

CALIFORNIA COASTAL COMMISSION

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Hearing Date: March 16-18, 2005

REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-04-29

Applicant: 22nd District Agricultural
Association

Agent: BRG Consulting

Description: After-the-fact approval of several existing structures at an existing equestrian facility including: 18 barns, 2 fenced open show rings, 4 fenced open training rings, several minor sheds and outbuildings, reconfiguration of existing oval grass and covered show arenas and 6 open show rings, and unpermitted fill in an existing parking area next to the San Dieguito River. Also proposed is the new extension of the sanitary sewer system to serve the horse wash racks, a restroom, and a mobile facility hook-up for temporary use during special events; relocation of an existing water tower and provision of a buffer from on-site wetland resources on both the north and south sides of the San Dieguito River.

Site: 14550 El Camino Real, North City, San Diego, San Diego County. (EL-SD)

Substantive File Documents: City of San Diego certified LCP; BRG Letter dated July 28, 2004; CDPs #6-83-225 and #6-04-028

STAFF NOTES:

Summary of Staff's Preliminary Recommendation: This application seeks to resolve several outstanding Coastal Act compliance issues, primarily concerning development of the site by a previous owner without benefit of, or conformance with, coastal development permits. The application proposes after-the-fact authorization of numerous horse corrals, arenas, barns and other equestrian-related support facilities. It also seeks

authorization to expand the on-site sewer system, and to relocate a water tower from an area along the river that will be preserved as a buffer. Finally, it proposes after-the fact approval of portions of unpermitted fill placed in the parking lot three years ago by the current property owner. Staff is recommending approval of all development described above, with several special conditions addressing flooding hazards, floodplain liability, buffer enhancement plans and implementation, and submittal of final project plans. This will authorize, after-the-fact, the unpermitted development on the site, construction of new water quality improvements, and establishment of a buffer from the San Dieguito River and associated riparian vegetation.

Due to the Permit Streamlining Act, this item must be acted upon at the March, 2005 Commission hearing.

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit No. 6-04-29 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. **No Future Channelization.** No channelization (i.e., berms, walls, riprap, shotcrete, etc.) or other substantial alteration of a river or stream shall ever be constructed for the purpose of protecting the development approved pursuant to Coastal Development Permit No. 6-04-29 from flooding. If threatened due to flooding, the trailers and other portable facilities shall be relocated or removed from the site until it is safe to return them, and all other structures shall be allowed to flood. 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 that may exist under Public Resources Code Section 30236.

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

- A. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from flooding; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.
- B. **PRIOR TO ANY CONVEYANCE OF THE PROPERTY THAT IS THE SUBJECT OF THIS COASTAL DEVELOPMENT PERMIT**, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property (hereinafter referred to as the "Standard and Special Conditions"); and (2) imposing all Standard and Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The restriction shall include a legal description of the applicant's entire parcel or parcels. It shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the Standard and Special Conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes – or any part, modification, or amendment thereof – remains in existence on or with respect to the subject property.

- C. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit a written agreement, in a form and content acceptable to the Executive Director, incorporating all of the above terms of this condition.

3. Final Wetland Buffer Establishment/Enhancement Program. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for review and written approval of the Executive Director, a final wetland buffer establishment/enhancement plan. The plan shall be developed in consultation with the Joint Powers Authority, California Department of Fish & Game and U.S. Fish & Wildlife Service and City of San Diego, and at a minimum shall include:

- a. A detailed site plan/topographic map showing a buffer between the approved development and the riparian vegetation along the north side of the San Dieguito River. The buffer shall be 25-feet-wide and extend from the east to west property boundaries of the site. In the area of the grass training rings, the buffer may be reduced as necessary, but shall be offset by a wider buffer west of the grass rings to mitigate for the reduction. The plan shall also include a detailed site plan/topographic map of the proposed 175-foot-wide enhancement area south of the river, which also extends from the east to the west property boundaries. The final plan must delineate all enhancement areas on a map that shows elevations, surrounding landforms, etc.
- b. A baseline ecological assessment of the enhancement area on the south side of the river similar to the 2004 wetland delineation completed for the north side of the river.
- c. The following goals, objectives, and performance standards for the enhancement/buffer area:
 1. Removal of exotic vegetation as needed to keep the buffer areas completely free of exotic vegetation;
 2. Planting with upland natives, both seed and container stock to maintain 90% coverage with native plants;
 3. Permanent fencing designed to keep horses and people out of the buffer. The fencing shall be of natural materials consistent with the rural surroundings of the river valley, and shall be installed in the least visually intrusive manner;
- d. The final design and construction methods that will be used to ensure the buffer and enhancement areas achieve the defined goals, objectives, and performance standards.

