

Th9a

RECEIVED

JUN 08 2007

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

**Friends of the
San Dieguito River Valley**

P. O. Box 973 Del Mar CA 92014

June 07, 2007

Board of Directors

Jacqueline Winterer
-President

Ann Gardner
-Vice President

Bill Michalsky
-Treasurer

Mary Farrell
-Secretary

Candice Bowman

Maggie Brown

Ed Greene

Anne Merritt

Ed Mirsky

Stu Smith

To: Coastal Commission Members and
Attn: Ellen Lirley
7575 Metropolitan Drive
Suite 103
San Diego CA 92108

From: J.M. Winterer
President
Friends of the San Dieguito RV
PO Box 973
Del Mar CA 92014

Dear Coastal Commission Members,

Permit Number: 06 06 119
APNs 299-201-01,299-030-01,299-042-02
Agenda Item: Th 9a

Position: In favor

Re : Restoration of 1.15 acres to coastal sage scrub habitat on Northern Bank
of San Dieguito River.

The Friends of the San Dieguito River Valley is a grass root group involved since 1986 with the efforts to preserve the San Dieguito River Valley.

We are in full support of this project to remove debris and non-native vegetation on the margins of East Lot wetlands on Del Mar Fairgrounds property.

We wish to make the following points:

- Large sections of "Fairgrounds East and South Lots" are historical and active wetlands. See appendices 1 and 2.
- Restoring the margins of these wetlands as this project proposes is very good. Restoring all wetlands would be better.
- We hope that the immediate restoration of the entire wetlands will be part of the Fairboard Master Plan EIR, now in preparation.
- Local hearings would meet our most fervent wish

