

CALIFORNIA COASTAL COMMISSION

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



Click here to go to
original staff report

F7a

Addendum

October 9, 2013

To: Commissioners and Interested Persons

From: California Coastal Commission
San Diego Staff

Subject: Addendum to **Item F7a**, Coastal Commission Permit Application
6-12-067 (22nd District Agricultural Association), for the Commission
Meeting of Friday, October 11, 2013

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

1. On Page 1 of the staff report, the Project Description shall be revised as follows:

“Relinquish all use of the remainder of the South Overflow Lot in order to restore it to functioning wetlands while consolidating year-round parking ~~and intermittent trailer storage~~ in the East Overflow Lot and Golf Driving Range, as well as use the East Overflow Lot for intermittent trailer storage during the summer fair and race season, annual pumpkin patch and Christmas tree sales events, future temporary events, and fairground logistics, maintain an existing banner sign on the adjacent Surf and Turf lot, and create a paved bus lane with public trail parking and five interpretive signs north of the SOL restoration area.

2. On Page 1 of the staff report, before the Summary of Recommendation, add the following Staff Notes:

Staff Notes

Since the distribution of the staff report, staff and the applicant have identified several corrections and revisions that are necessary to more accurately describe the proposed development and to remove inadvertent errors in the staff report. The following revisions will clarify that the proposed project is to allow intermittent trailer storage only on the EOL during the summer fair and race season, and not on the GDR or any other time on the EOL; remove references in the conditions for preservation of the lower third of the EOL as open space; clarify the number of parking spaces previously provided in the SOL and relinquished pursuant to the CDO; clarify that the expanded shuttle service is subject to approval of the schools whose lots will be used; and

provide a link to the Cease and Desist and Restoration Order of March, 2012 (CDO), applicable to the subject properties.

Regarding retention of the lower third of the EOL as open space, staff had considered requiring its retention as mitigation for the wetland impacts associated with year round use of the EOL and proposed herein, however, staff changed its recommendation and inadvertently did not remove all reference in the staff report to retention of the southern third of the EOL as open space. Staff has determined additional mitigation is not required to find consistency with the Coastal Act and the staff recommendation is consistent with terms of the CDO.

The CDO anticipated the 22nd DAA would relinquish use of the SOL in exchange for a permit for year-round use of the EOL. Restoration of the SOL is only triggered upon approval of a CDP by the Commission for development or use on the EOL. The CDO acknowledges normal permitting procedures pursuant to the Coastal Act and the Commission's regulations apply in review of any permit application for use of the EOL. It also provides that the parties acknowledge that the CDO is not intended to prejudice the approvability of any of the development identified as subject to future CDP requirements, or to suggest that Commission will approve it, or constitute pre-approval of the development. In addition, the DAA is not precluded from applying separately for future development not referenced in the CDO.

Pursuant to the CDO, the subject application proposes year-round use of the EOL and the GDR and restoration of the SOL. Also pursuant to the CDO, the 22nd DAA has an application pending for future Commission action for comprehensive review of the short-term events to be held within the main Fairgrounds complex. As part of that application, the 22nd DAA has included a request for a second Del Mar Race Meet to be held over an approximately 5-week period beginning in late October or early November, starting in 2014. This event was not anticipated at the time of the CDO and its review is not subject to any terms or conditions within the CDO.

3. On Pages 1 and 2 of the staff report, the first full paragraph of the Summary of Staff Recommendation shall be revised as follows:

“Staff is recommending approval of this project, with conditions. The proposed project is to relinquish all use of the South Overflow Lot (“SOL”) and restore it to functioning wetlands while consolidating year-round parking ~~and intermittent trailer storage~~ on the East Overflow Lot (“EOL”) and Golf Driving Range (“GDR”), as well as to use the EOL for intermittent trailer storage during the summer fair and race season, to hold annual pumpkin patch and Christmas tree sales events, other future temporary events, and fairground logistics, maintain an existing unpermitted banner sign on the adjacent Surf and Turf lot, and create a paved bus lane with public trail parking and five interpretive signs north of the SOL restoration area. The project site is the Del Mar Fairgrounds, namely the unpaved SOL, EOL, and GDR across Jimmy Durante Boulevard to the south and east of the main Fairgrounds complex.

4. On Page 6 of the staff report, Special Condition No. 1a shall be revised as follows:

“Revised Final/BMP Plans. PRIOR TO THE ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval final project and BMP plans. Said plans shall be in substantial conformance with the plans submitted by Dustin Fuller on August 19, 2013, but shall be revised to incorporate the following:

- a. Install BMPs including, but not limited to, bioretention basins and swales ~~between the bottom third of the EOL to be preserved and the surrounding development.~~

5. On Pages 6 and 7 of the staff report, Special Condition No. 2 shall be revised as follows:

“Assumption of Risk, Waiver of Liability, and Indemnity Agreement

- i. 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.
- ii. 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 include 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.

iii. Liability for Costs and Attorneys Fees: The Permittees shall reimburse the Coastal Commission in full for all Coastal Commission costs and attorneys fees – including (1) those charged by the Office of the Attorney General, and (2) any court costs and attorneys fees that the Coastal Commission may be required by a court to pay – that the Coastal Commission incurs in connection with the defense of any action brought by a party other than the applicant against the Coastal Commission, its officers, employees, agents successors, and assigns challenging the approval or issuance of this permit. The Coastal Commission retains complete authority to conduct and direct the defense of any such action against the Coastal Commission.”

6. On Page 8 of the staff report, Special Condition No. 7a shall be revised as follows:

“Lighting. Temporary lighting proposed to be used for activities in the East Overflow Lot and Golf Driving Range shall be consistent with the following:

- a. Temporary lighting is permitted adjacent to the wetland restoration areas ~~and preserved open space area in the lower third of the East Overflow Lot~~ for only safety and security reasons during the San Diego County Fair, Del Mar Horse Racing Season, or during other temporary events.

[...]

7. On Page 9 of the staff report, Special Condition No. 8 shall be revised as follows:

“Wetland Buffers. A buffer of a minimum of 100 ft. in width shall be provided upland of the proposed created wetlands (excluding the northern edge of the SOL restoration area which is constrained by Jimmy Durante Boulevard and will contain the proposed paved bus lane and adjacent public trail parking). Permitted uses within the identified buffer shall be limited to the following:

- a. Restoration and maintenance
- b. Public access on approved trails

Restoration and preservation of the identified buffer area shall be completed consistent with Cease and Desist Order CCC-12-CD-02 and Restoration Order CCC-12-RO-02 (“Consent Orders”) <http://documents.coastal.ca.gov/reports/2012/3/Th8-s-3-2012.pdf>

8. On Page 9 of the staff report, Special Condition No. 9 shall be revised as follows:

“Transportation Demand Management (TDM) Program. PRIOR TO THE ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant shall submit a FINAL Transportation Demand Management Program to the Executive Director for review and written approval. Said program shall include, at a minimum, the following provisions:

- a. The permittee will utilize the parking capacity at Cathedral Catholic and Canyon Crest schools for off-site shuttle lots during the annual county fair, subject to those schools' approval.
- b. If the aforementioned off-site shuttle lots are not sufficient to offset the loss of parking in the South Overflow Lot ~~and the southern third of the East Overflow Lot,~~ the applicant will maximize on-site parking within the main Fairgrounds complex through opening up permitted unused areas to parking or by restriping existing spaces.

[...]

9. On Page 11 of the staff report, the first full paragraph of the Project Description/History shall be revised as follows:

“The applicant is proposing to relinquish all legally allowable use of the South Overflow Lot (“SOL”) for parking purposes during the summer months for its fair and horse races and restore it to functioning wetlands. Thus, the development constitutes a change of intensity of use of land. The applicant is proposing to consolidate the parking uses of the SOL on the East Overflow Lot (“EOL”). In addition to consolidating the currently allowable parking uses on the SOL and EOL onto the EOL site, the applicant is proposing to use the EOL beyond the currently allowable 3-month use during the summer, including a plan to use the EOL and Golf Driving Range (“GDR”) for year-round parking ~~and intermittent trailer storage,~~ as well as to use the EOL for intermittent trailer storage during the summer fair and race season, to hold annual pumpkin patch and Christmas tree sales events, other future temporary events, and fairground logistics, maintain an existing unpermitted banner sign on the adjacent Surf and Turf lot, and create a paved bus lane with public trail parking and five interpretive signs north of the SOL restoration area. The proposed development will require the relocation of the southern portion of an existing circulation road on the EOL northward out of a 100-foot wetland buffer to be restored and located along the southern end of the EOL. The 9.55 acre section of the SOL (“Phase II”) to be relinquished and restored will comprise three marsh habitats (low marsh, mid-marsh, and high marsh) and an upland transitional habitat, as well as the restoration of intertidal mudflats. The proposed restoration project is a part of the Consent Orders approved by the Commission on March 8, 2012, in Cease and Desist Order CCC-12-CD-02 and Restoration Order CCC-12-RO-02 (“Consent Orders”). This restoration has been designed to be compatible with a restoration project for an adjacent, smaller section of the SOL (“Phase I”) that was approved by the Commission on November 15, 2012, in CDP No. 6-12-040, so as to result in one large salt marsh complex. The Phase I and Phase II design elevations will be aligned to produce a unified and interconnected southern coastal salt marsh habitat. The project site is within the Del Mar Fairgrounds, namely the unpaved SOL, EOL, and GDR across Jimmy Durante Boulevard to the south and east of the main fairgrounds.”

10. On Page 15 of the staff report, the second paragraph shall be revised as follows:

“For the summer fair and race season, the Applicant charges the public for parking on-site (this includes the paved lots and the unpaved SOL, EOL, and GDR). An August, 2012, Parking Assessment prepared by Linscott, Law & Greenspan identified the Phase II portion of the SOL as accommodating 600 parking spaces (the other half of the SOL, including the Phase I portion, is currently fenced off from use and in the past could accommodate 650 parking spaces), the northern two-thirds of the EOL as accommodating 1,600 parking spaces, the southern thirds of the EOL as accommodating 1,400 parking spaces, and the GDR as accommodating 1,500 parking spaces. Thus, the full implementation of the Consent Orders and the ensuing the restoration of the SOL into fully functioning wetland will result in the loss of all 600 parking spaces in addition to the loss of the 650-space parking potential in the western, Phase I portion of the SOL. However, according to the Parking Assessment, this loss will be more than offset through implementation of recommended transportation demand measures (“TDM”).”

11. On Page 16 of the staff report, the first full paragraph shall be revised as follows:

“Thus, the loss of any parking spaces is mitigated by the gain of 2,170 off-site parking spaces through expanded shuttle service, subject to the approval of the schools whose lots will be used for the shuttle service (with the added benefit of decreased traffic volumes in the coastal zone) and 790 on-site parking spaces through reconfiguring and restriping existing paved on-site parking.”

12. On Page 20 of the staff report, the first full paragraph shall be revised as follows:

“Historically, the EOL, SOL and GDR have been used by the Applicant as public parking during the annual fair and races. The SOL (both Phase I and Phase II portions) is an approximately 12 acres, the EOL is approximately 22 acres, and the GDR is approximately 10 acres. Because use of the areas for parking for these two annual events predated the Coastal Act, the Commission has not challenged the continued use of these areas for overflow parking during these events, even though major portions of these three areas are wetlands. In addition, in past permit actions, the Commission authorized use of these areas for parking during the five years the Del Mar Grand Prix was held at the Fairgrounds (CDP No. 6-88-077), and allowed the installation of an at-grade paved tram track in the EOL outside ACOE delineated wetlands (CDP No. 6-94-013). The tram is used during the annual fair and races to transport patrons to the entrance ticketing windows. With these two exceptions, the Commission has not reviewed or approved parking by patrons or employees or any other uses of these lots, except use of the GDR for its primary golfing purposes.

13. On Page 20 of the staff report, the second full paragraph shall be revised as follows:

“According to historical photographs of the sites, when the SOL, EOL, and GDR are not used for parking, sparse wetland vegetation returns, and the areas are used for resting and feeding by shorebirds and migratory species. Depending on the specific

species, some nesting may also occur, although most species' nesting seasons continue into the summer months when the lots have historically been used for parking. Past delineations by the ACOE have found that EOL and the GDR are, in substantial part, defined as wetlands. In compliance with the Consent Orders approved by the Commission in March 2012, the Applicant commissioned AECOM to conduct a wetlands delineation study for the EOL and the GDR (the Applicant did not conduct a new delineation for the SOL, as it is planned to be fully restored to salt marsh habitat pursuant to the ACOE enforcement action and Commission Consent Orders). The resulting September 2012 report identified 5.81 acres of disturbed alkali marsh in the EOL and 2.92 acres of disturbed alkali playa in the GDR (Exhibit 4). Both the alkali marsh and the alkali playa meet the Commission's criteria for "wetland," and thus the AECOM delineation found a total of 8.73 acres of wetland in the EOL and GDR."

14. On Page 21 of the staff report, the third full paragraph shall be revised as follows:

"The portion of the SOL proposed to be restored currently functions as a wetland during parts of the year. However, the proposed project will allow for the functionality of the wetland habitat year round. Existing vegetation on the SOL restoration area consists of incidental nonnative species such as ice plant and grasses, although the majority of the site is bare compacted dirt. The proposed project will result in the restoration of 9.55 acres of sub tidal, salt marsh, and upland transitional habitat. These 9.55 acres will be composed of 0.42 acres of frequently flooded mudflat, 0.83 acres of frequently exposed mudflat, 1.46 acres of low salt marsh, 2.73 acres of mid-salt marsh, 2.19 acres of high salt marsh, and 1.92 acres of upland transitional habitat. The upland transitional habitat does not meet the criteria of "wetland," and thus the SOL Phase II restoration will result in 7.63 acres of wetland habitat."

15. On Page 22 of the staff report, the first full paragraph shall be revised as follows:

"To ensure that the Applicant carries out the proposed restoration and development in conformance with approved methods, **Special Condition No. 1** requires the Applicant to submit and follow approved final plans for all development approved in this permit. **Special Condition 4** requires the Applicant to submit and follow an approved monitoring plan for the SOL Phase II restoration so that Commission staff will be kept appraised of periodic benchmarks indicating whether the restoration is proceeding consistent with approved plans. **Special Condition No. 6** requires the Applicant to verify the elevation of the finished SOL Phase II restoration, ensuring that the created wetlands are properly placed to take advantage of the hydrological cycle and minimize the risk of recovery failure due to receiving too much or too little water. **Special Condition No. 7** places limits on the siting and manner of lighting that may be used adjacent to the wetland areas so as to minimize impacts on the wildlife utilizing the habitat while still allowing reasonable use goals to be achieved. **Special Condition No. 8** requires the Applicant to incorporate satisfactory buffers around designated habitat areas to allow sufficient space between existing and restored habitat areas and the proposed development and its impacts.

16. On Page 23 of the staff report, the second full paragraph shall be revised as follows:

“The Applicant is proposing to relinquish all legally allowable use of the South Overflow Lot (“SOL”) for parking purposes during the summer months for its fair and horse races and restore it to functioning wetlands. Thus, the development constitutes a change of intensity of use of land. It is proposing to consolidate the parking uses of the SOL on the East Overflow Lot (“EOL”). In addition to consolidating the currently allowable parking uses on the SOL and EOL onto the EOL site, the applicant is proposing to use the EOL beyond the current allowable 3-month use during the summer, including a plan to use the EOL and Golf Driving Range (“GDR”) for year-round parking ~~and intermittent trailer storage~~, as well as to use the EOL for intermittent trailer storage during the summer fair and race season, to hold annual pumpkin patch and Christmas tree sales events, other future temporary events, and fairground logistics, maintain an existing unpermitted banner sign on the adjacent Surf and Turf lot, and create a paved bus lane with public trail parking and five interpretive signs north of the SOL restoration area.”

17. On Page 26 of the staff report, the last sentence of the final full paragraph shall be revised as follows:

Denial, then, would result in coastal zone effects that are ~~not~~ inconsistent with section 30230. Therefore, denial of the proposed project would result in impacts to marine resources and biological productivity and water quality that would be inconsistent with sections 30230 and 30231.”

18. On Page 38 of the staff report, the third full paragraph shall be revised as follows:

“Regarding the GDR, the Applicant is only proposing to use it for overflow parking ~~or trailer storage~~ when needed; the remainder of the time it will continue its function as a permitted golf driving range facility, and thus no height limit is being proposed for that lot at this time. Should the Applicant desire to use the GDR for anything other than parking, ~~intermittent trailer storage~~, or the permitted golf operations, it will require an amendment to the permit.”

19. On Page 41 of the staff report, Appendix A shall be revised as follows:

APPENDIX A

- 1) AECOM August, 2012 Wetland Delineation Report
- 2) Linscott, Law, and Greenspan August, 2012 Parking Assessment
- 3) ECORP August, 2012 SOL Phase II Restoration Plan
- 4) Commission Ecologist Dr. John Dixon’s September, 2013 Memo
- 5) Cease & Desist and Restoration Orders of March, 2012: CCC-12-CD-02 & CCC-12-RO-02 <http://documents.coastal.ca.gov/reports/2012/3/Th8-s-3-2012.pdf>

F7a

DISCLOSURE OF EX PARTE COMMUNICATIONS

Date and time of receipt of communication:
October 4, 2013 at 1:00 pm

Location of communication:
Phone

Type of communication:
Teleconference

Person(s) in attendance at time of communication:
Dick Bobertz

Person(s) receiving communication:
Carole Groom

Name or description of project:
Item F7a - Application No. 6-12-067 (22nd District Agricultural Association, San Diego)

Detailed substantive description of the content of communication:
Opposed to future development and grandfathered parking in the East Lot. Indicated that wetlands on the East Lot are concentrated in the bottom third of the lot (lot 3) and that this portion should be restored to wetland while the remainder (lots 1 and 2) can be approved according to the project application.

Date: 10-4-13

Signature of Commissioner: Carole Groom

OCT 07 2013

DISCLOSURE OF EX PARTE COMMUNICATIONS

Date and time of receipt of communication:

October 4, 2013 at 9:30 am

Location of communication:

Redwood City

Type of communication:

In person

Person(s) in attendance at time of communication:

Lennie Roberts

Person(s) receiving communication:

Carole Groom

Name or description of project:

Item F7a - Application No. 6-12-067 (22nd District Agricultural Association, San Diego)

Detailed substantive description of the content of communication:

Opposed to staff recommendation to allow for continued parking on the East Lot. Indicated a misuse of the conflict resolution policy.

Date: 10-4-13

Signature of Commissioner: Carole Groom

RECEIVED

OCT 07 2013

COMMUNITY DEVELOPMENT
SANTA CRUZ COUNTY OFFICE

42

DISCLOSURE OF EX PARTE COMMUNICATIONS

Date and time of receipt of communication:

October 4, 2013 at 8:50 am

Location of communication:

Phone

Type of communication:

Teleconference

Person(s) in attendance at time of communication:

David Watson, Dustin Fuller, Susan McCabe, Anne Blemker

Person(s) receiving communication:

Carole Groom

Name or description of project:

Item F7a - Application No. 6-12-067 (22nd District Agricultural Association, San Diego)

Detailed substantive description of the content of communication:

Representatives of the 22nd DAA are in agreement with staff recommendation to give up south lot for restoration and maintain the east lot for parking, while promoting alternative forms of transit to the site as a part of a larger Parking Management Plan. There is opposition from local groups who would like to see the DAA give up both parking lots for restoration.

Date: 10-4-13

Signature of Commissioner: Carole Groom

OFFICE OF THE COMMISSIONER
COUNTY OF SAN DIEGO

OCT 07 2013

OFFICE OF THE COMMISSIONER
COUNTY OF SAN DIEGO

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DISCLOSURE OF EX PARTE COMMUNICATIONS

Name or description of project:

Application No. 6-12-067 (22nd District Agricultural Association [DAA], San Diego) Application of 22nd District Agricultural Assoc. to use unpaved East Overflow Lot and Golf Driving Range for annual Pumpkin Patch and Christmas Tree events, additional future temporary events, year-round parking, fairground logistics, trailer storage, paved bus route and trail parking, installation of five interpretive signs, banner sign on Surf & Turf site and implementation of South Overflow Lot restoration in conjunction with this permit at Del Mar Fairgrounds, 2260 Jimmy Durante Blvd., San Diego & Del Mar, San Diego County.

Date and time of receipt of communication:

October 2, 2013 at 1:20pm

Location of communication:

Phone

Type of communication:

Teleconference

Person(s) in attendance at time of communication:

Adam Day, David Watson, Dustin Fuller, Greg Konar, Susan McCabe, Anne Blemker

Person(s) receiving communication:

Brian Brennan

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 representatives of the 22nd DAA in which we went through a briefing booklet previously provided to staff. The representatives described the proposed permit and explained how it related to the Consent Orders approved by the Commission in March 2012. As described, the permit would authorize continued use of the East Overflow Lot and the Golf Driving Range, two areas which provide important support for major operations of the Del Mar Fairgrounds, while restoring the South Overflow Lot to functioning wetlands. The permit includes use restrictions and site development standards to ensure that temporary events won't adversely impact coastal resources, including restrictions on lighting and noise, and best management practices for protection of water quality. The permit also imposes use and height standards to ensure that visual resources are not impacted. The 22nd DAA requests approval of CDP No. 6-12-067 as an integral part of the Consent Orders, an historic and extensively negotiated agreement between the 22nd DAA and Commission. The representatives acknowledged staff's hard work and stated their full agreement with the staff recommendation.

Date:

10/2/13

Signature of Commissioner: _____



JA

F7a

FORM FOR DISCLOSURE OF EX PARTE COMMUNICATIONS

Name or description of project, LPC, etc.: 22nd Agricultural District CDP

Date and time of receipt of communication: October 7, 2013 9:30

Location of communication: Santa Barbara

Type of communication (letter, facsimile, etc.): telecon

Person(s) initiating communication: Susan McCabe, Dustin Fuller of 22nd Ag district; Adam Day, Board President.

They are in agreement with the staff report. Board members were recruited by the Governor to the Board to help put to bed the acrimony of the past. This is the first project to come after the consent cease and desist we approved. Both EOL and SOL parking lots have wetland characteristics. There is legal use of both lots at certain times of the year. EOL would be allowed for parking year round; staff had to invoke conflict resolution to allow it in wetlands..

No one has approached the Ag District in opposition. Unaware that the JPA has taken a formal position. They have heard that they would have them lose the southern half of the east overflow lot. The negotiation of the consent cease and desist was clear; they have kept their word. Staff has done an excellent job and has kept their word as well.

By losing the south overflow lot they have lost 1200 spaces; losing the southern half of the east overflow lot would be another 1500 spaces. That was not discussed or negotiated two years ago.

Jana Zimmer

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DISCLOSURE OF EX PARTE COMMUNICATIONS

Name or description of project:

Application No. 6-12-067 (22nd District Agricultural Association [DAA], San Diego) Application of 22nd District Agricultural Assoc. to use unpaved East Overflow Lot and Golf Driving Range for annual Pumpkin Patch and Christmas Tree events, additional future temporary events, year-round parking, fairground logistics, trailer storage, paved bus route and trail parking, installation of five interpretive signs, banner sign on Surf & Turf site and implementation of South Overflow Lot restoration in conjunction with this permit at Del Mar Fairgrounds, 2260 Jimmy Durante Blvd., San Diego & Del Mar, San Diego County.

Date and time of receipt of communication:

September 23, 2013 at 3:00pm

Location of communication:

San Diego

Type of communication:

In person meeting

Person(s) in attendance at time of communication:

Sharon Anderson, Sachiko Kohatsu

Person(s) receiving communication:

Greg Murphy for Greg Cox

Detailed substantive description of the content of communication:

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

My staff received a briefing from representatives of the San Dieguito Joint Powers Authority (JPA) regarding the proposed Coastal Development Permit for specific use of the Del Mar Fairgrounds operated by the 22nd District Agricultural Association. The JPA representatives gave him a brief overview of the history of the JPA and the Consent Orders that have resulted in the proposed CDP. In addition to the 100' buffer, the restoration of wetlands in the South Overflow Lot and the other special conditions in the proposed permit, the JPA would like to see Area 3 of the East Overflow Lot restored to wetlands as well. They are opposed to permanent parking in the entirety of the EOL, and are opposed to signage, traffic schools and other unpermitted usage of the EOL and the Golf Driving Range.

Date:

10/8/13

Signature of Commissioner:



to

DISCLOSURE OF EX PARTE COMMUNICATIONS

Name or description of project:

Application No. 6-12-067 (22nd District Agricultural Association [DAA], San Diego) Application of 22nd District Agricultural Assoc. to use unpaved East Overflow Lot and Golf Driving Range for annual Pumpkin Patch and Christmas Tree events, additional future temporary events, year-round parking, fairground logistics, trailer storage, paved bus route and trail parking, installation of five interpretive signs, banner sign on Surf & Turf site and implementation of South Overflow Lot restoration in conjunction with this permit at Del Mar Fairgrounds, 2260 Jimmy Durante Blvd., San Diego & Del Mar, San Diego County.

Date and time of receipt of communication:

October 2, 2013 at 10:00am

Location of communication:

San Diego

Type of communication:

In person meeting and teleconference

Person(s) in attendance at time of communication:

By phone: Adam Day, David Watson, Dustin Fuller, Greg Konar
In person: Susan McCabe, Anne Blemker

Person(s) receiving communication:

Greg Murphy for Greg Cox

Detailed substantive description of the content of communication:

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

My staff received a briefing from representatives of the 22nd DAA in which we went through a briefing booklet previously provided to staff. The representatives described the proposed permit and explained how it related to the Consent Orders approved by the Commission in March 2012. As described, the permit would authorize continued use of the East Overflow Lot and the Golf Driving Range, two areas which provide important support for major operations of the Del Mar Fairgrounds, while restoring the South Overflow Lot to functioning wetlands. The permit includes use restrictions and site development standards to ensure that temporary events won't adversely impact coastal resources, including restrictions on lighting and noise, and best management practices for protection of water quality. The permit also imposes use and height standards to ensure that visual resources are not impacted. The 22nd DAA requests approval of CDP No. 6-12-067 as an integral part of the Consent Orders, an historic and extensively negotiated agreement between the 22nd DAA and Commission. The representatives acknowledged staff's hard work and stated their full agreement with the staff recommendation.

Date:

10/8/13

Signature of Commissioner: _____

Greg Cox

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DISCLOSURE OF EX PARTE COMMUNICATIONS

Name or description of project:

Application No. 6-12-067 (22nd District Agricultural Association [DAA], San Diego) Application of 22nd District Agricultural Assoc. to use unpaved East Overflow Lot and Golf Driving Range for annual Pumpkin Patch and Christmas Tree events, additional future temporary events, year-round parking, fairground logistics, trailer storage, paved bus route and trail parking, installation of five interpretive signs, banner sign on Surf & Turf site and implementation of South Overflow Lot restoration in conjunction with this permit at Del Mar Fairgrounds, 2260 Jimmy Durante Blvd., San Diego & Del Mar, San Diego County.

Date and time of receipt of communication:

October 3, 2013 at 1:20pm

Location of communication:

Phone

Type of communication:

Teleconference

Person(s) in attendance at time of communication:

David Watson, Dustin Fuller, Susan McCabe, Anne Blemker

Person(s) receiving communication:

Mark Vargas

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 representatives of the 22nd DAA in which we went through a briefing booklet previously provided to staff. The representatives described the proposed permit and explained how it related to the Consent Orders approved by the Commission in March 2012. As described, the permit would authorize continued use of the East Overflow Lot and the Golf Driving Range, two areas which provide important support for major operations of the Del Mar Fairgrounds, while restoring the South Overflow Lot to functioning wetlands. The permit includes use restrictions and site development standards to ensure that temporary events won't adversely impact coastal resources, including restrictions on lighting and noise, and best management practices for protection of water quality. The permit also imposes use and height standards to ensure that visual resources are not impacted. The 22nd DAA requests approval of CDP No. 6-12-067 as an integral part of the Consent Orders, an historic and extensively negotiated agreement between the 22nd DAA and Commission. The representatives acknowledged staff's hard work and stated their full agreement with the staff recommendation.

Date: October 9, 2013

Signature of Commissioner:



DISCLOSURE OF EX PARTE COMMUNICATIONS

Name or description of project:

Application No. 6-12-067 (22nd District Agricultural Association [DAA], San Diego) Application of 22nd District Agricultural Assoc. to use unpaved East Overflow Lot and Golf Driving Range for annual Pumpkin Patch and Christmas Tree events, additional future temporary events, year-round parking, fairground logistics, trailer storage, paved bus route and trail parking, installation of five interpretive signs, banner sign on Surf & Turf site and implementation of South Overflow Lot restoration in conjunction with this permit at Del Mar Fairgrounds, 2260 Jimmy Durante Blvd., San Diego & Del Mar, San Diego County.

Date and time of receipt of communication:

October 2, 2013 at 5:00pm

Location of communication:

Washington/Reagan Airport

Type of communication:

In person conversation

Person(s) in attendance at time of communication:

Supervisor Dave Roberts

Person(s) receiving communication:

Greg Cox

Detailed substantive description of the content of communication:

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

I briefly spoke with San Diego Supervisor Dave Roberts while waiting in the airport at the Reagan International Airport. He generally expressed his support for the San Dieguito JPA. He believes that portions of the East Overflow Lot should be set aside and restored as wetlands, in addition the South Overflow Lot.