- e. Provisions for submittal, within 30 days of completion of initial buffer restoration work on the north side of the river, of "as built" plans demonstrating that the buffer site has been established in accordance with the approved design and construction methods.

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

4. Implementation of Buffer Enhancement. Within ninety (90) days of Executive Director approval of the wetland buffer establishment/enhancement plan required by Special Condition #3 of CDP #6-04-029, the permittee shall implement the portions of the plan providing for establishment and enhancement of a buffer north of the river, consistent with the final plans as approved by the Executive Director. The permittee is not required to implement that portion of the plan addressing enhancement on the south side of the river.

5. Final Plans. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall submit for review and written approval of the Executive Director, a set of final plans for the sewer extension improvements, relocated water tower, and the main parking lot fill documenting areas of previous use. Said plans shall be fully dimensioned and shall include a site plan, a grading plan showing the fill to be removed, and structural elevations where applicable. For all after-the-fact items, the permittee shall submit dimensioned as-built plans including site plan, floor plans where applicable, and elevations where applicable.

6. Unpermitted Fill. The applicant is applying to reconstruct a dirt parking lot to its original condition prior to incremental erosion of the area over several rainy seasons. Thus, **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the permittee shall submit for review and written approval of the Executive Director, photographic evidence of the extent of the parking lot created pursuant to CDP #6-83-225. If the evidence demonstrates, to the satisfaction of the Executive Director, that a loss of previously approved parking area has occurred, the fill placed within the boundaries of the original parking area, as determined by the Executive Director, may be maintained. All other fill in this location shall be removed. If the Executive Director determines that the evidence does not demonstrate that a loss of the parking area occurred, all fill in this location must be removed. The permittee shall then provide benchmarks to delineate the boundary between parking lot and buffer for purposes of future applications.

The permittee shall submit plans to assure the removal operation is conducted in a way most protective of adjacent riparian resources. At a minimum, the plans shall include:

- a. Detailed site plans of the area delineating authorized, current (if this varies from authorized) and proposed site configurations.
- b. A baseline ecological assessment of the river, northern river bank and upland areas involved with, or impacted by, the unpermitted fill.
- c. Types of equipment that will be used to remove the excess fill.
- d. A schedule for removal that identifies start and finish dates for project implementation that avoid construction during the breeding seasons of known sensitive wildlife in the area.
- e. BMPs to be utilized to prevent soil erosion and sedimentation during fill removal.
- f. Provisions for remediation and mitigation of any wetland impacts incurred during the removal operation.
- g. Provisions for submittal, within 30 days of completion of "as built" plans demonstrating that the parking lot has been restored to its authorized configuration, as determined by the Executive Director, and document the removal of all remaining unpermitted fill.

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

8. Implementation of Fill Removal. Within ninety (90) days of Executive Director approval of the plans for removal of unpermitted fill required by Special Condition #7 of CDP #6-04-029, the permittee shall implement the plan consistent with the final plans as approved by the Executive Director. This time may be extended by the Executive Director if the project is documented to interfere with breeding seasons, based upon consultation with the California Department of Fish and Game and the U. S. Fish and Wildlife Service.

9. Future Development. This permit is only for the development described in coastal development permit No. 6-04-029. Pursuant to Title 14 California Code of Regulations section 13253(b)(6), the exemptions otherwise provided in Public Resources Code section 30610 (b) shall not apply to the development governed by the coastal development permit No. 6-04-029. Accordingly, any future improvements to the structure authorized by this permit, including but not limited to repair and maintenance identified as requiring a permit in Public Resources section 30610(d) and Title 14 California Code of Regulations sections 13252(a)-(b), shall require an amendment to Permit No. 6-04-029 from the Commission or shall require an additional coastal

development permit from the Commission or from the applicable certified local government.

10. Condition Compliance. Within ninety (90) days of Commission action on this coastal development permit application, or within such additional time as the Executive Director may grant for good cause, the applicant shall satisfy all the requirements specified in the conditions hereto that the applicant is required to satisfy prior to the issuance of this permit. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. The applicant is proposing installation of a sewer system extension at the Horsepark facility, an existing 64-acre equestrian facility located just west of El Camino Real in the City of San Diego's North City LCP segment. This system will include both lift stations and pipelines, and is sized to serve existing development. It will serve the horse wash racks, the restroom in one new office trailer, and a mobile facility hook-up for temporary use during special events. The mobile hook-up is intended as a Best Management Practice (BMP) improvement to better service temporary facilities such as concession stands and portable restrooms, which are only in use during shows. Finally, the new sewer improvements will connect with existing sewer facilities already installed and in use on the site.

