

## CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA  
3111 CAMINO DEL RIO NORTH, SUITE 200  
SAN DIEGO, CA 92108-1725  
(619) 521-8036

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Staff: LRO-SD  
Staff Report: October 30, 1995  
Hearing Date: November 14-17, 1995



REGULAR CALENDAR  
STAFF REPORT AND PRELIMINARY RECOMMENDATION

# Fr6b

Application No.: 6-95-137

Applicants: 22nd District Agricultural Association & Air Touch Cellular Agent: Patricia Butler

Description: Installation of 65-foot high cellular telephone antenna tower with three discs, transmitters and lighting and construction of a one-story, 330 sq.ft. equipment building.

Lot Area	48 acres (total parcel)
Building Coverage	330 sq. ft. (100% of leased area)
Pavement Coverage	0 sq. ft.
Landscape Coverage	0 sq. ft.
Zoning	A-1-10
Plan Designation	Open Space
Ht abv fin grade	65 feet

Site: East overflow parking lot, Del Mar Fairgrounds, San Diego, San Diego County. APN 299-042-01

Substantive File Documents: Draft Public Works Plan for Del Mar Fairgrounds and Racetrack;  
1985 Updated Master Plan for Del Mar Fairgrounds and Racetrack;  
CDPs #6-94-13; 6-91-193

STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the proposed cellular antenna tower and equipment building subject to special conditions which require acknowledgement in writing that the proposed structures are designed to withstand periodic flooding and will not require construction of flood control devices in the future; the applicants' assumption of risk for floodplain development; and that the proposed facilities be removed and the site restored to its former condition should they no longer be viable or necessary in the future. Staff believes these conditions are acceptable to the applicants, and that there are no outstanding issues.

PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit for the proposed development, subject to the conditions below, on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Floodplain Development. Prior to the issuance of the coastal development permit, the applicant shall acknowledge in writing that the proposed structures are designed to withstand periodic flooding, and that the structures, including the cellular equipment, are expendable/replaceable, and thus do not now, nor will in the future, require construction of flood control devices or armoring.

2. Assumption of Risk: Prior to the issuance of the coastal development permit, the applicants [and landowner] shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide: (a) that the applicant understands that the site may be subject to extraordinary hazard from flooding and (b) the applicant hereby waives any future claims of liability against the Commission or its successors in interest for damage from such hazards. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens.

3. Future Redesign. Prior to the issuance of the coastal development permit, the applicant shall agree in writing that where future technological advances would deem the subject site no longer viable for the proposed telecommunication facility, the applicant agrees to abandon the facility and be responsible for obtaining proper permits for removal of all structures and restoration of the site to its former condition.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. The 22nd District Agricultural

Association (Del Mar Fairgrounds) is proposing to lease a small area to Air Touch Cellular, who is also the co-applicant for the subject permit application, in the east overflow parking lot of the fairgrounds for construction of a 65-foot high cellular telephone antenna tower and 330 sq.ft. one-story equipment building. The east overflow parking lot is mostly composed of dirt with a paved driveway around portions of the perimeter of the lot for a tramway that shuttles fair-goers to the fairgrounds during the seasonal Del Mar Fair. There is also a row of existing lightpoles in the center of the lot which are in a north-south alignment. The proposed cellular antenna will be in the same alignment as the existing lightpoles. Immediately east of the parking lot is the Surf and Turf Club which consists of tennis courts, a golf driving range and miniature golf facility. To the north is the Hilton Hotel, Denny's Restaurant and a gas station. The area to the south is undeveloped wetlands and includes the San Dieguito River. Immediately across Jimmy Durante Boulevard to the west is the Del Mar Fairgrounds. The proposed cellular antenna is proposed to be located approximately in the middle of the east overflow parking lot. It will be directly opposite of, and in alignment with, the satellite wagering facility which is just west of Jimmy Durante Boulevard on the fairgrounds, and with the golf driving range to the east.

Although the east overflow parking lot is within the geographic area of the City of San Diego, which has a certified LCP, this area is public trust lands. Therefore, coastal permit authority remains with the Coastal Commission and Chapter 3 policies of the Coastal Act are the standard of review.

