REGULAR CALENDAR

STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-02-020

 Applicant: 22nd District Agricultural Association

Agent: BRG Consulting

Description: Placement of a 13,500 sq.ft. fabric tent structure to accommodate youth volleyball and other events on a vacant 22,500 sq.ft. site located at the northeast end of the Surf & Turf property, adjacent to the Del Mar Hilton parking lot.

Lot Area 22,500 sq. ft. (specific site only)
Building Coverage 13,500 sq. ft. (60%)
Landscape Coverage 9,000 sq. ft. (40%)
Parking Spaces shared use of 200-space parking lot
Zoning Fairgrounds/Racetrack
Plan Designation Fairgrounds/Racetrack
Ht abv fin grade 33 feet

Site: On the east side of Jimmy Durante Boulevard, at the northeast corner of the “Surf and Turf” site, immediately south of the Del Mar Hilton parking lot, North City, San Diego, San Diego County.

APN 299-042-0100

Substantive File Documents: Certified Torrey Pines Community Plan and City of San Diego LCP Implementing Ordinances (Land Development Code)

STAFF NOTES:

Summary of Staff's Preliminary Recommendation: Staff is recommending approval of the volleyball facilities, with special conditions addressing use of the tent for other activities, restricting signage on the tent, and limiting the term of the permit for non-volleyball uses to one year, with monitoring of parking adequacy. Issues raised by the project include its potential visibility and the potential for special events or functions to
exceed the capacity of the existing 200-space parking lot. The recommended special conditions, and clarifications provided by the applicant, resolve these issues.

This item was originally presented to the Commission at the June Commission meeting. The public hearing was held and testimony taken. Identified concerns were traffic, visual impacts and protection of wetland resources. Some Commissioners suggested the need for a traffic study and others expressed a desire to see story poles erected on the site for staff to photograph from various vantage points; they also discussed adding a condition requiring use of a flagman during events in the tent to assure that parking occurred only in appropriate areas. Ultimately, the Commission continued the matter, asking the applicant to provide additional information with respect to these issues. The applicant has submitted a letter responding to some of these concerns, along with computer simulations in lieu of story pole pictures.

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: I move that the Commission approve Coastal Development Permit No. 6-02-020 pursuant to the staff recommendation.

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a YES vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. Standard Conditions.

See attached page.
III. Special Conditions.

The permit is subject to the following conditions:

1. Parking/Usage Prohibitions. The applicant shall not use, and shall prohibit its patrons from using, any portion of the East Overflow Parking Lot (EOL) in association with any uses, events, functions, or activities held in the approved tent structure. Also, the applicant shall ensure that parking for other special/interim events occurring elsewhere on the fairgrounds property shall not occur in the paved, 200-space parking lot adjacent to the tent. The service gate between the paved lot and the EOL, and the exit gate from the EOL to Jimmy Durante Boulevard shall remain locked at all times when events are occurring in the tent, OR a flagman shall be present to direct traffic to appropriate parking areas.

The permittee shall undertake the development and operate the facilities in accordance with these requirements. Any proposed changes to the requirements shall be reported to the Executive Director. No changes to the requirements 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. Signage Restriction. The applicant shall not affix any form of signage to the exterior of the approved tent (except that small informational or directional signs addressing use of the tent may be placed on the south side of the tent facing the parking lot), and shall not use any portion of the approved tent for advertising purposes, unless and until the Coastal Commission approves an amendment to this permit.

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

3. Term of Permit/Monitoring Program. The subject permit authorizes use of the approved tent for volleyball activities for a period of five years and use of the tent for non-volleyball activities for one year only, beginning the first day of use of the tent. Use of the tent for non-volleyball activities is prohibited in future years unless and until this permit is amended by the Coastal Commission.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, a program to monitor parking for the full range of uses at the Surf and Turf property. The program shall include:

a) exact counts of cars associated with use of the approved tent, taken midweek once a month and daily whenever the tent is used for non-volleyball purposes;
b) a listing of any days the 200-space lot is filled to capacity, identifying the date, time of day, and uses occurring on the site at that time;

c) a listing of all non-volleyball events held in the tent, including the dates, time of day, and number of attendees;

d) documentation of any use of the Del Mar Hilton Hotel parking lot to accommodate non-volleyball uses of the tent, including the type of event, time of event, and number of spaces occupied at the hotel; and

e) notification in writing of the exact date the tent is first opened for use, submitted within one week of that date.