The applicant also proposes to relocate an existing water tower from its current location near the San Dieguito River to a location in the northeastern part of the property. This will accommodate restoration of a wetlands buffer along the northern river frontage as proposed by the applicant. The buffer will vary in width, being most narrow where existing grass training rings are located, and most wide where no site improvements have been made. The applicant also proposes to provide a 175-foot wide buffer on the south side of the river and fund a plan for its enhancement. Both buffers shall extend across the applicant's entire property from east to west. The buffers shall not be developed, and will be permanently protected as habitat area.

In addition, the applicant is requesting after-the-fact approval of the large oval grass arena, the covered show arena, 6 open show rings, minor sheds and outbuildings. These facilities were authorized pursuant to Coastal Development Permit (CDP) #6-83-225. The property, then in different ownership, was vacant land and the applicant proposed construction of an equestrian facility. However, these permitted structural improvements were ultimately not built in conformance with the permit. All facilities are either configured or located differently than as shown on the approved development plans. The applicant is also requesting after-the-fact approval of 18 barns, 2 fenced open show rings, and 4 fenced open training rings, all of which are existing unpermitted development. These facilities were added incrementally, without benefit of CDPs, during the time before the 22nd District Agricultural Association purchased the property in 1993.

Finally, the applicant is requesting after-the-fact approval to retain portions of unpermitted fill just north of the San Dieguito River in the southeast corner of Horsepark. The fill material was spread over an approximately 6,000 sq.ft. area in early 2002 to provide added protection from anticipated river flooding. The site is in, and adjacent to, an area of the existing unpaved parking lot that serves the facility. The applicant is proposing to retain only those portions of the fill that can be documented as used historically for parking. The remainder of the fill is proposed to be removed.

Horsepark is located south of Via de la Valle, west of El Camino Real, within an area of deferred certification (Subarea II of the North City Future Urbanizing Area) in the City of San Diego's LCP, such that Chapter 3 of the Coastal Act is the legal standard of review, with LCP policies used only as guidance.

2. Floodplain Development/Water Quality. The following Coastal Act policies are most pertinent to the subject application, and state, in part:

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.

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.

The majority of the subject site is located within the 100-year floodplain of the San Dieguito River, with a small amount of land located outside the floodplain immediately south of and adjacent to Via de la Valle. The site is bisected by the San Dieguito River, with the portion north of the river sloping upwards to Via de la Valle. The facility includes open arenas and barns/stables, show arenas, training rings, horse wash racks, and similar improvements typical for equestrian uses. The application includes retention of several temporary and semi-permanent structures located within the floodplain portion of the property, including stables, corrals, show arenas, practice rings, etc. Permanent, solid

structures at or extending below ground level impede flood flows and are typically not able to withstand periodic flooding, resulting in the need for protection or channelization which is inconsistent with Section 30236 of the Coastal Act. Flood flows are typically directed around such structures altering the flow of the river and causing possible flooding impacts on adjacent, downstream, and/or upstream properties. Temporary structures that can be easily moved in the threat of flood or open facilities (like corrals) that are compatible with periodic inundation and do not result in redirected flood flows can be found consistent with Coastal Act Section 30236 as long as the structures are in fact moved or allowed to flood.

The unpermitted fill in the southeastern corner of the parking lot was placed in 2002, in anticipation of erosion from winter storms, to protect the parking lot and other site amenities. The fill placed for flood protection is inconsistent with 30236. The applicant maintains that originally the parking lot was larger, and the fill was, at least partially, intended to replace soil that was washed away earlier. The applicant's current proposal is to retain that portion of the fill that it can demonstrate was previously approved for parking, and to remove all remaining fill. However, the applicant has not yet submitted evidence of prior use, nor identified how much of the unpermitted fill is proposed to be retained to maintain that area. Therefore, in order to implement the applicant's proposal to remove any unpermitted fill that is not required to restore the parking area authorized in CDP #6-83-225, issued to the previous property owner for the original development of the site, Special Condition #6 requires the permittee to submit for review and written approval of the Executive Director, photographic evidence of previously authorized use of the fill area for parking, and revised plans showing the parking lot fill which clearly identify what fill will be removed and what fill will be retained. Because the fill placed to support parking that was already permitted only replaces what washed away, and because it is consistent with Section 30236 because it can be flooded and won't divert river flows, the Commission finds maintenance of the documented areas of previously authorized fill is consistent with all cited policies of the Coastal Act..