It should be noted that the Commission has recently seen a number of coastal development permit applications for this type of development. Most commonly, existing structures have been used for placement of antennae and sometimes, conversion of motel units within an existing building have been utilized. It is recognized that due to advances in technology, in the future, the need for these facilities may no longer be needed at various locations. For this reason, Special Condition #3 has been attached which requires the demolition and/or removal of the proposed structures should they no longer be viable in the future and that the site be restored to its former condition. This condition is consistent with similar coastal development permits approved by the Commission.

2. Environmentally Sensitive Habitats. Section 30240 of the Coastal Act is most applicable to the subject proposal, and states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

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

The U.S. Army Corps of Engineers (ACOE) has recently completed a jurisdictional wetlands determination for the entire fairgrounds, including the subject site. The ACOE map delineates a large area of Corps jurisdictional wetlands within the eastern portion of the east overflow parking lot, covering roughly a third of the parking lot overall. However, the proposed cellular antenna and equipment building are proposed to be located approximately in the middle of the parking lot which is some distance from the delineated wetlands. Thus, the proposed development results in no direct impacts on wetlands.

Although there are no direct impacts to any mapped wetland area in the subject proposal, the Commission typically requires a buffer between proposed development and wetland areas to protect the resource from indirect impacts and accidental encroachments. In most cases, a wetland buffer is 100 feet in width, although there have been occasions when a lesser buffer has been determined adequate, in consultation with the appropriate resource agencies.

Only an 80-foot buffer area is proposed for the subject project, due to the disturbed condition of most of the adjacent wetlands and the historic use of the area. This undeveloped dirt lot east of Jimmy Durante Boulevard and adjacent to the proposed development has been used as a parking reservoir since well before the Coastal Commission came into existence. For at least forty years, it has provided required parking space for all major events at the fairgrounds, particularly the annual fair, horse-racing each summer, and the Grand Prix, during the years that latter event was held at the fairgrounds. Although portions of this lot located 80 feet or more from the proposed development have been mapped as wetlands by the ACOE, based primarily on soils and hydrology, the area does not now function as a viable wetland except on a very limited seasonal basis. During the winter months, after a rainfall, water will pond and some vegetation will appear - a mixture of non-native and wetland species.

In this particular case, the Commission finds it acceptable that the project will observe less than a 100-foot buffer because the unimproved parking lot does not constitute a year-round or high quality habitat area due to ongoing human and vehicular disturbances, which are not now before the Coastal Commission and have existed on the site for at least forty years. The parking lot operation in itself will continue to disturb the area and not allow wetland habitat values to establish. Additionally, if the fairgrounds were to vacate the site, restoration of the wetland habitat could occur through removal of the existing paving that exists around the perimeter of the lot for an existing tramway and the improvements of the subject permit, the cellular antenna tower and equipment building.

In summary, the proposed project has been designed to avoid all direct impacts on mapped wetland areas. Parking will continue to occur, within and in close proximity to wetlands, with or without the subject project. It should also be noted that the applicants will not need to cross over or disturb any wetlands to access the equipment building for maintenance, etc. Access will be received from Jimmy Durante Boulevard to the west. The mapped seasonal wetlands are located approx. 80 feet to the northeast and continuing to the

south of the proposed facility. As such, no impacts to wetlands will occur from project approval. Therefore, the Commission finds the proposed development, as conditioned, and because of the unique circumstances of the existing and historic fairgrounds operations, consistent with Section 30240 of the Coastal Act.

3. Floodplain Development. The following Coastal Act policies address development in hazardous areas, and state, in part:

Section 30236

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

Section 30253

New development shall:

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

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area ... .

The majority of the Del Mar Fairgrounds (22nd District Agricultural Association property) lies within the 100-year floodplain of the San Dieguito River. A large number of permanent and temporary structures already exist on the site, many of them pre-dating the Coastal Commission. Current floodplain and floodway policies prohibit the placement of fill or permanent structures within such areas, except as allowed for designated developments considered compatible with periodic inundation. The entire Fairgrounds complex is comprised of structures which are, and will continue to be, inundated occasionally from severe winter storms.