This information shall be summarized and submitted to the Coastal Commission along with any amendment request to use the tent for non-volleyball uses beyond one year from the start of operations. The permittee shall undertake the monitoring in accordance with the approved program. Any proposed changes to the approved program shall be reported to the Executive Director. No changes to the program shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. The applicant proposes to erect a 13,500 sq.ft. fabric tent to house youth volleyball activities on a half-acre portion of the Surf & Turf property, which includes an RV campground, tennis courts, a driving range, a miniature golf facility, and two pro shops. The RV campground is self-contained; all other uses share an existing 200-space, paved parking lot. The tent’s dimensions are 135’ long, 100’ wide and 32.5’ tall, and it can accommodate three, 30’ by 60’ volleyball courts. The proposed hours of operation for volleyball activities are 3:00 p.m. – 9:00 p.m. Monday through Thursday, with only private lessons and workouts on Friday through Sunday. The applicant also proposes use of the tent for interim weekend events associated with the Fairgrounds when it is not needed for volleyball. The proposed tent will share the existing 200-space parking lot with the existing tennis court, pro shops, miniature golf and driving range facilities.

The site is located at the northeast corner of the Surf and Turf property, immediately south of the Del Mar Hilton and west of I-5. This portion of Fairgrounds property is within the 100-year floodplain of the San Dieguito River in the City of San Diego (Torrey Pines Community). The City of San Diego has a certified LCP, but does not issue its own coastal development permits in this location, since the site is filled tidelands and thus within the Coastal Commission’s area of original jurisdiction. Chapter 3 policies of the Coastal Act are the legal standard of review, with the certified LCP used as guidance.
2. Environmentally Sensitive Lands/Parking. The following Chapter 3 policies of the Coastal Act are most applicable to this development, and state, in part:

**Section 30240.**

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

**Section 30252.**

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

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

The specific site chosen for the volleyball tent is located in the northeast corner of the Surf & Turf property, which is comprised of all the Fairgrounds holdings between Jimmy Durante Boulevard and I-5. The site is approximately half an acre in size and contains no structural improvements; the area is not irrigated, but is covered with ruderal grasses, with shrubbery and mature trees on the northern, southern and southeastern perimeters. There are three existing tennis courts to the west and five more to the south, along with a small tennis pro shop and a portion of the 200-space parking lot. To the north of the site, beyond a fence and a row of shrubbery, is a large paved parking lot associated with the adjacent Del Mar Hilton Hotel. The eastern border of the site consists of a vegetated concrete drainage channel within the fenced I-5 right-of-way, and then the freeway itself. There are no sensitive habitats or wetland resources on the specific project site, but scattered wetland vegetation occurs in the drainage channel, along its eastern bank.

There is a distance of approximately ten feet between the subject property boundary/right-of-way fence and the channel itself; this area contains ruderal grasses and exotic upland species. Then the channel itself is approximately six to eight feet across, with the low water level currently exposing several feet of stream bank. There appear to be a few individual, scattered wetland plants along the eastern bank, but most of the vegetation in the area nearest the project site is exotic. As the drainage channel flows southeast towards the San Dieguito River, well beyond the subject site, wetland vegetation becomes more and more prevalent. However, Caltrans constructed this channel to handle highway runoff from I-5 and maintains this drainage on a regular basis, disturbing or removing most of the vegetation during those operations.
The proposed tent will occupy nearly the entire half-acre site. Along its northern side, it will extend from the nearest tennis court on the west almost right up to the freeway right-of-way fence. Along the southern side, it will be setback approximately forty feet from the boundary fence, which runs northwest to southeast at an angle. The existing Hilton parking lot to the north, and existing tennis courts to the south, already extend to the fence line. Because wetland vegetation is only sporadic in this location, the drainage channel is manmade and concrete (i.e., vegetation is growing on a thin layer of sediments that have collected in the channel), the channel is regularly maintained, and there is existing development on both sides of the subject site observing no setback, the Commission finds that the proposed minimal buffer from the drainage channel will not result in any degradation of nearby sensitive resources.

Of far greater concern to the Commission is the potential that parking associated with events in the proposed tent will exceed the capacity of the 200-space parking lot and require use of the East Overflow Lot (EOL), which is located west of the Surf & Turf property (generally southwest from the specific project site). Through the years, the applicant has proposed developments in the EOL which would serve to formalize its continuous use for parking, or intensify its use by accommodating other activities. Since this site is in the floodplain and contains biological resources, the Commission has not endorsed these proposals, preferring to see the land remain in its unimproved state.

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

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

On March 19, 21 and 23, 1996, the applicant conducted a survey (East Parking Lot Wetlands Delineation Report, dated May 10, 1996) and concluded that 1.7 acres of the 18-acre east overflow parking lot (or just less than one tenth) is palustrine wetlands. The
applicant states it used the federal protocol to conduct the survey; that is, all three
wetland indicators (hydric soils, appropriate hydrology and wetland vegetation) must be
present before a site is delineated as a wetland. The discrepancy between the delineation
by the ACOE and that conducted by the applicant has not been explained.

However, both the Coastal Commission and the California Department of Fish and Game
(CDFG) define wetland as lands that contain any one of the three indicators. The Coastal
Act definition of “wetland” states:

“Wetland” means lands within the coastal zone which may be covered periodically or
permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens.

