

## CALIFORNIA COASTAL COMMISSION

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# Th 19b

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49th Day: September 30, 2008  
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Staff: Ellen Lirley-SD  
Staff Report: September 25, 2008  
Hearing Date: October 15-17, 2008

REGULAR CALENDAR  
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-08-074

Applicant: 22<sup>nd</sup> District Agricultural Association, Attn: Becky Bartling                      Agent: Dustin Fuller

Description: Replacement of an existing, approximately 35-year old, 8-inch sewer pipeline (to be capped and remain in place) with a new 8-inch forcemain encased in a 14-inch pipeline under the San Dieguito River, to be installed utilizing directional drilling.

Site: Southwest portion of Fairgrounds, south of existing exhibit halls, to northern portion of the Del Mar Public Works Yard, between Jimmy Durante Boulevard and the railroad tracks, Del Mar, San Diego County. APNs 299-030-01 and 299-030-02

Substantive File Documents: 1985 Del Mar Fairgrounds Master Plan Update and draft 2000 Del Mar Fairgrounds Master Plan Update; certified City of Del Mar LCP

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STAFF NOTES:

Summary of Staff's Preliminary Recommendation: Staff recommends approval of the proposed forcemain replacement, with special conditions addressing water quality issues. Although the existing sewer pipe is fairly old, the primary reason for its replacement is to accommodate the San Dieguito Restoration Plan, which must dredge the river in this location. It has been determined that the project is an incidental public service use which is one of the permitted uses for fill of coastal waters and wetlands. As proposed, the trenching and horizontal directional drilling (HDD) operation for installation of the pipeline will not have any direct or indirect impacts to environmentally sensitive habitat including wetlands and open waters. Because there is a potential for accidental spill of drilling fluids during HDD operation, the project has been conditioned to require a Monitoring and Spill Contingency Plan so that any accidental spill of drilling fluid (bentonite) is immediately cleaned up and the site restored. Other conditions include the submission of final plans that include grading and erosion control plans, identification of

where any exported spoils will be deposited, the submission of permits or authorization from other agencies and an assumption of risk.

Chapter 3 of the Coastal Act is the legal standard of review.

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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. 6-08-074 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. Project Modifications. Only that work specifically described in this permit is authorized. Any additional work requires separate authorization from the Executive Director. **If, during construction, site conditions warrant changes to the project, the San Diego District office of the Coastal Commission shall be contacted immediately and before any changes are made to the project in the field.** No changes to the project

shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

2. Construction Best Management Practices. The applicant shall comply with all parameters of the Construction BMP Plan, Del Mar Fairgrounds, Sewer Force Main Replacement, prepared by Fuscoe Engineering and dated July, 2008. No changes to the BMP Plan shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

3. Drilling Fluid Monitoring and Spill Contingency Plan.

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for Executive Director approval a copy of the construction bid documents identifying that the contractor shall prepare a project-specific Fluid Monitoring and Spill Contingency Plan that includes, at a minimum: (a) an estimate of a reasonable worst case release of drilling fluids into the San Dieguito River or Pacific Ocean caused by project operations; (b) a clear protocol for monitoring and minimizing the use of drilling fluids during directional drilling operations, including criteria for identifying an unanticipated drilling fluid release and proposed fracture sealants; (c) a response and clean-up plan in the event of a spill or accidental discharge of drilling fluids; (d) a list of all clean-up equipment that will be maintained on-site; (e) the designation of the onsite person who will have responsibility for implementing the plan; (f) a telephone contact list of all regulatory and public trustee agencies having authority over the development and/or the project site and its resources to be notified in the event of a spill or material release; and (g) a list of all fluids, additives, and sealants that will be used or might be used, together with Material Safety Data Sheets for each of these materials.
- B. **PRIOR TO COMMENCEMENT OF CONSTRUCTION**, the applicant shall submit a copy of the final Fluid Monitoring and Spill Contingency Plan prepared by the contractor and in substantial conformance with the parameters specified above in the construction bid documents.
- C. In the event that a spill or accidental discharge of drilling fluids occurs during the drilling operations, all construction shall cease and shall not recommence except as provided in subsection (D) below:
- D. Following discovery of a spill or accidental discharge of drilling fluids, the permittee shall submit to the Executive Director a revised project and restoration plan prepared by qualified professional(s) that provides for: (1) necessary revisions to the proposed project to avoid further spill or accidental discharge of drilling fluids; and (2) restoration of the area(s) affected by the spill or accidental discharge to pre-project conditions. The revised project and restoration plan shall be consistent with any applicable requirements of the USFWS, ACOE, DFG and/or SDRWQCB. The revised project and restoration plan shall be processed