The entire east overflow parking lot is within the floodplain of the San Dieguito River. The proposed cellular antenna and maintenance building will not alter flood flows or increase the risks of flooding for downstream property owners, consistent with Section 30236. As proposed, the facility has been designed to withstand periodic inundation. According to the applicant's representative, the flooring of the tower has been designed to withstand flooding. A three-foot high masonry wall will be constructed as the first three feet of the proposed equipment building, and will surround a compacted earth floor. The 10-foot high equipment building sits on top of this earth floor, raising the equipment itself above the 100-year flood elevation at this location. In this particular case, this relatively minor amount of filling in the floodplain (330 sq.ft.) is not considered a substantial alteration of the

San Dieguito River course or the hydrologic capacity of its floodplain. Furthermore, the structure has been designed to withstand periodic flooding.

The concern raised here is that any additional fill or net increases in building footprints could result in changes to the hydrology of the river valley. 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 developments south of the river, and could, in turn, lead to proposals for further river channelization. Channelization may result in adverse impacts to adjacent or downstream habitats by changes in hydrology, scouring or biological resources. However, in this particular case, as noted above, the relatively small amount of fill that is being proposed for the small maintenance/equipment building, will not result in a substantial alteration of the rivercourse, nor will it require construction of any future flood control devices.

In any event, Special Conditions #1 and #2 address the applicant's acknowledgement of the hazardous nature of this site. The first condition requires the applicant to document that the proposed permanent structures are compatible with periodic inundation, and that the new structures, including the cellular equipment, are expendable/replaceable, and thus do not now, nor will in the future, require construction of flood control devices or armoring. The second condition is the Commission's standard "Assumption of Risk" condition, which consists of a deed restriction to be recorded that will run with the land, releasing the Commission from liability in case of future damage to the approved structures from flooding. In consideration of the very small amount of fill proposed in the floodplain and the small size of the building proposed, and with the inclusion of Special Condition's #1 and #2, the Commission finds the development consistent with Sections 30236 and 30253 of the Act.

4. Visual Impacts. Section 30251 of the Coastal Act provides for the protection of scenic coastal resources and for the compatibility of new and existing development. The fairgrounds as a whole includes many buildings of significant size, a racetrack and training track, and large areas of both paved and dirt parking lots.

The applicant has indicated that this site was chosen as the preferred location to fill a gap in their service network. Since the western end of the San Dieguito River Valley is low-lying in topography between the hills to the south and to the north, an antenna at this location is necessary to compensate for the topographic barrier to link communication between these two ridges. Due to the scenic nature of the San Dieguito River Valley and proximity to I-5, which is a major coastal access route, the applicant has considered alternatives in locating the facilities in the immediate area. Choosing the east side of the San Dieguito River Valley was eliminated as an alternative since that side of the river valley is primarily undeveloped, consisting of open agricultural land where the presence of a 65-foot high cellular tower would be extremely visually prominent. In addition, locating a facility at that location would be difficult without impacting the San Dieguito River Valley Regional Open Space Park planned wetlands enhancement project.

For this reason, the applicant has selected the subject site as the optimal location for the proposed facilities in order to minimize potential adverse visual impacts. The proposed cellular facility will be located in the middle of the east parking lot of the fairgrounds, just east of Jimmy Durante Boulevard. Although the east overflow parking lot itself remains relatively unimproved, this area on the west side of the San Dieguito River Valley is in close proximity to the Surf and Turf Club, which consists of a golf driving range, miniature golf facility, and tennis courts. As noted previously, immediately north of this area is a hotel, a restaurant, and a gas station. To the west is the entire fairgrounds complex.

The antenna tower will be the same height as the existing wooden light poles in the existing parking lot. Lights will be installed in the middle of the pole at the same elevation as the other lights in the parking lot (approx. 35 feet high). The overall height of the lightpoles is 65 feet. In terms of its relationship to surrounding improvements, the 65-foot tower is proposed to be located directly opposite, and east of, the satellite wagering building, which is located on the west side of Jimmy Durante Boulevard. For comparison purposes, the dome of the satellite wagering facility is 77 feet high, while the height of the proposed antenna will be 65 feet high. In addition, the parking lot lights in the main parking lot on the west side of Jimmy Durante Boulevard are 135 feet high. To southbound motorists, the antenna facility will blend in with the other improvements west of this parking lot and will not appear any higher or taller than the satellite wagering facility at the fairgrounds, or existing light poles in the east lot or main lot. In fact, while driving south on I-5, the structure will be barely visible due to the existing Surf and Turf Club, which partially blocks the site from view. To northbound motorists, the facilities will blend in with the backdrop of existing development including the fairgrounds, and development to the north. As such, the antenna structure should not pose a significant adverse visual impact as viewed from the scenic highway (I-5) to the east.

