

**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO AREA  
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# F12c

Filed: September 16, 2011  
49th Day: November 4, 2011  
180th Day: March 14, 2012  
Staff: Gabriel Buhr - SD  
Staff Report: October 12, 2011  
Hearing Date: November 2 – 4, 2011

MATERIAL AMENDMENT  
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-04-029-A1

Applicants: 22<sup>nd</sup> District Agricultural Association  
San Dieguito River Park Joint Powers Authority (JPA)

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

Proposed Amendment: The amendment proposes the construction of the San Dieguito River Park's Coast to Crest Trail extension through the "Horsepark" segment of the river valley. The project also includes the grading of an existing grass horse ring to accommodate the trail.

Site: 14550 El Camino Real, North City, San Diego, (San Diego County)

Substantive File Documents: City of San Diego certified LCP; Coastal Development Permits #6-04-029 and #6-04-088.

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**STAFF NOTES:**

**Summary of Staff's Preliminary Recommendation:** Staff recommends approval of the proposed amendment with special conditions addressing construction timing, future tree removal, final fencing and trail design plans, and restrictions on future riverbank armoring. The ability to provide improved public access adjacent to sensitive coastal resources and through an already constrained area, is the primary issue raised by this proposal; this is resolved through the recommended modifications to the pertinent special conditions.

**Exhibits:**

1. Regional Location Map
2. San Dieguito Lagoon and Horsepark Facility Map
3. Trail Site Plan
4. Fencing and Bridge Plans
5. Location of Horsepark access gate
6. Turf Ring Grading plan
7. Special Conditions of the original permit (6-04-029)

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**I. PRELIMINARY STAFF RECOMMENDATION:**

The staff recommends the Commission adopt the following resolution:

**MOTION:**     *I move that the Commission approve the proposed amendment to Coastal Development Permit No. 6-04-029 pursuant to the staff recommendation.*

**STAFF RECOMMENDATION OF APPROVAL:**

Staff recommends a **YES** vote. Passage of this motion will result in approval of the amendment 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 A PERMIT AMENDMENT:**

The Commission hereby approves the coastal development permit amendment on the ground that the development as amended and subject to conditions, 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 amendment 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 amended development on the environment, or 2) there are no feasible mitigation

measures or alternatives that would substantially lessen any significant adverse impacts of the amended development on the environment.

## II. SPECIAL CONDITIONS

The permit is subject to the following conditions:

1. Modify Special Condition 1 (No Future Channelization) as shown:

**1. No Future Channelization.** No channelization (i.e., berms, walls, riprap, shotcrete, etc.) or other substantial alteration of a river or stream shall ever be constructed for the purpose of protecting the development approved pursuant to Coastal Development Permit No. 6-04-29 from flooding **or erosion of the riverbank.** If threatened due to flooding, the trailers and other portable facilities shall be relocated or removed from the site until it is safe to return them, and all other structures shall be allowed to flood. By acceptance of this permit, the applicant hereby waives, on behalf of itself and all successors and assigns, any rights to construct such channelization or substantial alteration of a river or stream for the purpose of protecting the permitted development that may exist under Public Resources Code Section 30236.

2. Add Special Condition 11 (Timing of Construction) as shown:

**11. Timing of Construction.** To avoid potential impacts to coastal California gnatcatcher, southwestern willow flycatcher and least Bell's vireo nesting season, removal of existing vegetation and grading activities are not permitted between the dates of February 15<sup>th</sup> and September 15<sup>th</sup> of any year.

3. Add Special Condition 12 (Tree Removal) as shown:

**12. Tree Removal.** To avoid impacts to nesting birds removal of any trees located onsite will require an amendment to this permit unless new and updated biological survey information is provided to the Executive Director that describes that such tree removal will not adversely impact nesting birds.

4. Add Special Condition 13 (Final Plans) as shown:

**13. Final Plans.** **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the applicants shall submit to the Executive Director for review and written approval, final site, building and elevation plans for the permitted development. The final plans shall include an extension of the eastern trail terminus to El Camino Real Road or describe that the trail terminus in its current depicted orientation on the plans will be left open and accessible for public use. Said plans shall be in substantial conformance with the plans submitted by the 22<sup>nd</sup> Agricultural District association, dated September 30, 2011.

The permittees 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.

5. Add Special Condition 14 (Other Permits) as shown:

**14. Other Permits. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION,** the permittees shall provide to the Executive Director copies of all other required state or federal discretionary permits and local government ROW encroachment agreements for the development authorized by CDP #6-04-029-A1. The permittees shall inform the Executive Director of any changes to the project required by other state or federal agencies. Such changes shall not be incorporated into the project until the permittees obtain a Commission amendment to this permit, unless the Executive Director determines that no amendment is legally required.

6. Add Special Condition 15 (Prior Conditions of Approval) as shown:

**15. Prior Conditions of Approval.** All terms and conditions of the original approval of Coastal Development Permit #6-04-029 as amended, not specifically modified herein, shall remain in full force and effect and apply to the subject amendment.

III. FINDINGS AND DECLARATIONS

The Commission finds and declares as follows:

1. Amendment Project Description.

The proposed amendment includes one modification to the special conditions placed on the original permit (CDP #6-04-029), and adds 4 additional special conditions to the original permit.

The proposed project includes the eastern extension of the Coast to Crest Trail within the San Dieguito Lagoon River Valley from its existing terminus approximately one half mile to the east (Exhibit 1 and 2). The trail is proposed to be located along the northern perimeter of the San Dieguito River channel within a 25-foot buffer that presently exists between the riverbank and the Del Mar Equestrian Horsepark facilities (Horsepark), which are owned and operated by the 22<sup>nd</sup> District Agricultural Association (DAA). The Horsepark provides boarding facilities for horses as well as provisions for various equestrian activities including shows and competitive events. The 65 acre property itself houses stalls, show and training rings, and competition arenas. The San Dieguito River Park Joint Powers Authority (JPA) are responsible for implementing and maintaining the Coast to Crest Trail which when completed would extend from the ocean at Del Mar to the San Dieguito River's source on Volcan Mountain, just north of Julian, and cover a distance of 55 miles. The JPA and the

DAA have submitted the subject amendment application as co-applicants and have cooperatively worked on the trail design and orientation.

The proposed trail would be approximately 2,500 feet in length and fluctuate between ten and twelve feet in width depending on existing constraints (Exhibit 3). The proposed trail would be surfaced with a compressed aggregate and would be a multi-use trail accommodating pedestrian, bicycle and equestrian users. The proposed trail includes fencing on both sides of the trail (Exhibit 4). Along the trail's southern perimeter a four-foot high lodge pole style fence is proposed to keep trail users out of adjacent sensitive biological resources; this fence style would mimic other fencing approved by the Commission for the Coast to Crest Trail as a part of the large scale restoration project currently underway for the San Dieguito Lagoon (6-04-088). The northern edge of the trail is bordered by the Horsepark facilities and would be fenced by a six-foot high fence constructed with lodge pole posts connected with plastic covered mesh designed for both visual and physical security between the trail users and adjacent Horsepark events (horse boarding and show operations). This mesh fence would also include a gate to allow users of the Horsepark to access the proposed trail (Exhibit 5).

In order to accommodate the trail an existing grass show ring on the Horsepark property would need to be regraded (Exhibit 6). The application proposes to lower a portion of the existing ring in order to allow for the ring to shift north away from the river channel, allowing room for the trail while still maintaining the same usable area of the grass ring.

The trail would be located on a upper benched terrace above the river channel. The trail would cross five small non-jurisdictional drainage features on the Horsepark property, four of which would be crossed using puncheon type timber bridges, and the largest drainage would be spanned with a twenty-foot long prefab fiberglass bridge.

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

## 2. Description of Project Originally Approved.

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

### 3. Public Access.

Section 30604(c) of the Coastal Act requires that every coastal development permit issued for any development between the nearest public road and the sea include a specific finding that the development is in conformity with the public access and public recreation policies of Chapter 3. The following Coastal Act policies addressing public access are most applicable to the proposed development, 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 30213**

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

The proposed development would extend the Coast to Crest Trail from its current terminus approximately 2500 feet to the east through the Horsepark property. Although the potential future alignment of this portion of the trail was discussed associated with the original permit approval, ultimately the trail was not included as a part of the original approved project. The trail cooperatively designed by the DAA and JPA would be available for multiple types of users and would provide public access to portion of this coastal river valley and lagoon system currently unavailable to the general public.

The trail design plans submitted with the subject application do not adequately describe the new, eastern terminus of this section of the Coast to Crest Trail (Exhibit 3). Rather than extending completely to the nearest cross street, El Camino Real, the trail ends approximately 50 feet west of the road. In this alignment, the trail would not be readily accessible or available to the public. Furthermore, due to a lowered elevation from the cross street, the trail terminus would be visually unavailable to the public from the street creating an impediment to trail identification. The plans also do not effectively describe how the proposed trail extension would end, and it is unclear if public users of the trail would be permitted to walk across the remaining Horsepark dirt parking lot in order to continue to El

Camino Real. Additionally, given the current location of the dirt parking lot, there are no assurances that parked cars would not impede access to the eastern terminus of the trail in this location. In order to remedy these uncertainties, the Commission has added **Special Condition #13** to the permit requiring that revised final plans be submitted that clarify that the final trail terminus would extend completely to El Camino Real, or alternatively, that public users would be able to access El Camino Real through an open/ungated trail terminus that would allow for access across the parking lot.

The Commission finds that only as conditioned as described above, can the proposed development be found consistent with Sections 30210, 30211 and 30213 of the Coastal Act which require public access and recreation opportunities be protected.

#### 4. Biological Resources.

The following Coastal Act policies related to biological resources and water quality are most applicable to the proposed development, and state, in part:

##### 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 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:

... (6) Restoration purposes. ...

(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Game, including, but not limited to, the 19 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California", shall be limited to very minor incidental public facilities, restorative measures, nature study, commercial fishing facilities in Bodega Bay, and development in already developed parts of south San Diego Bay, if otherwise in accordance with this division. ...