The field data sheets for the applicant’s EOL survey include a number of transect points
where one or two wetland indicators are present outside of the area that the applicant
delineated as wetland. This suggests that wetlands meeting the Coastal Act definition continue to exist outside the area delineated by the applicant. A current delineation is
anticipated as part of the applicant’s forthcoming update of their Master Plan, but this
information is not yet available. In the absence of a formal delineation according to
California protocol, and in view of the facts presented above, the Commission finds it
appropriate to take a conservative approach in evaluating the consistency of the proposed
project with Chapter 3 policies of the Coastal Act.

Historically, the EOL has been used by the applicant as a public parking reservoir during
the annual fair and thoroughbred race meet. Because use of the lot for parking for these
two main yearly events predated the Coastal Act, the Commission has not challenged the
continued use of this area for overflow parking during these events, even though portions
of the EOL are wetlands. To prepare the lot surface for parking each year, the applicant
discs and levels it prior to the Mid-June start of the fair (the race meet follows almost
immediately after the Fair closes). The preparation activities, and the parking itself,
severely inhibit the ability of this area to support growth of wetland vegetation and thus
function successfully as wildlife habitat.

Over time, the use of the Fairgrounds has expanded significantly, and now hosts interim
events nearly every weekend all year long. The applicant asserts that the EOL is also
used by patrons during many of these smaller events, especially when several occur
simultaneously. The Fairgrounds consultant has submitted documentation demonstrating
that the lot was also used by patrons on seventeen non-Fair or racing days in 1998/1999;
although more recent information has not been submitted, the number of events continues
to increase. The submitted data mostly represent weekend days, when there are typically
several concurrent events taking place at the Fairgrounds, and the main, paved parking lot
is full. The applicant has indicated that the lot is also used by Fairgrounds employees,
who are directed to park in this location to preserve areas of the main, paved parking lot
for use by patrons, although there has been no formal authorization of this use by the
Coastal Commission.
As stated, the Commission has accepted the cited historic use of the east overflow lot for parking during the fair and race meet. In addition, in past permit actions, the Commission authorized use of this area for parking during the five years the Grand Prix was held at the Fairgrounds, and allowed the installation of an at-grade paved tram track outside ACOE delineated wetlands. The tram is used during the annual fair and thoroughbred racing season to transport Fairgrounds patrons to the entrance ticketing windows. With these two exceptions, the Commission has not reviewed or approved parking by patrons or employees or any other uses of this lot.

The applicant has stated that the existing 200-space parking lot adjacent to the tennis courts and golf facilities is more than adequate to handle the parking needs of any uses taking place in the proposed tent. The parking lot is “L”-shaped, with 36 spaces across the top just south of three of the existing tennis courts and the proposed volleyball site, and 164 spaces in the portion running southerly to the “golf” end of the property. Based on observations of Fairgrounds management staff, use of the total eight tennis courts typically requires no more than 30 spaces, and the various golfing activities at the southern half of the Surf and Turf property (miniature golf, driving range and golf pro shop) use about half of the 164 spaces nearest those facilities. In addition, the applicant estimates that the volleyball will require no more than 15 spaces, and expects that persons using the tent for non-volleyball purposes will park in the Hilton parking lot next door. Thus, the applicant identifies an excess of available parking, even if all sports venues are in use at the same time.

The Commission is concerned that this estimate of total parking needs may be unrealistic, especially as the population grows and more people make use of recreational facilities such as these. Commission staff did an informal search of parking requirements in other jurisdictions’ municipal codes, and has discovered that parking requirements for some of these uses vary widely from place to place. This is further complicated by the fact that many jurisdictions, including the City of San Diego, did not break down recreational uses into the specific uses at the subject site (miniature golf, driving ranges, tennis courts and volleyball); The jurisdictions easily found which had published standards for one or more of these uses included Del Mar, San Francisco, South San Francisco, San Jose, Beverly Hills, North Las Vegas, Palo Alto, El Dorado, CA, Gurnee, IL, Mackinaw City, MI, Raleigh, NC and Canterbury in New South Wales, Australia.

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

The Surf and Turf property includes 8 tennis courts, 36 holes of miniature golf and 80 tees at the driving range, plus the three proposed volleyball courts. Applying the above averages, and the one given standard for volleyball, the Surf and Turf property requires
222 parking spaces for existing and proposed uses. Applying the Surf & Turf’s range of uses to the specific standards in other jurisdictions results in a range of parking requirements from a low of 151 spaces to a high of 377 spaces. Thus, the 200 spaces on the Surf and Turf property, though 22 spaces less than average, are within the overall range, and likely adequate for the four specific uses identified.