In addition, the facilities are proposed to be composed of materials and finishes that will blend in with the surrounding area in order to minimize any adverse visual impacts and to further buffer the proposed development from public views. Specifically, the tower itself will be an unpainted gray metal fabricated structure. Over time, this color will dull to a neutral gray color that is similar to the existing 135-foot high light fixtures in the Main Parking lot to the west. The antennae disks will also be gray, matching the tower. In addition, the equipment building is proposed to be painted a non-reflective color to match or blend with the color of the surrounding dirt parking lot (i.e., tan or sand color). In summary, potential visual impacts of the development are adequately addressed in the subject proposal, which the Commission finds consistent with Section 30251 of the Act.

5. Public Access. Since the fairgrounds and its east overflow parking lot are located between the sea and first coastal roadway (I-5 in this general area), Section 30604(c) requires that a public access finding be made. The proposed development, consisting of a cellular antenna tower and small equipment building, will not affect traffic on adjacent streets or public access to nearby beaches. Therefore, the Commission finds the proposal, as

conditioned, does not adversely affect public beach access, and is thus consistent with all public access and recreation policies of the Coastal Act.

6. Local Coastal Planning. Section 30604 (a) also requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. Such a finding can be made for the subject development, as conditioned.

The 22nd District Agricultural Association, a state agency, manages land lying within the purview of the Cities of Del Mar, Solana Beach and San Diego. The certified land use plan for the City of Del Mar and the certified land use plan for the County (which is now the City of Solana Beach) designate the racetrack area itself for public recreation facilities; some of the land use designations in other areas do conflict with those shown in the updated Master Plan for overall development of the Fairgrounds, which has not been subject to review by either the Coastal Commission or the local jurisdictions involved. Additionally, the entire site is included within the Commission-approved San Dieguito Lagoon Enhancement Plan which is a component of the Del Mar LCP. The east overflow parking lot itself is located within the City of San Diego which has designated the site as open space in the Torrey Pines Community Plan update, currently under Coastal Commission review. However, it is an area of public trust lands where permit jurisdiction remains with the Coastal Commission, and the standard of review is Chapter 3 of the Coastal Act.

The 22nd District Agricultural Association which owns and operates the actual Fairgrounds is a state agency. The District has completed an updated Master Plan, and adopted a draft Public Works Plan. Because the Fairgrounds is a special State District, they have the option of submitting a public works plan under Section 30605 of the Coastal Act. The proposed project, as conditioned, has been found consistent with all applicable Chapter 3 policies of the Coastal Act. Therefore, the Commission finds that project approval, as conditioned, will not prejudice the ability of the involved communities to complete certifiable plans for their respective jurisdictions.

