

## CALIFORNIA COASTAL COMMISSION

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



# T7b

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 Staff: Ellen Lirley-SD  
 Staff Report: March 21, 2007  
 Hearing Date: April 10-13, 2007

REGULAR CALENDAR  
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-06-119

Applicant: 22<sup>nd</sup> District Agricultural  
 Association

Agent: Rebecca Bartling

Description: Restoration of a total 4.94 acres including 3.12 acres to salt marsh and 1.82 acres to coastal sage scrub habitat; project includes one acre of grading to the appropriate elevation for salt marsh; the removal of concrete, other debris, and non-native vegetation; and installation of temporary irrigation lines.

Site: Del Mar Fairgrounds, within the South Overflow Parking Lot and along the northern bank of the San Dieguito River, adjacent to the throat area and the East Overflow Parking Lot, south of 2260 Jimmy Durante Boulevard, Del Mar and San Diego, San Diego County. APNs 299-201-01; 299-030-01; 299-042-02

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STAFF NOTES:

Summary of Staff's Preliminary Recommendation: Staff is recommending approval of this restoration project, with conditions, which will address an outstanding enforcement action by the U. S. Army Corps of Engineers (ACOE) against the applicant. The project site includes a disturbed historic wetland which has been used for years as an overflow parking lot for various events at the Del Mar Fairgrounds. The proposed project will restore the area to its previous historic elevations and habitat, along with some additional upland restoration associated with a grant to the San Dieguito River Valley Conservancy. Recommended conditions include potential restrictions on construction activities during any applicable nesting seasons if required by the Wildlife Agencies, identification of staging and storage areas, and monitoring of the restored site, specifically with respect to impacts associated with the public boardwalk that bisects the proposed restoration site. Also a condition is recommended to address the disposal of graded spoils.

Standard of Review: Chapter 3 policies of the Coastal Act.

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Substantive File Documents: 1985 Del Mar Fairgrounds Master Plan Update and draft  
2000 Del Mar Fairgrounds Master Plan Update; CDP #6-04-088

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I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

**MOTION:** *I move that the Commission approve Coastal Development Permit No. 6-06-119 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. Staging Areas/Construction Timing. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and written approval detailed plans incorporated into the construction bid documents for the location of staging areas and of access corridors to the construction sites. The plans shall include, at a minimum, the following:

- a. No overnight storage of equipment, construction materials, or excavated materials shall occur within wetlands or native vegetation areas or on the public boardwalk/trail. Any stockpiles of graded spoils shall be located away from drainage courses, covered at all times and contained with runoff control measures, until exported from the site consistent with Special Condition #3.
- b. Storage and staging areas shall be located in a manner that has the least impact on vehicular and pedestrian traffic along Jimmy Durante Blvd and the public boardwalk/trail system.
- c. Unless authorized by the California Department of Fish and Game (DFG) or the U.S. Fish & Wildlife Service (Service), no work shall occur during the breeding seasons of any threatened or endangered avian species nesting in the vicinity.
- d. The applicant shall submit evidence that the approved plans/notes have been incorporated into construction bid documents. Staging site(s) shall be removed and/or restored immediately following completion of the development; any excavated materials must be stored outside of wetlands and native vegetation areas.

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

2. Revised/Final Monitoring Plan/Program. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for the review and written approval of the Executive Director a final enhancement and monitoring plan designed by a qualified wetland biologist and acceptable to the U.S. Army Corps of Engineers (ACOE), U.S. Fish and Wildlife Service (Service) and the California Department of Fish and Game (CDFG). Said program shall be in substantial conformance with the plans identified as Salt Marsh Restoration Plan dated August, 2006, and San Dieguito Estuary North Bank Restoration Project Plan, dated August, 2006 but shall be revised to include the following:

- a. Analysis of the percent cover of those areas within 100 feet of the boardwalk compared with those outside that area.
- b. Analysis of the species diversity of those areas within 100 feet of the boardwalk compared with those outside that area.
- c. Analysis of the percent of invasive species of those areas within 100 feet of the boardwalk compared with those outside that area.

- d. Analysis of the need for remedial actions for those areas within 100 feet of the boardwalk compared with those outside that area.
- e. If there is evidence within the total restoration area that 100 feet is an inadequate buffer for optimal restoration success, analysis of the distance from the boardwalk (or from similar human use areas) at which an appropriate buffer should be located.
- f. The addition of the Executive Director of the Coastal Commission as a recipient of all monitoring reports and other notifications.