### **Section 30240**

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

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

The original permit (CDP #6-04-029) for the developments within the larger Horsepark facility also included the creation of buffers along the adjacent river channel. Given the constraints created by the location of the existing development and the orientation of the river channel, the Commission approved the applicant's proposal that along the northern riverbank a buffer of only an average of 25 feet could be accommodated in most places, and in some places given constraints the buffer would be even more narrow; however, the Commission also then required a 175 foot buffer along the southern river bank. An enhancement plan for buffers on both banks of the river was required under the original permit, and the north buffer was required to be restored. Ideally, the southern restoration plan would link up with future restoration plans for adjacent lagoon properties. Discussions were also initiated regarding the potential location for a connection for the Coast to Crest Trail across the Horsepark property but due to funding limitations, a trail was not included as a part of the original permit submittal.

The proposed trail would be located on a benched terrace above and outside of the riverbank and channel. The trail would be located outside of wetland jurisdictional areas, and other than some minor trimming of adjacent willow branches, no impacts to existing habitat is anticipated. The proposed location of the trail within the buffer area along the northern edge of the river was determined to be the preferred orientation given that any trail extending through the larger, 175 foot buffer area south of the river would bisect planned restoration and would place trail users in closer proximity to sensitive biological resources located in that area, and would likely require a bridged river crossing as well. Additionally, the installation of the trail as proposed would put it directly adjacent to other existing Horsepark development rather than extending new development into a currently undeveloped area of the river valley. Commission staff ecologists have reviewed both the original and updated biological reports and agree with the applicant's conclusion that the proposed trail would have no significant impacts on adjacent biological resources.

Restoration within the buffer areas was initiated in winter of 2010 and efforts thus far have included the removal of exotic vegetation and other foreign objects. Revegetation with native plantings is scheduled for this winter.

In order to protect existing sensitive species that may be present in the adjacent riparian habitat, **Special Condition #11** has been added to the permit and restricts the timing of



construction so that would it only occur outside of the nesting season for southwestern willow flycatcher and least Bell's vireo. **Special Condition #12** requires that updated biological surveys and a potential permit amendment be required for any tree removal on the subject site in order to protect nesting birds. **Special Condition #14** requires that any other necessary discretionary permits (Regional Water Quality Control Board, U.S. Army Corps of Engineers, etc) are to be submitted to the Commission for review.

The Commission finds that only as conditioned as described above, can the proposed development be found consistent with Sections 30230, 30231, 30232, 30233 and 30240 of the Coastal Act which require biological resources and water quality be protected, and where possible, enhanced.

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

**Section 30231**

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

**Section 30236**

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

The subject site is located within the 100-year floodplain of the San Dieguito River, however the proposed trail and fencing would not create any impedance to flood flows or place new amounts of fill within the floodplain. The proposed trail is designed to completely span the existing drainage features that currently enter the river from through the Horsepark facility and would have no impact on drainage or water quality.

Given the location of the proposed trail improvements in close proximity to the river channel, there is a potential that future erosive events along the northern riverbank could jeopardize the trail. In order to ensure that future channelization or hardening of the river channel would not be proposed to protect the trail (or other development on the Horsepark) **Special**

**Condition #1** has been modified to include language that describes that the development encompassed under this coastal development shall not be protected due to flooding or riverbank erosion.

The Commission finds that only as conditioned as described above, can the proposed development be found consistent with Sections 30231, and 30236 of the Coastal Act which require floodplains and water quality be protected, and where possible, enhanced.

#### 6. Visual Resources.

Section 30251 of the Coastal Act addresses the preservation and enhancement of 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 San Dieguito River Valley provides visual relief from the surrounding commercial and residential areas. Public views to, and throughout, the valley are significant resources requiring protection under the Coastal Act. The proposed Coast to Crest Trail extension would enhance visual access to the lagoon system and river valley and would not alter or disrupt the existing visual coastal resources afforded to the public at this location. The proposed fencing is designed and sited to complement existing character and would not block or alter lagoon views from any public viewpoints. Therefore, the Commission finds that the proposed amendment, as conditioned, is consistent with Section 30251 of the Coastal Act.

#### 7. Local Coastal Program.

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

The subject site is designated as North City Future Urbanizing Area (NCFUA), Subarea II, and zoned AR-1-1 by the City of San Diego. It is located within the North City LCP segment. However, although the City has a fully-certified LCP and issues its own coastal development permits in many areas of North City, several areas of deferred certification remain, including Subarea II of the NCFUA. Thus, all permits within the subarea must come before the Coastal Commission, and Chapter 3 of the Coastal Act is the legal standard of review. As demonstrated in the preceding findings, the Commission has found the proposed development, as conditioned, consistent with all applicable policies of the Coastal Act.

Therefore, the Commission finds that approval of the project, as conditioned, will not prejudice the ability of the City of San Diego to complete the planning process for this area, extend the coverage of its LCP to cover the subject site, and continue implementation of its certified LCP.

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

Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits, or permit amendments, to be supported by a finding showing the permit or amendment, 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. 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.