Respectfully,

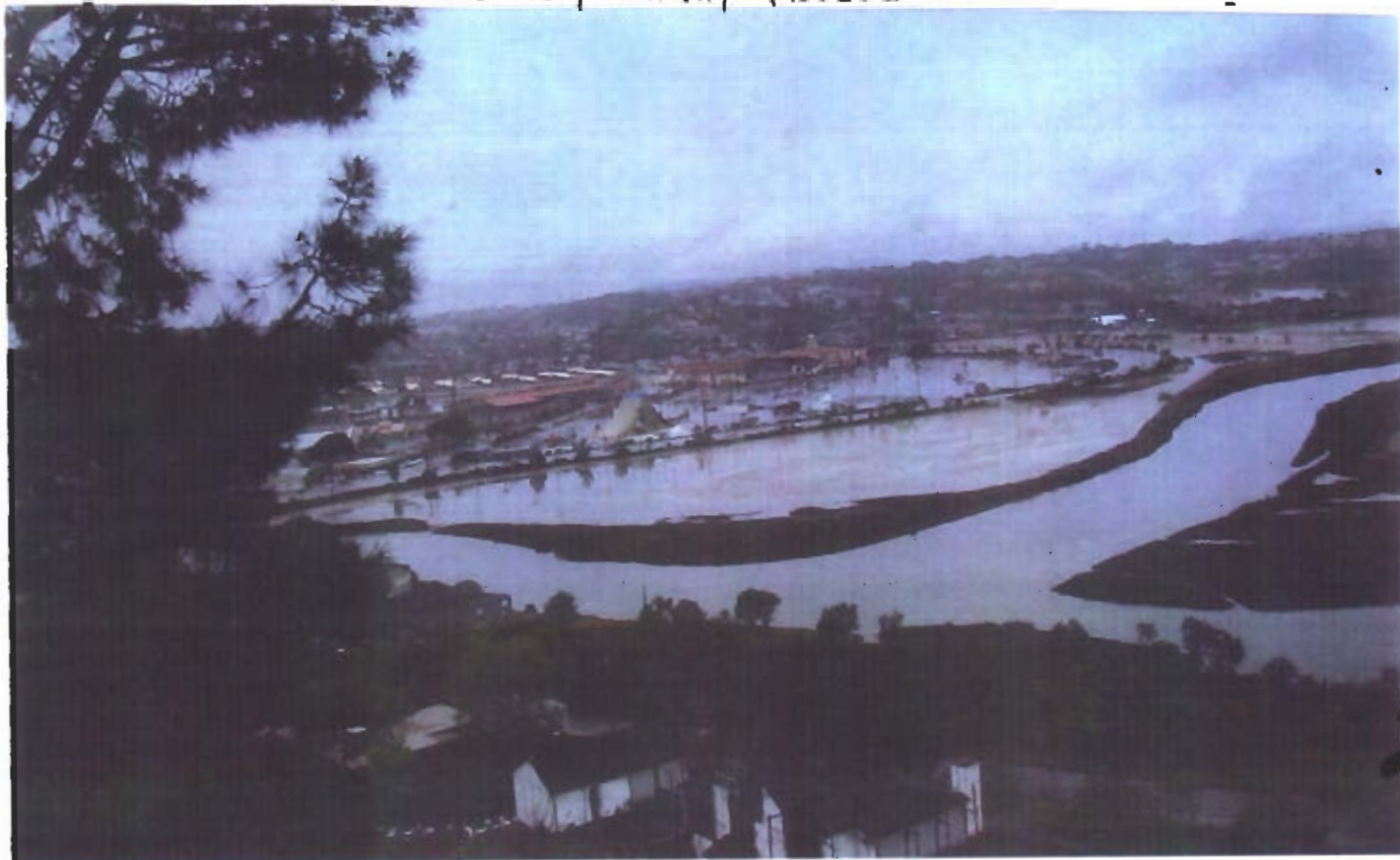
Signature on File

San Dieguito River Valley



[PIC 9] FEB 27 06

APPENDIX 2: These 2 pictures of the South Lot, are views taken 24 hours apart, from Gatun Street #2061. The top picture taken after 2 months of dry weather was used to locate the So Lot ponds of Fig.B. It shows a larger pond along J Durante Blvd and a smaller one to the S. The bottom picture is taken from the same location a day later, after an overnight .63 inch rain. The So Lot is flooded and the 2 ponds have merged in a single large one. The East Lot is partially flooded.



[PIC 10] FEB 28 06

2



RECEIVED

JUN 11 2007

CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT

June 7, 2007

Mr. Patrick Kruer, Chair
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Re: Permit Number: 6-06-119 Position: In favor
Restoration of 1.15 acres of coastal sage scrub habitat on the northern bank of San Dieguito River

Dear Coastal Commissioners;

The City of Del Mar is pleased to be able to inform you that we are in support of the proposed project to remove debris and non-native vegetation in the wetlands on 22nd Agricultural District property in the temporary south parking area on the northern bank of the San Dieguito River adjacent to Jimmy Durante Blvd. in the City of Del Mar.

It is the City's understanding that this initial project is the first small step in the ultimate restoration of the larger wetlands that historically occupied this same south parking lot which has been and is now used for temporary parking during the San Diego County Fair and Thoroughbred Race seasons. The City of Del Mar has gone on record numerous times over the years with our unwavering position that the entire south parking lot should be restored to its historic wetland state.

With that in mind, and following implementation of this smaller restoration project, the City of Del Mar will be looking forward to working closely with the 22nd District Agricultural Association on the ultimate design and implementation of the restoration of the larger historic wetlands on the south lot, which is anticipated to be discussed in the EIR for the Fairgrounds Master Plan that is expected to be circulated later this year.

Sincerely,

Signature on File

ment Director

City of Del Mar

- Cc: Honorable Mayor and City Council
- Lauraine Brekke-Esparza, City Manager
- Osa Wolf, Legal Counsel Shute, Mihaly & Weinberger
- Del Mar San Dieguito Lagoon Committee
- Friends of the San Dieguito River Valley
- Ellen Lirley, Coastal Program Analyst, CCC

22



Th9a

Dawn S. Rawls, Chair
San Dieguito Lagoon Committee
1087 Klish Way
Del Mar, CA 92014

JUN 10 2007
California Coastal Commission
San Diego Coast District

Patrick Kruer, Chair
California Coastal Commission
c/o Ellen Lirley, Coastal Program Analyst, San Diego Coast District Office
7575 Metropolitan Drive
San Diego, CA 92108

emailed June 8, 2007

Re: application no. 6-06-119 item Th9a agenda

Dear Commissioners and Staff:

The San Dieguito Lagoon Committee, which has followed Fairgrounds activities on the dirt areas east of Jimmy Durante Blvd for many years, supports the Coastal Commission staff recommendation to approve the 22nd District Agricultural Association's application for a 1.15 acre restoration of the berm by the San Dieguito River on the East Overflow Parking Lot and the Golf Driving Range to coastal sage scrub habitat.

Additionally, we would like to note:

- (1) **Future Restoration:** The "companion" restoration of the SOL area surrounding the San Dieguito River Park's boardwalk portion of the Coast to Crest Trail running along the river through the South Overflow Lot is now a separate permit application numbered 6-07-059. The Lagoon Committee is gratified that the Coastal Commission separated out the EOL/GDR portion of this project to avoid loss of time-constrained grant funding to complete that work.
- (2) **Synergy with Conservancy/JPA:** The 22nd DAA is to be commended for working with the San Dieguito River Valley Conservancy and the River Valley Park JPA to complement each other's efforts to achieve both a coastal sage scrub restoration and eventual creation of this portion of the Coast-to-Crest Trail.
- (3) **Monitoring:** Commendation is due the CCC staff for establishing a monitoring program to assess the viability of this coastal sage scrub habitat restoration. These data will inform later judicious planning for future restorations.

Thank you for considering our comments.