The permittee shall undertake enhancement and 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 approved program shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

3. Final Revised Plans/BMPs. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and written approval final, full-size plans, in substantial conformance with the plans identified as Del Mar Fairgrounds South Parking Lot Salt Marsh Restoration Plan dated August, 2006, that shall also include grading and erosion control plans delineating existing and finish elevations and the type and location of the water quality Best Management Practices (BMPs) used to prevent erosion during project implementation.

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 an amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

4. Disposal of Graded Spoils. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall identify the location for the disposal of graded spoils. If the site is located within the coastal zone, a separate coastal development permit or permit amendment shall first be obtained from the California Coastal Commission or its successors in interest.

5. Other Permits. **PRIOR TO THE COMMENCEMENT OF CONSTRUCTION**, the permittee shall provide to the Executive Director copies of all other required state or federal discretionary permits, such as a permit from the U.S. Army Corps of Engineers, for the development herein approved. Any mitigation measures or other changes to the project required through said permits shall be reported to the Executive Director and shall become part of the project. Such modifications, if any, may require an amendment to this permit or a separate coastal development permit.

#### IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description/History. The proposed development includes restoration of a total of 4.94 acres of disturbed lands, primarily adjacent to the San Dieguito River. A portion of the proposal will restore 3.12 acres to salt marsh, and includes one acre of grading of an approximate 8-foot high berm to attain the appropriate elevation for salt marsh (approximately 4 feet above mean sea level to match adjacent existing salt marsh), and the removal of concrete and other debris. A second component would restore 1.82 acres to coastal sage scrub habitat. The overall proposed project includes removal of non-native vegetation and installation of temporary irrigation lines to establish the two restoration components.

The salt marsh component is intended to resolve a long-standing Army Corps of Engineers (ACOE) enforcement action, and is proposed in accordance with a restoration order from the ACOE. However, there is no outstanding Coastal Commission enforcement action associated with this proposal, such that the Commission is reviewing it solely as a restoration plan. The upland component is funded by the San Dieguito River Valley Conservancy as a stand-alone restoration effort. However, the two components have been combined in the subject coastal development permit application and are being reviewed by the Commission as a single project. Because other agencies have been involved with this project, and may have their own regulatory requirements, Special Condition #5 requires submittal of copies of any other required permits before the construction actually begins. If the ACOE is not requiring an actual permit for this project, a copy of the restoration order would satisfy this condition.

The site includes portions of the Fairgrounds South Overflow Parking Lot (SOL), East Overflow Parking Lot (EOL), the “throat” area that connects the two parking lots, and the Golf Driving Range (GDR). These are all unimproved areas that have historically been used for parking during the annual fair and thoroughbred race meet for many years predating the Coastal Act. In effect, it extends from near the Jimmy Durante Boulevard bridge over the San Dieguito River east to I-5, comprising a linear band along the north bank/berm of the San Dieguito River. Although portions of the project site are located within both the City of Del Mar and the City of San Diego, the entire project site is within the Coastal Commission’s area of original permit jurisdiction. Thus the Commission is reviewing the coastal development permit application for the entire project, and Chapter 3 of the Coastal Act is the legal standard of review.

2. Biological Resources. The following Coastal Act policies as most applicable to the proposed development, and state, in part:

#### **Section 30233**

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this

division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

(3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland. The size of the wetland area used for boating facilities, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, shall not exceed 25 percent of the degraded wetland.

(4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

(5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

(6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

(7) Restoration purposes.

(8) Nature study, aquaculture, or similar resource dependent activities.

(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable long shore current systems. ...

### **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.

Virtually the entire Fairgrounds property was created by filling tidelands back in the 1930's. Although much of the site is now developed, there are several areas still containing wetland resources, including the EOL, SOL, and most of the GDR. In addition, these areas are within the 100-year floodplain of the adjacent San Dieguito River and experience periodic inundation during average winter rainy seasons. When only used during the fair and races, the wetlands are degraded, but still provide some wetland habitat function outside of the fair and race season. At that time, sparse wetland vegetation returns, and the areas are used for loafing, resting and feeding by shorebirds and migratory species. Depending on the specific species, some breeding may also occur, although most species' breeding seasons continue into the summer months when the lots have historically been used for parking.