Equestrian uses are generally considered suitable development in floodplains because most of the facilities are either temporary and mobile or designed to accommodate periodic inundation. The placement of permanent principal structures within the floodplain would not be consistent with the Coastal Act, since their presence might lead to the need to redirect the river at some point in the future. The applicant states that all the proposed facilities are compatible with periodic inundation and/or can be moved to higher ground if threatened. The structures are mainly open and can all withstand periodic flooding. Therefore, the proposed development can be found consistent with Coastal Act Section 30236 as long as the permittee either moves the structures or allows them to flood.

To assure the proposed project does not result in channelization, Special Condition #1 is proposed which prohibits the permittee from constructing flood protective devices in the future to protect these facilities. Special Condition #2 then requires the applicant to

acknowledge that this facility is in a hazardous location and indemnify the Commission from any liability associated with the facilities approved herein.

A second concern is the amount and quality of runoff leaving the subject site, since the entire improved site drains directly across the floodplain and into the San Dieguito River channel. The proposed sewer facilities will be underground and relatively small in size; most of the property consists of pervious surfaces (grass and dirt primarily), with the barns/stables, one covered arena and a few trailers representing the on-site impervious surfaces. Existing sewer already serves the public restrooms in the northern part of the site. The sewer extensions proposed here will collect and direct runoff from the horse wash racks, a new restroom in one of the office trailers, and a mobile hook-up for temporary facilities like portable toilets and concession booths into the sewer system. This will both reduce the overall amount of runoff leaving the site and improve the quality of the water still entering the San Dieguito River, since the runoff being diverted to the sewer system from the horse wash racks is a significant source of pollution.

The applicant has a Best Management Practices (BMP) program in place to address stormwater runoff. The property as a whole drains through three existing vegetated swales towards the south and discharges into the adjacent San Dieguito River. The swales include both short grasses and trees within and adjacent to each swale, which serve to significantly filter site runoff before discharge. In addition, there is relatively thick vegetation (both native and exotic) along the river bank to provide additional treatment of stormwater. Vegetation provides the only filtration of stormwater on the site at this time, pending installation of the proposed sewer connections. Floodplain management and enhancement of water quality are related concerns, and the applicant's siting of the proposed development and existing BMP program, which includes BMPs for removal and disposition of manure, adequately address both issues on a temporary basis, although future sewer connections will improve the situation.

In summary, the applicant is requesting approval of all existing on-site facilities, in addition to proposing new sewer improvements and relocation of an existing water tower away from the river and out of the floodplain. As discussed above, the proposed structures will not alter flood flows, have been documented to be compatible with periodic flooding and will not increase the amount of impermeable surfaces on site. As the subject proposal will not result in channelization of the river, nor redirect potential flood flows, the Commission finds it, with the attached special conditions, consistent with the cited Coastal Act policies.

3. Visual Impacts. Section 30251 of the Coastal Act addresses visual resources, and states, in 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 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 site is located within the San Dieguito River Valley, west of El Camino Real and close to areas proposed for wetland restoration activities. The property is highest in elevation right along Via de la Valle, then drops away towards the south, affording panoramic views across the site and river valley from portions of Via de la Valle. The site includes the type of improvements typical for equestrian uses, such that there is much open area and buildings are low scale for the most part. The subject proposal to extend the on-site sewer system, relocate a water tower, create and enhance a buffer, remove some unpermitted fill in the parking lot, and authorize all existing development (barns, show rings and arenas) would not result in any significant change in the appearance of the site. The relocated water tower will be placed closer to Via de la Valle than at present, so it will be more prominent from that single vantage point, but it is a relatively small structure and will not result in a significant intrusion into any existing public view. To members of the public viewing the site from outside the property (i.e., from Via de la Valle, El Camino Real and the river valley), the facility will be compatible with the general character of the surrounding river valley, which reflects a rural level of development with an emphasis on equestrian uses and open space. Therefore, the Commission finds the proposed development, as conditioned, fully consistent with Section 30251 of the Coastal Act.

4. Wetlands Buffer. The following Coastal Act policies are most applicable to the proposed development, and state:

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.

Section 30240.

(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 San Dieguito River bisects the Horsepark property, with the entire developed portion of the site north of the river and vacant land south of the river. There is a dense riparian corridor along the northern river bank across the middle portion of the site, although it is much thinner at the east and west ends of the property. Existing facilities, particularly two grass training rings, come right to the top of the river bank, with many other existing facilities located between 25 and 50 feet from the river bank. Buffers are undeveloped areas located between development and sensitive habitat that protect the function and value of the sensitive habitats from the adverse impacts of development. They provide the distance between human activities and resource areas that is necessary to protect the resources areas from disturbance. Depending on the circumstances relating to the proposed development and the habitat, the Commission has required buffers between development and riparian vegetation that ranging from 50 to 200 feet. The City of San Diego's certified LCP requires 100 feet as an appropriate minimum buffer area from riparian vegetation.