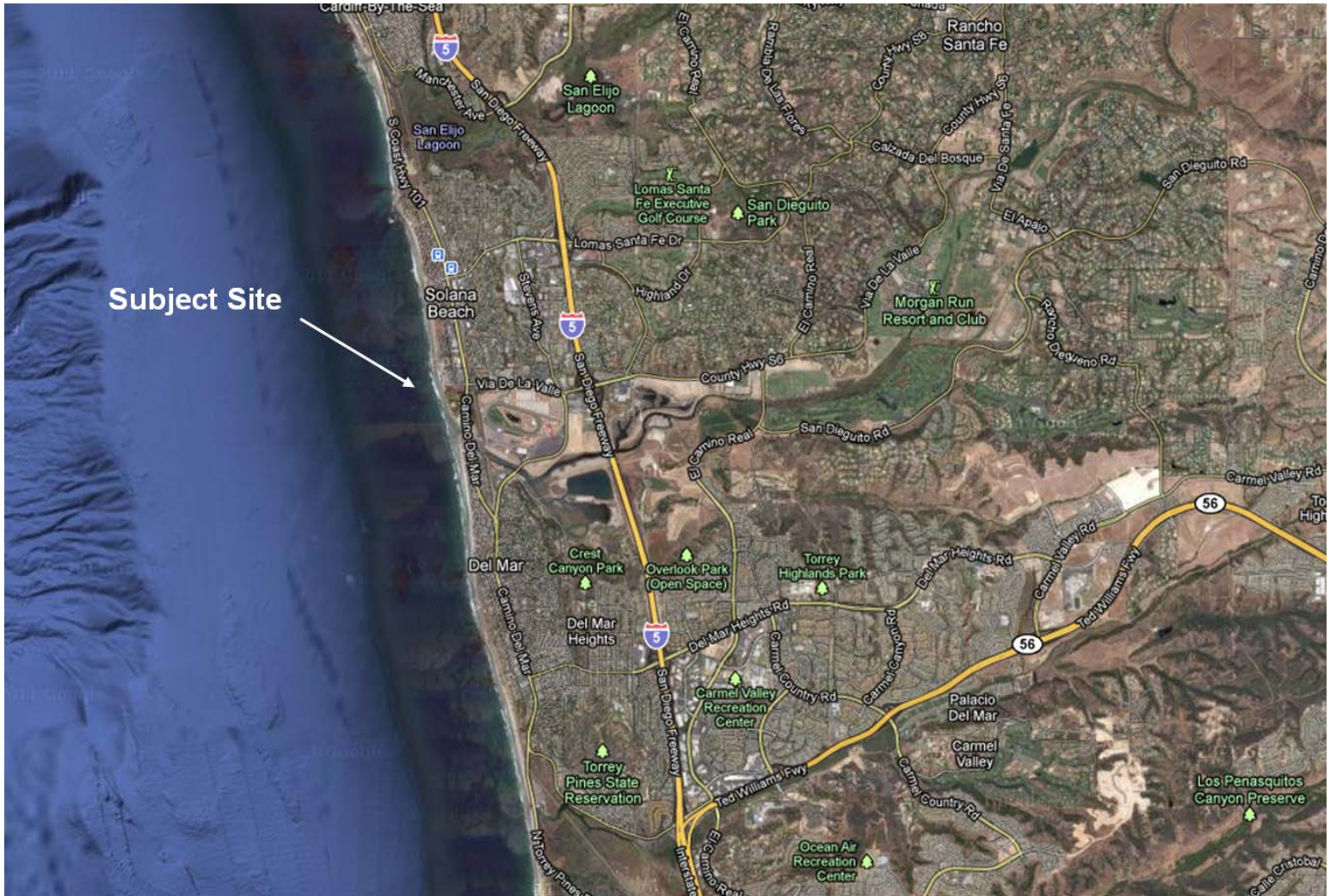






EXHIBIT NO. 2  
APPLICATION NO.  
**6-04-029-A1**

**Facility Map**

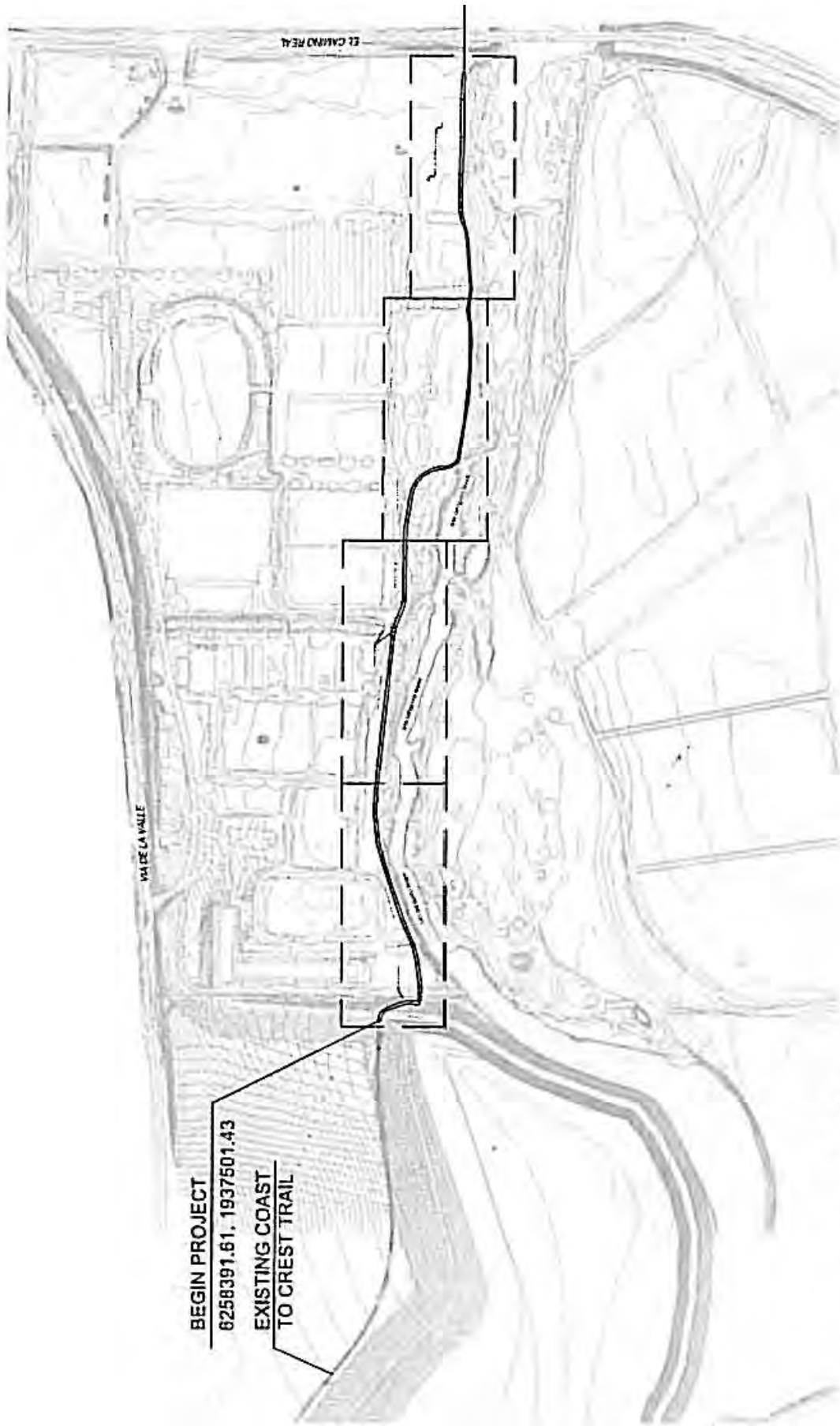
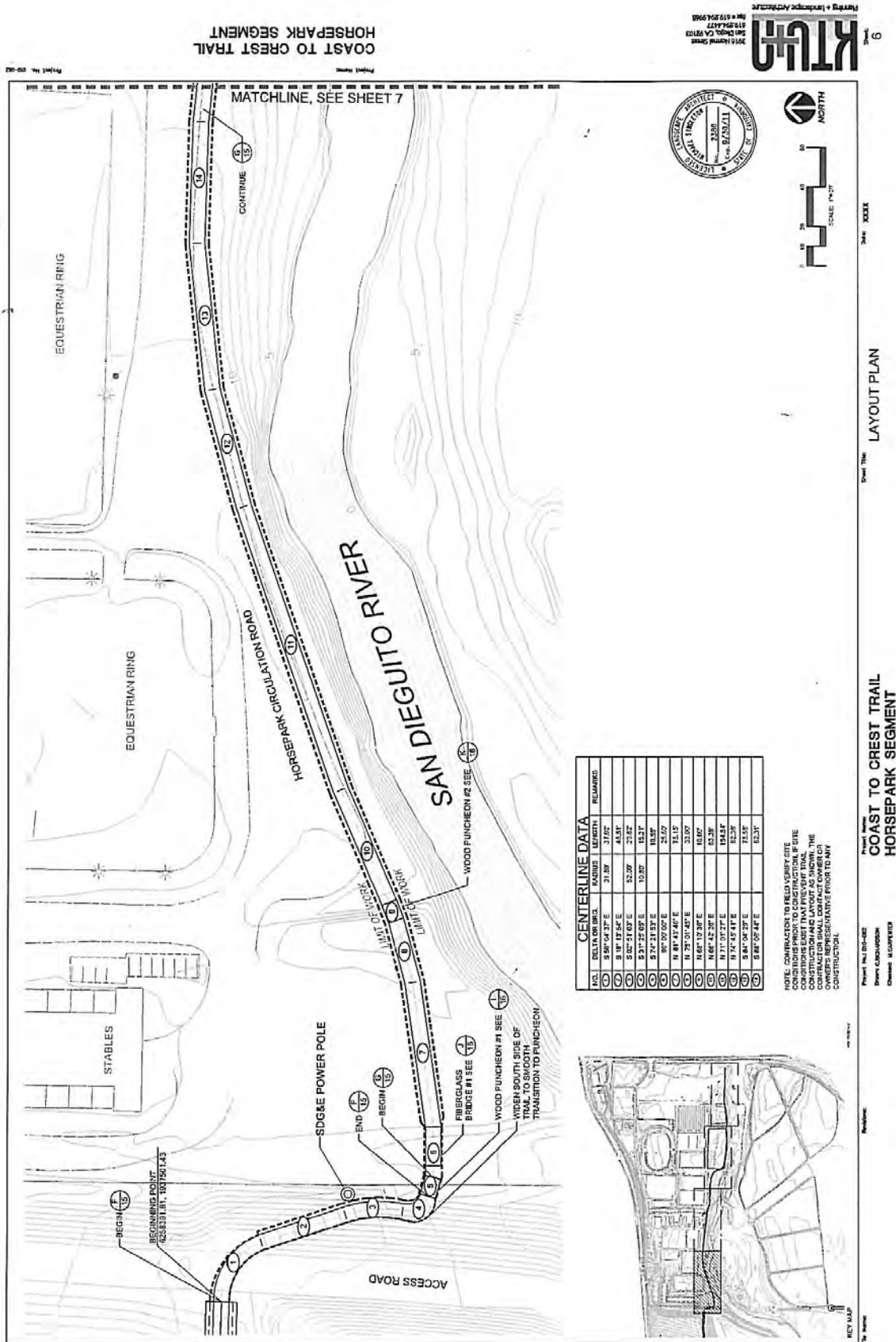


EXHIBIT NO. 2
APPLICATION NO.
<b>6-04-029-A1</b>
<b>Facility Map</b>
 California Coastal Commission





**EXHIBIT NO. 3**

**APPLICATION NO.**

**6-04-029-A1**

**Trail Map**

California Coastal Commission



EXHIBIT NO. 3

APPLICATION NO.