However, this is not counting use of the tent for special events. A 13,500 sq.ft. tent can accommodate a significant amount of people. Since the site is within the geographic boundaries of the City of San Diego, that city’s standards for exhibit halls, conventions and other forms of public assembly can be applied to this development. The City requires 30 parking spaces per 1,000 sq.ft. for all these categories; this results in a parking requirement of 405 parking spaces when the tent is being used for special events. This is double the capacity of the existing parking lot, even if none of the recreational facilities, which all include evening hours of operation, were in use.

The closest, and most logical, place for this vehicle overflow to go is the EOL, unless the event is associated with the Hilton Hotel, in which case attendees would probably use the hotel parking lot. The Commission is reluctant to authorize any development which could potentially require use of the EOL, for all of the resource reasons discussed extensively above. Until a current wetlands delineation is done, there is no way to determine the extent of resources on this site, and any development that would result in formalizing or intensifying use of the EOL would be inconsistent with the Coastal Act’s resource protection policies. However, the EOL is completely fenced, and is accessed by the public only via a tunnel under Jimmy Durante Boulevard leading from the main, paved parking lot west of the road. The tunnel is normally gated and locked. There are two gates in the fence, both of which are normally locked. One gate is located at the southern end of the paved parking lot and is used only by driving range personnel to access the driving range. The second gate is used by the applicant for exiting purposes only, to allow traffic to flow from the EOL directly onto Jimmy Durante Boulevard during major events like the Fair and races when the EOL is full.

Special Conditions #1 and #3 address the Commission’s concerns in this regard. Condition #1 prohibits use of the EOL for parking associated with any activities held in the tent. It also requires that the 200-space, paved parking lot adjacent to the tent not be used for parking in association with other interim events. This will reduce the likelihood of a conflict of events forcing more use of the EOL than the Commission has endorsed. In addition, the condition provides that the gated entrances/exits of the EOL be locked at all times that the subject tent is in use, or that the applicant provide a flagman to direct vehicles to appropriate parking areas. Special Condition #3 limits the subject permit to five years only for volleyball uses, and one year for special event use, and requires extensive monitoring of parking both for the tent and the Surf and Turf property as a whole. The condition further requires the applicant to submit the monitoring results with any application to amend this permit to allow non-volleyball uses in the tent after the first year.
In summary, the Commission identified one significant biological resource concern with this project. Depending on the scope of events held in the proposed tent, the potential exists that parking needs could go beyond the capacity of the on-site 200-space shared parking lot, which could ultimately result in use of the EOL for overflow parking. It would be inappropriate to permanently authorize the tent without restrictions on its use until the applicant provides adequate documentation of the natural resources present on the EOL that could be adversely affected by parking demand associated with the proposed development. The attached special conditions assure that will not happen. Therefore, the Commission finds that the proposed development, as conditioned, is consistent with the cited Chapter 3 policies of the Coastal Act.

3. Hydrology – Floodway and Floodplain Issues. The following policies of the Coastal Act apply to the proposed development, and state, in part:

Section 30236

Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.

Section 30253

New development shall:

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

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

In past permit actions, the Commission has denied fill and construction of permanent structures in the floodplain pursuant to Section 30236 of the Coastal Act. The reason for prohibiting fill or structural improvements in this area is because such development would adversely affect the hydrology of the floodplain and would change the flow and
drainage patterns of the affected area; thus, any form of filling the floodplain is a form of channelization. Under Section 30236, cited above, channelization is only allowed as part of a water supply project, as the only feasible means to protect existing structures or as part of a fish or wildlife habitat enhancement project. The subject project involves the erection of a tent to accommodate volleyball activities and potentially special events. No permanent structures are proposed, and none of the site will be paved, although flooring material will be placed over the existing grass to create the volleyball courts. These are not permanent facilities, however, and can be removed with any threat of serious storm activity.

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

In summary, the Commission finds that the proposed development, which would be located between Jimmy Durante Boulevard and the San Dieguito River, on a currently unimproved site, does not represent channelization of the river within the meaning of Coastal Act Section 30236. The proposed development is ephemeral in nature and is proposed as a temporary interim use until the Fairgrounds begins implementation of their updated master plan. Moreover, the tent, which is proposed in an area identified with a high flood hazard, can be removed during severe storms. Therefore, the Commission finds the proposal consistent with Sections 30236 and 30253 of the Act.

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

Section 30231

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.
The project site drains towards the Caltrans drainage channel to the east. The proposed interim development will not change this pattern. There will be no vehicles on the site, either driving or parked, such that no new contaminants will be introduced into the runoff. Runoff from the tent will flow through an area of grass, shrubs and trees before it reaches the channel; this will provide sufficient biofiltration considering the types of activities proposed on the site. Therefore, the Commission finds the development consistent with Section 30231 of the Coastal Act.