The applicant is proposing to establish and enhance a buffer area along the north side of the river that is generally about 25 feet in width. The applicant will relocate an existing water tower from this area, but all other existing improvements in the vicinity will remain. The buffer will not be 25 feet in the area of the grass training rings, which extend to the river bank. The applicant proposes to retain a zero buffer in the area of the training rings and instead provide a wider along other portions of the riverbank to the west of the training rings where there is no existing development. The buffer would be wider than 25 feet to the extent necessary to offset the lack of buffer at the training rings. Because this area is immediately adjacent to high use equestrian facilities, the buffer may provide little habitat for wildlife. However, the distance created will shield wildlife in the riparian vegetation and river channel from the equestrian activities occurring on the site. It will formally establish the limits of development on the adjacent site, and prevent intrusion into more sensitive areas.

The applicant also proposes to establish a 175-foot buffer on the south side of the river. This buffer will be 175 feet wide and will extend from the eastern boundary of the applicant's property to the western property boundary along the San Dieguito River. The applicant's proposal is to ensure this area is protected as a habitat area in the future and to pay for the preparation of a plan for enhancing the habitat in this buffer area. The applicant's intent is to offset the narrowness of the buffer on the northern side by preserving additional habitat area on the southern side of the river. This 175 foot wide buffer will ultimately connect with other restoration projects in the river valley, and may thus provide some habitat value along with its enhancement of public views. The Commission finds that the buffer along the southern side of the river will provide added protection to all on-site riparian wetland resources from disturbance by adjacent human and animal uses. Therefore, Special Condition #3 reiterates the applicant's proposal to provide a plan for the restoration of the buffers on both sides of the river. Special Condition #4 mandates the applicant implement the plan for the enhanced buffer north of the river, consistent with the approved final plans. The applicant is also required to pay for the plan for the enhancement on the south side of the river, as proposed, but is not

required to implement the plan. The restoration program will be available for some other party to perform the work in the future. The Commission finds that in light of the circumstances in this case, the proposed development with the buffer areas on the northern and southern sides of the San Dieguito River is consistent with Sections 30231 and 30240 of Coastal Act.

4. Unpermitted Development. Unpermitted development has occurred on the subject site without the required coastal development permits including:

- 18 barns,
- Two fenced, open show rings,
- four fenced open training rings in the western portion of the site,
- One large oval grass show arena in the northern central portion of the site,
- One covered show arena just west of the oval arena.
- Six fenced open show rings adjacent and south of the covered and oval arenas.
- Two office trailers.
- Various minor sheds and out buildings.
- Importation of fill and grading undertaken adjacent to the San Dieguito River for the placements of show barns for the horses during various events.
- Fill in the southeastern portion of the site adjacent to San Dieguito River.

The site was originally developed pursuant to CDP #6-83-225, issued to Dr. Wallace McCoy for a covered arena, a grass arena, and several open corrals/show rings. In addition, other coastal permits have been issued for: temporary use for parking during the 1984 Olympics; a permit for an Arizona river crossing associated with an enforcement action; and a permit for a large house which was never built. The Commission has never authorized any enclosed structures, including any of the existing barns and stables or the existing office trailers. Moreover, the number, use and location of various site improvements appears to have been modified over the years under the previous ownership, as historical slides and aerial photographs do not correlate with the current site configuration. This application includes the request for after-the-fact approval of the above referenced development, with the exception of two office trailers which are addressed by a separate CDP application (CDP 6-04-028) and a portion of the unpermitted fill. Therefore, in order to ensure that the unpermitted development that is addressed by this application is resolved in a timely manner, Special Condition #10 requires that the applicant satisfy all conditions of this permit which are prerequisite to the issuance of this permit within 90 days of Commission action.

In addition, Special Condition #5 requires submittal of final or as-built plans, depending on whether development is proposed or existing, and Special Condition #9 advises that only the improvements identified herein are approved.

In order to ensure that the unpermitted development component of this application is resolved in a timely manner, the Commission finds it necessary to require the applicant to fulfill all of the Special Conditions as a prerequisite to the issuance of this permit, as required by Special Condition #10, within 90 days of Commission action. Only as conditioned is the proposed development consistent with the Coastal Act

Although development has taken place prior to submission of this permit application, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Approval of the permit does not constitute a waiver of any legal action with regard to these violations of the Coastal Act that may have occurred, nor does it constitute admission as to the legality of any development undertaken on the subject site without a coastal development permit.