6-04-029-A1

Trail Map

California Coastal Commission



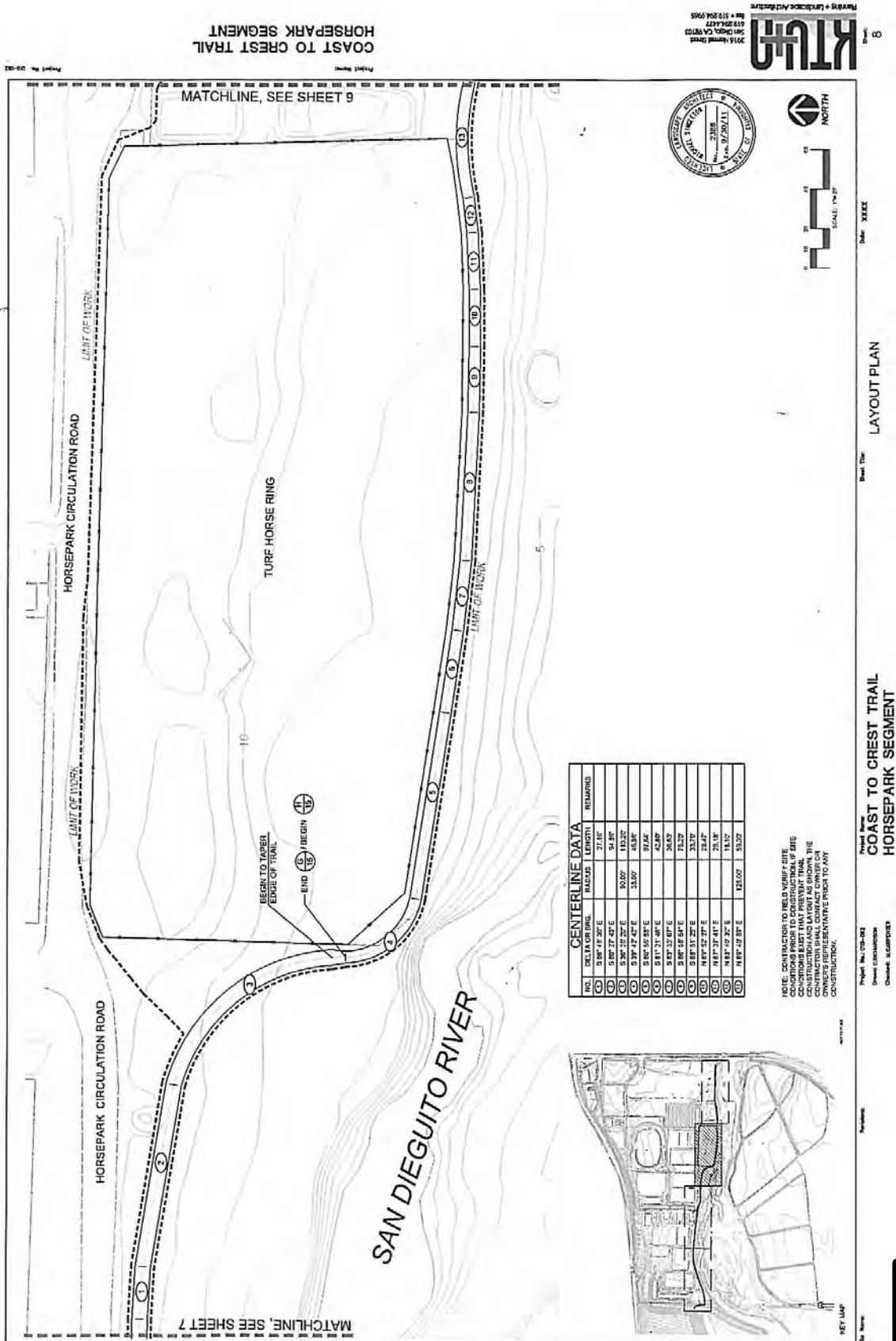


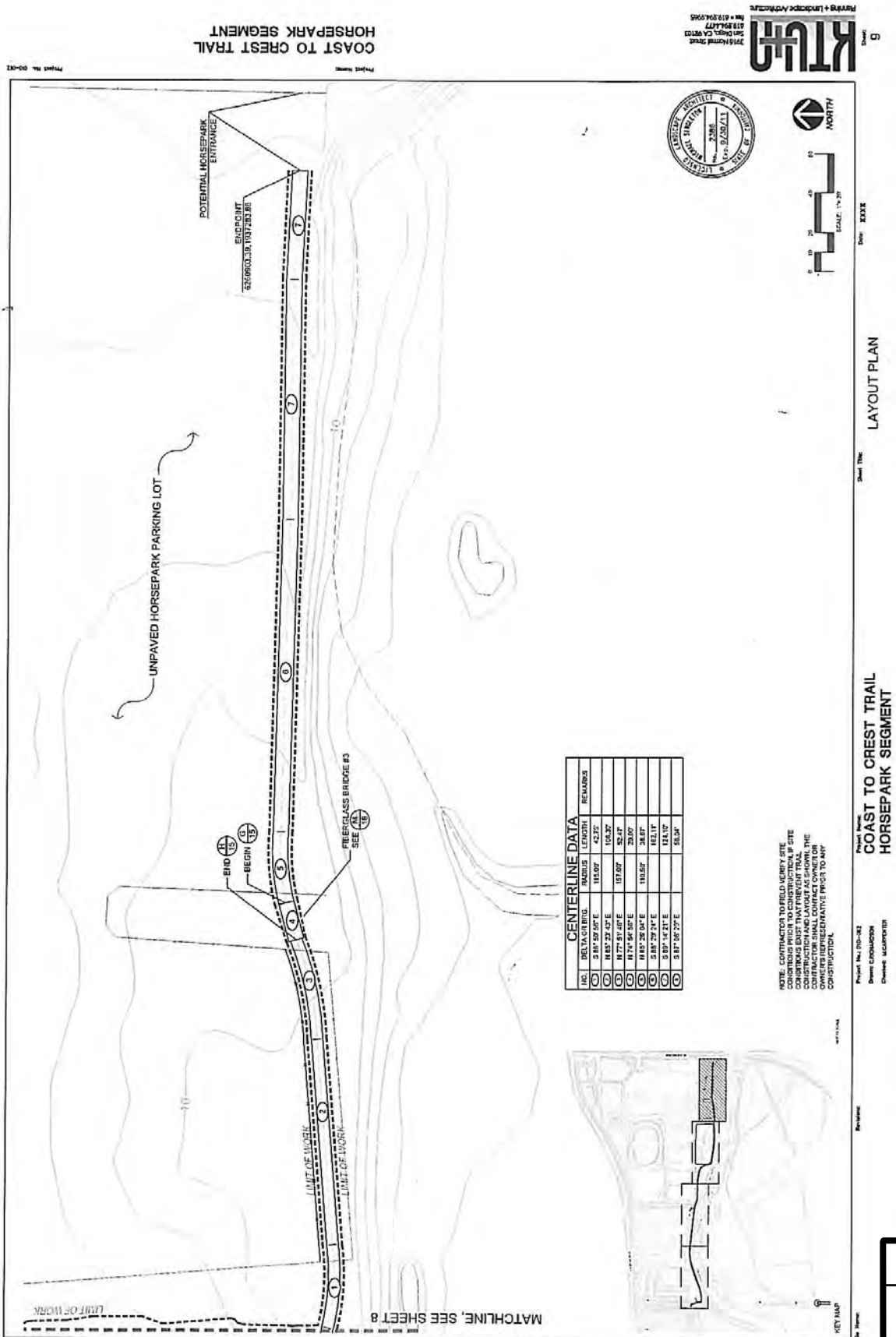
EXHIBIT NO. 3

APPLICATION NO.

6-04-029-A1

Trail Map

California Coastal Commission



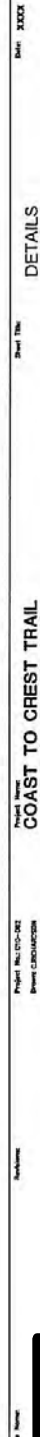
**EXHIBIT NO. 3**

**APPLICATION NO.**

**6-04-029-A1**

**Trail Map**

California Coastal Commission

 California Coastal Commission

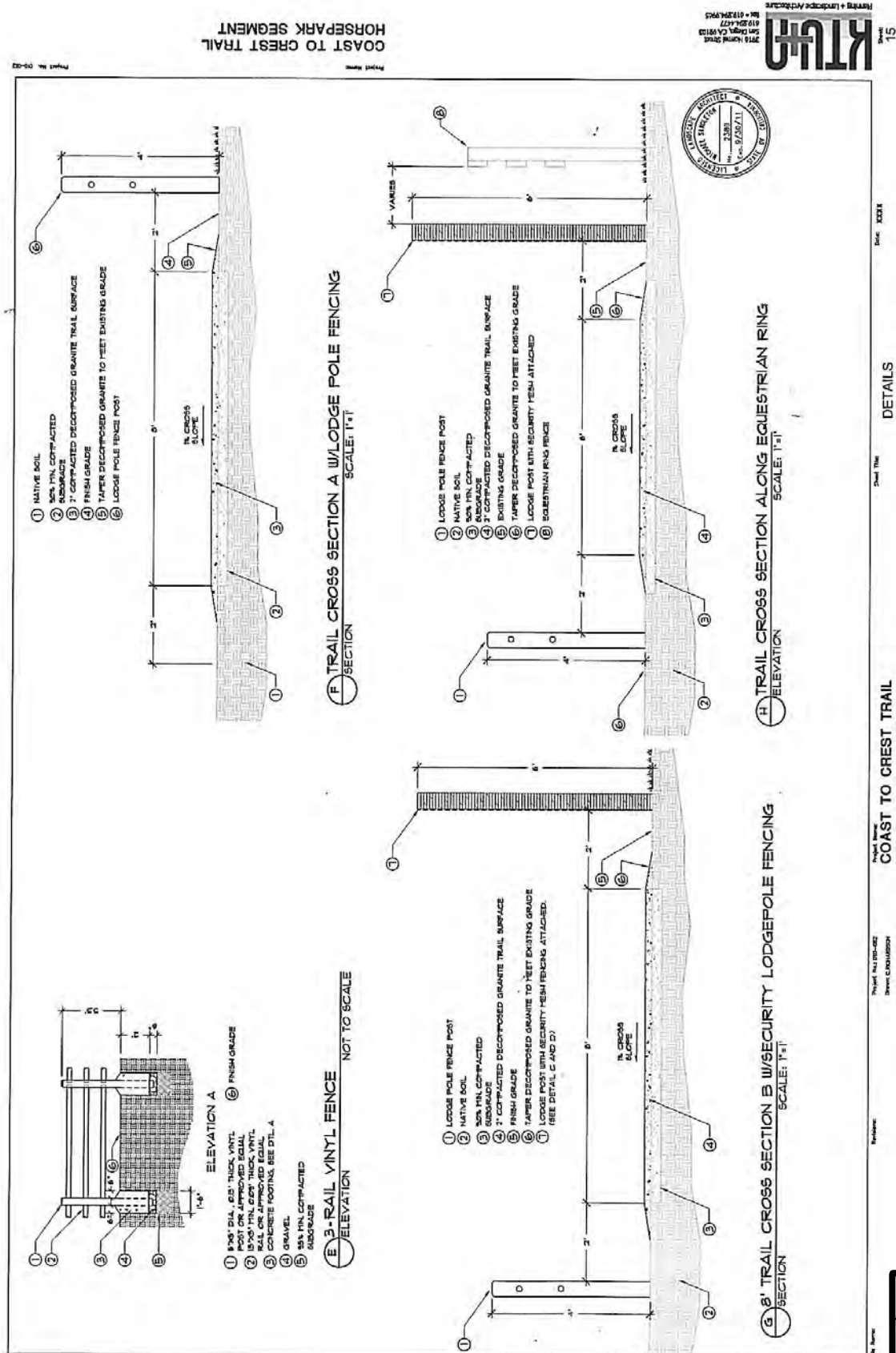


EXHIBIT NO. 4  
 APPLICATION NO.  
 6-04-029-A1  
 Fencing and Bridge Plans  
 California Coastal Commission

 California Coastal Commission





EXHIBIT NO. 5  
APPLICATION NO.  
**6-04-029-A1**

**Horsepark Access Gate**



**Project Name**  
**COAST TO CREST TRAIL**  
**HORSE PARK SEGMENT**

Project No: EIC-002  
 Dr. C. J. WILSON  
 Charles M. CAMPBELL

**Subject**

**The Interview**

### Turf Ring Grading Plan

**SPECIAL CONDITIONS OF ORIGINAL PERMIT 6-04-088**

The permit is subject to the following conditions:

1. **No Future Channelization**. No channelization (i.e., berms, walls, riprap, shotcrete, etc.) or other substantial alteration of a river or stream shall ever be constructed for the purpose of protecting the development approved pursuant to Coastal Development Permit No. 6-04-29 from flooding. If threatened due to flooding, the trailers and other portable facilities shall be relocated or removed from the site until it is safe to return them, and all other structures shall be allowed to flood. By acceptance of this permit, the applicant hereby waives, on behalf of itself and all successors and assigns, any rights to construct such channelization or substantial alteration of a river or stream for the purpose of protecting the permitted development that may exist under Public Resources Code Section 30236.