5. **Visual Resources.** The following policy of the Coastal Act provides for the protection of scenic coastal resources, and states, in part:

**Section 30251**

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

This general area comprises the San Dieguito River Valley and Lagoon. As such, views throughout this area are considered significant, and the retention and enhancement of existing viewpoints and view corridors is required. The project site, half an acre in size, is oriented east-west between the existing three tennis courts and the I-5 right-of-way, and north-south between the Hilton parking lot and the tennis pro shop. The Hilton parking lot is separated from the subject site by a row of screening vegetation on the Hilton site. The existing vegetation along the east and southeast perimeter of the subject site will remain, and the I-5 corridor is elevated significantly above the subject site on a vegetated manufactured slope. The site is delineated in Exhibit #1. In looking at that exhibit, a second vacant parcel is visible south of the row of five tennis courts; this is a highly visible, undeveloped (dirt) site with virtually no screening. As the freeway is trending downhill at this location, the dirt lot is much closer in elevation to the freeway corridor than is the subject site. Because of the proximity of these two sites, staff was initially confused as to the exact project location, and voiced strong concerns over visibility. Based on issues raised at the June Commission hearing, it is possible that some members of the Commission and/or the public were also mistaking the proposed project location.

Although Commission staff had requested that the applicant erect story poles on the site to demonstrate visual impacts, the applicant was reluctant to charge the non-profit lessee with this expense and maintains that story poles would not provide an adequate visual analysis anyway. Instead, the applicant has submitted computer simulations of the proposed project taken from various viewpoints on the surrounding street system, including I-5, both northbound and southbound lanes, Jimmy Durante Boulevard, Via de la Valle and one long-distance shot from El Camino Real. Because of all the intervening development, vegetation, and elevational differences, the only vantage point from which
the tent will be visible is a brief view from southbound I-5. From here, the top of the tent will be roughly level with the highway, so the view is more over the tent than of it. Because of the short duration and minor nature of this view, the Commission does not find it necessary to request any modifications to the tent. Copies of the simulations, along with a map and narrative identifying the picture locations, is attached to clarify this matter.

A second visual concern is the potential to use the tent as a structure upon which to affix signage. The applicant has expressed an interest in placing new signage, visible from the freeway, to advertise upcoming events, and the subject site is one that has been informally discussed as a potential location. Special Condition #2 prohibits the placement of any signage on the tent, other than small informational or directional signs directly associated with events in the tent, unless it is authorized by the Coastal Commission through a permit amendment. Any freestanding signage would, of course, require its own coastal development permit. Special Condition #2 allows for the possibility of signage, but requires an amendment to this permit to allow for such signage.

In summary, this special condition addresses the issues raised over potential visual resource impacts. Therefore, the Coastal Commission finds the proposed development is consistent with Section 30251 of the Act.

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

**Section 30210**

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

**Section 30212**

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

1. it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,

2. adequate access exists nearby....
Section 30213

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

Section 30604(c)

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

The project site, and indeed the entire Fairgrounds, is located between the first coastal road (I-5 and Via de la Valle in this location) and the sea (San Dieguito River and Lagoon). The Fairgrounds is relatively near the public beaches of Del Mar and is itself a popular visitor destination, and all of its facilities and events are open to the public. The proposed volleyball courts are a relatively low-intensity use that is not expected to generate a significant amount of traffic on area streets. The volleyball activities are tied to the school year and will not be conducted during the summer months when the Fair and horse races occur. Special events in the tent could generate some additional traffic and associated parking needs, but the events identified as most likely to occur in the tent (group or corporate parties) are the type of events generally held at night. Thus, the normal flow of beach traffic will not be affected.

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

7. 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. In this case, as conditioned, such a finding can be made.

The project is located within the City of San Diego, which has a fully certified LCP. This particular property is addressed in the Torrey Pines Community Plan of the North City LCP segment. However, the site is an area of filled tidelands and is thus within the Coastal Commission’s area of original jurisdiction. The Commission has coastal development permit authority and the standard of review is Chapter 3 of the Coastal Act.
The preceding findings have identified the project's consistency with applicable Chapter 3 policies, with the inclusion of four special conditions. Moreover, the project is consistent with the certified LCP in that it continues a low-intensity commercial recreation use, which is the delineated use for this site in the Torrey Pines Community Plan. Therefore, the Commission finds that project approval, with the attached special conditions, would not prejudice the ability of the City of San Diego to successfully implement its certified LCP in this area.

8. Consistency with the California Environmental Quality Act (CEQA). Section 13096 of the Commission's Code of Regulations requires Commission approval of coastal development permits to be supported by a finding showing the permit to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

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

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

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

Del Mar Volleyball Center

Madame Chair and Members of the Coastal Commission,

This is a letter to support the Special Conditions number 1 and 4 of the staff recommendations on this agenda Item.

Condition # 1. The condition prohibits the use of the East Overflow Parking Lot in association with the events. The East and South Overflow Parking Lots are within the 100-year floodplain of the San Dieguito River and contain seasonal wetlands. In past decisions the Coastal Commission has only acknowledged pre-Coastal Act use of these parking lots during the Fair and Racing season. Granting an authorization to use the East Parking Lot for a new project would represent an intensification of use.