as an amendment to the coastal development permit. Construction may not recommence until after an amendment to this permit is approved by the Commission, unless the Executive Director determines that no amendment is legally required.

The permittee shall undertake the directional drilling in accordance with the approved spill contingency plans. Any proposed changes to the approved spill contingency plans shall be reported to the Executive Director. No changes to the approved plan shall occur without a Commission 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 city, state or federal discretionary permits for the development authorized by CDP #6-08-074. The applicant shall inform the Executive Director of any changes to the project required by other city, state or federal agencies. Such changes shall not be incorporated into the project until the applicant obtains a Commission amendment to this permit, unless the Executive Director determines that no amendment is legally required.

5. 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 frac-out or 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.

#### IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. The applicant proposes to replace an approximately 35-year-old, 8-inch sewer line running beneath the San Dieguito River with a new facility to be located slightly west of the existing pipe. The new project shall consist of an 8-inch diameter sewer forcemain encased in a 14-inch diameter pipe that will be directional drilled under the San Dieguito River at a lower elevation than the existing pipe, which will be capped and abandoned in place. The entrance to the drilling pit is located on the Del Mar Fairgrounds, west of Jimmy Durante Boulevard, south of the existing exhibit halls, and a minimum of fifty feet north of the riverbank. The exit point is within the Del Mar Public Works Yard, and also a minimum of fifty feet from the riverbank. The northern end of the new pipeline will connect with the existing pump station on the Fairgrounds, and, on the southern side of the river it will connect with an existing 15-inch gravity sewer line within the public works yard. A small amount of open trenching will be required at either end to facilitate these connections.

Both inner and outer pipes will be constructed of thick wall, high density polyethylene with welded joints. Wastewater will only flow through the inner pipe, with the outer one providing an added level of safety in case of pipeline failure. Also, communications wiring for monitoring sensors to be located in the public works yard will be run under the river through the outer pipe, and a monitoring manhole will be installed on the Fairgrounds to allow manual inspection of the pipe. Staging areas are identified on both ends, occupying 15,000 sq.ft. within a paved asphalt and bare dirt area of the Fairgrounds used for RV parking, 4,000 sq.ft. of the developed public works yard.

The project is located within two permit jurisdictions with two different legal standards of review. The Fairgrounds, being comprised mostly of filled tidelands, along with the riverbed, are areas of original jurisdiction where permit authority is held by the Coastal Commission and Chapter 3 of the Coastal Act is the standard of review. The Del Mar Public Works Yard is within the City of Del Mar's LCP, with coastal development permits being issued by the City with the certified LCP as the standard of review. Thus, although the entire project has been described to present the full picture, this permit only addresses those areas within the Coastal Commission's jurisdiction, which includes all portions of the development except for a small portion located at the Del Mar Public Works Yard.

2. 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.

**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. (Emphasis added)

(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.

[. . .]

The applicant's existing sewer system collects sewage 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). It is then pumped to a sewage treatment facility through the existing pipe under the San Dieguito River. The existing pipe sits only a few feet under the riverbed, and will be only one or two feet below the riverbed after dredging associated with the San Dieguito Restoration Plan commences in the winter of 2009. That dredging is intended to keep the downstream inlet open permanently and increase the tidal prism in the lagoon, and thus must be maintained at dredged levels. Because of the shallow depth of the existing pipe, it could even be exposed during the rainy season if heavy rains cause significant scouring of the river.