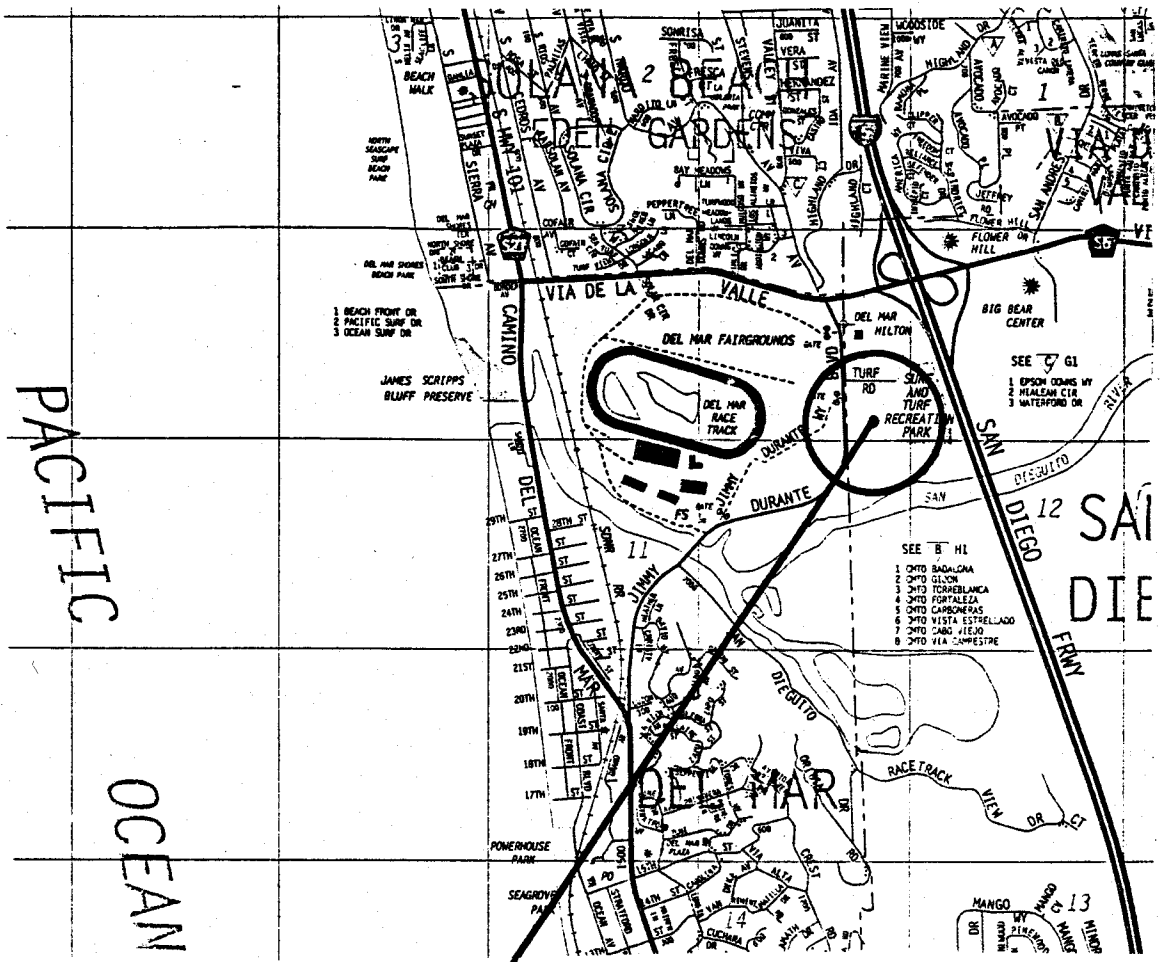
7. Consistency with the California Environmental Quality Act (CEQA). As previously stated, the proposed development will not result in direct impacts on any coastal resources, and has been conditioned to assure that the proposed structures are designed to withstand period flooding and will not result in changes to the hydrology of the river or affect downstream resources. As proposed, the development will not have significant adverse impacts on scenic resources. Therefore, no unmitigable environmental impacts will result. Furthermore, there are no alternate projects which would lessen the environmental impact of the proposed project on coastal resources. The Commission therefore finds that there are no feasible alternatives or mitigation measures available or required, since the proposed development, as conditioned, has been found to have no significant adverse impacts on the environment of the coastal zone.



STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgement. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. 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.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

(5137R)



