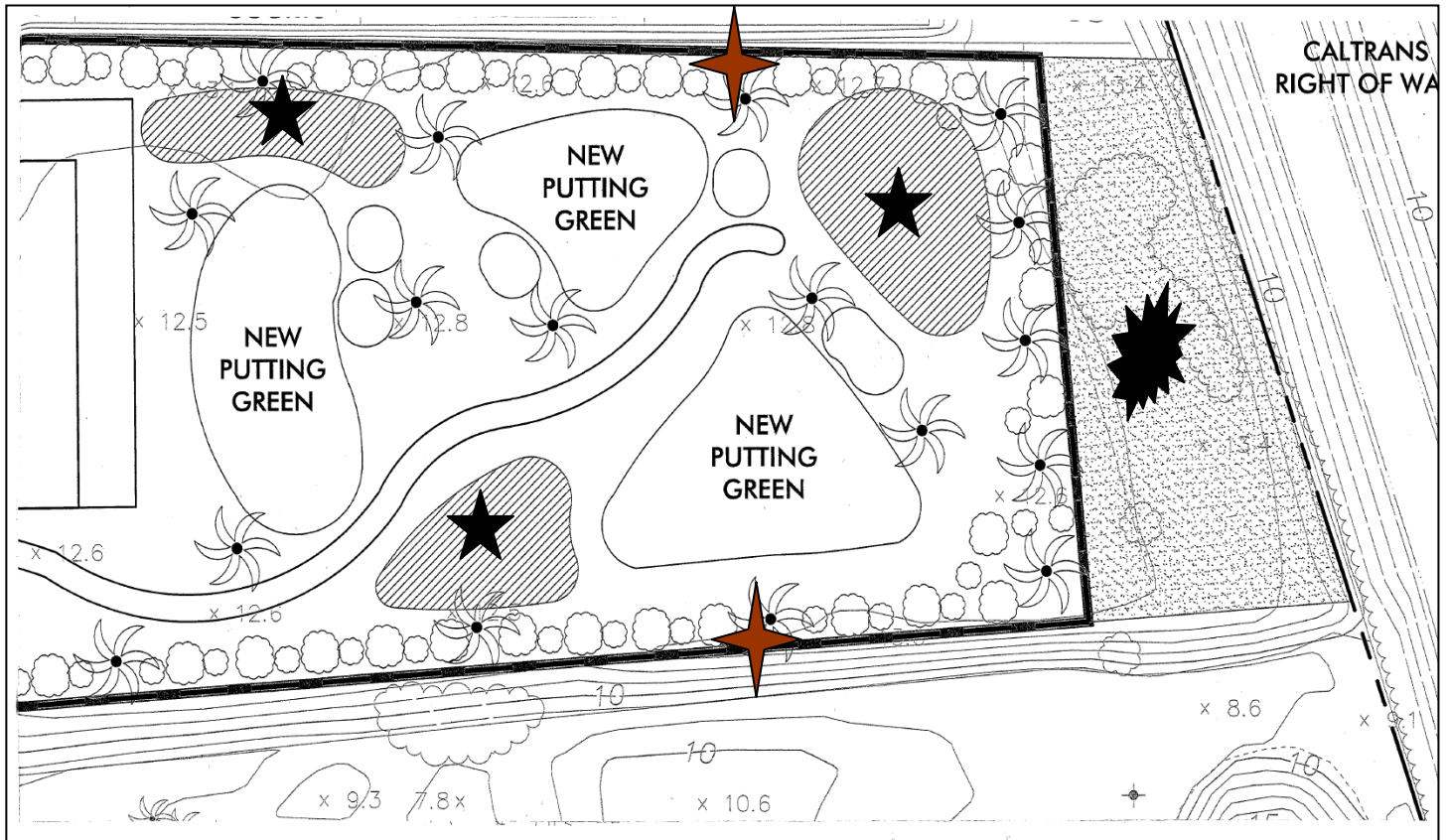
Existing Netting - Loc. #4
 Length: 40 ft.
 Height: 12 ft.