Sincerely,

Dawn Rawls, Chair
The San Dieguito Lagoon Committee

emailcc: City of Del Mar
Friends of the San Dieguito River Valley
Becky Bartling, 22nd DAA Fairgrounds
Craig Adams, SDRV Conservancy
Dick Bobertz, SDRP JPA

CALIFORNIA COASTAL COMMISSION

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



Th 9a

Filed: November 14, 2006
 49th Day: January 2, 2007
 180th Day: May 13, 2007
 Date of
 Extension Request: May 11, 2007
 Length of Extension: 90 Days
 Final Date for
 Commission Action: August 11, 2007
 Staff: Ellen Lirley-SD
 Staff Report: May 17, 2007
 Hearing Date: June 13-15, 2007

REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-06-119

Applicant: 22nd District Agricultural
 Association

Agent: Rebecca Bartling

Description: Restoration of a total 1.15 acres to coastal sage scrub habitat; project includes the removal of debris and non-native vegetation, and installation of temporary irrigation lines.

Site: Del Mar Fairgrounds, along the northern bank of the San Dieguito River, from the throat area, east to Interstate 5, southeast of 2260 Jimmy Durante Boulevard, Del Mar and San Diego, San Diego County. APNs 299-201-01; 299-030-01; 299-042-02

STAFF NOTES:

Summary of Staff's Preliminary Recommendation: Staff is recommending approval of this upland restoration project, which will revegetate the existing berm between the East Overflow Parking Lot (EOL) and Golf Driving Range (GDR) portions of the Fairgrounds property and the San Dieguito River. Recommended conditions include submittal of final plans, potential restrictions on construction activities during any applicable nesting seasons if required by the Wildlife Agencies, identification of staging and storage areas, and monitoring/maintenance of the restored site. The proposed development is a portion of a larger project including both salt marsh and upland restoration; the remainder of the project has been separated from this segment, renumbered #6-07-059, and will be brought forward for Commission review in the future.

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

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

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. Final Revised Plans. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and written approval, final revised plans that are in substantial conformance with the plans submitted with this application (San Dieguito Estuary North Bank Restoration Project Plan, dated August, 2006), except that they shall be revised as follows:

- a. Only the specific project approved herein (i.e., plans showing only the upland restoration site between the throat area connecting the South and East Overflow Parking Lots and Interstate 5) should be included.
- b. If any bifurcated project components remain on the plans, they shall be clearly marked as “Not a Part” and initialed and dated by the applicant or consultant.

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. 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 or construction materials shall occur within wetlands or native vegetation areas or on the existing public boardwalk/trail segments.
- 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 in writing 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.

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.

3. Maintenance and Monitoring. The restored site shall be maintained and monitored in full compliance with the maintenance and monitoring provisions of the San Dieguito Estuary North Bank Restoration Project Plan, dated August, 2006. A copy of

the annual monitoring report shall be submitted to the Executive Director of the Coastal Commission.

The permittee shall undertake maintenance 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.

4. 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 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 1.15 acres of disturbed lands adjacent to the San Dieguito River to coastal sage scrub habitat. The overall proposed project includes removal of debris and non-native vegetation and installation of temporary irrigation lines to establish the native vegetation. All work is proposed along an existing man-made berm that separates the river from portions of the Fairgrounds property. The project will establish coastal sage scrub habitat along the southern slope of the berm, stabilizing the berm to accommodate a future public trail that will run along the top of the berm. No grading is necessary or proposed.

The proposed development is part of a larger restoration project that was formerly part of this coastal development permit (CDP) application. The larger project proposed to restore 3.12 acres of the Fairgrounds' South Overflow Parking Lot (SOL) to salt marsh; that component included 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 of the original project would have restored or created 1.82 acres of coastal sage scrub as well. Concerns arose addressing those portion of the original project that would be located in the SOL. Since the proposed upland habitat restoration is funded by a grant, that component was separated from the remainder so it could be processed expeditiously while the grant monies were still available. The remainder of the original project (3.12 acres of salt marsh and 0.67 acres of coastal sage scrub restoration) will come to the Commission for review in the future, under CDP application #6-07-059.

The site includes portions of the Fairgrounds' "throat" area that connects the SOL and East Overflow Parking Lot (EOL), 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. As currently proposed, the project extends from the throat area east to Interstate 5 (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, related to biological resources, are 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 open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

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

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

(6) Restoration purposes.

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

(b) Dredging and spoils 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, based on a 1993 Army Corps of Engineers (ACOE) delineation, there are several areas still containing wetland resources, including portions of the EOL, the entire 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.

The Coastal Commission and the California Department of Fish and Game (CDFG) define wetlands as lands that contain any one of three indicators (hydrology, hydric soils, or hydrophytic vegetation). 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 U. S. Army Corps of Engineers (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.

Recently, a public access boardwalk was 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. East of the SOL, through the connecting throat area and along the southern edge of the EOL and GDR, the public trail 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 1.15 acre coastal sage restoration component addressed herein.

Although the berm is man-made, and consists primarily of dirt, rubble and ruderal vegetation, there are a few scattered individuals of coastal sage scrub species. The proposed restoration activities will be conducted by hand to protect those individual plants from any disturbance. Moreover, the proposed project will not encroach into, nor have any adverse impact upon, existing vegetated wetland resources south of the proposed restoration site.