Based on a 1993 ACOE delineation associated with the enforcement action resolved by the subject salt marsh restoration project, the EOL contains approximately seven acres of wetlands, the approximately sixteen-acre SOL is entirely wetlands, and the fifteen-acre GDR is mostly wetlands (minimum 12+ acres of wetlands). However, the amount of wetlands actually present on the overflow parking lots has been the subject of some debate over the years, since the 1993 delineation was conducted using the federal protocol. The applicant contested this delineation and has since conducted its own wetland delineations. The applicant's delineation has never been accepted by the ACOE or other resource agencies. The applicant states it used the federal protocol to conduct past surveys; that is, all three wetland indicators (hydric soils, appropriate hydrology and wetland vegetation) must be present before a site is delineated as a wetland. Although both the ACOE and the applicant maintain they used the federal protocol, 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.

In the absence of a formal delineation according to California protocol, and in view of the facts presented above and the historic patterns of use of the areas for seasonal parking, there has been loss of wetlands or at least significant deterioration. Restoration of these degraded areas as proposed herein can thus be supported by the Commission.

Historically, the EOL, SOL and GDR have been used by the applicant as a public parking reservoir during the annual fair and thoroughbred race meet. Because use of the lots 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 major portions of these three areas are wetlands. 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 in the EOL 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 these lots, except use of the GDR for its primary golfing purposes, which also predates the Coastal Act.

Not all of the SOL is currently used for parking, as wetland vegetation has naturally established along the southern boundary of the site at the San Dieguito River's edge, and a small (approximately half acre) salt marsh restoration has already occurred adjacent to the natural area. Thus, approximately an acre and a half of the SOL is already a vegetated salt marsh wetland. No grading is required for the portion of the salt marsh restoration occurring in the SOL, as the existing elevations are already appropriate for wetland resources. The ACOE restoration order includes provisions for planting, maintaining and monitoring. There is an upland berm and jersey barriers separating the river and existing wetlands from the active parking area; the berm extends eastward along the river bank through the EOL and GDR as well. Restoration activities will include removal of the jersey rail and concrete rubble, but the berm itself will remain.

Recently, a public access boardwalk has been built across the SOL, slightly north of the existing natural and restored wetland resources. This is part of the multi-use (hikers, bicyclists and equestrians for most of its distance) Coast to Crest trail that is proposed to extend from the ocean eastward approximately 55 miles to the headwaters of the San Dieguito River, and was approved by the Coastal Commission pursuant to coastal development permit (CDP) #6-04-088 for the San Dieguito Wetlands Restoration Plan. The portion of the trail crossing the SOL is designated for pedestrians only. It consists of a raised boardwalk to minimize impacts to the delineated, but non-vegetated wetlands currently existing on the site. 2.14 acres of these currently degraded wetlands, located both north and south of the boardwalk, are part of the proposed restoration project. The ACOE, whose enforcement action is being addressed in this proposal, has accepted the presence of the boardwalk within the restoration area, and does not consider that any significant adverse impacts will result from its pedestrian-only use. On the contrary, the boardwalk will channel traffic across the site and minimize the potential for people to wander through the wetland vegetation itself. Since this is public lands, the public has historically walked throughout the parking lot areas, especially along the banks of the river. The elevated boardwalk will provide views of the river without the necessity to walk through habitat to get close enough to see the water. Once completed, the restoration site will be permanently protected by a chain link fence, further channeling the public to the boardwalk. The fence will be signed to identify the site as a restoration area.

In approving the boardwalk in its current location, it was noted on the plans that future relocation may be required, as the entire SOL may be restored at some future date. The Commission typically does not endorse public access through mitigation sites. However,



in this particular case, the restoration does not mitigate any activity permitted by the Coastal Commission, such that, from the Commission's perspective this is a restoration project, not mitigation. Thus, the Commission is not requiring a monitoring or maintenance program of its own to determine success or failure of the restored wetlands, and is not requiring relocation of the public boardwalk at this time. Since the restoration is required by another agency to address a past violation, however, the restored area itself cannot count as mitigation area for any future Fairgrounds activity requiring a coastal development permit.

The boardwalk may have benefits, such as that discussed above, and also as a public education tool, that could ultimately allow it to be retained in its current location on a permanent basis. To assist the Commission in making such a future determination, Special Condition #2 requires monitoring of the potential effects of the boardwalk on the restoration area. To that end, the condition requires the success of the restoration efforts within 100 feet of the boardwalk, a typical wetlands buffer width, be compared with the restored wetlands at a greater distance and with the existing wetlands south of the restoration site, where the restoration site is less than 100 feet wide. The results of this monitoring effort should assist the Commission in future decisions, both with respect to the existing boardwalk at the subject site, and other restoration/mitigation projects that have a public access component or are adjacent to such amenities..