5. 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 subject site is designated as North City Future Urbanizing Area (NCFUA), Subarea II, and zoned AR-1-1 by the City of San Diego. It is located within the North City LCP segment. However, although the City has a fully-certified LCP and issues its own coastal development permits in many areas of North City, several areas of deferred certification remain, including Subarea II of the NCFUA. Thus, all permits within the subarea must come before the Coastal Commission, and Chapter 3 of the Coastal Act is the legal standard of review. As demonstrated in the preceding findings, the Commission has found the proposed development, as conditioned, consistent with all applicable policies of the Coastal Act. Therefore, the Commission finds that approval of the project, as conditioned, will not prejudice the ability of the City of San Diego to complete the planning process for this area, extend the coverage of its LCP to cover the subject site, and continue implementation of its certified LCP.

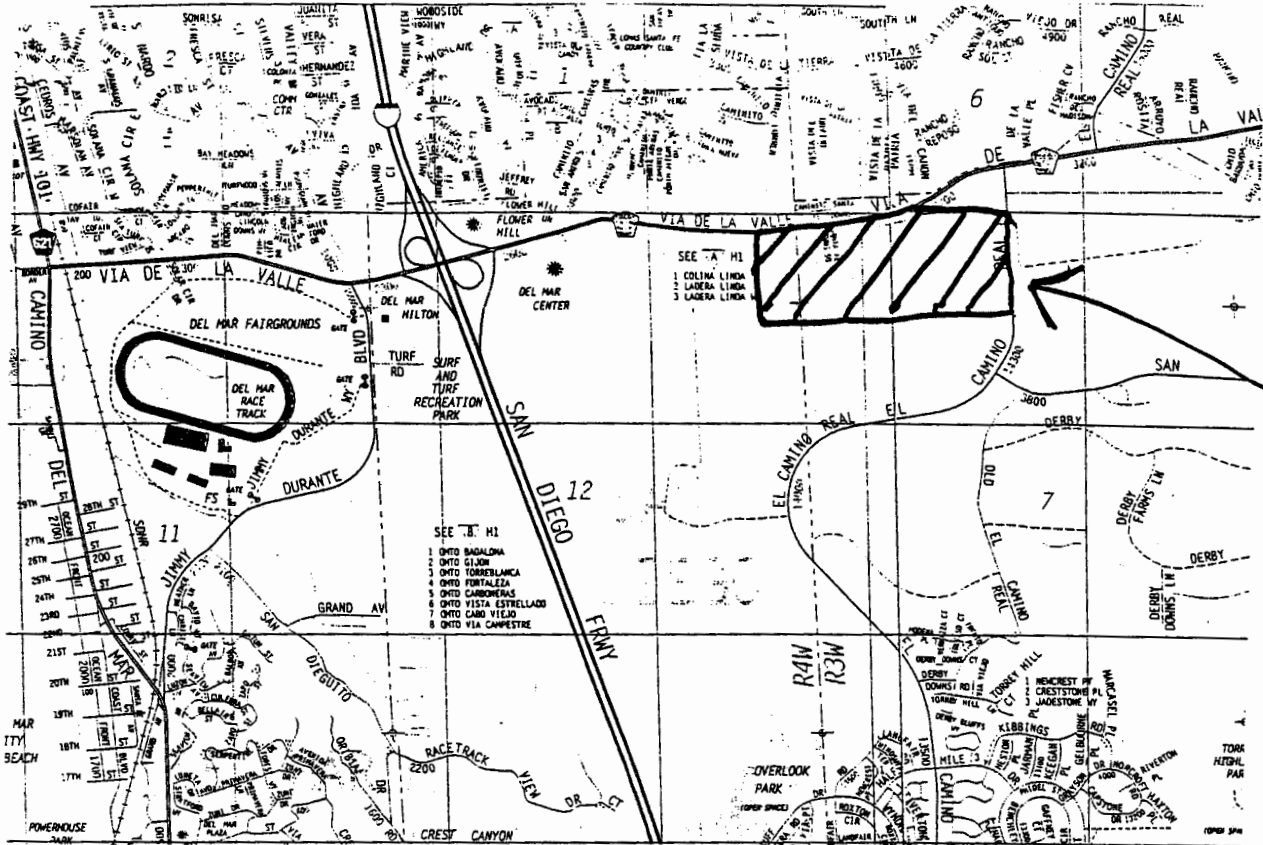
6. Consistency with the California Environmental Quality Act (CEQA). Section 13096 of the Commission's administrative regulations requires Commission approval of a coastal development permit application to be supported by a finding showing the application, as conditioned, to be consistent with any applicable 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 found consistent, as conditioned, with all applicable policies of the Coastal Act. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally damaging feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.