The restoration plan includes a maintenance and monitoring component. Monitoring, including the removal of invasives and remedial replanting, will continue for a period of at least three years and must meet specific success criteria. Although a longer monitoring period would be expected for required mitigation, this is a straight restoration plan that is not required as mitigation for any resource impacts. Thus, the shorter monitoring program is appropriate in this instance. The monitoring provisions of the proposed plan are attached at Exhibit #3.

To summarize, the proposed project will restore 1.15 acres of coastal sage scrub habitat along the south side of an existing berm. This is proposed as an independent enhancement activity, and is not an action required by the Commission. However, several special conditions are attached addressing the proposed project, that are required to make it fully consistent with the Coastal Act. Special Condition #1 requires submittal of final, project-specific plans, since the plans submitted with the original application include components that have been deleted from this application for separate review. Special Condition #2 establishes criteria for staging and storage areas and 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). Special Condition #3 requires compliance with the maintenance and monitoring provisions of the proposed restoration plan, and Special Condition #4 requires submittal of copies of any other required state or federal permits. Because of the reduced scope of the currently proposed project, it is possible that no such permits are required, although

they would have been for the originally-proposed project. The Commission's staff ecologist had reviewed the entire project, and raised concerns with the components occurring in the SOL. However, the upland restoration proposed herein did not raise any concerns with him. 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 major 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 in the specific project area is to be located on the existing berm that parallels the northern bank of the San Dieguito River, it will also allow good views of the river itself and the existing and restored wetlands. The proposed native revegetation project will help stabilize the southern slope of that berm to better support the trail. Thus, the proposed restoration project will in no way limit or adversely affect public access or use of the trail, but will instead enhance it.

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.

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 project will not involve any grading, create any new impervious surfaces, or introduce any 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 not effect the existing storm drain facilities or drainage patterns. 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 uplands restoration project will not have any significant effect on the overall appearance of the Fairgrounds. The project occurs along the berm that protects the southern portion of the site, adjacent to existing wetland resources and a future public trail. The relatively small scale of the proposed restoration will expand native habitats 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, the proposed project is nonetheless consistent with the Fairgrounds/Racetrack land use designation and zone of the Del Mar LCP that geographically includes the throat area, 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 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).

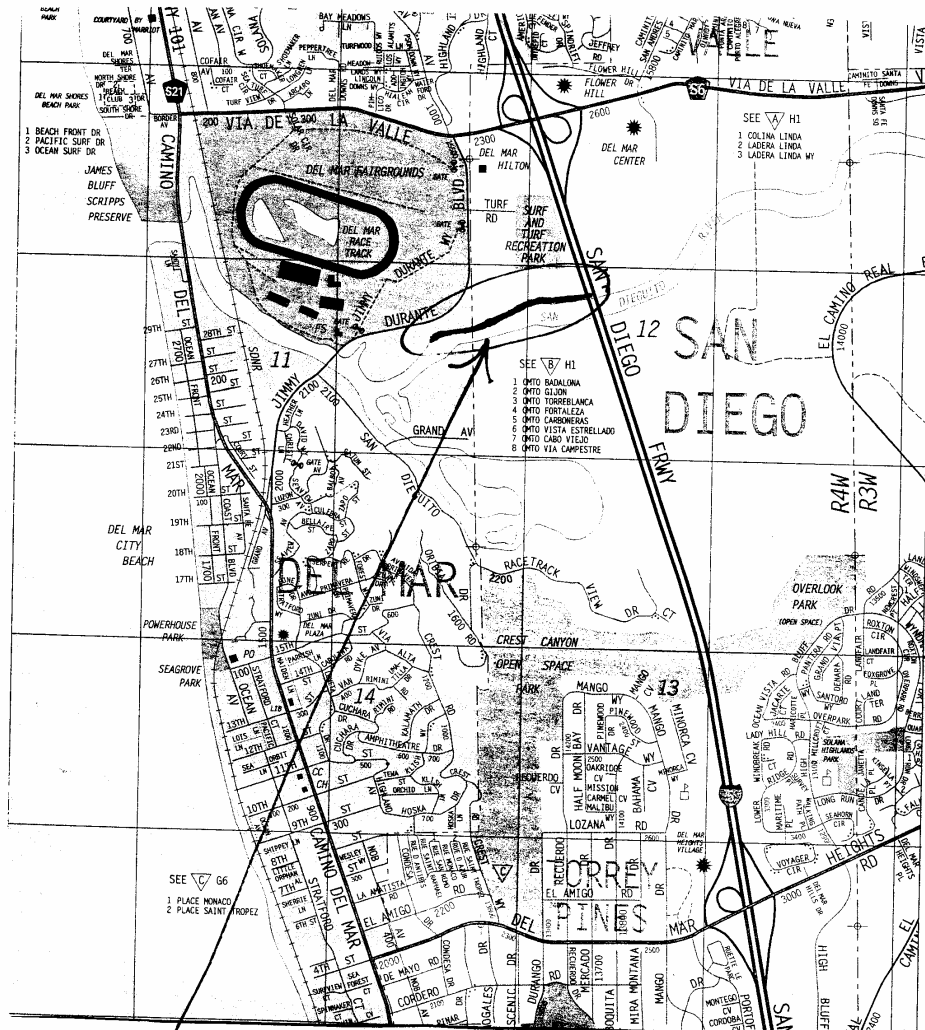
The 22nd District Agricultural Association (District) is the lead agency for purposes of CEQA review for Fairgrounds projects, and the Coastal Commission is a responsible agency. The District found the proposal categorically exempt from CEQA review pursuant to Class 33, Section 15333, as a small restoration 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, and the location of staging/storage areas, 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:

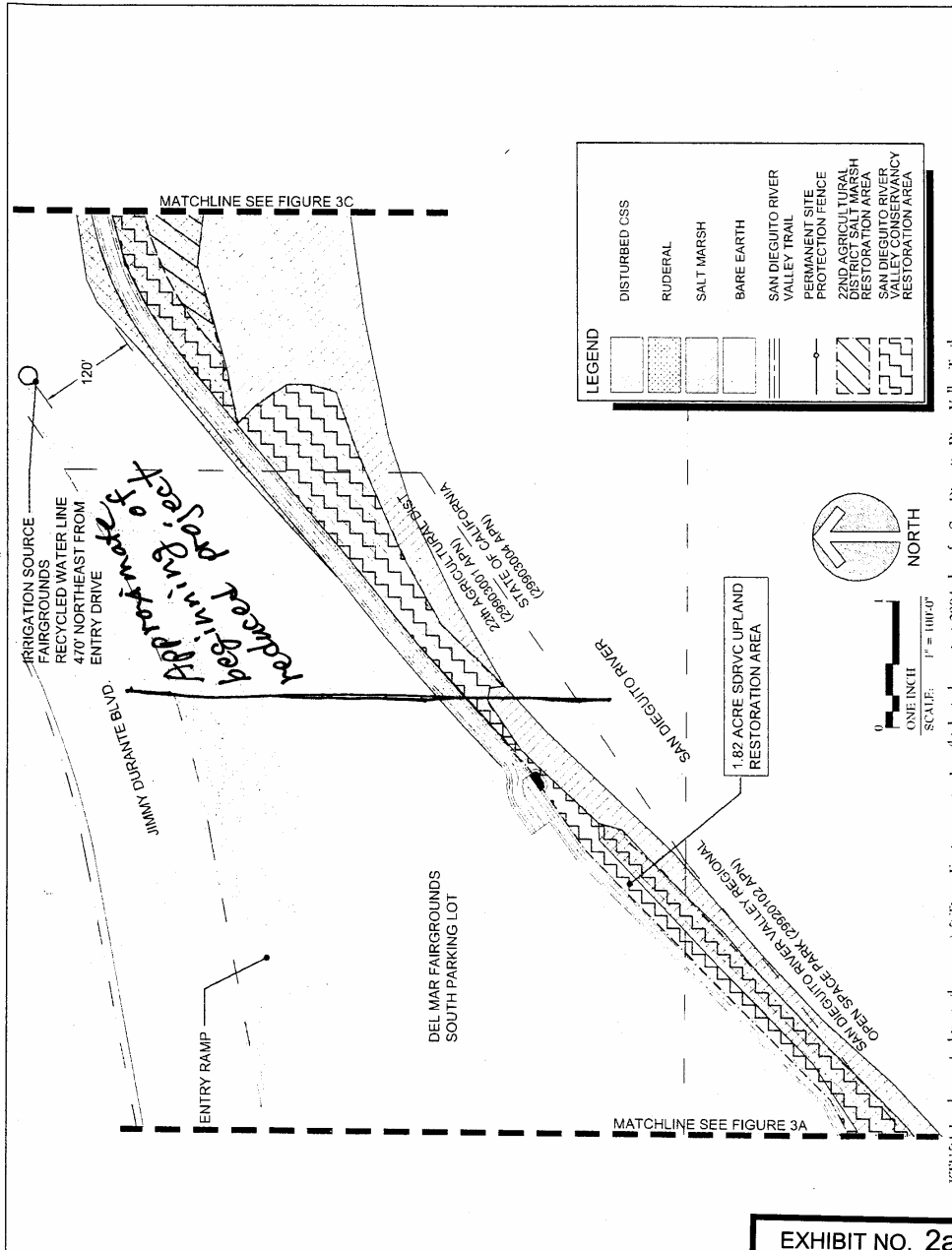
1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. 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.
6-06-119
Location Map
 California Coastal Commission