East of the SOL, through the connecting throat area and along the southern edge of the EOL and GDR, the proposed salt marsh restoration will generally occur along, and south of, the existing berm. 0.98 acres of the berm will be graded down to wetland elevations and planted with appropriate salt marsh species. The grading will result in approximately 8,000 cu. yds. of material to be exported from the site. This will be adjacent to existing salt marsh resources, which will be protected during the restoration activities by fencing, such that the proposed project will have no impacts on the existing wetlands. The public trail in this area will be located along the top of the berm, which will be compacted and narrowed during trail construction, pursuant to CDP #6-04-088. The remaining berm area outside the trail footprint will be vegetated with upland species through implementation of the 1.82 acre coastal sage restoration component. This component is also not required as mitigation for any Coastal Commission action, but is being provided as a complimentary component to the salt marsh restoration, since these upland areas will remain.

To summarize, the proposed project will restore 3.12 acres of salt marsh, mostly within delineated but degraded and unvegetated wetlands that are currently used for overflow parking. Less than an acre will include grading uplands that are not vegetated with a significant amount of native upland species to wetlands elevations to create new wetland area. The proposed project will not encroach into, nor have any adverse impact upon, existing vegetated wetland resources. Since this is not an action required by the Commission, the Commission is not imposing conditions requiring the project to be successful. However, it does have a direct interest in whether or not adverse impacts on biological resources result from allowing the boardwalk to remain within the project footprint, since the Commission will likely review other restoration project within the

SOL in the future that may be required mitigation for its decisions on future permit applications. Special Condition #2 addresses this concern; in addition, part of Special Condition #1 protects the breeding activities of listed bird species in the area by prohibiting construction during the breeding season without clearance from the wildlife agencies (DFG and Service). As conditioned, the Commission finds the proposed restoration activities consistent with the cited policies of the Coastal Act.

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

**Section 30210**

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

**Section 30211**

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

**Section 30212**

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

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

(2) adequate access exists nearby, or,

(3) agriculture would be adversely affected. ...

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

**Section 30213**

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

As stated previously, the boardwalk portion of the Coast to Crest Trail has already been constructed on the SOL, and other trail segments are approved to be sited on Fairgrounds property to the east, between the SOL and I-5. This trail will formalize and enhance public access through the Fairgrounds property. Because the trail is elevated on the boardwalk and the existing berm, it will also allow good views of the river itself and the existing and restored wetlands. While this provides a good opportunity for public education, there is also the potential for adverse impacts to the wetlands through the human presence on the trail. This aspect has been fully addressed in the previous finding and through the special conditions.

Because of wetland concerns, the boardwalk portion of the Coast to Crest Trail is restricted to pedestrian traffic only, and the remainder of the trail west of the proposed visitor center east of I-5 (a component of the San Dieguito Wetlands Restoration Plan) is restricted to just pedestrians and bicyclists. There is currently no connection between the Fairgrounds and the beach other than on busy urban streets, which would be unsafe for equestrian use. Thus equestrian traffic will terminate east of I-5, and bicycle traffic must exit the trail east of where the boardwalk begins, and continue west to the beach on surface streets. The public trail system is a significant component of the San Dieguito Wetlands Restoration Plan, and, even with the use restrictions just described, will significantly enhance low-cost public access in this area.

The salt marsh restoration in the SOL will reduce the number of informal parking spaces that are now used during the annual fair and race meet by approximately 130 spaces. The applicant is developing a strategy to replace the lost spaces, which will likely involve moving some stored dirt in the training track area and in the SOL, where a stockpile of dirt for the Fair garden show and the big barns for the races was permitted. Some staff

currently parking within the developed part of the Fairgrounds may also be required to park at Horsepark and shuttle to work.

Special Condition #1 requires, among other things, that the applicant identify staging and storage areas for the proposed development, and provides that these must not be located on wetlands, native vegetation or the existing public boardwalk. The condition also requires that these features be located in a manner that maintains optimum traffic flow on Jimmy Durante Boulevard, a major coastal access route, and maximizes access to the boardwalk/trail system. As conditioned, the Commission finds the proposed development consistent with the cited Chapter 3 policies of the Coastal Act, and consistent with all other public access and recreation policies as well.