Proposed Netting
 Length: 113 ft.
 Height: 15 - 20 ft.



EXHIBIT NO. 5
 APPLICATION NO.
6-10-084
 Netting/Fencing
 California Coastal Commission

Drainage and Runoff Control Diagram



Infiltration basins (landscaped depressions),
infiltration basin on the western edge not shown




'Eastern Polishing Area'



Proposed 20 foot light poles

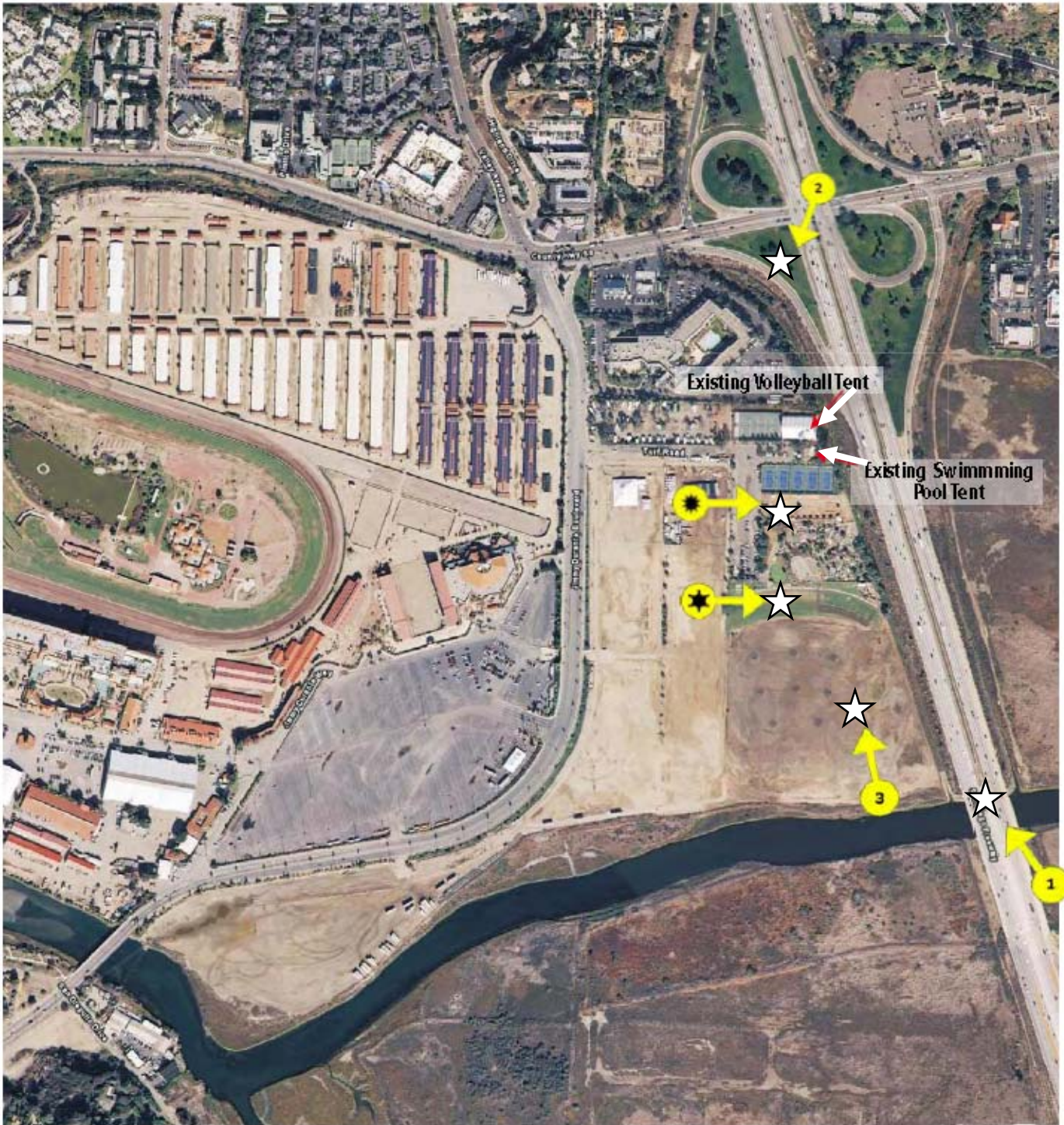
EXHIBIT NO. 6
APPLICATION NO.
6-10-084

Runoff

 California Coastal Commission

**Note that the bushes and palm trees depicted around the perimeter and within the short game area are neither proposed nor included as a part of this CDP application.

Photo Simulations






-  Proposed Location of Hitting Bays
-  Proposed Location of Fitness Center
-  Photo Location, Direction & View Number

EXHIBIT NO. 7
APPLICATION NO.
6-10-084
Simulations
 California Coastal Commission

Photo Simulations (Location 1)




View 1 - Current view of driving range looking North from Interstate 5



View 1 - Simulated view of hitting bays and fitness center looking North from Interstate 5

EXHIBIT NO. 8