Date: 10/8/13

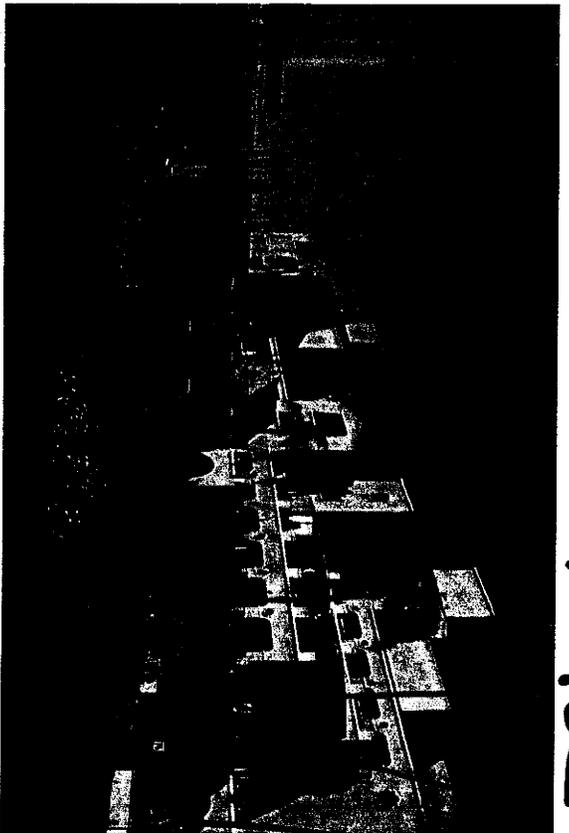
Signature of Commissioner: _____



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F-7a

51



22ND AGRICULTURAL DISTRICT

CDP #6-12-067

ITEM F7A * OCT. 11, 2013

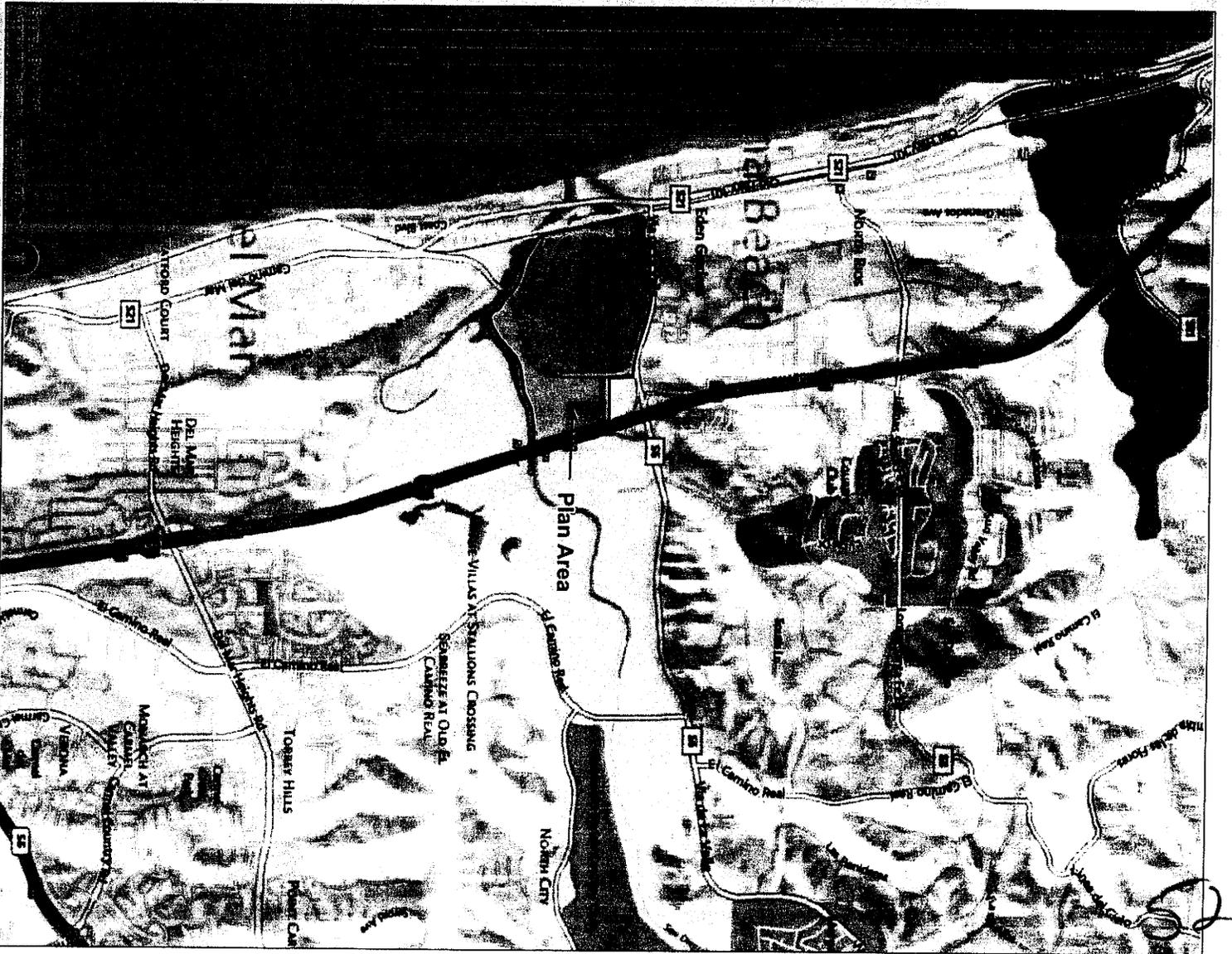


Briefing Booklet from applicant

A copy of this briefing booklet has been provided to CCC District Staff

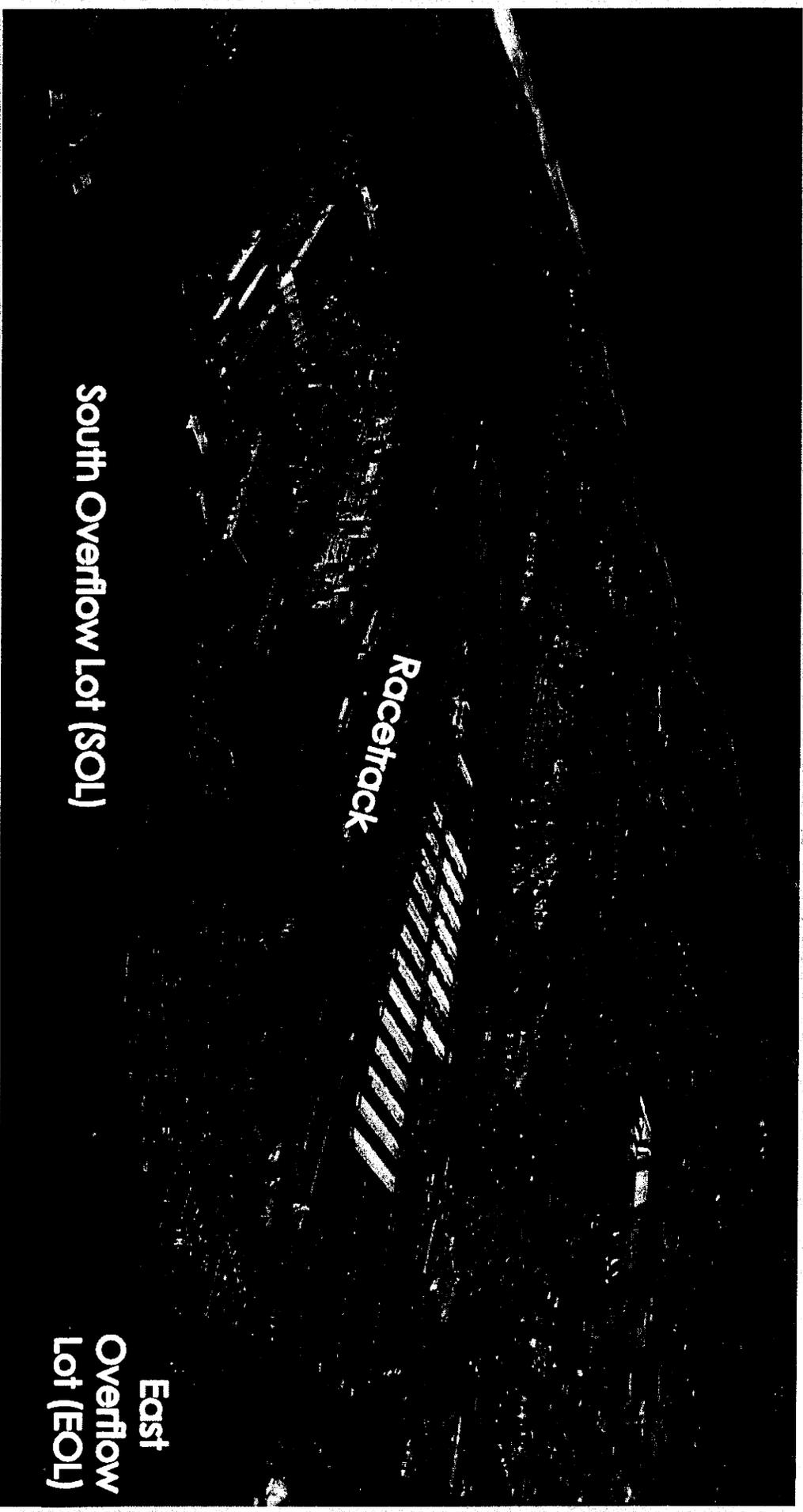
LOCATION

Fairgrounds located within
City of Del Mar, adjacent to
Cities of Solano, Beach and
San Diego



3

SUBJECT SITE



BACKGROUND

54

SETTLEMENT AGREEMENT

- CDP is one component of historic settlement agreement between 22nd DAA and CCC unanimously approved by both agencies in early 2012
- Consent Orders are result of extensive discussion and negotiation between 22nd DAA and CCC staff
- Consent Orders resolve past unpermitted development on the Fairgrounds, mitigate for that development, and set out a path for future development in compliance with the Coastal Act and Commission regulations.
- Since approval of Consent Orders, 22nd DAA has worked diligently to comply with all requirements and currently has two CDP applications pending for interim and long-term uses on the Fairgrounds

BENEFITS OF CONSENT ORDERS

5

- Under Consent Orders, 22nd DAA has agreed to undertake numerous actions to protect and enhance coastal resources on its property, including the following:
 - Creation of 100 foot buffers along southern edge of the SOL, EOL and GDR
 - Creation of varying width buffers in other areas (30 feet on southern edge of property and 8-25 feet on western edge of the property).
 - Construction of a segment of the Coast to Crest Trail on the northern edge of the SOL concurrent with restoration
 - Removal of rip-rap on northern shore of San Dieguito River and restoration of underlying area
 - Protection of re-created wetlands and buffer areas with conservation easements, which will allow a third party, such as San Dieguito River Park Joint Powers Authority (JPA), to manage environmentally sensitive area

BENEFITS OF CONSENT ORDERS

56

Continued...

- \$20,000/year for 5 years (starting in 2013) to assist San Dieguito River Park JPA with management of wetlands and a public access trail
- Provision of office space at Fairgrounds for JPA ranger until such time as permanent facilities are developed
- Trash pick-up and removal along the Coast to Crest Trail on DAA property
- Installation of interpretive signs along buffer and restoration areas to be developed with input and guidance from San Dieguito River Park JPA
- Projects to promote coastal awareness, including addition of coastal conservation component to the San Diego County Fair's Plant/Grow/Eat program and/or its School tours program to be developed in consultation with the CCC's public education program
- Sponsorship of annual San Dieguito River Park cleanup west of I-5
- Complimentary booth space at San Diego County Fair for CCC's public education program, to use for educational and outreach purposes regarding coastal resources and inclusion of a coastal conservation component on the Fairgrounds website, including a link to the CCC's public education website

PROJECT DESCRIPTION

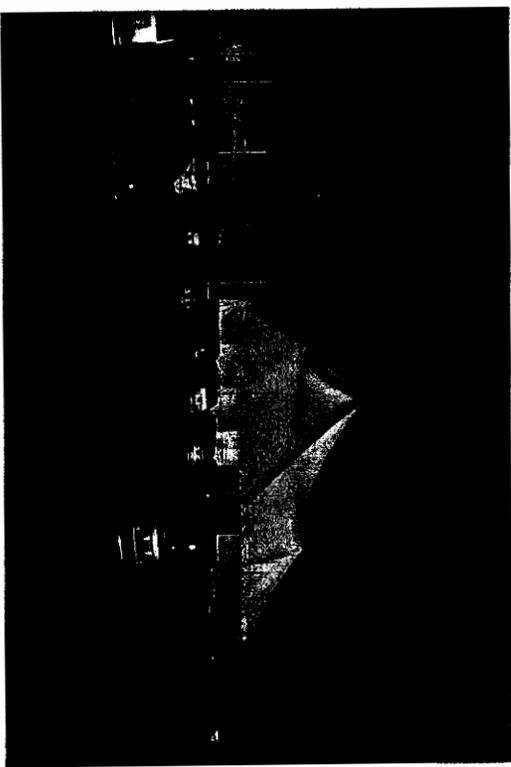
- CDP would authorize continued use of East Overflow Lot (EOL) and Golf Driving Range (GDR), two areas which provide important support for major operations of Del Mar Fairgrounds
 - Specifically, permit would allow 22nd DAA to continue to use EOL and GDR for overflow parking. It would also allow the DAA to hold temporary events on the EOL, including the annual Pumpkin Patch and Christmas Tree events.
 - Permit imposes use restrictions and site development standards to ensure that temporary events won't adversely impact coastal resources, including restrictions on lighting and noise, and best management practices for protection of water quality.
 - CDP also imposes use and height standards to ensure that visual resources not impacted.
- If CDP approved, 22nd DAA would restore South Overflow Lot (SOL) to functioning wetlands

5

PROJECT COMPONENTS

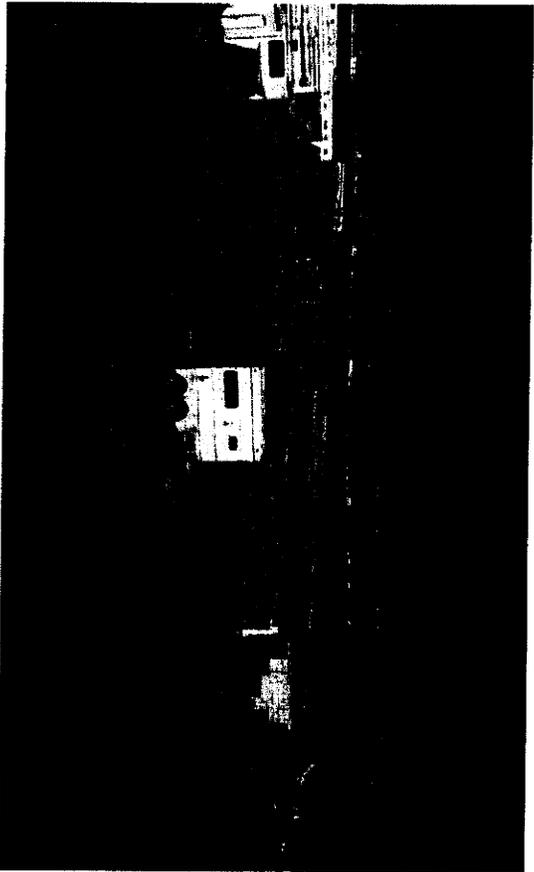
88

**Pumpkin Patch
& Christmas Tree
Sales Events
on EOL**

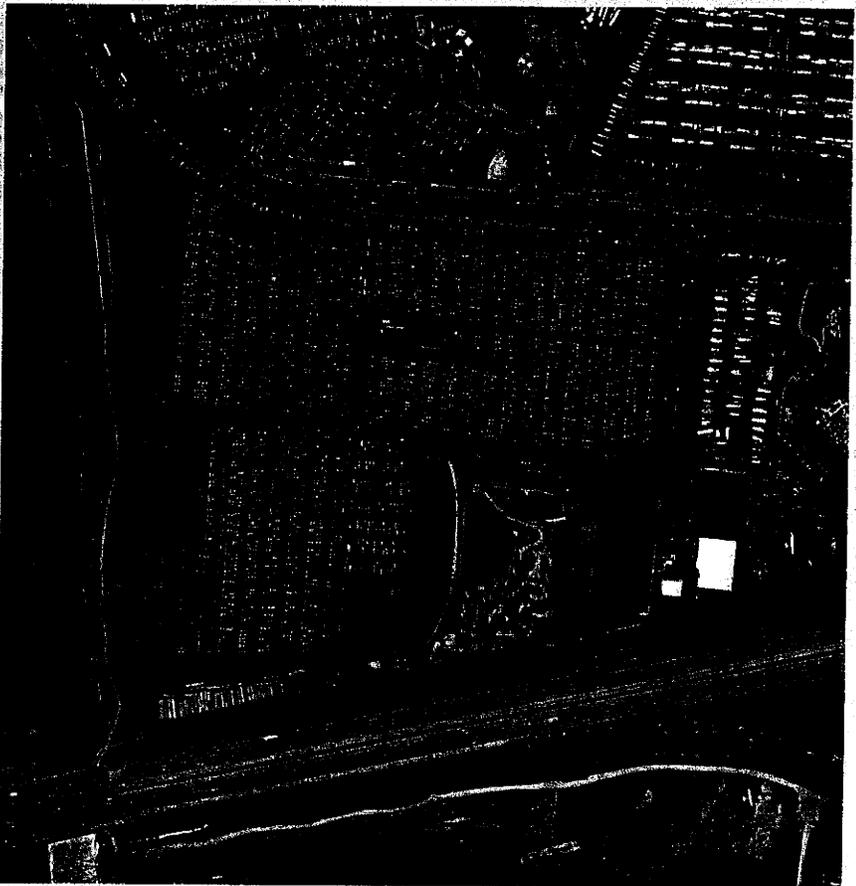


PROJECT COMPONENTS

65



**Temporary storage of
horse trailers & hay bales**



**Year round overflow parking
on EOL & GDR**

Note: Photo taken during peak use period
(SD County Fair)

RESTORATION AREAS

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source: ESRI, DigitalGlobe, GeoEye, AeroGRID, USDA, USGS 2013
 approximate scale: 1 inch = 850 feet at 11x17



- South Overflow Lot Restoration Area Phase 1 (scheduled Sept. 2013)
- South Overflow Lot Restoration Area Phase 2 (scheduled Sept. 2015)
- Buffer and Rip-Rap Restoration Areas (scheduled Sept. 2013)
- Red Sand Verbena Translocation Area (completed April 2011)
- Stevens Creek Channel Maintenance (completed 2010)
- Least Tern Nesting Sites (completed 2009)
- Homepark Wetland Buffer (Northern area restored Aug. 2012)
- CCC Consent Order Buffer (100-foot TDC; 25-foot variable width completed July 2012)

STAFF RECOMMENDATION

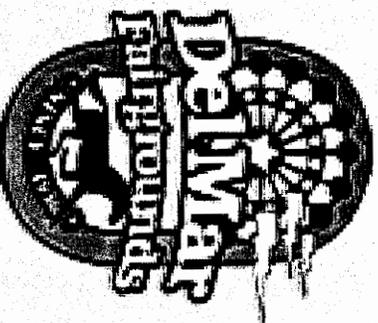
61

"Given all the factors, the Commission finds it is, on balance, **most protective of the significant coastal resources** to approve the proposed development as conditioned. This will achieve the underlying goals in the proposed project and the Consent Order by finally bringing many of the Applicant's current and future activities under an approved, conditioned CDP while still **protecting and restoring marine habitat (Sections 30230 and 30231), promoting public recreation (Sections 30210 and 30213), and concentrating development in the coastal zone (Section 30250).**" [emphasis added]

CONCLUSION

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- 22nd DAA requests **approval of CDP No. 6-12-067** as an integral part of the Consent Orders, an historic and extensively negotiated agreement between the 22nd DAA and CCC
- As proposed and conditioned, CDP ensures protection and enhancement of sensitive coastal environment, while recognizing significant visitor-serving uses at the Fairgrounds



F1a



City of Del Mar



October 3, 2013

Mary K. Shallenberger, Honorable Chair 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. 6-12-067 (22nd DAA Property)

Dear Chairperson Shallenberger and Commissioners:

On behalf of the City Council of the City of Del Mar, I offer comment letter on the referenced CDP application submitted by the 22nd District Agricultural Association (22nd DAA). In addition to the comments below, the City would like to express its appreciation to your staff and that of the 22nd DAA for taking the time to meet with City representatives about this CDP application and a second one scheduled for review later this year (CDP-6-13-010).

As an overriding comment, the City is supportive of all actions that will lead to the complete restoration of wetlands in the Fairground's South Overflow Lot (SOL). These actions have taken many years and the City acknowledges the efforts of all who have brought them to fruition.

The City also recognizes that there are other stakeholders in the region who may submit comments on this agenda item regarding potential impacts to wetlands located in both the East Overflow Lot (EOL) and the Golf Driving Range (GDR) portions of the 22nd DAA property. However, the City's comments on the subject CDP are focused, primarily, on the potential impacts that the activities proposed in the CDP application would have on Del Mar's roadways and on nearby neighborhoods. The City's concerns on these traffic issues are detailed below. A subsequent section of this letter also raises some logistical concerns about the paved bus lane proposed along the north side of the (SOL).

Traffic Impacts on Coastal Roadways

The City is concerned about on-going traffic and parking impacts from the events for which post-facto authorization is now being sought in CDP 6-12-067, as well as increased traffic impacts from the expansion of uses now requested for the EOL and GDR. A key concern here is that the submitted CDP application provides only minimal detail on:

1. The number and frequency of future events and activities at the EOL and GDR;
2. The proposed timing and duration of those events; and
3. The anticipated attendance levels for those events.

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Letter in Support of Staff Rec

Without that detailed information, it is difficult for the City to gauge whether the events/activities would exceed a realistic carrying capacity of the EOL and GDR and of the roads that provide access to them. Without that information, it seems premature for the Coastal Commission to make a determination on the application's impact on coastal access opportunities. In addition to being main routes into Del Mar for its citizens, Jimmy Durante Boulevard and Via de la Valle are also the main roads for visitors to gain access to the beach and to the shoreline of the San Dieguito Lagoon. Traffic conditions along these routes directly affect access, circulation and parking for these valuable public amenities. For these reasons, we request that as a condition of approval of the CDP application, the 22nd DAA be required to provide the City of Del Mar detailed information on the number, frequency, duration and anticipated attendance of future events planned at the Fairgrounds.

In the same vein, the Master Plan Traffic Impact and Mitigation Study prepared by the 22nd DAA is still under review by the City. While the City appreciates the opportunity to work with the 22nd DAA on this important study and on the implementation measures that it may contain, at this time, it is difficult to fully determine the total impact of the new activities requested in the CDP application.

The traffic issue is critical because, although the EOL and GDR are not themselves located within the City's jurisdictional boundaries, all vehicular access and egress occurs directly along Jimmy Durante Boulevard and indirectly from Villa de la Valle, both Del Mar rights-of-way. Del Mar's citizens, as well as visitors to the shoreline, would suffer the traffic impacts of the proposed increase in traffic resulting from the proposed uses and activities.

The City acknowledges that the DAA makes a concerted effort to manage traffic and congestion by using traffic control practices during major events, practices generally consisting of temporary lane delineators (cones) and employing attendants to direct flows. Sometimes, those seem to work adequately to keep traffic flowing to and from the site with minimal impact on the rest of the community. However, these traffic control practices are subject to fail when the traffic demand around the fairgrounds exceeds the capacity of the implemented traffic control plan.

The traffic control plans referenced in the DAA's Consent Order Compliance and Conceptual Improvements Plan are being put forth as the "silver bullet" to mitigate traffic impacts. However, the justification for mitigation seems to rely largely on continued traffic control practices. It has not been designed or analyzed by a traffic engineer to determine whether the recommended measures or improvements would adequately handle the traffic demand of existing or expanded events. If the implementation of traffic control plans is to substitute for engineered physical improvements that could reduce and control traffic impacts on a more permanent basis, then the DAA should demonstrate the adequacy of those plans to do so.

Despite the DAA's attempts, it is clear that traffic impacts from events at the Fairgrounds have not and cannot be addressed solely through traffic control practices. What is

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California Coastal Commission
Re: Application CDP 6-12-067
October 3, 2013
Page 3 of 3

needed is a comprehensive Transportation Demand Management Plan to reduce auto trips and a comprehensive Traffic Management Plan that includes a full analysis of operational conditions during the traffic control set ups based on a true accounting of all Fairground events and attendance. The DAA prepared a Transportation Demand Management Plan for the Del Mar Fairgrounds, which cited current strategies to reduce dependence on vehicular demand around the site, however a detailed assessment of the success of this plan is unclear. A commitment to implement the measures recommended and measures by which to evaluate the effectiveness of that Plan are also critical.

Although the traffic control plans will provide for short term, activity specific improvements around the fairgrounds, there should also be physical (hardscape) improvements to traffic lanes and parking areas, along with changes to the manner in which parking fees are collected with a goal of reducing the back-up that is now common at collection points for parking fees. These strategies should be included in the requested Traffic Management Plan.

The City has raised these traffic issues many times in the past as the number of events at the Fairgrounds increased, along with their attendance levels. We cite these concerns again with the subject CDP application because the requests to conduct yet more events at the Fairgrounds emphasize the need for a comprehensive Traffic Control Plan.

Paved Bus Lane for Trail Parking

Overall, the City is supportive of efforts to use bus traffic to reduce individual traffic flow to Fairground events and is also highly supportive of trailhead parking for this and other segments of the Coast-to-Crest Trail. However, the vehicular route/bus drop-off lane proposed north of the South Overflow Lot (SOL) raises particular concerns as to traffic safety and related improvements to the City's Jimmy Durante Boulevard right-of-way. It is unclear how west-bound buses would cross the heavily travelled east-bound travel lanes of Jimmy Durante. If hard traffic-control measures are to be installed on Jimmy Durante Boulevard to address this issue, their design should include consultation with the City, as owner of the right-of-way. Additionally, this proposal should be reviewed with respect to the planned alignment of the Coast-to-Crest Trail crossing of this roadway.

Thank you for your consideration of our concerns.

Respectfully submitted,



Terry Sinnott
Mayor

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

65

STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94249-0071
(916) 319-2071
FAX (916) 319-2171

DISTRICT OFFICE
10152 MISSION GORGE ROAD
SANTEE, CA 92071-3812
(619) 441-2322
FAX (619) 441-2327

www.asm.ca.gov/jones
assemblymember.jones@assembly.ca.gov

Assembly
California Legislature



BRIAN W. JONES
CHAIRMAN, ASSEMBLY REPUBLICAN CAUCUS
ASSEMBLYMEMBER, SEVENTY-FIRST DISTRICT

COMMITTEES
VICE CHAIR: BUSINESS, PROFESSIONS
AND CONSUMER PROTECTION
GOVERNMENTAL ORGANIZATION
UTILITIES AND COMMERCE
ASSEMBLY LEGISLATIVE ETHICS

F7a

September 30, 2013

RECEIVED
OCT 09 2013

Chairwoman Mary Shallenberger
California Coastal Commission
45 Fremont Street
San Francisco, CA 94105

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Re: Coastal Development Permit Application #6-12-067 - Support

Dear Chair Shallenberger:

I am writing to express my support for the 22nd District Agricultural Association's application for Coastal Development Permit #6-12-067 (CDP). As you are aware, this is the first permit application required by your Consent Cease and Desist Order No. CCC-12-CD-02 (Consent Order) affecting the Del Mar Fairgrounds. Your Commission unanimously approved the Consent Order in March 2011. The Consent Order, also unanimously approved by the 22nd DAA Board of Directors, resolved past violations and ensures future compliance with the Coastal Act. The Consent Order was the culmination of months of negotiations, discussion and compromises to ensure compliance with the Coastal Act, protect sensitive environmental resources and allow continued fairgrounds operations.

The CDP pending before you is consistent with the Consent Order as well as the Settlement Agreement reached between the 22nd DAA and the Cities of Solana Beach, Del Mar and the San Dieguito River Park JPA to resolve outstanding litigation related to fairgrounds improvements.

The Consent Order includes specific environmental mitigation (creation and restoration of a 100-ft buffer, dedication of varying width buffer, sound/lighting control, hydrology and water quality BMPs) to reduce current and future impacts on coastal resources. In addition, the Consent Order includes Coastal Education and Outreach support, office space and funding for the River Park JPA, and sponsorship of an annual River Park Clean Up west of Interstate 5.

Letters of Support 67

Chairwoman Shallenberger
September 30, 2013
Page 2

The pending CDP addresses existing (overflow parking and interim events) and proposed uses (overflow parking and interim events) on the East Overflow Lot (EOL) and Golf Driving Range (GDR); two areas that provide important support for the major operations of the Fairgrounds. As outlined in the Consent Order, approval of the CDP will trigger full restoration of the South Overflow Lot to coastal salt marsh habitat. Additionally, the permit includes the development of the Coast to Crest Trail. The CDP imposes use restrictions and site development standards aimed at reducing or eliminating potential impacts to coastal resources including measures specifically designed to reduce/eliminate: lighting, noise, visual resource and improve water quality.

The Consent Order was the result of effective and attentive government: the negotiation, discussion and compromise of two State Agencies designed to balance environmental stewardship of our State's natural resources and the operational needs of one of the most successful Fair and Race venues in the United States. For these reasons, I'm pleased to support CDP #6-12-067 and look forward to the continued cooperation between the CCC and the 22nd DAA.

Sincerely,



BRIAN W. JONES
Assemblyman, 71st District

STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94249-0075
(916) 319-2075
FAX (916) 319-2175

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350 W. 5TH AVENUE, SUITE 110
ESCONDIDO, CA 92025
(760) 480-7570
FAX (760) 480-7516

Assembly California Legislature



MARIE WALDRON
ASSEMBLYMEMBER, SEVENTY-FIFTH DISTRICT

COMMITTEES
VICE CHAIR: ARTS, ENTERTAINMENT,
SPORTS, TOURISM, AND
INTERNET MEDIA
GOVERNMENTAL ORGANIZATION
LOCAL GOVERNMENT
PUBLIC SAFETY

October 2, 2013

Chairwoman Mary Shallenberger
California Coastal Commission
45 Fremont Street
San Francisco, CA 94105

RECEIVED

OCT 09 2013

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Re: Coastal Development Permit Application #6-12-067 - Support

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The CDP pending before you is consistent with the Consent Order as well as the Settlement Agreement reached between the 22nd DAA and the Cities of Solana Beach, Del Mar and the San Dieguito River Park JPA to resolve outstanding litigation related to fairgrounds improvements.

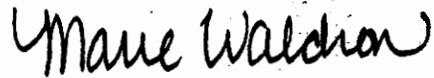
The Consent Order includes specific environmental mitigation (creation and restoration of a 100-ft buffer, dedication of varying width buffer, sound/lighting control, hydrology and water quality BMPs) to reduce current and future impacts on coastal resources. In addition, the Consent Order includes Coastal Education and Outreach support, office space and funding for the River Park JPA, and sponsorship of an annual River Park Clean Up west of Interstate 5.

The pending CDP addresses existing (overflow parking and interim events) and proposed uses (overflow parking and interim events) on the East Overflow Lot (EOL) and Golf Driving Range (GDR); two areas that provide important support for the major operations of the Fairgrounds. As outlined in the Consent Order, approval of the CDP will trigger full restoration of the South Overflow Lot to coastal salt marsh habitat. Additionally, the permit includes the development of the Coast to Crest Trail. The CDP imposes use restrictions and site development standards aimed at reducing or eliminating potential impacts to coastal resources including measures specifically designed to reduce/eliminate: lighting, noise, visual resource and improve water quality.

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The Consent Order was the result of effective and attentive government: the negotiation, discussion and compromise of two State Agencies designed to balance environmental stewardship of our State's natural resources and the operational needs of one of the most successful Fair and Race venues in the United States. For these reasons, I'm pleased to support CDP #6-12-067 and look forward to the continued cooperation between the CCC and the 22nd DAA.

Sincerely,

A handwritten signature in cursive script that reads "Marie Waldron".

Assemblymember Marie Waldron, 75th District



OFFICE OF THE MAYOR

CHERYL COX
MAYOR

October 2, 2013

RECEIVED
OCT 09 2013

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Chairwoman Mary Shallenberger
California Coastal Commission
45 Fremont Street
San Francisco, CA 94105

Re: Coastal Development Permit Application #6-12-067 – Support

Dear Chair Shallenberger:

As Mayor of Chula Vista, I support the 22nd District Agricultural Association's application for Coastal Development Permit #6-12-067 (CDP). This is the first permit application required by your Consent Cease and Desist Order No. CCC-12-CD-02 (Consent Order) affecting the Del Mar Fairgrounds. Your Commission unanimously approved the Consent Order in March 2011. The Consent Order, also unanimously approved by the 22nd DAA Board of Directors, resolved past violations and ensures future compliance with the Coastal Act. The Consent Order was the culmination of months of negotiations, discussion and compromises to ensure compliance with the Coastal Act protect sensitive environmental resources and allow continued fairgrounds operations.

The pending CDP is consistent with the Consent Order and the Settlement Agreement reached between the 22nd DAA and the Cities of Solana Beach and Del Mar, and the San Dieguito River Park JPA to resolve outstanding litigation related to fairgrounds improvements.

The Consent Order includes specific environmental mitigation (creation and restoration of a 100-ft buffer, dedication of a varying width buffer, sound/lighting control, hydrology and water quality BMPs) to reduce current and future impacts on coastal resources. It includes Coastal Education and Outreach support, office space and funding for the River Park JPA, and sponsorship of an annual River Park Clean Up west of Interstate 5.

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Chairwoman Mary Shallenberger

October 2, 2013

Page 2

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The Consent Order resulted from effective and attentive government: the negotiation, discussion and compromise of two State Agencies designed to balance environmental stewardship of our State's natural resources and the operational needs of one of the most successful Fair and Race venues in the United States.

I am pleased to support CDP #6-12-067 and look forward to the continued cooperation between the CCC and the 22nd DAA.

Respectfully,



Cheryl Cox
Mayor

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COUNCILMEMBER KEVIN FAULCONER

SECOND DISTRICT
CITY OF SAN DIEGO

October 2, 2013

The Hon. Mary Shallenberger, Chair
California Coastal Commission
45 Fremont Street
San Francisco, CA 94105

RECEIVED

OCT 09 2013

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Re: Support of Coastal Development Permit Application #6-12-067

Dear Ms. Shallenberger:

I am writing to express my support for the 22nd District Agricultural Association's application for Coastal Development Permit #6-12-067 (CDP), which is the first permit application required by your Consent Cease and Desist Order No. CCC-12-CD-02 (Consent Order) affecting the Del Mar Fairgrounds.

The Coastal Commission, along with the 22nd DAA Board of Directors, unanimously approved the Consent Order, which resolved past violations and ensures future compliance with the Coastal Act. The Consent Order was the culmination of months of negotiations, discussion and compromises to ensure compliance with the Coastal Act, protect sensitive environmental resources and allow continued fairgrounds operations.

The CDP pending before you is consistent with the Consent Order and the Settlement Agreement reached between the 22nd DAA and the cities of Solana Beach, Del Mar and the San Dieguito River Park JPA to resolve outstanding litigation related to fairgrounds improvements..

The Consent Order was the result of effective and attentive government: the negotiation, discussion and compromise of two state agencies designed to balance environmental stewardship of California's natural resources as well as the operational needs of one of the most successful fair and race venues in the United States.

For these reasons, I'm pleased to support CDP #6-12-067 and look forward to the continued cooperation between the CCC and the 22nd DAA.

Sincerely,

Kevin L. Faulconer
Councilmember
Second District

KLF:tl

73





DELMAR Farmers Market

RECEIVED

OCT 09 2013

October 2, 2013

Jana Zimmer
45 Fremont Street
Suite 2000
San Francisco, California 94105

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

RE: 22nd DAA Coastal Development Permit application #6-12-067 & #6-13-010

Dear Ms. Zimmer and all Coastal Commissioners:

The Del Mar Farmers Market is a non-profit 501(c)4 organization founded in Del Mar in 1986. The Board of our organization serves pro-bono and all the profits are distributed to our community. One half of the profits are donated to the children of the farmers toward their college education. The other half is distributed to local projects. The major beneficiary has been the Del Mar county Library.

While there were only two farmers markets in 1986, there are now over 50. This region is saturated with markets and these markets compete with one another for their clientele.

In the last two years the only regular food store at the Del Mar plaza has closed down and the Farmers Market is the only place where the people of Del Mar can purchase fresh food and vegetables.

The 22nd DAA Del Mar Fairgrounds Coastal Development permit Application for the EOL and GDR sites lists a farmers market among the temporary events proposed for these sites. We feel that by opening a new Farmers Market at the Fairgrounds will have a negative impact on our essential Del Mar Farmers Market and threatens its very existence. Our nominal annual budget will make it impossible for us to compete with the 22nd DAA 60 million annual budget for marketing and advertising.

We are asking you to remove farmer market as potential temporary event at the Fairgrounds as it will harm our community.

Thank you for your consideration,

Nicole Holiday
President

Cc Del Mar City Council and All Coastal Commissioners

DMFM PO Box 57, Del Mar, CA 92014

74

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27126A PASEO ESPADA
SUITE 1621
SAN JUAN CAPISTRANO, CA 92675
(949) 489-9838
(949) 489-8354 FAX

California State Senate

SENATOR
MARK WYLAND
THIRTY-EIGHTH SENATE DISTRICT



COMMITTEES
BUDGET &
FISCAL REVIEW
BUSINESS &
PROFESSIONS
EDUCATION
LABOR & INDUSTRIAL
RELATIONS
TRANSPORTATION &
HOUSING

September 30, 2013

Chairwoman Mary Shallenberger
California Coastal Commission
45 Fremont Street
San Francisco, CA 94105

Re: Coastal Development Permit Application #6-12-067 - Support

Dear Chair Shallenberger:

I am writing to express my support for the 22nd District Agricultural Association's application for Coastal Development Permit #6-12-067 (CDP). As you are aware, this is the first permit application required by your Consent Cease and Desist Order No. CCC-12-CD-02 (Consent Order) affecting the Del Mar Fairgrounds. Your Commission unanimously approved the Consent Order in March 2011. The Consent Order, also unanimously approved by the 22nd DAA Board of Directors, resolved past violations and ensures future compliance with the Coastal Act. The Consent Order was the culmination of months of negotiations, discussion and compromises to ensure compliance with the Coastal Act, protect sensitive environmental resources and allow continued fairgrounds operations.