4. Water Quality. The following Coastal Act policies are most pertinent to this issue, and state:

**Section 30230**

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

**Section 30231**

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 proposed development includes a small amount of grading in one area to attain the desired elevation for salt marsh. The submitted plans did not include an actual grading plan or an erosion control plan to address potential runoff during construction. Special Condition #3 requires the submittal of final project plans, including grading and erosion control plans.

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

applicant's existing storm drain system collects all site drainage from the developed portions of the Fairgrounds (i.e., those portions north and west of Jimmy Durante Boulevard, including the existing race track, training track, and horse arena). That drainage passes through existing grease traps in the inlets draining the main parking lot, then discharges into the river channel. The proposed project will enhance the quality of the surface water that collects on these areas east and south of Jimmy Durante, that are not part of the existing storm drain system that operates on the developed Fairgrounds. Therefore, the Commission finds the development, as conditioned, consistent with the cited policies of the Coastal Act with respect to water quality concerns.

5. Visual Resources. Section 30251 of the Act addresses visual 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. ...

The proposed wetlands and uplands restoration project will not have any significant effect on the overall appearance of the Fairgrounds. The project occurs along the southern border of the site, adjacent to existing similar resources. The relatively small scale of the proposed restoration will expand those resources over a wider area. This will be noticeable only to those in the immediate vicinity, and would be considered by most to be a visual enhancement. The Commission therefore finds the proposal, as conditioned, will not adversely impact public views or scenic resources and is consistent with Section 30251 of the Act.

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

Although the site is in an area of original jurisdiction and thus not subject to the policies and regulations of either Del Mar's or San Diego's certified LCPs, it is nonetheless consistent with the Fairgrounds/Racetrack land use designation and zone of the Del Mar LCP that geographically includes the SOL, and with the Commercial Recreation land use designation and zone of the San Diego LCP that geographically includes the EOL and GDR. The District is currently working on a complete update of its 1985 Master Plan, but the draft document has not undergone full review as yet. Although these specific restoration activities are not addressed in either the old or draft master plans, the new plan does identify the concept of restoration in these areas. However, in areas of original

jurisdiction, Chapter 3 of the Coastal Act is the legal standard of review, and local planning documents are used only as guidance. The preceding findings have demonstrated that the proposal, as conditioned, is fully consistent with all applicable Chapter 3 policies of the Coastal Act.

7. Consistency with the California Environmental Quality Act (CEQA).

The 22<sup>nd</sup> District Agricultural Association (District) is the lead agency for purposes of CEQA review for Fairgrounds projects, and the Coastal Commission is a responsible agency. The District found the proposal categorically exempt from CEQA review pursuant to Class 33, Section 15333, as a small restoration project. Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

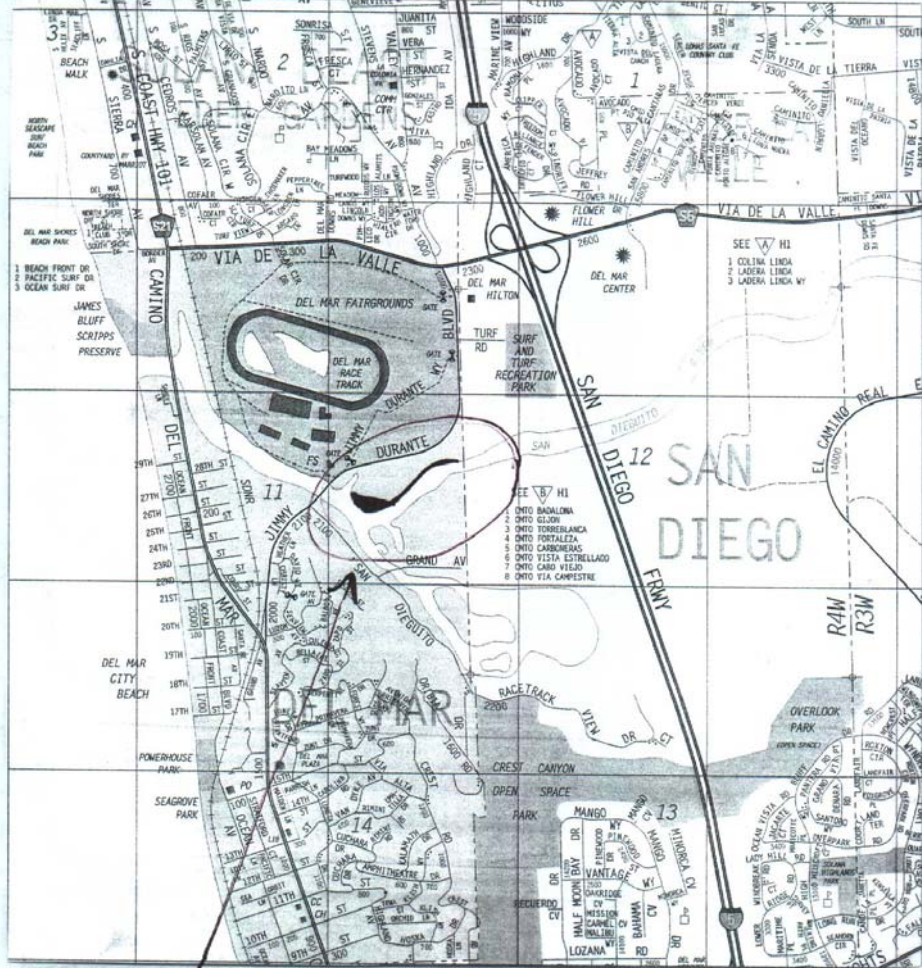
The proposed project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. Mitigation measures, including conditions addressing project timing, location of staging/storage areas, disposal of graded spoils and monitoring of the effects of public access on the restoration efforts will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally-damaging feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.