Condition # 4. The 22d second District has a long history of disregard to the sensitivity to the wetlands on their property and their duty to plan projects that are in accordance with the Coastal Act. Limiting this permit to one year would allow the Coastal commission staff and the community to monitor the Fair Board respect for the conditions imposed.

Sincerely yours,

Jacqueline Winterer, President
(858) 755 446
jmwinterer@ucsd.edu
June 12, 2002

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

Re: CDP Permit No. 6-02-020 (22nd DAA Volleyball Tent)

Dear Chairperson Wan and Commissioners:

On behalf of the City Council of the City of Del Mar, I am writing to support in principle the 22nd District Agricultural Association request for a coastal development permit for a volleyball tent on their property known as Surf & Turf. However, please be advised that the application before you, which involves a new 13,500 square-foot tent structure and corresponding five-year lease, was submitted without any public review at any Fair Board meetings. Further, it is not mentioned in any of the “Fairgrounds Master Plan” documents under discussion for the past year.

Therefore, the Del Mar Council requests that the Coastal Commission delay issuance of the above coastal development permit until a public hearing is held by the 22nd District Agricultural Association Board of Directors. The purpose of our request is to allow an opportunity locally for the public to weigh in on the appropriate use of public lands and proposed development at the fairgrounds.

In addition to our concerns regarding the lack of due process, the City is also concerned that potential environmental effects have not been fully assessed. Again, because this proposal has not been reviewed by the Fair Board, we can only surmise that the CDP application contains evidence of adequate environmental review and documentation. The staff report does not reference any such evidence of CEQA compliance (e.g., Initial Study, Negative Declaration, Exemption, etc.).

In order to ensure that potential impacts are appropriately mitigated, we request that Special Condition No. 1 be modified to limit uses of the tent to volleyball only, or, at minimum, that no permit amendment for non-volleyball activities be allowed until the Fairgrounds Master Plan EIR is completed and all impacts are fully analyzed and mitigated. Future “special event” uses that have not yet been identified could lead to the intensification of interim uses without adequate analysis.

Presumably it would be extremely difficult to determine whether the East Overflow Parking Lot is used for tent-related activities because the 22nd DAA already uses that lot for activities unrelated to the Fair and Horse meet, including a “pumpkin patch” and “tree farm.” A “volleyball only” condition would minimize the potential need for using the East Overflow Parking Lot that might result from special events held in the tent structure.

Finally, we ask that the Commission bear in mind any on-going Coastal Act violations and past condition requirements associated with the fairgrounds facilities and require that any outstanding requirements be satisfied prior to the approval of any future applications for or future amendments to coastal development permits at the District properties.
Letter to Sara Wan  
From Mark Whitehead  
Regarding CDP: 6-02-020  
June 12, 2002

Thank you for your consideration of our concerns.  

Respectfully submitted,  

Mark Whitehead  
Mayor

Cc: Del Mar City Council  
22nd DAA Board of Directors  
Linda Niles, Planning and Community Development Director  
Bob Scott, AICP, Senior Planner
June 13, 2002

California Coastal Commission
7575 Metropolitan Drive, Ste. #103
San Diego, CA 92108-4402

SUBJECT: Support for Expeditiously Approving the Del Mar Volleyball Center
Tent Facility In San Diego, California

Dear Coastal Commissioners:

Please accept this letter on behalf of the City of Solana Beach Community Relations
Committee Representatives concerning the above referenced subject. The proposed
youth-oriented volleyball courts and tent will enhance recreational opportunities in our
coastal zone and is appropriately located adjacent to existing recreational facilities.

The proposed volleyball tent facility would serve many hundreds of athletes ranging in
age from 10 to 18. Recreational facilities are not only encouraged by the Coastal Act in
the Coastal zone, they also provide a healthy, supervised environment for our youth.
The applicant should be commended in proposing this needed community outreach
program.

The public has been well informed of this project with the issue presented recently at
both a City of Del Mar City Council meeting and the 22nd Agricultural District meeting,
as well as at least one article in the local newspaper. The applicant has properly
followed the organizations procedures including requesting your agency’s permit
approval. The public’s interest is best served in expeditiously implementing this
community outreach recreational facility.