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The Consent Order includes specific environmental mitigation (creation and restoration of a 100-ft buffer, dedication of varying width buffer, sound/lighting control, hydrology and water quality BMPs) to reduce current and future impacts on coastal resources. In addition, the Consent Order includes Coastal Education and Outreach support, office space and funding for the River Park JPA, and sponsorship of an annual River Park Clean Up west of Interstate 5.

75

The pending CDP addresses existing (overflow parking and interim events) and proposed uses (overflow parking and interim events) on the East Overflow Lot (EOL) and Golf Driving Range (GDR); two areas that provide important support for the major operations of the Fairgrounds. As outlined in the Consent Order, approval of the CDP will trigger full restoration of the South Overflow Lot to coastal salt marsh habitat. Additionally, the permit includes the development of the Coast to Crest Trail. The CDP imposes use restrictions and site development standards aimed at reducing or eliminating potential impacts to coastal resources including measures specifically designed to reduce/eliminate: lighting, noise, visual resource and improve water quality.

The Consent Order was the result of effective and attentive government: the negotiation, discussion and compromise of two State Agencies designed to balance environmental stewardship of our State's natural resources and the operational needs of one of the most successful Fair and Race venues in the United States. For these reasons, I'm pleased to support CDP #6-12-067 and look forward to the continued cooperation between the CCC and the 22nd DAA.

Sincerely,

A handwritten signature in black ink that reads "Mark Wyland". The signature is written in a cursive, flowing style.

Mark Wyland
Senator, 38th District

VICE CHAIR
OF THE FOLLOWING COMMITTEES
HEALTH
ELECTIONS & CONSTITUTIONAL
AMENDMENTS
PUBLIC SAFETY

Senate
California Legislature
JOEL ANDERSON
SENATOR
THIRTY-SIXTH SENATORIAL DISTRICT

MEMBER
OF THE FOLLOWING COMMITTEES
BUDGET & FISCAL REVIEW
JUDICIARY

MEMBER
OF THE FOLLOWING
SUBCOMMITTEE
BUDGET & FISCAL REVIEW
SUBCOMMITTEE #5 ON
CORRECTIONS, PUBLIC SAFETY
& THE JUDICIARY



September 30, 2013

Chairwoman Mary Shallenberger
California Coastal Commission
45 Fremont Street
San Francisco, CA 94105

Re: Coastal Development Permit Application #6-12-067 - Support

Dear Chair Shallenberger:

I am writing to express my support for the 22nd District Agricultural Association's application for Coastal Development Permit #6-12-067 (CDP). As you are aware, this is the first permit application required by your Consent Cease and Desist Order No. CCC-12-CD-02 (Consent Order) affecting the Del Mar Fairgrounds. Your Commission unanimously approved the Consent Order in March 2011. The Consent Order, also unanimously approved by the 22nd DAA Board of Directors, resolved past violations and ensures future compliance with the Coastal Act. The Consent Order was the culmination of months of negotiations, discussion and compromises to ensure compliance with the Coastal Act, protect sensitive environmental resources and allow continued fairgrounds operations.

The CDP pending before you is consistent with the Consent Order as well as the Settlement Agreement reached between the 22nd DAA and the Cities of Solana Beach, Del Mar and the San Dieguito River Park JPA to resolve outstanding litigation related to fairgrounds improvements.

The Consent Order includes specific environmental mitigation (creation and restoration of a 100-ft buffer, dedication of varying width buffer, sound/lighting control, hydrology and water quality BMPs) to reduce current and future impacts on coastal resources. In addition, the Consent Order includes Coastal Education and Outreach support, office space and funding for the River Park JPA, and sponsorship of an annual River Park Clean Up west of Interstate 5.

The pending CDP addresses existing (overflow parking and interim events) and proposed uses (overflow parking and interim events) on the East Overflow Lot (EOL) and Golf Driving Range (GDR); two areas that provide important support for the major operations of the Fairgrounds. As outlined in the Consent Order, approval of the CDP will trigger full restoration of the South Overflow Lot to coastal salt marsh habitat. Additionally, the permit includes the development of the Coast to Crest Trail. The CDP imposes use restrictions and site development standards aimed at reducing or eliminating potential impacts to coastal resources including measures specifically designed to reduce/eliminate: lighting, noise, visual resource and improve water quality.

STATE CAPITOL
SACRAMENTO, CA 95814
TEL (916) 651-4038
FAX (916) 447-9008
SENATOR.ANDERSON@SEN.CA.GOV

EL CAJON DISTRICT OFFICE
500 FESLER STREET, #201
EL CAJON, CA 92020
TEL (619) 596-3136
FAX (619) 596-3140

YEMECULA DISTRICT OFFICE
27555 YNEZ ROAD, #204
YEMECULA, CA 92591
TEL (951) 678-1020
FAX (951) 676-1030

Handwritten initials or mark.

The Consent Order was the result of effective and attentive government: the negotiation, discussion and compromise of two State Agencies designed to balance environmental stewardship of our State's natural resources and the operational needs of one of the most successful Fair and Race venues in the United States. For these reasons, I'm pleased to support CDP #6-12-067 and look forward to the continued cooperation between the CCC and the 22nd DAA

Sincerely,

A handwritten signature in cursive script, appearing to read "Joel Anderson".

Joel Anderson
Senator



CITY OF
LA MESA

JEWEL of the HILLS

ART MADRID
MAYOR

September 26, 2013

Chairwoman Mary Shallenberger
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

RE: Coastal Development Permit Application #6-12-067 – Support

Dear Chair Shallenberger:

This letter is to express my strong support for the 22nd District Agricultural Association's application for Coastal Development Permit (CDP) No. 6-12-067. This is the first permit application required by your Consent Cease and Desist Order No. CCC-12-CD-02 affecting the Del Mar Fairgrounds; the Consent Order your Commission unanimously approved in March 2011. This Consent Order was also unanimously approved by the 22nd DAA Board of Directors which resolved past violations and ensures future compliance with the Coastal Act.

The Consent Order was the culmination of months of negotiations, discussion and compromises to ensure the compliance with the Coastal Act, protect sensitive environmental resources and allow continued fairgrounds operations. The CDP pending before you is consistent with the Consent Order, as well as the Settlement Agreement reached between the 22nd DAA and the Cities of Solana Beach, Del Mar and the San Dieguito River Park JPA to resolve outstanding litigation related to the fairgrounds improvements.

The Consent Order includes specific environmental mitigation (creation and restoration of a 100-ft buffer, dedication of a varying width buffer, sound/lighting control, hydrology and water quality BMPs) to reduce current and future impacts on coastal resources. In addition, the Consent Order includes Coastal Education and Outreach support, office space and funding for the River Park JPA, and sponsorship on an annual River Park Clean Up west of Interstate 5.

The pending CDP addresses existing (overflow parking and interim events) and proposed uses (overflow parking and interim events) on the East Overflow Lot (EOL) and Golf Driving Range (GDR); two areas that provide important support for the major operations of the Fairgrounds. As outlined in the Consent Order, approval of the CDP will trigger full restoration of the South Overflow Lot to coastal salt marsh habitat. Additionally, the permit includes the development of the Coast to Crest Trail. The CDP imposes use restrictions and site development standards aimed at reducing or eliminating potential impacts to coastal resources including measures specifically designed to reduce/eliminate: lighting, noise, visual resources and improve water quality.

The Consent Order was the result of effective and attentive government; the negotiation, discussion and compromise of two State Agencies designed to balance environmental stewardship of our State's natural resources and the operational needs of one of the most successful Fair and Race venues in the United States. For these reasons, I'm pleased to support CDP #6-12-067 and look forward to the continued cooperation between the CCC and the 22nd DAA.

Respectfully,


Art Madrid
Mayor



September 30, 2013

Chairwoman Mary Shallenberger
California Coastal Commission
45 Fremont Street
San Francisco, CA 94105

Re: Coastal Development Permit Application #6-12-067 – Support

Dear Chair Shallenberger:

I am writing to express my support for the 22nd District Agricultural Association's application for Coastal Development Permit #6-12-067 (CDP). As you are aware, this is the first permit application required by your Consent Cease and Desist Order No. CCC-12-CD-02 (Consent Order) affecting the Del Mar Fairgrounds.. Your Commission unanimously approved the Consent Order in March 2011. The Consent Order, also unanimously approved by the 22nd DAA Board of Directors, resolved past violations and ensures future compliance with the Coastal Act. The Consent Order was the culmination of months of negotiations, discussion and compromises to ensure compliance with the Coastal Act, protect sensitive environmental resources and allow continued fairgrounds operations.

The CDP pending before you is consistent with the Consent Order as well as the Settlement Agreement reached between the 22nd DAA and the Cities of Solana Beach, Del Mar and the San Dieguito River Park JPA to resolve outstanding litigation related to fairgrounds improvements.

The Consent Order includes specific environmental mitigation (creation and restoration of a 100-ft buffer, dedication of a varying width buffer, sound/lighting control, hydrology and water quality BMPs) to reduce current and future impacts on coastal resources. In addition, the Consent Order includes Coastal Education and Outreach support, office space and funding for the River Park JPA, and sponsorship of an annual River Park Clean Up west of Interstate 5.

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Overflow Lot to coastal salt marsh habitat. Additionally, the permit includes the development of the Coast to Crest Trail. The CDP imposes use restrictions and site development standards aimed at reducing or eliminating potential impacts to coastal resources including measures specifically designed to reduce/eliminate: lighting, noise, visual resources and improve water quality.

The Consent Order was the result of effective and attentive government: the negotiation, discussion and compromise of two State Agencies designed to balance environmental stewardship of our State's natural resources and the operational needs of one of the most successful Fair and Race venues in the United States. For these reasons, I'm pleased to support CDP #6-12-067 and look forward to the continued cooperation between the CCC and the 22nd DAA.

Sincerely,



James M. Desmond, Mayor



RANDY VOEPEL

MAYOR

COMMITTEES:

Disaster Council,
Unified San Diego
Emergency Services Organization
City Selection Committee
Community Leaders Forum
MCAS Miramar
County Service Area(CSA)
69 (Paramedics)
East County Economic
Development Council
Hearland Communications
Facility Commission
Hearland Fire Training Facility
Authority Commission
Library Committee
League of California Cities
San Diego River Park Coalition

October 2, 2013

Chairwoman Mary Shallenberger
California Coastal Commission
45 Fremont Street
San Francisco, CA 94105

Re: Coastal Development Permit Application #6-12-067 – Support

Dear Chair Shallenberger:

I am writing to express my support for the 22nd District Agricultural Association's application for Coastal Development Permit #6-12-067 (CDP). As you are aware, this is the first permit application required by your Consent Cease and Desist Order No. CCC-12-CD-02 (Consent Order) affecting the Del Mar Fairgrounds. Your Commission unanimously approved the Consent Order in March 2011. The Consent Order, also unanimously approved by the 22nd DAA Board of Directors, resolved past violations and ensures future compliance with the Coastal Act. The Consent Order was the culmination of months of negotiations, discussion and compromises to ensure compliance with the Coastal Act, protect sensitive environmental resources and allow continued fairgrounds operations.

The CDP pending before you is consistent with the Consent Order, as well as the Settlement Agreement reached between the 22nd DAA and the Cities of Solana Beach, Del Mar and the San Dieguito River Park JPA to resolve outstanding litigation related to fairgrounds improvements.

The Consent Order includes specific environmental mitigation (creation and restoration of a 100-ft buffer, dedication of a varying width buffer, sound/lighting control, hydrology and water quality BMPs) to reduce current

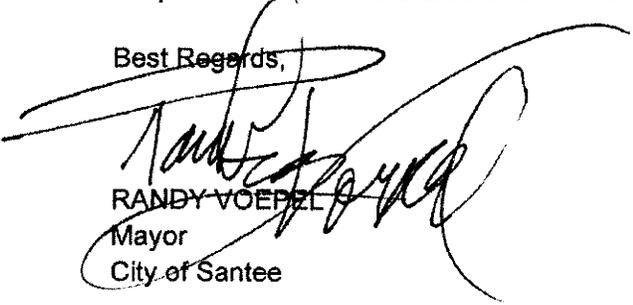
Chairwoman Mary Shallenberger
October 2, 2013
Page 2

and future impacts on coastal resources. In addition, the Consent Order includes Coastal Education and Outreach support, office space and funding for the River Park JPA, and sponsorship of an annual River Park Clean Up west of Interstate 5.

The pending CDP addresses existing (overflow parking and interim events) and proposed uses (overflow parking and interim events) on the East Overflow Lot (EOL) and Golf Driving Range (GDR); two areas that provide important support for the major operations of the Fairgrounds. As outlined in the Consent Order, approval of the CDP will trigger full restoration of the South Overflow Lot to coastal salt marsh habitat. Additionally, the permit includes the development of the Coast to Crest Trail. The CDP imposes use restrictions and site development standards aimed at reducing or eliminating potential impacts to coastal resources including measures specifically designed to reduce/eliminate: lighting, noise, visual resources and improve water quality.

The Consent Order was the result of effective and attentive government: the negotiation, discussion and compromise of two State Agencies designed to balance environmental stewardship of our State's natural resources and the operational needs of one of the most successful Fair and Race venues in the United States. For these reasons, I'm pleased to support CDP #6-12-067 and look forward to the continued cooperation between the CCC and the 22nd DAA.

Best Regards,



RANDY VOEPHEL
Mayor
City of Santee



Mayor and City Council

Honoring and celebrating the people who make El Cajon the Valley of Opportunity

October 1, 2013

Chairwoman Mary Shallenberger
California Coastal Commission
45 Fremont Street
San Francisco, CA 94105

RECEIVED

OCT 04 2013

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Re: Coastal Development Permit Application #6-12-067 – Support

Dear Chair Shallenberger:

I am writing to express my support for the 22nd District Agricultural Association's application for Coastal Development Permit #6-12-067 (CDP). As you are aware, this is the first permit application required by your Consent Cease and Desist Order No. CCC-12-CD-02 (Consent Order) affecting the Del Mar Fairgrounds. Your Commission unanimously approved the Consent Order in March 2011. The Consent Order, also unanimously approved by the 22nd DAA Board of Directors, resolved past violations and ensures future compliance with the Coastal Act. The Consent Order was the culmination of months of negotiations, discussion and compromises to ensure compliance with the Coastal Act, protect sensitive environmental resources and allow continued fairgrounds operations.

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The Consent Order was the result of effective and attentive government: the negotiation, discussion and compromise of two State Agencies designed to balance environmental stewardship of our State's natural resources and the operational needs of one of the most successful Fair and Race venues in the United States. For these reasons, I'm pleased to support CDP #6-12-067 and look forward to the continued cooperation between the CCC and the 22nd DAA.

Sincerely,



Mark Lewis
Mayor



Emerald Plaza
402 West Broadway, Suite 1000
San Diego, California 92101-3585
Tel 619.544.1300
www.sdchamber.org

Copies of this letter have been submitted to Coastal Commission staff

October 3, 2013

Item # 7.a. Friday, October 11 Agenda

Chairwoman Mary Shallenberger
California Coastal Commission
45 Fremont Street
San Francisco, CA 94105

Re: Coastal Development Permit Application #6-12-067 – Support

Dear Chair Shallenberger and members of the California Coastal Commission:

On behalf of the San Diego Regional Chamber of Commerce, I submit this letter in support of the 22nd District Agricultural Association's application for Coastal Development Permit #6-12-067 (CDP). As you are aware, this is the first permit application required by the Consent Cease and Desist Order No. CCC-12-CD-02 (Consent Order) affecting the Del Mar Fairgrounds. The Consent Order, unanimously approved by the 22nd DAA Board of Directors, resolved past violations and ensures future compliance with the Coastal Act.

The CDP pending before you is consistent with the Consent Order as well as the Settlement Agreement reached between the 22nd DAA and the Cities of Solana Beach, Del Mar and the San Dieguito River Park JPA to resolve outstanding litigation related to fairgrounds improvements.

The Consent Order includes specific environmental mitigation to reduce current and future impacts on coastal resources. In addition, the Consent Order includes coastal education and outreach support, office space and funding for the River Park JPA and sponsorship of an annual River Park Clean Up.

As outlined in the Consent Order, approval of the CDP will trigger full restoration of the South Overflow Lot to coastal salt marsh habitat. Additionally, the permit includes the development of the Coast to Crest Trail. The CDP imposes use restrictions and site development standards aimed at reducing or eliminating potential impacts to coastal resources including measures specifically designed to reduce/eliminate: lighting, noise, visual resources and improve water quality.

The Consent Order was the result of effective and attentive government: the negotiation, discussion and compromise of two state agencies designed to balance environmental stewardship of our state's natural resources and the operational needs of one of the most successful fair and race venues in the United States. For these reasons, I'm pleased to support CDP #6-12-067 and look forward to the continued cooperation between the CCC and the 22nd DAA.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Sanders'.

Jerry Sanders
President & CEO

87

Christine Kehoe
2834 Dale Street
San Diego, CA 92104

October 3, 2013

Ms. Mary Shallenberger
Chair, California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Dear Chair Shallenberger and Members of the Coastal Commission:

Although I no longer serve as an elected official representing the Del Mar Fairgrounds, I continue to care deeply about what happens to this special state property that has brought such joy to families for so many years. Surrounded by some of the most precious habitat in the region and located immediately adjacent to the coast, the Fairgrounds and Racetrack overseen by the 22nd District Agricultural Association has a long history of interactions with the California Coastal Commission.

In 2012, as the State Senator representing the area, I supported the Cease and Desist Order jointly agreed to by the 22nd DAA and the Coastal Commission. The Consent Order marked a new beginning and an opportunity for the Ag District and its neighbors, Del Mar, Solana Beach, San Diego, the San Dieguito River Park JPA, nonprofits and local residents to move forward, working together in the best interest of the area.

I support the Staff Recommendation of "Approval with Conditions" for Application No. 6-12-067 that will restore the South Overflow Lot to functioning wetlands, add a 100-foot buffer, assure public access, and consolidate specific activities as described in the application including year-round parking on the East Overflow Lot and Golf Driving Range. I am especially heartened by the Parking Assessment and detailed parking and transit plan that will be implemented.

I urge the Commission to approve the Staff Recommendation including the Conditions listed, utilizing the balancing approach within the Coastal Act.

Sincerely,



CHRISTINE KEHOE
Senator, 39th District 2005-2012
Assemblymember, 76th District 2001-2004

88



THE CITY OF SAN DIEGO
INTERIM MAYOR
TODD GLORIA

October 3, 2013

Chairwoman Mary Shallenberger
California Coastal Commission
45 Fremont Street
San Francisco, CA 94105

Re: Coastal Development Permit #6-12-067 - Support

Dear Chair Shallenberger:

I am writing to express my support for the 22nd District Agricultural Association's application for Coastal Development Permit #6-12-067 (CDP). As you are aware, this is the first permit application required by your Consent Cease and Desist Order No. CCC-12-CD-02 (Consent Order) affecting the Del Mar Fairgrounds. Your Commission unanimously approved the Consent Order in March 2011. The Consent Order, also unanimously approved by the 22nd DAA Board of Directors, resolved past violations and ensures future compliance with the Coastal Act. The Consent Order was the culmination of months of negotiations, discussion and compromises to ensure compliance with the Coastal Act, protect sensitive environmental resources and allow a continued fairgrounds operations.

The CDP pending before you is consistent with the Consent Order, as well as the Settlement Agreement reached between the 22nd DAA and the Cities of Solana Beach, Del Mar and the San Dieguito River Park JPA to resolve outstanding litigation related to fairgrounds improvements.

The Consent Order includes specific environment mitigation (creation and restoration of a 100-ft buffer, dedication of a varying width buffer, sound/lighting control, hydrology and water quality BMPs) to reduce current and future impacts on coastal resources. In addition, the Consent Order includes Coastal Education and Outreach support, office space and funding for the River Park JPA, and sponsorship of an annual River Park Clean Up west of Interstate 5.

The pending CDP addresses existing (overflow parking and interim events) and proposed uses (overflow parking and interim events) on the East Overflow Lot (EOL) and Golf Driving Range (GDR); two areas that provide important support for the major operations of the Fairgrounds. As outlined in the Consent Order, approval of the CDP will trigger full restoration of the South Overflow Lot to coastal salt marsh habitat. Additionally, the permit includes the development of the Coast to Crest Trail. The CDP imposes use restrictions and site development standards aimed at reducing or eliminating potential impacts to coastal resources including measures specifically designed to reduce/eliminate: lighting, noise, visual resources and improve water quality.

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The Consent Order was the result of effective and attentive government: the negotiations, discussion and compromise of two State Agencies designed to balance environmental stewardship of our State's natural resources and the operational needs of one of the most successful Fair and Race venues in the United States. For these reasons, I am pleased to support CDP #6-12-067 and look forward to the continued cooperation between the CCC and the 22nd DAA.

Sincerely,

A handwritten signature in cursive script, appearing to read "Todd Gloria".

TODD GLORIA
Interim Mayor

TG: prd

STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94248-0080
(916) 319-2080
FAX (916) 319-2180

DISTRICT OFFICE
1350 FRONT STREET, SUITE 6022
SAN DIEGO, CA 92101
(619) 338-8090
FAX (619) 338-8099

Assembly California Legislature



LORENA GONZALEZ
ASSEMBLYWOMAN, EIGHTIETH DISTRICT

COMMITTEES
RULES
EDUCATION
INSURANCE
WATER PARKS AND WILDLIFE

October 7, 2013

Chairwoman Mary Shallenberger
California Coastal Commission
45 Fremont Street
San Francisco, CA 94105

Re: Coastal Development Permit Application #6-12-067 – Support

Dear Chair Shallenberger:

I am writing to express my support for the 22nd District Agricultural Association's application for Coastal Development Permit #6-12-067 (CDP).

As you are aware, this is the first permit application required by the Commission's Consent Cease and Desist Order No. CCC-12-CD-02 (Consent Order) affecting the Del Mar Fairgrounds, which serves as a major recreation, exhibition and destination venue for San Diego County.

The Consent Order, which was unanimously approved by the Commission and the 22nd DAA Board of Directors, resolved past violations and ensures future compliance with the Coastal Act. The Consent Order was the culmination of months of negotiations, discussion and compromises to ensure compliance with the Coastal Act, protect sensitive environmental resources and allow continued fairgrounds operations.

On a personal note, I am extremely heartened by the newfound spirit of partnership between the operators and tenants of the fairgrounds and the community and other stakeholders, including the Commission. The Consent Order was a giant step in the right direction and I want to thank you and the Commission for bringing for leadership in this area.

The CDP pending before you is consistent with the Consent Order, which includes specific environmental mitigation (creation and restoration of a 100-ft buffer, dedication of a varying width buffer, sound/lighting control, hydrology and water quality BMPs) to reduce current and future impacts on coastal resources. In addition, the Consent Order includes Coastal Education and Outreach support, office space and funding for the River Park JPA, and sponsorship of an annual River Park Clean Up west of Interstate 5

The pending CDP addresses existing (overflow parking and interim events) and proposed uses (overflow parking and interim events) on the East Overflow Lot (EOL) and Golf Driving Range (GDR); two areas that provide important support for the major operations of the Fairgrounds. As outlined in the Consent Order,

RECEIVED

OCT 08 2013

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT



CDP #6-12-067 letter

Page 2

10/7/2013

approval of the CDP will trigger full restoration of the South Overflow Lot to coastal salt marsh habitat. Additionally, the permit includes the development of the Coast to Crest Trail. The CDP imposes use restrictions and site development standards aimed at reducing or eliminating potential impacts to coastal resources including measures specifically designed to reduce/eliminate: lighting, noise, visual resources and improve water quality.

The Consent Order was the result of effective and attentive government: the negotiation, discussion and compromise of two State Agencies designed to balance environmental stewardship of our State's natural resources and the operational needs of one of the most successful Fair and Race venues in the United States.

On a personal note, I am extremely heartened by the newfound spirit of partnership between the operators and tenants of the fairgrounds and the community and other stakeholders, including the Commission. The Consent Order was a giant step in the right direction and I want to thank you and the Commission for bringing for leadership in this area.

For these reasons, I'm pleased to support CDP #6-12-067 and look forward to the continued cooperation between the CCC and the 22nd DAA.

Sincerely



LORENA GONZALEZ

Assemblywoman, 80th District

92

October 4, 2013

Chairwoman Mary Shallenberger
California Coastal Commission
45 Fremont Street
San Francisco, CA 94105

Dear Chair Shallenberger:

I am writing to inform you of the 22nd District Agricultural Association's (DAA) application for Coastal Development Permit #6-12-067 (CDP). As you are aware, this is the first permit application required by your Consent Cease and Desist Order No. CCC-12-CD-02 (Consent Order) affecting the Del Mar Fairgrounds. Your Commission unanimously approved the Consent Order in March 2011. The Consent Order, also unanimously approved by the 22nd DAA Board of Directors, resolved past violations and ensures future compliance with the Coastal Act. The Consent Order was the culmination of months of negotiations, discussion and compromises to ensure compliance with the Coastal Act, in order to protect sensitive environmental resources and allow continued fairground operations.

It is the DAA's contention that the CDP pending before you is consistent with the Consent Order as well as the Settlement Agreement reached between the 22nd DAA and the Cities of Solana Beach, Del Mar and the San Dieguito River Park Joint Powers Authority (JPA), to resolve outstanding litigation related to fairgrounds improvements.

The Consent Order includes specific environmental mitigation (creation and restoration of a 100-ft buffer, dedication of a varying width buffer, sound/lighting control, hydrology and water quality Best Management Practices) to reduce current and future impacts on coastal resources. In addition, the Consent Order includes Coastal Education and Outreach support, office space and funding for the River Park JPA, and sponsorship of an annual River Park Clean Up west of Interstate 5.

The pending CDP addresses existing and proposed uses on the East Overflow Lot and Golf Driving Range; two areas that provide important support for the major operations of the Fairgrounds. As outlined in the Consent Order, approval of the CDP will trigger full restoration of the South Overflow Lot to coastal salt marsh habitat. Additionally, the permit includes the development of the Coast to Crest Trail. The CDP imposes use restrictions and site development standards aimed at reducing or eliminating potential impacts to coastal resources including measures specifically designed to reduce and eliminate: lighting, noise, visual resources and improve water quality.

The Consent Order was the result of effective and attentive government: the negotiation, discussion and compromise of two State Agencies designed to balance environmental stewardship of our State's natural resources and the operational needs of one of the most successful Fair and Race venues in the United States.

I respectfully ask that you to give the 22nd District Agricultural Association's application for Coastal Development Permit #6-12-067 full and fair consideration on its merits and in compliance with all applicable laws and regulations.

Sincerely,

JUAN VARGAS
Member of Congress

ENDANGERED HABITATS LEAGUE

DEDICATED TO ECOSYSTEM PROTECTION AND SUSTAINABLE LAND USE



October 7, 2013

Chairwoman Mary Shallenberger
California Coastal Commission
45 Fremont Street
San Francisco, CA 94105

Re: Support, Coastal Development Permit Application #6-12-067

Dear Chair Shallenberger,

The Endangered Habitats League (EHL) would like to offer our support the 22nd District Agricultural Association's application for Coastal Development Permit (CDP) #6-12-067. By way of background, EHL works on regional conservation and related land use issues in the five southern California counties. As such, we have background on the environmental and land use issues associated with the Coastal Development Permit for the Del Mar Fairgrounds. The CDP pending before you is consistent with the Consent Order approved by your Commission in March 2011 as well as the Settlement Agreement reached between the 22nd DAA and the San Dieguito River Park JPA and the Cities of Solana Beach, Del Mar over litigation related to improvements at the fairgrounds.

The Consent Order includes specific environmental mitigation requirements that we view as consistent with the resource protection programs and standards that we endorse. Included are the restoration and creation of viable habitat within the biological 100-ft buffer; the dedication of a functional buffer to control noise impacts, lighting and other negative edge effects; and hydrological and water quality BMP's. Approval of the CDP will trigger full restoration of the South Overflow Lot to important coastal salt marsh habitat thus increasing significantly the values and functions of the expanded estuarine restoration within the San Dieguito Lagoon complex.

In addition, the Consent Order includes Coastal Education and Outreach support, office space and funding for the River Park JPA, and sponsorship of an annual River Park Clean Up west of Interstate 5. We work closely with the Earth Discovery Institute and have witnessed the very high conservation value of such environmental and outreach programs.

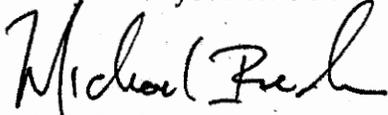
The pending CDP also addresses existing (overflow parking and interim events) and proposed uses (overflow parking and interim events) on the East Overflow Lot (EOL) and Golf Driving Range (GDR); two areas that provide important

95

support for the major operations of the Fairgrounds.

We have been tracking the long and difficult negotiations that have taken place and applaud the conscientious effort and commitment from all parties in resolving past violations and insuring future compliance with the California Coastal Act.

Thank you for your consideration.

A handwritten signature in cursive script that reads "Michael Beck".

Michael Beck
San Diego Director

90



CORPORATE OFFICE
7966 ARJONS DRIVE, SAN DIEGO, CALIFORNIA 92126
TELEPHONE (619) 621-5151 FAX (619) 621-5155

October 8, 2013

Chairwoman Mary Shallenberger
California Coastal Commission
45 Fremont Street
San Francisco, CA 94105

Re: Coastal Development Permit Application #6-12-067 – Support

Dear Chair Shallenberger:

I am writing to express my support for the 22nd District Agricultural Association's application for Coastal Development Permit #6-12-067 (CDP). It is my understanding that this permit application is required by the Consent Cease and Desist Order No. CCC-12-CD-02 (Consent Order) affecting the Del Mar Fairgrounds. The Consent Order resolved past violations and ensures future compliance with the Coastal Act. The Consent Order was the culmination of months of negotiations, discussion and compromises to ensure compliance with the Coastal Act, protect sensitive environmental resources and allow continued fairgrounds operations.

Premier Food Services, Inc. has managed the food and beverage services at the Del Mar Fairgrounds for the past 23 years. Premier employs 39 individuals full time throughout the year, over 400 persons during the 3 week period of the annual San Diego County Fair, and over 800 persons during the summer Thoroughbred Race Meet. The fairgrounds and race track is the only source of business for Premier Food Services, Inc. Curtailment of business at the fairgrounds would have a negative impact on Premier, our employees' families, and the families whose mother or father provides goods and services to us in fulfilling our responsibilities to the 22nd DAA and the millions of visitors to the Fairgrounds each year.

The pending CDP addresses existing (overflow parking and interim events) and proposed uses (overflow parking and interim events) on the East Overflow Lot (EOL) and Golf Driving Range (GDR); two areas that provide important support for the major operations of the Fairgrounds. As outlined in the Consent Order, approval of the CDP will trigger full restoration of the South Overflow Lot to coastal salt marsh habitat. Additionally, the permit includes the development of the Coast to Crest Trail. The CDP imposes use restrictions and site development standards aimed at reducing or eliminating potential impacts to coastal resources including measures specifically designed to reduce/eliminate: lighting, noise, visual resources and improve water quality.

97

The approval of this permit would further ensure continued success of not only my business but for the hundreds of other businesses that utilize the facility and the hundreds of thousands of patrons that attend the various events on grounds. For these reasons, I'm pleased to support CDP #6-12-067 and look forward to the continued cooperation between the CCC and the 22nd DAA.

Yours Truly,



George Karetas
President & CEO

CC: Alexander Llerandi, California Coastal Commission
Dustin Fuller, Sr. Environmental Planner, 22nd DAA/Del Mar Fairgrounds
Mark Anderson, General Manager, Premier Food Services, Inc.

RECEIVED

OCT 03 2013

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

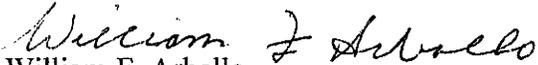
Oct. 2, 2013

California Coastal Commission
San Diego District
7575 Metropolitan District # 103
San Diego CA 921 08-4421

Re: 22nd District Ag Assn. Application # 6-12-067 (APN (s)299-042-02- 299- 003-04

I concur with the District's application's to (1) Expand the turf course which will provide greater safety for horses and (2) allow for interim area participation . Neither improvement will impact the wetlands.

Sincerely,



William F. Arballo,
1718 Belle Meade Road
Encinitas Ca 92024.
(Del Mar resident 1933-1986)

99



Pinery
Christmas Trees

October 1, 2013

Chairwoman Mary Shallenberger
California Coastal Commission
45 Fremont Street
San Francisco, CA. 94105

Re: Coastal Development Permit Application #6-12-067 – Support

Dear Chair Shallenberger:

I am writing to express my support for the 22nd District Agricultural Association's application for Coastal Development Permit #6-12-067 (CDP).

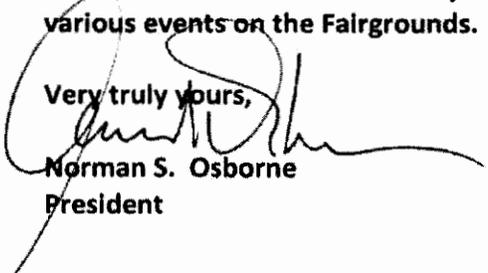
Pinery Christmas Trees is a local family owned business whose primary base of operations is located at the Del Mar Fairgrounds during the months of October - December of each year.

Since 2007, the Pinery has operated a pumpkin patch / kiddie carnival during the month of October and in November / December, we have a wholesale / retail Christmas Tree business at the Del Mar Fairgrounds.

Since this location is the main location for both our pumpkin and Christmas Tree business, the Pinery looks forward to a long term relationship with the Del Mar Fairgrounds and approval of the CDP will hopefully allow that in the future.