PACIFIC OCEAN

SITE

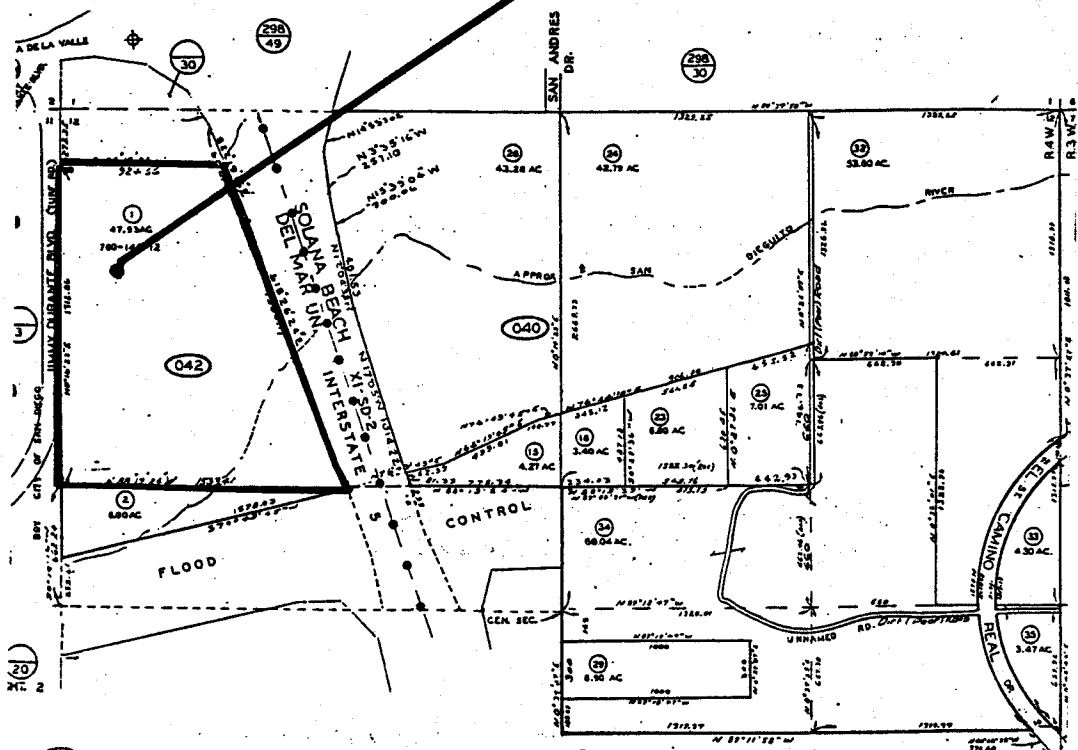