Sincerely,

Marcia Smerian
Mayor

635 S. Highway 101 * Solana Beach, California 92075 * (858) 755-2400 * FAX (858) 792-6513
June 5, 02

California Coastal Commission
To Whom It May Concern:

My husband and I are the parents of four children. Having been in athletics in college, we both think it is very important for our children to participate in sports. All four of our kids have participated in sports since they were small and 3 out of 4 play an advanced level of volleyball and our fourth is just beginning to play. Volleyball is a fun, exciting game to play and a great spectator sport. My kids all played other sports - took up volleyball and then stayed with it because they just love it. We have a wonderful experience in volleyball. The players, the families we have met are all top rate individuals. Nearly all the kids we know who play volleyball are excellent student and leaders as well. In our club alone we had two students of the year, and mostly 4.0 students, class officers and clean cut nice girls. The caliber of kids in volleyball is high everywhere we have been affiliated with the sport, at school, in club and at the beach. We have been fortunate to have found a good club, so many people we know havn't been so lucky. The increase in population, the popularity of the sport have combined to create great demand for...
courts. There are very few places to play. Many people who would like to play can't find a club to play for, because clubs can't find the courts. Many more kids could get into this great sport if there were more sites available for clubs, and they would be able to get involved at a younger age. Volleyball has been a great activity for our family and friends, it is a great sport and it would be wonderful if more youth could participate.

Sincerely,

lisa Beaumont
Coastal Commission

To Whom It May Concern:

As a member of the San Diego community, I would like to take this opportunity to express the desire for the Del Mar Volleyball facility to be developed. As an employee of both the Rancho Santa Fe and Poway school districts, I have a broad perspective of the needs of our youth. Currently, kids of all ages travel up to 80 miles to participate in club sponsored volleyball activities. These families are in search of a local facility to take their kids to. Club volleyball focuses on teamwork, dedication, and responsibility, and the teams participate in both local and nationally recognized competitions. Many of our athletes have gone on to play in college, and also on the United States National team. With this new facility, community moral will be strengthened, and hundreds and even thousands of San Diego families will have an outlet for their kids to utilize. Volleyball is a major part of the coastal community, and southern California is home to the greatest players in the nation. Supply has been exceeded by demand, and hundreds of kids are searching for a new facility and club to participate in. If you have any questions or comments concerning this club or facility, I would be happy to answer them.

Sincerely,

Adam Zuffinetti
PO Box 1505
RSF, Ca 92067
August 19, 2002

Ms. Ellen Lirley
California Coastal Commission
San Diego Area
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4402

SUBJECT: CDP Application #6-02-020, Del Mar Volleyball Center - Supplemental Information for Continued Hearing

Dear Mr. Lirley:

This letter provides the supplemental information requested by the Commission at the June 14, 2002 hearing on this requested permit.

1. Parking.

At the June 14, 2002 hearing, the Commissioners questioned the District’s ability to insure that users of the new tent facility would only park in the 200-space paved parking lot adjacent to the project site, and not in the large dirt parking lot (AKA East Dirt Lot), which is adjacent to the paved parking lot.

The District can assure that users of the new tent will not park in the East Dirt Lot for two specific reasons:

1) The entire perimeter of the driveway into the paved lot that will serve the tent and the boundary between the paved lot and the East Dirt Lot is fenced by a permanent fence. There is no vehicular access between the two lots. It is not physically possible for a vehicle to drive onto the East Dirt Lot from the paved lot. There is a locked gate at the southernmost end of the fence, opposite the golf pro shop, which is only used by the driving range operator for equipment access to the driving range. This existing fence is shown on the attached site map, to which I have added the existing fence line.

2) Vehicular access to the East Dirt Lot is controlled by the District because the District typically charges for parking at its events. Vehicular access to the East Dirt Lot is only available from the Fairgrounds Main Lot via the underpass under Jimmy Durante Boulevard. The underpass has a locked gate, which prevents incidental or unauthorized entry to the East Dirt Lot. A locked gate on Jimmy Durante Boulevard is operated by the District for more efficient egress from the lot at the conclusion of major events.
2. **Visual Quality/Visibility of the Tent from Public Vantage Points.**

At the June 2002 hearing, Commissioners questioned the visibility of the tent from public vantage points and whether it would adversely affect visual quality in the area. Staff has asked us to install "story poles" to demonstrate the visibility of the tent. I previously submitted with my March 12, 2002 letter to you, an in-depth visual analysis using scaled, computerized visual simulations. I would like to re-submit that information at this time for your and the Commission's reconsideration.

The enclosed photographs and computer simulation show all the views you requested. These photographs show that only the roof of the proposed tent will be visible for a brief instant from I-5 southbound. Otherwise, the site is not visible from any other potential vantage point as a result of existing development and mature landscaping.

1. Figure 1 shows the view from the intersection of Via de la Valle and Jimmy Durante Boulevard. The tent structure will not be visible from this location. It will be completely hidden by existing intervening development and landscaping.

2. Figure 2 shows the view toward the project site from Jimmy Durante Boulevard, at the driveway entrance to the site. The tent structure cannot be seen because it is completely hidden by existing intervening landscape vegetation.

3. Figure 3 shows the existing view from southbound Interstate 5 at the Via de la Valle overpass; and, Figure 4 shows the computerized simulation of the tent in this view. This is the only viewpoint from which the tent can be seen for a very short duration. There is a break in the existing mature landscaping along the freeway at the project site, which you can see in the accompanying aerial photograph. The roof of the tent is visible in the middle ground of the photograph. The project site elevation is well below the adjacent freeway, so that only the roof portion of the tent will be visible from the southbound lanes at the on-ramp location.