The Fairgrounds provides the ideal forum for my business and the approval of this permit would further ensure continued success of not only my business but for hundreds of other businesses that utilize the facility and the hundreds of thousands of patrons that attend the various events on the Fairgrounds. For these reasons, I'm pleased to support CDP #6-12-067.

Very truly yours,


Norman S. Osborne
President



October 3, 2013

Chairwoman Mary Shallenberger
California Coastal Commission
45 Fremont Street
San Francisco, CA 94105

Re: Coastal Development Permit Application #6-12-067 – Support

Dear Chair Shallenberger:

I am writing to express my support for the 22nd District Agricultural Association's application for Coastal Development Permit #6-12-067 (CDP). It is my understanding that this permit application is required by the Consent Cease and Desist Order No. CCC-12-CD-02 (Consent Order) affecting the Del Mar Fairgrounds. The Consent Order resolved past violations and ensures future compliance with the Coastal Act. The Consent Order was the culmination of months of negotiations, discussion and compromises to ensure compliance with the Coastal Act, protect sensitive environmental resources and allow continued fairgrounds operations.

For 29 years we have been using the Fairgrounds to produce consumer events. These events include Home/Garden shows, motorcycle shows, Food shows and Collector Cars Auction. In my judgment there is no substitute for the Facilities at the Del Mar Fairgrounds. Weather evaluating the variety of buildings or parking availability the Facility is unique and a real Community resource.

The pending CDP addresses existing (overflow parking and interim events) and proposed uses (overflow parking and interim events) on the East Overflow Lot (EOL) and Golf Driving Range (GDR); two areas that provide important support for the major operations of the Fairgrounds. As outlined in the Consent Order, approval of the CDP will trigger full restoration of the South Overflow Lot to coastal salt marsh habitat. Additionally, the permit includes the development of the Coast to Crest Trail. The CDP imposes use restrictions and site development standards aimed at reducing or eliminating potential impacts to coastal resources including measures specifically designed to reduce/eliminate: lighting, noise, visual resources and improve water quality.

The Fairgrounds provides the ideal forum for my business and the approval of this permit would further ensure continued success of not only my business but for the hundreds of other businesses that utilize the facility and the hundreds of thousands of patrons that attend the various events on grounds. For these reasons, I'm pleased to support CDP #6-12-067 and look forward to the continued cooperation between the CCC and the 22nd DAA.

Sincerely,

Lawrence Bame



WESTWARD EXPOS

2120 Jimmy Durante Blvd., Suite 106
Del Mar, California 92014-2236
858.350.3738 phone • 858.350.3740 fax
www.sandiegohomegardenshows.com

101



October 1, 2013

Chairwoman Mary Shallenberger
California Coastal Commission
45 Fremont Street
San Francisco, CA 94105

Re: Coastal Development Permit Application #6-12-067 – Support

Dear Chair Shallenberger:

I am writing to express my support for the 22nd District Agricultural Association's application for Coastal Development Permit #6-12-067 (CDP). It is my understanding that this permit application is required by the Consent Cease and Desist Order No. CCC-12-CD-02 (Consent Order) affecting the Del Mar Fairgrounds. The Consent Order resolved past violations and ensures future compliance with the Coastal Act. The Consent Order was the culmination of months of negotiations, discussion and compromises to ensure compliance with the Coastal Act, protect sensitive environmental resources and allow continued fairgrounds operations.

The Del Mar Electronics & Design Show has been operating at the Fair Grounds for 18 years. We are an annual show and exist because of the Fair Grounds. We could not do this show any where else. We love the facility and the people we work with. Please don't change a thing.

The pending CDP addresses existing (overflow parking and interim events) and proposed uses (overflow parking and interim events) on the East Overflow Lot (EOL) and Golf Driving Range (GDR); two areas that provide important support for the major operations of the Fairgrounds. As outlined in the Consent Order, approval of the CDP will trigger full restoration of the South Overflow Lot to coastal salt marsh habitat. Additionally, the permit includes the development of the Coast to Crest Trail. The CDP imposes use restrictions and site development standards aimed at reducing or eliminating potential impacts to coastal resources including measures specifically designed to reduce/eliminate: lighting, noise, visual resources and improve water quality.

The Fairgrounds provides the ideal forum for my business and the approval of this permit would further ensure continued success of not only my business but for the hundreds of other businesses that utilize the facility and the hundreds of thousands of patrons that attend the various events on grounds. For these reasons, I'm pleased to support CDP #6-12-067 and look forward to the continued cooperation between the CCC and the 22nd DAA.

Sincerely

A handwritten signature in black ink, appearing to read "D. Z. Belmont". The signature is fluid and cursive, with a long horizontal stroke at the end.

Del Mar Trade Shows

October 2, 2013

Chairwoman Mary Shallenberger
California Coastal Commission
45 Fremont Street
San Francisco, CA 94105

Re: Coastal Development Permit Application #6-12-067 – Support

Dear Chair Shallenberger:

I am writing to express my support for the 22nd District Agricultural Association's application for Coastal Development Permit #6-12-067 (CDP). It is my understanding that this permit application is required by the Consent Cease and Desist Order No. CCC-12-CD-02 (Consent Order) affecting the Del Mar Fairgrounds. The Consent Order resolved past violations and ensures future compliance with the Coastal Act. The Consent Order was the culmination of months of negotiations, discussion and compromises to ensure compliance with the Coastal Act, protect sensitive environmental resources and allow continued fairgrounds operations.

We produce the Fred Hall Shows...The Ultimate Outdoor Experience at the Del Mar Fairgrounds. We are San Diego's oldest and largest boat show and only outdoor recreation show. We specialize in fishing, boating, travel, camping, diving and hunting. We have been at the Del Mar Fairgrounds for almost 40 years. No other location in San Diego County is suitable for our event.

The pending CDP addresses existing (overflow parking and interim events) and proposed uses (overflow parking and interim events) on the East Overflow Lot (EOL) and Golf Driving Range (GDR); two areas that provide important support for the major operations of the Fairgrounds. As outlined in the Consent Order, approval of the CDP will trigger full restoration of the South Overflow Lot to coastal salt marsh habitat. Additionally, the permit includes the development of the Coast to Crest Trail. The CDP imposes use restrictions and site development standards aimed at reducing or eliminating potential impacts to coastal resources including measures specifically designed to reduce/eliminate: lighting, noise, visual resources and improve water quality.

The Fairgrounds provides the ideal forum for my business and the approval of this permit would further ensure continued success of not only my business but for the hundreds of other businesses that utilize the facility and the hundreds of thousands of patrons that attend the various events on grounds. For these reasons, I'm pleased to support CDP #6-12-067 and look forward to the continued cooperation between the CCC and the 22nd DAA.

Sincerely,

Bart Hall, Producer
The Fred Hall Shows
805-389-3339 Office
805-218-7481 Cell

103



RECEIVED

OCT 01 2013

CALIFORNIA COASTAL COMMISSION

October 1, 2013

Chairwoman Mary Shallenberger
California Coastal Commission
45 Fremont Street
San Francisco, CA 94105

Sent Via FAX To: (415) 904-5400

Re: Coastal Development Permit Application #6-12-067 – Support

Dear Chair Shallenberger:

As a business owner who has been hosting events at the Del Mar Fairgrounds for 17 years, I am writing to support the 22nd District Agricultural Association's application for Coastal Development Permit #6-12-067 (CDP). It is my understanding that this permit application is required by the Consent Cease and Desist Order No. CCC-12-CD-02 (Consent Order) affecting the Del Mar Fairgrounds, and that it will resolve past violations and ensure future compliance with the Coastal Act. The Consent Order was the culmination of months of negotiations, discussion and compromises to ensure compliance with the Coastal Act, protect sensitive environmental resources and allow continued fairgrounds operations.

Our small business operates three public ski and snowboard shows per year at the Del Mar Fairgrounds. This facility is not just critical to our continued operations ... it has become a valued part of the San Diego community and culture. Each year, we bring snow sports industry resorts, retailers, associations & related businesses to the Del Mar Fairgrounds to connect with our 20K San Diego skiers and snowboarders as an annual snow season kick off and celebration of their passion - their sport. We are but one of the producers of so many shows, festivals and events that depend on this one-of-a-kind facility designed specifically for public use.

The pending CDP addresses existing (overflow parking and interim events) and proposed uses (overflow parking and interim events) on the East Overflow Lot (EOL) and Golf Driving Range (GDR); two areas that provide important support for the major operations of the Fairgrounds. As outlined in the Consent Order, approval of the CDP will trigger full restoration of the South Overflow Lot to coastal salt marsh habitat. Additionally, the permit includes the development of the Coast to Crest Trail. The CDP imposes use restrictions and site development standards aimed at reducing or eliminating potential impacts to coastal resources including measures specifically designed to reduce/eliminate: lighting, noise, visual resources and improve water quality.

The Fairgrounds provides the ideal forum for my business and the approval of this permit would further ensure continued success of not only my business but for the hundreds of other businesses that utilize the facility and the hundreds of thousands of patrons that attend the various events on grounds. For these reasons, I'm pleased to support CDP #6-12-067 and look forward to the continued cooperation between the CCC and the 22nd DAA.

Respectfully submitted,

Ronald L. Parent
President,
SnowJam Shows

RECEIVED

OCT 02 2013

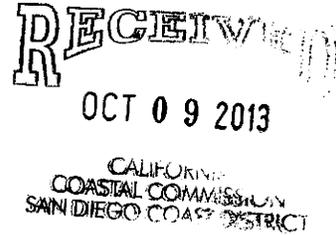
CALIFORNIA COASTAL COMMISSION
SAN DIEGO COASTAL OFFICE

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BRIDAL BAZAAR

October 3, 2013

Chairwoman Mary Shallenberger
California Coastal Commission
45 Fremont Street
San Francisco, CA 94105



Re: Coastal Development Permit Application #6-12-067 – Support

Dear Chair Shallenberger:

I am writing to express my support for the 22nd District Agricultural Association's application for Coastal Development Permit #6-12-067 (CDP). It is my understanding that this permit application is required by the Consent Cease and Desist Order No. CCC-12-CD-02 (Consent Order) affecting the Del Mar Fairgrounds. The Consent Order resolved past violations and ensures future compliance with the Coastal Act. The Consent Order was the culmination of months of negotiations, discussion and compromises to ensure compliance with the Coastal Act, protect sensitive environmental resources and allow continued fairgrounds operations.

The pending CDP addresses existing (overflow parking and interim events) and proposed uses (overflow parking and interim events) on the East Overflow Lot (EOL) and Golf Driving Range (GDR); two areas that provide important support for the major operations of the Fairgrounds. As outlined in the Consent Order, approval of the CDP will trigger full restoration of the South Overflow Lot to coastal salt marsh habitat. Additionally, the permit includes the development of the Coast to Crest Trail. The CDP imposes use restrictions and site development standards aimed at reducing or eliminating potential impacts to coastal resources including measures specifically designed to reduce/eliminate: lighting, noise, visual resources and improve water quality.

The Bridal Bazaar is San Diego's largest and longest-running bridal show. We have been running our shows twice a year at the Del Mar Fairgrounds for many years. The Fairgrounds provides the ideal forum for my business and the approval of this permit would further ensure continued success of not only my business but for the hundreds of other businesses that utilize the facility and the hundreds of thousands of patrons that attend the various events on grounds. For these reasons, I'm pleased to support CDP #6-12-067 and look forward to the continued cooperation between the CCC and the 22nd DAA.

Best Regards,


Betsy Winsett
Co-owner Bridal Bazaar

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**Intentionally
Blank**

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CC: DAA

F7a

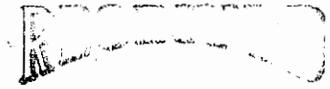


FSDRV.org

Friends of the
San Dieguito River Valley
P.O. Box 973 Del Mar California 92014

Ms. Deborah Lee
Mr. Alex Llerandi
California Coastal Commission
San Diego Coast District Office
7575 Metropolitan Drive Suite 103
San Diego, CA 92108-4402

August 30, 2013



SEP 04 2013

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

RE: 22nd DAA Coastal Development Permit application #6-12-067 and #6-13-010

Dear Ms. Lee and Mr. Llerandi,

The Friends of the San Dieguito River Valley (Friends) is an incorporated non-profit organization advocating the creation and maintenance of the San Dieguito River Valley Park and opposing developments that adversely affect the park, especially the coastal zone at the western end of the river valley.

The Friends are very concerned by the following issues in the 22nd DAA Coastal Development Permit applications.

1. WETLAND DEGRADATION: the use of the East Overflow Lots (EOL) and the Golf Driving Range (GDR) wetlands for year around car (1a) and trailer parking (1b).

2. PUBLIC BEACH ACCESS: severely impeded public access to the beaches for extended periods of time due to the increase in the attendance to fairgrounds short-term events

WETLAND DEGRADATION

1.a Coastal Act Section 30255 (p 44)

...Except as provided elsewhere in this division, coastal development shall not be sited in a wetland ...

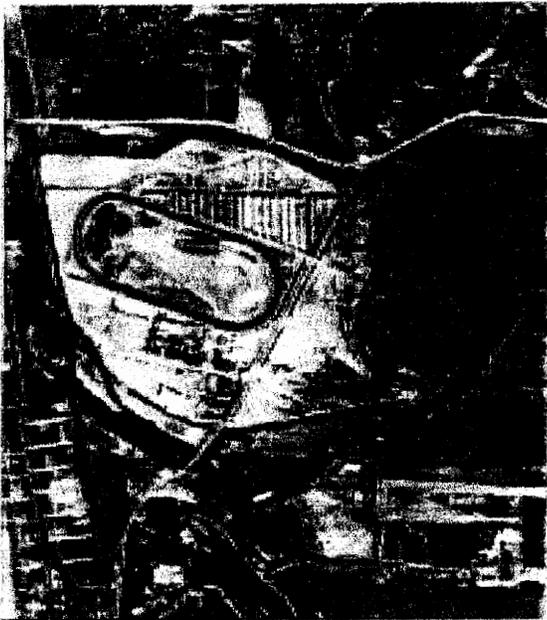
In response to the CCC Cease and Desist Orders the 22nd DAA was compelled to issue a new Wetland Delineation survey. This survey documents the enduring presence of wetlands at the center of the EOL and GDR. The two photographs below demonstrate the cause of the enduring presence of these wetlands.

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Letters of Opposition

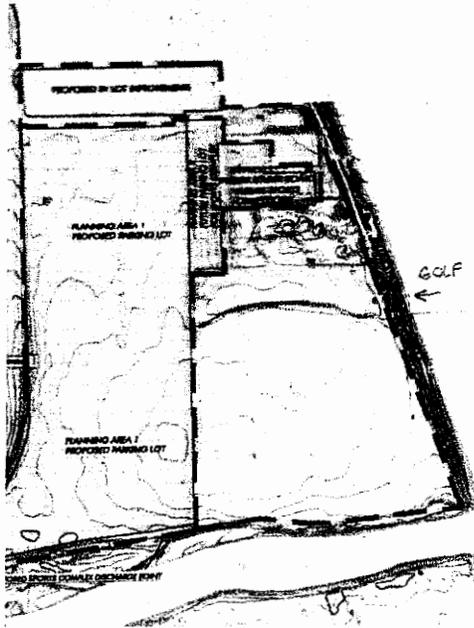
The 1953 fairgrounds aerial photo, on the left, was taken before the construction of the I-5 freeway. The San Dieguito River Channel flows southwesterly and a large abandoned meander is apparent to the west of the main river channel. The meander impinges on the present day alignment of Jimmy Durante Boulevard.

At the time of the I-5 freeway construction, the river course was relocated to the south of the San Dieguito flood plain and 15 years later, the 1974 photo to the right, shows a section of the now abandoned channel and the abandoned meander still persisting in the topography: this area is now the present day site of the EOL and GDR.



The combined EOL and GDR have the general shape of a shallow L-shaped basin, five feet deep to the southeast as shown in the contour map below. The Wetland Delineation survey shows the present day persistence of wetlands on the EOL as well as at the deeper end of this basin. The 22nd DAA proposes to use the GDR year around, but this is a surprising proposition as water accumulates in the deeper part of the GDR basin for weeks at a time during the rainy season. Hydrological data cannot be legislated away. To use the GDR as a parking lot year around would require several feet of fill. Is that what is implied by the 22nd DAA?

In summary the photographs below show that the GDR is a historical waterway and present-day wetland; it should be protected as much as possible.



1b. Coastal Act Section 30212.5

Wherever appropriate and feasible... parking areas or facilities shall be distributed throughout an area so as to mitigate against the impacts...of overuse by the public of any single area.

The large storage trailers parked at the eastern end of the GDR are far removed from any of the sites where they are needed. They are eyesores that obstruct the river valley eastern vistas, and their placement across the GDR wetland degrades it. This September 7, 2009 photograph shows the trailers aligned along the freeway AND the Coast to Crest Trail. The 22nd DAA has recently stored them on the 0.7-acre vacant lot, north of the Mini Golf Facility where they are near a road access and the facilities they service. That lot is an excellent and proper location for trailer storage.



Conclusion

Although past CCC decision have allowed the GRD site to be used by the mini - golf and parking during the summer, any further use and abuse of this degraded wetland habitat is unjustified either by allowing the 22nd DAA to use the site year around, as well as by storing the large trailers. Occasional uses of GDR during the second racing season is unjustified if only because the rainy season has started and the area is underwater!

2. PUBLIC ACCESS

Coastal Act Section 30210.

... maximum access and recreational opportunities shall be provided for all the people consistent with ... the need to protect public rights...and natural resources areas from overuse.

Although the Del Mar Fair ever increasing attendance seem not to be questioned by the CCC, the traffic analysis of fair events provides useful numbers. Via del la Valle is one of the few direct routes from inland areas to the beach. When the +/- 60,000 average number of fair visitors rises to 100,000 on peak days, there is a massive deficit of available parking spaces on the fairgrounds which leads to traffic jams on I-5 and a level of service rated E at the intersection of Via de la Valle and J. Durante Boulevard during the week, rising to level of service rated F at Jimmy Durante Boulevard on Saturdays (Comprehensive CDP, Traffic Analysis, p. 59). Beach access is severely impeded and often impossible for extended periods of time especially on weekends.

So while there are no traffic jams associated with the annual Pumpkin Patch event and the Xmas trees sales per se, it is the cumulative traffic impact associated with simultaneous events that will lead to excessive combined attendance and traffic congestion of the type occurring during the Fair.

The CDP Application lists 18 types of proposed events, covering every conceivable activity: concerts, spectator and sporting events, circuses, festivals, carnivals... most of them unrelated to the Fairgrounds original mission. The latest CDP implies that the 22nd DAA intends the fairgrounds to become an overall entertainment and sporting venue with activities unrelated to its original mission and the coastal environment.

Conclusion

The traffic analyses that are part of the CDP application will determine the level of traffic that is compatible with general public access to the beach area. It is only if the Coastal Commission PUTS A CAP on the total attendance at simultaneous events and monitors this attendance that the coastal access will be guaranteed.

The 22nd DAA request that the approval of this application would be final is unjustified: by never revisiting the 22nd DAA property usage during the Fair, for several days during the summer months access to the beach is severely impeded for the general public. The Coastal Commission should never make again the mistake of granting a permit without periodic reassessments. Yes, the Fairgrounds need more parking spaces, but in buildings near the visitors' destination: close to the new expanded exhibit buildings west of Jimmy Durante Boulevard, not in wetlands.

We trust that the Coastal Commission will continue to be the protector of beach access, wetlands and other natural resources.

Sincerely,



Maggie Brown, President
Friends of the San Dieguito River Valley



Jacqueline Winterer
FSDRV Board Member



San Dieguito River Park
Joint Powers Authority
18372 Sycamore Creek Road
Escondido, CA 92025
(858) 674-2270 Fax (858) 674-2280
www.sdrp.org

**JOINT POWERS AUTHORITY
BOARD OF DIRECTORS**

Chair Jim Cunningham
Poway City Council

Vice-Chair Lesa Heebner
Solana Beach City Council

Don Mosier
Del Mar City Council

Olga Diaz
Escondido City Council

Sherril Lightner
San Diego City Council

Mark Kersey
San Diego City Council

Dave Roberts
Supervisor, County of San Diego

Dianne Jacob
Supervisor, County of San Diego

Tom Golich
Citizens Advisory Committee

Becky Bartling, Ex Officio
22nd District Agricultural Assoc.

Dick Bobertz
Executive Director

September 25, 2013

Alexander Llerandi, Coastal Planner
California Coastal Commission
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108

Subject: 22nd District Agricultural Association, Del Mar Fairgrounds
CDP Application #6-12-067

Dear Mr. Llerandi:

The San Dieguito River Park JPA Board has considered the 22nd District Agricultural Association's (DAA) CDP application #6-12-067. Our staff thoroughly reviewed the reports and information submitted by the DAA as part of the application package and we appreciate your willingness to meet with our staff to discuss the application. We understand that this CDP application is submitted under Section 3.2B of the Cease & Desist Order (CO) issued by the Commission in March 2012 and that it is scheduled for a hearing on October 11, 2013. Once your staff recommendation is available for review, we may also send a follow-up letter.

The Fairgrounds is located at the western gateway to the San Dieguito River Park and adjacent to a \$90 million lagoon restoration project and sits on land that was historically tidal wetlands. It is the dominant land use in this area and is located directly adjacent to the San Dieguito River. For these reasons, the JPA has had a long-term interest in Fairground operations since the formation of the San Dieguito River Park. Specifically, the JPA has the following comments on the CDP application:

- 1) Of utmost importance to us is the relationship between the DAA's request for permanent year-round use entitlement of the EOL and GDR and the extant wetlands covering these areas. The difference between historic use of a portion of the EOL for seasonal overflow parking and the current CDP request for complete and permanent use (including year-round events, storage, "logistical operations", and future paving for 3,000 cars) must be reconciled.

We were pleased that the CO required a final determination of wetlands on the EOL and GDR as the extent of wetlands on the Fairgrounds property has long been in dispute with previous wetland delineations showing

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dramatically different results. The JPA protested the wetland delineation included in the Fairgrounds Master Plan EIR (December 2009) that only showed a narrow strip of wetlands along the river's edge.

The DAA's new wetland delineation (AECOM, September 2012), which identifies extensive delineated wetlands over the EOL and GDR, represents new information that was not known at the time the CO was issued, and impacts to these wetlands, as proposed in the DAA's application, is in direct conflict with Coastal Act Section 30233.

We acknowledge that some use of the EOL may be in effect "grandfathered" because some areas of the EOL (and SOL) had already been in use for overflow parking during the Fair and racing seasons prior to the enactment of the Coastal Act in 1976. In fact, the enclosed aerial image, taken around that time period, shows evidence of parking on the SOL and the western half of the EOL. However, the CO set that period as a baseline identified in Section 8 (Description of the Unpermitted Development) and Coastal Act violations identified after that time are defined as a "change in the intensity of use of the EOL, SOL, and the GDR from their pre-Coastal Act use"). As the CO states (Section 3.2.E), any development and use on the EOL must comply with the Coastal Act. However, we recognize that elimination of some of those grandfathered uses could be the basis of a reasonable trade-off for some development on the northern half of the EOL in order to preserve the majority of wetlands in the southern portion.

- 2) The JPA does not object to continued use of the GDR for overflow parking during the existing Fair and racing seasons because the site has a valid CDP for a golf driving range and the site is dry during those two summer events. The JPA does object to extending the use of the GDR for parking the rest of the year as proposed, particularly during the rainy season (Oct-Mar).
- 3) We are concerned that no alternatives to the DAA's proposed plan have been identified or evaluated as required by both the Coastal Act and CEQA. The DAA has not provided convincing evidence that the entire EOL is necessary for parking as demonstrated in its own Parking Assessment Study, which contains many "feasible" measures that could be employed by the DAA to better manage its parking. Alternative proposals that comply with the Coastal Act are available and should be seriously considered.
- 4) We are also opposed to the request for "intermittent truck and trailer storage" on the EOL and GDR. This use is in violation of a settlement agreement reached between the DAA and the JPA (one of three Petitioners (December 2012)).

The importance of this proposal and its impact on wetlands, both on the Fairgrounds property and adjacent, cannot be emphasized enough. We are hopeful that compliance with the CO will finally resolve the long-standing inconsistency between the Fairgrounds past and future operations and the protection of wetlands under the Coastal Act. Thank you for considering our comments. We look forward to receiving the staff report.

Alexander Llerandi, Coastal Planner
September 26, 2013
Page 3

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Cunningham". The signature is fluid and cursive, with a large initial "J" and "C".

Jim Cunningham
JPA Board Chair

CALIFORNIA COASTAL COMMISSION

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

**F7a**

Filed: 2/21/13
 270th Day: 11/18/13
 Staff: A. Llerandi-SD
 Staff Report: 9/26/13
 Hearing Date: 10/11/13

STAFF REPORT: REGULAR CALENDAR

Application No.: 6-12-067

Applicant: 22nd District Agricultural Association

Agent: Dustin Fuller

Location: Del Mar Fairgrounds, 2260 Jimmy Durante Boulevard, Del Mar, San Diego, San Diego County (APN No. 299-042-01, 299-042-02, 299-003-04)

Project Description: Relinquish all use of the remainder of the South Overflow Lot in order to restore it to functioning wetlands while consolidating year-round parking and intermittent trailer storage in the East Overflow Lot and Golf Driving Range, as well as use the East Overflow Lot for annual pumpkin patch and Christmas tree sales events, future temporary events, and fairground logistics, maintain an existing banner sign on the adjacent Surf and Turf lot, and create a paved bus lane with public trail parking and five interpretive signs north of the SOL restoration area.

Staff Recommendation: Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending approval of this project, with conditions. The proposed project is to relinquish all use of the South Overflow Lot (“SOL”) and restore it to functioning wetlands

while consolidating year-round parking and intermittent trailer storage on the East Overflow Lot (“EOL”) and Golf Driving Range (“GDR”), as well as to use the EOL to hold annual pumpkin patch and Christmas tree sales events, other future temporary events, and fairground logistics, maintain an existing unpermitted banner sign on the adjacent Surf and Turf lot, and create a paved bus lane with public trail parking and five interpretive signs north of the SOL restoration area. The project site is the Del Mar Fairgrounds, namely the unpaved SOL, EOL, and GDR across Jimmy Durante Boulevard to the south and east of the main Fairgrounds complex.

The 9.55 acre section of the SOL (“Phase II”) to be relinquished and restored will comprise three marsh habitats (low marsh, mid-marsh, and high marsh) and an upland transitional habitat, as well as the restoration of intertidal mudflats. The proposed restoration project is a part of the Consent Orders approved by the Commission on March 8, 2012, in Cease and Desist Order CCC-12-CD-02 and Restoration Order CCC-12-RO-02 (“Consent Orders”). This restoration has been designed to be compatible with a restoration project for an adjacent, smaller section of the SOL (“Phase I”) that was approved by the Commission on November 15, 2012, in CDP No. 6-12-040, so as to result in one large salt marsh complex. The Phase I and Phase II design elevations will be aligned to produce a unified and interconnected southern coastal salt marsh habitat.

In a separate enforcement action, the Commission issued Cease and Desist Order CCC-12-CD-02 and Restoration Order CCC-12-RO-02 (“Consent Orders”) on March 8, 2012 to address unpermitted activities at the Del Mar Fairgrounds, including landform alteration within a wetland. The Consent Orders approved by the Commission laid the ground work for the proposed Phase II restoration, as well as for the Applicant to come forward to apply for the additional requested development.

The proposed project raises issues of public access, hydrology/flooding, wetland impacts, water quality, and visual resources. Public access issue arise because the Del Mar Fairgrounds is a popular destination for low-cost visitor serving recreation in the coastal zone, but can also cause severe traffic impacts that interfere with public access to the surrounding beaches and river valley. Hydrology and flooding issues arise due to the project site’s location within the San Dieguito River floodplain. Water quality issues arise because runoff from the SOL, EOL, and GDR flows south towards the San Dieguito River. Issues of wetland impacts arise because the project site is adjacent to and contains delineated wetlands, and restoration and use of the site will cause direct impacts. Visual resource issues arise due to the project site’s location within the scenic San Dieguito River Valley and the potential for temporary events to block views down the river valley.

The proposed development, namely the use of and placement of fill in the EOL and GDR, conflicts with Coastal Act policy of protecting wetlands contained in section 30233. However, denial of the permit will create conflicts with multiple Coastal Act policies: 30230 (protection and restoration of marine resources), 30231 (water quality), 30210 (public access and recreational opportunities), 30213 (lower cost visitor and recreational facilities), and 30250 (consolidating development). This is because the legal requirement that the Applicant restore the SOL would not be triggered, use of a popular visitor serving recreational facility would be greatly curtailed, and the development footprint would not be consolidated within the coastal zone. As there are no less

impactful feasible alternatives, the Commission, utilizing conflict resolution, finds that on balance, approval of the permit as conditioned represents the greatest protection of coastal resources.

Special conditions mandating submission of revised final plans, waivers of future flood protection, assumption of liability, revised monitoring plans, disposal plans for graded spoils, and limits on the conducting of future temporary events, will mitigate the foreseeable impacts from the proposed development and ensure the development occurs in a manner consistent with Chapter 3 policies in the Coastal Act.

Commission staff recommends **approval of** coastal development permit application 6-12-067, as conditioned.

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APPENDICES

Appendix A – Substantive File Documents

EXHIBITS

- Exhibit 1 – Location Map
- Exhibit 2 – Aerial View
- Exhibit 3 – Site Plan
- Exhibit 4 – Wetland Delineation
- Exhibit 5 – Map of Possible Shuttle Lots
- Exhibit 6 – Drainage Basins
- Exhibit 7 – SOL Phase II Restoration Map
- Exhibit 8 – Current Public View
- Exhibit 9 – Visual Rendering
- Exhibit 10 – Commission Wetland Memo

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** Coastal Development Permit No. 6-12-067 pursuant to staff recommendation.*

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:

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

This permit is granted subject to the following 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 applicant 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 of 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 applicant to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

The permit is subject to the following conditions:

1. **Revised Final/BMP Plans.** PRIOR TO THE ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval final project and BMP plans. Said plans shall be in substantial conformance with the plans submitted by Dustin Fuller on August 19, 2013, but shall be revised to incorporate the following:
 - a. Install BMPs including, but not limited to, bioretention basins and swales between the bottom third of the EOL to be preserved and the surrounding development.
 - b. The existing banner sign on the Surf & Turf lot shall be deleted from all plans.
 - c. A 100-foot height limit shall be observed by all permitted development on the northern third of the EOL (EOL Area 1), as generally depicted on Exhibit 3.
 - d. A 50-foot height limit shall be observed in by all permitted development on the middle third of the EOL (EOL Area 2) as generally depicted on Exhibit 3, while allowing an extension to 85 feet for
 - a. tents and canopies in place for no longer than three weeks in duration or;
 - b. other structures that have a transparency factor of at least 50 percent above the 50-foot height limit.
 - e. A 25-foot height limit shall be observed by all permitted development on the southern third of the EOL (EOL Area 3) as generally depicted on Exhibit 3.

The permittee 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.

2. **Assumption of Risk, Waiver of Liability, and Indemnity Agreement**

- i. 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.

- ii. **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 include 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.
3. **No Future Flood Protection.** No berms, walls, or any other form of protection against flooding shall ever be constructed for the purpose of protecting the development approved by this permit from flooding. By acceptance of this permit, the applicant hereby waives, on behalf of itself and all successors and assigns, any rights to construct such channelization or substantial alteration of a river or stream for the purpose of protecting the permitted development.
 4. **Revised Final Restoration/Monitoring Plan.** **PRIOR TO THE ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT**, the permittee shall submit to the Executive Director for review and written approval, a final Salt Marsh Restoration, Maintenance, and Monitoring Plan for the South Overflow Lot. Said Plan shall be in substantial conformance with the plan identified as Habitat Restoration, Maintenance, and Monitoring Plan of August 2012.

The permittee 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.

5. **Disposal of Graded Spoils.** PRIOR TO THE ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant shall identify the location for the disposal of graded spoils. If the disposal site is located within the coastal zone, a separate coastal development permit or permit amendment shall first be obtained from the California Coastal Commission or its successors in interest. Placement of graded soil is prohibited on the South Overflow Lot, the East Overflow Lot, or the Golf Driving Range.
6. **Grading Elevation Confirmation.** PRIOR TO PLANTING OR SEEDING, the applicant shall consult with an independent (one who has not participated in any manner with the planning of the proposed project) licensed engineer, or other competent independent licensed professional who can comply with this condition, to determine that the restoration area of Phase II has been graded in a manner consistent with the approved final plans. This determination shall be in writing and shall demonstrate that the site was graded and contoured to plan. This written determination must be submitted to the Executive Director of the Coastal Commission for review and written approval.
7. **Lighting.** Temporary lighting proposed to be used for activities in the East Overflow Lot and Golf Driving Range shall be consistent with the following:
 - a. Temporary lighting is permitted adjacent to the wetland restoration areas and preserved open-space area in the lower third of the East Overflow Lot for only safety and security reasons during the San Diego County Fair, Del Mar Horse Racing Season, or during other temporary events.
 - b. Light spillover levels into the restored wetlands and the wetland buffers shall be minimized to the greatest extent practicable through the use of the lightning shields which direct light away from the restored wetland buffers.
 - c. A maximum of 5 lighting standards (defined as portable lighting units with 4 bulbs per unit) shall be allowed to be placed within 200 feet of restored or existing wetland habitat in the EOL (southern edge) and GDR (southern edge).
 - d. There shall be a minimum distance of 250 feet between each light standard.
 - e. All lighting equipment and lighting standards shall be located outside of the 100 foot wetland buffers and lighting shall be directed away from the wetlands.