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.

6-06-119



Site

EXHIBIT NO. 1
APPLICATION NO.
<b>6-06-119</b>
Location Map
 California Coastal Commission



6-06-119

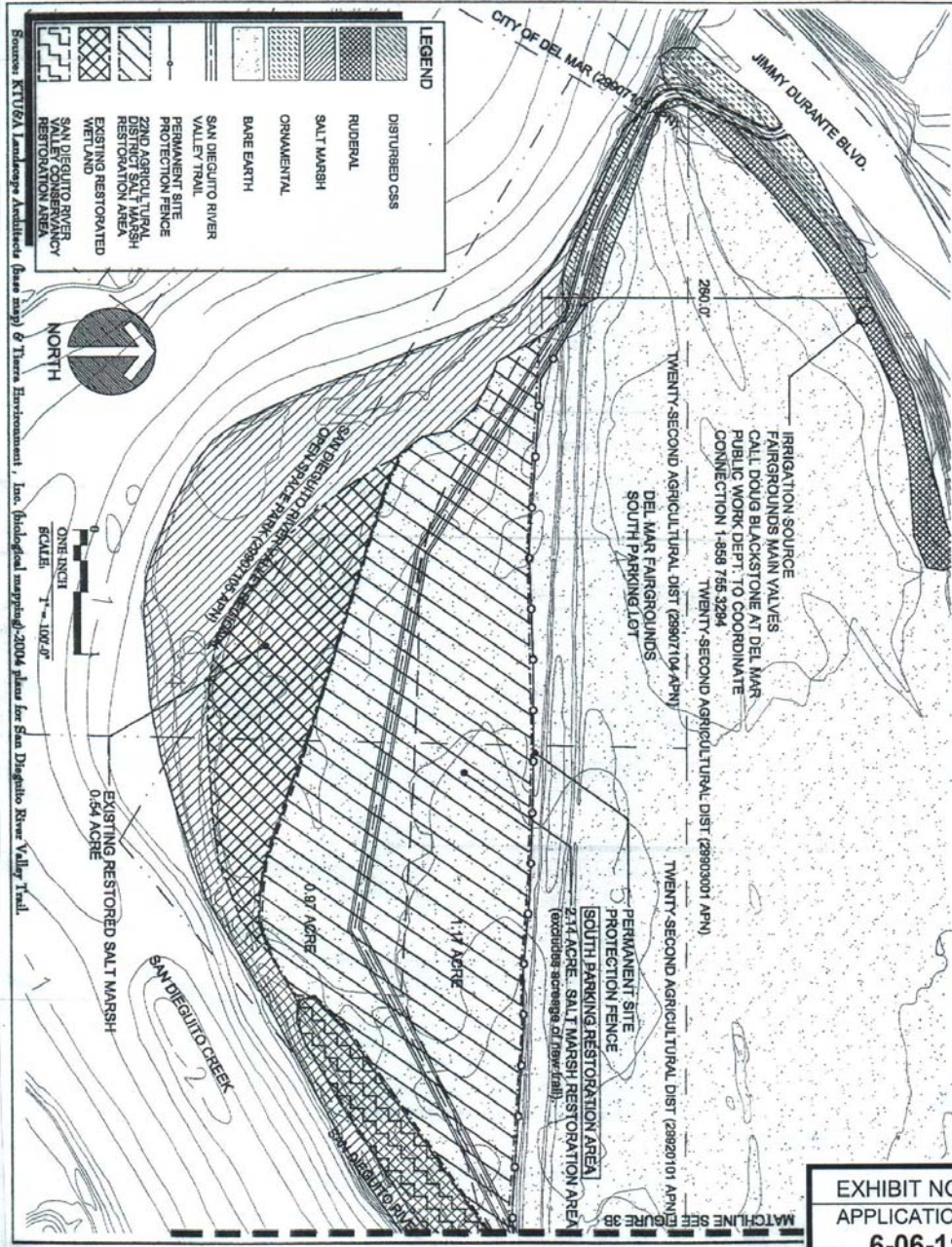