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

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

EXHIBIT NO. 7  
APPLICATION NO.  
**6-04-029-A1**

Special Conditions 6-04-029



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

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



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

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

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

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

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

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

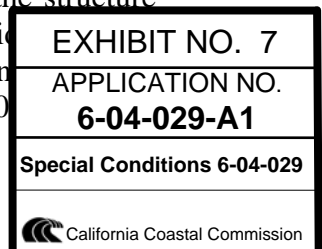
EXHIBIT NO. 7
APPLICATION NO.
<b>6-04-029-A1</b>
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 California Coastal Commission

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

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

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

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

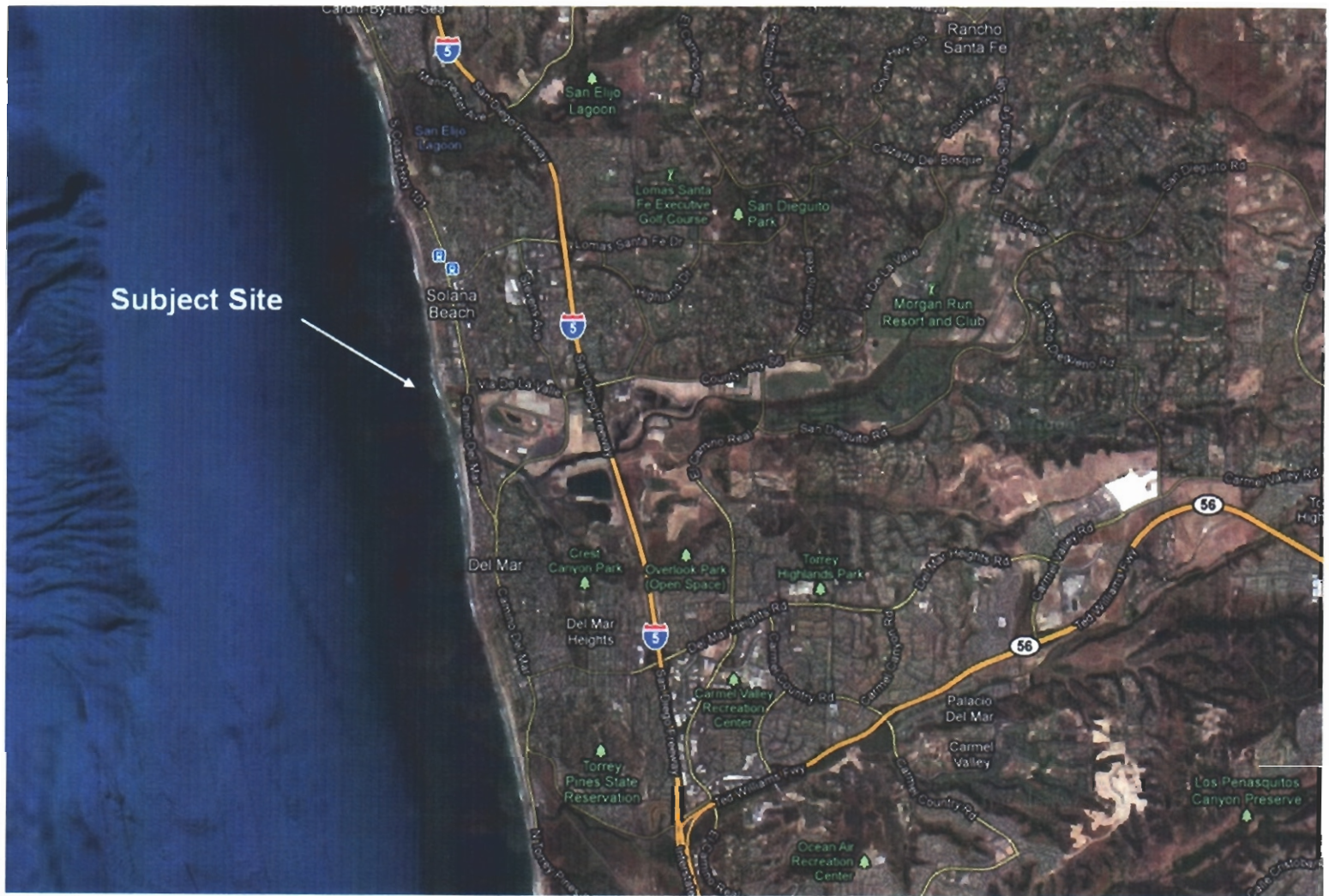


the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

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



6-04-029-A1 (22<sup>nd</sup> Ag. District and San Dieguito River Park JPA)  
Material Amendment – Staff Report  
Page 12 of 28







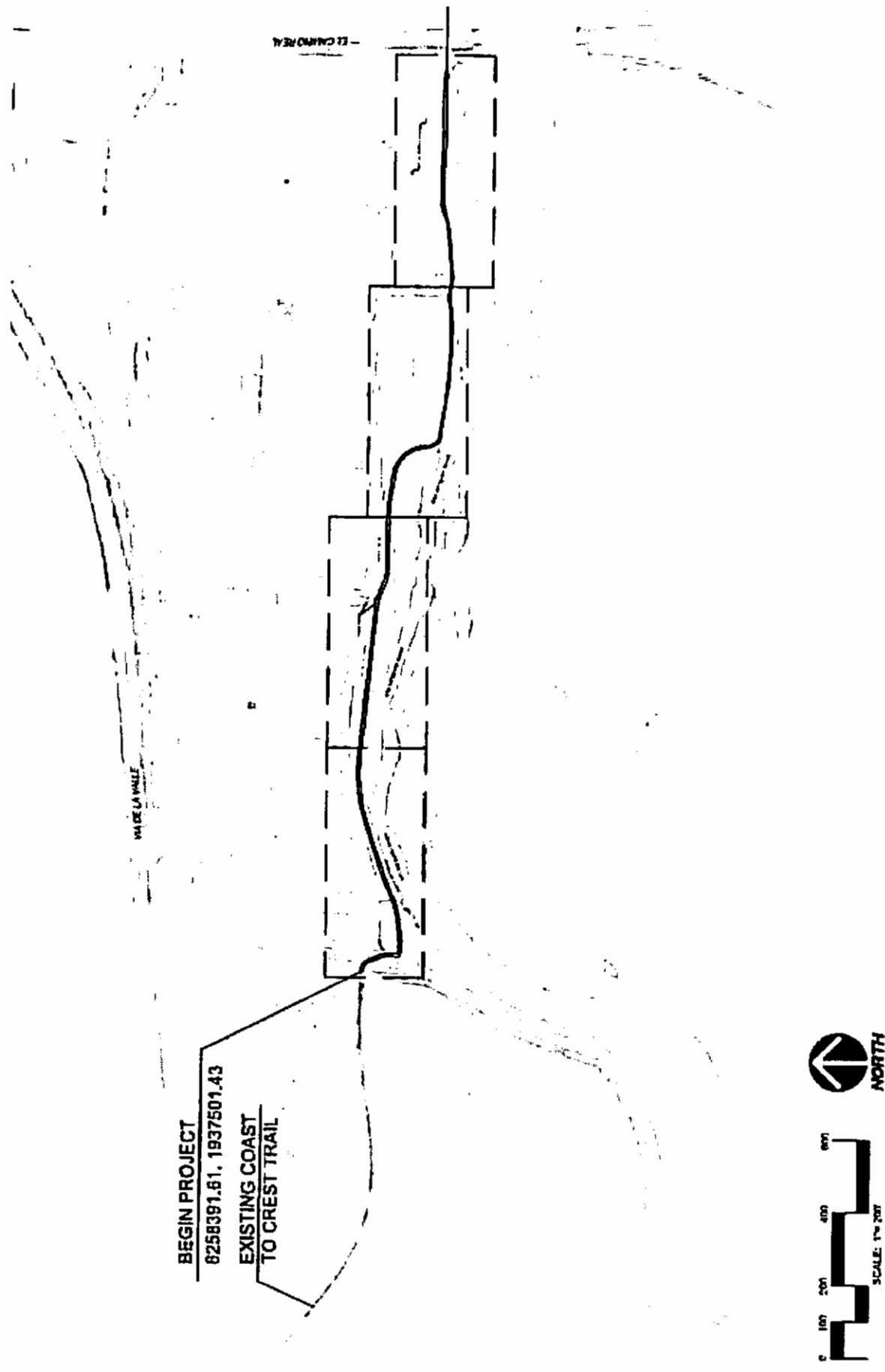
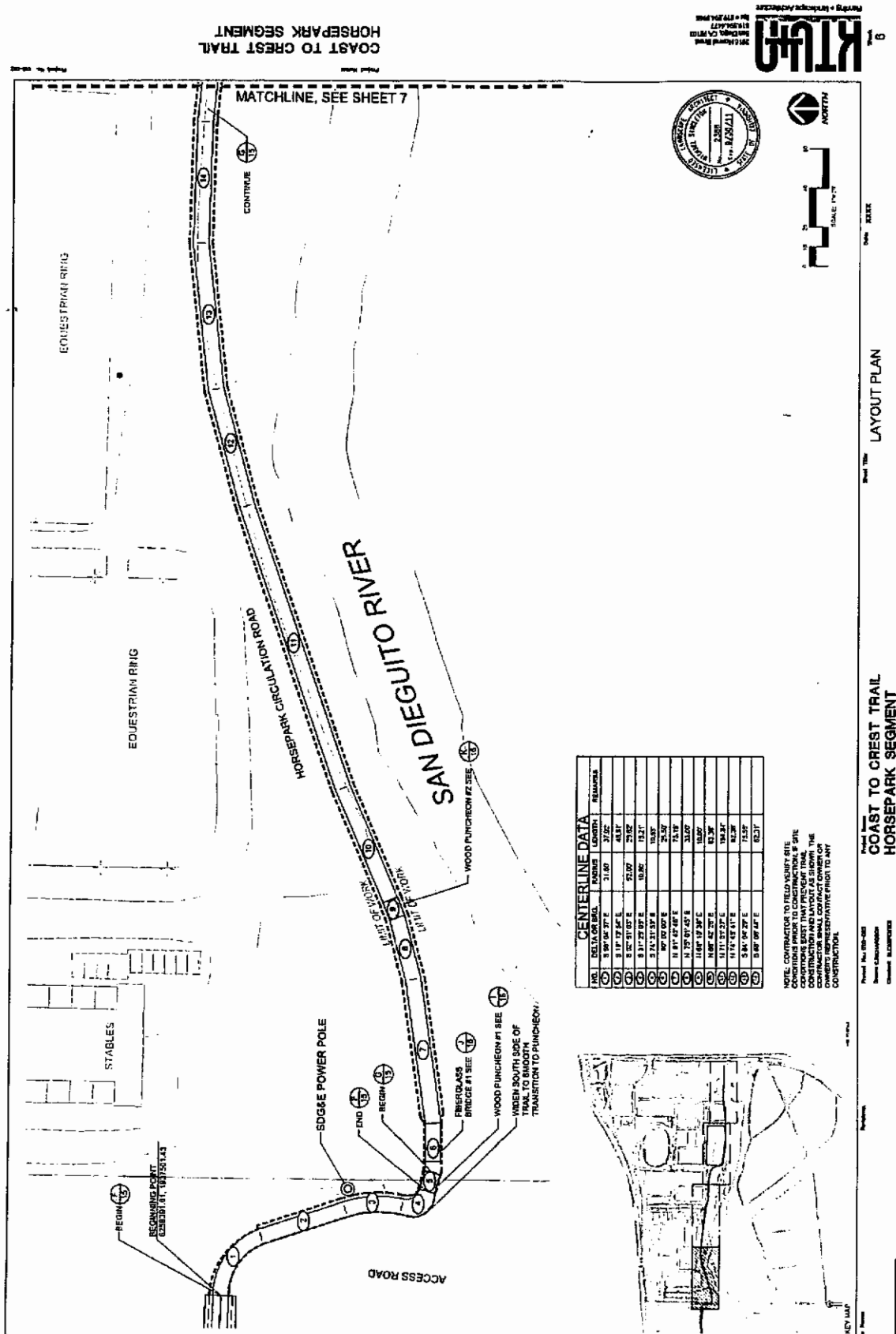