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

8. **Wetland Buffers.** A buffer of a minimum of 100 ft. in width shall be provided upland of the proposed created wetlands (excluding the northern edge of the SOL restoration area which is constrained by Jimmy Durante Boulevard). Permitted uses within the identified buffer shall be limited to the following:

- a. Restoration and maintenance
- b. Public access on approved trails

Restoration and preservation of the identified buffer area shall be completed consistent with Cease and Desist Order CCC-12-CD-02 and Restoration Order CCC-12-RO-02 (“Consent Orders”).

9. **Transportation Demand Management (TDM) Program.** PRIOR TO THE ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant shall submit a FINAL Transportation Demand Management Program to the Executive Director for review and written approval. Said program shall include, at a minimum, the following provisions:

- a. The permittee will utilize the parking capacity at Cathedral Catholic and Canyon Crest schools for off-site shuttle lots during the annual county fair.
- b. If the aforementioned off-site shuttle lots are not sufficient to offset the loss of parking in the South Overflow Lot and the southern third of the East Overflow Lot, the applicant will maximize on-site parking within the main Fairgrounds complex through opening up permitted unused areas to parking or by restriping existing spaces.
- c. The permittee shall provide incentives for employees of the applicant or on-site lessees to use public transportation, including the provision of subsidized public transit passes to employees;
- d. The permittee shall draft and implement a carpool plan for employees of the applicant or on-site lessees and will reasonably coordinate with lessees in scheduling work schedules and posting notices of the carpool program in employee work areas:
- e. Information regarding the carpool program or subsidized public transportation shall be part of any employment paperwork for employees of either the applicant or lessees.
- f. The permittee shall undertake annual surveys of employees to document the frequency with which they are using alternate transportation to get to work and the success of the Transportation Demand Management Program. Surveys shall be submitted annually to the Executive Director for as long as this permit is in effect.

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

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION/HISTORY.

The applicant is proposing to relinquish all legally allowable use of the South Overflow Lot (“SOL”) for parking purposes during the summer months for its fair and horse races and restore it to functioning wetlands. Thus, the development constitutes a change of intensity of use of land. The applicant is proposing to consolidate the parking uses of the SOL on the East Overflow Lot (“EOL”). In addition to consolidating the currently allowable parking uses on the SOL and EOL onto the EOL site, the applicant is proposing to use the EOL beyond the currently allowable 3-month use during the summer, including a plan to use the EOL and Golf Driving Range (“GDR”) for year-round parking and intermittent trailer storage, as well as to use the EOL to hold annual pumpkin patch and Christmas tree sales events, other future temporary events, and fairground logistics, maintain an existing unpermitted banner sign on the adjacent Surf and Turf lot, and create a paved bus lane with public trail parking and five interpretive signs north of the SOL restoration area. The 9.55 acre section of the SOL (“Phase II”) to be relinquished and restored will comprise three marsh habitats (low marsh, mid-marsh, and high marsh) and an upland transitional habitat, as well as the restoration of intertidal mudflats. The proposed restoration project is a part of the Consent Orders approved by the Commission on March 8, 2012, in Cease and Desist Order CCC-12-CD-02 and Restoration Order CCC-12-RO-02 (“Consent Orders”). This restoration has been designed to be compatible with a restoration project for an adjacent, smaller section of the SOL (“Phase I”) that was approved by the Commission on November 15, 2012, in CDP No. 6-12-040, so as to result in one large salt marsh complex. The Phase I and Phase II design elevations will be aligned to produce a unified and interconnected southern coastal salt marsh habitat. The project site is within the Del Mar Fairgrounds, namely the unpaved SOL, EOL, and GDR across Jimmy Durante Boulevard to the south and east of the main fairgrounds.

The Del Mar Fairgrounds (“Fairgrounds”) is a state-owned and operated facility run by the 22nd District Agricultural Association (“Applicant”) and originally built to support agricultural activities and horse racing. It hosts an annual fair and thoroughbred horse-racing meet, along with a variety of smaller events in the main fairgrounds complex year round. The facility includes exhibit buildings, a grandstand, barns, stables, a show arena, a satellite wagering building, maintenance areas, parking lots, and the horse racing track. On the southern and eastern sides of the fairgrounds property, across Jimmy Durante Boulevard and adjacent San Dieguito River and the I-5 freeway, the Del Mar Fairgrounds contains three unpaved lots – the SOL, EOL, and GDR. The GDR was permitted by the City of San Diego in a Conditional Use Permit in March 26, 1975. The San Diego Regional Commission subsequently approved an administrative permit for work related to the construction of the GDR on May 3, 1975 (CDP No. F2379). The GDR operates as an approved golf driving range for members of the public to use, and is part of a larger, approved “Surf & Turf” sports and recreation facility.

The Surf & Turf facility is a recreational sports complex located between Jimmy Durante Boulevard and I-5. In addition to the GDR on its southern end, Surf & Turf contains pool facilities, a volleyball tent, miniature golf, tennis courts, and equipment retail. To the north of the site, beyond a fence and a row of shrubbery, is 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 the freeway itself.

The SOL, EOL, and GDR are adjacent to the 150-acre San Dieguito Wetland Restoration Project, which the Commission granted a Coastal Development Permit (“CDP”) as mitigation for the San Onofre Nuclear Generating Station’s cooling system’s effects on fish populations (CDP No. 6-04-088). The Coast to Crest Trail is a multi-use trail system for hikers, bicyclists, and horseback riders that will eventually extend from the ocean at Del Mar to the San Dieguito River’s source on Volcan Mountain, just north of Julian, a distance of approximately 55 miles. Although the entirety of Coast to Crest trail has not been completed, numerous segments of trail are open to the public. The portions of the trail that cross through and are adjacent to the SOL, EOL, and GDR are completed and open to the public. Part of the proposed development is the enhancement of public access to the trail by creating at least twenty public parking spaces on site. The San Dieguito River Park Joint Powers Authority (“JPA”) is responsible for implementing and maintaining the Coast to Crest Trail.

The approved Phase I restoration project was intended to resolve a long-standing Army Corps of Engineers (“ACOE”) enforcement action, and was proposed in accordance with a restoration order from the ACOE. The ACOE enforcement action was a result of unpermitted grading and stockpiling of soil on the SOL in June of 1990. Specifically, the ACOE enforcement action required the Applicant to restore 2.14 acres of salt marsh habitat in the SOL in addition to restoring other areas of the Fairgrounds. Because the majority of the restoration was required by another agency to address a past violation, that portion of the restored area cannot count as mitigation for any future Fairgrounds activity requiring a coastal development permit.

In a separate enforcement action, the Commission issued Cease and Desist Order CCC-12-CD-02 and Restoration Order CCC-12-RO-02 (“Consent Orders”) on March 8, 2012 to address unpermitted activities at the Del Mar Fairgrounds, including landform alteration within a wetland. The Consent Orders approved by the Commission laid the ground work for the proposed Phase II restoration, as well as for the Applicant to come forward to apply for the additional requested development.

The Del Mar Fairgrounds is located both within the Cities of Del Mar and San Diego, both of which have effectively certified LCPs and issue their own coastal development permits. However, the Fairgrounds represent an area of deferred certification. Moreover, it was principally built on filled tidelands. Thus, the vast majority, if not the entirety, of the site is within the Coastal Commission’s area of original jurisdiction, with Chapter 3 of the Coastal Act being the legal standard of review for permits.

B. PUBLIC ACCESS/TRAFFIC/PARKING.

The following Coastal Act policies are most pertinent to this issue, and state in part:

Section 30210 of the Coastal Act states:

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

Section 30211 of the Coastal Act states:

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

Section 30212 of the Coastal Act states, in part:

- (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, or, (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.*

[...]

- (c) *Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to 66478.14, inclusive, of the Government Code and by Section 4 of Article X of the California Constitution.*

Section 30213 of the Coastal Act states, in part:

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

[...]

Section 30604 of the Coastal Act states, in part:

[...]

- (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 Del Mar Fairgrounds (“Fairgrounds”) is located near the mouth of the San Dieguito River, west of the I-5 and east of Camino del Mar (Old Highway 101). It is between the river to the south and Via de la Valle, which is the first public east-west road north of the river. El Camino Real (east of the I-5) is currently the first continuous north-south public road east of the site. Thus, the entire Fairgrounds complex, including the project site, is located between the sea and first public roadway, where maintaining shoreline public access to the river/lagoon and west to the municipal beaches is of greatest concern. As the applicant property owner is another state agency, the property is in public ownership, and, for the most part, the public can freely access various portions of the grounds, including the riverfront, particularly when no formal events are taking place.

Most Fairgrounds events provide a comparatively inexpensive recreational experience, falling under Section 30213 of the Coastal Act, for the public to enjoy within the Coastal Zone. The agricultural nature of many of the events further differentiates the property and its activities from many other recreational opportunities in the greater-San Diego coastal region. Thus, in addition to accommodating public access to nearby parks and beaches, the Fairgrounds is itself a public recreational destination.

The Fairgrounds was completed in 1936, and soon after began to host the county fair and thoroughbred racing, both of which continue to this day in what is referred to as the “summer fair and race season.” Currently, the annual San Diego County Fair (formerly known as the Del Mar Fair) attracts approximately 1.5 million visitors during its summer run of early June until the Fourth of July. The annual thoroughbred horse racing season subsequently begins two weeks later and runs until early September. The number of race attendees varies from day to day, with only a handful of special races drawing huge crowds. Racing attendance, even on peak days, never approaches the number of people attending the annual fair on a daily basis, and thus the entire race season attracts approximately 650,000 attendees. However, less parking is available during the racing season, as the practice track and backstretch areas, which are used for parking during the county fair, are not available for parking during race season.

With the summer fair and race season come substantially heavy traffic loads on the surrounding roads and communities. The off-ramps from the I-5 freeway onto Via de la Valle consistently back up and impact traffic flow on the remainder of the freeway. Surface streets, especially Via de la Valle, Camino del Mar, and Jimmy Durante, experience high traffic volumes that bring traffic flow to a near standstill as parking attendants and local police resources attempt to channel the public into the few vehicle entrances located on the Fairgrounds. These traffic loads negatively impact the surrounding communities of Del Mar, Solana Beach, and parts of San Diego, and interfere with public access to surrounding coastal resources, such as the beach, visitor serving retail, and hiking trails.

The identified parking facilities for the Fairgrounds during the summer fair and race season include use of the SOL, EOL, and GDR. Historically, the SOL, EOL, and GDR have been used by the Applicant as a public parking reservoir during the annual fair and thoroughbred race meets. Because use of the lots for parking during these two large annual events predates the Coastal Act, the Commission has not challenged the continued use of this area for overflow parking during these events, even though major portions of these areas have been delineated as wetlands. However, any increase in the use of these areas during the fair and race season, or any use for other times of the year, would require a coastal development permit.

For the summer fair and race season, the Applicant charges the public for parking on-site (this includes the paved lots and the unpaved SOL, EOL, and GDR). An August, 2012, Parking Assessment prepared by Linscott, Law & Greenspan identified the Phase II portion of the SOL as accommodating 600 parking spaces, the northern two-thirds of the EOL as accommodating 1,600 parking spaces, the southern thirds of the EOL as accommodating 1,400 parking spaces, and the GDR as accommodating 1,500 parking spaces. Thus, the restoration of the SOL into fully functioning wetland will result in the loss of all 600 parking spaces. However, according to the Parking Assessment, this loss will be more than offset through implementation of recommended transportation demand measures (“TDM”).

In addition to the aforementioned on-site fee parking, the Applicant also operates three free off-site shuttle lots during the county fair. Analysis by the Parking Assessment reveals that, while county fair attendance has been growing annually for many years, public use of the off-site shuttle lots has been growing at an even faster rate, demonstrating a growing desire by the public to avoid the traffic congestion engendered by the county fair and to a lesser extent avoid the on-site parking fee. Currently, the three off-site shuttle lots that the Applicant utilizes are: Mira Costa College (four miles to the north in Cardiff-by-the-Sea), the Horse Park (east of the I-5 down Via de la Valle), and Torrey Pines High School (four miles to the southeast). It is this third shuttle lot that the study identifies as perpetually filling to capacity during the county fair. The Parking Assessment identified two additional potential shuttle lots in close proximity: Cathedral Catholic High School (970 parking spaces) and Canyon Crest High School (1,200 parking spaces). The Parking Assessment identifies these two sites as good candidates due to their close proximity to the Fairgrounds, their location on the same street as Torrey Pines High School – Del Mar Heights Road (and thus their ability to be tied into the same shuttle route), and the fact that the lots are all empty during the weekends, the periods of highest county fair attendance (Exhibit 5).

In addition to additional off-site shuttle lots, the Parking Assessment identified additional on-site parking resources that the Applicant can utilize to compensate for any parking losses in the unpaved lots. The training track, currently used for storage by fair vendors, could be converted to 400 parking spaces by relocating the vendor storage to the stable area. Additionally, the paved parking spaces within the main fairgrounds complex can be restriped and angled so as to produce parking gains of approximately 390 spaces. However, unlike the shuttle measure, this latter option would not alleviate the traffic

congestion that plagues the surrounding communities during the fair and race season and impedes public access to nearby coastal resources.

Thus, the loss of any parking spaces is mitigated by the gain of 2,170 off-site parking spaces through expanded shuttle service (with the added benefit of decreased traffic volumes in the coastal zone) and 790 on-site parking spaces through reconfiguring and restriping existing paved on-site parking.

A third measure identified by the Parking Assessment – a seasonal rail platform on the west side of the Fairgrounds – is at this time too conceptual and temporally distant to be considered as a viable parking offset at this time.

In addition to the above public parking measures, the Parking Assessment cites that since 2012, the Applicant has been utilizing an employee parking program designed to reduce employee traffic and parking loads. Under the program, certain employees can trade their parking pass for a transit pass, carpool with three or more employees so as to be allowed to park in a special lot in Surf & Turf and use a tram to reach the Fairgrounds, or park at the Horse Park and use a shuttle to reach the Fairgrounds. Finally, the Applicant also incentivizes public use of transit by offering special discount rates for the combined purchase of fair tickets and transit passes.

In addition to the above Fairgrounds events, a portion of the Coast to Crest Trail is sited on Fairgrounds property, which further enhances public access in this area. A portion of the Coast to Crest trail on the SOL is built as a slightly elevated boardwalk. Because the trail is elevated on the boardwalk and the existing berm running along the north bank of the San Dieguito River, it allows good views of the river and the existing and restored wetlands. The trail begins at the westernmost point of the SOL at Jimmy Durante Blvd. and continues east along the San Dieguito River, crosses underneath I-5, and continues until the eastern edge of the Horse Park property. The Commission recently approved an extension of the trail that will cross the Horse Park property and connect the trail to El Camino Real (CDP No. 6-04-029-A1). The public trail system is a significant component of the San Dieguito Wetlands Restoration Plan and significantly enhances low-cost public access in this area. This trail also formalizes and enhances public access through the Fairgrounds property. However, there is currently not a direct connection between the Fairgrounds and the beach other than on busy urban streets.

The portion of the trail crossing the SOL was conditioned for pedestrians only as part of the Commission's approval of the San Dieguito Wetlands Restoration (CDP No. 6-04-088), an \$86 million project conducted by Southern California Edison and approved by the Commission as mitigation for the San Onofre Nuclear Generating Station's impacts on fish populations. The raised boardwalk minimizes impacts to the delineated, but non-vegetated wetlands currently existing on the project site by channeling traffic across the site and minimizing the potential for people to wander through the wetland vegetation itself. The elevated boardwalk provides views of the river without the necessity to walk through habitat to get close enough to see the water, and, in combination with the presence of informational kiosks, plays an important role in public education of the local ecology.

The majority of the SOL Phase II restoration area is located north of the existing JPA Coast to Crest Trail, while a new inlet for the restoration area will cross beneath it. The new inlet will allow tidal water to enter and exit the SOL Phase II restoration area from the San Dieguito River and will be created south of the trail. The existing boardwalk will be modified with a new pedestrian bridge to cross the inlet/outlet channel. The new bridge will act as a viewing area for the restoration site, which will allow for additional educational opportunities for the public.

However, in previously approving the boardwalk in its current location, it was noted on the approved plans that "...The location of the boardwalk shall be addressed in the coastal development permit for the wetland restoration of the South Overflow Lot [SOL] and the boardwalk may be relocated at that time." The Commission typically does not endorse public access through restoration sites. Public access paths are typically placed at the perimeter of restoration projects in order to facilitate maximum wetland habitat restoration and tidal circulation. In addition, a public access path traversing the restored habitat area also has the potential to disturb sensitive wetland species and may increase the amount of refuse that enters the restoration area. Special Condition No. 9 of CDP No. 6-12-040 approving SOL Phase I restoration required that the Applicant submit a written agreement to the Executive Director of the Commission acknowledging that the existing JPA trail within the entire SOL may need to be relocated in coordination with the SOL Phase II restoration.

The Applicant has included within this Phase II restoration plan a potential alternative alignment for the trail along the northern edge of the proposed Phase II restoration area. The Applicant has stated that this alternate alignment could also serve as an additional public trail in the SOL which may be available for equestrian use, bicyclists, and pedestrians. A special condition of CDP No. 6-04-088, The San Dieguito Wetlands Restoration permit, states that "...At such time as a feasible trail connection to the beach is identified, the applicants may request an amendment to this coastal development permit to review the potential for equestrian use on any trail segment west of the turnaround point on Segment 5 [I-5], excluding the boardwalk." Thus CDP No. 6-04-088 must be amended before an alternative trail or equestrian use west of I-5 on the SOL can be permitted.

Independent of the earlier issues of traffic volume, members of the public who do not live in the immediate area and wish to visit the portions of the Coast to Crest Trail west of the I-5 have difficulty accessing the site due to an acute lack of public parking. While the Fairgrounds is a public facility, the SOL, EOL, and GDR are gated off from parking when not in use for scheduled events for security reasons, and the surrounding streets do not contain public parking. Thus, members of the public must park their vehicles some distance away or drive east of I-5 in order to find parking closer to the trail sections by El Camino Real.

Among the development proposed by the Applicant is the installation of at least twenty public parking spaces along the proposed paved bus lane north of the SOL Phase II restoration area and erecting five interpretive signs along the restoration area in

cooperation with the JPA. These parking spaces will be constructed in conjunction with a proposed 20-foot wide paved bus lane along Jimmy Durante Boulevard north of the SOL restoration area. These parking spaces will give the public a conveniently located parking pool so as to make access to the Coast to Crest Trail much easier than it currently is and potentially increase its utilization, while the signage will improve the educational quality of the trail.

Regarding the proposed temporary events to be held in the EOL, they are foreseen to be held during the non-summer “off-season” because the EOL and GDR are needed for parking during the busy fair and races. Because traffic volumes are substantially lower during the non-summer offseason, the conducting of temporary events will not create the types of traffic situations experienced during the fair and races. Instead, a coastal visitor serving resource – the Fairgrounds - will be able to be better utilized by the public through the conducting of a greater number of visitor serving events and activities in the coastal zone.

To ensure that the development is implemented in an approved manner and that potential impacts are mitigated, **Special Condition No. 1** will ensure that the Applicant constructs any approved development pursuant to approved final plans. **Special Condition No. 9** will require the Applicant to implement approved TDM so as to control and mitigate the traffic impacts from Fairgrounds events, focusing first on off-site parking resources before implementing on-site traffic measures.

In summary, the Commission finds the proposed restoration and development will not result in adverse impacts to coastal access. Parking will remain adequate for approved uses, and the number of low-cost visitor serving activities in the coastal zone will increase, public access to the Coast to Crest Trail will be greatly enhanced. Therefore, the Commission finds that all access and resource concerns associated solely with proposed development approved herein are adequately addressed, and that the proposed development, as conditioned, is consistent with the cited policies of the Coastal Act.

C. WETLANDS

Section 30231 of the Coastal Act states:

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.

Section 30233 of the Coastal Act states in relevant part:

- (a) *The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:*
- 1) *New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities;*
 - 2) *Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basin, vessel berthing and mooring areas, and boat launching ramps;*
 - 3) *In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities;*
 - 4) *Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.*
 - 5) *Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas;*
 - 6) *Restoration purposes;*
 - 7) *Nature study, aquaculture, or similar resource dependent activities*
- (b) *Dredging and spoils shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for these purposes to appropriate beaches or into suitable longshore current systems.*

[...]

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 SOL, EOL, and GDR. 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.

Historically, the EOL, SOL and GDR have been used by the Applicant as public parking during the annual fair and races. Because use of the areas for parking for these two annual events predated the Coastal Act, the Commission has not challenged the continued use of these areas for overflow parking during these events, even though major portions of these three areas are wetlands. In addition, in past permit actions, the Commission authorized use of these areas for parking during the five years the Del Mar Grand Prix was held at the Fairgrounds (CDP No. 6-88-077), and allowed the installation of an at-grade paved tram track in the EOL outside ACOE delineated wetlands (CDP No. 6-94-013). The tram is used during the annual fair and races to transport patrons to the entrance ticketing windows. With these two exceptions, the Commission has not reviewed or approved parking by patrons or employees or any other uses of these lots, except use of the GDR for its primary golfing purposes.

According to historical photographs of the sites, when the SOL, EOL, and GDR are not used for parking, sparse wetland vegetation returns, and the areas are used for resting and feeding by shorebirds and migratory species. Depending on the specific species, some nesting may also occur, although most species' nesting seasons continue into the summer months when the lots have historically been used for parking. Past delineations by the ACOE have found that EOL and the GDR are, in substantial part, defined as wetlands. In compliance with the Consent Orders approved by the Commission in March 2012, the Applicant commissioned AECOM to conduct a wetlands delineation study for the EOL and the GDR (the Applicant did not conduct a new delineation for the SOL, as it is planned to be fully restored to salt marsh habitat pursuant to the ACOE enforcement action and Commission Consent Orders). The resulting September 2012 report identified 5.81 acres of disturbed alkali marsh in the EOL and 2.92 acres of disturbed alkali playa in the GDR (Exhibit 4).

In view of the current situation and the historic patterns of use of the areas for seasonal parking, there has been loss of wetlands and significant deterioration. Restoration of the degraded areas within the SOL as proposed herein can thus be supported by the Commission. The size and location of the SOL Phase I restoration was a result of discussions between the Applicant and the ACOE, and were found acceptable by ACOE to satisfy its enforcement action. The Commission, in approving the CDP for the Phase I restoration, concurred with its siting. The location of the Phase II restoration was designed to restore whatever remainder of the SOL was left.

The majority of the Phase I restoration project was intended to resolve a long-standing ACOE enforcement action, and was proposed in accordance with a restoration order from the ACOE (the currently proposed SOL Phase II restoration is not a part of the ACOE enforcement action). The ACOE enforcement action was a result of unpermitted grading and stockpiling of soil on the SOL in June of 1990. The ACOE enforcement action requires the Applicant to restore 2.14 acres of salt marsh habitat in the SOL in addition to restoring wetlands in other parts of the fairgrounds. Because the majority of the Phase I restoration is required by another agency to address a past violation, that portion of the restored SOL area cannot count as mitigation for any other Fairgrounds activity requiring a CDP. The proposed restoration project does not mitigate any activity permitted by the Coastal Commission.

The proposed SOL Phase II restoration plan (Exhibit 7) has been thoroughly reviewed by the Commission's staff ecologist, who has found that the proposed restoration will greatly enhance the habitat value of the subject site.

In this particular case, with the special conditions attached, the proposed SOL Phase II restoration meets the requirement of the Coastal Act. As a restoration project, the development is an allowable use in wetlands under Section 30233. There is no way to complete the restoration project without impacting existing wetlands, because the proposed grading is necessary to lower existing elevations in that area to historic levels so that the tidal influences, which are necessary for the re-establishment of salt marsh habitat in the restoration area, can be successfully implemented. The proposed wetland impacts are associated solely with actions necessary to remove sediments and re-contour the area for restoration of coastal salt marsh. Impacts have been minimized to the maximum extent feasible, and only that grading necessary to restore habitat is proposed.

The portion of the SOL proposed to be restored currently functions as a wetland during parts of the year. However, the proposed project will allow for the functionality of the wetland habitat year round. Existing vegetation on the SOL restoration area consists of incidental nonnative species such as ice plant and grasses, although the majority of the site is bare compacted dirt. The proposed project will result in the restoration of 9.55 acres of sub tidal, salt marsh, and upland transitional habitat.

The Commission's staff ecologist has reviewed the proposed restoration plan and concurs that the proposed restoration project will not adversely impact any existing wetland habitat. Further, the proposed restoration project will result in major habitat enhancement through the creation of additional native habitat and through increased wetland connectivity between the restoration area and the San Dieguito River. The Commission's staff ecologist has also reviewed the Applicant's Maintenance and Monitoring program and found that it will appropriately maintain the proposed project and that it will provide timely and pertinent monitoring data about the project's success.

Although there is existing functioning wetland habitat immediately adjacent to both restoration areas; none of the existing sensitive habitat will be impacted or removed. In most cases, the first 100 feet upland from a wetland is reserved as a buffer to provide transitional habitat between the actual wetland and permitted development. Although the size of an individual buffer can vary depending on site-specific circumstances, 100 feet is generally accepted as a minimum. A buffer provides a distance barrier and a percolating medium, and reduces the chance that any adverse impact associated with development will find its way into the wetlands. In addition, buffers provide upland habitat that acts as a refuge area for birds and other species that use the various wetlands throughout the river valley.

Yet while the proposed SOL Phase restoration will be an enhancement to the wetland habitat within and around the SOL, the proposed development on the EOL and GDR will directly impact the wetlands delineated therein. The proposed year-round use of the two lots for parking and temporary events will require frequent grading and maintenance of

the soil, in addition to the compaction arising from use. This will all but eliminate any natural recovery that may currently occur on site during the non-summer off season. While the Coastal Act does permit direct impacts to wetlands for certain uses that meet listed criteria, the proposed development does not meet those criteria, nor is it one of the permitted uses. As such, on its face the proposed uses cannot be permitted within the wetland areas of the EOL and GDR. Based on the AECOM wetlands delineation, as the wetlands are currently concentrated in the central sections of both lots, they do not leave much space around the perimeter of the lots to feasibly use for development. The non-wetland perimeter space within the EOL and GDR would not provide sufficient space for temporary events or meaningful amounts of parking, as they would consist of narrow strips of land around the central wetlands. Thus, there are no feasible alternative developments that could occur on the EOL and GDR without impacting the wetlands in some way.

To ensure that the Applicant carries out the proposed restoration and development in conformance with approved methods, **Special Condition No. 1** requires the Applicant to submit and follow approved final plans for all development approved in this permit. **Special Condition 4** requires the Applicant to submit and follow an approved monitoring plan for the SOL Phase II restoration so that Commission staff will be kept appraised of periodic benchmarks indicating whether the restoration is proceeding consistent with approved plans. **Special Condition No. 6** requires the Applicant to verify the elevation of the finished SOL Phase II restoration, ensuring that the created wetlands are properly placed to take advantage of the hydrological cycle and minimize the risk of recovery failure due to receiving too much or too little water. **Special Condition No. 7** places limits on the siting and manner of lighting that may be used adjacent to the wetland areas so as to minimize impacts on the wildlife utilizing the habitat while still allowing reasonable use goals to be achieved. **Special Condition No. 8** requires the Applicant to incorporate satisfactory buffers around designated habitat areas to allow

However, despite the above conditions, the proposed development will still directly impact delineated wetlands in the EOL and the GDR. This is inconsistent with the above Coastal Act policies governing habitat impacts, as none of the proposed uses meet the criteria of permitted development within wetlands. Therefore, as proposed, the development within the EOL and GDR must be denied and conflict resolution utilized.

D. CONFLICT RESOLUTION

INTRODUCTION

Occasionally, applicants propose development projects that generate conflicts between policies of the Coastal Act when evaluation a project's impacts on coastal resources. When the Commission identifies a project that generates a conflict between policies of the Coastal Act, the Commission must resolve such conflicts "in a manner which on the balance is most protective of significant coastal resources (Coastal Act Section 30007.5 and 30200(b)). Conflict resolution allows the Commission to approve proposals that conflict with one or more Chapter 3 policies, based on a conflict among the Chapter 3 policies as applied to the proposal before the Commission. Thus, the first step is to

identify a conflict between one or more policies of the Coastal Act. The fact that a proposal is consistent with one policy of Chapter 3 and inconsistent with another policy does not necessarily indicate a conflict. Rather, the Commission must find that to deny the proposal based on the inconsistency with one policy will result in coastal zone effects that are inconsistent with another policy. The second step requires the Commission to apply the policy which, on balance, is most protective of significant coastal resources.

The SOL (both Phase I and Phase II portions) is an approximately 12-acre dirt lot located south of the main Fairgrounds across Jimmy Durante Boulevard. The EOL is an approximately 22-acre dirt lot located east of the main Fairgrounds across Jimmy Durante Boulevard. The adjacent GDR to the east of the EOL is a permitted (CDP No. F2379) golf facility partly consisting of tee boxes and an approximately 10-acre dirt lot into which golf balls are hit. All three lots are north of the San Dieguito River.

The Applicant is proposing to relinquish all legally allowable use of the South Overflow Lot (“SOL”) for parking purposes during the summer months for its fair and horse races and restore it to functioning wetlands. Thus, the development constitutes a change of intensity of use of land. It is proposing to consolidate the parking uses of the SOL on the East Overflow Lot (“EOL”). In addition to consolidating the currently allowable parking uses on the SOL and EOL onto the EOL site, the applicant is proposing to use the EOL beyond the current allowable 3-month use during the summer, including a plan to use the EOL and Golf Driving Range (“GDR”) for year-round parking and intermittent trailer storage, as well as to use the EOL to hold annual pumpkin patch and Christmas tree sales events, other future temporary events, and fairground logistics, maintain an existing unpermitted banner sign on the adjacent Surf and Turf lot, and create a paved bus lane with public trail parking and five interpretive signs north of the SOL restoration area.

IDENTIFYING A CONFLICT BETWEEN CHAPTER 3 POLICIES

For the Commission to use the balancing approach to conflict resolution, it must establish that a project presents a substantial conflict between two statutory directives contained in the Coastal Act. The fact that a proposed project is consistent with one policy of Chapter 3 and inconsistent with another policy does not necessarily result in a conflict. Virtually every project will be consistent with some Chapter 3 policy. This is clear from the fact that many of the Chapter 3 policies prohibit specific types of development. For example, Section 30211 states that development “*shall not interfere with the public’s right of access to the sea where acquired through use or legislative authorization...*,” and subdivision (2) of section 30253 states that new development “*shall...neither create nor contribute significantly to erosion...or in any way require the construction of protective devices...*” Almost no project would violate every such prohibition. A project does not present a conflict between two statutory directives simply because it violates some prohibitions and not others.

In order to identify a conflict, the Commission must find that, although approval of a project would be inconsistent with a Chapter 3 policy, the denial of the project based on that inconsistency would result in coastal zone effects that are inconsistent with some other Chapter 3 policy. In most cases, denial of a proposal will not lead to any coastal

zone effects at all. Instead, it will simply maintain the *status quo*. The reason that a denial of a project can result in coastal zone effects that are inconsistent with a Chapter 3 policy is that some of the Chapter 3 policies, rather than prohibiting a certain type of development, affirmatively mandate the protection and enhancement of coastal resources, such as sections 30210 (“*maximum access...and recreational opportunities shall be provided...*”), or 30213 (“*[l]ower cost visitor and recreational facilities shall be protected, encouraged, and where feasible, provided*”). If there is ongoing degradation of one of these resources, and a proposed project would cause the cessation of that degradation, or if the denial would otherwise result in adverse effects inconsistent with the affirmative mandate, then denial would result in coastal zone effects inconsistent with the applicable policy. This, the only way that denial of a project can have impacts inconsistent with a Chapter 3 policy, and therefore the only way that a true conflict can exist, is if: (1) the denial of the project will result in adverse effects on coastal resources that would be stopped by approval of the project and (2) there is a Chapter 3 policy requiring the Commission to protect and or provide the resource being degraded. Only then is the denial option rendered problematic because of its failure to fulfill the Commission’s mandate.

With respect to the second of those two requirements though, there are relatively few policies within Chapter 3 that include such an affirmative mandate to enhance a coastal resource. Moreover, because the Commission’s role is generally a reactive one, responding to proposed development, rather than affirmatively seeking out ways to protect resources, even policies that are phrased as affirmative mandates to protect resources more often function as prohibitions. For example, Section 30240’s requirement that environmentally sensitive habitat areas “*shall be protected against any significant disruption of habitat values*” generally functions as a prohibition against allowing such disruptive development, and its statement that “*only uses dependent on those resources shall be allowed in those areas*” is a prohibition against allowing non-resource-dependent uses within these areas. Denial of a project cannot result on a coastal zone effect that is inconsistent with a prohibition on a certain type of development. As a result, there are few policies that can serve as a basis for a conflict.

Similarly, denial of a project is not inconsistent with Chapter 3, and thus does not present a conflict, simply because the project would be less consistent with a Chapter 3 policy than some alternative project would be, even if approval of the proposed project would be the only way in which the Commission could prevent the more inconsistent alternative from occurring. For denial of a project to be inconsistent with a Chapter 3 policy, the project must produce tangible, necessary enhancements in resource values over existing conditions, not over the conditions that would be created by a hypothetical alternative. In addition, the project must be fully consistent with the Chapter 3 policy requiring resource enhancement, not simply less inconsistent with that policy than the hypothetical alternative project would be. If the Commission were to interpret the conflict resolution provisions otherwise, than any proposal, no matter how inconsistent with Chapter 3, which offered even the smallest, incremental improvement over a hypothetical alternative project, would necessarily result in a conflict that would justify a balancing approach. The Commission concludes that the conflict resolution provisions were not intended to

apply based on an analysis of different potential levels of compliance with individual policies or to balance a proposed project against a hypothetical alternative.