STANDARD CONDITIONS:

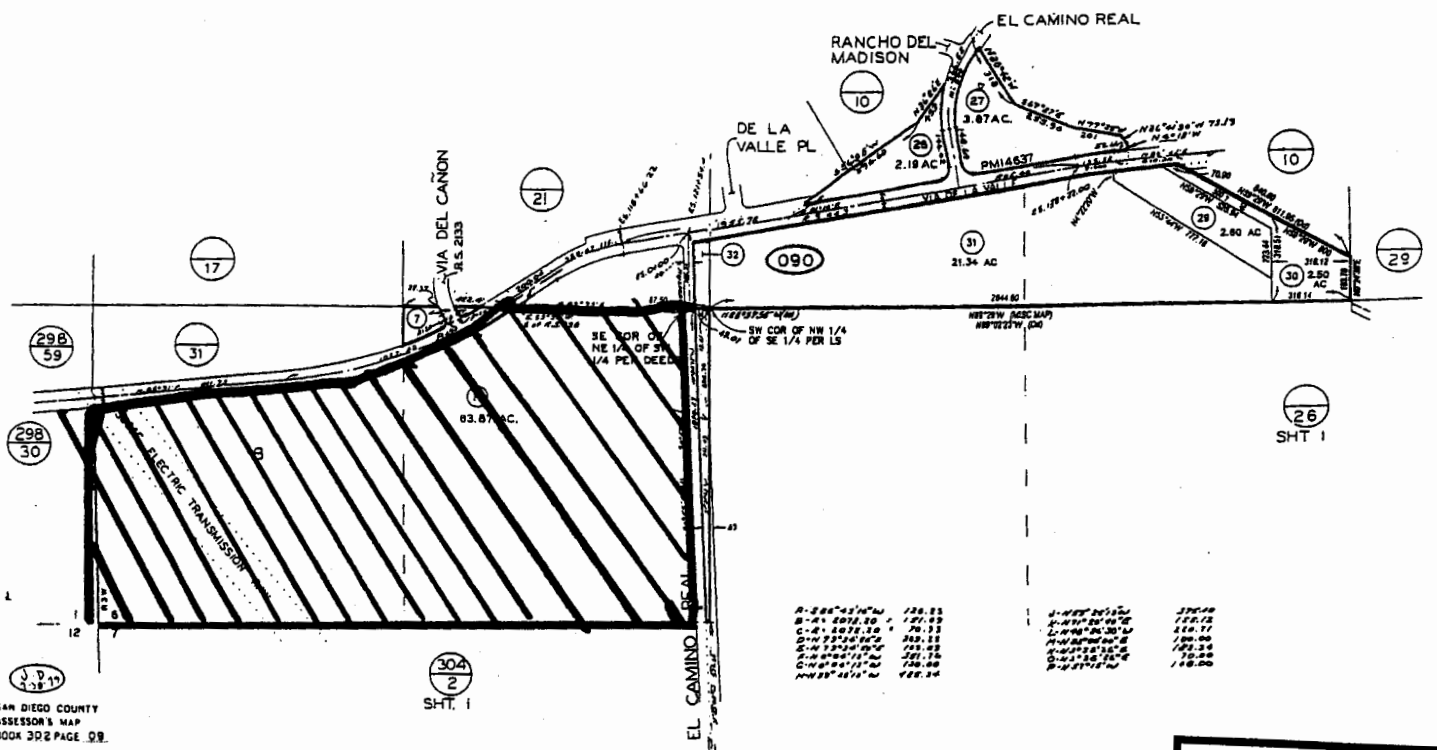
1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.**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

6-04-029



Site

- SEE 'A' H1
- 1 COLINA LINDA
 - 2 LADERA LINDA
 - 3 LADERA LINDA
- SEE 'B' H1
- 1 QUINTO BAGALOMA
 - 2 QUINTO GILJON
 - 3 QUINTO TORRELANCA
 - 4 QUINTO FORTALEZA
 - 5 QUINTO CARBONERAS
 - 6 QUINTO VISTA ESTRELLADO
 - 7 QUINTO CARO VIEJO
 - 8 QUINTO VIA CAMPRESTRE