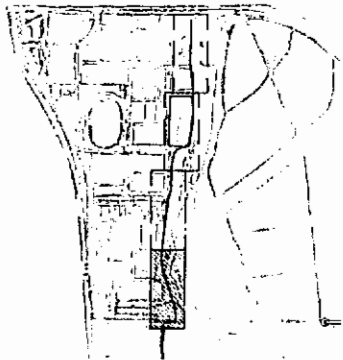
EXHIBIT NO. 2
APPLICATION NO.
6-04-029-A1
Facility Map
California Coastal Commission



**CENTERLINE DATA**

STATION	DELTA OR BAL.	BEARING	LENGTH	REMARKS
1+00	8.96 66.27° E	21.82'		
2+00	1.17 75.48° E	15.12'		
3+00	1.32 10.00° E	51.02'		
4+00	8.17 29.89° E	18.86'		
5+00	3.74 11.39° E	18.87'		
6+00	40.00 60.00° E	24.50'		
7+00	11.81 62.48° E	15.18'		
8+00	14.75 51.43° E	33.00'		
9+00	1.68 19.24° E	18.86'		
10+00	48.86 42.70° E	63.20'		
11+00	11.71 57.27° E	19.24'		
12+00	11.14 45.41° E	63.20'		
13+00	2.46 56.27° E	75.57'		
14+00	3.48 66.48° E	63.21'		

NOTE: CONTRACTOR TO FIELD VERIFY SITE CONDITIONS AND ADJUST CENTERLINE DATA AS NECESSARY. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND CONSTRUCTION SHALL BE IN ACCORDANCE WITH ALL APPLICABLE REGULATIONS. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND CONSTRUCTION SHALL BE IN ACCORDANCE WITH ALL APPLICABLE REGULATIONS.