In addition, if a project is inconsistent with at least one Chapter 3 policy, and the essence of that project does not result in the cessation of ongoing degradation of the resource the Commission is charged with enhancing, the project cannot “create a conflict” by adding on an essentially independent component that does not remedy ongoing resource degradation or enhance some resource. The benefits of a project must be inherent in the essential nature of the project. If the rule were to be otherwise, project proponents could regularly “create conflicts” and then demand balancing of harms and benefits simply by offering unrelated “carrots” in association with otherwise-unapprovable projects. The balancing provisions of the Coastal Act could not have been intended to foster such an artificial and manipulative process. The balancing provisions were not designed as an invitation to enter into a bartering game in which project proponents offer amenities in exchange for approval of their projects.

Finally, a project does not present a conflict among Chapter 3 policies if there is at least one feasible alternative that would accomplish the essential purpose of the project without violating any Chapter 3 policy. Thus, an alternatives analysis is a condition precedent to invocation of the balancing approach. If there are alternatives available that are consistent with all the relevant Chapter 3 policies, then the proposed project does not create a true conflict among Chapter 3 policies.

In sum, in order to invoke the balancing approach of conflict resolution, the Commission must conclude all of the following with respect to the proposed development: (1) approval of the project would be inconsistent with at least one of the policies listed in Chapter 3 of the Coastal Act; (2) denial of the project would result in coastal zone effects that are inconsistent with at least one policy listed in Chapter 3 of the Coastal Act; (3) the project results in tangible, necessary resource enhancement over the current state, rather than an improvement over some hypothetical alternative project; (4) the project is fully consistent with the resource enhancement mandate that requires the sort of benefits that the project provides; (5) the benefits of the project are a function of the very essence of the project, rather than an ancillary component appended to the project description in order to create a conflict; and (6) there are no feasible alternatives that would achieve the objectives of the project without violating any Chapter 3 policies.

An example of a project that presented such a conflict is a project approved by the Commission in 1999 involving the placement of fill in a wetland in order to construct a barn atop the fill, and installation of water pollution control facilities, on a dairy farm in Humboldt County (CDP No. 1-98-109, O’Neil). In that case, one of the main objectives of the project was to create a more protective refuge for cows during the rainy season. However, another primary objective was to improve water quality by enabling the better management of cow waste. The existing, ongoing use of the site was degrading water quality, and the barn enabled consolidation and containment of manure, thus providing the first of the four necessary components of an effective waste management system. Although the project was inconsistent with Section 30233, which limits allowable fill in wetlands to seven enumerated purposes, the project also enabled the cessation of ongoing

resource degradation. The project was fully consistent with Section 30231's mandate to maintain and restore coastal water quality and offered to tangibly enhance water quality over existing conditions, not just some hypothetical alternative. Thus, denial would have resulted in impacts that would have been inconsistent with Section 30231's mandate for improved water quality. Moreover, it was the very essence of the project, not an ancillary amenity offered as a trade-off, that was both inconsistent with certain Chapter 3 policies and yet also provided the benefits. Finally, there were not alternatives identified that were both feasible and less environmentally damaging.

THE PROPOSED PROJECT PRESENTS A CONFLICT

The development proposed by the Applicant meets the above criteria for applying conflict resolution. First, approval of the proposed development would be inconsistent with Coastal Act policies that protect wetlands (Section 30233) because the proposed year-round development would result in an unallowable fill of wetlands in the EOL and GDR. However, denial would also result in coastal zone effects that are inconsistent with multiple sections of the Coastal Act: Sections 30230 (protection and restoration of marine resources), 30231 (water quality), 30210 (public access and recreational opportunities), 30213 (lower cost visitor and recreational facilities), and 30250 (consolidating development).

Denial of the proposed development would result in impacts to the biological productivity of marine resources and water quality of coastal waters inconsistent with sections 30230 and 30231. A denial would allow continuing use of the SOL for fair and races parking during the peak summer months which would allow continuing impacts to adjacent marine resources along the San Dieguito River delta, including the functioning lagoon area. The continuing impacts include substantial driving on the dirt-covered SOL, which causes significant sediment discharge into the air and into the adjacent marine resources, affecting the biological productivity of marine systems. Additionally, given the significant number of parking spaces in the SOL, the number of cars in these areas are likely to discharge automotive pollutants (engine oil, transmission fluid, coolant, heavy metals, etc.); thus, denial of the proposed development would result in continuing discharge of pollutants into adjacent coastal waters and would fail to maintain the biological productivity and quality of those coastal waters. Denial of the proposed project would also result in inconsistency with the mandate in section 30230 to enhance and, where feasible, restore marine resources because denial would prevent triggering the March, 2012, Cease and Desist Order's and Restoration Order's (CCC-12-CD-02 and CCC-12-RO-02) requirement that the Applicant implement Phase II of the SOL restoration (the Applicant's current proposal), which calls for the restoration of approximately 9.55 acres of wetland and riparian habitat within 30 months of the approval of a CDP for use of the proposed development site – the EOL and GDR. Clearly, this restoration project would only be feasible if the Commission approves the proposed use of the EOL and GDR. Denial, then, would result in coastal zone effects that are not inconsistent with section 30230. Therefore, denial of the proposed project would result in impacts to marine resources and biological productivity and water quality that would be inconsistent with sections 30230 and 30231.

Further, denial of the proposed development would result in impacts to public access and lower cost visitor and recreational facilities, inconsistent with sections 30210 and 30213. Among the development proposed by the Applicant is the installation of at least twenty public parking spaces along the proposed paved bus lane north of the SOL Phase II restoration area and erecting five interpretive signs along the restoration area in cooperation with the JPA. These parking spaces will be constructed in conjunction with a proposed 20-foot wide paved bus lane along Jimmy Durante Boulevard north of the SOL restoration area. These parking spaces will give the public a conveniently located parking pool so as to make access to the Coast to Crest Trail much easier than it currently is and potentially increase its utilization, while the signage will improve the educational quality of the trail. Therefore, denial of the proposed development will result in coastal zone effects that are inconsistent with the Coastal Act mandate to provide maximum access and recreational opportunities to and along the coast and lower cost visitor and recreational facilities.

Finally, denial of the proposed development would result in a failure to consolidate commercial development in a manner that will not have significant adverse effects, either individually or cumulatively, on coastal resources, inconsistent with section 30250. As encompassed in the preceding paragraphs, the proposed development will consolidate existing uses of the SOL, EOL, and GDR in a manner that will result in protection of significant coastal resources, including the resources in the adjacent upland and marine habitats. Failure to approve such a project will enable the applicant to continue its current use of the EOL and SOL much closer to these resources, which would be inconsistent with section 30250. Therefore, denial of the proposed project would result in effects on coastal resources inconsistent with section 30250.

Given the foregoing, approval of the proposed project would be inconsistent with section 30233 of the Coastal Act while denial of the proposed project would result in adverse effects on coastal resources, which would be inconsistent with section 30230, 30231, 30210, 30213, and 30250 of the Coastal Act. Therefore, the proposed project represents a true conflict between one or more policies of the Coastal Act, thereby requiring application of section 30007.5 to resolve the conflict.

ANALYSIS OF RESOURCE ENHANCEMENT

With the conflict between several Coastal Act policies established, the Commission must resolve the conflict in a manner which on balance is the most protective of significant coastal resources. In reaching this decision, the Commission evaluates the project's tangible, necessary resource enhancements over the current state and whether they are consistent with resource enhancements mandates in the Coastal Act. In the end, the Commission must determine whether its decision to either deny or approve a project is the decision that is most protective of significant coastal resource.

Section 30233 of the Coastal Act states:

- (a) *The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging*

alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

[...]

- 1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities;
- 2) Maintaining existing, or restoring previously dredged depths in existing navigational channels;
- 3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities;
- 4) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall facilities;
- 5) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas;
- 6) Restoration purposes;
- 7) Nature study, aquaculture, or similar resource dependent activities.

Despite the often-times sparse and dusty appearance of the EOL and GDR, their location within the San Dieguito River Valley, proximity to the San Dieguito River, and - in the case of the GDR - past role as part of the San Dieguito River channel itself, has resulted in various wetland delineation surveys over the years identifying substantial acreages of wetlands in the two sites. AECOM's 2012 wetland delineation identified 5.81 acres of disturbed alkali marsh in the EOL and 2.92 acres of disturbed alkali playa in the GDR. ACOE's 1993 survey delineated even more wetlands - approximately 15 acres - though the majority was concentrated in the GDR at the time. Despite the temporary and seasonal nature of much of the development proposed by the Applicant, the frequency and cumulative impact of all of the contemplated activities - grading, vegetation removal, compaction, etc. - will result in permanent impacts to the identified wetlands, and preclude any chance for their natural recovery. Section 30233 only allows seven uses in wetlands, and the proposed development does not meet the criteria for any of the identified permitted uses. The proposed development - year-round parking, trailer storage, temporary events, etc. - will directly impact the delineated wetlands within the EOL and GDR by compacting and removing the soil and any vegetation that may happen to grow in between uses, as well as substantially hinder any natural recovery that may

currently occur during the non-summer off season. This result would be inconsistent with Section 30233.

While wetlands have been delineated on the proposed project site, due to a lengthy history of chronic disturbance, the habitat value of the wetlands is fairly low, which past Commission action, in addition the current report by the staff biologist Dr. John Dixon, has made note of. Dr. Dixon believes that even if this permit were to be denied and the EOL and GDR were to be left alone for the nine-month off season and allowed to recover, the annual grading and parking that occurs every summer drastically diminishes any long term habitat value that they wetlands might represent. In April of 1994, the Commission approved CDP 6-94-013, which authorized the construction of a 4,135 foot long, 15-foot wide paved roadway for pedestrian trams along portions of the perimeter of the EOL (though not the GDR) and placement of excavated materials on the non-wetland areas of the dirt parking lot. In the related staff report, the Commission makes note of the above-referenced 1993 ACOE wetland delineation and had the Applicant revise their proposal to delete all portions of the proposed tramway that would have directly impacted the delineated wetlands. Nevertheless, the Commission required no wetland buffers “due to the disturbed condition of most of the adjacent wetlands and the historic use of the area...Although this lot adjacent to the proposed development has been mapped as wetlands by the ACOE, based primarily on soils and hydrology, this area adjacent to the proposed tramway does not now function as a viable wetland.” The staff report continues that “the Commission is not concerned about the indirect impacts of the proposed tramway on the adjacent wetlands and the lack of buffer because the parking lot fails to function as a viable habitat due to ongoing human and vehicular disturbances...If the paved tramway were not permitted, the parking function will continue to disturb the area and not allow wetland habitat values to establish.”

Furthermore, in the past the Commission has approved temporary or seasonal uses in the EOL and GDR. One of the more substantial approvals was allowing parking on the EOL and GDR during the Del Mar Grand Prix (CDP Nos. 6-86-164, 6-88-77, 6-89-033, 6-90-043, 6-91-073, et al.), an annual race car event that was held for several years on the main parking lot within the Fairgrounds, thus requiring parking in the EOL and GDR. In the related staff reports, the Commission made note of the long history of parking by the Applicant during the fair and race season in the EOL and GDR, and for preparation of the EOL and GDR for the Grand Prix parking, the Commission permitted public parking in those areas as well.

Thus, while wetlands are present in the EOL and GDR, their substantially disturbed nature results in little habitat value and thus, do not necessarily represent a significant coastal resource in the same way as a fully functioning healthy wetland. Nevertheless, Section 30233 does not provide for such distinctions in calling for wetlands, protection and permitting the proposed development will result in a conflict with that policy of the Coastal Act.

The San Dieguito River Valley has a long history of being impacted by human activity. Original development within the river valley consisted of agriculture, which led to substantial placement of fill so as to increase arable acreage. Subsequent development

included golf courses, surface roads and highways, an airport, and the current Del Mar Fairgrounds facility, all of which precipitated even more placement of fill within the river valley. As a result, a substantial percentage of wetlands and riparian habitat were lost; even the course of the San Dieguito River was substantially altered over the years, and until the previous decade the river did not even reach the Pacific Ocean.

Only relatively recently in the history of the river valley has the value that the river and its associated wetlands been recognized by public and private organizations alike. Through past permits and actions, the Coastal Commission has attempted to restore the natural value of the river valley either through the conditioning of development project within the river valley or approving restorative projects as they are proposed. A prime example of this is the San Dieguito Wetlands Restoration Project, an \$86 million project conducted by Southern California Edison and approved by the Commission as mitigation for the San Onofre Nuclear Generating Station's impacts on fish populations. The project has entailed the reopening of the San Dieguito River mouth to the Pacific Ocean, removing derelict development such as abandoned bridges and roads, and restoring approximately 150 acres of wetland and riparian habitat.

South of the Del Mar Fairgrounds across Jimmy Durante Boulevard is the SOL. The SOL is an approximately 12-acre dirt lot that represents a substantial portion of open riparian land along the San Dieguito River west of the I-5 freeway. Currently, the SOL is used for parking during the summer fair and race season and is bordered along the south by a public trail that follows the San Dieguito River.

In November 2011, the Commission approved CDP No. 6-12-040, authorizing the Applicant to conduct Phase I of the SOL restoration. Phase I will restore 2.41 acres of salt marsh, .55 acres of high marsh, and .22 acres of upland transition area within the SOL. While beneficial for its restorative values, Phase I represents only a small portion of the entire SOL. Phase II, restoration plans for which have already been submitted to Commission staff for review and approval, is the main part of the restoration project. Phase II is designed to restore 9.55 acres of wetland and riparian habitat, ranging from sub tidal and frequently flooded mudflats to salt marshes and upland riparian transitional habitat. The restoration area will contain a direct opening to the San Dieguito River, permitting tidal and storm-related flows during the year. Phase II will link and integrate with Phase I, resulting in approximately 12 acres of restored wetlands.

However, while Phase I is already approved, under the language of the March, 2012, Cease and Desist Order and Restoration Order – namely Section 3.2.H – the Applicant is not required to move forward on SOL Phase II until this permit is approved by the Commission. The Cease and Desist Order 3.2.H states in relevant part:

Within (six) 6 months of the effective date of these Consent Orders, DAA shall submit, for the review and approval of the Commission's Executive Director, a Removal, Restoration, Revegetation, and Monitoring Plan ("SOL Restoration Plan") for the restoration of the SOL to a fully tidal saltmarsh within thirty (30) months of Commission approval of a CDP for development or use on the EOL...

As stated above, staff biologist Dr. John Dixon's report on the habitat value of the EOL and GDR found extremely low values. When the Applicant submitted the Phase II plan to the Commission for review, it was Dr. Dixon who analyzed the plan and found the proposed restoration satisfactory. Dr. Dixon believes that the 9.55 acres of restored functioning habitat will represent a substantial increase in the habitat values present in the project site, especially in comparison to any value that would be retained by denying the proposed development and permitting the annual summer fair and race season parking to continue. In comparing the habitat value present on the EOL and GDR with what will be achieved once Phase II is implemented, it is evident that approval of the proposed project will result in the SOL restoration and would be most protective of coastal resources, like the coastal habitat resources in the San Dieguito River Valley.

Furthermore, past Commission action has recognized that the Fairgrounds have long presented a popular, low cost visitor serving recreational facility in the coastal zone. The agricultural nature of the Fairgrounds further sets it apart from other nearby coastal recreational resources. Approval of this permit will allow this sizeable public facility to be better utilized by expanding the number of public events it will be able to host, whereas denial would curtail public recreation in a popular public facility.

Finally, as stated above, past Commission action has recognized that parking on the EOL and GDR occurred prior to passage of the Coastal Act, and has allowed such parking to occur to date. Should this permit be denied, the Applicant would be able to continue summer fair and race season parking in the SOL, EOL, and GDR. As Dr. Dixon notes in his report, the substantial impacts from this annual activity effectively destroys the habitat value of the EOL and GDR. Thus, staff recommends that the Commission resolve this policy conflict by approving the proposed development, as conditioned, because approval will result in a resolution that, on balance, is most protective of significant coastal resources.

However, this is not the end of the conflict analysis. An application does not present a conflict among Chapter 3 policies if there are feasible alternatives that would achieve the proposal's essential goals without violating any Chapter 3 policy. Thus, an alternatives analysis is a critical condition precedent to conflict identification, and to invocation of the balancing. Due to the manner in which the delineated wetlands are arranged on the EOL and GDR – taking up the central sections of both areas – there is no alternative development proposal that would offer feasible use of the remaining narrow strips of land around the perimeter of the EOL and GDR without impacting the wetlands therein, regardless of whether or not wetland buffers were also included in the development. Thus, there is no viable alternative that would satisfy all Chapter 3 policies, as the delineated arrangement of the existing wetlands in the central portions of the EOL and GDR preclude feasible uses that would not have some impact on the wetlands. As a result, there is a true conflict, and the Commission must proceed to resolve the conflict in a manner that is, on balance, “the most protective of significant coastal resource.” PRC 30007.5

CONCLUSION

While none of the policy conflicts arising from denial would, in and of themselves, be sufficient to give rise to a conflict resolution finding, the cumulative impacts of so many policy conflicts in this case can support the use of the balancing test to resolve the conflict. Given all the factors, the Commission finds it is, on balance, most protective of the significant coastal resources to approve the proposed development as conditioned. This will achieve the underlying goals in the proposed project and the Consent Order by finally bringing many of the Applicant's current and future activities under an approved, conditioned CDP while still protecting and restoring marine habitat (Sections 30230 and 30231), promoting public recreation (Sections 30210 and 30213), and concentrating development in the coastal zone (Section 30250).

The proposed development, as conditioned herein, provides for the restoration of 9.55 acres of the SOL into fully functional tidal salt marsh and riparian habitat. This will increase the viable habitat for multiple protected species, including the gnatcatcher and California Least Tern, as well as improve the visual resource quality of the watershed. The clustering of development EOL and GDR, coupled with the existing 100-foot buffer, will limit impacts to both habitat, providing a larger, more contiguous natural open space than would exist with denial of the proposed development. The areas where development would be permitted are adjacent to currently developed areas containing uses ranging from parking lots to athletic facilities. The Commission therefore finds that approval of the proposed development, as conditioned, would result in clustering of development, expansion of restored wetlands and sensitive habitat, and reduction of encroachment into sensitive habitat areas.

This finding of approval that the proposed development, as conditioned, is the most protective option for coastal resources is also based on the understanding that the restoration of the SOL will be successfully completed within 30 months following approval of this permit. Therefore, the Commission finds that, considering the foregoing, approval of the proposed development will resolve the policy conflict in a manner which, on balance, is the most protective of significant coastal resources.

E. HYDROLOGY/FLOOD HAZARDS

Section 30236 of the Act addresses natural hazards, and states, in part:

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

[...]

Section 30253 of the Act states, in part:

New development shall do all of the following:

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

[...]

The Del Mar Fairgrounds is located within the 100-year floodplain of the San Dieguito River, and is thus subject to flooding during storm events. However, a large number of permanent and temporary structures already exist in the main complex west of Jimmy Durante Boulevard, many of them pre-dating the Coastal Act. In contrast, the SOL, EOL, and GDR are unpaved lots with no permanent structures located within them. In past actions, the Commission has found that the placement of fill or permanent structures in a floodplain may substantially alter natural water flows and therefore be inconsistent with Coastal Act sections 30236 and 30253. On the other hand, structures that can accommodate periodic inundation without being damaged do not cause natural water flows to be redirected and therefore can be found consistent with 30236.

The Coastal Act requires new development to minimize risks to life and property of both the project site and the surrounding area. Any additional fill or creation of building footprints could result in changes in the hydrology of the adjacent San Dieguito River. Modifications to the current flooding patterns, in which a large portion of the 100-year flood waters are contained on the Fairgrounds property, could result in increased flood hazards to existing up-and downstream developments. This could, in turn, lead to proposals for further channelization of the river. In this particular case, the proposed improvements are not adding new permanent structures to the floodplain, but instead are proposing the use of temporary structures such as trailers and tents. These should not substantially alter flood flows, as they can be relocated relatively quickly or, if not, would not be able to hold back substantial amounts of water.

The SOL Phase II restoration plan will not erect any permanent structures, but instead increase the acreage of available tidal marsh habitat. This would only affect hydrology insofar as a new inlet would be created to allow inflows and outflows for the restored wetlands. As this would not impede the natural flow of the river valley hydrology, but actually improve upon it by expanding the tidal habitat within the rest of the river valley and increase the acreage that can accommodate rising water levels by piercing the existing berm with an inlet, the restoration will not have an adverse impact on hydrology.

Regarding the EOL and GDR, these areas are already partially flooded during the rainy season and can sometimes be substantially flooded during extreme storm events. During such events, the river level rises and crests the berms that separate the EOL and GDR from the river, flooding the areas for extended periods of time. While the Applicant is proposing to hold future events on the EOL, no permanent structures are proposed, and thus the risk of changes to hydrology and water flows is minimal. Furthermore, the absence of permanent structures reduces the need to erect flood protection devices. The only impervious surface being constructed would be a twenty-foot wide bus lane and public trail parking along the northern boundary of the SOL towards the EOL, with ingress/egress off Jimmy Durante Boulevard. The proposed bus lane would be twenty feet wide and approximately 1,350 feet long. This represents a small fraction of the multi-acre SOL, EOL, and GDR lots, and will not substantially alter the unpaved nature of the SOL, EOL, and GDR, and will not adversely impacts their ability to absorb water or direct run off to existing inlets and storm water conveyance systems.

Nevertheless, **Special Condition No. 3** requires the Applicant to waive any future flood protection to protect the development proposed in this permit, while **Special Condition No. 2** required the Applicant to assume all risks liabilities arising from approval of this permit.

In summary, the Commission finds that the proposed development will not result in a significant change to current flood flows across the site. The amount of impermeable surfaces will not substantially increase, and storm drain, as always, will continue to allow the passage of flood waters. Therefore, the Commission finds the proposed development, as conditioned, consisted with Chapter 3 of the Coastal Act.

F. WATER QUALITY/MARINE RESOURCES

The following Coastal Act Policies are most pertinent and state:

Section 30230 of the Coastal Act states:

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

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and

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

The SOL is part of identified as “Basin 15” in the Erosion Control Water Quality BMP Plan, Del Mar Fairgrounds, April 2012 (Exhibit 6). As part of Basin 15, flows in the SOL generally sheet flow westerly towards the San Dieguito River. Inflow to Basin 15 occurs at two locations – a pipe inflow from the Fairgrounds (Basins 11 and 12) and a pipe inflow from curb inlets within Jimmy Durante Boulevard (Basin 14). The pipe from the fairgrounds has existing BMPs in place including a low flow pipe to prevent erosion during small storm events, a gravel apron around the high flow outlet, and a fiber roll around the low flow outlet.

Currently, the SOL restoration area has elevations ranging approximately +3 to +5.5 feet National Geodetic Vertical Datum (NGVD). In order to achieve appropriate wetland elevations, the SOL restoration area will be graded to elevations ranging from approximately -1.5 to approximately +4.5 feet NGVD. Thus, the proposed development includes a large amount of grading to attain the desired elevation for salt water marsh.

The Phase II restoration will not involve creating any new impervious surfaces or the introduction of any pollutants. Rather, by restoring historic wetlands (removing fill and revegetating mostly bare areas); the proposed development increases the runoff filtration potential along the north bank of the San Dieguito River. Therefore, the surface water entering the San Dieguito River from the project site will carry a lower level of sediments and pollutants.

The creation of multiple acres of functioning tidal wetlands will improve the water quality of the greater river habitat by allowing the tidal flushing of water. Wetlands serve multiple roles in maintaining ecosystem health, filtering water moving in and out under tidal influences as well as filtering runoff flowing from higher riparian habitat. The wetland vegetation helps retain pollutants, whether particulate sized or greater, so as to decrease the pollutant load entering the body of water. Furthermore, the current use of the SOL as overflow parking increases the risk of vehicular fluids or public-created litter entering the river, while the cessation of this activity will substantially reduce such risks.

The main fairgrounds’ existing storm drain system collects all site drainage from the developed portions of the Fairgrounds (i.e., those portions north and west of Jimmy Durante Boulevard, including the existing race track, training track, and horse arena). That drainage passes through existing grease traps in the inlets draining the main parking lot, and then discharges into the river channel. Meanwhile, the combined EOL and GDR are designated as “Basin 16” in the Erosion Control Water Quality BMP Plan, Del Mar Fairgrounds, April 2012 (Exhibit 6). Basin 16 is described as consisting of both the unpaved and paved parking in the EOL, the GDR, recreational vehicle lot, and tennis courts. There is a berm located along the southern boundary of the EOL and GDR, separating them from the San Dieguito River to the south. During storm events, runoff sheet flows southeast across the EOL and onto the GDR, which has a storm drain inlet in

the central, depressed portion of the lot that then directs water to the river. Not all water reaches this storm drain, and significant ponding across the EOL and GDR can occur during and after a storm event. With the excepted noted below, with the proposed project, the site drainage will remain unchanged.

Part of the development proposed is the construction of a paved bus ingress/egress point on Jimmy Durante Boulevard on the northern edge of the SOL so as to access a proposed twenty-foot wide bus lane with at least twenty public parking spaces for trail users. The bus lane and parking spaces are not included in the acreage area being used for the SOL Phase II restoration, though they would be adjacent to the riparian upland on the northern side. The bus lane will proceed parallel Jimmy Durante Boulevard northeast to the EOL to access circulations roads there.

With the creation of any paved surface area designed for vehicular use, the risks of impacts from pollutants from both vehicles and the public are a concern. The paved nature of the road and its use by vehicles means that litter and fluids would not be absorbed by the ground, but instead could flow into the surrounding area. To mitigate this risk, the Applicant is proposing BMPs in the form of bioretention basins on the southern boundary of the proposed lane and parking spaces, in between them and the SOL Phase II restoration area. These basins will capture, retain, and filter runoff that may originate in the proposed lane, aiding to reduce the impact on surrounding habitat. Furthermore, the proposed Phase II restoration plan, reviewed and approved by the Commission's staff ecologist, took into account the proposed bus lane and parking spaces, and planned the arrangement and siting of the restored habitat accordingly. The proposed restoration includes upland transition areas to buffer the tidal salt marsh portions from impacts from the paved road.

Because the Applicant is proposing temporary events in the EOL as well as year-round parking in the EOL and GDR, there is the potential to introduce pollutants into those lots during the rainy season, where there is the risk of runoff carrying it into the nearby San Dieguito River. Because runoff on the EOL sheet flows to the southeast towards the storm drain inlet in the center of the GDR, the Applicant will construct a bioretention basin in the southeast corner of the EOL and around the southern third of the EOL required by this permit to be set aside as open space so as to intercept runoff before it enters the GDR, as well as install a bioretention basin in the aforementioned central part of the GDR to capture additional runoff.

To ensure that the Applicant constructs the proposed development in conformance with approved methods, **Special Condition No. 1** requires the Applicant to submit and adhere to revised final construction/BMP and site plans that are in substantial conformance with Commission-approved plans.

The Phase II restoration will enhance the quality of the surface water that collects on the areas east and south of Jimmy Durante, that are not part of the existing storm drain system that operates on the developed portions of the Fairgrounds property. Therefore, the Commission finds the development, as conditioned, consistent with the cited policies of the Coastal Act with respect to water quality concerns.

G. VISUAL RESOURCES

Section 30251 of the Coastal Act states, in relevant part:

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 landforms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas...

The Del Mar Fairgrounds is located in the San Dieguito River Valley near the mouth of the San Dieguito River, west of the I-5 and east of Camino del Mar (Old Highway 101). It is between the river to the south and Via de la Valle, which is the first public east-west road north of the river. The entire fairgrounds complex, including the project site, is located between the sea and first public roadway.

The San Dieguito River Valley is a scenic view shed running westward to the Pacific Ocean and contains various trails, including the Coast to Crest Trail, a portion of which runs through the Fairgrounds, adjacent to and south of the SOL, EOL, and GDR. In addition, the valley is bordered to the north and south by hills offering multiple scenic overlooks of the valley and the ocean, and drivers on the north-south I-5 can look west across the river valley as they are crossing it.

Included in the development that the Applicant is proposing is the right to hold future temporary events on the EOL, with various height limits applying depending on which section of the EOL the event is being held. The Applicant is proposing a 100 foot height limit for events on the northern third of the EOL, a 50-foot height limit that extends to 85 feet for tents and copies up to 3 weeks duration or at least 50% transparent above 50 feet, and a 25-foot height limit for events in the southern third of the EOL.

While the main Fairgrounds complex contains multiple large structures, including exhibit halls, show arenas, and the main Grandstand facility, the SOL, EOL, and GDR are flat, unpaved lots located across Jimmy Durante Boulevard south and east of the main fairgrounds, adjacent to the San Dieguito River and east of I-5. The northern and middle third of the EOL are bordered on the west, north, and east by existing development consisting of the main fairgrounds complex to the west, the RV lot and the Hilton to the north, and the main portion of the Surf & Turf sports complex to the east. These existing developments all currently work to block ground level public views across the northern and middle thirds of the EOL, especially from Via de la Valle and the I-5. In other words, while the areas are open, existing development (Grandstand, exhibit halls, etc.) is located west of the development. However, the SOL, the bottom third of the EOL, and the GDR, are flat, unpaved lots adjacent to the San Dieguito River, are not blocked as substantially by the surrounding development, and contribute to the open space character of the river area. Drivers on the I-5 are able to look out over these lots across the river valley as it flows towards the ocean, though the view of the ocean itself is obstructed by existing development.

In addition to public views from the roads around the SOL, EOL, and GDR, the surrounding hills are home to multiple public vista points both west and east of the I-5. The height of these vista points, coupled with the fairly open nature of the river valley, permit expansive views of the area westward, to where the river meets the ocean (Exhibit 8). The currently unpaved nature of the SOL, EOL, and GDR contribute to the open space nature of the river vista, and form a visual buffer between the development on the main Fairgrounds and the nearby river and lagoon area.

The proposed SOL Phase II restoration will not erect any development that will substantially rise above grade to block views. Instead, the restoration of the SOL into a fully functioning tidal wetland will enhance the visual quality afforded to members of the public looking across the area from either surface streets or the hilltop vistas by replacing an unpaved parking area with an increasing amount of functioning habitat and water area to view.

Regarding the GDR, the Applicant is only proposing to use it for overflow parking or trailer storage when needed; the remainder of the time it will continue its function as a permitted golf driving range facility, and thus no height limit is being proposed for that lot at this time. Should the Applicant desire to use the GDR for anything other than parking, intermittent trailer storage, or the permitted golf operations, it will require an amendment to the permit.

Regarding the EOL, the tallest temporary events, those with the potential to utilize temporary structures up to 100 feet or 50 feet in height, are concentrated in the northern two-thirds of the EOL. The 100-foot height limit in the northern third is designed to emulate, but not exceed, the height of the existing Grandstand facility that already blocks views east of the proposed development on the northern portions of the EOL. The Applicant has provided visual renderings of how such temporary structures may appear when viewed from the hilltop vista point located at High Bluff Drive, on the southern rim of the river valley to the east of the I-5 (Exhibit 9). Currently, the northern two-thirds of the EOL are already blocked by existing development. Thus, events located on the northern two-thirds will be largely shielded from public view. This will meet the goal of concentrating the development footprint in the coastal zone and limit the visual “creep” of development into the San Dieguito River view shed. Temporary events occurring in the southern third of the EOL, being located closest to the river and the view shed, will have the strictest height limits on use – 25 feet.

Finally, the Applicant is proposing to retain an unpermitted banner sign measuring approximately 10 feet by 30 feet and mounted between two approximately 35-foot high poles west of and adjacent to the I-5, within the Surf & Turf facility. While some of the development within the Surf & Turf facility blocks views west over the northern two-thirds of the EOL, the banner sign is much taller than the surrounding development and protrudes prominently above this development (as it was most likely designed to do so as to attract drivers’ attention). Because the banner sign is much more prominent than the surrounding development, it blocks additional views that are not blocked by the surrounding, lower-lying development, such as views southwest over the southern

portions of the EOL towards the river. The sign is visually incompatible with the backdrop of the river valley and the surrounding vegetated hills. Finally, development on the Surf & Turf site is governed by CDP No. 6-11-059; Special Condition No. 2 explicitly states, in part, that “[n]o tall, free-standing pole or roof signs shall be allowed (this includes banners strung between poles or buildings)...” Thus, the above development, and the visual impact concerns it engenders, was already considered by the Commission in a past permit action. To remove this impact and adhere to the previous approved permit, this permit is conditioned to require the Applicant to remove the banner sign.

To ensure that these development limits are formalized so as to protect visual resources, **Special Condition No. 1** requires the Applicant to implement development according to approved plans. Thus, by keeping the SOL and the GDR free of temporary structures, their open space nature will be retained, and impacts to visual resources along the San Dieguito River will be minimized, and the Commission can find the proposed development, as conditioned, in conformance with the visual resource policies of the Coastal Act.

H. LOCAL COASTAL PLANNING

Although the project site is in an area of original jurisdiction and thus not subject to the policies and regulations of San Diego’s and Del Mar’s certified LCPs, it is nonetheless consistent with the Fairgrounds/Racetrack land use designation and zone of that plan. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act. Approval of the project, as conditioned, will not prejudice the ability of the Cities of San Diego and Del Mar to continue to implement their certified LCPs.

I. CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The 22nd District Agricultural Association is the lead agency for purposes of CEQA review for this project, and the Coastal Commission is a responsible agency. Section 13096 of the Commission’s Code of Regulations requires Commission approval of coastal development permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. Mitigation measures, including conditions addressing public access, flood hazards, water quality, wetland impact, and visual resources will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally-

damaging feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.