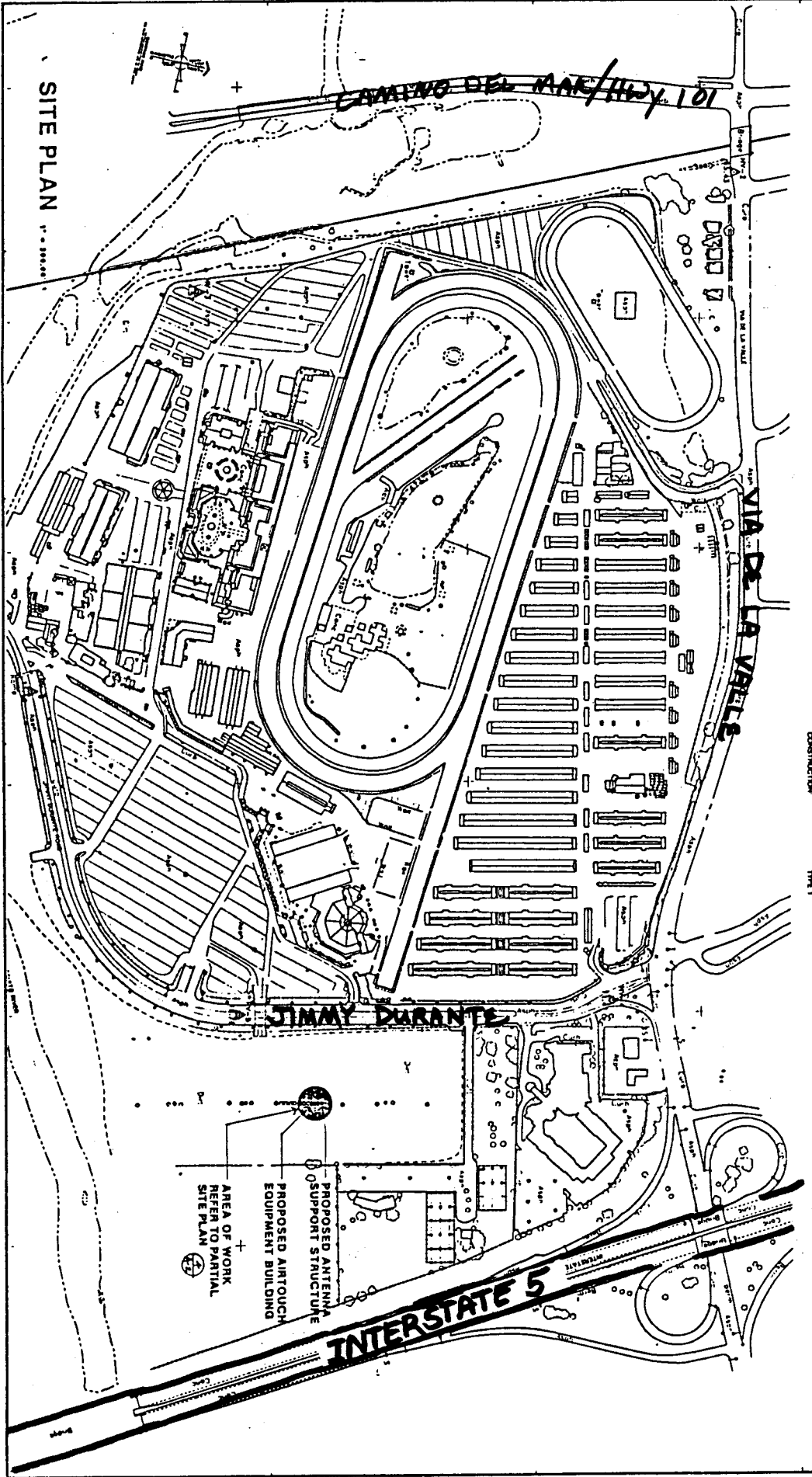