LAYOUT PLAN  
 COAST TO CREST TRAIL  
 HORSEPARK SEGMENT

**EXHIBIT NO. 3**

**APPLICATION NO.**

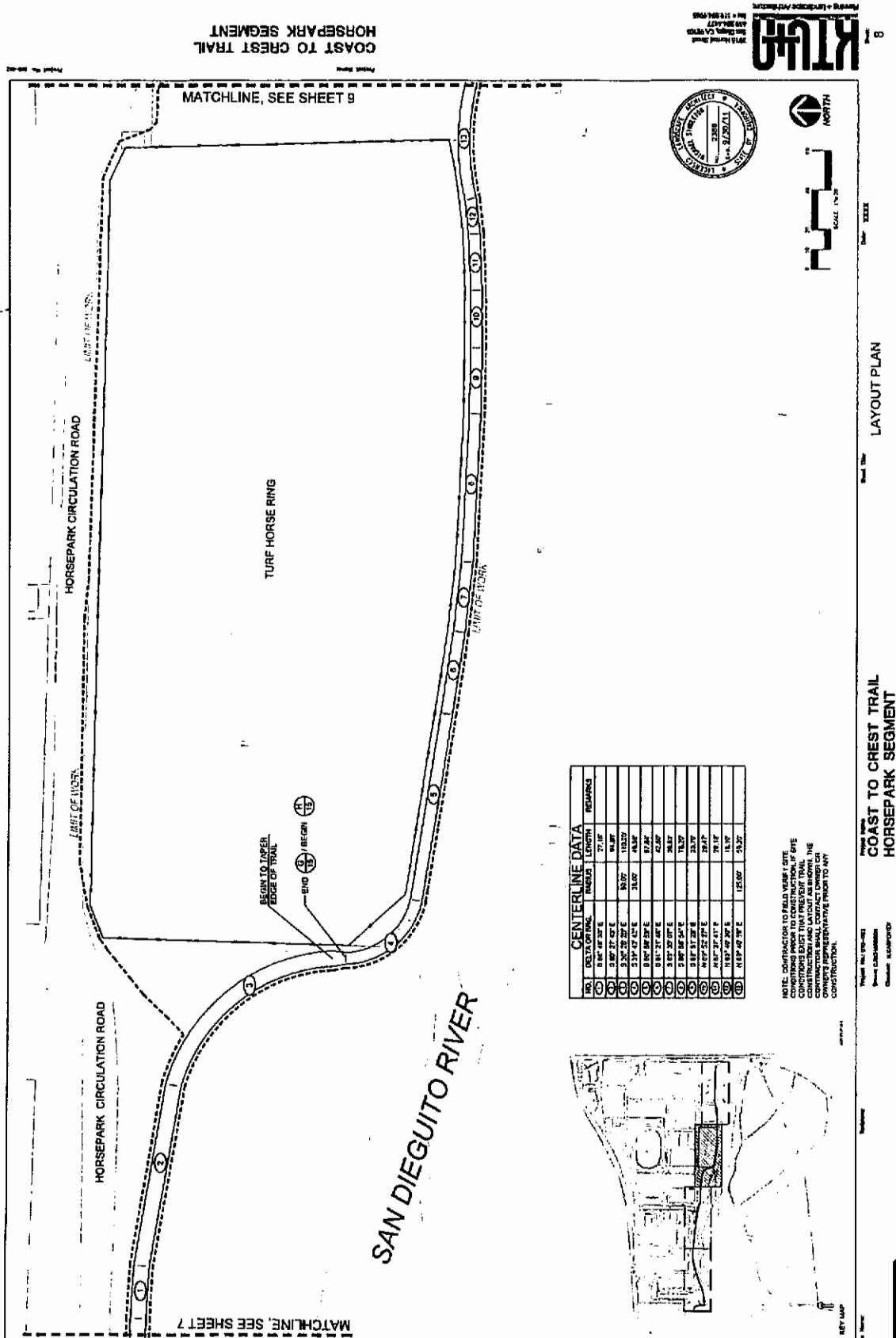
**6-04-029-A1**

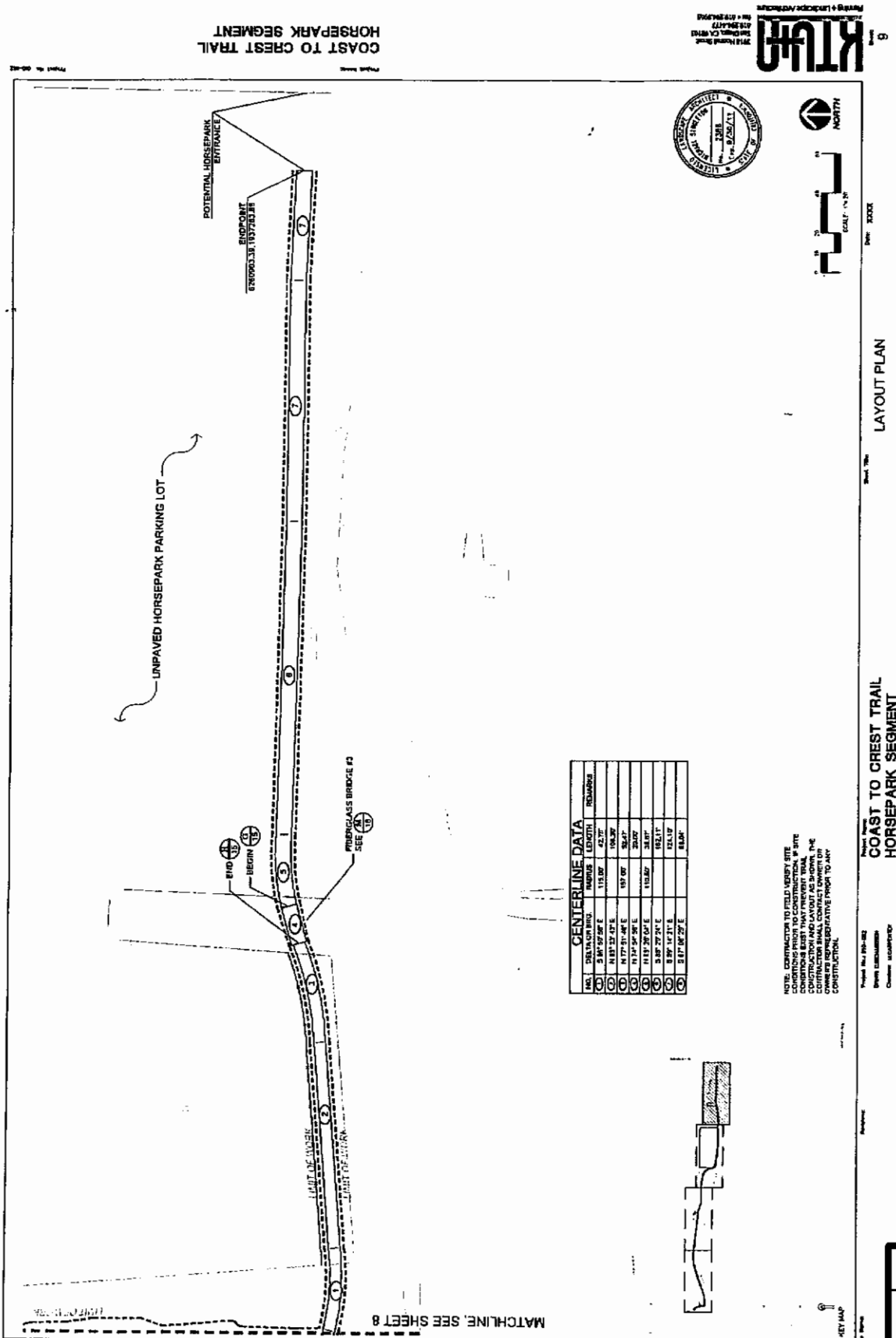
**Trail Map**

California Coastal Commission









**EXHIBIT NO. 3**

**APPLICATION NO.**

**6-04-029-A1**

**Trail Map**

California Coastal Commission

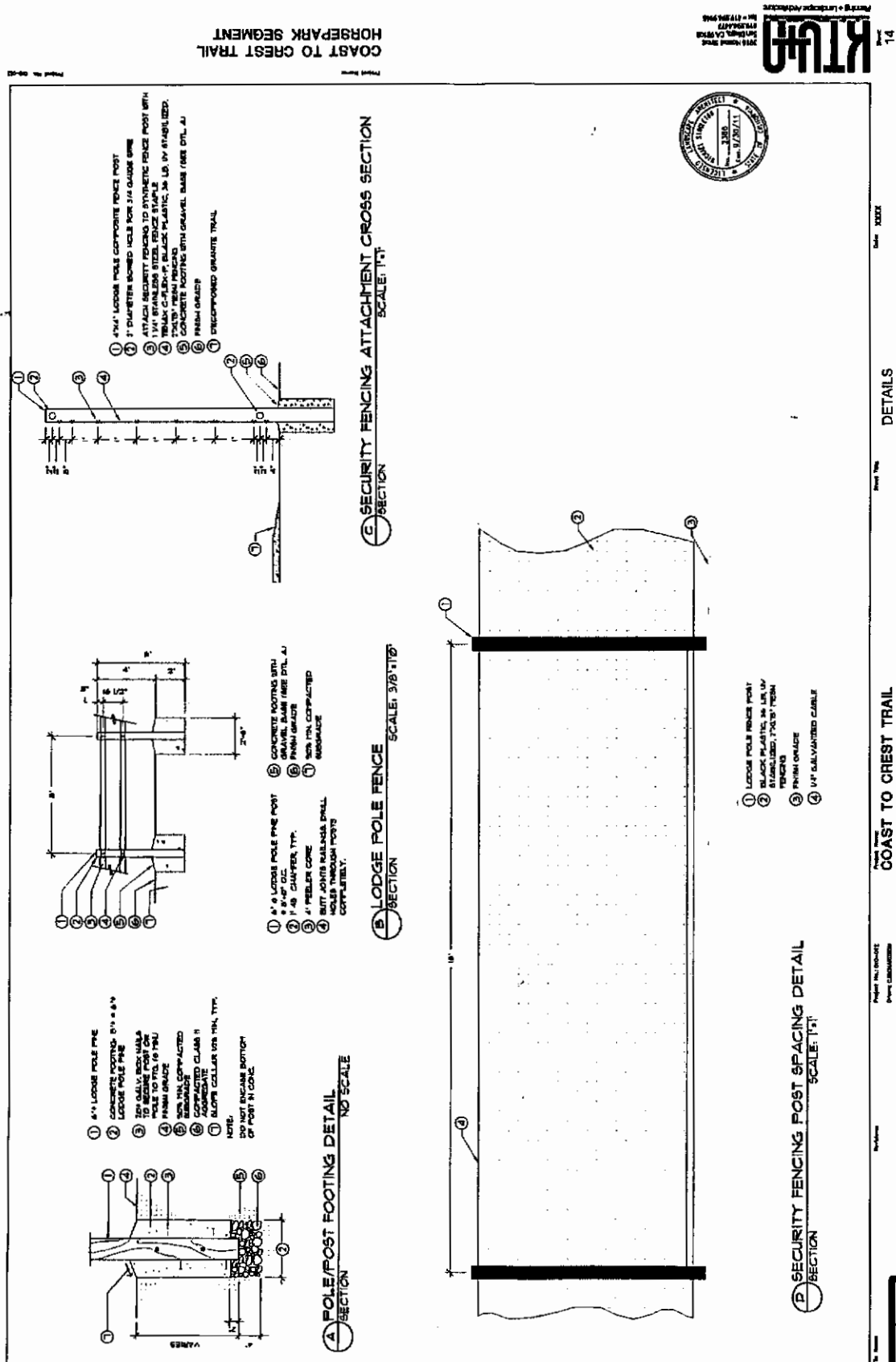


EXHIBIT NO. 4  
 APPLICATION NO.  
 6-04-029-A1  
 Fencing and Bridge Plans  
 California Coastal Commission



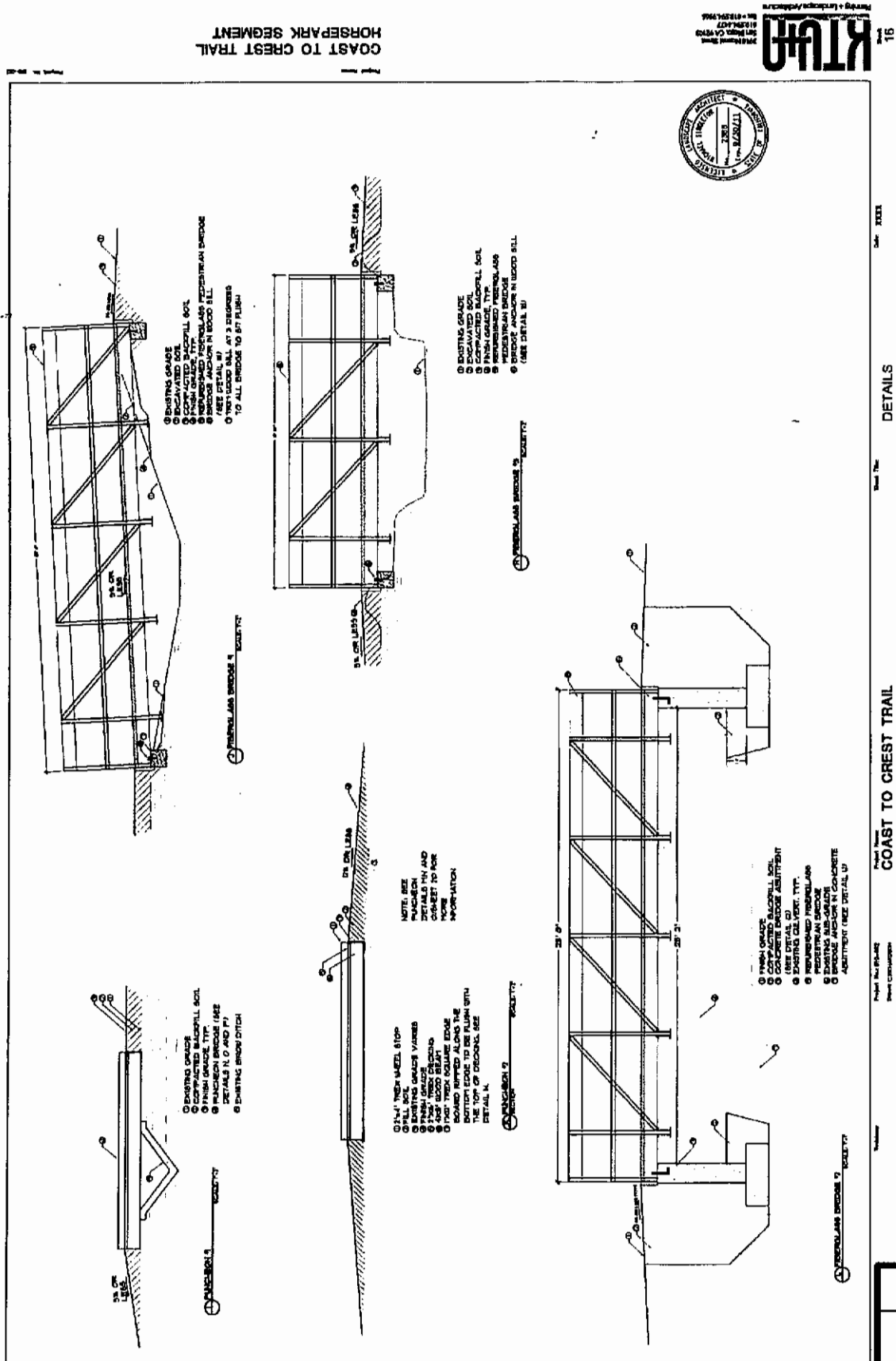
## COAST TO CREST TRAIL HORSEPARK SEGMENT