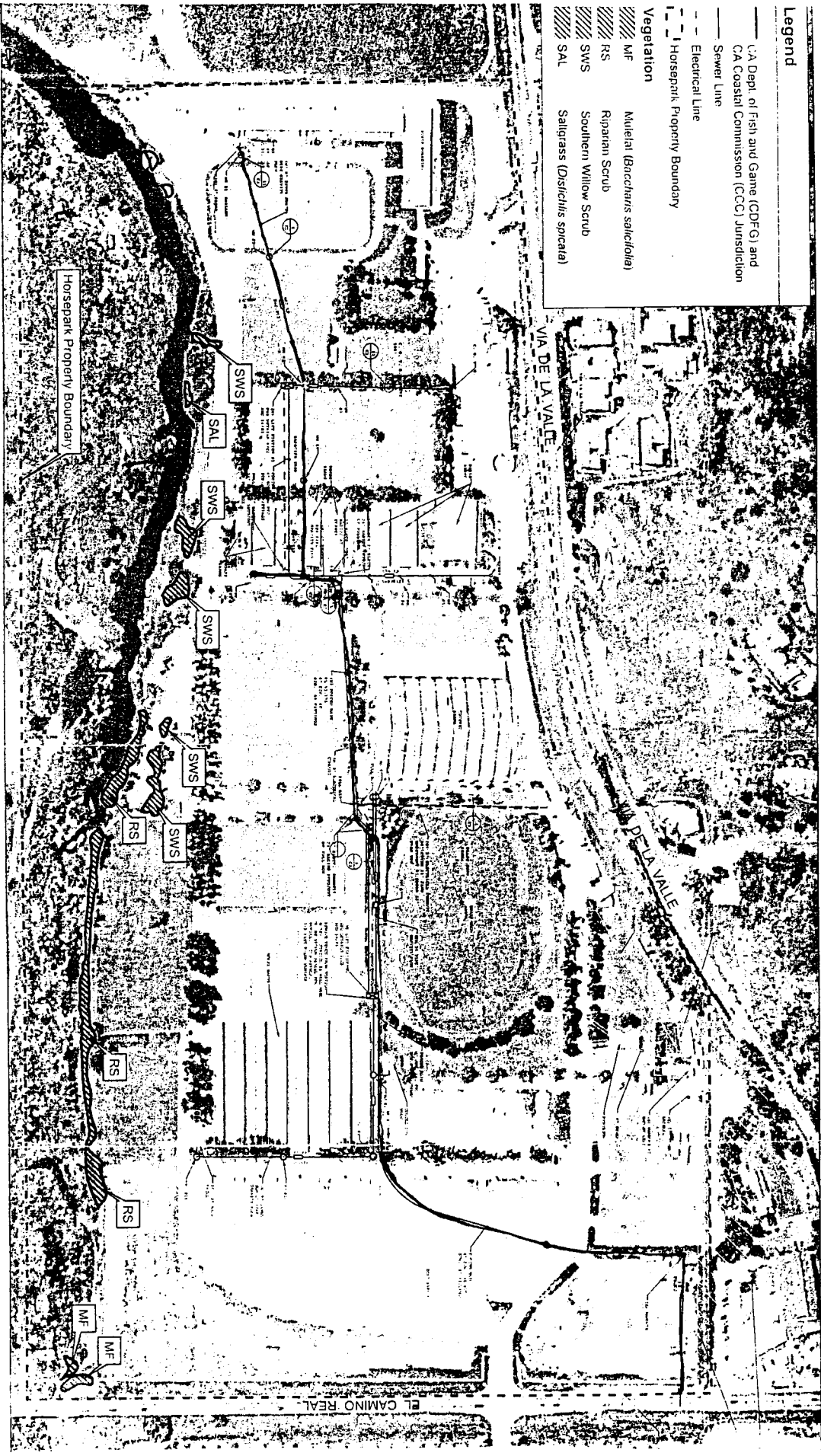
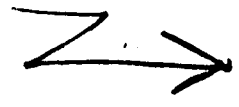


1-288°23'20"W	126.83	1-188°20'10"W	399.40
2-41°20'28.20"	171.09	2-188°20'10"W	128.12
3-11°20'28.20"	76.33	3-188°20'10"W	416.17
4-11°20'28.20"	369.15	4-188°20'10"W	100.00
5-11°20'28.20"	25.02	5-188°20'10"W	142.30
6-11°20'28.20"	201.76	6-188°20'10"W	10.00
7-11°20'28.20"	100.00	7-188°20'10"W	10.00
8-11°20'28.20"	228.34	8-188°20'10"W	10.00

SAN DIEGO COUNTY
ASSESSOR'S MAP
BOOK 302 PAGE 09

EXHIBIT NO. 1
APPLICATION NO.
6-04-029
Location Maps

6-04-027



Legend

— CA Dept. of Fish and Game (CDFG) and
 CA Coastal Commission (CCC) Jurisdiction
 — Sewer Line
 — Electrical Line
 - - - Horseshark Property Boundary

Vegetation

MF Mulefat (*Baccharis salicifolia*)
 RS Riparian Scrub
 SWS Southern Willow Scrub
 SAL Salgrass (*Distichlis spicata*)

EXHIBIT NO. 2
 APPLICATION NO.
6-04-029
 Site Plan