EXHIBIT NO. 2a  
APPLICATION NO.  
**6-06-119**  
Site Plan – western section

California Coastal Commission

6-06-119

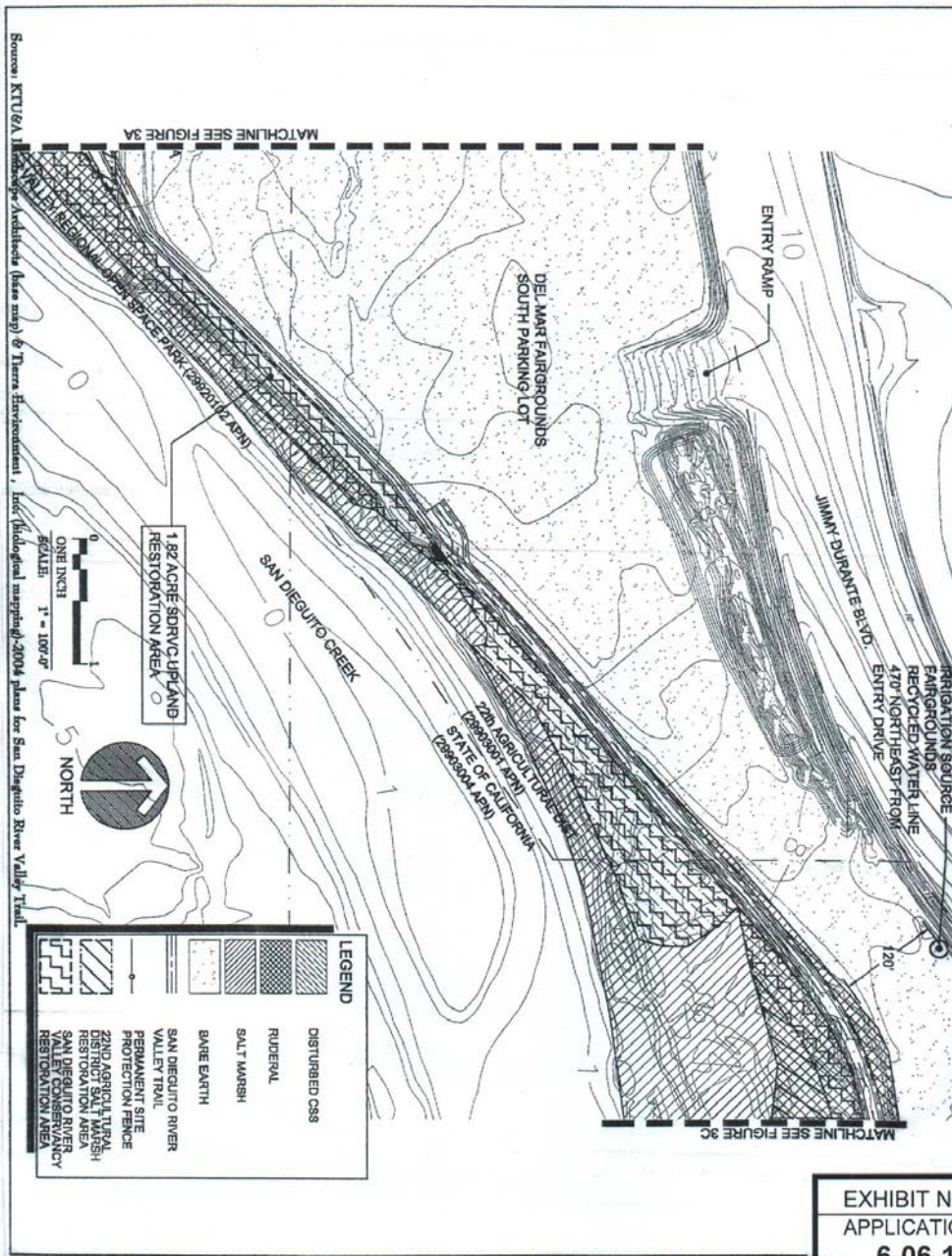


EXHIBIT NO. 2b  
APPLICATION NO.  