APPLICATION NO.
6-10-084
Simulations

 California Coastal Commission

*The proposed golf tent and hitting bay structure are conditioned to be earth tone colors.

Photo Simulations (Location 2)



View 2 - Current view of driving range looking South from Southbound Interstate 5



View 2 - Simulated view of fitness center looking North from Southbound Interstate 5

EXHIBIT NO. 9

APPLICATION NO.

6-10-084

Simulations


 California Coastal Commission

Photo Simulations (Location 3)



View 3 – Current view of driving range looking North from South end of driving range



EXHIBIT NO. 10
APPLICATION NO. 6-10-084
Simulations
 California Coastal Commission

View 3 – Simulated view of hitting bays fitness center looking North from South end of driving range

Elevations

ATTACHMENT A2

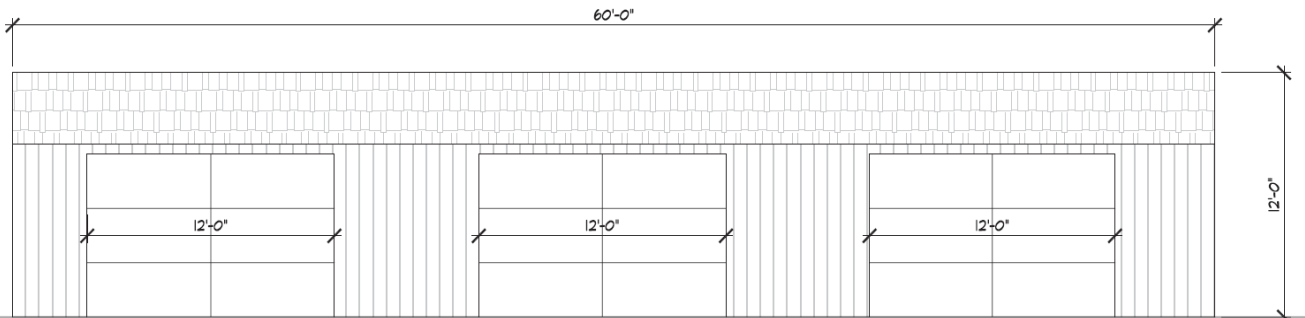


NEW GOLF TENT



SIGNATURE SERIES

DMGC Recreation Facility	
70' x 95'	
DATE	SCALE
02/09/2010	NTS
DRAWING #	
SE102-A-01-A2	



NEW DRIVING RANGE STRUCTURE

EXHIBIT NO. 11
APPLICATION NO.
6-10-084
Elevations
California Coastal Commission