The new pipe will be located between 22 – 27 feet below the riverbed after dredging, and will be a minimum of 14 feet below the deepest level of potential scour. This will significantly reduce the potential for pipe failure compared to existing conditions. In addition, the new forcemain will have electronic sensors to give early warning of any blockages or fluid in the outer pipe, and a manhole to accommodate manual inspections.

As cited above, the Coastal Act requires that environmentally sensitive habitat areas be protected from the adverse impacts associated with new development. However, in this case, the proposed project has been designed to avoid all direct and indirect impacts to sensitive habitats and work will occur outside the bird breeding season. Therefore, all impacts are anticipated to occur within the project footprint which does not contain environmentally sensitive habitat. The nearest sensitive vegetation are a couple wetland species growing through the riprap on the river banks, along with a number of exotic species. All project components are located a minimum of fifty feet from either bank, so there will be no impact to biological resources.

Horizontal Directional Drilling (HDD) is a widely used method of installing buried pipelines with a minimum of environmental impact. HDD is a process whereby the hole is bored using electronic guidance equipment to provide continuous, accurate monitoring of the drill bit position. The HDD process also involves the use of a drilling fluid that lubricates the drill, transports the spoils and stabilizes the drilled hole.

Although the project has been designed to avoid impacts to the environmentally sensitive habitat, there is a potential for the HDD to cause inadvertent return of drilling fluids into the river. Although the purpose of this technique is to avoid open trench impacts, there is potential to impact biological resources through hydrofracture and inadvertent returns

(“frac-outs”) of bentonite drilling fluid and cuttings, which could impact aquatic resources during construction. Drilling fluids are typically 97% water and 3% bentonite, a naturally occurring, non-toxic clay mineral commonly found in food products.

In the event a hydrofracture or frac-out occurs, best management practices (BMPs) will be employed to ensure proper cleanup and containment of all drilling fluid. During a “frac-out”, the drilling fluid can reach the surface and produce a coating that will potentially smother organisms or decrease available habitat upon which these organisms depend. The applicant has incorporated specific BMP’s into their construction to prevent inadvertent returns and to quickly contain and clean up any inadvertent returns. The applicant proposes to use divers such that the area above the drilling bit is visually monitored at all times for signs of frac-out.

A preliminary monitoring and spill contingency plan was submitted with the permit application. However, it did not contain all the specificity desired by the Commission’s geologist. Special Condition #3 requires the applicant to prepare construction bid documents containing all the specific parameters recommended by the staff geologist prior to issuance of the permit. Then the condition requires that, prior to commencement of construction, a final plan incorporating all concerns shall be submitted for Executive Director approval.

The applicant also submitted a construction BMP plan identifying the precautions to be taken to protect construction sites from erosion. In addition to the usual components of such a plan, the plan includes additional erosion and sediment control features since the development will occur during the rainy season. These are all contained in the plan referenced in Special Condition #2, which requires the applicant to implement the plan as proposed. The condition also advises that any changes to the plan must be reported to the Executive Director and may require an amendment to this permit. Similarly, Special Condition #1 provides the same reporting and potential amendment requirement for the project as a whole, not just the construction BMP portion.

#### Incidental Public Purpose.

Section 30233 of the Act prohibits diking, filling or dredging of open coastal waters, wetland or estuaries unless it is for one of eight permitted uses. In addition, if it is one of the eight permitted uses, it must also be the least environmentally damaging alternative and must minimize and mitigate any adverse environmental impacts. In this case, the proposed project involves the installation of a replacement sewer forcemain for the 22<sup>nd</sup> District Agricultural Association. The existing section of pipeline that crosses under the San Dieguito River is about 35 years old and is considered past its prime. Failure of this aged pipeline within the river could result in thousands of gallons of raw sewage entering into the river and ocean waters. There is no proposed increase in pipe size and, although the pipe will be in a slightly different alignment, the project is considered maintenance of an existing sewer forcemain consistent with Section 30233(a)(5) of the Act which allows for fill of coastal waters and wetlands for an incidental public service project.