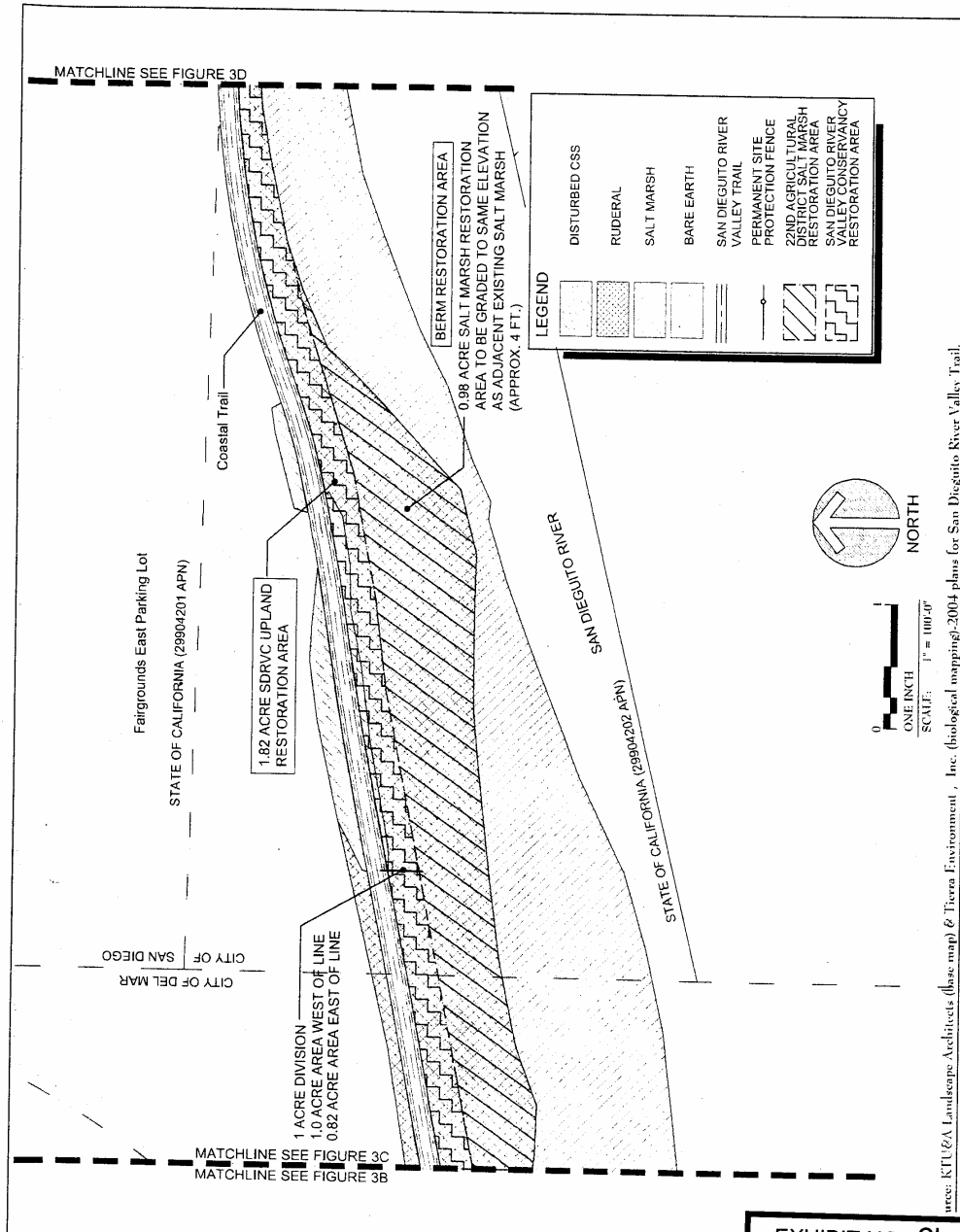


note: KTU&A Landscape Architects (base map) & Tierra Environment, Inc. (biological mapping), 2004 plans for San Dieguito River Valley Trail.