APPENDIX A

- 1) AECOM August, 2012 Wetland Delineation Report
- 2) Linscott, Law, and Greenspan August, 2012 Parking Assessment
- 3) ECORP August, 2012 SOL Phase II Restoration Plan
- 4) Commission Ecologist Dr. John Dixon's September, 2013 Memo



EXHIBIT NO. 1
 APPLICATION NO.
6-12-067
 Location Map

Google earth

feet
km

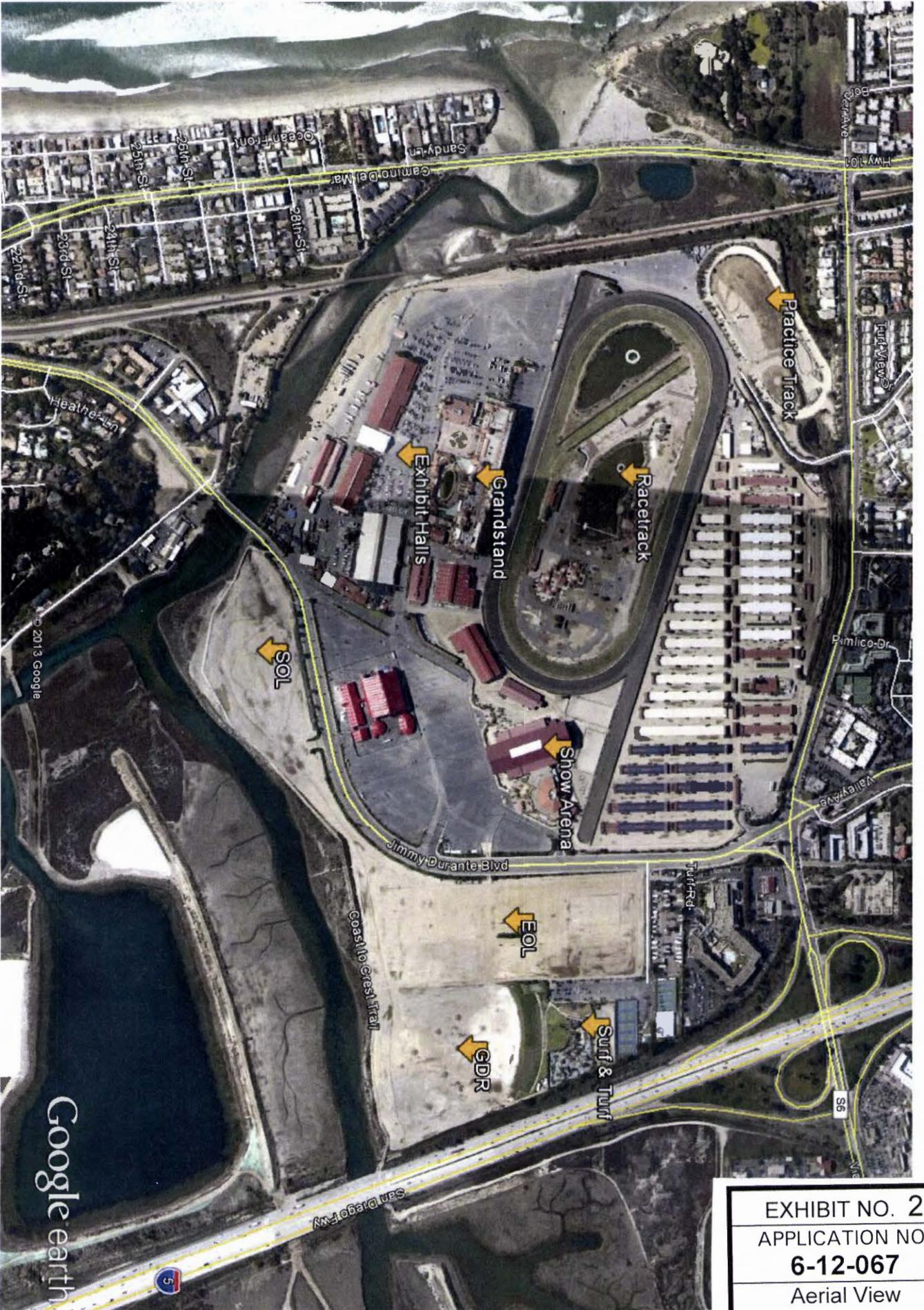
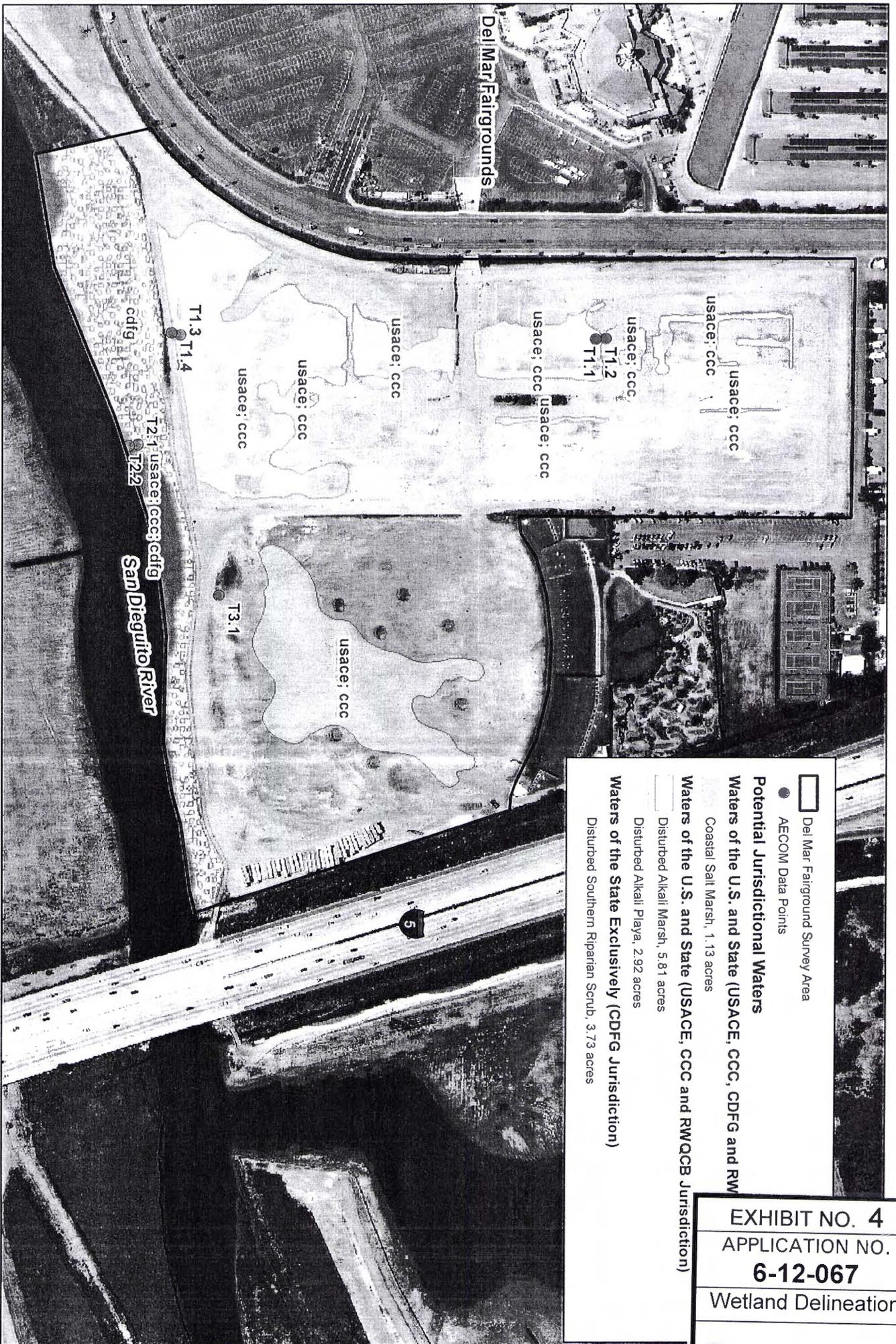


EXHIBIT NO. 2
APPLICATION NO.
6-12-067
Aerial View



Del Mar Fairground Survey Area
 AECOM Data Points

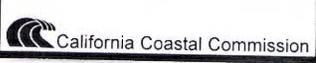
Potential Jurisdictional Waters

Waters of the U.S. and State (USACE, CCC, CDFG and RW)
 Coastal Salt Marsh, 1.13 acres

Waters of the U.S. and State (USACE, CCC and RWQCB Jurisdiction)
 Disturbed Alkali Marsh, 5.81 acres
 Disturbed Alkali Playa, 2.92 acres

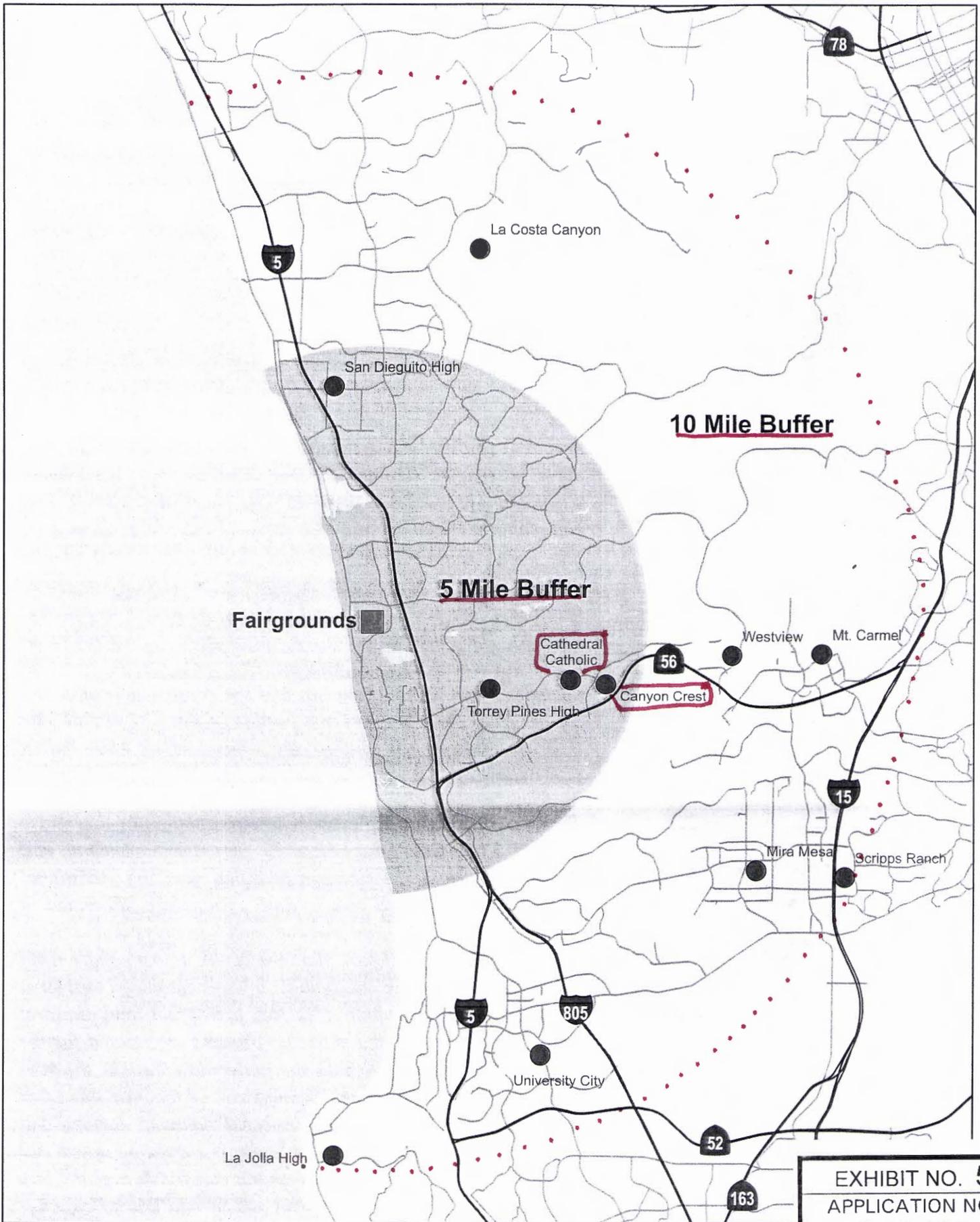
Waters of the State Exclusively (CDFG Jurisdiction)
 Disturbed Southern Riparian Scrub, 3.73 acres

EXHIBIT NO. 4
APPLICATION NO.
6-12-067
Wetland Delineation



All Locations Approximate.
 For Illustrative Purposes Only.
 Sources: AECOM 2013, USACOE.

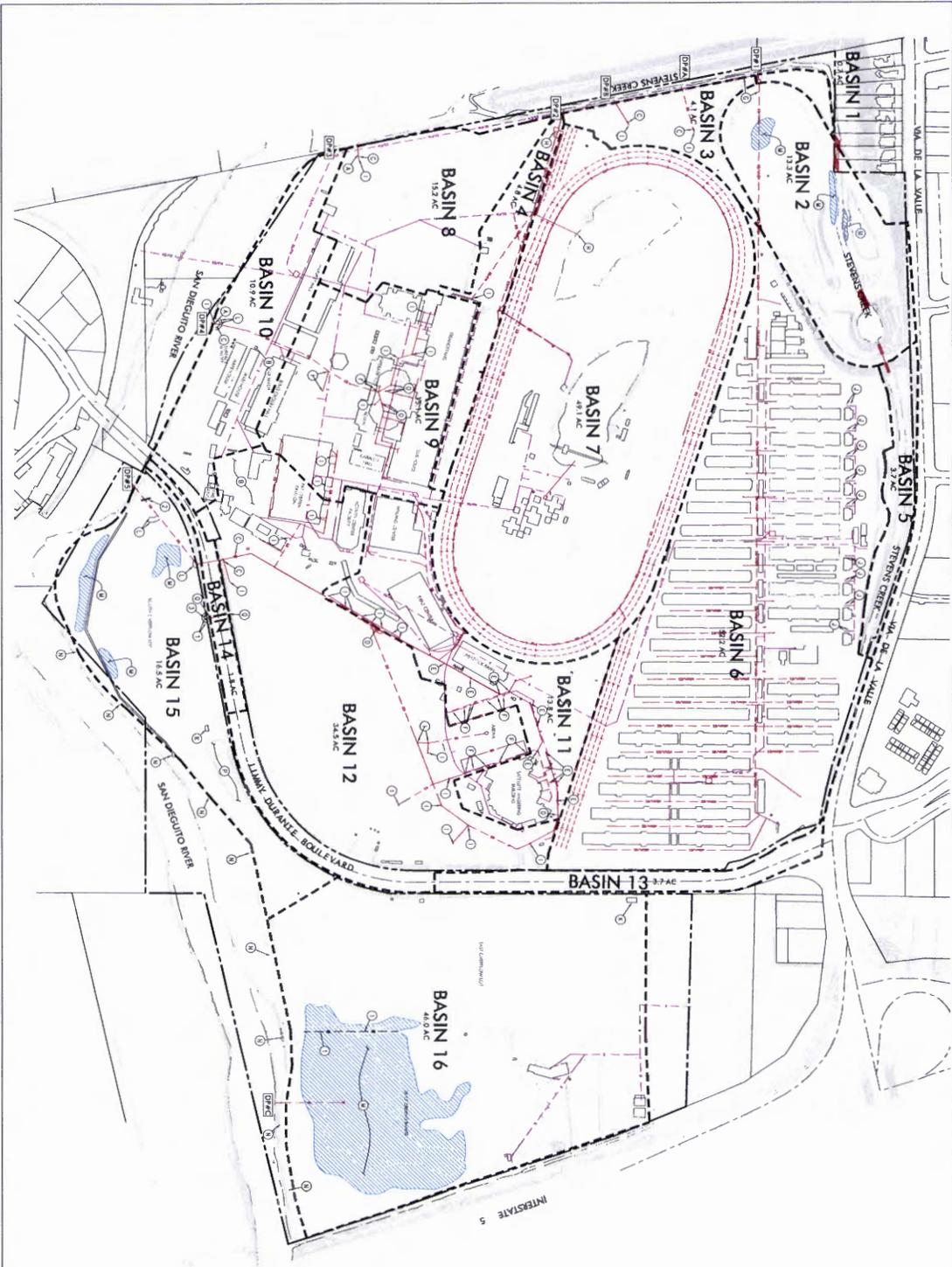
Exhibit X - AECOM delineation and
 sample points - 2010 aerial



5 Mile Buffer

10 Mile Buffer

Source: Fuzsco Engineering 2012
 Approximate Scale: 1 inch = 450 feet
 0 225 450
 Feet



- Fair
- - - Exit
- - - Existing Sewer
- - - Existing Sewer Force Main
- - - Drainage Basin Boundary
- - - Fiber Roll
- - - Surface Ponding

EXHIBIT NO. 6
APPLICATION NO.
6-12-067
Drainage Basins

California Coastal Commission

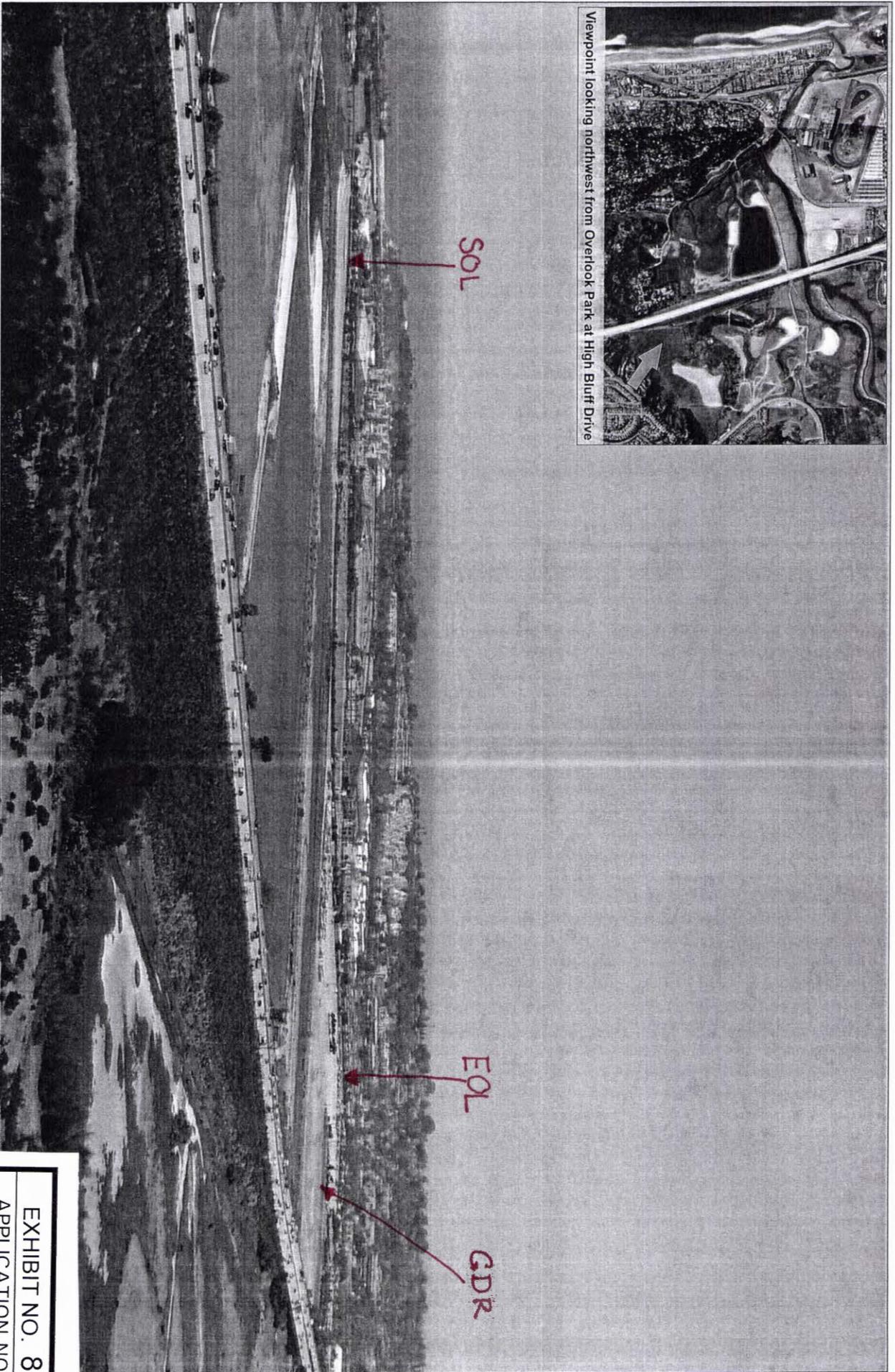
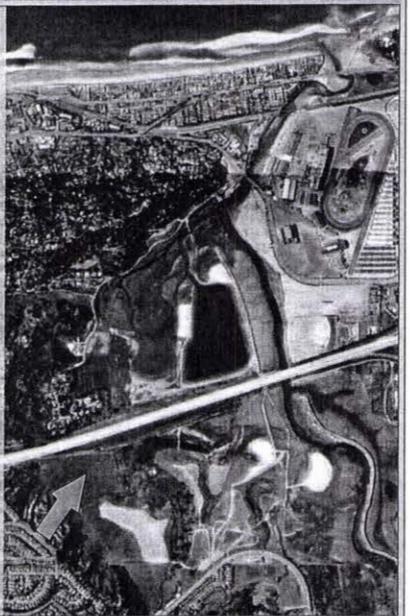
EXISTING DRAINAGE BASINS
FIGURE 2-2



Figure 5. Proposed SOL Phase I and Phase II Habitat Restoration Integration
2012-062 Del Mar Restoration

EXHIBIT NO. 7
APPLICATION NO. 6-12-067
SOL Phase II Restoration Map
California Coastal Commission

Viewpoint looking northwest from Overlook Park at High Bluff Drive



Source: Atkins 2013, Google Map Pro 2010

AUG 20 2013

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

EXHIBIT NO. 8

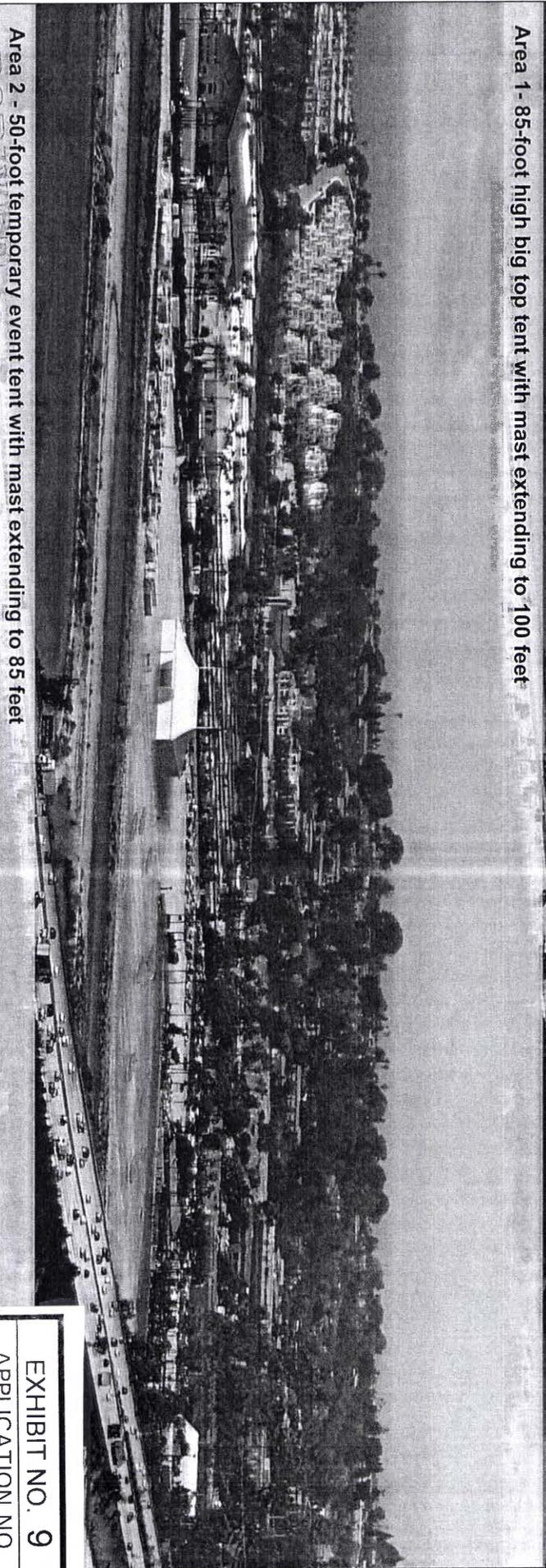
APPLICATION NO.

6-12-067

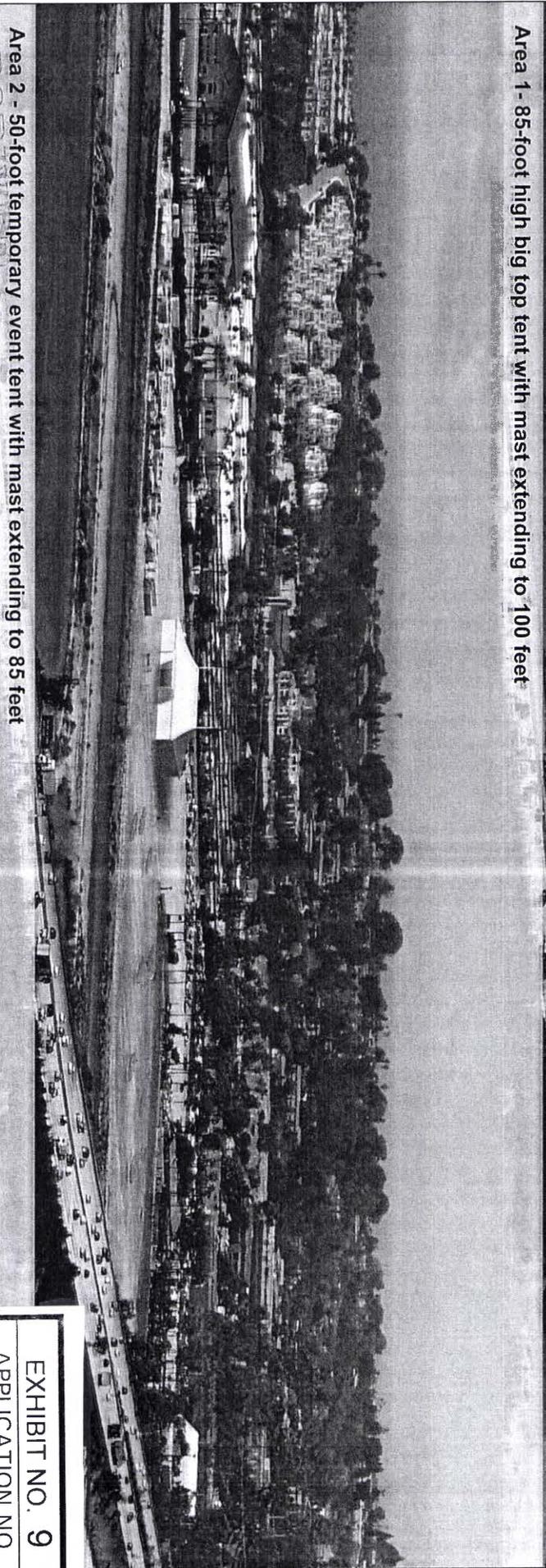
Current Public View

California Coastal Commission

Area 1 - 85-foot high big top tent with mast extending to 100 feet



Area 2 - 50-foot temporary event tent with mast extending to 85 feet



Source: Atkins 2013

AUG 20 2013

PHOTO SIMULATION
STRUCTURES ON EC

EXHIBIT NO. 9

APPLICATION NO.
6-12-067

Visual Rendering

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT
1385 8th Street, Suite 130
ARCATA, CA 95521
(707) 826-8950

**MEMORANDUM**

FROM: John D. Dixon, Ph.D.
Ecologist

TO: Alex Llerandi

SUBJECT: Wetland delineation within the east overflow parking lot and the golf driving range at the Del Mar Fairgrounds.

DATE: September 6, 2013

Documents cited:

AECOM. 2011. 22nd District Agricultural Association Salt Marsh Restoration, Maintenance, and Monitoring Plan. A report prepared for the 22nd District Agricultural Association dated July 2011.

AECOM. 2012. Jurisdictional delineation report for waters of the U.S. and State, Del Mar Fairgrounds east overflow lot and the golf driving range. A report prepared for the 22nd District Agricultural Association dated September 2012.

Bomkamp, T. (Glenn Lukos Associates). 2007. Letter report dated August 7, 2007 to M. Trotta (LSA Associates) regarding "Jurisdictional delineation for the 20-acre east parking lot, driving range adjacent to the east parking lot and 13-acre south parking lot at Del Mar Fairgrounds, San Diego County, California."

Butler Roach Group (BRG). 1996. East parking lot wetlands delineation.

California State Lands Commission (SLC). 2009. Draft Compilation Plat, San Dieguito Lagoon, Del Mar, San Diego County. Map dated July 14, 2009.

ECORP Consulting, Inc. 2012. Habitat Restoration and Monitoring Plan for the South Overflow Lot Phase II of the Del Mar Fairgrounds. A report prepared for the 22nd District Agricultural Association dated August 2012.

Gill, J. (ACOE). 1993. Restoration Order dated April 28, 1993 addressed to the 22nd District Agricultural Association.

LSA Associates. 2006. Historic resources assessment, Del Mar Fairgrounds master plan project located in the cities of Del Mar and San Diego, San Diego County,

EXHIBIT NO. 10

APPLICATION NO.

6-12-067

Commission Wetland
Memo

California. A report dated November 2006 to R. Bartling (22nd District Agricultural Association).

LSA Associates. 2007. Jurisdictional delineation report, Del Mar Fairgrounds and Horsepark, Cities of Del Mar and San Diego, San Diego County, California. A report dated July 2007 to R. Bartling (22nd District Agricultural Association).

Henderson, B.A. (Army Corps of Engineers). 1994. Federal wetlands jurisdictional determination for the Del Mar Fairgrounds. Letter report with map and data sheets addressed to the 22nd District Agricultural Association and dated March (illegible), 1994.

Page, M., S. Schroeter, and D. Reed. 2013. 2012 Annual Report of the Status of Condition A: Wetland Mitigation, San Onofre Nuclear Generating Station (SONGS) Mitigation Program. A report submitted to the California Coastal Commission dated August 2013.

Determining the extent of wetlands existing within the east overflow parking lot and the adjacent golf driving range at the Del Mar Fairgrounds (Figure 1) is a difficult undertaking because of the extensive human manipulations that have taken place over the past hundred years and more. The area currently occupied by the fairgrounds was once a tidal estuary and salt marsh. Large areas were filled and the San Dieguito river was realigned, probably beginning in the late 1800s and continuing into the mid-twentieth century. For example, in 1933 the San Dieguito river flowed diagonally across what is now the golf driving range (SLC 2009). A ghost of the old channel can still be seen in a 1974 aerial photograph (Figure 2). Portions of the old channel were still present in the 1950s and 1960s (Figure 3). By around 1967, the land underlying the fairgrounds was in roughly its current configuration (AECOM 2012). Like the rest of the fairgrounds, the east overflow parking lot and the golf driving range are filled tidal wetlands. This early conversion of tidal estuary to dry land must be distinguished from later fill of seasonal wetlands that developed within the new upland areas. Whereas the original conversion of tidal wetlands to upland occurred prior to the implementation of federal and state laws regulating such activities (Bomkamp 2007), the wetlands that developed on the new land may fall under the jurisdiction of state and federal agencies and the fill of such wetlands may be regulated, depending on when the fill occurred and whether allowable activities resulting in wetland fill were more-or-less continuous.

Historical aerial photographs provide a useful record of use of the east overflow parking lot and the golf driving range (Figure 3 - 7). By 1963 (Figure 3), Jimmy Durante Boulevard was constructed and separated the main fairgrounds from what became the south overflow parking lot, the east overflow lot, and the golf driving range. Highway 5 was in place and bounded to the east the area that would become the golf driving range. The channel of the San Dieguito River was realigned and most of the old channel filled. By 1969, the south overflow parking lot was graded and in use, as was a strip of the east overflow lot adjacent to Jimmy Durante Boulevard (Figure 4). The developed portions of the east overflow lot that are visible in the 1969 aerial appear little

changed in the 1973 photograph (Figure 4). The 1974 aerial photograph is similar to the 1973 photograph and shows that most of today's east overflow lot was still undeveloped and the golf driving range had not yet been built (Figure 5). A water-filled notch marks the position of the river channel prior to realignment. The situation was little changed in 1975 (Figure 5). By 1976, the east overflow lot was configured much as it is today and the golf driving range appears to be under construction (Figure 6). The notch marking the location of the old river channel is still present. The 1980 aerial photograph shows grading activity along the river and the notch that was still present in 1976 has been filled (Figure 7). The driving range is in use and at least three of the big basket targets (Figure 9, bottom photograph) can be seen as dark squares (Figure 7). By 1997, the whole area is configured much as it is today (Figure 7; cf. Figure 1).

Although cut off from tidal action, the east overflow parking lot and the golf driving range tend to pond water following rainfall. Generally, this is a direct result of precipitation; however, occasionally the San Dieguito river overtops its banks, also causing flooding (Figure 8). Depending on the annual pattern of rainfall, nearly the entire area may be inundated for long duration (Figure 9), inundation may be spatially patchy and of briefer duration (Figure 10), or ponding may be ephemeral or absent. When left relatively undisturbed, portions of these areas are colonized by wetland indicator species¹ (Figure 11). The wetlands that have developed within the old fill materials are thus seasonal wetlands that are dependent upon rainfall.