Section 30233(c) limits fill in certain wetlands identified by the Department of Fish and Game, including San Dieguito, to very minor incidental public facilities, restorative measures, and nature study. In this case, however, no fill of coastal waters or wetlands is proposed. The applicant is proposing to install the pipeline approximately 25 feet below the river (including the upcoming dredging project associated with the restoration plan) using the HDD process without disruption to coastal waters or wetlands. It is unclear whether drilling this far under wetlands, constitutes “diking, filling or dredging” of wetlands as described in Section 30233 of the Coastal Act. However, in this particular case, the proposed development meets the above requirements. As discussed previously, no portion of the proposed sewer pipe would be installed directly within wetlands or open water. Section 30233 of the Coastal Act allows for the installation of incidental public service purposes, including, but not limited to burying pipe within wetlands.

However, if an unintended frac-out should occur during the HDD operation resulting in the release of the bentonite drilling fluid to the surface above, then fill in coastal waters will have occurred. Although the project is an acceptable use as an incidental public service project, any such fill of coastal waters with bentonite fluid will need to be cleaned-up, removed and the site restored as Section 30233 also requires mitigation measures be provided to minimize adverse environmental effects. As cited above, Special Condition #3 addresses this issue.

#### Alternatives.

Section 30233 also requires that the project be the least environmentally damaging alternative. In this particular case, the proposed forcemain is relatively short (approximately 500 feet) and must connect to existing fixtures at either end; the proposed alignment is the shortest safe distance between those points. The applicant is very limited in considering any other alignment. As a result of input from the Commission’s staff geologist, the elevation of the proposed forcemain has been lowered as much as possible to still maintain safe angles of entry and exit. Moreover, the project as designed will have no adverse impacts on any biological resources.

In summary, the applicant has identified that the proposed development is a necessary sewer pipeline replacement project which has been designed to avoid adverse impacts to coastal waters. The Commission thus finds that the proposed development is an allowable use under Section 30233. In addition, by drilling under coastal waters, the proposed project presents a feasible less environmentally damaging alternative to having to directly fill wetlands or the river to accommodate a trenching project, and therefore involves the least environmentally damaging alternative, avoiding all biological impacts. As conditioned, feasible mitigation is required to minimize all significant adverse impacts that may occur as a result of the accidental release of bentonite drilling fluid to the surface of the lagoon. Therefore, the Commission finds the proposed development, as conditioned, is consistent with Sections 30230, 30231, and 30233 of the Coastal Act.

3. Geologic Stability. The Coastal Act contains policies to assure that new development provides structural integrity, minimizes risks to life and property in areas of high flood hazard, and does not create or contribute to erosion:

**Section 30253**

New development shall:

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

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

The project involves the construction of an approximately 500 ft. long replacement sewer forcemain approximately 25 ft. below the San Dieguito River using horizontal directional drilling (HDD) methods. To ensure that the construction of the pipeline is designed and undertaken in a manner to avoid any impacts to coastal resources associated with development within the inherently geologically unstable coastal settings, the applicant contracted a geotechnical engineering investigations for the project (Ref. "Geotechnical Evaluation Del Mar Fairgrounds Sewer Relocation" by Ninyo & Moore, dated July 28, 2008) and designed the project accordingly. According to the Commission's staff geologist, this project should encounter good drilling conditions, with minimal risk of frac-out or inadvertent return of drilling fluids to the surface. The staff geologist has reviewed the geo-technical report and has concluded that with the provisions for a drilling fluids release contingency plan in place as described above, the development's exposure to and instigation of geologic instability would be minimized consistent with Section 30253.