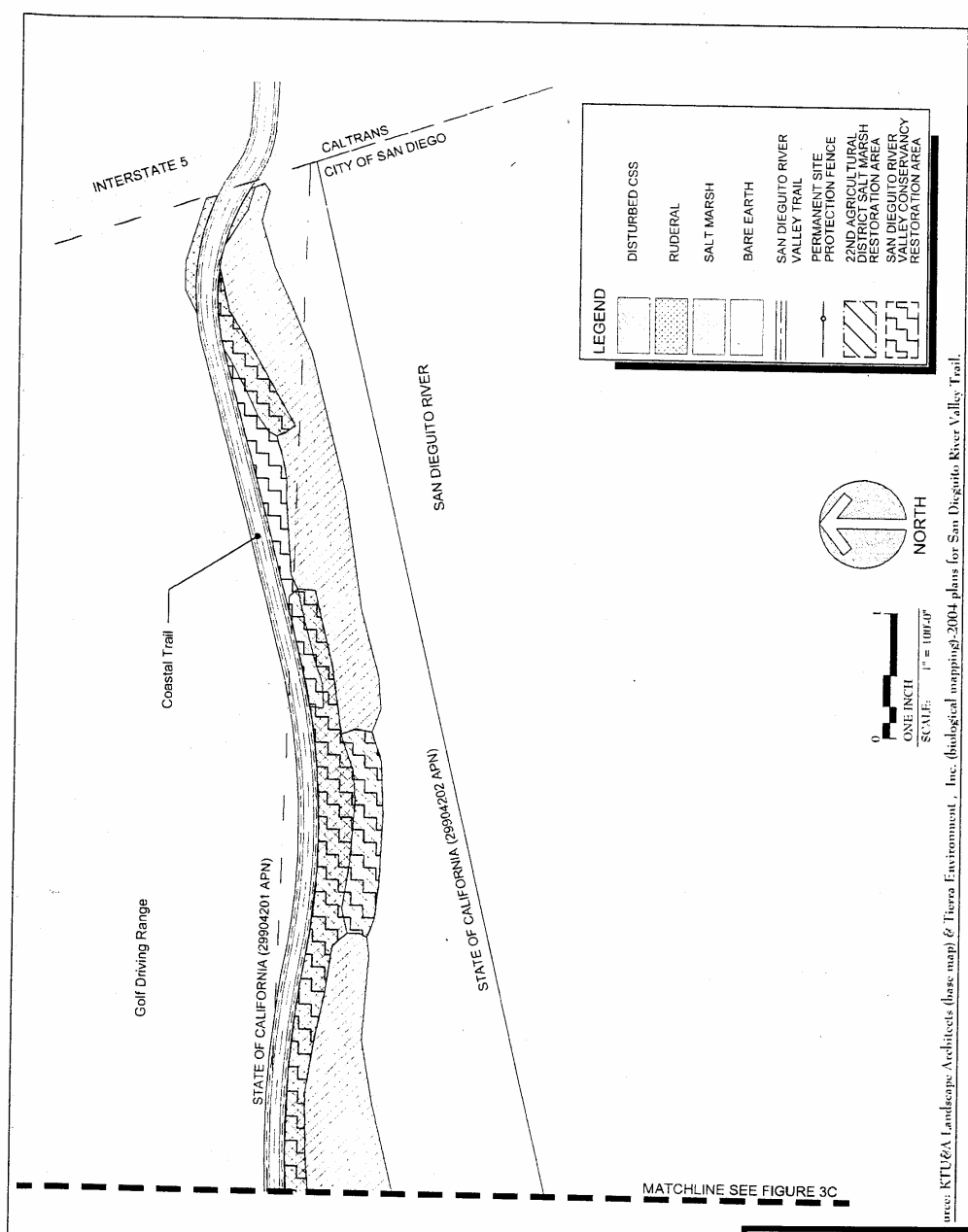
SAN DIEGUITO ESTUARY NORTH BANK RESTORATION
SAN DIEGUITO RIVER VALLEY CONSERVANCY
Aug. 2006

EXHIBIT NO. 2a
APPLICATION NO.
6-06-119
Site Plan
western part
California Coastal Commission



SAN DIEGUITO ESTUARY NORTH BANK RESTORATION
SAN DIEGUITO RIVER VALLEY CONSERVANCY
Aug. 2006

EXHIBIT NO. 2b
APPLICATION NO.
6-06-119
Site Plan
central part
California Coastal Commission



Source: KTU&A Landscape Architects (base map) & Tierra Environment, Inc. (biological mapping), 2004 plans for San Dieguito River Valley Trail.


 Burkhardt Environmental Consulting
SAN DIEGUITO ESTUARY NORTH BANK RESTORATION
SAN DIEGUITO RIVER VALLEY CONSERVANCY
 Aug. 2006

EXHIBIT NO. 2c
APPLICATION NO.
6-06-119
Site Plan
 eastern part


5.0 PERFORMANCE MONITORING PROGRAM

5.1 TIME FRAME AND PURPOSE

A simple monitoring program will be performed during the long-term maintenance period by SDRVC project staff to assess project revegetation success and determine if additional remedial measures may be required to meet project performance standards. The monitoring program will begin at the beginning of the 14-month long-term maintenance program.

5.2 HORTICULTURAL MONITORING

After each maintenance visit to the site a short memo will be prepared detailing the priorities for maintenance during the next site visit and any required repairs to the irrigation system.

5.3 BOTANICAL MONITORING

Annual Container Plant Survival Assessments


Annually in May dead container plants will be assessed to ascertain whether container plant success standards are being met and to determine replacement plan needs for the coming fall replacement plant period.

Cover Monitoring

Annually each year in May a visual determination will be made on the percent native and non-native cover on the site to determine the adequacy of weed control and the progress towards final vegetation cover standards.

Container Plant Height Assessments

A 20 % sample of each container planted species will be measured at the time of annual survival monitoring to measure progress towards project height performance standards.