EXHIBIT NO. 1  
 APPLICATION NO. **6-95-137**  
**Location Maps**

California Coastal Commission



**PROJECT SUMMARY**

**APPLICANT:**  
 AIRTOUCH CELLULAR  
 5301 DEL MAR PLACE # 500  
 SAN DIEGO, CALIFORNIA 92121  
 RITA KOS-NESE  
 BY THE ARCHITECT

**EXISTING STATUS:**  
 COUNCIL JURISDICTION  
 STATE OF CALIFORNIA  
 777  
 IN THE FUTURE  
 IN THE FUTURE

**PUBLIC INTEREST:**  
 AIRTOUCH PROPOSES TO CONSTRUCT, OPERATE AND MAINTAIN AN UNMANNED AND UNMANNED APPROXIMATELY 200 SQUARE FOOT CELLULAR TELECOMMUNICATION FACILITY FOR THE PROJECT ALSO CONSISTS OF A CELLULAR DOME STRUCTURE, WIRE ANTENNA, AND 3 DIRECTIONAL RADIO DSH ANTENNAS LOCATED ON A 65 FOOT LIGHT STANDING / ANTENNA SUPPORT STRUCTURE.

**APPLICANT'S INFORMATION:**  
 ADDRESS: 770 JIMMY DURANTE BLVD  
 DEL MAR, CA 92014  
 777

**LEGAL DESCRIPTION:**  
 777

**ASSESSOR'S PARCEL NUMBER:**  
 260-000-01

**ZONE:**  
 777

**OCCUPANCY:**  
 A-1

**CONSTRUCTION:**  
 TYPE 1

**AREA:**  
 777

**LEAS AREA:**  
 777

**BUILDING AREA:**  
 200 SF

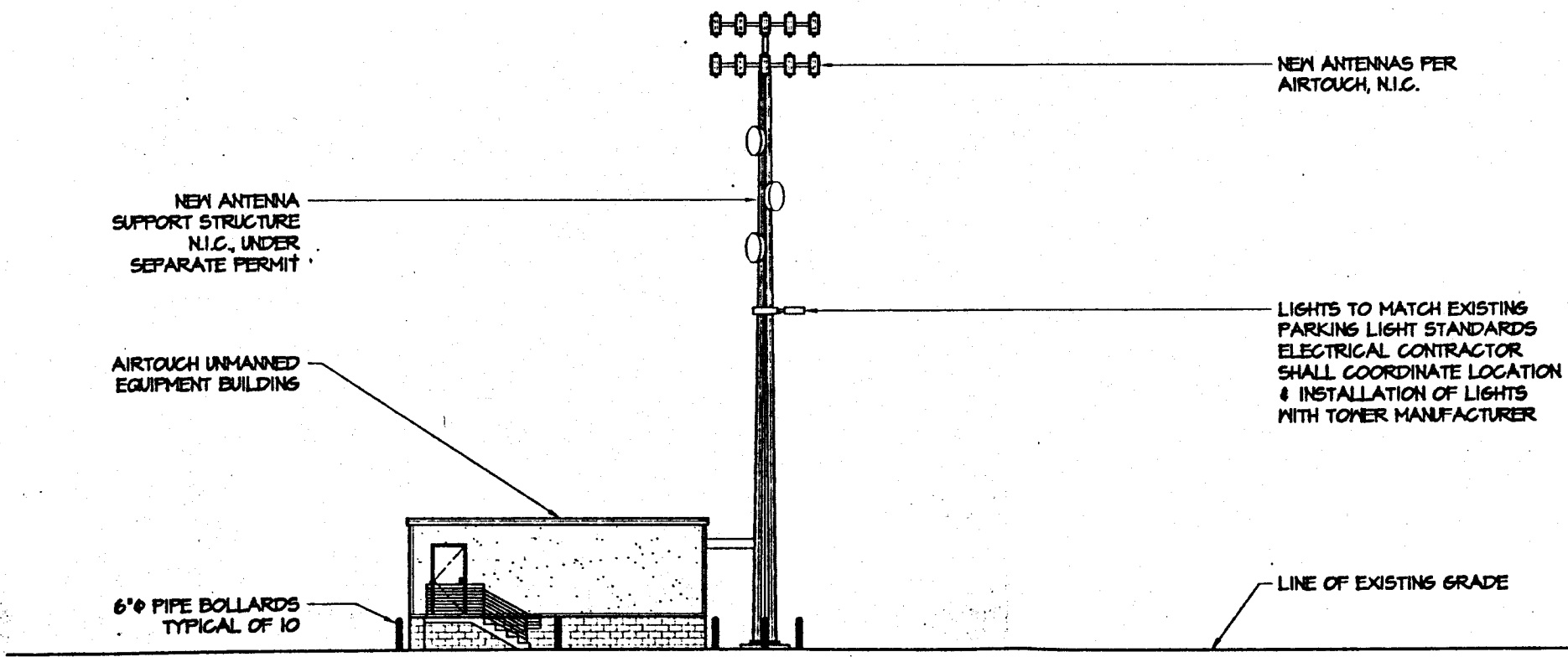
**ANTENNA BUILDING APPROXIMATE:**  
 777 JIMMY DURANTE BLVD

**BUILDING:**  
 OCCUPANCY: A-1  
 CONSTRUCTION: B, 1, 14

PROPOSED ANTENNA  
 SUPPORT STRUCTURE  
 PROPOSED AIRTOUCH  
 EQUIPMENT BUILDING  
 AREA OF WORK  
 REFER TO PARTIAL  
 SITE PLAN

**EXHIBIT NO. 2**  
**APPLICATION NO.**  
 16-95-137  
**Site Plan**  
 California Coastal Commission

EXHIBIT NO. 3
APPLICATION NO. 045-137
East elevation
California Coastal Commission



NEW ANTENNA  
SUPPORT STRUCTURE  
N.I.C., UNDER  
SEPARATE PERMIT

AIRTOUCH UNMANNED  
EQUIPMENT BUILDING

6" PIPE BOLLARDS  
TYPICAL OF 10

NEW ANTENNAS PER  
AIRTOUCH, N.I.C.

LIGHTS TO MATCH EXISTING  
PARKING LIGHT STANDARDS  
ELECTRICAL CONTRACTOR  
SHALL COORDINATE LOCATION  
& INSTALLATION OF LIGHTS  
WITH TOWER MANUFACTURER

LINE OF EXISTING GRADE

3

EAST ELEVATION

SCALE 3/32" - 1'-0"

1