4. Figure 5 shows the view from northbound I-5 at the Via de la Valle overpass. As you can see, views to the west/northwest, toward the project site, are obscured by the concrete freeway median and existing landscaping on the west side of the freeway.

5. Figure 6 shows the view toward the project site from El Camino Real. This viewpoint is over one mile distant from the project site. The Racetrack grandstand is visible in the distance, but no other structures on the Fairgrounds are visible from this location. The proposed tent will be to the right (north) of the double power pole and clump of trees that can be seen on the horizon.
I believe this analysis is superior to locating story poles at the site because our analysis shows that the only vantage point from which any portion of the tent will be visible, will be from southbound I-5 at the Via de la Valles on-ramp. This view is available for a very short instant. There is only an approximately 130-foot long break in the mature vegetation that screens the site from the freeway at the proposed location of the tent. If one is traveling at 60 miles per hour (posted speed of 65 mph), the view of the roof portion of the tent structure from southbound I-5 and the Via de la Valles onramp will be available for less than 2 seconds, if one looks away from the business of driving at that exact location. The low elevation of the tent site, well below the freeway roadbed, together with its specific location, prevents the tent structure from being in any vista or long range view across the valley or toward the Fairgrounds/Racetrack.

3. Non-Volleyball Use of the Tent.

As indicated in my previous April 29, 2002 correspondence, the District anticipates that the proposed tent may be a useful venue for occasional non-volleyball use when it is not in use for the youth volleyball league. The District currently envisions that the tent might serve as a venue for corporate parties, for example, as may be associated with the Del Mar Hilton Hotel. The District has no current plans for such events, but would like the flexibility to allow groups to use the tent, consistent with the parking limitations and parking monitoring described in the Commission staff's Condition Nos. 1 and 4 in the original Staff Report dated May 21, 2002.

We understand the Staff recommendation is to allow non-volleyball use for one year. The District would like to confirm for the Commission that the District truly envisions the possible non-volleyball use of the tent to be quite minimal, and such use would be limited to events where the parking demand would not exceed the available capacity of the existing 200-space parking lot and/or the adjacent Hilton Hotel parking lot for an event sponsored by the hotel. As I have previously noted, there is an existing gate in the fence between the Hilton Hotel parking lot and the Surf & Turf property, which allows Hilton guests access to the Surf & Turf recreational facilities.

To demonstrate how nominal the District expects its non-volleyball use of the tent to be, the District is amenable to a condition on the permit that would limit the number of non-volleyball events over the one-year's time to twelve events, which would effectively be an average of one per month. The District would conduct the parking monitoring recommended in Condition No. X during the non-volleyball events over this one year’s time.


The District understands that the June 14, 2002 Addendum revised two of the originally recommended conditions. We understand that Condition No. 4 was revised to allow the volleyball use of the tent for a term of five years. We also understand that Condition No. 3 was revised to allow the color of the tent to be white, in response to Mr. Don Beamont's
request for the environmental and health reasons outlined at our meeting with you and Mr. McEachern last May.

With our understanding of these two revisions, the 22nd District is in agreement with the recommended conditions described in the May 21, 2002 Staff Report for the requested coastal development permit, as amended by the June 14, 2002 Addendum.

Thank you for your assistance in processing this permit for an affordable venue for youth volleyball for hundreds of teens and children throughout San Diego County and the San Diego coastal communities. Please provide a copy of this correspondence to the Commissioners with your Staff Report for the continued hearing in September, along with the copies of the color visual simulations I have supplied. We look forward to the Commission's positive consideration.

Sincerely,

BRG CONSULTING, INC.

[Signature]

Patricia Butler
Executive President

enclosures:  
1) Revised Site Plan
2) PhotoSimulations (50 copies)

cc: Tim Fennell, 22nd DAA
    Don Beaumont, Del Mar Volleyball Center
Del Mar Volleyball Center

Visual Simulation of the Proposed Project looking from the intersection of Via de la Valle and Jimmy Durante Blvd. (Photolocation A)
Del Mar Volleyball Center

Visual Simulation of the Proposed Project
looking east from Jimmy Durante Blvd (Photolocation B)
Del Mar Volleyball Center

Existing View of the Project Location from southbound I-5 at the Via de la Valle Overpass (Photolocation C)
Del Mar Volleyball Center

Visual Simulation of the Proposed Project from southbound I-5 at the Via de la Valle Overpass (Photolocation C)
Visual Simulation of the Proposed Project looking from northbound I-5 at Via de la Valle off-ramp (Photolocation D)
Visual Simulation of the Proposed Project
looking west from El Camino Real (Photolocation E)