EXHIBIT NO. 3
APPLICATION NO.
6-06-119
Monitoring Program
6 pages
 California Coastal Commission

5.4 MONITORING REPORTS

SDRVC shall make project progress reports to the Southern California Wetlands Recovery Project or permitting groups as required by terms of the project grants and permits.

6.0 PERFORMANCE STANDARDS AND REMEDIAL MEASURES

6.1 PURPOSE AND BASIS FOR STANDARDS

This section defines a set of annual performance standards for evaluating the progress of the restoration plantings. These standards are designed to ensure the successful reestablishment of the intended coastal sage scrub cover in the Plan. These standards will also be used to determine whether to implement remedial measures to correct shortfalls in project progress. Potential remedial measures are discussed with each standard. The Project Manager will have discretion to have maintenance workers implement appropriate measures, or determine whether additional measures are necessary. Performance standards are discussed below and summarized in Table 3.

6.2 EROSION CONTROL STANDARD

Standard

No significant erosion will be allowed to runoff from the Restoration Area into adjacent wetlands that would damage vegetation cover or significantly effect river water quality.

Remedial Measures

Significant erosion will be reported to the Project Manager and repaired immediately by either DAA staff or volunteer maintenance workers. If required, standard erosion control practices will be used to stabilize eroding areas including: silt fence repair, straw wattles, and additional seeding.

6.3 PLANT ESTABLISHMENT STANDARD

Container Plant Survival Standard

Container plant survival will be 100% at the end of the first year after planting (8 months after the start of long-term maintenance period) or plants will be replaced with the same size and species as originally planted. In Years 2 and 3 container plant survival will be 90%. Naturally occurring seedlings may be used to replace dead container plantings if found in the vicinity of dead plants.

Remedial Measures

Container losses below Plan standards will be replaced in the fall of each year from October 1 to the end of December. Additional species may also be substituted by the Restoration Biologist if considered necessary to achieve this success standard.

6.4 ESTABLISHMENT OF SEEDED SPECIES STANDARD

Standard

For the project to be considered successful, all seeded species (except initial nurse crop annuals) will be established within the site at the end of the 14-month monitoring program.

Remedial Measures

If seeded species fail to establish, then either additional seeding will be undertaken or container plants of these species may be planted. The Restoration Biologist may recommend alternate species for replacement should any of the seeded species fail to be adapted to final site ecology.

6.5 VEGETATION COVER STANDARD

Standard

To be considered a success, intended native cover will attain 80% at the end of 3 years. Other non-planted native species appropriate to final cover will be included in the final cover evaluation.

Remedial Measures

If seeded species fail to establish adequate cover, then either additional fertilization, irrigation, or seeding may be recommended.

6.6 CONTAINER HEIGHT STANDARD

Standard

All container plantings will achieve an average height of 18-inches at the end of 3 years.

Remedial Measures

If coastal sage scrub container plantings fail to achieve adequate height, then either additional fertilization, irrigation, or replanting may be considered.

6.7 WEED COVER

Annual Non-native Weed Cover Standard

The goal will be to eradicate the majority of non-native annual and perennial weed species from the Restoration Area during the 14-month monitoring program. For the project to be considered successful no more than 20% of cover will consist of non-native species at the end of any year of the monitoring period. This cover will be determined by visual estimate in May each year.

Invasive Exotic Species Standard

There will be no invasive exotic weed species found within the Restoration area or within 100 feet of the its limits during the 14-month maintenance period. The goal will be to attain 100% control of invasive exotic weed species on an annual basis throughout the 14-month monitoring effort, including any new seedlings that may establish during this period. The species most important to eradicate are tamarisk, myoporium, and giant reed.

Remedial Measures

Standard hand weed control measures will be used to achieve weed control goals. Herbicide application will be used only as a measure of last resort for general weed control but will be necessary for invasive exotic weed control. Only herbicides approved for aquatic use will be applied within the project limits. Replanting may be used to revegetate areas of weed dominance.

6.6 IRRIGATION**One Summer Without Irrigation Standard**

To be considered successful the restoration plantings must be in a healthy condition after a minimum of one summer (June to September) without irrigation.

Remedial Measures

If this standard cannot be met then the long-term monitoring period may be extended.

TABLE 3
PROJECT PERFORMANCE STANDARDS

<u>Type</u>	<u>Standard</u>
1. Erosion Control wetlands	No significant erosion of soils into wetlands
2a. Establishment of Container Species	100% survival during Year 1* 75% survival Years 2 and 3*
2b. Establishment of Seeded Species	Establishment of all species seeded (excludes annual nurse crop species)
3. Canopy Cover	70% at 3 years
4. Coastal Sage Scrub Container Plt. Heights	18-inches at 3 years
5a. Weed Cover - Invasive Exotics	None within site or 100 feet from site annually
5b. Weed Cover - Non-natives	Not above 20% annually
6. Survival Without Irrigation	Successful plantings after one summer (June-Sept.) without supplemental irrigation

* Native volunteers may be used to meet these standards and to replace dead container plantings