**6-06-119**  
Site Plan - central section

California Coastal Commission

6-06-119

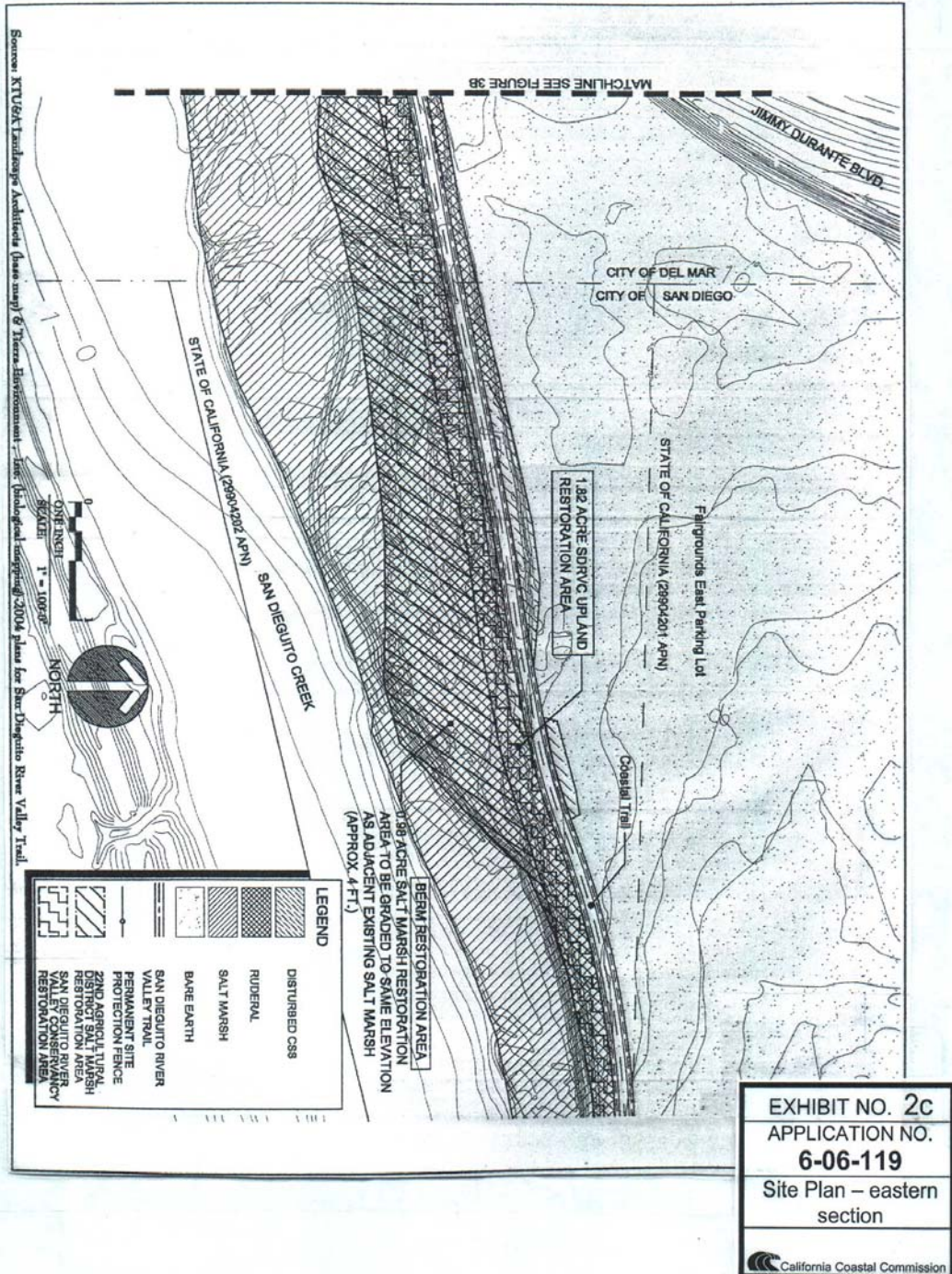


EXHIBIT NO. 2c
APPLICATION NO.
<b>6-06-119</b>
Site Plan – eastern section
California Coastal Commission