The 22nd District Agricultural Association periodically uses these areas for event parking (Figure 12), storage, and other activities. Around 1981, the east overflow lot was seeded with Bermuda grass and perennial ryegrass and irrigated for about five years before the effort was abandoned (BRG 1996). In preparation for the various uses, particularly parking, the areas are scraped of vegetation. However, the ground preparation generally entails more than simply removing the vegetation. The ground surface, at least in the two overflow parking areas, is also periodically graded using heavy machinery, resulting in cut and fill and ground leveling (Figure 13). There is also some photographic evidence of the introduction of fill materials from elsewhere (e.g., Figure 14). Regardless of whether materials are imported or simply moved about on site, fill of wetlands requires a permit from the Army Corps of Engineers and the Coastal Commission. For example, the Corps found that the grading that occurred in the south overflow parking lot in June, 1990 was a violation of the Clean Water Act, which was resolved pursuant to an April 28, 1993 restoration order (Gill 1993).

At the request of the 22nd District Agricultural Association in May 1993, the U.S. Army Corps of Engineers conducted a technical wetland delineation of the Del Mar Fairgrounds property in October 1993. This delineation included the east overflow parking lot and the golf driving range (Figure 15). About 20.4 acres of wetlands were

¹ Plant species are categorized as OBL (almost always a hydrophyte, rarely in uplands), FACW (usually a hydrophyte but occasionally found in uplands), FAC (commonly occurs as either a hydrophyte or in uplands), FACU (occasionally a hydrophyte but usually occurs in uplands), UPL (rarely a hydrophyte, almost always in uplands). Plants listed as OBL, FACW, and FAC are presumed to be growing as hydrophytes and are considered wetland indicator species.

delineated, approximately 7.5 acres on the east overflow lot and 12.9 acres on the golf driving range. The delineators for the Corps concluded that circumstances present at the east overflow lot and at the golf driving range were not “normal” and that the situation was “atypical.”² Normal circumstances are not present because the vegetation is periodically removed. The situation is also atypical because of the vegetation removal and because the ground surface is periodically filled, graded, and compacted. There have been four wetland delineations subsequent to the delineation by the Corps (BRG 1996, Bomkamp 2007, LSA 2007, AECOM 2007).

The Butler-Roach Group conducted a wetland delineation of the 18-acre east overflow parking lot on March 19, 21, and 23, 1996. Unlike the Corps, the Butler-Roach group concluded that normal circumstances existed on the site and that an atypical situation did not exist. This was based upon the fact that conditions (including periodic disturbance) were “virtually unchanged” over the previous 20 years. These conclusions are contrary to Corps’ guidance. The delineation was conducted based on the federal wetland definition that requires evidence of wetland hydrology, hydric soils, and a preponderance of hydrophytes. About 1.7 acres of seasonal wetlands were delineated (Figure 16).

Glenn Lukos Associates (Bomkamp 2007) conducted a wetland delineation of the east overflow parking lot on April 5, 2005. Bomkamp asserted that the situation was “normal” and not “atypical” because the new normal circumstance was “parking,” which had been ongoing “for at least 36 years based on authorized fill³.” As with the previous delineation, these conclusions did not follow the Corps’ guidance as interpreted by the staff of that agency in 1993. However, the delineation reportedly was conducted during a year of normal rainfall and the area had not been recently cleared of vegetation, so whether normal circumstances were present was at least arguable. The vegetation that had developed was comprised mostly of upland species. Only one wetland, covering 0.06 acre was delineated (Figure 17) and it had evidence of all three wetland parameters. None of the other seven data points contained field indicators of any wetland features⁴. Areas that had been delineated as wetlands by the Butler-Roach Group, no longer had wetland characteristics.

² According to guidance from the Corps of Engineers, “normal circumstances” are present if the vegetation has not been substantially altered by man’s activities. On the other hand, if any of the wetland parameters (vegetation, soil, and hydrology) “have been sufficiently altered by recent human activities or natural events to preclude the presence of wetland indicators of the parameter,” the situation is “atypical.”

³ The claim that the fill was “authorized” was based on the fact that the original conversion of tidal estuary to upland occurred prior to the phase-in dates of Section 10 of the River and Harbors Appropriation Act and Section 404 of the Clean Water Act. This argument fails to distinguish between the original conversion to upland and later activities that may have filled seasonal wetlands that developed on the new upland areas. He also claimed that the delineation by the Corps was flawed, that wetlands delineated by the Corps were not really subject to their jurisdiction, and that he was unaware that the Corps asserted jurisdiction. In fact, the Corps formally asserted jurisdiction of the wetlands they delineated in a 1994 letter to the 22nd District Agricultural Association (Henderson 1994).

⁴ *Spergularia bocconi* was present in all but one of the sample plots. It was not listed in the U.S. Fish & Wildlife Service’s 1988 list of plant species that occur in wetlands and was treated by GLA as an upland plant. However, the 1996 list characterized this species as FAC and it is now classed as FACW. Had the 1996 list been used, four more plots would have had wetland vegetation.

LSA (2007) conducted a wetland delineation of the golf driving range on December 15, 2006 and on March 24 and March 26, 2007. Like GLA, LSA concluded that there were “normal” circumstances and that the situation was not “atypical,” despite noting that the vegetation was regularly cleared and the ground surface was severely compacted due, in some areas, to heavy truck traffic. LSA concluded that, “The driving range was converted to upland over 30 years ago and has been regularly maintained in a condition that allows for upland uses. Thus, it is presumed that from a regulatory perspective, the driving range will be considered upland.” In fact, the area that now supports a golf driving range was converted from tidal marsh to upland much earlier. The aerial photographs indicate that the golf driving range was constructed around 1976 and has been regularly subjected to ground disturbing activities since then. However, like GLA, LSA fails to distinguish between the original conversion to upland and later activities that may have filled seasonal wetlands that developed on the new upland areas. Although LSA delineated no wetlands on the golf driving range, 14 of their 21 sample points (Figure 18) had either a preponderance of wetland indicator species or evidence of surface ponding.

AECOM (2012) conducted a wetland delineation of both the east overflow parking lot and the golf driving range on April 19, 2012. Since the area had not been recently cleared of vegetation, they conducted their delineation based on the presumption of “normal” circumstances. The delineation was based upon the wetland definitions in the Coastal Act and the Commission’s Regulations. The boundaries of the delineated wetlands were defined by the presence of wetland vegetation. About 9 acres of wetlands were delineated (Figure 19).

There are very large differences in the acreage of wetlands delineated by the various organizations (Table 1). Undoubtedly, a significant cause of these differences is that the Corps treated these two areas as an atypical situation because of the repeated removal of vegetation and significant ground disturbance caused by grading, filling, leveling, driving, and parking. An atypical situation only occurs where the disturbing activities are unauthorized and are not exempted from regulation, which must have been the presumption of the Corps when the delineation was certified. Where an

Table 1. Comparison of the wetland areas (acres) identified by the several technical wetland delineations conducted in the east overflow parking lot and the golf driving range at the Del Mar Fairgrounds.

Delineator	Year	East Overflow Parking Lot	Golf Driving Range	Total
ACOE	1993	7.50	12.86	20.36
BRG	1996	1.7	-	-
GLA	2005	0.06	-	0.06
LSA	2006/7	-	0.00	
AECOM	2012	5.81	2.92	8.73

atypical situation occurs the probable vegetation may be estimated from the character of adjacent vegetation or vegetation that escaped removal and its extent may be estimated by topographic features and hydrology indicators. Hydrology may be estimated from existing field indicators, such as surface soil cracks or sediment deposits, and from aerial photographs. The Corps delineation was probably conservative in the direction of resource protection.

The 1996 delineation identified less than two acres of wetland in the east overflow parking lot and the 2007 delineation reports by GLA and LSA identified essentially no wetlands in the entire area. The lack of wetlands in the driving range was due to the *presumption* that there were none that would be considered jurisdictional. In fact, the data sheets show that there were field indicators of wetland vegetation or wetland hydrology at most sample points, which would appear to meet the wetland definition in the Commission's Regulations. The failure to identify more wetlands in the east overflow lot was probably partly a difference in assumptions and approach, but may also reflect changed circumstances since much of the vegetation that was present had an upland character. The 2012 delineation was also based on the notion of normal circumstances. In contrast to the character of the vegetation that was reported in 2007, most of the plant species present in 2012 were wetland indicator species categorized as FAC, FACW, or OBL.

It is not possible to determine the proportion of the differences among the several wetland delineations that is due to differences in the delineators' assumptions and interpretation of field observations and the proportion that is due to changing circumstances. Although I think both factors contributed, a comparison of the location of delineated wetlands in 1993 and 2012 (Figure 20) suggests that there have been changes in topography and hydrology. Within the east overflow lot, the wetland areas present in 2012 show very little overlap with those that were identified in 1993. I attribute this shift to alterations in the ground surface caused by grading, filling, and leveling. If those alterations were the result of authorized activities, then the 2012 delineation is the best estimate of currently existing wetlands present on the east overflow parking lot and the golf driving range. The wetland delineated within the golf driving range is probably in a shallow depression roughly where the San Dieguito River once flowed and that now tends to pond water after rainfall (cf. Figures 2, 3, & 10).

Nearly all the wetlands that are or have been present in the south overflow parking lot, the east overflow parking lot, and the golf driving range (Figure 1) are dependent upon direct rainfall⁵. These are seasonal, freshwater wetlands formally classified as emergent palustrine⁶ wetlands. The plant species present are generally species that are good early colonizers of open space and many are not native. Both the native and non-native plants that periodically occupy these areas are so frequently disturbed that

⁵ There is a small area of saltmarsh in the south overflow lot dependent upon salt water leakage into a drainage ditch.

⁶ At least seasonally marshy or ponded areas not part of marine, river, or lake systems.

they do have time to form well-developed and biologically diverse vegetation communities. The east overflow lot is permitted to be disturbed for three months each summer, at which time the golf driving range may also be used for parking. Activities associated with the golf operation are permitted the year around. Due to this frequent disturbance, the vegetation communities that do develop probably have relatively low value for wildlife. Also, the ground is so severely compacted that it is probably relatively poor foraging habitat for birds.

Each of these three geographic areas (Figure 1) is adjacent to the tidal portion of the San Dieguito River and has the potential to be converted to tidal habitats, such as mudflat and saltmarsh. In fact, plans have been developed to restore the south overflow parking lot to tidal marsh (AECOM 2011, ECORP 2012) and similar areas both east and west of Highway I5 are in the process of tidal restoration as part of the Southern California Edison mitigation project. In 2012, about one year after the completion of the initial 5-year construction phase, the restored wetland was still developing salt marsh vegetation, but already supported 100 species of birds, 21 species of fish, 63 species of macro-invertebrates, and eelgrass was growing in the deeper channels (Page, et al. 2013). It is reasonable to expect that the proposed Phase I and Phase II of the tidal restoration of the southern overflow parking lot will have similar ecological benefits and functionally will become an integral part of the larger marsh. These tidally inundated habitats are ecologically far more valuable than the disturbed seasonal freshwater marsh that is currently present on the south overflow lot, as well as on the east overflow lot and the golf driving range.

Figure 1. Overflow parking lots and golf driving range at the Del Mar Fairgrounds shown on 2012 aerial photograph (from Google Earth).

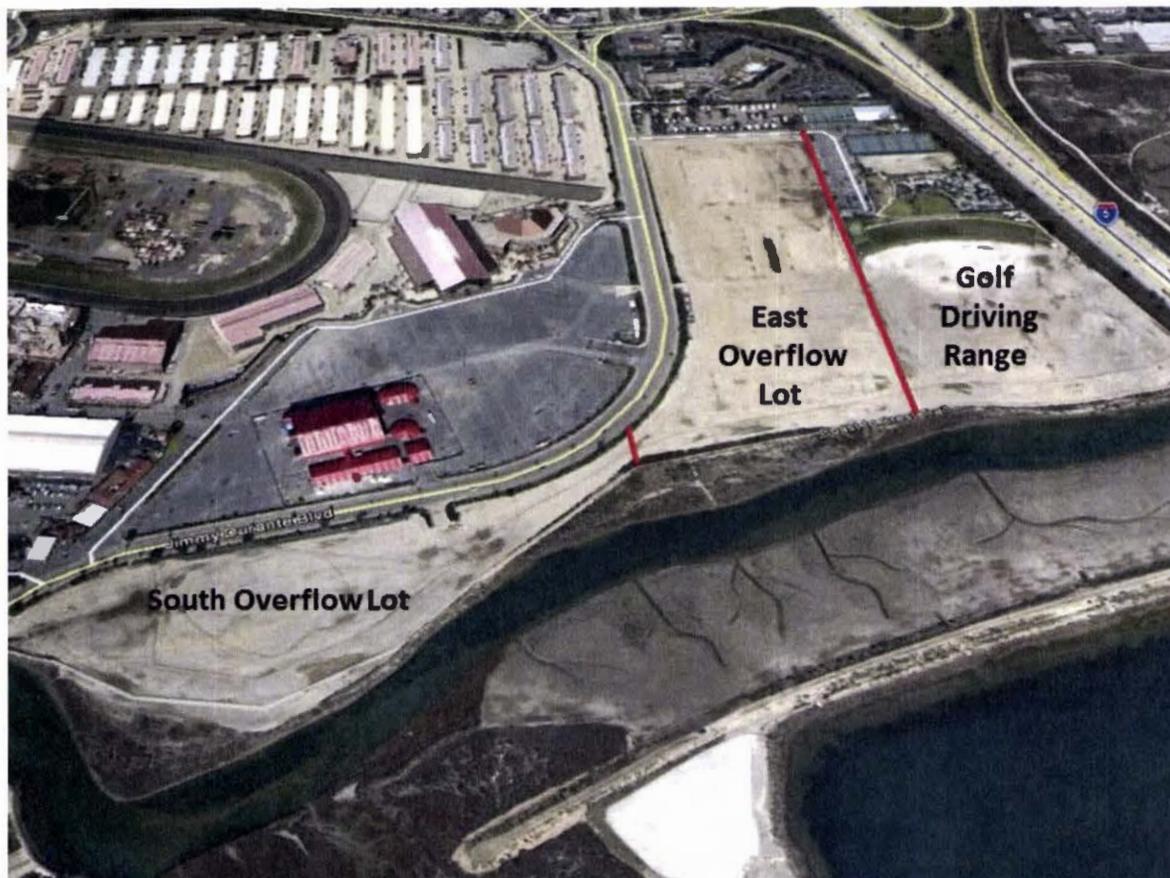


Figure 2. July 17, 1974 aerial photograph of the Del Mar Fairgrounds. The location of a portion of the San Dieguito River channel as it existed in 1933 (SLC 2009) is apparent within the red oval.

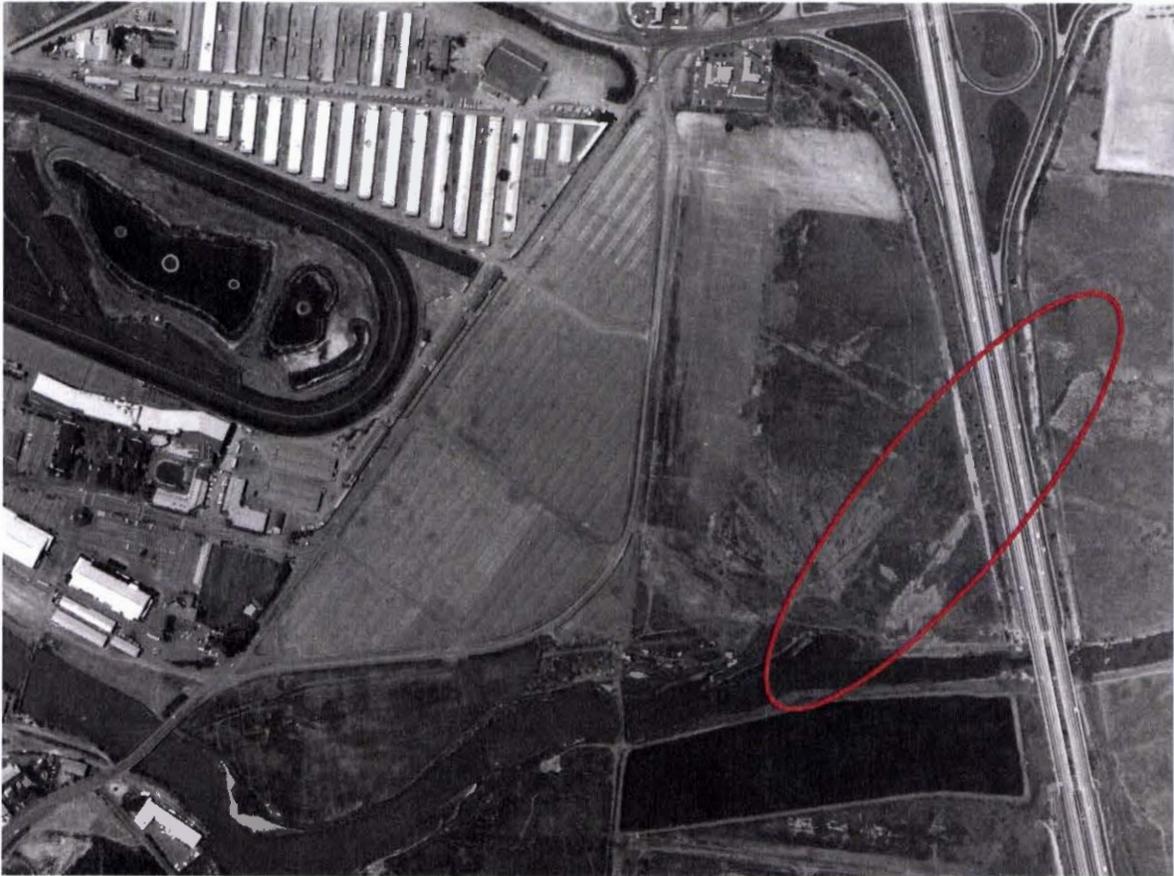


Figure 3. Historical photographs of the east overflow parking area and the golf driving range area of the Del Mar Fairgrounds (Fairchild Aerial Photography Collection from LSA 2006).

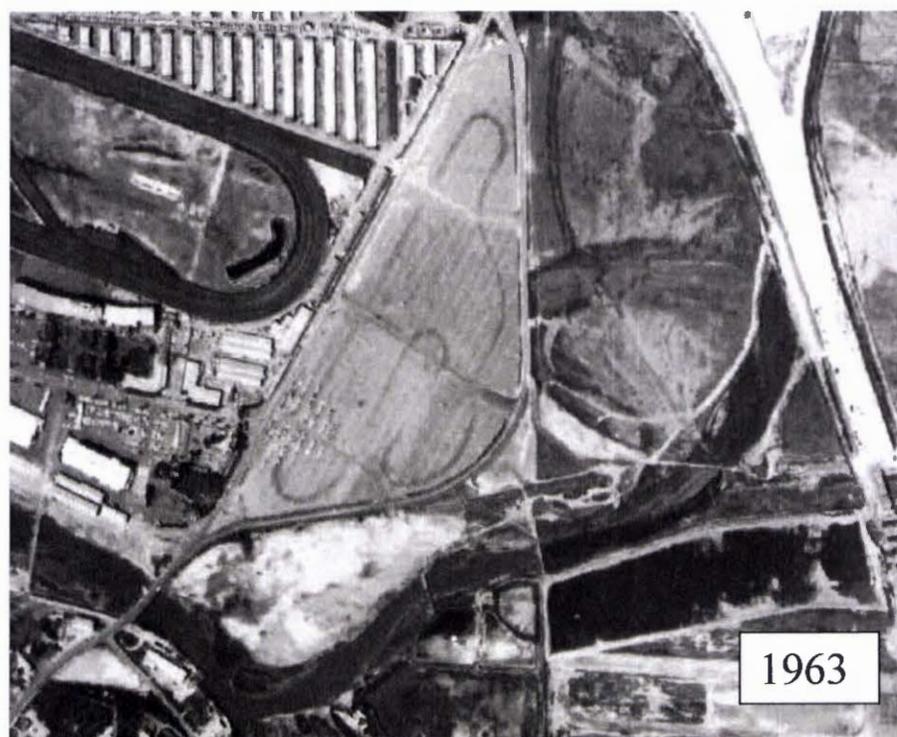


Figure 4. Historical photographs of the east overflow parking area and the golf driving range area of the Del Mar Fairgrounds (from Bomkamp 2007).

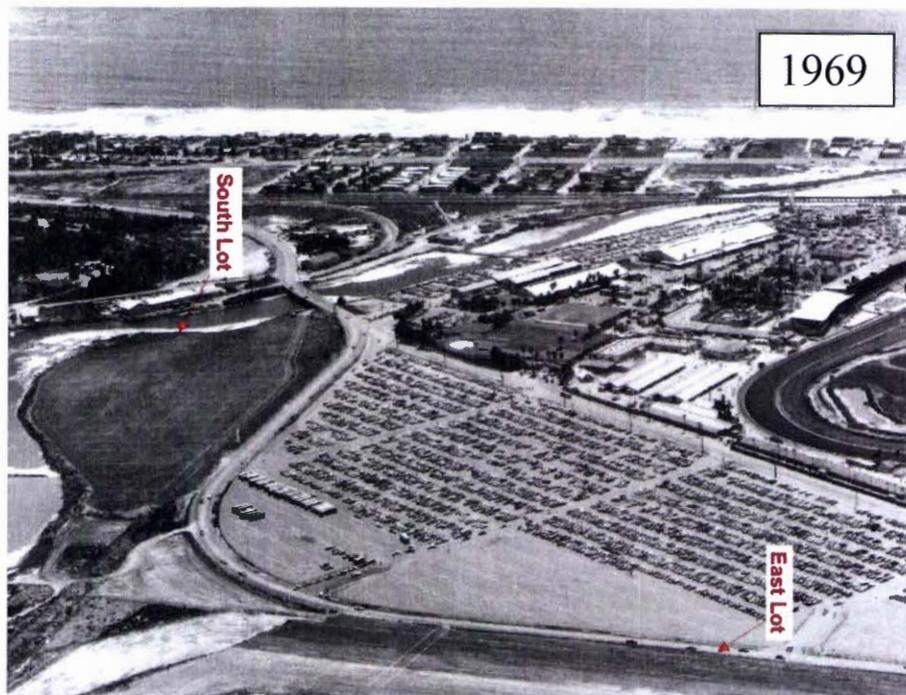


Figure 5. Historical photographs of the east overflow parking area and the golf driving range area of the Del Mar Fairgrounds (from Bomkamp 2007).

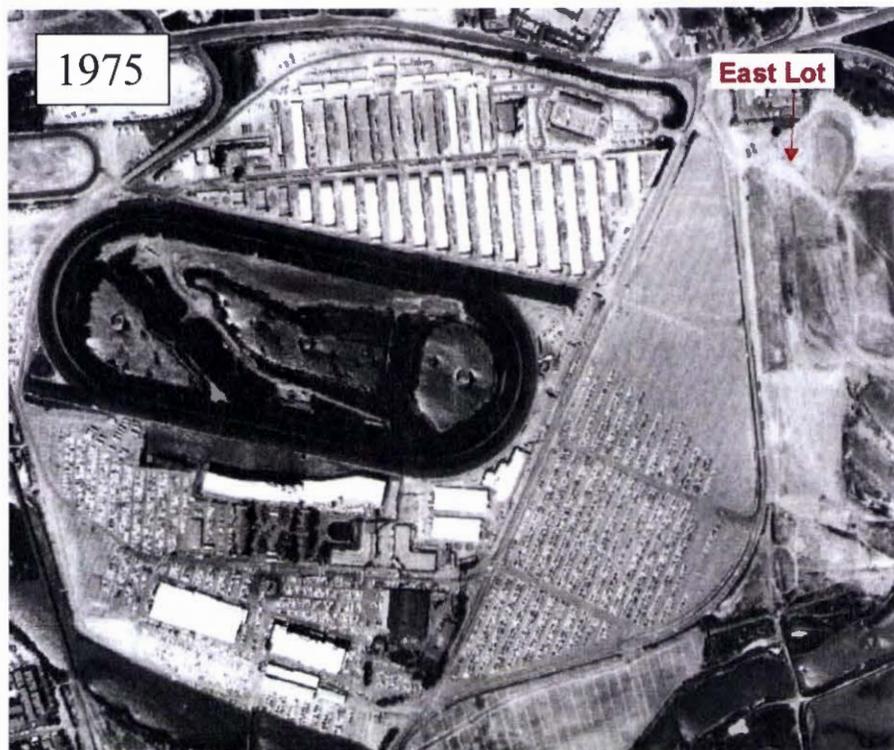


Figure 6. Historical photograph of the east overflow parking area and the golf driving range area of the Del Mar Fairgrounds (from Bomkamp 2007).



Figure 7. Historical photographs of the east overflow parking area and the golf driving range area of the Del Mar Fairgrounds (Fairchild Aerial Photography Collection from LSA 2006).



Figure 8. Flooding by the San Dieguito River on February 21, 1980 (photograph from San Diego County archives).



Figure 9. Ponding in the east overflow parking lot (top) and golf driving range (bottom) following significant rainfall at the end of November 2007 (photographs courtesy of Jacqueline Winterer).

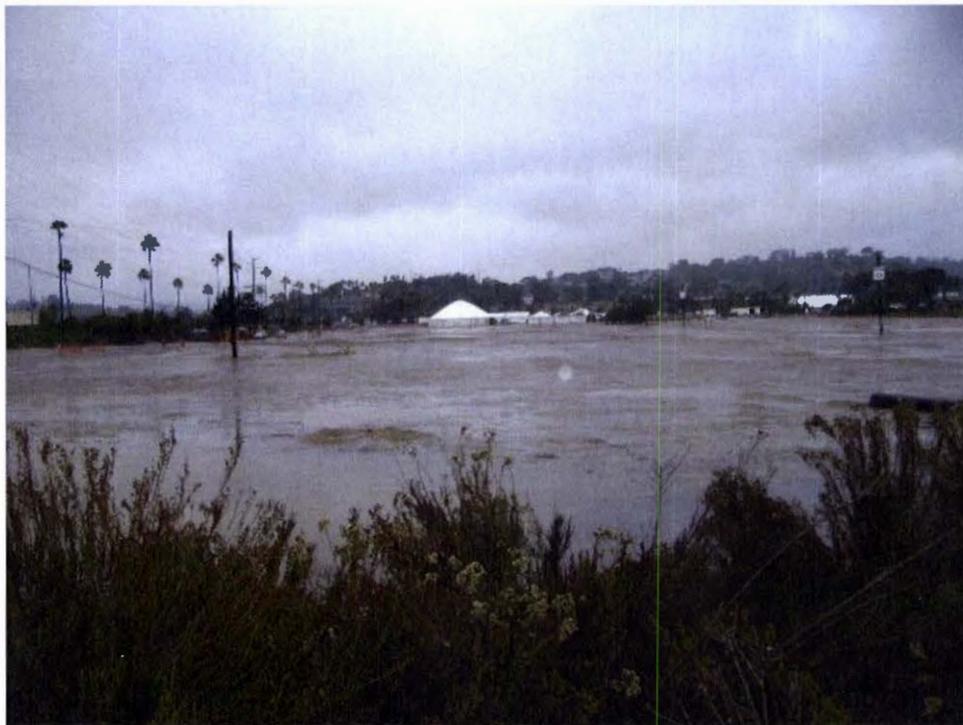


Figure 10. East overflow parking lot and golf driving range following rainfall in Spring 2009 (photograph courtesy of Jacqueline Winterer).



Figure 11. Portion of the east overflow parking lot with vegetation dominated by wetland indicator species (photograph 13 in AECOM 2012). Most of the species present are listed as FACW or OBL in the National Wetlands Plant List.



Figure 12. Parking in overflow areas: south lot, east lot, and golf driving range (1989 photograph courtesy Jacqueline Winterer).

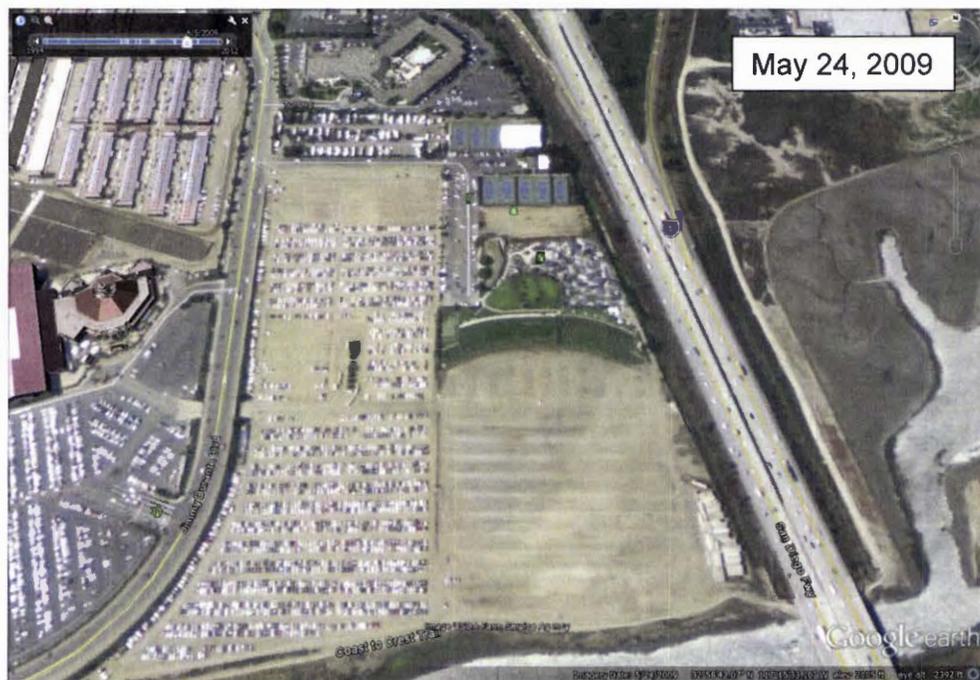


Figure 13. Grading and fill along the south end of the east overflow parking lot roughly in the area where it connects to the south overflow lot.



Figure 14. Dirt being dumped on an overflow parking lot at the Del Mar Fairgrounds on June 12, 1987. This appears to be a portion of the south overflow parking lot.



Figure 15. Boundary of wetland delineated by personnel of the Army Corps of Engineers in October 1993 (Henderson 1994) overlaid on 2010 aerial photograph.



Figure 16. Boundaries of wetlands delineated by BRG in 1996 overlaid on 2010 aerial photograph. Polygon data from Bomkamp (2007).



Figure 17. Boundaries of wetlands delineated by GLA in April 2005 (Bomkamp 2007) overlaid on 2010 aerial photograph.



Figure 18. Sample points from wetland delineation conducted by LSA in December 2006 and March 2007 (LSA 2007) overlaid on 2010 aerial photograph. No wetlands were identified. However, some sample points had field indicators of wetland vegetation or wetland hydrology.



Figure 19. Boundaries of wetlands delineated by AECOM in April 2012 (AECOM 2012) overlaid on 2010 aerial photograph.

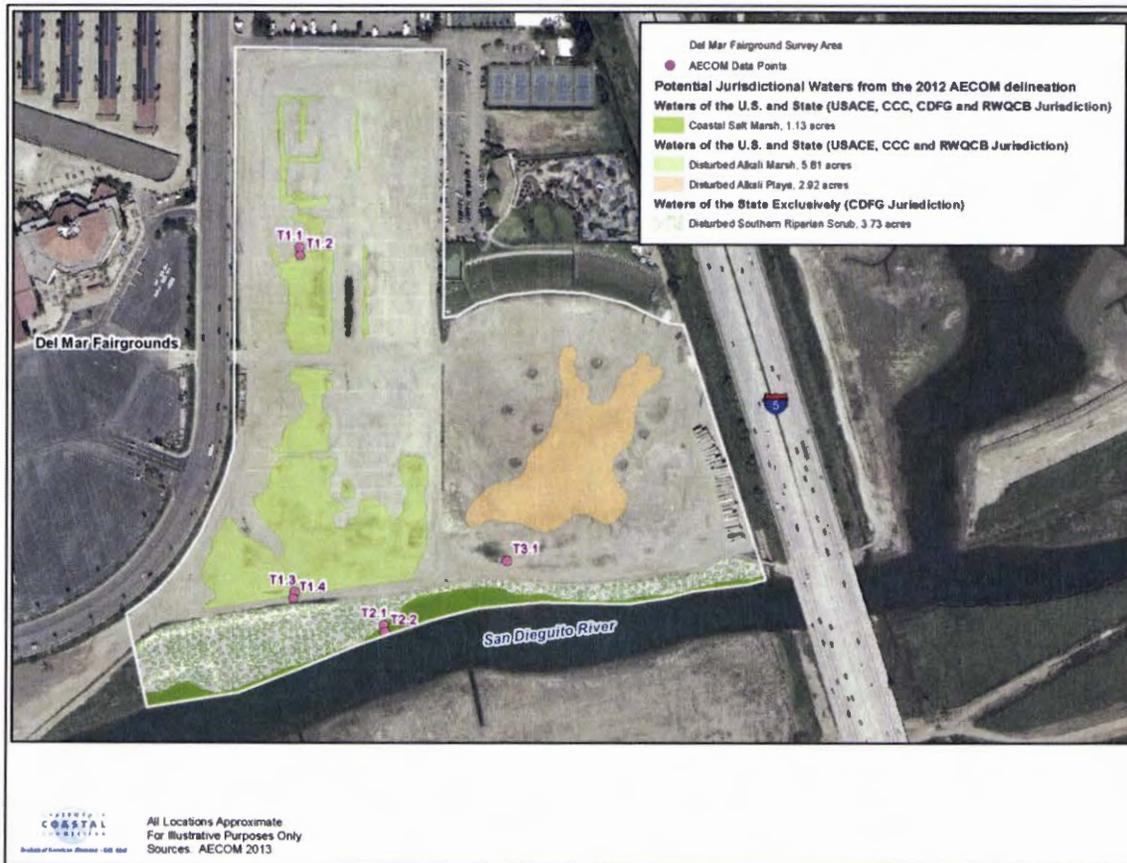


Figure 20. Overlay of wetland boundaries from Army Corps of Engineers (1994) and AECOM (2012) overlaid on 2010 aerial photograph.