Additionally, the Commission attaches Special Condition #5, which requires the applicant to assume the risks of frac-outs, damage to the proposed pipeline, and other destruction or injury due to hazards from erosion, and geologic instability and waive any claim of liability on the part of the Commission. Given that the applicant has chosen to implement the project despite these risks, the applicant must assume the risks. In this way, the applicant is notified that the Commission is not liable for damage as a result of approving the permit for development. The condition also requires the applicant to indemnify the Commission in the event that third parties bring an action against the Commission as a result of the failure of the development to withstand hazards.

Thus, the project as proposed and conditioned would assure stability and structural integrity, primarily because the sewer forcemain has been designed with site-specific conditions taken into account, utilizing established design principles to ensure the structure can adequately withstand the geophysical and hydraulic forces it would be exposed to during the economic lifespan of the facility. Therefore, the Commission finds

the project as designed and conditioned would minimize risks to life and property in areas of high flood hazard or frac-outs during construction, and assure stability and structural integrity of the site and its surroundings, as required by Section 30253.

4. Public Access and Recreation. The Coastal Act emphasizes the need to protect and provide for public access to and along the coast, and to provide low cost recreational facilities, particularly in new development projects. The following Coastal Act policies are applicable to the proposed development:

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 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. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

In addition, Section 30604(c) of the Coastal Act requires that a specific access finding be made in conjunction with any development located between the first coastal roadway and the sea, indicating that the development is in conformity with the public access and public recreation policies of Chapter 3. The proposed project will be located between the sea (San Dieguito River) and the first coastal roadways (Via de la Valle in Del Mar and I-5 and Mango in the City of San Diego). Public access to and along the shoreline to the west of the subject site will be generally unaffected by the proposed development. However, folks do occasionally walk along the river within the Del Mar Fairgrounds property, and along a public trail north of the Del Mar Public Works Yard. Since the forcemain will not surface until fifty feet within the public works yard there will be no interference with traffic along the path, and the public works yard itself is a fenced industrial site with no public access. No one will be permitted to walk along the river on the Fairgrounds while construction equipment is present and construction activities are

ongoing. However, such restrictions will only occur for an approximately 6-week period during the winter months.

In addition, adequate public access exists along the shoreline and elsewhere within the river valley. Public access throughout the area will further improve upon completion of the San Dieguito Restoration Plan, which can't occur until the subject project is built. Therefore, since no permanent adverse impacts to public access will occur as a result of this project and adequate access currently exists along the shoreline, the proposed project is consistent with the public access and recreation policies of the Coastal Act.

5. Local Coastal Planning. Although the northern portion of the site is in an area of original jurisdiction within the Del Mar Fairgrounds, and thus not subject to the policies and regulations of Del Mar's certified LCP, the exit point on the south side of the river is within the Del Mar Public Works Yard. That site is within the City's LCP jurisdiction, so the exit portion of the project is not approved pursuant to the subject permit. Any necessary coastal development permits for that portion will be addressed at the local level. Moreover, as needed infrastructure, the project is consistent with the Fairgrounds/Racetrack land use designation and zone of that plan. The District is currently working on a complete update of its 1985 Master Plan, but the new document has not undergone full review as yet. However, the draft plan does identify replacing and/or upgrading various infrastructure facilities within or connecting to the Fairgrounds as a goal. The preceding findings have demonstrated that the proposal, as conditioned, is consistent with all applicable Chapter 3 policies of the Coastal Act. Therefore, the Commission finds that approval of the proposed development, along with the attached special conditions addressing water quality, and development in hazardous areas, will not prejudice the planning abilities of the District.