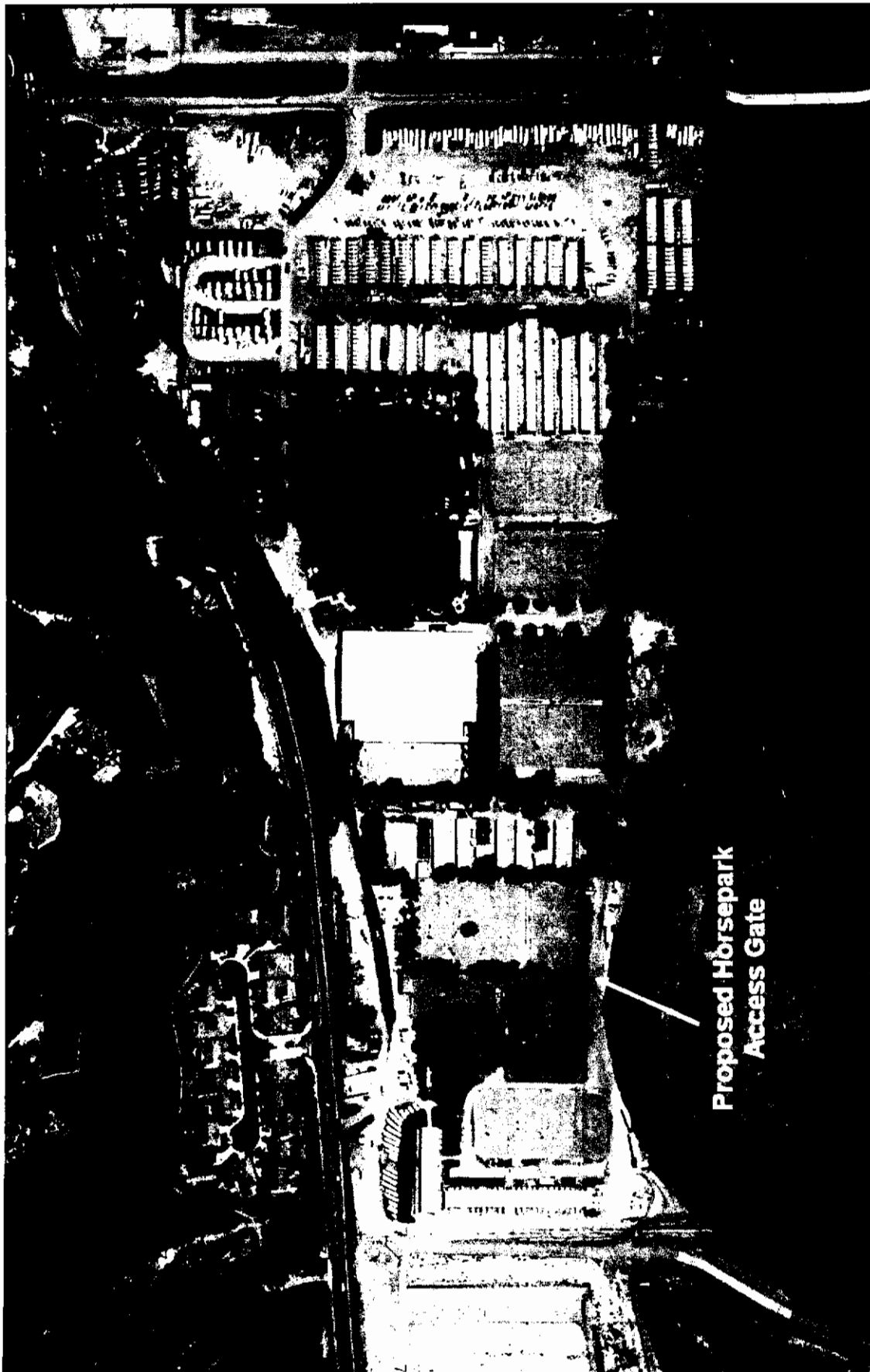
## DETAILS

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EXHIBIT NO. 4  
APPLICATION NO.  
**6-04-029-A1**

## Fencing and Bridge Plans





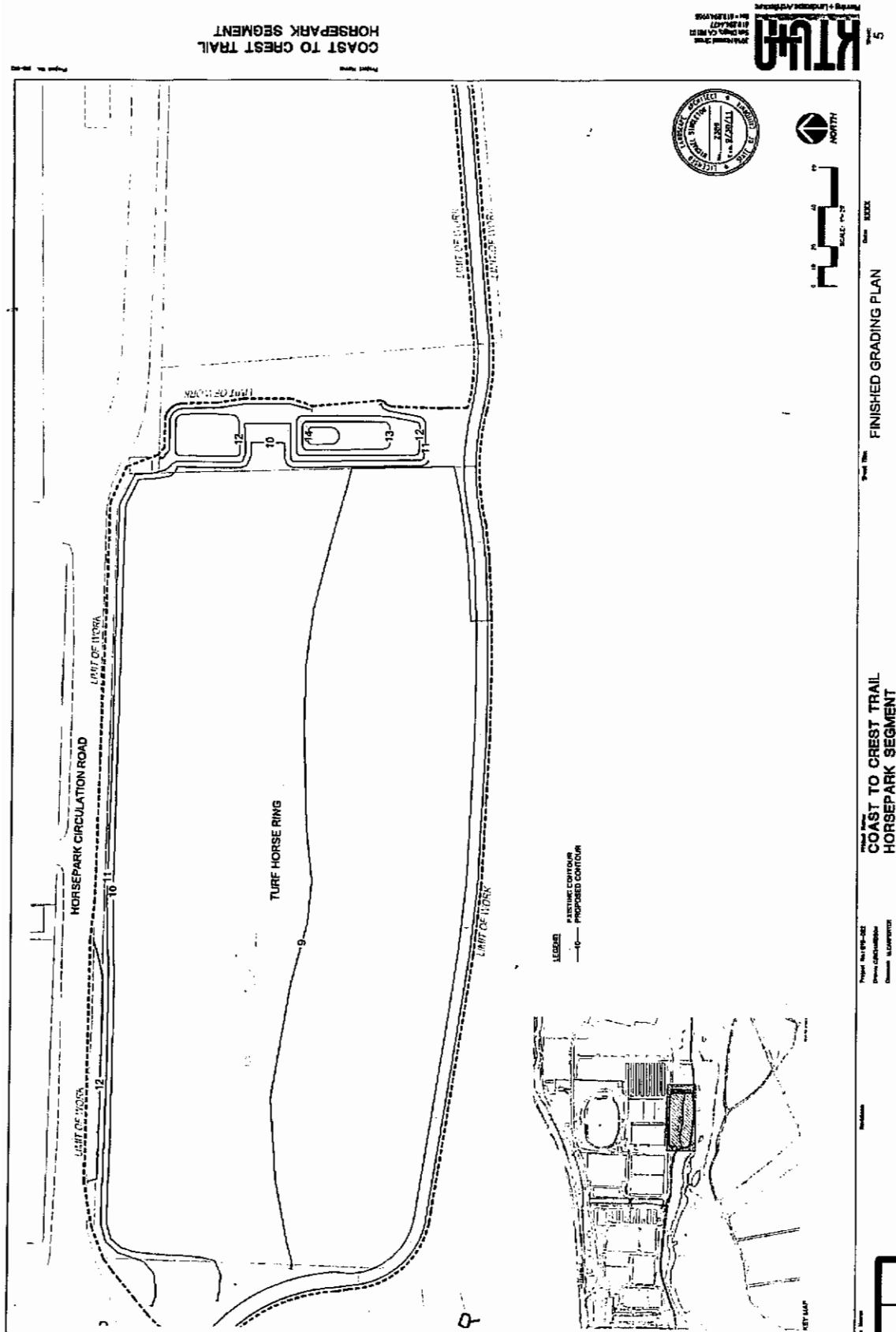


EXHIBIT NO. 6
APPLICATION NO.
6-04-029-A1
Turf Ring Grading Plan
California Coastal Commission



**SPECIAL CONDITIONS OF ORIGINAL PERMIT 6-04-088**

The permit is subject to the following conditions:

1. **No Future Channelization**. No channelization (i.e., berms, walls, riprap, shotcrete, etc.) or other substantial alteration of a river or stream shall ever be constructed for the purpose of protecting the development approved pursuant to Coastal Development Permit No. 6-04-29 from flooding. If threatened due to flooding, the trailers and other portable facilities shall be relocated or removed from the site until it is safe to return them, and all other structures shall be allowed to flood. By acceptance of this permit, the applicant hereby waives, on behalf of itself and all successors and assigns, any rights to construct such channelization or substantial alteration of a river or stream for the purpose of protecting the permitted development that may exist under Public Resources Code Section 30236.

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

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

EXHIBIT NO. 7

APPLICATION NO.


**6-04-029-A1**

Special Conditions 6-04-029

 California Coastal Commission

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

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

EXHIBIT NO. 7
APPLICATION NO.
<b>6-04-029-A1</b>
Special Conditions 6-04-029
 California Coastal Commission

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

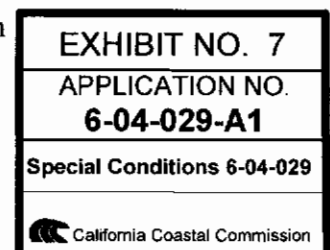
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**4. Implementation of Buffer Enhancement.** Within ninety (90) days of Executive Director approval of the wetland buffer establishment/enhancement plan required by Special Condition #3 of CDP #6-04-029, the permittee shall implement the portions of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

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

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

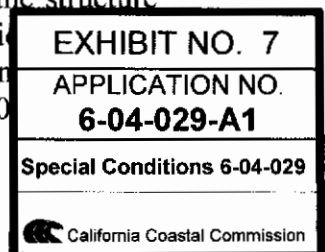


- a. Detailed site plans of the area delineating authorized, current (if this varies from authorized) and proposed site configurations.
- b. A baseline ecological assessment of the river, northern river bank and upland areas involved with, or impacted by, the unpermitted fill.
- c. Types of equipment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

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

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**9. Future Development.** This permit is only for the development described in coastal development permit No. 6-04-029. Pursuant to Title 14 California Code of Regulations section 13253(b)(6), the exemptions otherwise provided in Public Resources Code section 30610 (b) shall not apply to the development governed by the coastal development permit No. 6-04-029. Accordingly, any future improvements to the structure authorized by this permit, including but not limited to repair and maintenance requiring a permit in Public Resources section 30610(d) and Title 14 California Regulations sections 13252(a)-(b), shall require an amendment to Permit No. 6-0



the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

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