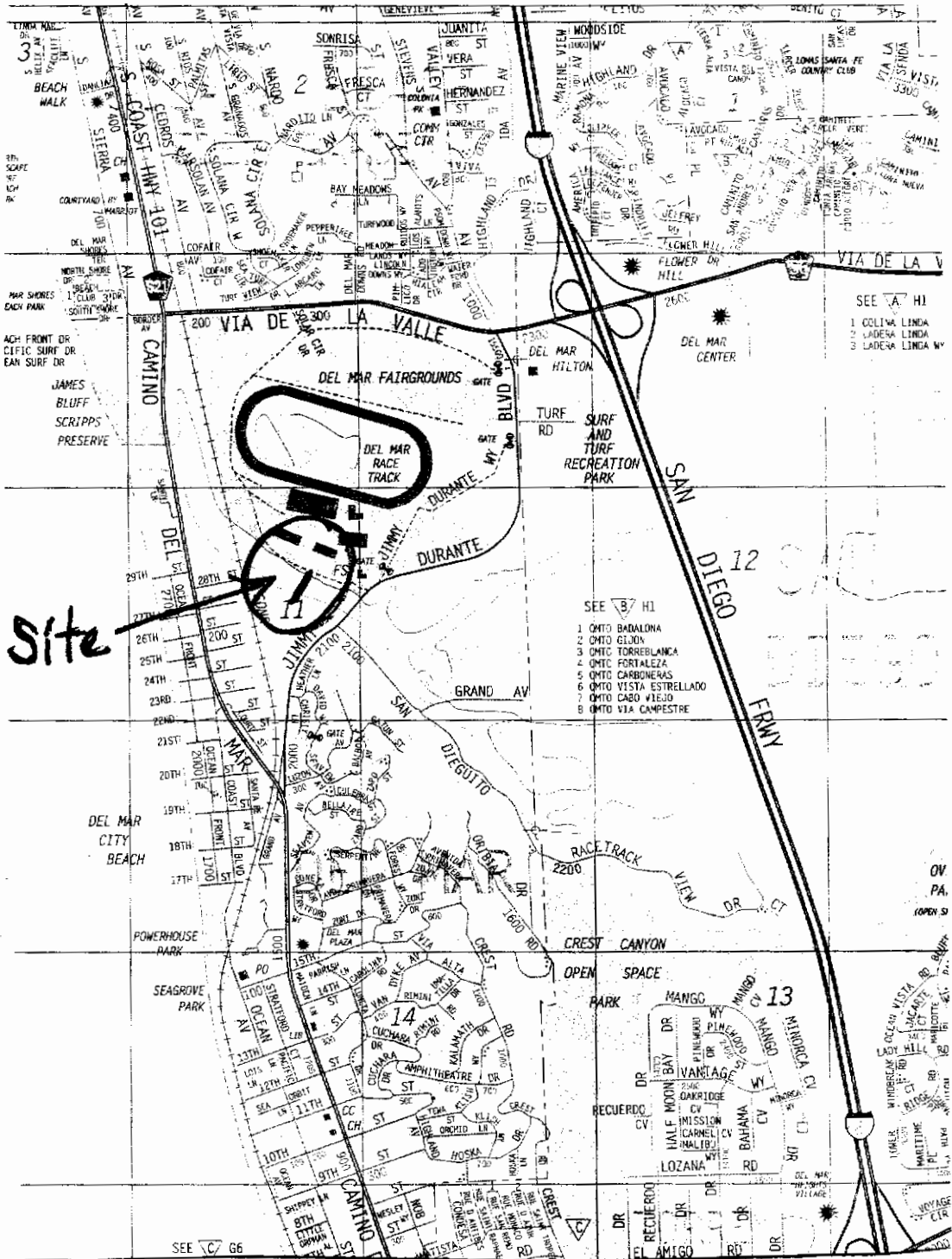
6. Consistency with the California Environmental Quality Act (CEQA). Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of 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 water quality concerns and acknowledgement/acceptance of the hazards of floodplain construction 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.

6-08-074



Site

- SEE  $\Delta$  H1
- 1 COLINA LINDA
  - 2 LADERA LINDA
  - 3 LADERA LINDA W

- SEE  $\nabla$  B7 H1
- 1 QMTO BADALONA
  - 2 QMTO GIRON
  - 3 QMTO TORREBLANCA
  - 4 QMTO FORTALEZA
  - 5 QMTO CARBONERAS
  - 6 QMTO VISTA ESTRELLADO
  - 7 QMTO CABO VIEJO
  - 8 QMTO VIA CAMPESTRE

SEE  $\nabla$  G6

OV  
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**EXHIBIT NO. 1**  
**APPLICATION NO.**  
**6-08-074**  
**Location Map**

California Coastal Commission

6-08-074

original depth

revised depth

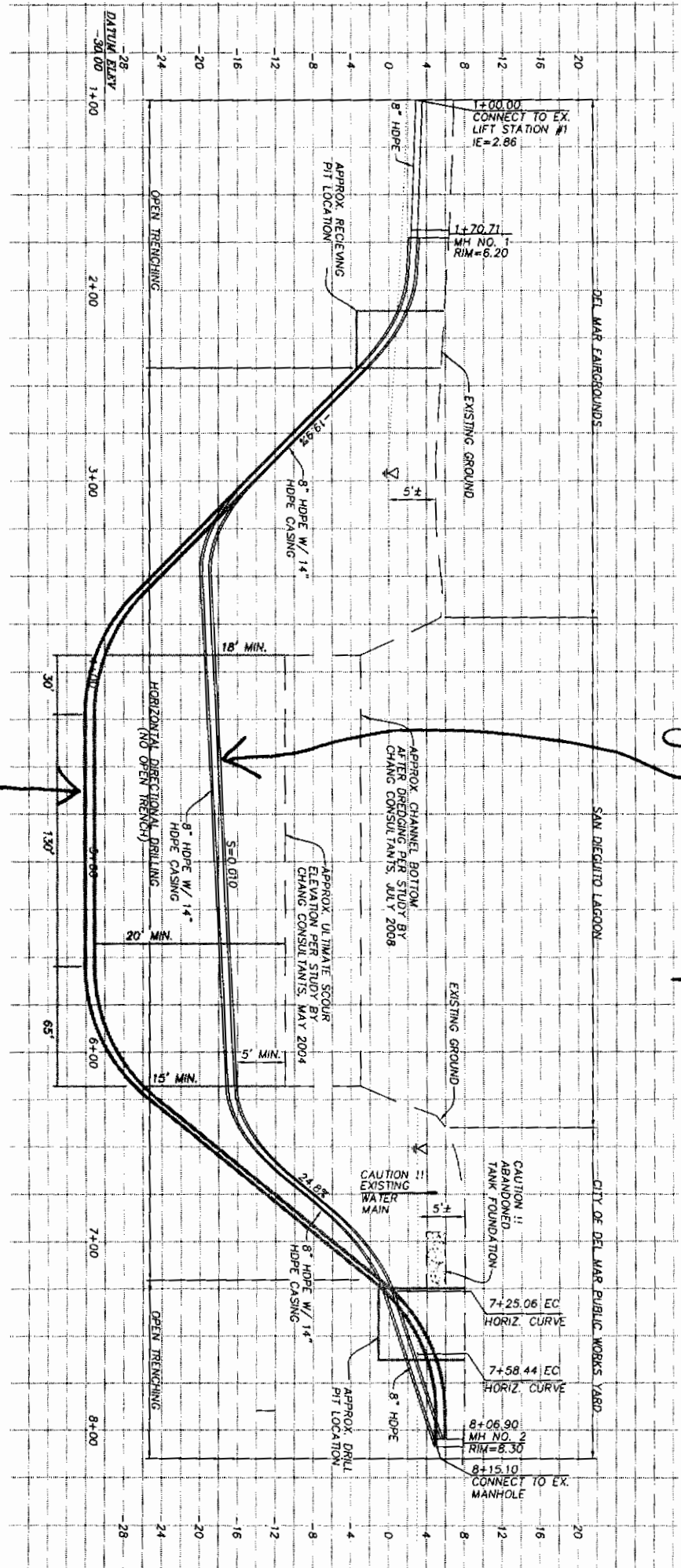


EXHIBIT NO. 2
APPLICATION NO.
<b>6-08-074</b>
Site Plan